

**Standing Committee on Community Affairs
Legislation Committee**

Public Hearing – 2 August 2021
ANSWER TO QUESTION ON NOTICE

Social Services Portfolio

Topic: Inquiry into the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021

Question reference number: IQ21-000074

Senator: Jordon Steele-John

Type of Question: Written. **Hansard Page/s:**

Date set by the Committee for the return of answer: 4 August 2021

Question:

Retrospectivity

1. Information sharing provisions in the bill are retrospective.
 - What are the practical implications of this? Does this mean that all past threats to participant safety etc assessed by the Commission will then be acted upon?
2. The same applies to banning orders, approved quality auditors, registration of providers, and compliance notices.
 - What are the practical implications of this? Does this mean that all past threats to participant safety etc assessed by the Commission will then be acted upon?

Answer:

1 and 2: As outlined in the Departmental submission to the Committee, the Bill is not retrospective and the amendments made by the Bill will commence the day after the new Act receives Royal Assent.

The Bill does however, clarify that information about past conduct, can be disclosed in the context of current issues once the amendments come into force. For example, the NDIS Commissioner could disclose protected Commission information about a past threat to an NDIS participant's life, health or safety where that information was obtained before the commencement date. This responds to the Robertson Review recommendation 9 and ensures relevant prior conduct can be considered.