

Introduction

The Department of Social Services (DSS), the National Disability Insurance Agency (NDIA), and the NDIS Quality and Safeguards Commission (NQSC) welcome the opportunity to provide further assistance to the Queensland Productivity Commission's inquiry into National Disability Insurance Scheme (NDIS) transition and market development in Queensland.

Queensland's transition to the NDIS Full Scheme arrangement was finalised on 1 October 2020. As at 31 December 2020, there were 86,535 Queenslanders in, or seeking access to, the NDIS.¹ This marks important progress in delivering on the promise of the NDIS – to provide people with disability true choice and control over a flexible support package.²

While the NDIA's Quarterly Report Q2 2020-21 found that the NDIS was successful in meeting the urgent needs of participants,³ more work is underway to ensure the NDIS is simpler, fairer, faster and more flexible.⁴ Initiatives include building a responsive and capable workforce, reducing compliance costs for providers, and developing policy around future market arrangements, including price regulation.

Delivery and outcomes of the NDIS depend heavily on cooperation between Commonwealth, and state and territory governments. All governments continue to share joint responsibility to shape the NDIS. The delivery of a new National Disability Strategy (NDS) later this year will further facilitate Australia's unified, national approach to supporting people with disability, including through mainstream state and territory service systems. The Australian Government will continue to work with state and territory governments, the care and support sector, participants, their families and carers, as the NDIS continues to grow.

Improving participant outcomes

The NDIS is one of Australia's largest social policy reforms, with the goal of delivering transformational supports to participants. Currently, more than 410,000 NDIS participants receive support from over 11,600 active NDIS providers.⁵ By 2024, the Australian Government expects the NDIS to support around 500,000 participants.⁶

Achieving this will demand significant commitment. The NDIS is forecast to involve Commonwealth, state and territory expenditure of over \$100 billion between 2020-21 and 2023-24.⁷ Queensland's full transition to the NDIS involves an estimated investment from the Commonwealth and Queensland governments of more than \$4 billion in 2020-21 alone.⁸

Making the NDIS simpler, fairer, faster and more flexible

The Australian Government is committed to making significant improvements to ensure the NDIS is simpler, faster, fairer, and more flexible. In keeping with this commitment, the Minister for the NDIS, the Hon Stuart Robert MP, in August 2020 announced a substantial package of reforms to improve the way people with disability experience the NDIS.

These reforms deliver on the recommendations of the 2019 independent review of the *National Disability Insurance Scheme Act 2013* (NDIS Act) (Tune Review) and the Australian National Audit Office's 2020 report into NDIS decision-making controls. They include a commitment to legislate the

¹ National Disability Insurance Agency (NDIA), *NDIS Quarterly Report to Disability Minister: Q2 2020-2021*, NDIA, Australian Government, 2020-2021.

² The Hon Stuart Robert MP, [Landmark Reforms to Deliver on the Promise of Australia's National Disability Insurance Scheme \(NDIS\)](#) [media release], DSS, 28 August 2020, accessed 3 March 2021.

³ NDIA, *NDIS Quarterly Report to Disability Minister: Q2 2020-2021*.

⁴ The Hon Stuart Robert MP, [Delivering the NDIS: Implementation of Reforms for a Simpler, Faster, Fairer and More Flexible NDIS](#) [media release], DSS, 24 November 2020, accessed 3 March 2021.

⁵ Workforce forecasts are from DSS and AlphaBeta analysis of National Disability Insurance Agency (NDIA) data.

⁶ Workforce forecasts are from DSS and AlphaBeta analysis of National Disability Insurance Agency (NDIA) data.

⁷ Australian Government, [Budget 2020-21 Paper No. 2](#).

⁸ The Hon Stuart Robert MP, [Queensland Transition to the NDIS Completed](#) [media release], DSS, 23 September 2020, accessed 3 March 2021.

