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**Contact:** Selena Choo

**Telephone:** 9286 1014

Mr Lee Evans MP

Chair

Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission

Parliament of New South Wales

Macquarie Street

SYDNEY NSW 2000

By email: [ombolecc@parliament.nsw.gov.au](mailto:ombolecc@parliament.nsw.gov.au)

Dear Mr Evans

### **NSW Ombudsman answers to questions on notice**

Thank you for sending a proof transcript of the oral evidence I provided to the Committee on 12 May 2017. I took one question on notice and provide the following answer.

**The Hon. Adam Searle:** *Where are you up to in terms of the transition to the National Disability Insurance Scheme and the impact that that will have on your office's oversight? ... Is your organisation losing any budget as a result of that transfer? ... How much? ... I am happy for you to take that question on notice.*

The NDIS Quality and Safeguards Commissioner is expected to pick up many of the disability-related functions that my office currently performs, including the oversight of reportable incidents involving people with disability in supported group accommodation, and the handling of complaints about registered and unregistered providers of supports. These functions are expected to be performed by the national Commissioner from 1 July 2018.

In relation to some of our disability-related functions – such as reviews of the deaths of people with disability in residential care (including assisted boarding houses), and the Official Community Visitor scheme – further discussions and actions are required before it is known whether, and to what extent, they will be picked up by the national Commissioner. By way of example, the Commonwealth has indicated that there will be an evaluation of the Community Visitor schemes from across Australia in order to ascertain whether a scheme is required as part of the NDIS Quality and Safeguarding Framework and, if so, how it should operate. The evaluation has not yet commenced, and the Commonwealth has not given a commitment to include a Community Visitor scheme in the national safeguarding framework.

However, it is important to recognise that my office will continue to undertake work that is directly relevant to people with disability and their families, and we remain committed to ensuring that people with disability receive a quality service. In this regard, I note that we will continue to have jurisdiction over government agencies, including the work of such agencies (and councils) to develop and implement disability inclusion action plans.

In relation to funding, the NSW Disability Reportable Incidents scheme is funded by a grant from the Department of Family and Community Services (Ageing, Disability and Home Care). In 2016-2017, my office is expected to receive approximately \$1.6 million grant funding for this purpose. The other disability-related work described is funded through the Ombudsman's annual Parliamentary appropriation. In 2016-17, my office allocated approximately \$2.1 million to this work. However, in terms of quantifying the future budgetary implications resulting from the establishment of the NDIS Quality and Safeguards Commission, I am not in a position to estimate the potential loss of funding because it is unclear what future role my office will play in monitoring and reviewing matters affecting people with disability.

I appreciate the opportunity to provide the Committee with further information.

Yours sincerely



Professor John McMillan  
**Acting NSW Ombudsman**  
2 June 2017