

# Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

Submissions by the  
Australian Government in  
response to Counsel  
Assisting's submissions in  
Public hearing 13:

*Preventing and responding to  
violence, abuse, neglect and  
exploitation in disability services (a  
Case Study)*

20 August 2021

**PUBLIC HEARING 13 – SUBMISSIONS OF THE AUSTRALIAN GOVERNMENT IN RESPONSE TO  
THE SUBMISSIONS OF COUNSEL ASSISTING**

**A. BACKGROUND**

1 The Australian Government, represented by the Attorney General’s Department (**AGD**), the Department of Social Services (**DSS**), the National Disability Insurance Agency (the **NDIA**) and the National Disability Insurance Scheme Quality and Safeguards Commission (the **NDIS Commission**) provides these **Submissions** in response to the Submissions of Counsel Assisting the Royal Commission (**Submissions of Counsel Assisting**) dated 6 August 2021 following public hearing 13: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study) (**public hearing 13**).

**B. SCOPE OF THE SUBMISSIONS**

2 The Australian Government notes that the Submissions of Counsel Assisting set out Counsel Assisting’s analysis of the evidence presented at public hearing 13,<sup>1</sup> and are not intended to be a comprehensive summary or analysis of all the evidence. Rather, they set out factual matters and present evidence in relation to certain themes that emerged at public hearing 13.<sup>2</sup>

3 These Submissions reply to the proposed findings and recommendations in the Submissions of Counsel Assisting. They provide information about aspects of the Australian Government’s oversight of NDIS providers and an outline to assist the Royal Commission to understand the work of the Australian Government. These Submissions do not provide an account of all frameworks, policies or programs that have been, or are being, developed by the Australian Government.

4 The Australian Government notes that Counsel Assisting should not construe an absence of comment or discussion by the Australian Government about any proposed findings made by Counsel Assisting in these Submissions as acceptance or agreement by the Australian Government with those proposed findings. The Australian Government also notes that it has assumed that the proposed findings made by Counsel Assisting are only those which appear under a heading “*Findings*”.

**C. INTRODUCTION**

5 Counsel Assisting identified a number of key themes from the evidence relating to Sunnyfield in public hearing 13 and made findings about Sunnyfield. Counsel Assisting also analysed evidence relating to the NDIS.

6 The key themes from Counsel Assisting’s submissions that relate to the Australian Government are:

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<sup>1</sup> Counsel Assisting’s Submissions, [7].

<sup>2</sup> Counsel Assisting’s Submissions, [8].

- (a) choice and control;
- (b) NDIS Commission oversight;
- (c) NDIA Standard Contracts; and
- (d) the ability of the NDIS to respond to crisis situations.

#### **D. CHOICE AND CONTROL**

- 7 The Submissions of Counsel Assisting refer throughout to the concept of choice and control including as it relates to Melissa's situation.
- 8 The Australian Government notes that choice and control under the NDIS refers to a participant's right to make their own decisions about what is important to them and to decide how they would like to receive their supports and from whom.<sup>3</sup> People with disability have the same right as other members of Australian society to be able to determine their own best interests, including the right to exercise choice and control, and to engage as equal partners in decisions that will affect their lives, to the full extent of their capacity.<sup>4</sup>
- 9 People with disability should also be supported in all their dealings and communications with the NDIA and the NDIS Commission so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs.<sup>5</sup>
- 10 However, the Australian Government notes that the inability or unwillingness of a particular provider to provide supports or services to a participant, either at all or on terms that are acceptable to the participant, does not constitute a denial of choice and control to that participant within the meaning of choice and control in the NDIS.
- 11 Counsel Assisting submitted that the extent to which people with disability have choice and control over where and with whom they live should be a matter for further inquiry and consideration by the Royal Commission.<sup>6</sup>
- 12 The NDIS is built on a presumption that all participants are able to make decisions and exercise choice and control. Sometimes, this will not be possible and it will be the participant's nominee who will be required to exercise choice and control on their behalf. It is the role of specialist support coordinators to work with a participant, or their nominee, and build their ability to exercise choice and control.

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<sup>3</sup> <https://www.ndis.gov.au/about-us/glossary>.

<sup>4</sup> Section 4(8), *National Disability Insurance Scheme Act 2013*.

<sup>5</sup> Section 4(9), *National Disability Insurance Scheme Act 2013*.

