

The Senate

Community Affairs Legislation
Committee

National Disability Insurance Scheme
Amendment (Improving Supports for At
Risk Participants) Bill 2021 [Provisions]

August 2021

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ISBN 978-1-76093-271-8

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Printed by the Senate Printing Unit, Parliament House, Canberra

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Abbreviations

AHPA	Allied Health Professions Australia
AFDO	Australian Federation of Disability Organisations
bill	National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021
Commission	NDIS Quality and Safeguards Commission
Commissioner	NDIS Quality and Safeguards Commissioner
committee	Senate Community Affairs Legislation Committee
department	Australian Government Department of Social Services
human rights committee	Parliamentary Joint Committee on Human Rights
minister	Minister for Government Services and the National Disability Insurance Scheme
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NDIS Act	<i>National Disability Insurance Scheme Act 2013</i>
NDS	National Disability Services
PWDA	People with Disability Australia
Robertson Review	<i>Independent Review of the adequacy of the regulation of supports and services provided to Ms Ann-Marie Smith, an NDIS Participant, who died on 6 April 2020</i>
scrutiny committee	Senate Standing Committee for the Scrutiny of Bills

List of Recommendations

Recommendation 1

2.33 The committee recommends that the bill be passed.

Chapter 1

Background

- 1.1 The National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 (the bill) was introduced into the House of Representatives on 3 June 2021.¹ The bill was subsequently referred to the Community Affairs Legislation Committee (the committee) on 17 June 2021, for inquiry and report by 12 August 2021.²

Purpose of the bill

- 1.2 The bill amends the *National Disability Insurance Scheme Act 2013* (NDIS Act) 'to improve the support and protections to NDIS participants who may be at risk of harm'.³
- 1.3 The bill seeks to achieve this purpose by:
- strengthening the NDIS Quality and Safeguards Commissioner's (Commissioner) compliance and enforcement powers;
 - strengthening information sharing provisions; and
 - clarifying the provider registration provisions contained in the NDIS Act.⁴
- 1.4 As noted in the Explanatory Memorandum, the bill implements a number of the recommendations of the Robertson Review, which examined the circumstances surrounding the death of an NDIS participant who died in South Australia in April 2020 after a substantial period of neglect.⁵

NDIS Quality and Safeguards Commission

- 1.5 The Commission was established under the NDIS Act as an independent agency to improve the quality and safety of services and supports for NDIS participants and 'to promote their choice, control and dignity'.⁶

¹ House of Representatives, *Votes and Proceedings*, No. 122, 3 June 2021, p. 1947.

² *Senate Journals*, No. 102, 17 June 2021, pp. 3607–3609.

³ The Hon. Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government, *House of Representatives Hansard*, 3 June 2021, p.9.

⁴ Explanatory Memorandum, p. 1.

⁵ Alan Robertson SC, *Independent Review of the adequacy of the regulation of supports and services provided to Ms Ann-Marie Smith, an NDIS Participant, who died on 6 April 2020*, 31 August 2020 (Robertson Review), p. 2.

⁶ Department of Social Services, *NDIS Quality and Safeguards Commission*, 20 December 2019, <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability/ndis-quality-and-safeguards-commission> (accessed 3 August 2021).

- 1.6 Although the Commission was established on 1 July 2018, it did not initially operate in every jurisdiction. It commenced operation in New South Wales and South Australia in 2018, and has only been operating nationally since 1 December 2020.

Powers

- 1.7 From July 2019, the Commission has been responsible for registering NDIS service and support providers, managing complaints and serious incident notifications, and carrying out investigations and enforcement action.⁷
- 1.8 The Commissioner can enforce civil penalties and has sanction powers, including:
- applying conditions to registration, and suspending or revoking registration;
 - issuing compliance notices, infringement notices and banning orders; and
 - applying for injunctions or accepting enforceable undertakings.⁸
- 1.9 If a registered provider poses a danger to the health, safety or wellbeing of a person with disability, the Commissioner may immediately suspend the provider's registration for up to 30 days, to consider whether to revoke its registration.
- 1.10 The Commissioner may also issue a compliance notice or banning order that prevents a provider or a worker from providing any NDIS supports or services.⁹

Jurisdiction

- 1.11 Not all NDIS providers need to be registered with the Commission. Generally, participants may receive support from unregistered providers if they are self-managed or plan managed.¹⁰ Participants with plans managed by the National Disability Insurance Agency (NDIA) may only use registered providers.¹¹

⁷ Australian National Audit Office, *Effectiveness of the NDIS Quality and Safeguards Commission's regulatory functions*, <https://www.anao.gov.au/work/performance-audit/effectiveness-the-ndis-quality-and-safeguards-commissions-regulatory-functions> (accessed 3 August 2021).

⁸ NDIS Quality and Safeguards Commission's submission to the Joint Standing Committee into the NDIS – Inquiry into the NDIS Quality and Safeguards Commission, *Submission 42*, pp. 13–14.

⁹ NDIS Quality and Safeguards Commission's submission to the Joint Standing Committee into the NDIS – Inquiry into the NDIS Quality and Safeguards Commission, *Submission 42*, pp. 13–14.

¹⁰ NDIS Quality and Safeguards Commission, *Unregistered providers*, <https://www.ndiscommission.gov.au/providers/unregistered-providers> (accessed 29 July 2021).

¹¹ National Disability Insurance Agency, *NDIA-managed funding*, <https://www.ndis.gov.au/participants/creating-your-plan/ways-manage-your-funding/ndia->

- 1.12 While all NDIS providers (registered and unregistered) are subject to the NDIS Code of Conduct,¹² there are some differences in the Commission's oversight of registered and unregistered providers. For example, registered providers must notify the Commission about reportable incidents (such as allegations of abuse) but this requirement does not apply to unregistered providers.¹³

Robertson Review recommendations

- 1.13 The Department of Social Services explained that the Commission has implemented operational changes in response to recommendations 2 and 3 of the Robertson Review, and that legislative changes passed in November 2020 address recommendation 10 of the review.¹⁴
- 1.14 The bill further addresses six of the 10 recommendations from the Robertson Review. In summary, these recommendations are:
- (1) There should be a freer information flow between the Commission and the NDIA so the Commission can act earlier to identify NDIS participants who are vulnerable to harm or neglect.
 - (5) The Commission should conduct occasional visits to assess the safety and wellbeing of vulnerable NDIS participants.
 - (6) It should be made clear that the definition of reportable incident in the Act includes real or immediate threats of harm; and the definition of complaints should be clarified to include concerns and observations about supports and services.
 - (7) The Commission should have ready access to information about the supports an NDIS participant is receiving and who their providers are.
 - (8) The exchange of information between the Commission, the NDIA, state and territory emergency services and disability agencies needs to be improved.
 - (9) Further to recommendation 8, some of the wording in specific subsections of the Act needs to be amended or expanded to broaden the types of information that can be exchanged.¹⁵

[managed-funding](#)

(accessed 3 August 2021).

