



NDIS Participants and Providers Australia

NDIS IS A CASE OF REFORM OR DIE EXCLUSIVE HOW VULNERABLE AUSSIES ARE BEING HURT OR KILLED BY DODGY PROVIDERS

More vulnerable Australians will die at the hands of dodgy providers if the states block reforms, NDIS Minister Bill Shorten has warned.

Mr Shorten fears the state premiers will hold him to ransom when he seeks their support for a reform package next week but said he is optimistic they will see sense and put people with disabilities at the forefront.

The headline reforms are designed to weed out dodgy and unregistered service providers and include tougher screening of providers, harsher penalties for rorters and a better system of complaint management.

The review will also recommend stronger powers for naming and shaming and tighter registration requirements, taking into account the level of risk in each case when assessing the needs of participants.

The Sunday Mail can reveal the review will involve changing legislation to allow the prosecution of directors of dodgy NDIS businesses so they can't use a corporate web to escape liability.

On the table is expanding the scope of banning orders to drive shonks and crooks out of the NDIS and streamlining rules of evidence to make it easier to prosecute crooks.

Only 16,000 of more than 100,000 NDIS providers across the country are registered, meaning at least 85,000 service providers are not being monitored in any way.

Data obtained by The Sunday Mail shows unregistered providers received \$2 billion in payments from plan managers in the fourth quarter of 2022-23.

Plan management data illustrates payments were made to 154,409 unregistered providers, with strong evidence emerging that unregistered providers are increasingly involved in providing higher-risk supports to participants, such as personal care in the home, therapy and support co-ordination.

"People with a disability and taxpayers across the country deserve the certainty that there is a proper level of transparency," Mr Shorten said.

“People are getting hurt and worse, so giving up isn’t an option either. The sort of lazy tyranny of low expectations and saying: ‘Everything is too hard so let it rip’ is not keeping faith with participants on the scheme and their families or the public.” Three recent deaths that happened on the watch of registered providers were three catastrophic reasons why the NDIS desperately needs the impending overhaul.

“Three deaths are three deaths too many. If this can happen at the top end of the system with registered providers, imagine what’s happening in some cases where providers are not registered and there are no checks.” In Orange, Kyah Lucas died from complications after suffering burns to 40 per cent of her body when she was placed in a bath of scalding water. Ms Lucas, a proud Aboriginal woman who had Cornelia de Lange syndrome, was just 28. The support workers involved in the provision of care to Ms Lucas have been issued with banning orders.

In March this year the NDIS Commission commenced civil penalty proceedings in the Federal Court against registered NDIS provider LiveBetter Services Limited, in relation to her death. The NDIS Commission is seeking declaratory relief, civil penalties and costs against LiveBetter. Ms Lucas’s family is unable to comment as mediation is continuing.

Earlier this year NDIS provider Australian Foundation for Disability (Afford) was ordered to pay \$400,000 after the 2019 death of Merna Aprem, who was left unsupervised in a bathtub at a supported disability accommodation in Sydney.

Ms Aprem had locked the door to the bathroom with support workers outside. The, support workers then waited 22 minutes before calling an ambulance to assist.

The support workers had not been informed by Afford that Ms Aprem had epilepsy, autism and a moderate intellectual disability, requiring her complete supervision while bathing at all times.

The Commission issued a banning order and revoked the registration of NDIS provider Integrity Care after Ann-Marie Smith, 53, died in hospital, after a period of neglect, having lived in squalid and appalling circumstances.

According to the government briefing, Ms Smith’s sole support worker called the South Australian Ambulance Service on April 5, 2020.

Ambulance officers found Ms Smith unconscious, in a “severe state of neglect”, sitting across two cane chairs pushed together in the living room. She was transported to hospital where she died the next day from septic shock.

The sole support worker employed by Integrity Care to provide support to Ms Smith is serving a term of imprisonment for her manslaughter.

We can reveal the NDIS Quality and Safeguards Commission recently imposed a banning order on unregistered providers.

In October 2023 an order was made against a male unregistered provider following the sexual assault of a 70-year-old woman based in Victoria with intellectual disabilities.

In August 2023 the commission banned a female unregistered provider operating as a sole trader for five years. In this case the unregistered provider left an NDIS participant with epilepsy aged 13 years in the care of their partner who was not trained in the administration of medication.

In April 2023 a banning order was issued against an unregistered provider in NSW for 10 years after he was found guilty of the sexual assault, touching and inappropriate sexualised behaviour on multiple occasions of an NDIS participant in their care. The man claimed to be providing “sexual education”.

Mr Shorten conceded an overhaul of the NDIS system will take years but “failure is not an option”.

SHAME FILE 1 Merna Aprem (left) died while unsupervised in a bathtub at a supported disability accommodation. Ms Aprem had locked the bathroom with support workers outside unable to open the door ... and they waited 22 minutes to call an ambulance.

SHAME FILE 2 In October 2023 the NDIS Quality and Safeguards Commission made a Banning Order against a male unregistered provider following sexual assault of a 70-year-old woman based in Victoria with intellectual disabilities. The unregistered provider pleaded guilty to a charge of sexual assault of a person with cognitive impairments. The banning order prohibited the unregistered provider from providing services and supports both directly and indirectly for an indefinite period.

SHAME FILE 3 Kyah Lucas (above) died from complications after suffering burns to 40 per cent of her body when she was placed in a bath of scalding water. Ms Lucas, a proud Aboriginal woman who had Cornelia de Lange syndrome, was just 28 years old.

SHAME FILE 4 In August 2023 the NDIS Quality and Safeguards Commission made a Banning Order of five years against a female unregistered provider operating as a sole trader. In this case the unregistered provider left an NDIS participant with epilepsy aged 13 years in the care of their partner who was not trained in the administration of medication.

SHAME FILE 5 In April 2023 the NDIS Quality and Safeguards Commission issued a Banning Order against an unregistered provider in NSW for 10 years. The unregistered provider was found guilty of the sexual assault, touching and inappropriate sexualised behaviour on multiple occasions of an NDIS participant in their care who has a cognitive impairment, intellectual disability and development disorder. The unregistered provider claimed to be providing sexual education.

SHAME FILE 6 Ann-Marie Smith, 53 (pictured), died in hospital, after a period of neglect, having lived in squalid and appalling circumstances. According to the government briefing, ambulance officers found Ms Smith unconscious, in a “severe state of neglect”, sitting across two cane chairs pushed together in the living room. She died in hospital the next day from septic shock.

CRACKDOWN UNDER WAY From 1 July 2023 to 30 September 2023, the NDIS Commission undertook the following compliance activities: 22 banning order actions (banning orders, banning order variations and revocations) 411 registration actions (registration conditions, refusals, revocations, suspensions) 22 infringement notices 10 compliance notice actions (compliance notices and variations) 2 enforceable undertakings 1 civil penalty proceeding 117 corrective action requests 19 warning letters 14 education actions Courier Mail !

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