<sup>6</sup> Counsel Assisting's Submissions, [503].

## E. NDIS COMMISSION OVERSIGHT

### COMPLAINTS

- 13 Counsel Assisting discussed Eliza's experience in submitting complaints to the NDIS Commission relating to Melissa's eviction and other issues with Sunnyfield.<sup>7</sup>
- 14 Counsel Assisting noted that Eliza felt that 'there is little that the NDIS Commission will do' without clear evidence to support a complaint.<sup>8</sup> Whilst this position is regrettable, the NDIS Commission can assure complainants that it does not require evidence for it to deal with a complaint. Rather, the NDIS Commission is able to accept and investigate complaints from any person without the provision of evidence to support the complaint.<sup>9</sup> The NDIS Commission responds to many complaints that are not supported by evidence, and the manner in which the NDIS Commission responded to the anonymous complaint about SP1 and SP2 demonstrates this (discussed further below). In addition, the Australian Government refers Counsel Assisting to the statement of Graeme Head dated 18 December 2020, which sets out the NDIS Commission's process for responding to complaints.<sup>10</sup>
- 15 Counsel Assisting noted that Eliza was told by the NDIS Commission that it would take no action as the complaint was being investigated by the NSW Ombudsman.<sup>11</sup> Under the *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018*, the NDIS Commission may decide to take no further action in relation to a complaint for a number of reasons, including if the complaint or issue is better dealt with by another person or body.<sup>12</sup> It was Eliza who told the NDIS Commission that her complaint was already being investigated by the NSW Ombudsman. When Eliza subsequently told the NDIS Commission that she wished to complain to the NDIS Commission about an aspect of Melissa's eviction that was not being dealt with by the NSW Ombudsman, the NDIS Commission proceeded to deal with that complaint.<sup>13</sup>
- 16 In relation to the complaints made by Eliza, the Australian Government submits that the NDIS Commission responded promptly to all complaints made by Eliza and worked with her to help prevent Melissa from being evicted from the House until after she had found alternative accommodation. As described in the statement of Graeme Head dated 30 April 2021, the NDIS Commission helped Eliza in the following ways, including:<sup>14</sup>

<sup>7</sup> Counsel Assisting's Submissions, [460], [463].

<sup>8</sup> Counsel Assisting's Submissions, [460].

<sup>9</sup> Transcript of public hearing 13, T483, L10 to L15.

<sup>10</sup> Statement of Graeme Head AO dated 18 December 2020, [219]-[285].

<sup>11</sup> Counsel Assisting's Submissions, [463].

<sup>12</sup> Section 17(1)(e).

<sup>13</sup> Statement of Graeme Head AO dated 30 April 2021, [17].

<sup>14</sup> Statement of Graeme Head AO dated 30 April 2021, [12]-[57], [81]-[107].

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- (a) obtaining an assurance from Sunnyfield that Melissa would not be evicted until she had found suitable accommodation;<sup>15</sup>
- (b) obtaining an assurance that Sunnyfield would not evict Melissa while mediation with Eliza was ongoing (via a letter from Sunnyfield to Eliza dated 28 August 2018);<sup>16</sup> and
- (c) offering to facilitate a mediation between Eliza and Sunnyfield.<sup>17</sup>
- 17 Further, the NDIS Commission took extensive action in response to the anonymous complaint made about SP1 and SP2, without requiring that any evidence be provided to support the complaint. As described in the statement of Graeme Head dated 30 April 2021, the NDIS Commission's actions included, but were not limited to:<sup>18</sup>
- (a) immediately obtaining an assurance from Sunnyfield that the participants involved were safe and protected;<sup>19</sup>
- (b) seeking the views of Sophia and Jane to establish whether they felt their children were protected;<sup>20</sup> and
- (c) requiring reportable incident notifications to be lodged by Sunnyfield, which then enabled the NDIS Commission to oversee Sunnyfield's response to those incidents.<sup>21</sup>
- 18 The Australian Government refers Counsel Assisting to the statement of Graeme Head dated 30 April 2021 for further details about actions taken by the NDIS Commission in response to complaints.
- 19 Counsel Assisting also noted that the NDIS Commission's response to complaints about NDIS providers generally involves contacting the relevant provider, whether to inform them of the allegations, seek assurances of the safety of clients or gather additional information.<sup>22</sup> They submitted that this potentially raises the risk of retaliation by the NDIS providers against the people with disability who may be the subject of the complaint.<sup>23</sup>
- 20 The Australian Government acknowledges that the issue of retaliation may occur on occasion, but notes that this is not a concern commonly raised by participants or observed in practice. The Australian Government notes that a number of the NDIS Commission's complaints procedures guard against any risk of retaliation. These include:

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<sup>15</sup> Statement of Graeme Head AO dated 30 April 2021, [29].

