



## Industry Sector Consultative Committee

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### Communique

Meeting: Wednesday 10 November 2021

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On 10 November 2021, the Industry Sector Consultative Committee (the Committee) held its third and final meeting of 2021.

#### **Acting Commissioner Update**

The Acting Commissioner advised that she had been extended in the role until 31 December 2021. A recruitment process is underway for the Complaints Commissioner role with the incoming Commissioner to make the final selection. Since the meeting [Ms Tracy Mackey](#) has been appointed Commissioner and will commence on 10 January 2022.

The Committee noted that New Practice Standards and Quality Indicators covering mealtime management and emergency management will come into effect on 15 November 2021.

It was also noted that Parliament passed the *NDIS Amendment (Improving Supports for At Risk Participants) Bill 2021* on 21 October 2021. These changes to the *National Disability Insurance Scheme Act 2013* came into effect 29 October 2021.

#### **2020/21 Activity Report including thematic analysis of complaints data**

The Committee noted the report presenting Complaints and Reportable Incidents data for the period 1 July 2020 to 30 June 2021 and that there was no causal relationship or correlation between the two data categories.

The Committee discussed further analysis that could be done to profile the typical type of complaint in relation to particular issues, allowing for complainant privacy to be protected. The Committee also discussed variations in incident reporting across states and the reasons for it.

The NDIS Commission will provide a paper on death data and Australian Institute of Health and Welfare projects to the next Industry Sector Consultative Committee meeting. This paper will be an input to a discussion about how the Commission applies the data from a risk perspective.

#### **Compliance activity focus 2021/22**

The Committee discussed compliance priorities that the NDIS Commission has established for the current financial year and the draft Conflict of Interest (CoI) Strategy which includes an education and engagement component to raise awareness about provider obligations. This will assist the NDIS Commission to understand how providers are meeting requirements under the standards in terms of managing conflicts of interest. It was noted that in accordance with the Strategy, the NDIS Commission will take compliance action where breaches or potential breaches are identified.

To assist providers the NDIS Commission has funded a grant project with several deliverables including training to support workers and experts in the field. A comprehensive suite of resources will be produced before the end of this calendar year.

#### **Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS**

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Mr Arthur Rogers, Inquiry Lead, joined the meeting.

Mr Rogers summarised the methodology he is using to inform his report and outlined key themes already emerging. Members noted that the Inquiry will cover best practice models in supported accommodation.

The Acting Commissioner noted Mr Roger's report will include observations on the seven providers named in the [Terms of Reference](#) who have been the subject of complaints and reportable incidents to the NDIS Commission. The NDIS Commissioner will prepare a report in response to Mr Rogers report which will have a broader focus and connect with matters raised in the Disability Royal Commission and the [Joint Standing Committee on the NDIS](#).

Members discussed Health interface issues and the complexity of interaction of supports for a person with disabilities.

#### **Commission's approach to participant risk**

Members noted that the paper for this agenda item is an outcome of the Robertson Review that was commissioned by the NDIS Commissioner following the death of Ms Ann Marie Smith. The former Commissioner Mr Graeme Head AO and the Acting Commissioner drafted the paper to further develop the NDIS Commission's approach to risk. As a small regulator the NDIS Commission is seeking to find the best means to promote improvements for quality and safety to reduce risk of harm.

Members noted the concepts in the paper can assist in taking a proactive strategy rather than a reactive strategy and assist staff to be clearer about certain characteristics that might make some people more at risk than others.

The Acting Commissioner proposed to send members a copy of the paper with a covering note to circulate to their organisation's membership for consultation.

#### **Other Business**

Mr Rob White, Alliance 20, will produce a paper for the Committee early next year (March 2022) on health interface issues where participants have complex health needs across different health streams. Mr White will work with Dr Jeffrey Chan, Senior Practitioner, NDIS Commission on producing this paper.