

**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: IQ21-000071

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:

Notification Periods and Reviews

Item 16 - amends paragraph 73P(4)(b) to provide that, where the Commissioner issues a notice of intention of revocation to a registered provider, the Commissioner has the discretion to specify in the notice the period in which they may make 9 submissions which may be longer than 28 days but must not be less than that period.

This amendment will provide the Commissioner with the ability to specify a longer period for a provider to appropriately respond to an intention of revocation notice. This will allow for a more thorough consideration of a registered providers conduct and whether the Commission should take regulatory action against the provider. As is currently the case, the Commission will ensure appropriate mechanisms are in place to ensure the safety of participants during the period in which the provider can make submissions.

1. Is there a maximum amount of time that the Commission can give a provider to respond?
2. Is there a specific reason why the timeframe is being adjusted? Has the Commission found the current timeframes insufficient/unworkable?

Answer:

1. The amendment would require a maximum amount of time for submissions to be set. It would be whatever period the delegate specifies in the notice of the intended revocation of registration.
2. The NDIS Commissions' experience is that sometimes the complexity of the situation, in particular the circumstances and needs of the participants to whom the provider concerned is providing services, means that it is reasonable, procedurally fair and appropriate to give a provider more than 28 days to respond to a notice of intention to revoke their registration. Further the issues that have led to the notice may be such that

the provider needs a reasonable amount of time to establish the facts itself, particular if the provider is a large one with many outlets and a large staff.