



## **MEDIA RELEASE**

21 May 2020

### **NDIS COMMISSION TAKES ACTION AGAINST NDIS CARE PROVIDER OF ANN-MARIE SMITH**

The NDIS Quality and Safeguards Commission (the NDIS Commission) has issued an infringement notice to Integrity Care (SA) Ltd (Integrity Care) for failing to notify the NDIS Commission of the death of an NDIS participant in South Australia, Ms Ann-Marie Smith.

Under registered NDIS provider obligations, Integrity Care was required to have notified us of the death of Ms Smith within 24 hours of becoming aware of it. They failed to do this and under the infringement notice the prescribed fine for not meeting this obligation is \$12,600.

“By law Integrity Care can choose to pay the infringement notice, or not,” said NDIS Quality and Safeguards Commissioner, Mr Graeme Head. “If they choose not to pay then we may initiate court proceedings seeking a civil penalty for the alleged contravention.” The maximum penalty that a court could impose for a contravention of failing to notify us is \$262,500. As more information becomes available the NDIS Commission will take decisions about any further regulatory actions.

“Reporting serious incidents to the NDIS Commission is a critical safeguarding mechanism for people with disability,” said Mr Head.

“Every NDIS provider and worker is covered by the NDIS Code of Conduct, which includes the obligation to take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect and abuse of a person with disability. There have been clear failings in the support given to Ms Smith that warrant our thorough and careful investigation,” said Mr Head.

Ms Smith died last month in appalling circumstances in South Australia. The NDIS Commission was made aware of the death of Ms Smith on 20 April 2020 by the South Australian Office of the Public Advocate and the South Australian Health and Community Service Complaints Commissioner.

“Our sympathies are with the family and friends of Ms Smith and we acknowledge the widespread community concerns about the circumstances of Ms Smith’s death,” said Mr Head. “We are undertaking our own investigation into the circumstances of Ms Smith’s death and working alongside South Australian Police.”

“The NDIS Commission has already issued a compliance notice to Integrity Care requiring them to do a range of things to protect the safety of other people with disability that they support. We have also required their full co-operation with an audit against the NDIS Practice Standards. This audit is required as part of the Commission’s consideration of Integrity Care’s application for renewal of their registration as an NDIS provider,” he said. “I am required to consider that application in full when the audit is complete.”

“We cannot comment further on the particulars in this case. It is important that our investigations are able to be undertaken appropriately and are not compromised by any premature commentary,” said Mr Head.

The NDIS Commission uses complaints and regulatory intelligence from external sources including other regulators and advocates to monitor registered NDIS providers. Anyone can complain to the NDIS Commission about NDIS supports and services, including raising concerns about the wellbeing of an NDIS participant.

The NDIS Commission has broad powers to take compliance and enforcement action when NDIS providers are found not to have met their obligations under the NDIS Act 2013.

[ENDS]

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