



**NDIS Quality
and Safeguards
Commission**

NDIS Quality and Safeguards Commission Communique from Consultative Committee November 2023

The Consultative Committee met on Tuesday 28 November 2023. Chaired by NDIS Quality and Safeguards Commissioner, Tracy Mackey, the meeting included presentations and engagement by members of the NDIS Commission's Executive Leadership Team. The quarterly meeting focussed on two key pieces of work by the NDIS Quality and Safeguards Commission (NDIS Commission): price differentiation and Supported Independent Living practice standards.

Commissioner's update

From July 2023, compliance and enforcement activity has been increasing as a result of the new regulatory posture of the NDIS Commission. A/Deputy Commissioner, Practice Quality and Clinical Advisory and Assistant Commissioner, Clinical Advisory and Behaviour Support Improvement, discussed current compliance and enforcement activities in the Practice Quality area.

The NDIS Commission has invested in training and educating and information sharing across the sector. However, has not seen the impact in terms of the reduction in the use of restrictive practices, and is looking to increasingly use more coercive tools such as compliance notices, banning orders and more court actions being initiated as well.

Quarterly Performance Report April 2023 – June 2023 – Providers and Workers

Assistant Commissioner, Market Operations (Deputy Registrar) and Assistant Commissioner, Compliance and Enforcement provided an overview of trends shown in compliance enforcement with workers and providers. Future reporting should indicate an increase in banning orders, infringement notices, civil penalty proceedings and sanctioning.

There has been a steady increase in worker screening checks and clearances largely attributed to the ending of transition arrangements from states and territories. The reduction in the number of registered providers aligns with the number of actions taken by the NDIS Commission resulting in registrations being revoked and where providers themselves are not continuing with their registration.

Consultation on Price Differentiation

The NDIS Commission is drafting proposed amendments to the NDIS Code of Conduct Rules to make it clear, that NDIS providers must not charge NDIS participants a higher price for goods than people who are not NDIS participants. They are also meant to make it clear that providers cannot advertise a higher price for participants and that all key personnel of NDIS providers are covered by the NDIS Code of Conduct. Members of the Committee provided advice on how the proposed amendments can make a positive difference.

Consultation on New Practice Standards for Supports delivered within Supported Accommodation

Earlier this year, the NDIS Commission released the Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS (the Inquiry). The Inquiry identified trends, opportunities, and models of best practice to address challenges in supported accommodation services. One of the recommendations made by the Inquiry report was to develop new Practice Standards and Quality Indicators specific to supported accommodation.

The NDIS Commission engaged with participants to better understand what participants living in shared and group settings think quality supports in their homes looks like, and what a meaningful and fulfilling life means to them.

Members of the Committee provided advice on how best to approach provider and peak consultation, which will start in earnest in November 2023 and continue until the formal Rule making processes take over.

The NDIS Commissioner thanked all attendees.