¹² NDIS Quality and Safeguards Commission's submission to the Joint Standing Committee into the NDIS – Inquiry into the NDIS Quality and Safeguards Commission, *Submission 42*, p. 23.

¹³ NDIS Quality and Safeguards Commission, *Incident management and reportable incidents (NDIS Providers)*, <https://www.ndiscommission.gov.au/providers/incident-management-and-reportable-incidents> (accessed 29 July 2021).

¹⁴ Department of Social Services, *Submission 4*, p. 2.

¹⁵ The full recommendations of the Robertson Review are listed at pp. 7–9, <https://www.ndiscommission.gov.au/sites/default/files/documents/2020-09/independent-review-report-commissioner-public-310820.pdf> (accessed 5 August 2021).

Key provisions of the bill

Information sharing

- 1.15 The NDIS Act allows the NDIA to collect, make a record of, use and disclose information for purposes as specified in the NDIS Act.¹⁶ Changes are proposed that would lower the threshold with which information can be shared and used by the NDIA and the Commission.
- 1.16 For example, Item 7 of the bill would remove qualifiers such as 'serious' to enable the making of a record, disclosure and use of information where the NDIA considers it 'for the purpose of, or in relation to, preventing or lessening a threat (whether current or future)'. The Explanatory Memorandum notes that removing qualifiers such as 'serious' would be 'a reasonable and proportionate means of better protecting vulnerable participants'.¹⁷
- 1.17 Items 9 and 13 would explicitly allow for information to be disclosed between the NDIA and the Commission if the disclosure is for, or in connection with, the performance or functions of the NDIA or Commission.
- 1.18 New paragraph 67(1)(d) would additionally provide for the disclosure of information to a state or territory for a specified purpose, including to carry out a screening check of an NDIS worker or 'for the purpose prescribed by those rules'.
- 1.19 Item 8 would also enable the NDIA and the Commission to take into consideration past threats.

Reportable incidents

- 1.20 Registered providers are subject to various reporting requirements, including that they must notify the Commission of a 'reportable incident', such as the death, serious injury or abuse of a person with disability.¹⁸
- 1.21 Amendments are proposed to enable the NDIS rules to prescribe the arrangements relating to the notification and management of these reportable incidents, which must be reported to the Commission.¹⁹ The bill clarifies that the notification and management of reportable incidents, in accordance with the NDIS rules, applies to registered NDIS providers.²⁰

¹⁶ NDIS Act, section 60.

¹⁷ Explanatory Memorandum, p. 5.

¹⁸ NDIS Quality and Safeguards Commission's submission to the Joint Standing Committee into the NDIS – Inquiry into the NDIS Quality and Safeguards Commission, *Submission 42*, pp. 32–33. See also subsection 73Z(4) of the NDIS Act.

¹⁹ Item 24 of the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 (the bill), and Explanatory Memorandum, p. 10.

²⁰ Item 23 of the bill, and Explanatory Memorandum, p. 10.

Banning orders

- 1.22 The bill would broaden the scope of persons who may be subject to a banning order to include 'a person who is or was a member of the key personnel of an NDIS provider'.²¹ The bill clarifies that key personnel—such as board members and chief executive officers—are to be held to the same standard as providers and workers.²² Moreover, the bill proposes amendments to ensure a banning order would continue to apply to a person, even when the person ceases to work for the relevant provider.²³
- 1.23 The bill would enable the Commissioner to make a banning order 'subject to specified conditions', as well as allow for the variation of a banning order to involve imposing new conditions or varying or removing existing conditions.²⁴
- 1.24 The contravention of a condition of a banning order would be subject to a civil penalty, which the Explanatory Memorandum notes would enable the enforcement of a condition of a banning order.²⁵

Compliance notices

- 1.25 Currently, the Commissioner is required to maintain a register—the NDIS Provider Register—which must include information about registered NDIS providers and banning orders.²⁶ Item 38 of the bill would allow the NDIS Provider Register to include information about a compliance notice that was in force in the past, as well as is in force.²⁷

Review of decisions

- 1.26 The bill would allow for the review of specified decisions by the Commission,²⁸ including a decision of the Commissioner to vary or revoke a compliance notice pursuant to subsection 73ZM(4) of the NDIS Act.²⁹
- 1.27 Other review processes would be clarified, including that the decision-maker or a delegate of the decision-maker cannot review a decision if they were involved in making that decision.³⁰

²¹ Item 28 of the bill, Explanatory Memorandum, p. 11.

²² Items 20 and 22 of the bill.

²³ Item 33 of the bill, Explanatory Memorandum, p. 12.

²⁴ Item 32, Explanatory Memorandum p. 11; Item 36, Explanatory Memorandum, 12.

²⁵ Item 35, Explanatory Memorandum, p. 12.

²⁶ Section 73ZS of the NDIS Act.

²⁷ Explanatory Memorandum, p. 12.

²⁸ Item 30, of the bill, Explanatory Memorandum pp. 12–13.

²⁹ Item 40 of the bill, Explanatory Memorandum, p. 13.

³⁰ Item 42 of the bill, Explanatory Memorandum, p. 13.

Financial implications

1.28 The Explanatory Memorandum notes that this bill has no financial impacts.³¹

Legislative scrutiny

1.29 The bill was considered by the Senate Standing Committee for the Scrutiny of Bills (scrutiny committee) and the Parliamentary Joint Committee on Human Rights (human rights committee).

