ACT
Government

DISABILITY & COMMUNITY
SERVICES COMMISSIONER
ACT Human Rights Commission

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Senate Standing Committee on Community Affairs
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National Disability Insurance Scheme – Draft Bill

Thank you for the invitation to comment on this draft legislation and for granting an extension of time to complete this submission.

The National Disability Insurance Scheme (NDIS) presents a valuable opportunity to address the shortcomings of the present regime of support for people with disabilities and improve the lives of millions of Australians.

The Disability and Community Services Commissioner is one of three Commissioners at the ACT Human Rights Commission. The functions of the Commissioner include handling complaints about disability services, promoting the rights of the users of disability services, and assisting service providers to develop internal complaints handling mechanisms. The Commission also handles complaints of unlawful discrimination on the basis of disability. The Commission provides the following comments, therefore, from a context of familiarity with the positives and negatives of the current arrangements for disability funding and service provision.

Our comments are necessarily informed by experience with the ACT's legislative framework for the delivery and oversight of disability services. As the Commission operates in a human rights jurisdiction many of our comments are designed with the aim of strengthening the legislation to maximise the rights of people with disabilities, while ensuring that adequate safeguards are in place to address those who may be the most vulnerable in the community.

We have had the opportunity to read submissions from interstate colleagues, the South Australian Health and Community Services Complaints Commissioner, the Victorian Disability Services Commissioner, the New South Wales Ombudsman and the Australian Human Rights Commission. We generally endorse the representations made in those submissions and do not seek to repeat them.

The Health Services Commissioner in the ACT (also the Disability and Community Services Commissioner) is also responsible for dealing with complaints under the ACT *Health Records (Privacy and Access) Act 1997*. In that context we also endorse the comments made by the Office of the Australian Information Commissioner in respect to ensuring that people's privacy rights are protected.

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Specific comments about the draft bill are attached. The Commission would welcome the opportunity to be involved in further discussions regarding the Bill.

Yours sincerely

Mary Durkin
Disability and Community Services Commissioner

Chapter 1 - Introduction

Objects and principles

The Commission believes that the objects and principles in the Bill would benefit from an increased focus on human rights and further consideration in the context of the rights outlined in the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

We note the Human Rights Compatibility Statement's reference to the CRPD, as well as other relevant Conventions. We recognise that the intention of the NDIS is to the establishment of the NDIS will promote the rights of people with disabilities in Australia.

The ACT is one of only two jurisdictions in Australia to have specific human rights legislation and all other ACT legislation is, therefore, drafted in accordance with human rights principles. The drafting of the ACT Disability Services Act may provide a useful comparison.

The objects of the ACT *Disability Services Act 1991* are:

> (a) to enable people with disabilities to receive the services necessary to enable them to achieve their maximum potential as members of the community; and
>
> (b) to enable people with disabilities to receive services that—
>
> (i) further their integration into the community and complement services available generally to people in the community; and
>
> (ii) enable them to achieve a better quality of life including increased independence, employment opportunities and integration in the community; and
>
> (iii) are provided in ways that promote in the community a positive image of people with disabilities and enhance their self-esteem; and
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> (c) to ensure that the quality of life achieved by people with disabilities as the result of the services provided for them is taken into account in the granting of financial assistance for the provision of those services; and
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> (d) to encourage innovation in the provision of services for people with disabilities; and
>
> (e) to provide a system to administer funding for people with disabilities that is flexible and responsive to the needs and aspirations of those people.

The objects of the Bill would benefit from including concepts about people's rights to an improved quality of life and maximising their potential through the supports to be made available under the NDIS. While greater independence and social and economic participation are important, these concepts may not be a reality for every person with a disability. However, a focus on improving one's overall quality of life is an achievable objective. In contrast with the objects set out in the draft NDIS Bill, the ACT legislation provides that an individual's quality of life and achieving their maximum potential are important considerations in the allocation of funding for services. These are more powerful, yet still manageable, benchmarks and would provide an appropriate lens through which to interpret the legislation.

Clause 3(1)(g) of the Bill provides for the raising of community awareness of the issues that affect social and economic participation of people with a disability. Again, we note the distinction between the Bill and the higher aspiration in the Disability Services Act, which focuses on the promotion of positive images of people through the delivery of services – a more empowering objective than awareness-raising on its own.

