

Interim Bar

Presumptively Disqualified Person

An interim bar is a temporary decision. It prevents you from working in risk assessed roles for a registered NDIS provider, until a final decision on your application is made.

What is an interim bar for?

An interim bar is a temporary measure that is put in place to protect people with disability while your application is being decided.

The [National Disability Insurance Scheme \(Worker Screening\) Act 2020 \(the Act\)](#) views the safety and wellbeing of people with disability as the primary concern. People with disability have a right to live free from abuse, violence, neglect, and exploitation.

This comes ahead of any potential benefit that may come from your work with people with disability.

Why was an interim bar imposed on me?

A review of your criminal history record indicates one of the following:

- you have a conviction or a pending charge for a Class 2 offence.
- you have a pending charge for a Class 1 offence.
- you have a conviction for a specific Class 3 offence.

AND

- that offence was committed by you as an adult.

This means you are a presumptively disqualified person. The Act states an interim bar **MUST** be imposed while your application is being decided.

You will have received a letter that advises you of the decision to impose an interim bar, the reason for this decision and information on how your application will be progressed.

How is an interim bar decided?

The Act requires us to impose an interim bar automatically on people with convictions for certain offences including but not limited to:

- serious physical or sexual assault
- fraud offences involving a child or vulnerable person.
- cruelty to animals
- certain drug offences
- serious driving offences
- pending charges for Class 1 offences.

Your criminal history record includes at least one of these offences.

More detailed information about these types of offences can be found in the [Classification of Offences Factsheet](#) and in Schedule 2 of the Act.

What is a conviction?

Convictions under the Act include spent convictions. They also include formal findings of guilt, acceptance of a plea of guilty and acquittals based on unsoundness of mind.

My employer has agreed to supervise me, can I still work?

No, you cannot undertake any work that is a risk assessed role for a registered NDIS Provider while an interim bar is in place.

NDIS Check decisions apply to many different types of roles and covers NDIS work all around Australia. This means that the Screening Unit cannot factor in any individual arrangements you may have put in place to address particular risks.

How long will I have an interim bar in place?

The interim bar remains in place until a final decision is made to issue you with a clearance or exclusion.

As every applicant's case is different, the time it takes to reach a final decision varies. The Screening Unit must take the time necessary to obtain and properly consider relevant information. Decisions will take longer when additional information is needed. You may contact the Screening Unit to enquire about the status of your application or check online by logging into your DoTDirect account.

What do I need to do?

Comply with the interim bar.

The interim bar prevents you from working in risk assessed roles for registered NDIS providers until a final decision is made on your application. You will hear from us prior to a final decision being made.

You may wish to consider seeking other forms of employment, until your application is finalised. You may also wish to seek independent legal advice.

For general information regarding this fact sheet contact the Screening Unit on [1800 225 558](tel:1800225558).

How can I have this decision reviewed?

