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Office of the CEO

Ms Sophie Dunstone
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
Via email: LegCon.Sen@aph.gov.au

Dear Ms Dunstone,

Thank you for your letter of 10 February 2025 about the Committee's inquiry into Commonwealth Workplace Protection Orders Bill 2024 [Provisions] (the Bill).

The National Disability Insurance Agency (NDIA) supports the Bill because it will assist the Agency in keeping National Disability Insurance Scheme (NDIS) participants and visitors at NDIA offices, as well as Agency staff, safe and secure.

Incidents of aggression by members of the public are growing

During 2023–24, our frontline workers in service centres, national contact centres and operational teams supported over 661,000 NDIS participants throughout Australia. To support workers impacted by violence, aggression and victimisation in the workplace, the NDIA launched the Safe and Respectful Workplace Framework and Safe and Respectful Team in June 2023. The team responds to and manages reports of unacceptable behaviours to ensure the NDIA is a safe and respectful workplace that is free from physical and psychosocial harm.

Incidents of aggression by members of the public at NDIA offices reported by our frontline workers includes:

- experiences of physical assault, including with a weapon and spitting
- exposure to objectionable material

- objects being thrown at frontline workers
- verbal abuse including serious threats of harm and violence
- threats of self-harm
- property damage

Incidents of aggression by members of the public has significant impacts for the NDIA, reducing the operational capacity and capability of the Agency and partner agencies in delivering services to NDIS participants, and has the potential to seriously endanger the health and wellbeing of NDIA staff, contributing to physical and psychological injury claims, absenteeism and reduced productivity. In particular:

- The NDIA experienced a 55% increase in reported Workplace Health and Safety (WHS) incidents over 12 months to December 2024 (891 reported incidents compared to 574 last financial year). This increase is correlated with the 27% growth in our workforce during the same period.
- This increase has been predominantly driven by a rise in incidents of aggression by members of the public (121% increase from December 2023 to December 2024) and mental stress (23% increase from December 2023 to December 2024).

The proposed legislation will help us to protect our staff

Recent security reviews, including at the NDIA, provide strong support for the proposed legislation. Key challenges that the proposed legislation will address include:

- removing the need for individual staff members who experience incidents of aggression from having to apply for their own protection orders, instead allowing the NDIA to take action on behalf of impacted staff; and
- providing consistent protection for staff no matter which state or territory they work in, removing the need to navigate different legislative protections in every state and territory.

The Agency has been working closely with individual state jurisdictions on state-based protection orders in the absence of Commonwealth legislation. This work has included close collaboration with state-based police agencies due to the threats of violence directed towards our staff.

Operating under state legislation places the onus of action on individuals, increasing risk and exposure of personal details. As an employer, we recognise that most state jurisdictions require these orders to be pursued as personal matters, not by the Commonwealth agency. The Australian Capital Territory is currently the only jurisdiction allowing us to take action on behalf of employees. This disparity means:

- Disclosure of personal and private information can occur when an employee is required to make the application themselves, and increases the risk to an individual employee. Allowing the Agency to make this application on behalf of all of our workforce reduces the risk of personal information disclosure and any flow on risks to the individual.
- Operating under separate state legislation allows for confusion in the operating and practical application of orders. A single commonwealth legislative framework and process allows for increased efficiency in the practical application of the process.

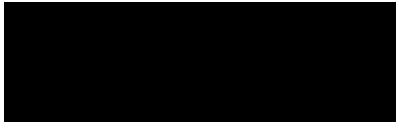
With a footprint across Australia, the Agency plays a key role in Australians' experience of Government. Australians seeking our services often present to the NDIA experiencing difficult circumstances. As NDIA's participant base and workforce are located nationwide, the Bill provides protections that transcend state-based limitations for our workforce whilst maintaining continuity of services.

The NDIA has obligations under the *Work, Health and Safety Act 2011* as a person conducting a business or undertaking to support its workforce. This legislation positions the Agency to better able to acquit these obligations. By undertaking action on behalf of NDIA employees, the Agency is better able to protect their privacy, lowering the associated risk and increasing the control environment in which they operate. The proposed measures will add to the range of strategies, systems, processes and interventions the Agency has in place (such as managing unreasonable behaviour frameworks and aggression response teams) to keep its staff safe.

The NDIA supports the Bill and its objectives and believe that with careful consideration of the practical implementation and participant impact, this legislation will significantly enhance the safety and support provided to individuals and Commonwealth workers.

I look forward to the Committee's recommendations from this inquiry.

Yours sincerely



Rebecca Falkingham
Chief Executive Officer
National Disability Insurance Agency

24 February 2025