

NDIA Justice Advisory Panel

Advice: Information and Data Sharing at the Justice-NDIS Interface

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1. Executive Summary

The Justice Advisory Panel (Panel) is an expert advisory group to the National Disability Insurance Agency (NDIA) that examines policy and systemic issues across the disability and justice interface.

Data and information sharing at that interface is a persistent and critical issue affecting participant outcomes, judicial decision-making, and cross-system coordination. That is the point at which coordination between the differing roles of the NDIS on the one hand and the state and territory correctional agencies on the other is imperative. Data and information across the disability and justice interface sharing is therefore the focus of this advice. Through case discussions, jurisdictional engagement and de-identified participant examples, the Panel has consistently identified information sharing as a systemic challenge across the justice–National Disability Insurance Scheme (NDIS) interface. Current approaches to information exchange remain fragmented, inconsistently applied, and frequently occur too late to effectively enable NDIS disability supports to enhance justice decision-making, transition planning, and risk mitigation while preserving the distinction between the role of the NDIS and that of state and territory justice agencies.

In practice, this results in courts and parole bodies making decisions without access to timely, decision-relevant disability information, NDIA not being consistently engaged at key points, and providers being expected to deliver supports without sufficient understanding of participant needs, risks, or service context. These challenges are particularly acute for participants from First Nations and other Culturally and Linguistically Diverse (CALD) backgrounds, people with complex needs and those exiting custody, where coordinated and appropriate planning is essential for safe and sustainable transitions.

The Panel noted that effective information sharing at the justice–NDIS interface requires careful balancing of distinct but interconnected responsibilities. While these systems operate with different legislative purposes and authorities, coordinated information sharing remains essential to supporting safe transitions, informed decision-making, and effective service coordination. The Panel further notes that effective coordination should not be interpreted as integrating responsibility or transferring, duplicating, or obscuring accountability.

Justice agencies, courts, and parole boards are primarily concerned with community safety, statutory compliance, and correctional risk management. In contrast, the NDIA is responsible for determining and funding reasonable and necessary disability-related supports intended to improve participant functioning and outcomes. The NDIA does not and cannot perform a supervision, offender management or community protection function, and misinterpretation of its role and the role of disability supports can contribute to unsafe or inappropriate decisions being made by the courts and parole boards.

The Panel recommends a shift towards an approach that:

- Identifies people with disability and NDIS participants early in their interaction with the justice system.
- Triggers information sharing at key justice milestones and transition points.
- Provides decision-ready, tailor-made information for courts and parole bodies.
- Enables NDIA to provide timely, structured input into decision-making processes.
- Supports lawful information sharing for transition planning, service delivery, and workforce safety.
- Is underpinned by clear legal authority, operational capability, and cross-system accountability.

This advice outlines a set of considerations to support this model, including:

- Decision-ready, standardised information rather than reliance on sharing participant plans or bulk datasets alone.
- Early and consistent identification of (prospective) participants within justice systems.
- Event-based, milestone-aligned information sharing.
- Lawful and nationally consistent information sharing pathways.
- Improved data linkage and system visibility.
- Culturally safe, participant-centred approaches.
- Clear roles, responsibilities, and accountability across systems.

While nationally consistent datasets and information categories and data linkage can improve consistency and system visibility, the Panel emphasises that the primary operating model should be event-based, supported by timely, case-by-case information exchange and NDIA responsiveness at critical decision points. The Panel further notes a significant gap at the NDIS access stage, where justice involvement is not consistently

identified, limiting opportunities for early planning and coordination for participants with complex needs entering the Scheme.

This advice forms part of a broader suite of Panel recommendations and should be read in conjunction with the Education and Engagement, Youth Justice and Providers and Markets advice, recognising the interrelated nature of the issues addressed across the disability and justice interface.

