

25 May 2023

NDIS Independent Review Panel

*Lodged through NDIS review online portal*

Dear Review Panel

Thank you for the opportunity to provide feedback on the NDIS Quality and Safeguarding Framework issues paper (issues paper). The Office of the Public Guardian (OPG) supports the review panel's identification of the need to review the NDIS Quality and Safeguarding Framework (the Framework) to ensure it remains fit for purpose and reflects the lived experiences of the disability sector.

Complaint mechanisms are crucial to safeguarding the rights and interests of people with impaired decision-making capacity, and this is recognised in the Framework and in the functions of the NDIS Quality and Safeguards Commission (the Commission). OPG values the recognition of complaints in the Framework and the commitment of the Commission in responding to these complaints.

However, for individuals with impaired decision-making capacity, complaints mechanisms in themselves may not be an effective safeguarding measure. The accessibility of complaints mechanisms and processes for people with impairments often depends on the quality and consistency of other safeguarding measures, such as strong informal support networks who can help the person navigate complaints processes. For individuals without a support network to advocate for them or provide support to make a complaint, the role of independent community visitors can be invaluable.

Given the high incidence of active NDIS participants with an approved plan having a diagnosis of intellectual disability, autism or psychosocial disability, community visitors are vital in ensuring that these participants can make complaints, access and navigate complaints mechanisms, and achieve resolution of issues that matter to them. People with these types of disabilities often face inherent challenges in relation to raising issues and complaints. This includes significant personal, physical, mental and systemic barriers these participants may have to overcome in order to develop basic skills to self-advocate. Community visitors are a vital source of support for this cohort to identify issues of concern and help them to address and resolve issues.

In Queensland, as part of OPG's community visitor function in monitoring visitable sites across Queensland, community visitors play a part in this essential role within the NDIS complaints scheme. Community visitors act as independent 'eyes and ears' that see and hear what really happens on the ground with the delivery of a relevant class of supports at specific sites.<sup>1</sup> They can detect issues of concern and read the 'early warning signs' to pre-empt a breakdown in the delivery of services and

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<sup>1</sup> Section 39 of the *Public Guardian Act 2014* (Qld) defines 'visitable site' and 'relevant class of supports'.

other risks to the person. They also have the ability to facilitate the escalation of complaints for resolution by or on behalf of adults with impaired decision-making capacity staying at visitable sites.

People with impaired decision-making capacity in Queensland and all states and territories should be entitled to the same dedicated advocacy of community visitors to assist them to understand and exercise their rights. Accordingly, OPG recommends the Australian Government legislate and fully fund a national community visitor program as part of the NDIS Quality and Safeguarding Framework. Without appropriate external and independent oversight, there will continue to be a significant risk that safeguarding measures are not cohesive, and vulnerable people, such as those with impaired decision-making capacity, will not be able to access the critical complaints mechanisms that form part of the Framework.

The introduction of a national community visiting scheme within the Commission would be consistent with a recommendation made in 2021 by the Joint Standing Committee on the National Disability Insurance Scheme inquiry into the NDIS Quality and Safeguards Commission. Namely, “that the Australian Government revisit its 2018 review into community visitor schemes and explore amendments to the *National Disability Insurance Scheme Act 2013* to establish a national community visitor scheme to be overseen by the NDIS Quality and Safeguards Commission”.<sup>2</sup> In their response to this recommendation, the Australian government referred this issue to the NDIS review for consideration.

I also refer to [Australia’s Disability Strategy 2021-2031](#), which outlines a vision for a more inclusive and accessible Australian society where all people with disability can fulfil their potential as equal members of the community. As part of the [Safety Targeted Action Plan](#) that forms a component of the strategy, the Australian Government committed to leading “priority work with state and territory governments to improve cross-system supports, including ... State and Territory based community visitor schemes”, with “an agreed approach to community visiting as part of the NDIS Quality and Safeguards Framework by 2022”.<sup>3</sup>

I congratulate the review panel on their examination of the design, operation and sustainability of the NDIS. I am optimistic that the findings and recommendations from the review will lead to improved outcomes for people with a disability.

Should you require further information, please contact Ms Kath Dornbusch, Manager Strategic Services, at [kath.dornbusch@publicguardian.qld.gov.au](mailto:kath.dornbusch@publicguardian.qld.gov.au) or on (07) 3738 9397.

Yours sincerely



Shayna Smith  
**Public Guardian**

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<sup>2</sup> Joint Standing Committee on the National Disability Insurance Scheme, *Inquiry into the NDIS Quality and Safeguards Commission*, 2021, recommendation 6, page 12.

<sup>3</sup> Department of Social Services, *Safety Targeted Action Plan*, 2021, page 9.