

2019

NDS Submission on the National Disability Insurance Scheme (Worker Clearance) Bill 2019



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National Disability Services

National Disability Services (NDS) is Australia's peak body for non-government disability service organisations, representing more than 1000 non-government service providers. Collectively, NDS members operate several thousand services for Australians with all types of disability.

NDS in the Northern Territory connects with service providers, other community service peak bodies, statutory bodies, cross governmental departments and education providers to keep abreast of concerns and opportunities in the sector.

This Submission

NDS prepared this submission in response to the Northern Territory Government Office of Disability National Disability Insurance Scheme (Worker Clearance) Bill 2019.

This submission has been developed with contributions from some NDS members in the Northern Territory .

Feedback, Comments and Recommendations

Part 1 Preliminary matters

2 Commencement

This Act commences on the day fixed by the Administrator by Gazette notice.

Recommendation

- Part 1 Preliminary Matters - Section 7; Interpretation should define what is the Gazette

6 Application of Act.

This Act applies to and in relation to a person who, under Part 2 of the National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018 (Cth), is required to have an NDIS worker clearance.

Note for section 6

Rule 14(c) of the National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules 2018 (Cth) provides that a person is not required to have a clearance if the person is:

- (a) a secondary school student on a formal work experience placement with a registered NDIS provider; and*
- (b) directly supervised by a worker of the provider who has a clearance.*

This section omits allowances for Vocational Education Training (VET) and TAFE students participating in education in the Individualised support interested in the disability sector wanting to work simultaneously. Not including VET and TAFE students creates a barrier for potential work force engagement.

The NDIS is expected to be one of the largest job creation opportunities in Australian history, with up to an additional 90,000 full time equivalent employees (FTE) needed over the next five years. This will include a mix of highly skilled positions and a large number of roles that do not require formal qualifications. Through this growth, the NDIS also provides a unique opportunity to build a diverse workforce, which reflects the needs of all NDIS participants. [Source: Growing the NDIS Market and Workforce: Supporting the market to deliver innovative, people-centred services so that participants can achieve their goals](#)

Recommendation:

- VET and TAFE students to also be permitted to apply for a Worker Clearance to reduce barriers to entering the workforce
- Persons interested in entering the disability sector workforce should be permitted to apply for a Worker Screening clearance without employment or an auspiced organisation to reduce the barrier of entry to working in the disability sector.

7 Interpretation

engage, in relation to a person, means in any of the following capacities:

- (a) as a paid or unpaid employee;
- (b) as a self-employed person or a contractor or subcontractor;
- (c) as a volunteer

This section omits information on apprentices.

Recommendation;

- Persons undertaking an apprenticeship should also be mentioned.

Screening Agency means the entity declared by the Minister under section 13.

This section omits as to who the screening Agency will be.

Recommendation;

- Name the Screening Agency in the legislation e.g Safe NT

11 Meaning of risk assessed role

(1) A **risk assessed** role is:

- (a) a key personnel role of a person or an entity; or
- (b) a role for which the normal duties include the direct delivery of specified supports or specified services to a participant; or
- (c) a role for which the normal duties are likely to require more than incidental contact with a participant.

This section omits the risk of Financial Abuse.

Financial stress and disability status are associated with economic abuse. It was found that 63% of women who were experiencing high financial stress and 24% of women who had a disability or long-term health condition had a history of economic abuse, compared to the population average of 15.7%. This was even after we controlled for other factors, including divorce/separation status and history of other forms of relationship abuse. Economic abuse, for men, was only associated with a history of intimate partner emotional or physical violence.

'*Unmasking the hidden problem: role of banks, welfare and health services*' study points to the need for banks, credit providers, utilities, housing and welfare services to be acutely aware that when customers present with financial problems, there is a significant chance of underlying economic abuse.

Source; [The Conversation ; Revealed ; the hidden problem of economic abuse in Australia](#)

Recommendation;

- Include a role that may encompasses financial responsibilities
e.g (d) a role which includes financial management or financial supports

12 Meaning of volunteer

(1) A person is a **volunteer** if the person:

- (a) may be engaged by another person to do NDIS work as a volunteer; or
- (b) may do NDIS work as a volunteer on the person's own account.

This definition does not align with the Volunteers Australia Definition

Recommendation

- Include National Definition of Volunteering 2015: *Volunteering is time willingly given for the common good and without financial gain* - Source: [Volunteers Australia](#)

Division 3 Assessment of application

21 Eligibility to work while application assessed

(g) the applicant's employer must have arranged for the applicant to be supervised by another person who has a clearance.

This omits that as to when the supervision will cease

Recommendation

- Include information along the lines of *g) the applicant's employer must have arranged for the applicant to be supervised by another person who has a clearance, until such time as the persons application has been approved.*

Division 4 Clearance granted

(2) A clearance, once granted, is portable across roles and employers within the NDIS.

This omits if the clearance can also cross jurisdictions

Recommendation;

- Add information that states that a clears is portable across jurisdictions

Other Considerations and Recommendation

- Cost
 - Volunteers
In many jurisdictions, volunteers are not charged a fee or the fee is substantially reduced for a worker clearances
 - Multiple_clearance check costs
Having multiple worker clearances is an addition cost to the workforce and a potential barrier to entry of working in the sector

Recommendation

- Reduced or waived cost for NDIS worker clearance volunteers

- Introduction of a Working with Vulnerable Persons check.

A Working with Vulnerable Persons check would eliminate the duplication of multiple checks across Human Services. With the introduction of a worker screening clearance an employee will still be required for two clearance checks of an Ocher Card (working with children clearance) and NDIS worker screening clearance. One Working with Vulnerable Persons Check should cross Human Service sectors to reduce barriers of cost and administrative process to workforce entry.

Under a centralised checking system, risk assessments and decision making processes will be more consistent and open to review and appeal. From the perspective of persons subject to checking, this will lead to more considered and reliable checking outcomes as opposed to the current situation wherein individual service providers may take a different view concerning the risks presented by individual employees or volunteers. *Source; [A working with Children and other Vulnerable people checking system for Tasmania ; Discussion Paper](#)*

Recommendation

- Implementing one NT/National Working with Vulnerable persons check

Overall view of the Bill and process.

- NDS hopes it's recommendations for this Bill are taken into consideration.
- The National Disability Insurance Scheme (Worker Clearance) Bill is well written, thorough in it's explanations, as was the information paper.
- NDS would like to thank the Northern Territory Governments Department of Health Office of Disability for a good level of engagement with the disability services sector. Office of Disability staff regularly attended meetings providing information on the process and requesting comment and feedback from service providers and statutory bodies.