The ACT Disability Services Act at Schedule 1 also provides a useful comparison when considering the principles in clause 4 of the Bill. The Act contains human rights principles to be furthered in relation to people with disabilities in the delivery of services. We recommend that some of the principles in clause 4 of the Bill might be strengthened by using more specific human rights focussed language.

For example, clause 4(5) of the Bill states: *People with disability should be supported to receive reasonable and necessary supports, including early intervention supports.* A human rights language approach to such a principle can be found in Schedule 1(5) of the Disability Services Act which provides: *People with disabilities have the same right as other members of society to make and actively participate in the decisions that affect their lives and are entitled to appropriate and necessary support to enable participation in, direction and implementation of the decisions that affect their lives.*

Similarly, clause 4 (7) states: *People with disability have the same right as other members of Australian society to pursue any grievance.* In contrast Schedule 1(8) of the Disability Services Act provides a context for greater protection of that right by providing:

> *People with disabilities who wish to pursue a grievance also have the right to—*
> *(a) adequate support to enable pursuit of the grievance; and*
> *(b) be able to pursue the grievance without fear of discontinuation of services or recrimination from any person or agency who may be affected by or involved in the pursuit of the grievance.*

Recommendation 1
That the objects and principles in the Act:

- be framed in the context of rights, rather than that people 'should' have access to support, and provide greater context for those rights;
- include the concepts of maximising quality of life and potential; and
- include a focus on the promotion of positive images of people with disabilities, rather than simply awareness-raising.

Chapter 3 – Participants and their plans

Permanent support needs

Clause 24 requires that the disability requirements are met if a person's impairment is or is likely to be permanent. Such a restrictive requirement may preclude people accessing the scheme who have significant and debilitating disabilities for extended periods of time, but where recovery is possible in some circumstances and where cures may eventuate e.g. Fibromyalgia and Myalgic Encephalomyelitis/chronic fatigue. A person who is reliant on oxygen, for example, in many cases may be in need of significant support but may not in the future if they are on a transplant list and are a successful recipient of a lung transplant. Similarly, many young children may be in need of significant support but their conditions may not be fully diagnosed, such that it can be said that their impairment is permanent. While it is appreciated that the NDIS is not intended to provide coverage for temporary conditions such as broken legs or other health conditions, we would caution against the use of the term 'permanent' in this context.

The focus of the legislation should, in our view, be on the long-term nature of the supports needed for people, rather than that impairments must subjectively be considered as permanent. The support needs of people can fluctuate and in such circumstances this can be addressed through regular review points as necessary, which could be supported by medical documentation.

Deemed decisions

Clause 21(3) provides that the CEO is deemed to have made a decision that a person does not meet the access requirements if they do not make a decision within 21 days. Subclause 100(a)(ii) then provides that this decision is automatically reviewable. Subclause 100(6) states that the reviewer must make a decision as soon as reasonably practicable regarding the reviewable decision. We welcome the timeframes for the Agency's decision making and are pleased to note that failure to meet these timeframes would automatically constitute a reviewable decision.

While 'as soon as practicable' might be appropriate for most reviewable decisions where a first level decision would already have been made, we query whether this is an appropriate measure in relation to a failure to make a decision. The timeframe for obtaining a decision remains too open ended and leads to the possibility that applicants will be disadvantaged if a decision is not made for many months. We recommend that it would be appropriate to include a timeframe for review of deemed decisions.

Reasonable and necessary supports

The provision at subclause 34(c) that "the support represents value for money in that the costs of the support are reasonable..." is problematic in terms of how it will operate in practice and whether it will limit people's abilities to change service providers and have flexibility in the expenditure of funds. We consider that this aspect of the operation of the scheme should be in the legislation, rather than in the Rules.

The provision at subclause 34 (d) that "the funding or provision of support takes account of what it is reasonable to expect families, carers, informal networks and the community to provide", is open to a significant degree of subjectivity. While the Commission appreciates that the Rules are likely to provide greater guidance on this issue, we submit that the legislation itself needs to provide clarity for decision makers around what is and is not able to be funded. There are many circumstances where family members are providing extraordinary levels of support simply because no alternatives are available. Continuing with such arrangements might be considered by some decision makers to be reasonable because such support is already being provided, while others may rightly say that such levels of support are too much of an imposition on families and carers.

