

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2013-14 Budget Estimates Hearings

Outcome Number: 5

Question No: 232

Topic: DisabilityCare

Hansard Page: Written

Senator Siewert asked:

The "DisabilityCare Australia, May 2013" distributed alongside the Budget Papers at p16 identifies that a "Sector Development Fund: will assist to prepare the disability sector, community and individuals for DisabilityCare Australia. It will be used to fund activities including transition support, workforce planning and development, and support for service quality and innovation". Is the Department designing an exception of 'undue hardship' to the powers of the commissioner to suspend supports because a compensation claim has not been pursued, where an individual can provide reasons that a decision to suspend should not be taken? What commitment will the Government make to ensuring that the public's concerns regarding the possible erosion of rights of people entitled to compensation, are heard and responded to? What commitment will the Government make to ensure that no one who has suffered an injury will lose entitlements and rights to sue that currently have access to?

Answer:

The Chief Executive Officer of DisabilityCare Australia is required to have regard to the financial circumstances of an individual before requiring the individual to take reasonable action to claim or obtain compensation (see s 104(3)(e) of the *National Disability Insurance Scheme Act 2013*). The introduction of DisabilityCare Australia does not in any way reduce any individual's right to claim compensation where they have a legal right to sue for damages.