



National Disability Insurance Agency

Senate Community Affairs Legislation Committee

Inquiry into the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017

Introduction

The National Disability Insurance Agency (NDIA) welcomes the introduction of this legislation as an important mechanism for strengthening the safeguards available to National Disability Insurance Scheme (NDIS) participants while achieving much needed national consistency. It is also aligned with the key NDIS principles of participant choice and control.

Current quality, safeguarding and registration functions are fragmented, complex and vary between states and territories and will be maintained while responsibility for quality and safeguards progressively transition to the national system. A mechanism for national accreditation and registration will streamline requirements for providers, and in particular those providers whose service provision stretches across several jurisdictions. This reduction in administrative burden is expected to support a market that is growing quickly to meet a demanding implementation schedule, without a reduction in safeguards.

New South Wales and South Australia will transition to the new Quality and Safeguards Commission in July 2018, with all other states (with the exception of Western Australia) transitioning in July 2019. This will mean that dual quality and safeguarding systems will operate in parallel for the 2018/19 financial year. Managing this complex administrative period could be supported by an agreement with non-transitioned jurisdictions recognise accreditation of providers in transitioned states against the new National Framework. This would minimise the regulatory 'red tape' imposed on providers during transition.

The NDIA is encouraged that the National Quality and Safeguards Framework is agile and responsive in regulating innovative service models and supports. Existing systems have been built and maintained around a traditional mix of supports and block grant agreements. A more flexible framework supports the market to deliver services in innovative ways that are tailored to meet individualised participant needs and preferences. The cases of abuse and neglect that have come to light in some jurisdictions highlight the need for a contemporary approach to regulation of quality and safeguards for people with a disability. As the sector moves from institutionalised models of support, the national approach will deliver improved quality and safeguards standards and better protection for people with disability.

The NDIS principles of choice and control are furthered when participants feel confident and capable to manage their own plan funding for supports. The NDIA performs an assessment of participant suitability to self-manage their supports, which is a safeguard in itself. The implementation of the Code of Conduct under the National Framework strengthens existing consumer protection mechanisms, and means that there is improved recourse available to self-managing participants when choosing a provider of supports and services. Both the Commission and the NDIA are committed to educating all participants about their rights and obligations under the NDIS.

The NDIA is committed to working closely with the Department of Social Services (DSS) to educate and build the capacity of providers and participants to engage with the Commission (once established), and is particularly concerned that lead time for provider engagement and education is maximised in order to prepare the market during a period of significant change.

The NDIA continues to work with DSS to achieve clarity where intersections exist between the roles and responsibilities of the NDIA and the Commission, and welcomes the strengthened role of the Commission in relation to the financial prudential oversight of the NDIS market since the NDIA's levers in this regard are limited.

The NDIS is increasingly of a size and scale that the introduction of a suite of compliance and enforcement powers that can be applied in concert with the Commission's approach to prevention and education is appropriate and timely.

Information about the Bill

Amends the *National Disability Insurance Scheme Act 2013* to establish the NDIS Quality and Safeguards Commission with functions in relation to:

- registration and regulation of National Disability Insurance Scheme (NDIS) providers, including Practice Standards and a Code of Conduct;
- compliance monitoring, investigation and enforcement action;
- responding to complaints and reportable incidents including abuse and neglect of a person with disability;
- national policy setting for the screening of workers;
- national oversight and policy in relation to behaviour support and monitoring restrictive practices within the NDIS; and
- information sharing arrangements.

Also amends the *National Disability Insurance Scheme Act 2013* to make minor administrative amendments in response to an independent review of the Act.