2. Key Issues Identified by the Panel

- **Fragmented Data Environment**

Systemic datasets and operational information flows exist but are not designed to function as a single, coordinated system, limiting their effectiveness for decision making and cross-system coordination.

- **Inconsistent and Reactive Information Sharing**

Information exchange is often ad hoc, relationship-based, and occurs too late to influence key justice decisions, including sentencing, parole, and transition planning.

- **Lack of Decision-Ready Information**

There is no nationally agreed minimum dataset to support consistent decision-making, and existing NDIA materials (including plans) are not designed or suitable for judicial or parole decision-making purposes.

- **Absence of Consistent Participant Identification Across Systems**

Justice systems do not consistently identify NDIS participants, preventing early engagement, coordinated planning, and timely information sharing at critical points.

- **Limited NDIA Input into Justice Decision-Making**

There is no standardised mechanism for NDIA to provide timely, structured input into court or parole processes, resulting in decisions being made without appropriate disability-related context.

- **Legislative and Policy Constraints**

Overlapping Commonwealth and state and territory frameworks create uncertainty and limit the timely and proportionate sharing of critical information, particularly regarding offence history for the purposes of safeguarding against risk.

- **Misinterpretation and Misuse of NDIA Information**

NDIA information is sometimes relied upon beyond its intended purpose, including being interpreted as indicative of community supervision, assurance of community safety, or a substitute for justice-based risk assessment and correctional decision-making.

- **Limited Data Linkage and System Insight**

NDIA data is not routinely linked with justice, child protection, health, and education datasets, reducing visibility of participant pathways and limiting system level insight.

- **Disproportionate Impact on First Nations and CALD Participants**

Cultural considerations and data sovereignty principles for First Nations participants are not consistently embedded, impacting the appropriateness, safety, and trust of information sharing practices.

3. Advice

The following recommendations describe a coordinated system model designed to support identification, information sharing which assists decision-making and cross-system accountability.

Consideration 1: Implement an Event-Based Information Sharing Model

Information sharing should be activated at key justice events rather than relying on static or bulk data exchange alone, which is neither complete nor timely, making it impractical for operational use. These milestones and transition points should be recognised as critical decision-making points requiring timely information exchange. Key triggers include not only entry into custody (ensuring a clear and agreed definition of ‘custody’ is developed and appropriately employed) but also sentencing, parole considerations, pre-release planning and community transition, as well as NDIS eligibility being met.

The Panel recommends that the following action be progressed:

- Agree and implement a structured, event-based information sharing model with jurisdictions that has content guidelines and is aligned to key justice milestones, transition and critical decision-making points. This operating model should include agreed trigger points, timeframes, and responsibilities for information exchange between jurisdictions, the NDIA and relevant justice agencies. Key milestones include:
 - entry into custody including remand
 - sentencing and court outcomes
 - parole and release considerations
 - release planning and pre-release transition activities
 - transition back into community
 - NDIS eligibility and where there are significant changes to NDIS supports.
- Develop and maintain agreed information-sharing requirements for each justice milestone, informed by the information categories outlined in [Appendix A](#), ensuring that essential participant support, transition, risk, and cultural information is available to relevant agencies to enable timely planning, decision making, and continuity of supports and/or the establishment of supports.

- The Panel also acknowledged the unique risk profile that occurs where a participant with a serious offending history transitions to the community without any type of lawful orders. For the NDIA, this poses reputational considerations (where re-offending occurs) and distinct duty of care responsibilities to enable participant, provider, and worker safety. Lawful, clear, and transparent information sharing between the NDIA, (both justice and participant) decision makers, and providers is essential to mitigate these risks.
- Build operational capability and shared accountability across the NDIA, justice agencies and service providers to identify, respond to and act on justice-triggered events and establish operational forums for managing complex participant matters through multi-agency case conferencing. This should include:
 - interagency governance arrangements and formal protocols
 - escalation pathways and contact points
 - clear and timely roles and responsibilities for key agencies, cultural organisations and service providers supporting participants
 - regular review of individual participant matters through multi-agency case conferences, where required
 - collation, review and escalation of service systems issues, risks, and barriers through intergovernmental forums.
- Require commissioned providers, support coordinators, and other relevant stakeholders to notify the NDIA of key justice events and participate in coordinated planning and information sharing activities during justice transitions and other key milestones.

