

28 July 2017

Committee Secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam,

Thank you for the opportunity to make a submission to the Inquiry into the ***National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017***. This Bill, which establishes the NDIS Quality and Safeguards Commission (the Commission), represents significant progress in the implementation of a national approach to protecting the safety of NDIS participants and ensuring the quality of disability services.

Catholic Social Services Australia (CSSA) is the Catholic Church's peak national body for social services. Our interest in this Inquiry comes from our commitment to a fairer, more inclusive Australian society that reflects and supports the dignity, equality and participation of all people. Our 52 member agencies employ around 10,000 people, with 5,900 volunteers, directly assisting some 450,000 people across 650 sites nationally and are the frontline service providers caring for and assisting the vulnerable and disadvantaged in our society. More than half of our members deliver services to people with a disability, and are committed to continue building the capacity of individuals with a disability, their families and communities under the NDIS.

Overall, CSSA supports this Bill which will implement vital protections for people living with a disability who (as highlighted in the Senate and Victorian inquiries) can be particularly vulnerable to unsafe practices and abuse. This Bill will establish a nationally consistent quality assurance mechanism and safeguards to ensure the dignity and safety of NDIS participants is respected and protected. This Bill implements the Commonwealth's regulatory responsibilities under the NDIS Quality and Safeguarding Framework (released by the Council of Australian Governments Disability Reform Council in February 2017) which was developed in consultation with people with a disability, carers and service providers.

However, as discussed below, CSSA has a number of concerns regarding this Bill which may limit the protection of participants and capability of providers.

### **1. Regulation exemptions for non-registered providers**

CSSA is concerned that the lack of accountability for non-registered providers will leave self-managing participants vulnerable to unsafe practices. In line with the NDIS principles of user choice and control, self-managing participants are able to select non-registered providers to deliver NDIS-funded services. However CSSA is concerned that allowing these providers to remain outside of basic quality safeguarding and incident reporting mechanisms will undermine the protection of vulnerable participants.

CSSA acknowledges that some of these risks may be mitigated by regulations to ensure participants can only acquire services deemed "high risk" from appropriately registered providers. However, classification of "high risk" services is yet to be confirmed, and there remains significant risks associated with the lack of overarching regulation for non-registered providers.

## 2. Relationship between complaints handling and registrar functions

Appropriate management of information flows between the different functional areas of the Commission will be vital. Further detail is required as to how the complaints handling body will determine the nature, severity and degree of complaints which qualify for notification to the registrar for further action, as well as what information will then be publically available on provider compliance and investigations. How the relationship between these functional areas is works in practice will determine the effectiveness of the Commission and the experience of providers.

## 3. Financial support for auditing

CSSA welcomes the provision (section 73S) of financial assistance grants for providers in regional or remote areas or where the cost of an audit is a barrier to registration, to support the establishment of these providers. However, current providers are facing difficulty meeting the considerable costs of quality compliance auditing, as this is not accounted for in the current NDIS price model. CSSA recommends broadening the financial assistance eligibility or consideration of changes to the current pricing model to properly account for ongoing audit costs.

## 4. Implications of definition of “key personnel”

This Bill introduces a definition of “key personnel” as including “directors of a body corporate and in any other case, a member of the person’s or entity’s governing body” (section 11A[2]). This definition has considerable ramifications for civil penalties for providers’ governing directors.

Faith-based agencies such as CSSA member organisations often have different governance arrangements from private sector providers. Further clarity is therefore needed as to the interpretation of these rules and the legal implications for faith based service providers’ governance arrangements.

CSSA recommends the issues identified above be addressed in the Inquiry, however overall this Bill represents a significant step forward in the transition towards a quality and safe NDIS.

Please contact Liz de Chastel, Director of Social Policy on Telephone 02 6188 6943 or [liz.dechastel@cssa.org.au](mailto:liz.dechastel@cssa.org.au), should you wish to discuss further any issues raised in this submission.

Yours sincerely,



for **Fr Frank Brennan sj AO**

Chief Executive Officer