

National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]

Public Hearing – 25 July 2024

ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]

Question reference number: IQ24-000125

Question asked by: Linda Reynolds

Type of Question: Spoken. **Hansard Page/s:** 21

Date set by the Committee for the return of answer: 31 July 2024

Question:

Senator REYNOLDS: This is probably one of the most important issues we need further advice from you on. We've got that for section 10, but what we also now need to understand is which of these rules will be in what instrument and in what order. Quite clearly, when you have a look at it, a number of these rules—in fact, probably all of them—impact on the ability of the scheme's CEO and the minister to make the changes needed to realise the savings in the budget, so the timing of that is very important. So please make it crystal clear for us as to how all of these will be enacted and at what point you would need to seek state and territory approval. Presumably, you're drafting the delegated legislation in anticipation of states and territories agreeing to the rule changes.

Ms Shannon: It's an iterative process.

Senator REYNOLDS: Yes, but states and territories are clearly in no mind to agree to anything at the moment, so, if they don't agree, we need to understand what the progressive impact of this series of delegated legislation will be in terms of the budget but also just the impact of its coming into effect, as in the rule change.

Ms Shannon: Senator, we will take that on notice and do our best to give you the information that you've asked for. I am conscious that I flagged earlier that we are going through a process of prioritising the development of the rules, and that is being done in consultation with states and territories. While they have expressed the views that they have, they are also working with us in good faith. So I don't want to pre-empt the outcome of that process to prioritise the rules.

Answer:

A table describing the rule making powers and instruments has been provided in IQ24-000123. The table includes information on the expected priority for each rule/instrument, noting this is subject to further prioritisation processes and consultation with states and territories. These are rule making powers, not all of which will need to be used.