

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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File Number: TAD9/2024
File Title: COMMISSIONER OF THE NDIS QUALITY AND SAFEGUARDS
COMMISSION v OAK TASMANIA ACN 055 920 306
Registry: TASMANIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.



Originating application

No. of 2024

Federal Court of Australia
District Registry: Tasmania
Division: General

COMMISSIONER OF THE NDIS QUALITY AND SAFEGUARDS COMMISSION

Applicant

OAK TASMANIA (ACN 055 920 306)

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: [Registry will insert time and date]

Place: [address of Court]

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Filed on behalf of (name & role of party)	Commissioner of the NDIS Quality and Safeguards Commission, Applicant		
Prepared by (name of person/lawyer)	Rebecca Jaffe		
Law firm (if applicable)	HWL Ebsworth Lawyers		
Tel	+61 3 8644 3500	Fax	1300 365 323
Email	rjaffe@hwle.com.au		
Address for service (include state and postcode)	HWL EBSWORTH LAWYERS Level 8, 447 Collins Street, Melbourne VIC 3000 DX 564 MELBOURNE Email: rjaffe@hwle.com.au		



Date:

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



Details of claim

On the grounds stated in the Concise Statement, the Applicant claims:

1. A declaration that on each occasion that the Respondent (**Oak**) failed to report each Reportable Incident to the Commission within the required timeframes prescribed under the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) (**IMRI Rules**), as set out in Annexures 1 and 2 to the Applicant's Concise Statement, it failed to comply with:
 - (a). its Registration as a NDIS provider; and
 - (b). therefore contravened s 73J of the *National Disability Insurance Scheme Act 2013* (Cth) (**NDIS Act**).
2. A declaration that on each occasion that Oak provided supports and services to the persons identified in Annexures 3 to 7 of the Applicant's Concise Statement, Oak contravened s 73J of the NDIS Act because Oak failed to comply with:
 - (a). its Registration as a NDIS provider; and
 - (b). s 6(c) of the *National Disability Insurance Scheme (Code of Conduct) Rules 2018* (Cth) (**Code**); and
 - (c). the requirements of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* (Cth) (**Practice Standards**) as detailed in the Annexures 3, 6 and 7 to the Applicant's Concise Statement.
3. A declaration that when Oak provided supports and services, to the persons identified, and as described in Annexures 3 to 7 of the Applicant's Concise Statement, Oak contravened s 73V of the NDIS Act because Oak failed to comply with the s 6(c) of the Code, in that it did not provide support and services in a safe and competent manner, with care and skill.
4. An order that Oak pay the Commonwealth pecuniary penalties pursuant to s 82(3) of the *Regulatory Powers (Standard Provisions) Act 2014* (Cth), read with s 73ZK of NDIS Act.
5. Costs.
6. Such further or other orders as the Court considers appropriate.

**Applicant's address**

The Applicant's address for service is:

Place: HWL Ebsworth Lawyers

Level 8, 447 Collins Street

Melbourne VIC 3000

Email: rjaffe@hwle.com.au

The Applicant's address is Level 1, 121 Henry Street, Penrith, New South Wales.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 19 April 2024

A handwritten signature in blue ink, appearing to read "Rebecca Jaffe".

Signed by Rebecca Caroline Jaffe
Lawyer for the Applicant