Consideration 2: Pursue Targeted Legislative and Policy Reform

The Panel observed, *‘the absence of information about the offences with which the participant had been charged presents a significant risk. To the extent to which the law as it presently stands prevents information about offences being given to the NDIA, that law should be changed to allow this information to be exchanged.’* Legislative and policy settings currently limit timely and effective information sharing. Adjustments to enable lawful and proportionate sharing of necessary information will support the NDIA's duty of care to participants, providers, support workers, and NDIA staff, including information relevant to workforce and service-delivery safety.

The Panel recommends four distinct opportunities for adjustment:

- Further exploration and identification of legislative or policy barriers that limit lawful, proportionate sharing of information for transition planning and safeguarding purposes. Any policy should be developed in consultation with providers, participants, and disability advocates to explore appropriate privacy, consent, oversight, human rights and safeguarding provisions. It is important that these amendments do not create a blanket disclosure obligation that could be used to exclude people from services based on justice involvement alone.
- *The National Disability Insurance Scheme Act 2013* (NDIS Act) should be amended to address urgent policy and legislative gaps relating to:
 - provider and worker, and NDIA staff safety. Where a participant's offending history and/ or risk profile poses a credible safety risk, there is no consistent legal pathway towards a clear and proportionate mechanism for information receipt and disclosure
 - explicitly enable proactive information-sharing for justice transition contexts, removing the need to rely solely on operational sharing and section 55 compelled notices
 - provide justice specific 'carve outs', building in a requirement to have regard to certain justice related factors or issues that help the NDIA to appropriately plan for a participant's transition, and better safeguard staff and the wider participant provider network.
- *The Privacy Act 1988* should be clarified to confirm that, with appropriate safeguards, sharing participant information for transition planning purposes falls within an existing or new public interest exception.
- Through work between governments, amendments to relevant state and territory justice legislation should build in a requirement to have regard to certain disability related factors or issues that help jurisdictions to appropriately prepare for release from custody. These amendments should seek to:
 - explicitly recognise the NDIA as a relevant agency for sharing information (example: *Western Australia High Risk Serious Offender Act 2020*).
 - ensure legislation and penalties do not inadvertently prevent information sharing with the NDIA (example: *The Northern Territory Serious Sex Offender Act 2013* (s112), and:

- identify narrow exceptions to enable information sharing for transition planning purposes and particularly regarding provider and NDIA staff risk and safeguarding (example: *The Queensland's Mental Health Act 2016* (s778)).

Consideration 3: Formalise Lawful and Consistent Information Sharing Practices

The Panel recommends information requests and disclosures are linked to a clearly defined purpose, including disability support planning, transition coordination, workforce and community safety, support delivery, or justice decision-making, consistent with legislative authority. This will strengthen consistency and confidence in lawful information sharing.

The Panel recommends that the following actions be progressed:

- Develop a clear, standardised framework for information requests and disclosures that also identifies key contact points for justice agencies and the NDIA and establishes cross agency escalation pathways for urgent or high-risk matters.
- Promote consistent use of legislative provisions (including ss36, 55, 60 and 66), by improving NDIA staff capability, guidance, and processes.
- Improve cross-system understanding of lawful information-sharing requirements through shared education approaches about legislative authorities, privacy obligations, consent arrangements, and circumstances under which information can be requested, disclosed, and used to support disability planning, transition coordination, safeguarding, and justice decision-making.
- Strengthen information-sharing and coordination arrangements with the NDIS Quality and Safeguards Commission where safeguarding, restrictive practices, provider capability, or worker safety issues arise.