Recommendation 2
That the Bill be amended to:

- emphasise a requirement for long-term significant support, rather than permanency of impairment;
- include provisions related to how "the support represents value for money in that the costs for the support are reasonable" are to operate in practice;
- provide a timeframe for review of deemed decisions; and
- provide greater guidance for decision makers on "reasonable and necessary supports".

Chapter 4 – Administration

Privacy

As noted earlier, we endorse the submission from the Office of the Australian Information Commissioner.

Children

The Commission recommends that the legislation be amended to use the terms child or young person, or children and young people at all times, and that the Rules also reflect this terminology. Under Australian law, people under the age of 18 are considered minors. A person who is 17, for example, is not a child. The use of appropriate terminology shows respect for young people by not referring to them as children.

Article 7(3) of the *UN Convention on the Rights of Persons with Disabilities* states that:

> *States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age appropriate assistance to realise that right.*

Part 4 of the Bill reflects a binary approach where a child or young person is either deemed capable of making decisions for themselves, or has no formal right to participate in decision making.

We consider that the starting point of the legislation should be that all children and young people should be considered as capable of participating in decisions that affect them, and that the weight given to their views should increase in accordance with their evolving age and maturity, reflecting the principle in *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402 (HL).

The right of children and young people to participate in decision making (where they are not deemed capable of making their own decisions under clause 75) could be incorporated in clause 74(1) by providing that if the Act requires or permits a thing to be done by or in relation to a child or young person, the thing is to be done by, or in relation to the parent or other person *in consultation with the child or young person in accordance with s76.*

This requirement to exercise decision making responsibility in consultation with a child or young person could be better reflected in the 'duty to children' in clause 76. Rather than simply ascertaining the wishes of the child or young person, the duty to children could be amended to provide that:

- A person must act in a manner that promotes the personal and social wellbeing of the child or young person.

- In determining what will promote the personal and social wellbeing of a child or young person, the views and wishes of the child or young person must be ascertained, and weight given to those views and wishes in accordance with the age and maturity of the child or young person.

The defences to a breach of this duty in clauses 76(2) and (3) could provide that it is not a breach if the person has genuinely sought to ascertain the views and wishes of the child or young person, and reasonably believes that they have given appropriate weight to those views and wishes in making the decision, in accordance with the age and maturity of the child or young person.

It is not clear from clause 76 what consequences follow from a breach of the duty to children by a parent or other person. If the duty is to have any effect, we consider that there must be clearly specified consequences where a parent or other person fails to act in a manner that promotes the personal and social wellbeing of the child or young person, including the requirement to ascertain and give appropriate weight to their views and wishes.

The duty in clause 76 is relevant to the decision of the CEO in clause 74(1)(b) that a parent is not an appropriate person to make decisions on behalf of a child. In our view this clause could be amended to state that in making a decision under clause 74(1)(b), the CEO must have regard to the ability of the person having parental responsibility to comply with the duty to children under clause 76.

The capacity of children and young people with a disability, just like any other child or young person, to make decisions for themselves will evolve over time. Any determination by the CEO that a child or young person is not capable of making decisions for him or herself under clause 75 should be required to be revisited by the CEO at regular intervals (for example, at least every year for young people) to reflect this evolving capacity.

Such decisions should also be subject to internal and external review where a child or young person considers that they are capable of making their own decisions. In our view, the legislation must ensure that decisions made under clause 74(5) are reviewable.

The Commission notes that clause 99(j) provides that a decision made under paragraph 74(4)(c), not to make a determination that clauses 74(1) and (2) do not apply to a child, is a reviewable decision. However paragraph 74(4)(c) does not appear to exist. If the intention was that review will apply to decisions made under clause 74(5), then the Commission agrees that this is appropriate.

Nominees

It is unclear whether or to what degree nominees will interact with or replace other decision makers, guardians etc., who are involved in the lives of participants. It is also unclear whether the existence of other decision makers in a participant's life will influence decisions about the appointment of a nominee. We recommend that this needs to be given substantial consideration as the provisions lead to the prospect that there will be confusion about the roles of different people in the lives of participants.

Clause 80(4) states that the NDIS Rules may prescribe other duties of a nominee, including to support the decision making of the participant personally or to have regard to and give appropriate weight to the views of the participant. The Commission would submit that in all circumstances a person requiring support to make decisions should be provided with that support. The Commission contends that the Plan nominee could not rightfully claim to have taken into account the wishes of the participant if that person was not given all support necessary to maximise input into the decision making process.

