



Disability Sector Consultative Committee

Communique

Meeting: Tuesday 9 November 2021

On 9 November 2021, the Disability 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.

Unauthorised Restrictive Practices were not included in this report as the NDIS Commission is undertaking focussed compliance activity in this area and will complete a deep dive by the end of the calendar year. This will be included in the planned Annexure to the Activity Report.

Members suggested options to improve the quality of data analysis including changes to data definitions across categories as well as a specific view to capture CALD status.

Compliance activity focus 2021/22

Members broadly agreed with the scope of the Conflict of Interest (Col) Strategy (covering Supported Disability Accommodation (SDA), Supported Independent Living (SIL) and in the role of the Support Coordinator) and proposed that employment supports be added as an area of focus. It was agreed that this topic would be included in the education stream of the Strategy.

Members raised other issues covering the role of independent advocates the role of the NDIA in clarifying with providers what is not acceptable with regards to Col, particularly in funding supports and services in rural and remote areas.

As a result of member feedback the NDIS Commission proposed to redraft the Col compliance strategy to make it more action oriented, to make it clear that the streams of education and compliance activity will run in parallel and that the Commission will target providers who they identify as delivering a range of supports with no oversight.

Safeguarding for NDIS participants who are subject to forensic orders and are in custody

Mr Patrick McGee, Australian Federation of Disability Organisations (AFDO) joined the meeting.

Mr McGee provided background and a high level overview of issues for NDIS participants who are subject to forensic orders and are in custody. Members had a broad discussion about the issues impacting people with a disability in the justice system, particularly youth detention. The Committee acknowledged the NDIS Commission does not have jurisdiction in forensic or custodial settings.

Members agreed it would be beneficial for the NDIS Commission, as part of the Commonwealth, to be involved in broader policy discussions on this matter together with the Department of Social Services. AFDO is contributing to these broader policy discussions in collaboration with the Disability Advocacy Network Australia (DANA) and Children and Young People with Disability Australia.

Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS

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 NDIS Commission emphasized that this requirement was not intended to entrench current models of group or shared living arrangements. Instead the NDIS Commission recognises that while those models exist they should be made as good as possible for participants that live in those settings.

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](#).

Commission's approach to participant risk

The Committee did not have time to discuss this item in detail and agreed to schedule an additional short meeting (planned for January 2022) for an in depth discussion to seek members views on the concepts raised in the paper developed by the former Commissioner Graeme Head and the Acting Commissioner.

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.