

# Submission to NDIS (Integrity and Safeguarding) Bill 2025

## Focus: Section 45A and risks to NDIS participants who self-manage and self-direct

**Submitted by:** Self Manager Hub

*Australia's leading peer-led organisation supporting NDIS self-managers and people who self-direct their NDIS supports*

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### About the Self Manager Hub

The Self Manager Hub is Australia's leading peer-led organisation supporting people who self-manage and self-direct their NDIS funding. We are run by self-managers, for self-managers, and work directly with people with disability and our families to promote choice, control, continuity of supports, and safety within the NDIS.

This submission reflects the lived experience of NDIS participants who self-manage, including many who rely on complex, high-intensity, or daily supports and who directly employ their own support workers.

### Purpose of this submission

The Self Manager Hub supports strong integrity and safeguarding measures that protect NDIS participants and the sustainability of the Scheme. However, we are deeply concerned that **section 45A** of the *NDIS (Integrity and Safeguarding) Bill 2025*, as currently drafted, creates **significant and foreseeable risks to NDIS participants**, particularly those who self-manage and self-direct their supports.

As drafted, section 45A risks shifting **financial risk, administrative burden, and privacy exposure onto participants**, in ways that could directly undermine access to essential supports, disrupt care arrangements, and place people with disability at risk of harm.

### Overview of section 45A

Section 45A proposes that the National Disability Insurance Agency (NDIA) may refuse or delay payment of claims unless all information it requests is provided within specified timeframes. This

power would apply even where supports have already been delivered, are reasonable and necessary, and have been incurred in good faith.

For NDIS participants, this represents a fundamental shift. Payment risk moves away from the Scheme and onto individuals, including in circumstances where participants have limited control over the information being requested.

## **Key risks to NDIS participants who self-manage**

### **1. Risk of loss or interruption of essential supports**

Delayed or refused payments can have immediate and serious consequences. Support workers may cease work, providers may suspend services, and participants may be left without essential daily supports, including personal care, overnight assistance, or health-related supports.

For participants with complex support needs, even short disruptions can pose risks to health, safety, and wellbeing.

### **2. Increased administrative burden and stress**

Section 45A places participants at risk of being required to obtain documents they do not control, such as provider file notes, therapy records, or internal service documentation. These materials may not be accessible within strict timeframes, leaving participants exposed to non-payment despite acting in good faith.

This creates significant stress and an unreasonable administrative burden, particularly for participants managing disability-related fatigue, cognitive load, or fluctuating capacity.

### **3. Financial risk and hardship**

Many self-managing participants directly employ support workers and have legal obligations to pay wages on time. Section 45A exposes participants to the risk of carrying costs while waiting for NDIA payment decisions, potentially forcing people to choose between financial hardship and maintaining essential supports.

This risk is borne by participants, not providers or the Scheme.

### **4. Privacy risks for participants and support workers**

Section 45A does not clearly limit the type or scope of information the NDIA may request in order to pay claims. This creates serious privacy risks for both participants and support workers.

For participants, there is a real risk that payment of claims could become contingent on providing therapy notes, clinical records, or detailed support documentation. Therapy notes often contain highly sensitive personal information, including mental health details, trauma history, family relationships,

and subjective clinical observations. Participants may feel pressured to consent to the release of this information simply to ensure supports are paid, even where it is not necessary to assess the validity of a claim.

This undermines participant privacy, dignity, and informed consent, and risks creating a chilling effect where people avoid accessing therapy or supports due to concerns about how their personal information may be used, shared, or stored.

There are also serious privacy implications for support workers. Participants may be asked to provide payslips, employment records, or other personal worker information to satisfy NDIA information requests. Support workers have independent rights to privacy, and participants may not have consent, authority, or a lawful basis to disclose this information.

Requiring participants to provide workers' personal employment information places participants in an inappropriate position, risks breaching privacy obligations, damages trust in employment relationships and may discourage workers from engaging in self-managed arrangements.

## **Why these risks matter**

For NDIS participants, particularly those who self-manage, certainty of payment is not merely an administrative issue, it is a safety issue. When payments are uncertain, participants face real risks to continuity of care, personal safety, financial stability, and privacy.

Integrity measures that destabilise participants' supports undermine the core objectives of the NDIS, including choice, control, and participant wellbeing.

## **Recommendations from Self Manager Hub**

To reduce the risks to NDIS participants while supporting integrity and safeguarding objectives, Self Manager Hub recommends the following amendments and safeguards to section 45A.

### **1. Explicitly limit information requests to what is necessary and proportionate**

Section 45A should be amended to require that any information requested by the NDIA must be strictly necessary to assess the validity of a claim, proportionate to the risk being addressed, and the least intrusive means available. These limits should be set out in legislation, not left to policy.

### **2. Prohibit routine or blanket requests for therapy notes and clinical records**

The legislation should explicitly state that therapy notes, clinical notes, and detailed treatment records are not required for routine payment assurance. Summary confirmation of service delivery should be the default, with access to detailed records limited to exceptional circumstances and clearly justified.

### **3. Protect the privacy and rights of support workers**

Section 45A should make clear that participants must not be required to provide support workers' payslips, employment contracts, tax, superannuation, or other personal employment records, or personal identifying information about workers.

Participants should not be expected to disclose information they do not lawfully control or have consent to share.

#### **4. Prevent non-payment where information cannot be lawfully or reasonably provided**

The legislation should prevent claims from being refused or delayed where participants have made reasonable efforts to comply, but requested information cannot be provided due to privacy constraints, lack of legal authority, or factors outside the participant's control.

#### **5. Safeguard continuity of payment for essential supports**

Section 45A should include mechanisms for interim or continuity payments where supports are ongoing or essential, to prevent service disruption while information requests are reviewed or resolved.

#### **6. Provide fair timeframes, clear notice, and enforceable review rights**

Participants must receive clear written notice explaining what information is requested and why, reasonable and flexible timeframes to respond, and accessible internal review and external appeal rights where payment decisions adversely affect them.

### **Conclusion**

Self Manager Hub is concerned that section 45A, as currently drafted, creates avoidable and significant risks for NDIS participants, particularly those who self-manage and self-direct their supports.

Without clear limits and safeguards, section 45A risks undermining participant safety, continuity of care, financial security, and privacy. With appropriate amendments, these risks can be mitigated while still achieving integrity and safeguarding objectives.

Self Manager Hub urges the Committee to amend section 45A to ensure that integrity measures protect participants and support workers, rather than exposing them to additional harm or instability within the NDIS.