Furthermore, the Commission submits that in all circumstances a nominee should be giving appropriate weight to the wishes of the participant and that if this is not occurring then the nominee is failing in their duties. It seems inappropriate that the Rules would have provision to prescribe matters that should be an inherent right for all participants in the legislation itself.

The ability for a CEO to appoint a nominee at their own instigation, without specified criteria for making such a decision, is also of concern. State and Territory guardians on the other hand are appointed by independent tribunals providing an additional level of protection for individuals. We recommend that consideration be given to the extent of the CEO's powers in these circumstances and how they interact with existing processes for substitute decision makers.

The Commission recommends that clause 83(1) be amended to state that a nominee must, in all circumstances, inform the Agency if any of the changes detailed under 83(1)(a) or (b) were to occur. If a nominee is no longer able to carry out the duties of the role due to a change in circumstances then they must no longer continue in that role. The requirement to notify should not be contingent on the Agency issuing a notice that requires it.

Review of decisions

If the same right as other Australians to pursue any grievance is a founding principle guiding actions under the Act, then this needs to be supported by genuine opportunities for seeking redress at any stage of assessment, planning and service provision. It is arguable that the NDIS stands to be a system which potentially impacts on more of an individual's life than any other funding or service delivery system in this country. It is therefore critical that there are a range of options, not only for merits review at significant decision points, but for accessing informal resolution-focussed complaint mechanisms, and for having access to advocacy support to pursue such options. Such protections would assist in ensuring that people are not disadvantaged in situations of human or system error.

Reviewable decisions outlined in clause 99 are to be internally reviewed and are then subject to Administrative Appeals Tribunal (AAT) review. In light of the significant departure of such decisions from normal AAT operations, the Commission submits that it would be appropriate to establish a specialist tribunal (like the SSAT or the Veterans Review Boards), with a right of appeal to the AAT, or a specialist division of the AAT with expertise in the area of disability. It may be that expanding the specialty of the SSAT itself would be appropriate and create a Social Security and Disability Insurance Appeals Tribunal.

Challenges to decisions made by the Agency, such as decisions to approve a statement of participant supports in a Plan, will necessarily involve challenges to the Agency's determination of what general supports may be available to a person with a disability and what other supports are considered to be 'reasonable and necessary'. It is essential that any review body have expertise in disability support requirements across the multitude of disabilities and unique support needs, expertise in communicating with people with disabilities, well trained members and staff in relation to disability issues, and the ability to build a body of precedent and corporate knowledge. This is not achievable within the AAT General Division.

AAT review is also relatively formal, legalistic and costly, and will be daunting for many people with disabilities. A consistent theme of the Commission's discussions with many people with disabilities is their reluctance to pursue complaints because of the additional impositions on their lives when the energy involved in day to day activities and challenges can be all consuming. The Disability Services Commissioner's complaints processes are informal, so pursuing more formal options for review will be seen as prohibitive in many cases.

If people with disabilities are to have genuine opportunities to seek AAT review of decisions it would be appropriate that Agency funding be available to cover the costs of representation in the AAT, with the exception of frivolous or vexatious claims. There are precedents for this in relation to particularly vulnerable communities e.g. applications to the Veterans Review Board.

Recommendation 3

The Commission makes the following recommendations in relation to Chapter 4.

- that the privacy concerns raised in the submission from the Office of the Australian Information Commissioner be addressed;
- that clause 74(1) be amended to provide that if the Act requires or permits a thing to be done by or in relation to a child or young person, the thing is to be done by, or in relation to the parent or other person *in consultation with the child or young person in accordance with s 76.*
- that clause 76 be amended to provide that:
    - A person must act in a manner that promotes the personal and social wellbeing of the child or young person.

