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**Community and Public Sector Union**  
**Beth Vincent-Pietsch ♦ Deputy Secretary**

28 June 2017

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

by email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Dear Committee Secretary

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

As the union representing staff at the National Disability Insurance Agency (NDIA), the Community and Public Sector Union (CPSU) welcomes the opportunity to make a submission regarding the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017.

The 2017-18 Budget committed \$209 million to establish a National Disability Insurance Scheme Quality and Safeguards Commission (the Commission) with approximately 300 employees to oversee NDIS providers.<sup>1</sup> The CPSU understands the purpose of the Commission is to regulate providers and respond to complaints and reportable incidents. The CPSU notes that the Commonwealth will responsible for:

- registration and regulation of NDIS providers, including Practice Standards and a Code of Conduct;
- compliance monitoring, investigation and enforcement action;
- responding to complaints and reportable incidents including abuse, and neglect of a person with disability;
- national policy setting for the screening of workers;
- national oversight and policy setting in relation to behaviour support and monitoring the use of restrictive practices, within the NDIS with the aim of reducing and eliminating such practices; and
- facilitating information sharing arrangements between the Commission, the NDIA, State and Territory and other Commonwealth regulatory bodies.

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<sup>1</sup> The Hon Christian Porter MP (2017, 9 May) Guaranteeing the NDIS and providing stronger support for people with disability. Media Release. Retrieved from <http://christianporter.dss.gov.au/media-releases/guaranteeing-the-ndis-and-providing-stronger-support-for-people-with-disability>

While the CPSU is supportive of a single national registration and regulatory system, the CPSU has some concerns about the proposal to move a range of functions from the NDIA to a new Commission. As Associate Professor Helen Dickinson has noted, *“while such an agency will be welcomed by many, the devil will be in the detail as to whether it is possible to deliver this in practice”*.<sup>2</sup>

The CPSU seeks further information about why a separate Commission needs to be established. It is unclear what powers the Commission will have that do not currently exist under the NDIS Act and how it will be different to what powers the Administrative Appeals Tribunal can currently exercise. The CPSU has reservations because it is concerned that resources, which would be better spent on the NDIA, may be used to establish a separate body that duplicates powers existing agencies already have. The CPSU also notes that the Productivity Commission inquiry into NDIS Costs has yet to be finalised and it would be better to wait until this process is completed.

The CPSU has been particularly concerned about the lack of consultation with staff as the proposed arrangements are for the Commission to take on responsibilities from July next year. Members have informed the CPSU that there has been no consultation with staff whatsoever. One member stated that they only knew of the change because they were informed about it by a friend in another Department. For the new Commission to provide the best outcomes for NDIS participants, staff must be engaged from the outset.

The CPSU recommends that staff are genuinely consulted about the proposal and the impact it will have on staff before any Machinery of Government changes occur to create the Commission. The changes should be delayed, if necessary, for this to occur.

The CPSU is happy to provide information on the matters raised in this submission and supplementary information on other relevant issues.

For further information, please contact Osmond Chiu, Policy and Research Officer

Yours sincerely

Beth Vincent-Pietsch  
Deputy Secretary  
Community and Public Sector Union

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<sup>2</sup> The Conversation (2017, 9 May). Budget 2017 sees Medicare rebate freeze slowly lifted and more funding for the NDIS: experts respond. Retrieved from <https://theconversation.com/budget-2017-sees-medicare-rebate-freeze-slowly-lifted-and-more-funding-for-the-ndis-experts-respond-77315>