<sup>16</sup> Statement of Graeme Head AO dated 30 April 2021, [34].

<sup>17</sup> Statement of Graeme Head AO dated 30 April 2021, [57].

<sup>18</sup> Statement of Graeme Head AO dated 30 April 2021, [81]-[107].

<sup>19</sup> Statement of Graeme Head AO dated 30 April 2021, [85], [95].

<sup>20</sup> Statement of Graeme Head AO dated 30 April 2021, [92].

<sup>21</sup> Statement of Graeme Head AO dated 30 April 2021, [94].

<sup>22</sup> Counsel Assisting's Submissions, [466].

<sup>23</sup> Counsel Assisting's Submissions, [466].

- (a) discussing the complaint with the complainant, including to identify whether any person with disability affected by an issue raised in the complaint is aware that the complainant is making the complaint and to identify what the complainant is seeking by making the complaint; and
- (b) raising the complaint with a provider or third party in a manner that reveals the identity of the complainant only with the knowledge and agreement of the complainant and, where relevant, with the knowledge and agreement of a person with disability affected by an issue raised in the complaint.
- 21 This was discussed in the statement of Graeme Head dated 18 December 2020.<sup>24</sup> Also, the NDIS Commission does not contact the relevant provider in relation to a complaint if circumstances suggest this should not occur.<sup>25</sup> The NDIS Commission was careful to take account of Eliza's requests for secrecy in relation to her complaints.<sup>26</sup> For example, this is clearly documented in the records produced by the NDIS Commission under CTH-NTP-00364 relating to its interactions with Eliza in dealing with her complaints from January to May 2019, its sensitivity to the concerns she then expressed about retaliation and its accommodation of her wishes in relation to whether and how the NDIS Commission raised Eliza's complaints with Sunnyfield.
- 22 The NDIS Commission can receive complaints anonymously or confidentially. When complaints are made anonymously or confidentially, this affects how the NDIS Commission responds to the complaints and the NDIS Commission ensures that it does not reveal the identity of the complainant, if it is known to the NDIS Commission, to the provider. The Australian Government refers Counsel Assisting to the statement of Graeme Head dated 18 December 2020 for further details on the complaints handling process.<sup>27</sup>

## INVESTIGATIONS

- 23 Counsel Assisting discussed the investigations conducted into SP1 and SP2 in relation to their alleged actions towards Carl, Chen and Melissa. Counsel Assisting submitted that the NDIS Commission "initially considered" a site visit and that there was "no evidence" that the NDIS Commission conducted a site visit to the House or spoke to Carl, Chen or Melissa at any point throughout these investigations.
- 24 As Mr Head's witness statement sets out, the NDIS Commission considered contacting Sophia and Jane to discuss whether they had concerns with the supports provided by Sunnyfield and their thoughts about the NDIS Commission conducting a site visit with the participants' families.<sup>28</sup> The Australian Government notes that the NDIS Commission communicated with Sophia and

<sup>24</sup> Statement of Graeme Head AO dated 18 December 2020, [251].

<sup>25</sup> Transcript of public hearing 13, T485, L40 to T486, L2.

<sup>26</sup> Statement of Graeme Head AO dated 30 April 2021, [38]-[55].

<sup>27</sup> Statement of Graeme Head AO dated 18 December 2020, [219]-[285].

<sup>28</sup> Statement of Graeme Head AO dated 30 April 2021, [91].

Jane on 25 June 2019 and 26 June 2019 respectively. Sophia noted that she felt assured and comfortable about having Carl at Sunnyfield and Jane advised that she had no concerns about Sunnyfield.<sup>29</sup> As a result, the NDIS Commission did not pursue a site visit.