Participant Service Guarantee (PSG) at the earliest possible opportunity. Despite delays in this effort caused by COVID-19, the NDIA is giving practical effect to the proposed timeframes for decision-making and engagement principles through the Participant Service Charter and the Participant Service Improvement Plan (PSIP).⁹ The NDIA's Q2 2020-21 Report notes that during this period the NDIA in Queensland met 100 per cent of guarantees to explain previous decisions, make access decisions and complete Participant Requested Reviews, within the timeframes contemplated by the PSG.¹⁰

The reforms also seek to introduce free independent assessments to inform participants' personalised budgets.¹¹ A participant's budget will be based on their functional capacity as determined through an independent assessment. It will also reflect any relevant environmental factors, including informal supports available to the participant and other contextual factors such as locality or circumstance. This will ensure a consistent approach to providing funding for people with similar levels of functional capacity and in similar circumstances. This differs from the current approach, where listing each and every reasonable and necessary support in a person's plan has limited people choosing and changing the supports they buy, and has been inconsistent in its application.¹²

This shift will enable a more holistic participant-provider experience that focuses on using the participant's funding plan to pursue participant goals and aspirations. By promoting equity and consistency in the provision of participant funding, the NDIS will align more closely with the underpinning objectives of the NDIS Act.

To assist these reforms, the Australian Government is working with states and territories to amend the NDIS Act and Rules to implement the package of reforms. During this process, every state and territory, including Queensland, has participated in bilateral meetings with the Commonwealth about the scope of the changes. The Australian Government invited interested parties, including states and territories, to make formal submissions to the NDIA as part of consultation that ended on 23 February 2021. After taking submissions into account, the Australian Government will release draft legislation for public consultation, intended to commence on 1 July 2021.

Delivering high quality support

All governments agreed to establish nationally consistent regulation over the delivery of NDIS supports and services in 2017. The NQSC was subsequently established, through amendment to the NDIS Act, and fulfils the Commonwealth's commitment to the quality and safeguarding framework for the NDIS. The NDIS Code of Conduct and NDIS Practice Standards set out expectations for the quality and safety of services and support delivery in Queensland and across Australia.¹³

To reduce the risk of harm to NDIS participants, all governments established a nationally consistent worker screening check.¹⁴ From 1 February 2021, the national NDIS worker screening check has begun to replace different screening arrangements in each state and territory, including Queensland.¹⁵ This complements changes to provider registration, behaviour support plans, and monitoring and compliance the NQSC has introduced in Queensland.¹⁶

Expectations around the quality and safety of supports offered to participants will continue to grow over time. As such, the NQSC is leading the implementation of a national NDIS Workforce Capability Framework (Framework).¹⁷ The Framework, finalised in December 2020, translates practice standards and code of conduct rules into clear and observable behaviours for registered providers

⁹ NDIA, NDIS 2020 in Review.

¹⁰ NDIA, NDIS 2020 in Review; NDIA, *NDIS Quarterly Report to Disability Minister: Q2 2020-2021*.

¹¹ DSS, *Information Paper - Improving the National Disability Insurance Scheme*, DSS, Australian Government, 24 November 2020; independent assessments were originally recommended in the 2011 Productivity Commission report.

¹² DSS, *Information Paper - Improving the National Disability Insurance Scheme*.

¹³ NQSC, *Fact Sheet: Then and Now for Providers in QLD*.

¹⁴ NQSC, *Worker Screening Requirements*, NQSC website.

¹⁵ NQSC, *Worker Screening Requirements*.

¹⁶ NQSC, *Fact Sheet: Then and Now for Providers in QLD*.

¹⁷ NQSC, *NDIS Workforce Capability Framework*, NDIS website, accessed 5 March 2021.

and workers.¹⁸ In addition, a range of support tools to assist providers and workers will be developed in close consultation with the sector, as well as national compliance strategies with an educative focus and behaviour support practice.

Engaging with participants and the sector

The Australian Government is committed to close engagement with those living with disability and the sector that supports them. The NDIA and NQSC already engage extensively with a broad range of stakeholders supporting NDIS participants across Queensland.¹⁹ Consultation occurs through meetings, roundtables, geographically targeted support, engagement teams and provision of resources across each of Queensland's 13 service districts and regions.