Senate Standing Committee for the Scrutiny of Bills

1.30 The scrutiny committee raised concerns that the bill provides the Commissioner with broad discretionary powers to impose conditions on banning orders and to impose significant civil penalties for breaches of those orders.³² In addition, the scrutiny committee noted its concern that the bill would allow for the disclosure of protected information as prescribed by the NDIS rules, rather than prescribed by primary legislation.³³

1.31 In response to the concerns related to broad discretionary powers, the responsible minister advised:

- A broad discretion to impose conditions on banning orders is needed so the Commissioner can tailor the orders to the particular circumstances of each case.
- Requiring the Commissioner to consider the NDIS rules in making banning orders is unnecessary because the NDIS Act requires that compliance and enforcement responses are proportionate and risk is considered.
- Significant penalties for serious breaches of banning orders are needed as a deterrent and to demonstrate that behaviour or actions that pose an unacceptable risk of harm to NDIS participants will not be tolerated.³⁴

1.32 In relation to significant matters being outlined in delegated legislation, the minister explained that the amendment would allow flexibility and argued that providing high-level guidance in the NDIS Act could limit the entity types and disclosure purposes, and could be counterproductive.³⁵ It was noted that changes to the NDIS rules are subject to consultation with the states and

³¹ Explanatory Memorandum, p. 1.

³² Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 8 of 2021*, 16 June 2021, pp. 34–37.

³³ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 8 of 2021*, 16 June 2021, p. 37.

³⁴ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 10 of 2021*, 13 July 2021, pp. 40–42.

³⁵ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 10 of 2021*, 13 July 2021, pp. 44–45.

territories (and other key stakeholders), and are subject to a disallowance period before the Parliament.³⁶

- 1.33 Following the minister's response, the scrutiny committee requested an addendum to the Explanatory Memorandum be tabled containing the key information provided by the minister.³⁷
- 1.34 It drew these matters to the attention of senators and left it to the Senate as a whole to determine the appropriateness of these amendments.³⁸

Parliamentary Joint Committee on Human Rights

1.35 The human rights committee raised the following issues:

- Privacy concerns in relation to the information that would be published on the NDIS Provider Register.³⁹
- The right to privacy and work in regard to the scope with which the Commission may make a banning order and the conditions that may be imposed.⁴⁰

1.36 In response to concerns that information would be published on the NDIS Provider Register, the minister advised:

- The amendment would make the scope of information that could be published consistent between registered and unregistered providers.
- The information published on the NDIS Provider Register does not include information that would identify an individual (unless the provider is an individual).
- The details published do not include any information that would be against the public interest or the interests of the people receiving supports or services from the provider.
- The bill would not change the scope of the information published – only whether information about compliance notices that are no longer in force can be published.⁴¹

1.37 In relation to banning orders and the conditions that may be imposed, the minister advised:

³⁶ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 10 of 2021*, 13 July 2021, pp. 44–45.

³⁷ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 10 of 2021*, 13 July 2021, p. 43.

³⁸ Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 10 of 2021*, 13 July 2021, pp. 43–46.

³⁹ Parliamentary Joint Committee on Human Rights, *Report 7 of 2021*, 16 June 2021, pp. 16–21.

⁴⁰ Parliamentary Joint Committee on Human Rights, *Report 7 of 2021*, 16 June 2021, pp. 21–26.

⁴¹ Parliamentary Joint Committee on Human Rights, *Report 9 of 2021*, 5 August 2021, pp. 13–21.

- A banning order is one of the most serious compliance tools the Commissioner can make and would only be contemplated after other compliance responses were found to be inappropriate.
 - The current provision is a 'blunt instrument' and the proposed amendments would allow for conditions to be tailored.
 - The NDIS Act guides the Commissioner as to what conditions should be imposed, so further legislative guidance is not required.⁴²
- 1.38 The human rights committee concluded that questions remain as to whether the proposed amendments are proportionate to the impact on the affected individuals' rights to privacy and work.⁴³
- 1.39 The committee considered that the bill would be more proportionate if it contained legislative guidance as to the conditions that may be imposed on a banning order, and recommended that the statement of compatibility with human rights be updated to include the information provided by the minister.⁴⁴

Concurrent inquiry

- 1.40 The powers of the Commission are also being reviewed by the Joint Standing Committee on the National Disability Insurance Scheme's inquiry into the operation of the NDIS Quality and Safeguards Commission.⁴⁵

Conduct of the inquiry

- 1.41 The committee advertised the inquiry on its website and invited submissions by 12 July 2021. The committee received 17 submissions and held a public hearing in Canberra on 2 August 2021. Submitters and witnesses are listed at appendices 1 and 2.
- 1.42 The committee thanks all who contributed to the inquiry.

⁴² Parliamentary Joint Committee on Human Rights, *Report 9 of 2021*, 5 August 2021, pp. 15–21.

⁴³ Parliamentary Joint Committee on Human Rights, *Report 9 of 2021*, 5 August 2021, pp. 22 and 33.

⁴⁴ Parliamentary Joint Committee on Human Rights, *Report 9 of 2021*, 5 August 2021, pp. 22 and 33.

⁴⁵ See the terms of reference for the Inquiry into the operation of the NDIS Quality and Safeguards Commission: www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/QS_Commission/Terms_of_Reference.

Chapter 2

Key issues

- 2.1 Evidence provided to the inquiry was broadly supportive of the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 (the bill). Specifically, submitters indicated support for the bill's aim of improving protections for participants of the National Disability Insurance Scheme (NDIS) and strengthening the compliance and enforcement powers of the NDIS Quality and Safety Commissioner (the Commissioner).
- 2.2 Submitters did, however, raise some issues of concern during the inquiry. These included:
- the information sharing provisions and their impact on privacy;
 - the practical application of the banning provisions and compliance orders;
 - the need for greater oversight of unregistered providers;
 - the lack of consultation prior to the introduction of the bill; and
 - other areas to further strengthen the protections for at risk NDIS participants.

