

**EXTRACT FROM THE NATIONAL DISABILITY INSURANCE SCHEME ACT
2013**

**55 Power to obtain information from other persons to ensure the integrity of the
National Disability Insurance Scheme**

- (1) If the CEO has reasonable grounds to believe that a person other than a participant or a prospective participant has information, or has custody or control of a document, that may be relevant to one or more of the matters mentioned in subsection (2), the CEO may require the person to give the information, or produce the document, to the Agency.
- (2) The matters are as follows:
 - (a) whether a prospective participant meets the access criteria;
 - (b) whether a participant continues to meet the access criteria;
 - (c) whether a person purporting to act on a person's behalf for the purposes of this Act has the authority to do so;
 - (d) the preparation or review of a participant's plan;
 - (e) the monitoring of supports funded for, or provided to, a participant;
 - (f) whether NDIS amounts paid to the participant or to another person have been spent in accordance with the participant's plan;
 - (g) whether a participant or other person has complied with section 46;
 - (h) whether a participant receives:
 - (i) supports or funding through a statutory compensation scheme or a statutory care or support scheme; or
 - (ii) any other disability support;
 - (i) whether an applicant for approval as a registered provider of supports meets the criteria for approval;
 - (j) whether a registered provider of supports continues to meet the criteria for approval;
 - (k) the functions of the Agency.

56 Written notice of requirement

- (1) A requirement under section 55 must be made by written notice given to the person of whom the requirement is made.
- (2) The notice must specify:
 - (a) the nature of the information or document that is required to be given or produced; and
 - (b) how the person is to give the information or produce the document; and
 - (c) the period within which the person is to give the information or produce the document to the Agency; and
 - (d) the officer to whom the information is to be given or the document is to be produced; and
 - (e) that the notice is given under this section.
- (3) The period specified under paragraph (2)(c) must be at least 14 days beginning on the day on which the notice is given.
- (4) The notice may require the person to give the information by appearing before a specified officer to answer questions.

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- (5) If the notice requires the person to appear before an officer, the notice must specify a time and place at which the person is to appear. The time must be at least 14 days after the notice is given.

57 Offence—refusal or failure to comply with requirement

- (1) A person must not refuse or fail to comply with a requirement under section 55 to give information or produce a document.

Penalty: 30 penalty units.

Note: If a body corporate is convicted of an offence against this subsection, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of up to 5 times the penalty stated above.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in this subsection: see subsection 13.3(3) of the *Criminal Code*.

- (3) It is a reasonable excuse for an individual to refuse or fail to give information or produce a document on the ground that to do so might tend to incriminate the individual or expose the individual to a penalty.