The Australian Government also funds independent disability advocacy organisations. In 2020-21, under the National Disability Advocacy Program, 9 advocacy organisations in Queensland received a total of \$4.2 million.²⁰ Five of these organisations received a total of \$1.4 million to deliver advocacy support under the NDIS Appeals program. The Australian Government also granted Legal Aid Queensland \$330,000 to provide of legal assistance for the NDIS Appeals program in 2020-21. In 2019-20, these programs supported 1,958 people with disability and their families and carers in Queensland.

Providing appropriate services and supports for diverse cohorts

The NDIA remains committed to delivering outreach and support to increasingly diverse cohorts of NDIS participants.²¹ As at December 2020, 4,646 active participants in Queensland (5.5 per cent) identified as culturally or linguistically diverse.²² 7,735 active participants in Queensland (9.2 per cent) identified as Aboriginal and Torres Strait Islander.²³ Further, 1,444 active participants (1.7 per cent) lived in remote or very remote areas across Queensland.²⁴ The NDIA is progressing a trial in Palm Island, and other market interventions in Doomadgee, Mornington, Woorabinda and Cloncurry, to address both market gaps and the unique challenges faced by participants and providers in these remote areas.

The Australian Government also funds six Disability Representative Organisations (DROs) that represent diverse cohorts at a national level. This includes people with cross-disability (inclusive of LGBTQIA+), women with disability, children and young people with disability, culturally and linguistically diverse people with disability, Aboriginal and Torres Strait Islander people with disability and disability-specific communities, including intellectual disability.

The Australian Government is investing \$5.9 million in the NDIS Ready project, which aims to increase the number of Aboriginal Community Controlled Health Organisations registered to deliver NDIS services. Through NDIS Ready, the National Aboriginal Community Controlled Health Organisation (NACCHO) is working with its Affiliates and Community Controlled Health Organisations, including the Queensland Aboriginal and Islander Health Council, to increase the supply of culturally appropriate and localised NDIS supports for Aboriginal and Torres Strait Islander people with disability.²⁵

¹⁸ NQSC, [NDIS Workforce Capability Framework](#).

¹⁹ NDIA, [Corporate Plan 2020-2024](#), NDIA, Australian Government; NQSC, [NDIS Workforce Capability Framework](#).

²⁰ DSS, [National Disability Advocacy Program](#), DSS webpage, 29 September 2020.

²¹ See NDIA, [Corporate Plan 2020-2024](#), NDIA, Australian Government; NDIA, [Corporate Plan 2020-21](#), NDIA, Australian Government; NDIA, [Cultural and Linguistic Diversity Strategy](#), NDIA, 2018; NDIA, [LGBTIQ+ Strategy](#), NDIA, Australian Government, 2020; NDIA, [National Community Connector Program](#), NDIS webpage; NDIA, [Aboriginal and Torres Strait Islander Engagement Strategy](#), NDIA, Australian Government, 2017.

²² NDIA, [NDIS Quarterly Report to Disability Minister: Q2 2020-2021](#).

²³ NDIA, [NDIS Quarterly Report to Disability Minister: Q2 2020-2021](#), NDIA.

²⁴ NDIA, [NDIS Quarterly Report to Disability Minister: Q2 2020-2021](#), NDIA.

²⁵ The Hon Stuart Robert MP, [Delivering the NDIS: Improving Access for Aboriginal and Torres Strait Islander Communities](#) [media release], DSS, 29 October 2020.

National Disability Strategy

The National Disability Strategy (NDS) 2010-20 outlined how Australian, state, territory and local governments worked together to ensure people with disability can fulfil their potential as equal members of the community. Establishing a high-level policy framework, the NDS helped coordinate reform efforts and the delivery of essentials services – such as transport, housing, utilities, health, education and communication – across states and territory governments. The continued and consistent delivery and funding of these mainstream services is vital to achieving outcomes for all 4.4 million Australians with disability, including NDIS participants.

DSS is currently working with states, territories and local government on Australia's new National Disability Strategy, due for publication late 2021.