Information sharing provisions

- 2.3 As noted in Chapter 1, the bill proposes amendments that would broaden the circumstances in which information can be recorded, used and shared.
- 2.4 A number of submitters raised concerns that the information sharing provisions may infringe on the privacy of individuals involved in the NDIS. For example, People with Disability Australia (PWDA), an advocacy organisation, agreed that the threshold to provide for the disclosure of information had been lowered, and that the information could be disclosed without the consent of the NDIS participant.¹
- 2.5 At the hearing, Ms Samantha Connor, President of PWDA, explained how the proposed amendments could also negatively impact on an NDIS provider:

As for ... authorising the disclosure of protected information for the purposes of worker screening but also about providing previous history, it might include the history of our psychiatric condition or psychosocial disability. It might be used to limit or restrict our supports or the way that we manage our money in a way that we won't ever know about. We will just know what we're given or what we're not able to access, and so these

¹ People with Disability Australia, *Submission 9*, p. 2.

are really big considerations that need to be discussed in detail with the sector before anything is put in place.²

- 2.6 The Australian Federation of Disability Organisations (AFDO) also noted with concern that information could be disclosed without the consent of the NDIS participant:

There needs to be a further articulation of why participants' right to privacy should be overridden by the need to protect [from harm], and how a person's privacy will be protected in the context of a quality and safeguards investigation regarding any issues of abuse. There needs to be a clearer articulation as to who the information is going to be shared with, and the participant needs to be notified that their privacy rights have been overridden by the need to protect [from harm].³

- 2.7 AFDO suggested that the NDIS participant be notified when their information is being disclosed, as well as informed of whom their information is being shared with, the reason for the disclosure (including that the threat of harm is current), and how their privacy will be protected. AFDO recommended that each decision should be independently assessed, and the details of each disclosure should be reported annually to the Office of the Australian Information Commission.⁴

- 2.8 The Department of Social Services (the department), acknowledged that the bill would broaden the circumstances in which information about an NDIS participant could be shared. However, the department also noted that the disclosure of information is restricted to circumstances where the life, health or safety of an NDIS participant is at risk.⁵

- 2.9 At the hearing, the Acting NDIS Quality and Safeguards Commissioner, Ms Samantha Taylor PSM, clarified that whenever possible they would seek the NDIS participant's consent before sharing their information:

I think our first port would be, as is already provided for under provisions in the act for disclosure of information, to seek the person's consent. Indeed, the powers available to us for disclosing protected commission information enable us to disclose where we have that consent, and that would be our preference.⁶

² Ms Samantha Connor, President, People with Disability Australia, *Proof Committee Hansard*, 2 August 2021, p. 5.

³ Mr Patrick McGee, National Manager—Systemic Advocacy, Insight and Research, Australian Federation of Disability Organisations, *Proof Committee Hansard*, 2 August 2021, p. 5.

⁴ Australian Federation of Disability Organisations, answers to questions on notice 2 August 2021 (received 2 August 2021); Queensland Advocacy Incorporated, *Submission 11 Attachment 1*, p. 2.

⁵ Department of Social Services, *Submission 4*, p. 6.

⁶ Ms Samantha Taylor PSM, Acting NDIS Quality and Safeguards Commissioner, *Proof Committee Hansard*, 2 August 2021, p. 23.

- 2.10 In relation to the disclosure of information for the purposes of a worker screening, the Commission advised that applicants for a screening are informed that enquiries about their eligibility may be made to the Commission, including about any misconduct or disciplinary action. If the applicant is not granted the clearance, they must be given the reasons for the decision and the opportunity to respond.⁷

Practical operation

- 2.11 A number of submitters raised concerns about the how certain provisions of the bill, in particular the provisions relating to banning orders and compliance notices, would operate in practice.
- 2.12 National Disability Services (NDS) expressed its support for the amendments that would improve access to information about a provider's past behaviour. However, more guidance was requested about the records that would need to be kept about employees and key personnel.⁸ At the hearing Ms Laurie Leigh, Interim Chief Executive Officer of NDS, elaborated:

There will be circumstances in which an individual may have worked for an organisation in the past, they've then left that organisation and, subsequently, been banned or had some issues. We're seeking to ensure that the impact of that on the organisation which was previously associated with that individual but which had no problems with them, because the banning came afterwards, shouldn't be a negative impact on that organisation.⁹

- 2.13 AnglicareSA requested further information about the conditions banning orders may be subject to, the timeframes for investigating and resolving banning orders, and how past conduct and events would be assessed.¹⁰
- 2.14 As noted in Chapter 1, a banning order is one of the most serious compliance tools the Commissioner can use and would only be contemplated after other compliance responses were found to be inappropriate.
- 2.15 At the hearing, the Acting Commissioner provided further information about the circumstances in which a banning order might be used:

All I can do, I think, is go back to the examples I gave earlier about the circumstances in which we might use these provisions. As I said before, they are not obligatory powers. I'll just take a step back. At present, if we were seeking to ban a person from operating in the NDIS because we'd substantiated a contravention—we'd identified they'd caused serious harm

⁷ NDIS Quality and Safeguarding Commission, answers to questions on notice 2 August 2021 (received 5 August 2021).

⁸ National Disability Services, *Submission 8*, pp. 1–2

⁹ Ms Laurie Leigh, Interim Chief Executive Officer, National Disability Services, *Proof Committee Hansard*, 2 August 2021, p. 13.

