



NDIS Quality
and Safeguards
Commission

Industry Consultative Committee

Communique – 1 July 2020

The NDIS Quality and Safeguards Commission (NDIS Commission) Industry Consultative Committee (the Committee) met on 1 July 2020 for the second of three meetings scheduled for 2020. Due to COVID-19 pandemic travel restrictions, the meeting was held by videoconference.

NDIS Commission COVID-19 response

Since the last meeting in March 2020, it has been an intensive period for the NDIS Commission, with cross-portfolio and cross-government collaboration and engagement with peak bodies and organisations representing people with disability, states and territory colleagues and a range of experts on key issues impacting the sector.

Members were thanked for their support, highlighting the issues facing participants and with testing the NDIS Commission's thinking in relation to the pandemic. Frequent discussions with members during the pandemic assisted in the development and dissemination of substantial guidance material and resources to participants and the sector.

The NDIS Commission continues to exercise all of its functions, including in relation to reportable incidents and complaints during the pandemic. The priority of the NDIS Commission has been to deploy its tools and resources to ensure that: participant safety is paramount; critical supports are maintained; disruption and loss of continuity of supports is minimised; changes in the NDIS market are monitored; and the short and long-term impacts on providers are properly considered in responses.

Members were briefed on the practical steps taken by the NDIS Commission in responding to the pandemic as well as an analysis of information received from notices by NDIS providers on changes to supports, and COVID-19 related complaints.

The NDIS Commission continues to take a proportionate regulatory approach, concentrating on supporting providers to be agile and resourceful in meeting their obligations.

Members provided their perspectives on a number of topics including the quality and safeguarding challenges faced by participants; how they were resolved; learnings the NDIS Commission can apply to respond to future crises; and any enduring beneficial outcomes for participants and their families. Member's feedback included the:

- detailed and timely flow of communication and guidance by the NDIS Commission was well received by the sector;
- innovative and alternate ways a number of providers delivered supports and services;
- implementation and uptake of telehealth services for vulnerable people and the value of this service continuing post pandemic;

-
- digital divide for people with disability and providers;
 - a sense of inconsistency between state and territory public health orders and their interpretation; and
 - need for a clear and shared understanding on what an essential service is.

As part of the annual activity statement, information on what has been observed by the NDIS Commission during the pandemic will be published.

Reportable Incidents and levels of reporting

It is a requirement of the *National Disability Insurance Scheme (Incident Management and reportable Incident) Rules 2018* that registered NDIS providers report every instance of a use of an unauthorised restrictive practice.

There has been considerable interest in the high number of reportable incident notifications that involve the use of unauthorised restrictive practices (URP) and a growing interest in what the NDIS Commission is doing in response.

The NDIS Commission is focusing on a number of actions both to understand what is being reflected in the numbers and to drive the reduction and ultimately the elimination of the use of restrictive practices including:

- working closely with states and territories to develop a regulatory framework for restrictive practices;
- leading national work through the Disability Reform Council to progress national consistency in restrictive practice authorisation;
- supporting the Department of Social Services, in collaboration with jurisdictions, to examine and address thin behaviour support markets; and
- the development of a strengthened compliance strategy.

This work is a priority for the NDIS Commission and will be one of many discussions over the course of the year.

Other key discussion topics

The Chair briefed members on the actions he has taken in response to the tragic death of Ms Ann-Marie Smith in South Australia, in particular the appointment of the Hon. Alan Robertson SC to conduct an independent review as outlined in the [terms of reference](#).

The Chair also provided an update on the deferred transition of the Western Australian (WA) quality and safeguarding arrangements to the NDIS Commission; and mandatory NDIS registration for Residential Aged Care providers (RAC) supporting NDIS participants on 1 December 2020.

The Committee will next meet on 28 October 2020.