Legislation to better protect NDIS participants from risk of harm passes Parliament

21 October 2021

Today the Australian Government passed legislation to better protect National Disability Insurance Scheme (NDIS) participants from the risk of abuse, neglect or exploitation.

The National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 implements key recommendation following an independent review into the adequacy of the regulation of the supports provided to 54-year-old Adelaide woman Ann Marie Smith, who died last year.

Ms Smith had cerebral palsy and was found in squalid conditions at her home. Her 68-year-old support worker pleaded guilty to Ms Smith's manslaughter and will be sentenced in December.

While the review by the Hon Alan Robertson SC found no failings in how the NDIS Quality and Safeguards Commission carried out its regulatory functions, it made 10 key recommendations to the Commissioner. Action has been taken in relation to all recommendations, with six addressed through the legislation that passed Parliament today.

NDIS Minister Linda Reynolds CSC said the legislation strengthened the protections for the safety and human rights of some of the community's most at-risk.

"Ms Smith's case was extremely distressing. This Bill promotes the rights of people with disability to be free from exploitation, violence, abuse and neglect," Minister Reynolds said.

The Bill provides for a more streamlined information sharing process between the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission, and recognises the need for a balance between the necessity of an efficient information sharing mechanism and the importance of privacy protection.

"I am enormously proud of what we have achieved together in the Parliament and I thank my Senate colleagues for supporting the passage of these significant, and essential, measures to better protect all NDIS participants," Minister Reynolds said.

The Bill includes greater clarity within the NDIS Act about the NDIS Quality and Safeguards Commissioner's powers, compliance and enforcement provisions and provider registration provisions.

"This also enables more effective information sharing across governments, which is so important in helping to protect NDIS participants from potential harm," Minister Reynolds said.

"The passage of this Bill is a demonstration of how the Parliament can work together to improve the NDIS.

"I would like to thank those who shared their experiences and provided invaluable insight into the subject, and to thank my Parliamentary colleagues for supporting this essential legislation.

“I am optimistic that we can continue to work together to deliver a better NDIS for participants, their families and carers.”

Read the Minister's media release .

Related articles

Parliament passes important NDIS legislation to improve participant experience

Date
31 March 2022
Category

- Changes to the NDIS
- Media release
- Media release from the Minister

Parliament passes tough new laws to protect the NDIS from fraudsters, predators and shonks

Date
1 April 2026
Category

- News

Proposed NDIS legislation introduced to parliament

Date
27 March 2024
Read more news