¹⁰ AnglicareSA, *Submission 5*, pp. 2–3.

to someone—maybe we would be required under the act to advise them of an intent to ban, for example, and then to go about a banning process. If, in that period, we were aware that there were other people who might be exposed to that person, we couldn't tell anybody because of the way in which the act operates currently. It's protected information as we go through the process of banning. We're not able to lawfully reveal the fact that we are actually concerned. These provisions allowing us to advise the agency that there might be other participants who might be affected are highly unlikely to result in a person saying, 'You shouldn't have told the agency.' These are areas where we are, with reasonable belief, deeply concerned about the safety of a participant. Having disclosed information that a person might be at risk where they may not have been aware they might be at risk, if a person wants to complain that we gave information that wasn't appropriate we would deal with that in the usual way as a complaint and seek to remedy that complaint with that person.¹¹

- 2.16 In relation to the past conduct of an individual, the department explained that information about past conduct was required to address recommendation 9 in the Robertson Review. The department noted that this would enable the Commissioner to disclose relevant information about the prior conduct of an NDIS provider when there is a threat to an NDIS participant's life, health or safety.¹²

Unregistered providers

- 2.17 Several submissions, including a submission from the Victorian Government, recommended that the bill include changes to provide for greater oversight of unregistered providers, as the current situation can leave participants exposed to a greater risk of abuse, neglect or exploitation.¹³ The Chief Executive Officer of Queensland Advocacy Incorporated, Ms Matilda Alexander, expressed a similar view, stating:

In Queensland, NDIS registered providers are covered by our Human Rights Act but non-registered providers are not. Unless this gap is addressed at the federal level, accountability for harmful actions is limited and pathways for complaints are confusing.¹⁴

- 2.18 Both the Allied Health Professions Australia (AHPA) and the Victorian Government noted that concerns about unregistered providers have been raised during other inquiries, including the committee's inquiry into the NDIS Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017, and the concurrent Joint Standing Committee on the National

¹¹ Ms Samantha Taylor PSM, Acting NDIS Quality and Safeguards Commissioner, *Proof Committee Hansard*, 2 August 2021, p. 31.

¹² Department of Social Services, *Submission 4*, p. 7.

¹³ Victorian Government, *Submission 15*, p. 3.

¹⁴ *Proof Committee Hansard*, 2 August 2021, p. 2.

Disability Insurance Scheme inquiry into the NDIS Quality and Safeguards Commission.¹⁵

Consultation

2.19 A number of inquiry participants raised concerns about the lack of consultation on the bill. For example, the Victorian Government noted that there was no consultation with state and territory governments.¹⁶ Similarly, Ms Connor argued that information should be available prior to changes being made to the NDIS, noting that, '[t]his is our scheme, and we are directly affected by what happens within it'.¹⁷

2.20 In response, the department explained that there was no consultation on the bill because of the significant consultation that had been undertaken for the Robertson Review. Moreover, that there will be consultation before the NDIS rules are changed:

The [Robertson] review involved consultation and hearings with stakeholders, which the commission could talk to. My understanding is that the review recommendations from the Robertson review were warmly welcomed as important issues to be addressed. This bill provides the overall framework within which actions occur, but it's within the rules and protocols within the commission and the NDIA that more detail is specified. Should this bill be passed, I'm aware that the commission, consistent with its ordinary practice, intends to consult stakeholders on the detail of the rules before they're made, and I note that they'll also be subject to consultation with the states and territories.¹⁸

2.21 The department also noted that the review of the NDIS Quality and Safeguarding Framework, scheduled to commence later in 2021, will include 'detailed consultation and engagement with the disability sector'.¹⁹

Further amendments to achieve the bill's purpose

2.22 A number of submitters noted that they would have liked for the bill go further to ensure the protection of vulnerable NDIS participants and to more fully implement the Robertson Review's recommendations.

2.23 The Office of the Public Guardian Northern Territory recommended that the bill should provide that each vulnerable NDIS participant with a specific

¹⁵ Allied Health Professions Australia, *Submission 13*, p. 2; Victorian Government, *Submission 15*, p. 3.

¹⁶ Victorian Government, *Submission 15*, p. 2.

¹⁷ *Proof Committee Hansard*, 2 August 2021, p. 6.

¹⁸ Mr Luke Mansfield, Group Manager – Market Capability, Department of Social Services, *Proof Committee Hansard*, 2 August 2021, p. 21.

¹⁹ Mr Luke Mansfield, Group Manager – Market Capability, Department of Social Services, *Proof Committee Hansard*, 2 August 2021, p. 21.

person with overall responsibility for that participant's safety and wellbeing. Further, that this role should be funded by the NDIS.²⁰

2.24 Queensland Advocacy Incorporated expressed the view that the bill does not give effect to a number of recommendations made in the Robertson Review, including:

- that no NDIS participant who has been identified as being vulnerable to abuse and neglect should have a sole carer providing supports in their home;
- that the Commission establish an equivalent state and territory community visitor scheme; and
- implementing improvements to the Commission's complaints handling processes.²¹

2.25 The department explained that the bill does not intend to address all of the recommendations of the Robertson Review:

... the bill is not intended to be a broad based response to all quality and safeguarding issues in relation to the NDIS or, indeed, as you indicated, every person with disability in Australia. The bill is intended to be narrower and was brought forward to try and respond to those recommendations [of the Robertson Review] at the earliest opportunity.²²

2.26 The department noted that changes had been implemented to address aspects of other recommendations, including the Commission imposing a new registration condition on NDIS providers of personal supports, developing a site visit policy and through planned amendments to the NDIS rules.²³

2.27 The department reiterated that the NDIS was under constant review and that the question of how to proactively identify people at risk of harm was on the national agenda:

We are doing some work between the commission, the NDIA and the department around seeking to better define the kinds of trigger events or other factors that might point to an increased risk of harm. We're also seeking to work with the states and territories around that, because, of course, there could be factors completely unrelated to the NDIS that go to a person's risk of harm, such as child protection or other matters that fall within state systems. So there's an ongoing, multiyear project around trying to work through those issues and come up with better ways of

²⁰ Office of the Public Guardian Northern Territory, *Submission 7*, p. 3.

²¹ *Submission 11*, p. 3.

²² Mr Luke Mansfield, Group Manager – Market Capability, Department of Social Services, *Proof Committee Hansard*, 2 August 2021, p. 22

²³ Department of Social Services, *Submission 4*, p. 2.

dynamically identifying people over time whose circumstances or change in circumstances may present a risk of harm.²⁴

Committee view

- 2.28 The committee acknowledges the concerns raised by inquiry participants about the bill's information sharing provisions, the need for greater clarity on the practical application of several provisions, the lack of consultation prior to the introduction of the bill and the need for more oversight of unregistered providers.
- 2.29 The bill's primary focus is to introduce measures that will provide greater protection for vulnerable NDIS participants. To this end, the bill enables the sharing of information only in limited circumstances—when there is a threat to an NDIS participant's life, health or safety.
- 2.30 Similarly, serious compliance action, such as banning orders, would only be contemplated where other compliance actions have been considered but deemed inappropriate.
- 2.31 The committee also notes that consultation was undertaken as part of the Robertson Review as well for as the proposed amendments to the NDIS (Provider Registration and Practice Standards) Rules 2018. Furthermore, there will be detailed consultation and engagement with the disability sector in relation to the NDIS Quality and Safeguarding Framework review, due to commence in late 2021.
- 2.32 The committee considers that the bill introduces measures that will afford greater protection for vulnerable NDIS participants and provide the Commission with the appropriate tools to strengthen compliance.