Consideration 4: Establish Nationally Consistent Identification of NDIS Participants

The Panel recommends implementing a nationally consistent mechanism to identify NDIS participants within justice systems. This identification should function as the primary trigger for NDIA engagement, information sharing, and coordinated planning across the participant journey, including at access, custody, sentencing, parole, and release stages.

The Panel recommends that the following actions be progressed:

- Work with jurisdictions to agree on and implement a nationally consistent participant identification mechanism in justice systems, including custody, court, and parole process, that triggers notification, planning, and information-sharing processes.
- Improve NDIA business system capability to capture and manage justice information, including the use of justice-related identifiers, alerts, and milestone tracking functionality to support identification, visibility, oversight, and coordinated responses at key justice events.
- Ensure approaches align with privacy and legal requirements and First Nations data sovereignty principles outlined in the [Framework for Governance of Indigenous Data](#).

Consideration 5: Establish Decision-Supporting Data and System Infrastructure

Minimum datasets and data linkage should support, but not replace, trigger-based and case-by-case information sharing. A nationally consistent dataset enables robust, evidence informed forward policy, particularly regarding disability support needs, transition planning, and safeguarding for participants with a justice interface.

The Panel recommends that the following actions be progressed:

- Prioritise and finalise jurisdictional Data Sharing Agreement schedules, including jurisdiction-specific schedules that specify data fields, governance requirements, frequency of exchange, safeguards, and First Nations data sovereignty arrangements:
 - define and implement a nationally consistent minimum dataset from all jurisdictions
 - monitor implementation of arrangements through agreed reporting, governance, and review arrangements.
- Strengthen data linkage across justice, child protection, health and education systems to improve system visibility, support early intervention, and build understanding of participant pathways and outcomes.

Consideration 6: Provide Decision-Ready Information for Justice Processes

NDIS plans are not designed for judicial or parole decision-making and should not be relied upon as decision tools. Courts and parole bodies require concise, purpose-built information that translates disability supports into functional and decision-relevant context.

The Panel recommends that the following actions be progressed:

- Develop standardised information-sharing templates and reporting tools aligned to share information and data updates between governments, to support consistent practice across jurisdictions and decision-making contexts.
- NDIA develop and trial nationally consistent decision ready NDIS support summary and information sharing templates capable of being provided to courts, tribunals, and parole bodies upon request. These templates should clearly:
 - specify what information the NDIS can provide, for what purpose and under what authority
 - present supports, functional limitations, relevant service-delivery considerations
 - articulate disability support responsibilities and intent, to ensure distinction from justice system responsibilities, including supervision, orders, parole conditions, offender management, and community protection functions
 - support informed decision-making, exploring the complementary nature of NDIS supports to that of the justice system, without implying there is a role for NDIS in offender risk management or public safety.

Consideration 7: Enable Formal NDIA Contributions to Justice Decision-Making

There is currently no consistent mechanism for NDIA to contribute to court and parole decisions. Formal pathways should allow appropriately authorised legal representatives to obtain decision-ready disability-support information relevant to judicial decision-making.

The Panel recommends that the following actions be progressed:

- Develop and agree a formal pathway for NDIA engagement with court, tribunals, parole, and broader justice processes, that:
 - can be used at key justice milestones to provide consistent advice on participant circumstances, NDIS supports, scheme responsibilities and implementation considerations

- enables these stakeholders to directly request NDIA input through the pathway, rather than through third party engagement.
- Enable dedicated justice liaison functions to coordinate engagement between the NDIA, courts, corrections, and parole authorities, including facilitating information exchange, supporting timely responses to requests, coordinating stakeholder engagement, and promoting consistent approaches across jurisdictions.

