

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/03/2022 4:02:39 PM ACDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

### Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)  
File Number: SAD47/2022  
File Title: COMMISSIONER OF THE NATIONAL DISABILITY INSURANCE SCHEME QUALITY AND SAFEGUARDS COMMISSION v INTEGRITY CARE (SA) LIMITED ACN 619 100 051  
Registry: SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: To Be Advised  
Time and date for hearing: To Be Advised  
Place: To Be Advised



A handwritten signature in black ink that reads "Sia Lagos".

Dated: 28/03/2022 11:39:44 AM ACDT

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 15

Rules 8.01(1), 8.04(1)

## ORIGINATING APPLICATION

**FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: SOUTH AUSTRALIA  
DIVISION: GENERAL**

**NO SAD    OF 2022**

**COMMISSIONER OF THE NDIS QUALITY AND  
SAFEGUARDS COMMISSION**

Applicant

**INTEGRITY CARE (SA) LIMITED  
(ACN 619 100 051)**

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

### TIME AND DATE FOR HEARING:

#### PLACE:

Level 5  
Roma Mitchell Commonwealth Law Courts Building  
3 Angas Street  
Adelaide  
SA 5000

Date:

.....  
Signed by an officer acting with  
the authority of the District Registrar

Filed on behalf of the Applicant, the Commissioner of the NDIS  
Quality and Safeguards Commission

File ref: 20203858

Prepared by: Matthew Garey  
AGS lawyer within the meaning of s 55l of the *Judiciary Act*  
1903

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Address for Service:  
The Australian Government Solicitor,  
Level 10, 60 Martin Place, Sydney, NSW 2000  
Matthew.Garey@ags.gov.au



## DETAILS OF CLAIM

On the grounds stated in the statement of claim, the Applicant claims:

### Declarations

1. Declarations that in providing supports and services to Ann-Marie Smith (**Ms Smith**), the Respondent (**Integrity Care**) contravened s 73V(3) of the *National Disability Insurance Scheme Act 2013* (Cth) (**NDIS Act**), on each of the occasions and in each of the ways alleged in the statement of claim, by failing to comply with:
  - 1.1. the requirement in s 6(c) of the *National Disability Insurance Scheme (Code of Conduct) Rules 2018* (Cth) (**NDIS Code of Conduct**) to provide supports and services in a safe and competent manner, with care and skill; and
  - 1.2. the requirement in s 6(f) of the NDIS Code of Conduct to take all reasonable steps to prevent all forms of neglect of people with disability.
2. Declarations that in providing supports and services to Ms Smith, Integrity Care contravened s 73J of the NDIS Act, on each of the occasions and in each of the ways alleged in the statement of claim, by failing to comply with:
  - 2.1. the requirement in s 6(c) of the NDIS Code of Conduct to provide supports and services in a safe and competent manner, with care and skill;
  - 2.2. the requirement in s 6(f) of the NDIS Code of Conduct to take all reasonable steps to prevent all forms of neglect of people with disability;
  - 2.3. the requirement in cl 5 of Schedule 1 to the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* (Cth) (**Provider Registration Rules**) that participants can access supports that respect and protect their dignity;
  - 2.4. the requirement in cl 7 of Schedule 1 to the Provider Registration Rules that participants can access supports free from neglect;
  - 2.5. the requirement in cl 15 of Schedule 1 to the Provider Registration Rules that each participant's needs are met by workers who are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person-centred support;
  - 2.6. the requirement in cl 24 of Schedule 1 to the Provider Registration Rules that participants can access supports in a safe environment that is appropriate to their needs; and
  - 2.7. the requirement in s 24(3) of the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* that Rosa Maria Maione have an acceptable SA Check within the meaning of s 24(6) before being permitted to engage in her role as a Support Worker.



## Pecuniary Penalties

3. Pursuant to s 82(3) of the *Regulatory Powers (Standard Provisions) Act 2014* (Cth), Integrity Care be ordered to pay pecuniary penalties in a sum to be fixed by the Court, for each of the contraventions of the NDIS Act referred to in paragraphs 1 and 2 of this application and the statement of claim.
4. That the Respondent pay the Applicant's costs.
5. Such further or other order as the Court thinks fit.

## APPLICANT'S ADDRESS

The Applicant's address for service is:

Australian Government Solicitor,  
Level 10, 60 Martin Place, Sydney, NSW 2000

Email: [Matthew.Garey@ags.gov.au](mailto:Matthew.Garey@ags.gov.au)

The Australian Government Solicitor's telephone number is:

Tel: 02 9581 7625

The Applicant's address is:

**NDIS QUALITY AND SAFEGUARDS COMMISSION  
LEVEL 1  
121 HENRY STREET  
PENRITH NSW 2750**  
**SERVICE ON THE RESPONDENT**

It is intended to serve this application on the Respondent.

Date: 25 March 2022

A handwritten signature in black ink, appearing to read "Matthew Garey".

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Matthew Garey  
AGS lawyer  
for and on behalf of the Australian Government Solicitor  
Lawyer for the Applicant