Participant employment strategy

The NDIA's Participant Employment Strategy 2019-2022 (Strategy) sets out the NDIA's vision to increase employment outcomes, including increasing the number of working aged participants in meaningful work to 30 per cent by 30 June 2023 (from 24 per cent in 2019).²⁶ NDIA's Quarterly Report Q2 2020-21 found that 18 per cent of Queensland participants reported employment in a paid position.²⁷ Twenty per cent of participants also reported that their involvement with the NDIS helped them find a job right for them.²⁸

To further improve employment outcomes for people with disability, the Australian Government is developing a National Disability Employment Strategy (Employment Strategy). Building on the NDS, the Employment Strategy will aim to increase the number of people with disability in meaningful work by:

- *Lifting employer engagement, capability and demand:* providing employers with the tools and abilities to confidently hire, support and develop more people with disability.
- *Building employment skills, experience and confidence of young people with disability:* ensuring young people with disability are supported to obtain meaningful work and careers of their choice.
- *Improving systems and services for jobseekers and employers:* making it simpler for job seekers with disability and employers to navigate and utilise government services, and driving better performance from service providers.
- *Changing community attitudes:* changing people's perception and expectation about the capability of people with disability in the workplace, lifting employer engagement, capability and demand.

Market development to enable access to services and supports

Current government investments

A vibrant market is crucial to delivering transformational outcomes on the NDIS. Building on the success of the \$112 million Sector Development Fund established to assist the disability sector transition to the NDIS,²⁹ the Australian Government has invested \$64.3 million in the NDIS Jobs and Market Fund (JMF) to support NDIS providers and grow the workforce.³⁰ In addition, investments include:

- Frontline Leadership Role Clarity program, with workshops held in Queensland to identify capabilities, qualities, and values required for frontline leadership in the NDIS.³¹

²⁶ NDIA, [Participant Employment Strategy 2019-2022](#), NDIA, Australian Government, 2019.

²⁷ NDIA, [NDIS Quarterly Report to Disability Minister: Q2 2020-2021](#).

²⁸ NDIA, [NDIS Quarterly Report to Disability Minister: Q2 2020-2021](#).

²⁹ The Hon Stuart Robert MP, [Morrison Government Announces Funding to Help Deliver NDIS Workforce](#) [media release], DSS, 7 August 2019.

³⁰ DSS, [What is the Jobs and Market Fund?](#), DSS, 22 August 2018.

³¹ DSS and Ability First Australia, [Frontline Leader Views on their Future Role](#), DSS and Ability First Australia.

- Boosting the Local Care Workforce program to assist providers' transition to the NDIS, and build workforce capability. BLCW hosts events around Queensland to discuss sustainability in the disability workforce.³² By 1 March 2021, 149 organisations from Queensland received funding of up to \$20,000 under the two rounds of Transition Assistance Funding.
- In 2019, the NDIA awarded up to \$10 million to organisations across Australia to deliver the Exceptionally Complex Support Needs Program, including to Mercy Community Services in Queensland.³³

The Australian Government also invests \$134 million per annum in the *Information, Linkages and Capacity Building* (ILC) program for projects that build the knowledge, skills and confidence of people with disability, and improve their access to community and mainstream services. As at 15 December 2020, Queensland receives 15.1 per cent of ILC grant funding with a combined value of \$42.4 million.³⁴ This funding is for the first five grant rounds under the current ILC Investment Strategy 2018-2022. Based on information provided by organisations in their grant applications, 120 projects have been funded to deliver ILC services in Queensland. This includes Queensland-specific projects, multi-jurisdictional grants delivering in Queensland and national grants. DSS has recently undertaken a review and will be consulting broadly on future directions for the ILC program.³⁵

Workforce initiatives

The NDIS Workforce Plan, due for publication in the first half of 2021, will outline the Australian Government's plan to grow a responsive and capable care and support sector to meet the needs and aspirations of NDIS participants. The Workforce Plan builds on the Australian Government's Budget announcement to invest \$19.8 million over three years from 2020-21 to boost jobs and encourage innovation, service delivery, and a more sustainable care and support workforce.³⁶ The BLCW program will also expand to support job seekers and students find employment opportunities across the sector, as well as identifying opportunities for further regulatory alignment across the care and support workforce. The Australian Government is committed to working closely with state and territory governments on implementation of the NDIS Workforce Plan.