Consideration 8: Embed Culturally Safe and Accountable Practice

First Nations data sovereignty principles should be embedded in all systemic data and information sharing practices. Culturally safe approaches and clear accountability are essential to effective system operation. Information-sharing reforms should be informed by the perspectives of participants with lived experience, families, and carers where appropriate.

The Panel recommends that the following actions be progressed:

- Partner with Aboriginal Community Controlled Organisations (ACCOs) and representative organisations (including state and territory justice and correctional agencies) to co-design, deliver and evaluate culturally safe and appropriate information-sharing activities across the justice-NDIS interface:
 - establish formal partnership and advisory arrangements with ACCOs and First Nations representative organisations
 - co-design culturally safe policies, processes, resources, and service responses across the justice-NDIS interface
 - incorporate participant, family, community and ACCOs feedback into ongoing monitoring, evaluation, and continuous improvement activities.
- Support culturally relevant, strengths-based information in decision-making by:
 - developing guidance and tools to support consideration of cultural identity, kinship and connection to country
 - embedding culturally informed and strengths-based approaches within planning, case conference, and support coordination processes
 - promoting the inclusion of culturally relevant evidence to contextualise behaviour, rehabilitative considerations and participant aspirations in decision-making.

4. Summary

Improving data and information sharing across the justice–NDIS interface is essential to supporting safe, timely and effective outcomes for participants with disabilities.

The Panel recommends a shift from fragmented, reactive, and plan-based approaches toward a coordinated system that:

- Identifies participants early.
- Shares information at key justice triggers.
- Provides decision-ready information to decision-makers.
- Enables NDIA to contribute effectively to justice processes.
- Is supported by clear legal authority, operational capability, cultural safety, and cross-system accountability.

This approach strengthens evidence decision-making, supports safer transitions, improves participant outcomes, and enhances system integrity, while maintaining the distinct roles of the NDIA and justice systems.

The NDIA has a key leadership role in progressing this reform in partnership with Commonwealth, state and territory governments, justice agencies, and other relevant stakeholders.

Appendix A – Indicative Information Categories by Justice Event

Purpose

The following information categories are intended to support event-based, purpose specific information sharing across the justice-NDIS interface.

The categories are indicative only and do not represent a prescribed dataset, mandatory information requirement, or expectation that all information will be shared at every stage of a participant's justice journey.

Information sharing should be:

- Triggered by a specific event, milestone, or decision point.
- Linked to a clearly defined purpose.
- Limited to the minimum information necessary for that purpose.
- Undertaken in accordance with legislation, privacy obligations, and cultural considerations.

The information required will vary depending on the participant's circumstances, the decision being made, and the stage of the justice pathway.

Identification of a NDIS Participant or Prospective Participant

To identify people with disability and NDIS participants as early as possible and trigger engagement, support planning and information sharing where required.

Participant Identification Information

May include:

- Participant name.
- Date of birth.
- NDIS participant number (where known).
- Jurisdiction/location, including custodial settings.
- Nominee, guardian, substitute decision-maker, or authorised representative such as other significant family, kinship or support persons involved in the participant's life.

Disability and Support Needs

May include:

- Disability that has met the NDIS eligibility criteria (where applicable).
- Disability indicators relevant to NDIS access or support needs.
- Communication needs.
- Decision-making support requirements.
- Interpreter or translation requirements.
- Entry dates into custody, including remand.

Entry into the Justice System

To support diversion opportunities, facilitate access to disability supports and enable early planning, coordination and information sharing at key justice events dates and decision points (diversion, court, custody, intake, and remand),.

Disability and Functional Capacity Information

May include:

- Cognitive, intellectual, psychosocial, or functional impacts relevant to justice engagement.
- Communication needs.
- Decision-making support requirements (if required)
- Behaviour support requirements (if required).

Current NDIS Supports and Provider Service Arrangements

May include:

- Current funded supports.
- Support coordination arrangements.
- Key providers currently engaged.
- identified service gaps impacting participation in justice processes
- Significant changes to participant circumstances, risk profile or NDIS supports.
- Court appearance dates and sentencing outcomes.
- Parole considerations.