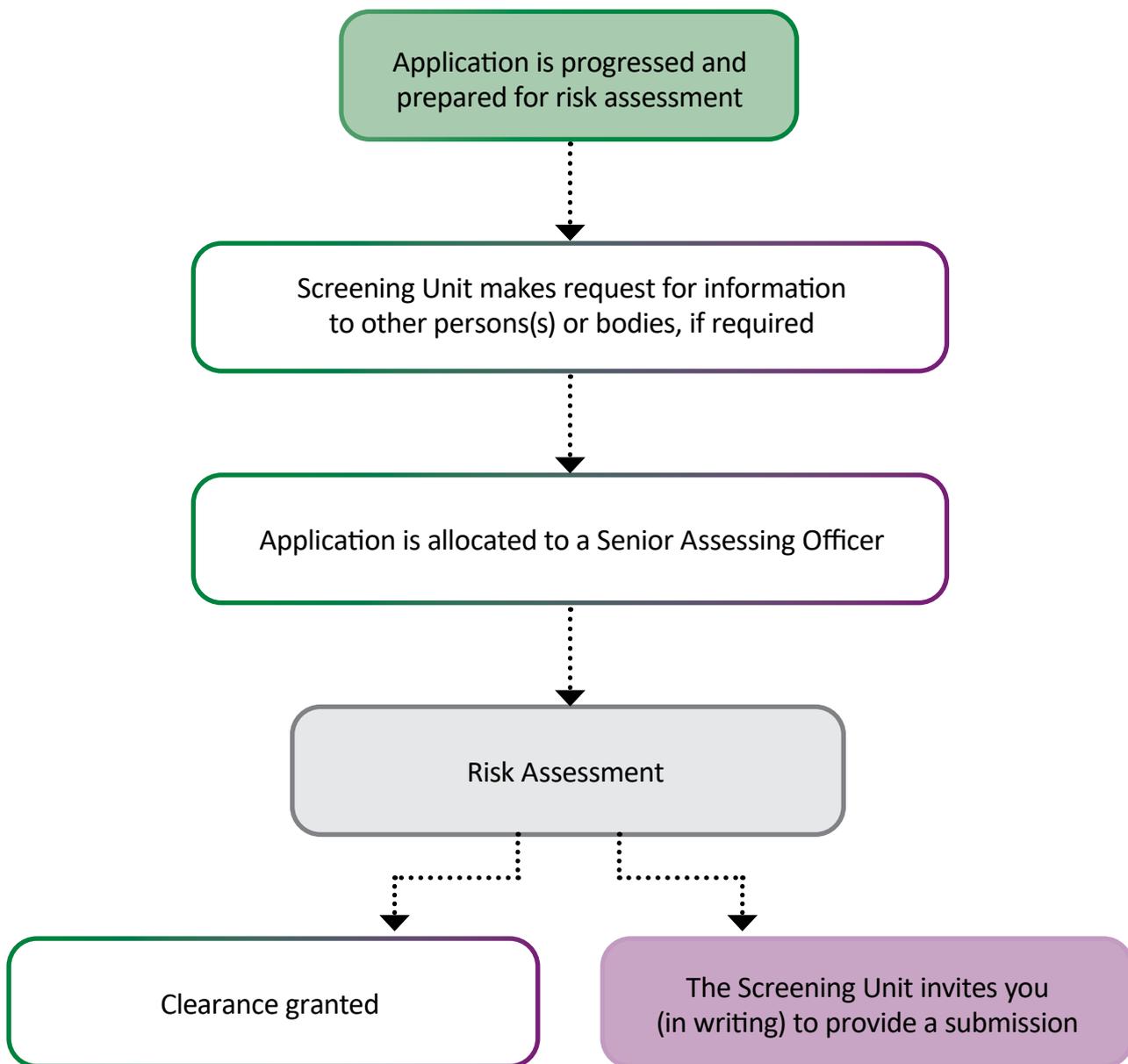
The Act permits you to apply for a review of the interim bar **no sooner than 6 months** after you were given written notice of the decision.

A prescribed fee is payable when you apply for a review of the interim bar decision. You are also able to make a written submission for consideration.

Given you are a presumptively disqualified person the Screening Unit has no option and must impose an interim bar. There are limits around what can be considered if you apply for a review. The **ONLY** thing you can argue at the time of your review is that your record does not include a pending charge for a Class 1 offence, a pending charge or a conviction for a Class 2 offence or a conviction for a specific Class 3 offence; committed by you as an adult.

What Happens Next ?

Your application will continue to be processed. We may contact you if we need any more information. This will include us asking you to make a submission before a final decision is made.



Disclaimer – This factsheet is a summary which has been made available to assist you to make a submission pursuant to the *National Disability Insurance Scheme (Worker Screening) Act 2020* in Western Australia and is not designed to offer specific legal or other advice of any kind. Please access the [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#) for the full detail of this legislation. It is recommended that you obtain appropriate professional/legal advice that considers your particular set of circumstances if you require further assistance.

The Screening Unit is committed to providing clear information to help you understand your rights and meet your obligations.

Every reasonable effort has been made to ensure information is accurate and up to date. However, errors can occur and changes after the time of publication may impact on the accuracy of the information in a factsheet/information sheet. Further information about the *National Disability Insurance Scheme (Worker Screening) Act 2020* is available on the website at www.ndiswsu.wa.gov.au.

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