



**National Mental Health  
Consumer & Carer Forum**

Community Affairs Legislation Committee  
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**National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017**

The National Mental Health Consumer and Carer Forum (NMHCCF) is grateful for the opportunity to provide comment to the Community Legislation Affairs Committee on the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017.

The NMHCCF is a combined national voice for mental health consumers and carers. We listen, learn, influence and advocate in matters of mental health reform. The NMHCCF was established in 2002 by the Australian Health Ministers' Advisory Council and reports to the Mental Health, Drug and Alcohol Principal Committee. Funding is provided by the Australian Government and state and territory governments. It is currently auspiced by Mental Health Australia.

NMHCCF members represent mental health consumers and carers on a large number of national bodies, including government committees and advisory groups, professional bodies and other consultative forums and events. Members use their lived experience, understanding of the mental health system and communication skills to advocate and promote the issues and concerns of consumers and carers.

The NMHCCF welcomes the introduction of the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017. The aim of establishing an independent national Commission, to protect and prevent people with disability from experiencing harm and oversee the regulatory arrangements for NDIS providers is an enhancement of the protections being afforded to scheme participants who experience psychosocial disability. The fact that the scheme involves national standards means that it should enable equal treatment of participants across Australia. It is important that the Commission be an independent body.

It has been a concern to the NMHCCF that there have been weaknesses in the current safeguarding of arrangements for disability services. These important safeguards were previously managed by funding agreements and government contracts which are now no longer relevant. The introduction of an overarching single body to oversee the operation of the NDIS system will bolster its effectiveness.

A single port of call for complaints is a necessary adjustment to the system however the NDIS Commission must not be the only mechanism for complaints resolution. Consumers must be provided with choice and NDIS regulations need to include the ways in which independent advocacy will interface with the NDIS Commission and support the implementation of the Quality and Safeguarding Framework.

The introduction of national obligations and standards which will apply to all NDIS providers and workers and the introduction of an NDIS Code of Conduct are important safeguards to participants. Of course, appropriate implementation of these new measures will be critical. The NMHCCF particularly welcomes the Bill's emphasis on the incorporation of the goals of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to prevent exploitation, violence and abuse of people with disability.

One of the features of the Bill which recognises the agency of participants is the concern of the Bill to balance the need for safeguards with the objective of enabling people with disability to take reasonable risks so they can reach their goals: the dignity of risk, an important principle.

The NMHCCF support the definition of restriction used in the Bill, with the inclusion of chemical and emotional restraint. The NMHCCF will be interested to monitor the work of the Commission in working toward the elimination of restrictive practices. Seclusion and restraint undermine the quality of life of mental health consumers and represent a failure of the system. The NMHCCF is averse to the use of restriction on mental health consumers and has hopes that this Bill will be part of a process to eliminate restrictive practices.

A strength of the Bill is that it arises out of the work of the Disability Reform Council and embodies appropriate consultation with consumers and carers, amongst other bodies. Engagement with consumers and carers is a cornerstone of developing appropriate policies and legislation in the area of health reform.

The NMHCCF welcomes the recognition of the principle of co-design as central to the NDIS. True co-design within the NDIS needs to be supported by policy and guidelines developed and agreed upon between people with a disability, the NDIA and governments.

In summary, the NMHCCF is supportive of the thrust of the Bill and the aim to safeguard and enhance the experience of participants in the NDIS system. As mentioned above, independence of the Commission will be a fundamentally important factor in the utility of the scheme.

On behalf of the NMHCCF, we thank you for the opportunity to provide comment on the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017.

Yours sincerely

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