

# Statement of compatibility with human rights

Prepared in accordance with the Thirteenth Assembly Sessional Orders (part 12.3) as adopted on 24 August 2017.

## **NORTHERN TERRITORY NATIONAL DISABILITY INSURANCE SCHEME (WORKER CLEARANCE) BILL 2019**

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth).

### **Overview of the bill**

The National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework, endorsed by the Council of Australian Governments (COAG) in December 2016, committed states and territories to establish and operate nationally consistent worker screening arrangements. The arrangement between the Commonwealth, states and territories is recorded in the *Intergovernmental Agreement on Nationally Consistent Worker Screening for the Disability Insurance Scheme* (the IGA), which establishes the broader policy framework.

This Bill will implement the obligations of the Northern Territory as set out in the IGA, while the *National Disability Insurance Scheme (Practice Standards-Worker Screening) Rules 2018* (the Rules) further enact the IGA through Commonwealth regulation.

This Bill will support the protection of people with disability that are NDIS participants from harm, exploitation, violence and abuse through the screening and ongoing national monitoring of workers engaged through the NDIS to deliver services/supports. Under this Bill, workers who provide NDIS supports and services through a registered NDIS provider and have more than incidental contact with a participant must undergo worker screening.

Worker screening has a preventative effect in deterring individuals who pose a high risk of harm from seeking work in the sector and reducing the potential for providers to employ workers who pose an unacceptable risk of harm to people with disability.

Worker screening also has a corrective effect in prohibiting those persons who pose an unacceptable risk or who have previously caused harm to a vulnerable person, from having more than incidental contact with people with disability when working for a registered NDIS provider.

This Bill will also implement national ongoing monitoring that will allow for the suspension or disqualification of a worker that engages in inappropriate and/or criminal activity in any jurisdiction from holding a worker clearance in the Northern Territory.

### **Human rights implications**

This Bill gives effect to *Article 16* of the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)* New York, March 2007.

***Freedom from exploitation, violence and abuse - Article 16 (CRPD)***

This Bill expressly takes measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse through the screening of workers engaged through the NDIS to deliver services/supports.

## **Conclusion**

This Bill is compatible with human rights as it provides legislative protection to persons receiving NDIS disability supports that uphold freedom from exploitation, violence and abuse as per Article 16 of the CRPD.