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Senator Wendy Askew
Chair
Senate Community Affairs Legislation Committee

Via email: community.affairs.sen@aph.gov.au

Dear Senator Askew

Correction of evidence given at 2021-22 Additional Estimates hearing on 17 February 2022

I am writing to update evidence provided to the Senate Community Affairs Legislation Committee during its examination of the National Disability Insurance Agency in relation to Outcome 3.

I refer to the below extract from page 79 of the transcript where I provided staffing numbers in the AAT legal area as at 31 December 2021 which I would like to correct:

Senator STEELE-JOHN: We have also heard a lot about the additional pressure that NDIS cases are placing upon the tribunal. On the agency side of things, how many staff are permanently employed by the NDIA in the Administrative Appeals Branch?

Mr Hoffman: We have 23 in the AAT legal area. The number of staff in the AAT case management branch, which are non-lawyers but manage the coordination of the matter interaction with the tribunal with lawyers and clearly with the participants and their representatives—I focused on the legal ones—I'm sure someone will be able to tell me right now.

...

Mr Hoffman: Of those, seven are APS staff and 16 are labour hire workers.

Senator STEELE-JOHN: So the vast majority are labour hire workers?

Mr Hoffman: I don't know about vast, but the ratio is seven on 23, yes.

...

Senator STEELE-JOHN: How does that compare to the figure for the year before, to 31 December 2020?

Mr Hoffman: It's actually a bit lower. As at 30 June in the legal area there were 32 staff.

Mr Hoffman: There were 13 APS and 19 labour hire workers.

I wish to advise that as at 30 June 2021, in the AAT Branch the NDIA had:

- 33 lawyers working on AAT matters, comprising 14 APS positions and 19 labour hire; and
- 49 AAT case managers, comprising 19 APS positions and 30 labour hire.

On 13 September 2021 the NDIA implemented a restructure of AAT resources, creating two branches – AAT Case Management Branch, and AAT Dispute Resolution and Litigation Branch.

As at 31 December 2021 the staffing of these branches comprised:

- 22 lawyers comprising 7 APS and 15 labour hire; and
- 68 AAT case managers comprising 23 APS and 45 labour hire.

On another matter, I refer to the below extract relating to the NDIS Worker Screening Check process detailed on page 74 of the transcript:

Mr Hoffman: Could I add, going to the point of unregistered providers, that there are two important factual points here. Firstly, many of them are therapy allied health workers, so they are covered under the registration, oversight and regulation of their allied health profession. Secondly—and Ms Mackey or Ms Taylor can talk through the detail of that—the worker screening check for all disability support workers is done cooperatively with the states and applies to all workers regardless of whether they are registered, unregistered or self-managing participants. So those two other important regimes are there to add weight to the oversight arrangements that we've spoken about previously.

Although the statement is factually correct that worker screening applies to all workers (in that any worker engaged to provide services to registered or unregistered NDIS providers or self-managed participants can apply for an NDIS worker screening check, and participants can request unregistered providers have screened workers), on reviewing the transcript, I note it could give the impression that worker screening mandatorily applies to all workers. That is not the case.

Yours sincerely



Martin Hoffman
Chief Executive Officer
National Disability Insurance Agency

2 March 2022