- 25 The Australian Government notes that the Royal Commission did not hear from the NDIS Commission about whether or why the NDIS Commission did not attempt to speak to Carl, Chen or Melissa in relation to these incidents. Mr Head was not asked whether or why the NDIS Commission did not attempt to speak to Carl, Chen or Melissa in relation to these incidents in his oral or written evidence. The Australian Government also notes that the Royal Commission did not itself hear from Carl, Chen or Melissa in relation to these or any other relevant incidents during public hearing 13 other than through Eliza and Sophia (for Melissa and Carl respectively).<sup>30</sup> The NDIS Commission has had many communications with Eliza in relation to a number of incidents and complaints affecting Melissa. The NDIS Commission had a number of communications with Sophia in relation to these incidents, and also spoke to Jane, as noted above in paragraph [24] of these submissions. The Australian Government also notes the evidence given by Eliza and Sophia in relation to CCTV about the limitations in respect of Melissa, Carl and Chen speaking for themselves.<sup>31</sup>
- 26 Counsel Assisting also submitted that the NDIS Commission did not require Sunnyfield to engage an independent expert to look into any of the allegations against SP1 and SP2.<sup>32</sup> The investigation conducted by Jennie Piaud was referred to as Sunnyfield's investigation throughout the statement of Graeme Head dated 30 April 2020. The Australian Government notes that the Royal Commission did not hear from the NDIS Commission about why the NDIS Commission did not require Sunnyfield to engage an independent expert to look into any of the allegations against SP1 and SP2. The Royal Commission did not ask Mr Head why the NDIS Commission did not require Sunnyfield to engage an independent expert to look into any of the allegations against SP1 and SP2 during his oral evidence, and the Royal Commission did not require Mr Head to address this issue in his written statement.
- 27 Counsel Assisting also submitted that the NDIS Commission conducted a separate investigation relating to the allegation that SP2 had dragged Melissa by the wrists during a behaviour.<sup>33</sup> The Australian Government notes that it is not accurate to describe this as a separate investigation as the matter was handled by a reportable incidents officer and was not referred to the NDIS Commission's compliance and investigations team for investigation. This is separate from the matters involving SP1 and SP2 discussed at paragraphs 208-214 of the Submissions of Counsel

<sup>29</sup> Statement of Graeme Head AO dated 30 April 2021, [92].

<sup>30</sup> We note that the video of Carl tendered by the Royal Commission for public hearing 13 (IND.0082.0003.0006) was created to assist his support workers, not for the purpose of the Royal Commission.

<sup>31</sup> Counsel Assisting's Submissions, [398]-[400].

<sup>32</sup> Counsel Assisting's Submissions, [473]-[474].

<sup>33</sup> Counsel Assisting's Submissions, [215].

- Assisting. The process of dealing with reportable incidents is set out in the Statement of Graeme Head dated 18 December 2020.<sup>34</sup>
- 28 Counsel Assisting also discussed the use of independent investigators more broadly and stated that, while the NDIS Commission can require a provider to undertake an independent investigation, it does not prescribe any requirements for independent experts.<sup>35</sup> This is not correct.
- 29 While the *Incident Management and Reportable Incident Rules* do not prescribe requirements for independent experts, other than that the expert must be appropriately qualified and independent, the NDIS Commission has, from time to time, prescribed requirements for independent investigators. Mr Head gave evidence that the NDIS Commission has specified the particular expertise required, through the use of compliance notices issued in relation to reportable incidents.<sup>36</sup> In relation to investigations into SP1 and SP2, Sunnyfield informed the NDIS Commission, in the same reportable incident notification forms that notified the NDIS Commission of the incidents, that Sunnyfield would be engaging an external investigator.<sup>37</sup>
- 30 Counsel Assisting submitted that the extent to which the NDIS Commission can or should rely on information provided by a service provider and investigations into violence, abuse, neglect or exploitation of people with disability conducted or commissioned by them is a matter for further consideration by the Royal Commission.<sup>38</sup>
- 31 The NDIS Commission would be pleased to assist the Royal Commission in its further consideration of this matter. The NDIS Commission notes that providers are responsible for responding to reportable incidents and the NDIS Commission oversees their response. However, the NDIS Commission need not rely only on information from providers. Even if a provider voluntarily investigates an incident, this does not preclude the NDIS Commission from requiring the provider to conduct an investigation, whether using powers under the *Incident Management and Reportable Incident Rules* or otherwise. For example, the NDIS Commission could decide to require a provider to conduct an investigation if the NDIS Commission considered that the conduct or outcome of the provider's investigation was inadequate or otherwise unsatisfactory.
- 32 Counsel Assisting submitted that the Royal Commission could find that Sunnyfield should not have asserted legal professional privilege over any of Ms Piaud's reports and that those reports should have been provided in full to the NDIS Commission.<sup>39</sup> The Australian Government, represented by the NDIS Commission, supports this proposed finding.