  - In determining what will promote the personal and social wellbeing of a child or young person, the views and wishes of the child or young person must be ascertained, and weight given to those views and wishes in accordance with the age and maturity of the child or young person.
- that the defences to a breach of this duty in clauses 76(2) and (3) be amended to provide that it is not a breach if the person has genuinely sought to ascertain the views and wishes of the child or young person, and reasonably believes that they have given appropriate weight to those views and wishes in making the decision, in accordance with the age and maturity of the child or young person.
- that clause 74(1)(b) be amended to state that in making a decision under clause 74(1)(b), the CEO must have regard to the ability of the person having parental responsibility to comply with the duty to children under clause 76.
- that any determination by the CEO that a child or young person is not capable of making decisions for him or herself under clause 75 should be required to be revisited by the CEO at regular intervals (for example, at least every year for young people) to reflect this evolving capacity.
- that the legislation must ensure that decisions made under clause 74(5) are reviewable.
- that in relation to nominees:
  - the interaction between nominees and other substitute or supported decision makers is clarified;
  - that nominees must support participants to express their wishes;
  - that nominees are required to automatically advise the Agency of changed circumstances; and
  - that the CEO's powers to appoint nominees be given further consideration.
- that specialist review of decisions is provided, rather than by the General Division of the AAT, and that the costs associated with appeals be covered by the NDIS.

Chapter 7 – other matters

Concurrent operation of State laws

We welcome the commitment in clause 9 of the Bill to implementing Australia's obligations under the Convention on the Rights of Persons with Disabilities. As noted earlier, the ACT is one of only two jurisdictions in Australia to have specific human rights legislation (*Human Rights Act 2004),* which arguably already gives some domestic legal status to the Convention.

As this is a Commonwealth Bill, it appears that the ACT HR Act would not apply to the interpretation of the legislation or the status of the National Disability Insurance Scheme Launch Transition Agency. We submit that, consistent with the intention of the Bill to comply with Australia's Human Rights obligations[1], and the existing human rights legislation in the ACT, the Bill explicitly state that the National Disability Insurance Scheme Launch Transition Agency is a public authority for the purposes of the ACT Human Rights Act when discharging its obligations in the ACT. This would also be consistent with the intention stated in clause 3 that the scheme be 'jointly-governed' between the Commonwealth and

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[1] Under the *Human Rights (Parliamentary Scrutiny) Act 2011*

ACT Governments. Precedent for this position rests with the application of the public authority provisions to the Australian Federal Police in the context of its community policing operations in the ACT.

Whether a registered provider under the Bill would also be a public authority for the purposes of the ACT HR Act is unclear. We submit that the Bill might also clarify this question. We submit that, for the sake of clarity and to provide the maximum protection to clients of these organisations, the Bill also explicitly state that they are public authorities for the purposes of the ACT HR Act when operating within the ACT.

Such an approach would be consistent with the principles set out in clauses 4 and 5 of the Bill and with clause 207 of the Bill which provides:

> *It is the intention of the Parliament that this Act is not to apply to the exclusion of a law of a State or Territory to the extent that that law is capable of operating concurrently with this Act.*

Recommendation 5

The Commission recommends that the Bill provide for disability service providers, including the National Disability Insurance Scheme Launch Transition Agency, to be designated as public authorities when operating in the ACT and subject to the application of the ACT Human Rights Act.

Complaints mechanisms

A significant absence in the Bill is clarity around what opportunities will be available to people for pursuing complaints.

Legislative requirements

Clause 73 provides that the Rules will provide "the process for handling complaints involving registered providers of supports". The Commission submits that the legislation itself needs to include more specific measures in relation to obligations of registered service providers in relation to complaints. These should as a minimum include obligations to have internal complaints handling mechanisms in place, to provide clients with information about how to access internal and external complaint processes, and to provide clients with assurances that they will not suffer detriment for making complaints.

The legislation should also provide that making a complaint will not result in any form of victimisation or detriment to the person complaining. People with disabilities are commonly the most reluctant sector in our community to complain for fear of consequences from paid carers and service providers. In the ACT *Human Rights Commission Act 2005*, penalties apply for victimising complainants. The Commission recommends that the NDIS Act include such a provision.

Scope for making complaints

Clause 73 limits complaints handling coverage to registered providers of support. This approach runs the risk that many people will not have access to any external complaints mechanisms in an environment where people are able to self-manage their funding and exercise choice and control in the marketplace. Many people may purchase services from non-registered providers. While it may not be appropriate to apply all the same criteria that will apply to registered providers, people with disabilities who experience problems with service provision under individual arrangements should, as a minimum, be entitled to access an independent and impartial complaints authority to seek assistance in resolving those concerns. Providing an obligation on service providers to cooperate with complaint processes may be all that is required.

