

Submission: Safeguarding Must Protect People with Disability — Not Punish Them

Submission by: [REDACTED]-South Australia

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I am making this submission in response to the provisions of the proposed legislation relating to safeguarding, compliance, and oversight within the NDIS framework.

The stated intent of safeguarding is to protect people with disability from harm, exploitation, and abuse. However, the direction of the provisions in this bill risks achieving the opposite outcome.

Rather than addressing administrative, regulatory, and systemic failures within government and oversight bodies, the bill appears to place an increasing burden of suspicion, control, and punishment on people with disability themselves.

1. Misplaced Focus of Safeguarding Provisions

Several elements of the bill suggest an underlying assumption that people with disability are a risk to be managed, rather than individuals who require protection from systemic harm.

This framing is deeply concerning.

People with disability are already among the most over-scrutinised, disempowered, and vulnerable members of our community. Provisions that increase surveillance, impose punitive compliance measures, or restrict autonomy under the guise of safeguarding risk reinforcing harmful narratives — that people with disability cannot be trusted, cannot be believed, or must be controlled “for their own good.”

Safeguarding should never operate as a mechanism of discipline directed at those it is meant to protect.

2. Failure to Address Systemic and Administrative Harm

The greatest risks faced by people with disability within the NDIS do not arise from participant behaviour. They arise from:

- Administrative errors and delays
- Inconsistent decision-making
- Lack of accountability within oversight bodies
- Power imbalances between participants and the system
- Barriers to review, appeal, and redress

By focusing legislative effort on regulating and penalising participants, the bill diverts attention away from the areas where safeguarding is most urgently required: government systems, processes, and accountability structures.

Safeguarding cannot be effective if it does not first address the harm caused by systemic failure.

3. Impact on Trust, Safety, and Participation

Provisions that position people with disability as potential risks undermine trust in the NDIS and its safeguarding bodies. When participants feel surveilled, controlled, or punished rather than supported, they are less likely to:

- Disclose concerns or abuse
- Engage openly with services
- Seek help when something goes wrong

This directly contradicts the stated purpose of safeguarding.

True safeguarding requires creating conditions where people with disability feel safe, believed, and protected — not fearful of further scrutiny or sanction.

4. Safeguarding Must Be Rights-Based

Any safeguarding framework must be grounded in human rights principles, including dignity, autonomy, and equal worth.

Safeguards should protect people with disability *from* harm — including harm caused by bureaucratic systems — rather than treating disability itself as a risk factor requiring control.

Legislation that prioritises punitive measures over accountability risks entrenching ableist assumptions and further marginalising the very people the NDIS exists to support.

In conclusion, I urge the Committee to reconsider provisions within the bill that shift responsibility for safeguarding failures onto people with disability, rather than addressing systemic shortcomings within governance, oversight, and administration.

Safeguarding must protect people with disability from harm — including harm caused by the system itself — not punish them for its failures.

