



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

BILLS

**National Disability Insurance Scheme
Legislation Amendment Bill 2013**

Second Reading

SPEECH

Wednesday, 15 May 2013

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

Date Wednesday, 15 May 2013
Page 3198
Questioner
Speaker Macklin, Jenny, MP

Source House
Proof No
Responder
Question No.

Ms MACKLIN (Jagajaga—Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform) (10:10): I move:

That this bill be now read a second time.

This bill follows up the recent landmark legislation underpinning DisabilityCare Australia, the National Disability Insurance Scheme, by making minor clarifying and consequential amendments to complement the main legislation.

The National Disability Insurance Scheme Act 2013, passed earlier this year, establishes DisabilityCare Australia—the National Disability Insurance Scheme.

This will enable the scheme to be launched, and DisabilityCare Australia to operate the launch, in four sites across Australia from July 2013—in South Australia, Tasmania, the Hunter region in New South Wales and the Barwon area of Victoria—and, from July 2014, in the Australian Capital Territory and the Barkly region of the Northern Territory.

This bill makes minor amendments to the legislation to clarify the policy intention in relevant provisions, and to address minor anomalies and technical errors.

These technical changes will make sure that all of the details intended to be specified in the rules—which are necessary for implementation of the first stage of the scheme—will reflect the principal legislation for the scheme.

For example, provisions that allow rules to be made to prescribe relevant 'criteria' will be clarified to make sure rules can also be made to prescribe 'matters for consideration' or 'factors to be taken into account'.

Similarly, in the case of the early intervention supports, where there is no intention to make rules and where key eligibility criteria are already set out clearly in the legislation, the current rule-making power is being removed to avoid any risk that those provisions would not be available to people who may benefit from them.

The bill will strengthen the audit and risk management framework of DisabilityCare Australia. It is critical that the board adopts a rigorous approach to oversight of DisabilityCare Australia, ensuring that this historic reform is financially sustainable and will support the wellbeing of Australians with disability for decades to come.

The framework for audit and risk management provides an important assurance that DisabilityCare Australia's operations and risks are being prudently and soundly managed.

Other minor amendments include clarifying the matters to which the CEO must have regard when considering whether to take action to claim or obtain compensation, or take over the conduct of an existing claim. These matters are similar to the matters that the act already requires the CEO to have regard to when deciding whether to require a scheme participant to take compensation action.

While it is not expected that the CEO will often need to take on or take over compensation claims, the amendments provide clarity to scheme participants and potential participants about what the CEO would need to consider before taking any such action.

The bill also makes consequential amendments to other Commonwealth acts to complement the National Disability Insurance Scheme Act 2013.

The bill will establish a new National Disability Insurance Scheme Division of the Administrative Appeals Tribunal and require that members appointed to the division have expertise relating to disability or other relevant experience.

The minister responsible for the scheme will also have to be consulted before a tribunal member can be assigned to the new division.

These requirements will ensure that applications for review of relevant decisions under the scheme are reviewed by tribunal members with appropriate training, knowledge or experience in this specialised area. A robust external merits review system is integral to supporting fair, efficient and effective decision making under DisabilityCare Australia.

Amendments to the social security law will include changes to ensure that amounts paid under DisabilityCare Australia for supports funded under a participant's plan are not taken into account under the social security or veterans' entitlements income and assets tests.

Lastly, among some consequential amendments to the taxation legislation, there will be changes to ensure that payments and benefits provided under DisabilityCare Australia to participants in the scheme are exempt from income tax.

I commend the bill to the House.

Debate adjourned.