Improving price regulation

In line with the 2020-24 Corporate Plan, the NDIA commits to fostering collaborative partnerships with a wide range of stakeholders. In conducting the Annual Price Review 2020-21, the NDIA engaged in extensive consultation with industry, community and government. The NDIA Pricing Reference Group, which includes five independent members, considers the results of all price reviews. The Group includes Julie Hulcombe PSM, who has experience in allied health reform and has made significant contributions to improving high quality care access in Queensland.

Consistent with the full scheme bilateral agreements with both Victoria and Queensland, a joint project is underway to explore alternative approaches to price regulation, and build confidence, capacity, depth and flexibility in the NDIS market.

Improving market coordination and supply

The Australian Government is investing \$256.6 million to make digital identity available as a whole-of-economy solution.³⁷ Currently, over 1.6 million Australians and 1.16 million businesses have secure access to more than 70 government services through digital identity.³⁸ Similar to a 100-point identification check, digital identity enables Australians, including NDIS participants, to prove their identity while reducing red tape.

³² Workability Qld, [Past Events](#), Workability website, accessed 5 March 2021.

³³ NDIA, [Funded Projects](#), NDIS website, accessed 5 March 2020.

³⁴ DSS, ILC Review Report – March 2021 (developed for Disability Reform Ministers).

³⁵ DSS, [Portfolio Budget Statements 2020-21 Budget Related Paper No. 1.12](#), DSS, 2020.

³⁶ Australian Government, [Budget 2020-21 Paper No. 2](#).

³⁷ The Hon Stuart Robert MP, [Delivering Essential Services and Support Through Unprecedented Times](#) [media release], DSS, 6 October 2020, accessed 3 March 2021.

³⁸ Digital Transformation Agency, [Understanding Digital Identity](#), 3 November 2020.

In June 2020, the Australian Government announced the next phase of the Digital Partnership Program (DPP) to improve the digital experience for NDIS participants and providers. The DPP will expand the NDIA's Application Programming Interfaces (API) to more software developers working with registered providers.³⁹ This will set the foundation for a sophisticated and advanced digital environment that harnesses emerging technologies and innovation.

Delivering supports to rural and remote communities

On 13 December 2020, the Disability Reform Council agreed to explore flexible approaches to addressing NDIS market challenges. In line with this, the NDIA, DSS, state and territory governments and key stakeholders are progressing thin market trials in all states and territories. These trials focus on developing intervention strategies to address market issues that may limit participant access in certain geographic locations, cohorts or disability support types. Intervention strategies currently undertaken include:

- *Market facilitation*: improving connections between providers and participants through targeted engagement and market information. Interventions in Queensland are underway in Cloncurry, Doomadgee, Mornington and Woorabinda.
- *Direct commissioning*: directly purchasing disability supports on behalf of a group of participants. This will be tested for community-based supports on Palm Island.
- *Coordinated funding packages*: enables participants to pool plan funds and consolidate their collective buying power to achieve individual goals. This has not been tested in Queensland but will be pending positive outcomes from current trials in the Northern Territory (Katherine) and Western Australia (Kimberley).

Market development for specialist disability accommodation and supported independent living

The Australian Government is committed to increasing the supply of accessible and well-designed housing for people with disability. The Australian Government funds housing supports for NDIS participants, including Specialist Disability Accommodation (SDA) to 7 per cent of participants that require a specialist built form and home modifications for participants living in other forms of housing. Annualised SDA funding in active plans has increased to \$198 million as at December 2020, including around \$24 million to Queensland.⁴⁰

The Australian Government has implemented a number of reforms to promote greater accessibility and flexibility of SDA. These include amendments to the SDA Rules to:

- remove the need to exhaust all options before being considered for SDA eligibility;
- subject to eligibility for SDA, including SDA funding in a participant's plan even if a property was not available; and,
- provide more flexible living arrangements by allowing participants and residents of SDA dwellings to share a bedroom. This allows couples or children to share a bedroom with their siblings where appropriate.