<sup>34</sup> Statement of Graeme Head AO dated 18 December 2020, [6]-[208].

<sup>35</sup> Counsel Assisting's Submissions, [471].

<sup>36</sup> Transcript of public hearing 13, T487, L1-8, T487, L15-17.

<sup>37</sup> Statement of Graeme Head AO dated 30 April 2021, [110].

<sup>38</sup> Counsel Assisting's Submissions, [476].

<sup>39</sup> Counsel Assisting's Submission, [475].



## WORKER SCREENING

- 33 Counsel Assisting discussed the powers of the NDIS Commission to make banning orders and noted that these powers have been extended so that banning orders can be made against persons who were never previously an NDIS provider or employed or otherwise engaged by an NDIS provider.<sup>40</sup> Counsel Assisting noted that neither SP1 nor SP2 were subject to banning orders and submitted that the operation of the national Worker Screening Check system is a matter for further inquiry by the Royal Commission.<sup>41</sup>
- 34 The Australian Government notes that the banning power referred to by Counsel Assisting has been extended in two ways. First, to enable the banning of a person who was (but is no longer at the time the banning order is made) employed or otherwise engaged by an NDIS provider.<sup>42</sup> Secondly, to enable the banning of a person who has never been an NDIS provider or employed or otherwise engaged by NDIS providers. It is the first extension, which is not described in Counsel Assisting's submissions, that would enable the NDIS Commission to consider banning SP1 and SP2 even though they are no longer employed or otherwise engaged by Sunnyfield or any other NDIS provider.
- 35 The Australian Government notes that the NDIS Commission's records in the NDIS Worker Screening Database establish that neither SP1 nor SP2 has sought or obtained an NDIS worker screening clearance under the national NDIS Worker Screening Check arrangements.

## CCTV

- 36 Counsel Assisting discussed the potential use of CCTV as a protective measure for residents in disability accommodation.<sup>43</sup> Counsel Assisting noted that the family members of the residents at the House had expressed a desire for CCTV to be installed, but that Sunnyfield was opposed to the use of CCTV.<sup>44</sup>
- 37 Counsel Assisting noted that there are a number of issues to be considered when it comes to using CCTV in disability accommodation and consequently did not propose that any findings be made in relation to this issue.<sup>45</sup>
- 38 The Australian Government agrees that the issue of CCTV in disability accommodation raises significant issues, a number of which were referred to by Mr Head in his evidence. Mr Head noted that people with disability have a real right to privacy.<sup>46</sup> He noted that there may be cases where people who are entitled to make decisions on behalf of their family members would be in

<sup>40</sup> Counsel Assisting's Submissions, [485].

<sup>41</sup> Counsel Assisting's Submissions, [491].

<sup>42</sup> Statement of Graeme Head AO dated 30 April 2021, [167].

<sup>43</sup> Counsel Assisting's Submissions, [391]-[407].

<sup>44</sup> Counsel Assisting's Submissions, [397]-[399].

<sup>45</sup> Counsel Assisting's Submissions, [406]-[407].

<sup>46</sup> Transcript of public hearing 13, T500, L30.

agreement about the need for CCTV, and this would need to be balanced with any concerns a provider might have about upholding the right to privacy.<sup>47</sup> Mr Head also noted that some NDIS workers may not wish to be filmed at work.<sup>48</sup> Mr Head ultimately concluded that the issue of CCTV should be considered on a case-by-case basis.<sup>49</sup>