In the Commission's view, complaints handling mechanisms should be available on the basis that a disability service is being provided to a person with funding from the NDIS in accordance with that person's Plan. To achieve this, the broadest possible definition of a disability service is appropriate, rather than limiting a complaint authority's jurisdiction to only registered providers.

In the ACT, the Human Rights Commission Act provides the Disability Services Commissioner with a broad definition of a disability service, enabling the Commissioner to address concerns on the basis of someone receiving a service, rather than on the status of the service provider. Section 8 defines a disability service for the purposes of the Act as follows:

> (1) A *disability service* is a service provided in the ACT specifically for people with a disability or their carers.
>
> Examples of services for people with a disability or their carers
>
> 1 a service that provides home help, personal care, home maintenance or modification, food services, respite care, transport, assessment or referral of support needs, education, training and skill development, information services, coordination, case management and brokerage, recreation, advocacy, community access, accommodation support, rehabilitation, or employment services, specifically for people with a disability or their carers
>
> 2 a service provided in association with the use of premises for the care, treatment or accommodation of people with a disability.

The Commission recommends that the definition of service provider be sufficiently broad as to capture the myriad of services that will likely exist in the NDIS environment.

Coverage

Complaints mechanisms need to be available in relation to the full range of service providers that will exist.

Clause 13(1) of the Bill provides that the National Disability Insurance Agency (NDIA) will be providing services to people with disabilities. It is critical that people have access to independent statutory oversight of all services delivered by the NDIA. In the absence of any indication in the Bill about what complaints mechanisms are to be available in the future, the Commission recommends that the legislation specifically provide that the concurrent application of State or Territory laws (as provided for in clause 207), includes the application of State and Territory independent complaints mechanisms in relation to the activities of the NDIA when it is operating as a provider of services.

Similarly, it may be appropriate to provide that the application of State and Territory independent complaints mechanisms apply in relation to all service providers. Placing a specific provision in the primary legislation would remove any uncertainty about jurisdictional issues. For the purposes of clarity it may also be appropriate to identify which Commonwealth, State and Territory complaint handling bodies (including those with functions relevant to disability services and anti-discirmination) have jurisdiction in the pilot sites.

It would be regrettable if people who live in participating jurisdictions for the launch of the national scheme suffer a detriment in being unable to access complaint handling mechanisms that are currently available to them.

National consistency

The Commission considers that a national scheme requires nationally consistent complaints handling mechanisms. Whether this is through providing a national body with the role to deal with service complaints, through extending and harmonising the provision of localised mechanisms, or through having concurrent Commonwealth and State mechanisms in place, the Commission submits that a national scheme must not be reduced to the lowest common denominator.

A national scheme requires broad coverage to encompass all possible service providers; complaint authorities need to have a suite of tools available to them to tailor options for resolution to the circumstances at hand; victimisation provisions need to be available; complaints mechanisms need to be free; and complaints authorities need to be appropriately resourced.

Complaint handling in relation to service provision is quite different to many other complaints mechanisms. Informal complaints mechanisms, rather than legalistic paper-based complaint processes, are often the key to quickly resolving disability service complaints. A complaints authority needs to be able to move quickly in circumstances where people are suffering significant detriment as a result of being denied access to services or being provided with poor services. The ACT Human Rights Commission Act was amended in 2010 to provide that *"a complaint may be made orally if the commission is satisfied on reasonable grounds that exceptional circumstances justify action without a written complaint."* This has enabled the Disability Services Commissioner to be much more proactive in dealing with complaints than previously. On a number of occasions, a complaint has been made and the Commissioner has been in the position to visit the service provider and the complainant the same day and progress immediate action to resolve the issue. The benefits of such localised options in small jurisdictions must not be lost in developing a nationally consistent scheme.

Recommendation 6

The Commission recommends that:

- essential elements of complaints mechanisms are outlined in the NDIS Act, rather than in the Rules and include minimum provisions relating to internal complaints processes, and the provision of information to complainants about all internal and external options for making complaints;

- the Act include offences for victimisation of people who complain;
- a broad definition of a disability service be included to enable people to make complaints in relation to any registered or unregistered service provider;
- current external complaints mechanisms apply to the operations of the NDIA as service provider; and
- that future development of complaints mechanisms ensure that the strengths of localised operations are preserved.