



GPO Box 700
Canberra
ACT 2601
1800 800 110
[ndis.gov.au](https://www.ndis.gov.au)

Office of the CEO

Senator Lidia Thorpe
Senator for Victoria

Via email: community.affairs.sen@aph.gov.au

Dear Senator Thorpe

I am writing in response to your request for the tabling of information and data sets as outlined below, ahead of 2024–25 Supplementary Budget Estimates.

National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 and Senator Hughes' amendment on sheet 2651 relating to agency-managed plans for people convicted of an offence with a maximum penalty of two years or more

I acknowledge the important questions that you have raised.

The NDIA is working to implement the recent changes to the legislation including the amendment relating to circumstances in which people must not manage funding if they have been convicted of an offence punishable by imprisonment for 2 years or more.

This includes ongoing work to develop a full understanding of the relevant offences in each jurisdiction.

The NDIA is applying this amendment for all new and reassessed plans where a new plan approval is made from 3 October 2024.



Interim guidance has been provided to delegates while we complete further work to support implementation. This includes that delegates should review criminal history information which is available or self-disclosed. The NDIA does not currently request information of criminal convictions through the access and planning process.

The NDIA currently does not have data sharing arrangements with the state and territory justice systems and is only made aware of an NDIS participant with a criminal history if informed by the federal, state and territory justice systems or self-disclosed by the participant. The NDIA continues to work with state and territory governments to improve data sharing arrangements.

The NDIA employs a team of Justice Liaison Officers (JLOs), whose role includes liaising with relevant state or territory judicial systems and working closely with participants to ensure they are connected with the right supports when transitioning back into the community. The NDIA and state and territory judicial systems may share relevant information about an NDIS participant, which could include information about the nature of offending and time spent in a custodial setting.

Data is not available at this time on how many NDIS participants have moved to Agency-managed plans since legislative changes were introduced on 3 October 2024.

The NDIA is working to understand any impact of this change to participants, including participants in remote areas.

The NDIA is in the process of implementing a strengthened service model for participants in remote and very remote Australia which has a particular focus on building the local service availability through alternative commissioning approaches and active, community-level problem solving. This work will benefit all remote participants and is not impacted by their plan management type.



Exclusion of sex-worker services from NDIS packages

This data is not available as there is no line item aligned with the provision of Sexual Activity Supports in the NDIS Pricing Arrangements and Price Limits.

The NDIA and Department of Social Services are engaged with stakeholders on the impact of the changes for participants.

I would like to offer you an opportunity to meet with some of the Agency's Senior Executive Staff, to assist and expand on the knowledge of the Agency's interface with the justice systems.

A copy of this letter has been provided to the Community Affairs Legislation Committee Chair.

Yours sincerely

Rebecca Falkingham
Chief Executive Officer
National Disability Insurance Agency

04 November 2024