## F. NDIA STANDARD CONTRACTS

- 39 Counsel Assisting noted Caroline Cuddihy's evidence relating to standard form service agreements provided by the NDIA.<sup>50</sup> At various points in her evidence, Ms Cuddihy contended that the terms of the service agreement could not be varied.<sup>51</sup>
- 40 The Australian Government does not agree with this contention and notes that the service agreements referred to by Ms Cuddihy can be varied by the parties to the agreement.
- 41 During the rollout of the NDIS, the NDIA provided a service agreement toolkit to participants and service providers, which included a model service agreement and an explanation for participants about what a service agreement is and why the NDIA recommends service agreements.
- 42 Participants and service providers are free to depart from the template agreements and create their own service agreement. The template agreement was intended to act as a guide as to what might be included in a service agreement. It acted as an easy English agreement that could be used by both providers and participants as an example of a service agreement. The toolkit noted that developing a service agreement is a collaborative process between the participant and the provider. The NDIA believes that this toolkit was important during the rollout of the NDIS as service agreements were a new concept to many participants and providers.
- 43 The NDIA no longer provides template service agreements, but they do provide easy English guidance for participants around the use of service agreements on their website.<sup>52</sup> Further, providers should support participants to understand any service agreement using the participant's preferred language and communication method.<sup>53</sup>
- 44 The NDIA recommends having a written service agreement so participants and providers are clear about what each party has agreed to. For example, what supports will be delivered and how they will be delivered. Making a service agreement is a process that takes place between a participant and their provider. The participant can involve another person, such as a family

<sup>47</sup> Transcript of public hearing 13, T500, L40.

<sup>48</sup> Transcript of public hearing 13, T501, L5.

<sup>49</sup> Transcript of public hearing 13, T501, L20.

<sup>50</sup> Counsel Assisting's Submissions, [288]-[294].

<sup>51</sup> Counsel Assisting's Submissions, [292]-[294].

<sup>52</sup> <https://www.ndis.gov.au/providers/working-provider/connecting-participants/service-agreements>.

<sup>53</sup> <https://www.ndis.gov.au/participants/working-providers/making-service-agreement>.

member or friend. The provider may have a standard service agreement that the participant may like to use, or they can create their own.<sup>54</sup>

45 A written service agreement is required for Specialist Disability Accommodation (**SDA**) supports under the NDIS.<sup>55</sup> For other supports, a written service agreement is recommended.<sup>56</sup>

46 The NDIA is not a party to service agreements between providers and participants, but may take action if the agreement doesn't align with the NDIS Act and the NDIS Pricing Arrangements and Price Limits, including referral to the NDIS Commission.<sup>57</sup>

47 The NDIS Practice Standards and Quality Indicators contain provisions in relation to service agreements, which registered NDIS providers are audited against and required to meet for the purposes of maintaining their registration with the NDIS Commission.

## **G. ABILITY OF THE NDIS TO RESPOND TO CRISIS SITUATIONS**

48 Counsel Assisting discussed the ability of the NDIA and NDIS Commission to respond to crisis situations, such as homelessness.<sup>58</sup> Counsel Assisting noted that the situation Melissa found herself in when Sunnyfield attempted to evict her raised questions about how the NDIS Commission and the NDIA work to ensure that people with disability who have high support needs do not become vulnerable to violence and abuse as a result of homelessness.<sup>59</sup>

49 In the case of Melissa, both the NDIS Commission and the NDIA worked to prevent Melissa from being evicted from the House until she had found alternative accommodation.

50 The Australian Government also notes that the NDIS was never intended to replace other mainstream government services, such as housing, health, mental health, education, justice or community-based supports. States and territories are responsible for assisting people with disability who are homeless or at risk of homelessness to secure accessible housing.<sup>60</sup> The NDIA does work with state and territory homelessness services and public housing systems to try to assist NDIS participants who are homeless or at risk of becoming homeless to find a suitable housing solution where they are not eligible for SDA.

51 The health and safety of NDIS participants is of the highest priority and the NDIA is committed to ensuring NDIS participants have the disability-related supports they need. Where there is disruption to accommodation services, the NDIA will work with participants and their support

<sup>54</sup> <https://www.ndis.gov.au/participants/working-providers/making-service-agreement>.

<sup>55</sup> *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020*, r 36.

<sup>56</sup> <https://www.ndis.gov.au/participants/working-providers/making-service-agreement>.

<sup>57</sup> <https://www.ndis.gov.au/participants/working-providers/making-service-agreement>.

<sup>58</sup> Counsel Assisting's Submissions, [492]-[501].

<sup>59</sup> Counsel Assisting's Submissions, [499].

<sup>60</sup> Transcript of public hearing 13, T475, L25.

coordinator to ensure there are appropriate supports in place to keep the participant safe, this includes assistance with finding alternative living arrangements if required.

## **H. CONCLUSION**

52 The Australian Government notes that Counsel Assisting has recommended further inquiry into a number of areas explored in this hearing. The Australian Government appreciates the opportunity to assist the Royal Commission with any of these inquiries.