## September/October 2024

To: Australian National Audit Office

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Submitted via [website form](https://www.anao.gov.au/work/performance-audit/effectiveness-the-ndis-quality-and-safeguards-commissions-regulatory-functions-2025)

From: Organisation name

**Contribution to audit: Effectiveness of the NDIS Quality and Safeguards Commission’s regulatory functions**

Thank you for the opportunity to contribute. [Insert organisation name] advocates for individuals with disability, supporting people with disability to navigate complaint and reporting processes, and uphold their human rights, wellbeing and/or safety. This often includes assisting people to identify and raise concerns with the safety and quality of their NDIS supports. [If needed, additional sentence about specific focus/context/demographic of organisation’s work]

The National Disability Insurance Scheme Act requires the Commissioner of the NDIS Quality and Safeguards Commission (NDIS Commission), to “recognise and respect the role of advocates (including independent advocates) in representing the interests of people with disability” in performing their functions.

However, like many of our fellow advocacy organisations, our past experiences of assisting people with disability to lodge complaints or of otherwise interacting with the NDIS Commission have mostly been negative, frustrating and disappointing.

Some examples of this include [Include summary of recent observations/examples to illustrate this point]

More examples and case studies have been collated in [DANA’s Contribution to this audit](https://www.dana.org.au/wp-content/uploads/2024/09/DANA-Submission-Effectiveness-of-Quality-and-Safeguards-Commission-Final-20240920.docx).

**Does the NDIS Commission have effective and timely intelligence gathering and information sharing arrangements in place?**

In our experience, the NDIS Commission has not demonstrated effective or timely intelligence gathering or information sharing arrangements.

In the last year, for example, we have observed [describe experiences this year with the NDIS Commission where not effectively gathering intelligence and/ or sharing information]

[include case study, if applicable]

**Has the NDIS Commission developed a risk-based strategy to guide regulatory decision-making?**

The responsiveness of the NDIS Commission’s regulatory decision-making to assess and take action on risks to people with disability has been hampered, due to limited face to face engagement through site visits and failures to systematically utilise and act on information gathered through the Commission’s complaints function. As advocates we have seen many worrying examples of risks being ignored, with patterns indicating poor quality and failing safeguards insufficiently investigated and not escalated to stronger compliance or enforcement actions.

For instance, [recent example or case study of risks ignored or inadequate action taken, if applicable]

**Has the NDIS Commission effectively implemented risk responsive and proportionate monitoring, compliance and enforcement activities?**

Advocacy organisations have observed over many years, inadequate oversight and monitoring of NDIS providers, the quality of the supports they deliver, and the safety of people with disability relying on them. This is particularly problematic for people with disability at risk of ‘service capture’, where they are often interacting with a single service provider and experiencing segregation and isolation, and with limited or no access to independent advocacy.

For example, [Recent case study/example about absent or ineffective monitoring by NDIS Commission of service settings e.g. group home, boarding house, unregistered SIL, day program/ ADEs - if applicable.]

The limited use of compliance and enforcement measures in response to identified failures by service providers, has been well-documented by the Royal Commission into Violence, Abuse, Neglect and Exploitation Against People with Disability (Disability Royal Commission) and many other inquiries.

Given the pressures to resolve a large number of complaints or reports, the NDIS Commission has often been unable or reluctant to appropriately investigate respond to identified risks or impose consequences for contravention of provider standards and obligations. We have observed this pattern persist during our advocacy work this year.

For instance [recent example or case study about absent or insufficient compliance or enforcement measures taken by NDIS commission in response to problem/ risk raised – if applicable]

**Listening to advocacy organisations**

Advocacy organisations can provide valuable local intelligence about individual and systemic areas of risk and general insights relevant to quality and safeguarding. This includes flagging specific providers or sites that ought to be proactively investigated or monitored, or identifying individuals who are experiencing heightened levels of risk and power imbalance in a service context.

[Include case study or example, where organisation alerted NDIS Commission or other authority to concerning signs of risk/ gatekeeping/ mistreatment/ possible abuse or exploitation - if applicable]

We are hopeful that the receptiveness and willingness expressed by NDIS Commission representatives at their recent Disability Advocacy Forum in Melbourne, to listen to and work collaboratively with the advocacy sector will soon start to be reflected in interactions with NDIS Commission in the course of our advocacy for people with disability.

People with disability deserve to have their complaints listened to, the intelligence and insights of their advocates taken seriously, and access to NDIS supports that are effectively regulated to ensure their freedom from violence, abuse, neglect and exploitation.

Sincerely

[Name]

[Position]

[Organisation]