Recommendation 1

- 2.33 The committee recommends that the bill be passed.**

Senator Wendy Askew
Chair

²⁴ Mr Luke Mansfield, Group Manager – Market Capability, Department of Social Services, *Proof Committee Hansard*, 2 August 2021, p. 28.

Additional Comments by Labor Senators

- 1.1 Labor Senators support the bill's aim to improve the support and protections to NDIS participants who may be at risk of harm and acknowledge the Government's intent to respond to the death of NDIS participant Ann-Marie Smith who died in South Australia in April 2020 after a substantial period of neglect.
- 1.2 Labor called for the establishment of the Robertson Review into issues surrounding the death of Ms Smith and welcomed the ten recommendations made by the reviewer, the Hon. Alan Robertson SC on 4 September 2020. Labor also called for the Government to respond to the recommendations. Labor Senators note that this legislation was drafted in the absence of a formal Government response to the Robertson Review.
- 1.3 The absence of direct consultation with people with disability is concerning to Labor Senators because the displacement of people with disability from involvement in decisions about their lives directly contradicts the core 'person-centred' principle of the NDIS, and is part of the reason why people such as Ann-Marie Smith are frequently put in situations that place them at risk.
- 1.4 Labor Senators note the constructive comments by the Department of Social Services (the Department), the NDIS Quality and Safeguarding Commission and the National Disability Insurance Agency in relation to the work undertaken to ensure definitions of 'vulnerable' and 'at risk' reflect situational factors and circumstances rather than the person with a disability.
- 1.5 However, Labor Senators note the significant concerns raised by Disability Rights Organisations (DROs) in relation to the drafting of the bill without input from people with disability, other than the process undertaken as part of the Robertson Review which only had scope to consider the circumstances of a single NDIS participant.
- 1.6 Labor Senators disagree with paragraph 2.20 of the committee's report that suggests that the Robertson Review's consultation was sufficient for the purposes of developing the bill.
- 1.7 Despite these limitations, the bill seeks to amend the *National Disability Insurance Scheme Act 2013* (NDIS Act) to adopt the 10 recommendations of the Robertson Review to apply to all 430,000 participants on the scheme, each with unique circumstances and experiences of disability.
- 1.8 Numerous submitters to the inquiry raised concerns about the lack of consultation and several organisations expressed that these concerns remain unresolved due to the absence of an extended open community consultation process.

- 1.9 In response to a question on notice by Labor Senators regarding the specific changes required to make the information sharing aspects of the Bill workable, the Australian Federation of Disability Organisations (AFDO) provided:

Please find below AFDO's view on what needs to change in the NDIS Amendments Bill regarding what needs to change to balance the Q&SGC decision to override a participant's right to privacy in order to protect in the context of allegations of abuse.

In order to support any amendments that increase access, use and sharing of people with disability's personal information in the context of abuse the following issues must be addressed taking into account that the right to privacy is as important as the need to protect.

If the need to protect becomes more important than the participants right to privacy then a clearly identified process which articulates:

- Why the participant's rights to privacy should be overridden by the need to protect
- How a person's privacy will be protected in the context of the Q&SGC investigations regarding the abuse
- Who the information is shared with
- The person is notified that their privacy rights have been overridden by the need to protect
- To override participant privacy the threat of abuse has to be proved to be current (which will need to be defined)
- Identify the characteristics that determine if a person is vulnerable not just that the person is vulnerable
- That the decision to override participant privacy in order to protect from abuse be independently assessed as part of the protective decision making process
- Annual reporting for each case where the Q&SGC override participants privacy in order to protect to the Office of the Australian Information Commission.¹

- 1.10 Throughout the evidence provided at the hearing of the inquiry, several references were made to the review of the NDIS Quality and Safeguarding Framework that is expected to be initiated by the Government, alongside state and territory governments, later this year. The Department noted this will include 'detailed consultation and engagement with the disability sector'.²

- 1.11 Labor Senators note that the review of the quality and safeguarding framework may provide an opportunity for a consideration of the impacts of this bill in tandem with the disability sector, in particular the practical

¹ Mr Patrick McGee, AFDO, answers to questions on notice, 2 August 2021 (received 2 August 2021).

² Mr Luke Mansfield, Group Manager, Department of Social Services, *Proof Committee Hansard*, 2 August 2021, p. 21.

implementation of the information sharing provisions which were of particular concern to stakeholders.

- 1.12 Labor Senators consider that the passage of the bill should only be made with active engagement of people with disability and the disability sector, to ensure proper resolution of the matters relating to privacy and the interaction with the quality and safeguarding framework review set for 2021.