Other SDA initiatives implemented by the NDIA include:

- In 2019, the Australian Government contributed to the supply of 99 new SDA options in Brisbane, the Gold Coast and Townsville,⁴¹ bringing the total to 3,439.⁴²
- Update of the Operational Guidelines which provide increased detail on SDA processes for participants and providers.

³⁹ The Hon Stuart Robert MP, [Digital Partnership Program Begins Developer Onboarding Phase](#) [media release], DSS, 30 June 2020, accessed 3 March 2021. For example, API initiatives such as DPP can enable third parties to develop a new range of digital services at a faster pace as part of a digital market place.

⁴⁰ NDIA, *NDIS Quarterly Report to Disability Minister: Q2 2020-2021*.

⁴¹ Social Ventures Australia and Summer Foundation, [Special Disability Accommodation Supply in Australia](#).

⁴² Social Ventures Australia and Summer Foundation, [Special Disability Accommodation Supply in Australia](#).

- Formalisation of the SDA Panel consisting of senior SDA subject matter experts and service delivery staff. The Panel supports NDIS planners by providing timely recommendations about all required decisions under the SDA Rules.
- Introduction of the SDA Design Standard to provide clarity for SDA design requirements and introduces a process for pre-certification at the planning stage. The standards will commence operation in July 2021 and will become mandatory in order for a new build dwelling to meet the criteria for enrolment as SDA.
- Introduction of the SDA Innovation Plan to promote development of new, high quality, fit-for-purpose and innovative housing aligned to participants' goals and outcomes.
- Finalising the Limited Cost Assumptions Review, which resulted in increases to a number of price limits for certain SDA categories and locations to further stimulate supply matched to participant demand.
- Release of new data on the demand for SDA that will further stimulate the market and ensure better long-term options for Australians needing specialised housing solutions
- Publishing a new page on the NDIS website identifying existing SDA matching platforms, which helps participants search for housing solutions.

In addition, New Operational Guidelines for Supported Independent Living (SIL) became available in June 2020, and were most recently updated on 1 December 2020.⁴³ The NDIA is also consulting on a proposal for short-term improvements to SIL and on price controls related to SIL.

The NQSC registration process also includes an assessment of conformance against the practice standards relevant to the supports and services the provider is registering to deliver, and a suitability assessment of the organisation and its key personnel to participate in the NDIS market. Under the current quality and safeguards system, any provider delivering SDA must be registered with the NDIS Commission. There are specific practice standards that deal with the provision of SDA reflecting the developing nature of the SDA market, these standards address amongst other things, tenancy rights, and conflicts of interest. Where providers are delivering SDA and other supports they must also comply with the core NDIS practice standards.

Governance

National Disability Strategy

The NDS 2010-2020 is Australia's overarching framework for disability policy of Commonwealth, state, territory and local governments.⁴⁴

In late 2020, all Disability Ministers affirmed their ongoing commitment to the National Disability Strategy as its term ended on 31 December 2020. Work is underway in developing the new National Disability Strategy, expected for publication in late 2021. The delayed timeframe follows advice from disability stakeholders to pause on public engagement in 2020 due to COVID-19.

Disability Reform Ministers

Following National Cabinet's acceptance of the recommendations of the *Review of COAG Councils and Ministerial Forums* (the Review),⁴⁵ the Disability Reform Council was replaced by the Disability Reform Ministers' (DRM) meeting, which met for the first time on 4 December 2020. DRM consists of Commonwealth, and state and territory ministers responsible for disability policy, providing a forum to drive national reform in disability policy and implementation.

⁴³ NDIA, [Supported Independent Living Operational Guideline](#), NDIA, 1 December 2020.

⁴⁴ Council of Australian Governments (COAG), [National Disability Strategy 2010-2020](#), COAG, 2011.

⁴⁵ Peter Conran, [Review of COAG Councils and Ministerial Forums](#), October 2020.

The NDIS Market Roles and Responsibilities document outlines the key roles of the DRM, as well as DSS, state and territory departments, the NDIA and the NQSC, in supporting the NDIS market.⁴⁶ In carrying out its role, the Australian Government will continue to leverage the knowledge of state and territory governments, the care and support sector, participants, their families and carers.

⁴⁶ DSS, *NDIS Market Roles and Responsibilities*.