

2016-17-01

TERMS OF REFERENCE
INQUIRY INTO NATIONAL DISABILITY INSURANCE SCHEME
TRANSITION AND MARKET DEVELOPMENT IN QUEENSLAND

Context

The National Disability Insurance Scheme (NDIS) is a significant social reform, introducing a market approach to the provision of disability services and a significant increase in sector funding.

The NDIS is intended to improve life outcomes and increase opportunities, choice and control for people with disability. The NDIS also offers the opportunity for new and existing providers to engage with participants as customers and to respond to their needs.

Queensland's transition to the NDIS commenced in January 2016 with the early launch in Townsville followed by a region-by-region rollout over three years from July 2016. The NDIS is now available in all areas of Queensland, for all eligible people with a disability. A significant number of Queenslanders are continuing to enter the scheme.

Introduction of the NDIS brought about substantial changes in the way services for people with a disability are procured, moving away from services either provided or funded by state governments, to enabling NDIS participants or their agents to procure services directly from the market with individualised funding in their support plans.

Consequently, it is important to review the current status of market participation and service delivery and to apply any learnings that may promote improvement and further opportunities for market development.

As the NDIS market in Queensland matures, it is important that settings are appropriate, that it is able to operate efficiently, and that the services needed by participants are available.

The Queensland Government currently maintains a role in the NDIS market, including providing Accommodation Support and Respite Services and preparation of Positive Behaviour Support Plans. It also maintains a regulatory role in areas relating to quality and safeguards, including authorisation of the use of restrictive practices and criminal history screening of NDIS workers.

It is important that the role and policies of the Queensland Government support the NDIS market and promotes participant outcomes.

Terms of Reference

The Queensland Productivity Commission (QPC) is directed to conduct an Inquiry into NDIS transition and market development in Queensland. This includes investigating and reporting on market conditions and prospects to determine whether governance, regulation and policy settings support the operation of the NDIS market and promote participant outcomes.

The QPC should review the performance of the NDIS market during transition in Queensland, including:

- the degree to which the NDIS market has met the needs of participants, including whether thin markets or supply issues are contributing to the underutilisation of NDIS Plans;
- consideration of any impediments to supply, including in relation to the preparedness of the private and non-government sectors to enter the market;
- the productivity impacts of Queensland's investment in the NDIS, including enabling people with disability and carers to obtain employment, undertake education and training and ability to participate in the community;

- the effectiveness of provider markets, both in the private and non-government sectors; and a review of participant transition rates and factors, including identification of any cohorts that have not transitioned and why transition has not occurred.

In reviewing the performance of the NDIS market during transition, the QPC should give regard to the likely effectiveness of the actions or interventions by Queensland and the Commonwealth as part of transition, or as part of other inquiries including Joint Standing Committee reports about NDIS markets and readiness. This includes actions taken to address thin market issues, particularly in regional and remote settings.

The QPC should investigate and report on NDIS market conditions and prospects, including:

- the efficiency and effectiveness of the NDIS market across Queensland including the availability of market information and data, and price settings and review mechanisms;
- the appropriateness of market governance and management;
- the anticipated NDIS participant population and the ability of the market to meet their expected level and type of service requirements;
- any structural, regulatory or other impediments that might inhibit the efficient operation of the NDIS market including: impediments under State jurisdiction, under Federal jurisdiction and outside of government control;
- any factors affecting specific markets or market segments, including in rural and remote areas; and
- any issues relating to the interaction between the NDIS market and related markets and schemes.

The QPC should also investigate and report on the Queensland Government's role in the NDIS, in relation to the authorisation of restrictive practices and preparation of Positive Behaviour Support Plans.

In light of this analysis, the QPC should recommend options for improved policies and measures to ensure the NDIS market in Queensland will meet the needs of participants both now and in the future.

Consultation

The QPC should undertake public consultation in relation to the Inquiry, including with participants and participant advocates, service providers, peak bodies, experts and government agencies.

Reporting

The QPC must publish a draft report for consultation by 30 November 2020.

The Final Report must be provided to Government by 30 April 2021.