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## National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013

FRLI: F2013L01009

Portfolio: Social Services

Tabled: House of Representatives, 18 June 2013 and Senate, 19 June 2013

PJCHR comments: First Report of the 44<sup>th</sup> Parliament, tabled 10 December 2013

Response dated: 3 February 2014

### Information sought by the committee

3.151 The committee sought clarification as to:

- the safeguards that will apply to manage the impact on National Disability Insurance Scheme (NDIS) participants of a revocation of approval of a registered provider; and
- the rights of review that are available to a registered provider whose registration has been revoked.

3.152 The committee's concerns were referred to the Assistant Minister for Social Services as the matters fall within his portfolio responsibilities. The response appears as part of the overall response to the concerns raised by the committee in relation to the National Disability Insurance Scheme Legislation Amendment Bill 2013, the DisabilityCare Australia Fund Bill 2013 (and related bills) and a number of other legislative instruments relating to the NDIS. The relevant extract from the Assistant Minister's response is attached.<sup>1</sup>

### Committee's response

3.153 The committee thanks the Assistant Minister for his response.

3.154 The response states that where the registration of a provider is revoked, the National Disability Insurance Agency 'will work with participants who are connected with that provider to assist them to select another provider'. The response also sets out the procedure that must be followed before a registration may be revoked and notes the availability of both internal review and a right of appeal to the Administrative Appeals Tribunal under section 103 of the *National Disability Insurance Scheme Act 2013*.

**3.155 In light of the information provided, the committee makes no further comment on this instrument.**

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1 Letter from Senator the Hon Mitch Fifield, Assistant Minister for Social Services, to Senator Dean Smith, Chair PJCHR, 3 February 2014, Attachment, p 8.

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**2.205 The committee intends to write to the Minister for Social Services to seek further clarification as to:**

- **what safeguards will apply to manage the impact on NDIS participants of a revocation of approval of a registered provider; and**
- **what rights of review are available to a registered provider whose registration has been revoked.**

Section 72 of the NDIS Act requires that the CEO give 28 days notice of the revocation of a provider's registration. If no submissions are made within 7 days of the end of that period, the CEO may revoke the provider's registration. If, however, submissions are made, the CEO must consider and provide a decision in writing in 28 days of the initial notice period. This provides a minimum of 35 days and a maximum of 56 days before a revocation of a provider takes effect.

The NDIA will work with participants who are connected with that provider to assist them to select another provider in the event that registration is revoked.

A registered provider whose registration has been revoked may seek an internal review of that decision under sections 99(h) and 100(2) of the NDIS Act. If the provider remains dissatisfied after internal review, there is a right of further appeal to the Administrative Appeals Tribunal under section 103 of the NDIS Act.