Senator Nita Green

Senator Helen Polley

Additional Comments by the Australian Greens

Summary of position

- 1.1 The changes that this legislation proposes have emerged from the horrific manslaughter of Ann-Marie Smith. We note that the Robertson Review was commissioned in response to those circumstances. We also note that there is currently a broader review of the NDIS Quality and Safety Commission (the Commission) being undertaken by the Joint Standing Committee on the NDIS that has heard evidence of further reforms that need to be made to ensure that the Commission works for disabled people nationally.
- 1.2 Safeguarding is a critical area in need of reform. Whilst the Robertson Review produced a number of key recommendations for improving the Commission, there remains ongoing discussion about how best to implement these recommendations.
- 1.3 This legislation proposes changes that carry serious implications for the human rights and privacy rights of participants, and some unanswered questions around the practical effect of the two-way information sharing arrangements. The Commission and the National Disability Insurance Agency (NDIA) need to do a better job of explaining, in plain language, what this legislation seeks to do and how it will affect participants.
- 1.4 This legislation has been brought before the parliament, without appropriate consultation with the disability community, at a time where co-design and community involvement are key issues. This is not ok, this is not acceptable, and the government must work to remedy this immediately. “Nothing about us, without us” is consistent across the entire spectrum of disability policy and it is no different in this instance.
- 1.5 The Greens acknowledge and thank those organisations and individuals who submitted evidence to this inquiry and gave their time, experience, and expertise. Community-led policy is fundamental to ensuring that we uphold the rights of disabled people and that we empower disabled people to occupy and lead in decision-making spaces.
- 1.6 There are a number of key recommendations that have emerged through the inquiry into this legislation that must be built-in to ensure that the rights of disabled people as stated in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) are upheld.
- 1.7 The Greens note that the dichotomy of rights-safety often forgets the fact that the enforcement of people’s rights and strong accountability are critical elements of ensuring people's safety. This is important when looking at the broader safeguarding framework in Australia.

Lack of consultation

1.8 The disability community was not consulted with in the drafting of this legislation. They found out about this legislation on the 3rd of June 2021 when it was tabled in parliament.¹

1.9 The Australian Federation of Disability Organisations (AFDO) stated in their evidence to the committee inquiry that:

The exclusion of people with disability and their representative organisations in putting forward the amendment bill and the failure of the minister to adequately include the substantive amendments being called for by the community in response to participants who were vulnerable and at risk of abuse and neglect is absolutely inappropriate and has caused this amendment bill to fail in its objectives. It is our submission that the minister has a duty to consult with people with disability and their representative organisations when making and amending laws which directly impact them. The minister has failed to do so and, as a consequence, there is a serious and significant threat to the human rights of people with disability.²

1.10 The Greens are strongly of the view that the government and its departments and agencies must at the very least properly consult with the disability community and their publicly funded disability representative bodies, and publish exposure drafts before introducing legislation to ensure that policies, systems, and services are designed by and for disabled people. This ultimately ensures that our systems are effective and fit-for-purpose.

Vulnerability

1.11 Discourse on the use of the word ‘vulnerable’ when characterising the relative safety and wellbeing of disabled people is complex but critical to understanding how we should be working in our safeguarding frameworks. Often ‘vulnerability’ is assigned as inherent to disabled people, rather than looking at the circumstances of marginalisation and socially-driven attitudes and systems that place disabled people at risk. This carries with it serious consequences for the rights of disabled people and their safety.

1.12 As articulated in People with Disability Australia’s (PWDA) supplementary submission to the committee:

This attitude of assigning qualities of ‘vulnerability’ rather than ‘marginalisation’ means that any proposed solutions are inevitably centred on processes which often restrict or reduce the disabled persons’ rights or freedoms rather than around the perpetrators. Violence, neglect and abuse against disabled people should not be regarded purely as the outcome of a transactional service agreement, or a

¹ Mr Patrick McGee, National Manager, AFDO, *Proof Committee Hansard*, 2 August 2021, p. 2.

² Ms Natalie Wade, Expert Advisor, AFDO, *Proof Committee Hansard*, 2 August 2021, p.3.

breach of administrative duties and responses should be informed by best practice within trauma informed response systems.³

- 1.13 There needs to be a comprehensive understanding of this issue both within the context of this legislation and in the broader safeguarding framework that we have in Australia. When we talk about the safety of participants, we need to talk about risk, rather than vulnerability. We also need to ensure that we articulate the drivers of risk, namely ableism, and service systems and policy frameworks that are not designed by and for disabled people and are inaccessible and not inclusive.
- 1.14 There is no attempt made by this legislation to capture the above issues in relation to vulnerability and there is no definition of what a 'vulnerable participant' is. This legislation proposes to allow disabled people, as participants of the NDIS, to be assessed as 'vulnerable', without any clear guidelines as to what this means.
- 1.15 This issue must be addressed as a priority.

Privacy and information sharing

- 1.16 This legislation proposes a series of amendments that change the way in which participant information can be used and shared. In particular, this bill:
 - Lowers the threshold with which information can be shared and used by the NDIA and the Commission. Item 7 of the bill removes the qualifier 'serious' to enable the making of a record, disclosure and use of protected information where the NDIA considers it 'for the purpose of, or in relation to, preventing or lessening a threat (whether current or future).'⁴
 - Allows for two-way information sharing between the NDIA and the Commission. Specifically, items 9 and 13 allow for information to be disclosed between these two bodies consistent with their functions.
- 1.17 The Greens note, with concern, that there is no requirement for the NDIA or the Commission to seek the consent of a participant or notify them that their personal information has been recorded, shared, and used for the purposes of safeguarding.
- 1.18 Added to this, the threshold for recording, sharing, and using participant information for the purposes of this bill has been lowered. We will have a situation where we have Commission and NDIA staff making critical decisions about people's lives and their information without clear processes for ensuring that the privacy rights of the individual whose information is being shared is being protected.

³ People with Disability Australia, *Supplementary Submission 9.1*, p. 9.

⁴ Explanatory Memorandum, p. 5.

- 1.19 The Greens are concerned that the privacy rights of participants are being put at risk, and that there could be significant consequences for the safety of participants should their information be mishandled.
- 1.20 Peak advocacy bodies who gave evidence to the inquiry also expressed deep concern about the two-way information sharing provisions being proposed.
- 1.21 Both PWDA and AFDO made clear in both their submissions and their evidence during the hearing that this legislation could infringe upon the rights of disabled people, particularly Article 22 of the UNCRPD.
- 1.22 As stated by Natalie Wade from AFDO:
- ... it is my view that that expansion of section 60 in particular—but arguably the entire amendment bill—will undoubtedly contravene the Convention on the Rights of Persons with Disabilities. I'm particularly concerned that public officers of the agency will be able to disclose past and unsubstantiated information that is without legal basis.⁵

Review of reviewable decisions

- 1.23 Item 42 of the bill inserts a new subsection that prevents a decision-maker reviewing a decision that they were personally involved in. However, it allows for a decision-maker to review a reviewable decision made by a delegate of the decision-maker.
- 1.24 The practical effect of this change has not been clearly explained by the NDIA, they must provide transparency in relation to their processes to ensure that any conflicts of interest, particularly where managers are reviewing decisions made by their staff are concerned, are addressed.