Risk and Safeguarding Information

Subject to lawful authority and privacy requirements, may include:

- Worker safety considerations, including known offending history, behaviours or circumstances that may present a risk to support workers, providers, or NDIA staff.
- Behavioural escalation triggers relevant to support delivery.
- Immediate participant support, welfare, or safeguarding concerns.
- Length of sentence and/or anticipated release date.

Cultural and Community Considerations

May include:

- First Nations or CALD considerations and community connections.
- Cultural support requirements.
- Involvement of ACCOs or relevant community organisations.

Custody, Case Management and NDIS Support Planning

To support disability planning, service coordination, safeguarding and continuity of supports during justice involvement.

Disability and Functional Capacity Information

May include:

- Functional impacts relevant to daily living and participation.
- Communication needs.
- Behavioural support requirements.
- Decision-making support needs.
- Support requirements affecting engagement in justice processes.

Current NDIS Supports and Service Arrangements

May include:

- Current funded supports.
- Support coordination arrangements.
- Therapeutic supports.

- Behaviour support arrangements.
- Provider engagement status.
- Identified service-delivery barriers.

Risk and Safeguarding Information

Subject to lawful authority and privacy requirements, may include:

- Information relevant to safe service delivery.
- Behavioural escalation triggers.
- Worker safety considerations, including known offending history, behaviours or circumstances that may present a risk to support workers, providers, or NDIA staff.
- Environmental risks.
- Emergency contact or escalation arrangements.

Cultural and Community Considerations

May include:

- Cultural support needs.
- Kinship, family, and community connections.
- Culturally safe service preferences.

Parole Consideration, Pre-Release Planning and Transition Preparation

To support release readiness, continuity of disability supports, coordinated transition planning and informed justice decision-making.

Transition and Release Planning Information

May include:

- Anticipated release or parole dates.
- Commencement or pre-release planning activities.
- Transition readiness.
- Accommodation arrangements.
- Lead agency responsibilities.
- Provider service commencement timeframes.

- Date of transition back into the community.
- Identified barriers to implementation.
- Crisis escalation pathways.

Current NDIS Supports and Service Arrangements

May include:

- Supported Independent Living (SIL) or Specialised Disability Accommodation (SDA) status.
- Support coordination arrangements.
- Provider onboarding status.
- Therapeutic and behavioural supports.
- Identified service gaps.
- Known-thin market considerations.

Risk and Safeguarding Information

Subject to lawful authority and proportionate information-sharing requirements, may include:

- Worker safeguarding considerations, including known offending history, behaviours or circumstances that may present a risk to support workers, providers, or NDIA staff.
- Significant safeguarding, service delivery, or support coordination issues requiring coordinated action.
- Behavioural escalation triggers.
- Environmental risks.
- Supervision conditions relevant to support delivery.
- Emergency escalation arrangements.

Cultural and Community Considerations

May include:

- Connection to Country.
- Kinship, family, or community support arrangements.
- Involvement of ACCOs.
- Cultural informed transition planning considerations.

Community Transition and Ongoing Support Coordination

To support continuity of supports, reduce service disruption and maintain coordinated responses following return to the community.

Support Implementation Information

May include:

- Commencement of funded supports.
- Provider engagement status.
- Support coordination activities.
- Implementation barriers.
- Service continuity issues.

Risk and Safeguarding Information

Subject to lawful authority and privacy requirements, may include:

- Emerging safeguarding concerns.
- Worker safety considerations, including known offending history, behaviours or circumstances that may present a risk to support workers, providers, or NDIA staff.
- Crisis escalation pathways.
- Identified service-delivery risks.

Cultural and Community Considerations

May include:

- Family and community supports.
- Community-led planning activities.
- Cultural authority and community leadership involvement.
- Culturally safe service arrangements.