The missed opportunity

- 1.25 This legislation is very narrow in what it seeks to improve about the Commission. There is a broader context of review and areas of reform that have been missed here that would have driven more systemic changes that enhance safeguarding for all participants.
- 1.26 As noted by AFDO in their submission to the committee inquiry:
- For AFDO, the lack of consultation with Disability Representative Organisations including AFDO about changes to the NDIS Act to improve supports for vulnerable participants is one of missed opportunity to formally discuss the issue of rights protections for NDIS participants detained under orders in state and territory forensic units.⁶
- 1.27 The Greens also note that this legislation does not implement all recommendations that came out of the Robertson Review. This report has been with the government since September 2020. There has been ample opportunity

⁵ *Proof Committee Hansard*, 2 August 2021, p.8.

⁶ Australian Federation of Disability Organisations, *Submission 16*, p.8.

to undertake proper consultation with the disability community on how to implement all the recommendations and it is not good enough that this has not occurred.

Recommendation 1

1.28 This bill should only pass through the parliament if it is amended to reflect the significant feedback provided by the community during the course of the inquiry.

Recommendation 2

1.29 These amendments should address the shortfalls of the bill, and at a minimum must articulate:

- **Within a designated time frame, the person is notified that their information has been shared in accordance with the purposes of this legislation;**
- **That decisions to use a person's information consistent with the purposes of this legislation are reported on annually to the Australian Office of the Information Commissioner;**
- **How a person's privacy will be protected in the context of the NDIS the Commission's investigations regarding the abuse – including an option for an independent advocate to be appointed. The Explanatory Memorandum should be amended to address this;**
- **Identify the characteristics that determine if a person is 'vulnerable' not just that the person is 'vulnerable', and a process that notifies a participant if they have been determined to be 'vulnerable' and what it means for them;**
- **Change the language used from 'vulnerable' to 'at risk';**
- **Introduce clear records management processes that document what information has been recorded, shared, and disclosed for the purposes of this legislation as well as who recorded, shared, and/or made the disclosure. This applies to staff in both the NDIA and the Commission;**

- **To record, share, and disclose participant information for the purposes of this legislation, the threat of abuse (or disaster e.g. pandemic) has to be proved to be current (which will need to be defined);**

Senator Rachel Siewert
Deputy Chair

Senator Jordon Steele-John

Appendix 1

Submissions and additional information

Submissions

- 1 Tasmanian Government
- 2 Australian Clinical Psychology Association
- 3 Scope Australia
- 4 Department of Social Services
- 5 AnglicareSA
- 6 Assistive Technology Suppliers Australia
- 7 Office of the Public Guardian Northern Territory
- 8 National Disability Services
- 9 People with Disability Australia
 - Supplementary to submission 9
- 10 Office of the Public Advocate Victoria
- 11 Queensland Advocacy Incorporated
 - Supplementary to submission 11
- 12 Dr Adam Heaton
- 13 Allied Health Professionals Australia
- 14 Northern Territory Government
- 15 Victorian Government
- 16 Australian Federation of Disability Organisations
- 17 Australian Medical Association

Additional Information

- 1 Exposure Draft for the NDIS rules - 6 Aug

Answer to Question on Notice

- 1 Answer to question taken on notice during 2 August public hearing, received from Australian Federation of Disability Organisations, 2 August 2021
- 2 Answer to written questions taken on notice, received from NDIS Quality and Safeguards Commission, 5 August 2021
- 3 Answer to written questions taken on notice, received from NDIS Quality and Safeguards Commission, 5 August 2021
- 4 Answer to question taken on notice during 2 August public hearing, received from Office of the Public Guardian, 5 August 2021
- 5 Attachment one to answer to question taken on notice during 2 August public hearing, received from Office of the Public Guardian NT, 5 August 2021
- 6 Attachment two to answer to question taken on notice during 2 August public hearing, received from Office of the Public Guardian NT, 5 August 2021

- 7 Attachment three to answer to question taken on notice during 2 August public hearing, received from Office of the Public Guardian NT, 5 August 2021
- 8 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 9 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 10 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 11 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 12 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 13 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 14 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 15 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 16 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 17 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 18 Answer to written questions taken on notice, received from Department of Social Services, 5 August 2021
- 19 Answer to written questions taken on notice, received from Department of Social Services, 6 August 2021
- 20 Answer to question taken on notice during 2 August public hearing, received from People with Disability Australia, 6 August 2021
- 21 Answer to question taken on notice during 2 August public hearing, received from National Disability Insurance Agency, 9 August 2021

Appendix 2

Public Hearings

Monday, 2 August 2021

Committee Room 2S3

Parliament House

Canberra

People with Disability Australia

- Ms Samantha Connor, President

Queensland Advocacy Incorporated

- Ms Matilda Alexander, Chief Executive Officer
- Dr Emma Phillips, Deputy Chief Executive Officer and Principal Solicitor
- Ms Sophie Wiggans, Systems Advocate

Australian Federation of Disability Organisations

- Mr Patrick McGee, National Manager – Policy, Advocacy and Research
- Ms Natalie Wade, Expert Advisor

National Disability Services

- Ms Laurie Leigh, Interim Chief Executive Officer
- Ms Philippa Angley, Head of Policy

Australian Clinical Psychology Association

- Professor Caroline Hunt, President
- Dr Paul Gertler, NSW Section committee member

Allied Health Professions Australia

- Ms Claire Hewat, Chief Executive Officer
- Dr Chris Atmore, Manager – Policy and Advocacy

Department of Social Services

- Mr Luke Mansfield, Group Manager – Market Capability
- Mrs Bronwyn Worswick, Chief Counsel

NDIS Quality and Safeguards Commission

- Ms Samantha Taylor PSM, Acting Commissioner
- Ms Carolyn Strange, General Counsel

National Disability Insurance Agency

- Ms Liz Neville, General Manager – Government
- Mr Scott McNaughton, General Manager – National Delivery

Office of the Public Guardian Northern Territory

- Ms Beth Walker, Public Guardian and Trustee