

Queensland Government response to the Queensland Productivity Commission's Inquiry into the NDIS market in Queensland

Queensland's strategic direction statement
for the NDIS market



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1 Introduction

The *Bilateral Agreement between the Commonwealth of Australia and Queensland on the National Disability Insurance Scheme* (full scheme agreement) sets out the ongoing funding and governance arrangements for the NDIS in Queensland and ensures disability services are funded in a sustainable way into the future. The full scheme agreement commits Queensland to paying an annual contribution of over \$2 billion to the NDIS. These funds are used by NDIS participants to purchase the disability supports and services they need to achieve their goals.

An accessible, sustainable and well-functioning market is critical for achieving the expected benefits of the NDIS—most importantly to realise improved outcomes for participants with disability but also the economic benefits to be expected from a financial investment of this magnitude, including job creation, skills development and increased workforce participation. Now more than 90,000 Queenslanders have been transitioned to the NDIS, it is time to focus efforts on ensuring the NDIS delivers for Queensland participants, their families and the broader community.

On 29 April 2020, the Queensland Government asked the Queensland Productivity Commission (the QPC) to undertake an inquiry into the NDIS market in Queensland (QPC Inquiry). The terms of reference for the inquiry required that the QPC examine the transition to the NDIS and market development in Queensland, including: efficiency and effectiveness of the NDIS market; structural, regulatory or other impediments to the efficient operation of the NDIS market; supply gaps affecting specific markets or market segments; and options for improved policies to ensure the NDIS market meets the needs of participants.

The draft report¹ was publicly released by the QPC on 30 November 2020.

The Queensland Government made a submission to the inquiry at the issues paper stage and provided a response to the draft report (submitted 2 September 2020 and 26 February 2021 respectively)².

The final report is comprehensive and has been informed by extensive public consultation. Over the course of the inquiry, the Commission consulted with around 500 stakeholders through individual meetings, roundtables, regional visits and public hearings as well as receiving 70 written submissions. The Queensland Government thanks all who participated for their contribution.

The final report contains 20 findings and 56 recommendations. The Queensland Government accepts 38 recommendations, accepts in-principle 16 recommendations, partially accepts one recommendation, and one recommendation is no longer applicable.

A detailed breakdown of the Queensland Government's response to each of the 56 recommendations of the QPC Inquiry is at Appendix 1.

Implementation of these recommendations will be overseen and monitored by the existing Disability Reform Implementation Interdepartmental Committee (see section 5, p.9).

1 Available at <https://www.treasury.qld.gov.au/queenslands-economy/office-of-productivity-and-red-tape-reduction/>

2 Available at <https://www.treasury.qld.gov.au/queenslands-economy/office-of-productivity-and-red-tape-reduction/>

2 Queensland's commitment to the NDIS

The Queensland Government welcomes the release of the final report of the QPC Inquiry. It is a valuable resource that will help inform further work in market development and provide a strong evidence base for the Queensland Government to advocate for NDIS market reform through the national governance arrangements.

The Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships has committed to continuing to support vulnerable Queenslanders to lead better lives and maximise opportunities, by working with the Commonwealth Government and relevant Queensland Government agencies, to ensure effective governance arrangements for the NDIS.³

The QPC Inquiry will assist the Minister and the Queensland Government to fulfil this responsibility by providing focus and strategic direction for engagement with governing partners and help ensure that the national scheme is high performing and meets the needs of Queenslanders.

3 Refreshed national governance arrangements—a forum for states and territories to have a continued role in NDIS policy development and implementation

The Disability Reform Ministers' Meeting was established following the recommendations of the 2020 *Review of COAG Councils and Ministerial Forums*⁴.

Disability Ministers agreed the following three key priorities for 2021: 1) the National Disability Strategy (Australia's Disability Strategy); 2) NDIS system reform and mainstream interfaces; and 3) scheme performance. These key priorities encompass a large reform program and include overseeing the Commonwealth-led implementation of the recommendations of the 2019 review of the *NDIS Act 2013*⁵ (Tune Review). Many recommendations of the QPC Inquiry can be realised through successful implementation of the Tune Review.

Commonwealth, state and territory governments jointly fund and govern the NDIS. This creates complexity, but also ensures that NDIS policy setting, including market policy, is robust and takes into consideration different issues across jurisdictions. While Queensland alone does not hold the policy levers for NDIS reform, the Disability Reform Ministers' Meeting provides a forum for states and territories to have a continued role in NDIS policy development and implementation.

The value of the multilateral governance arrangements was made evident through the proposed introduction of mandatory independent assessments by the Commonwealth Government. The Queensland Minister, together with his state and territory counterparts, advocated effectively through the Disability Reform Ministers' Meeting for the Commonwealth to listen to the views of people with disability and the disability sector and abandon mandatory independent assessments.

3 Ministerial Charter Letter. Available at: <https://cabinet.qld.gov.au/ministers-portfolios/craig-crawford.aspx>

4 Conran, P. (2020). *Review of COAG Councils and Ministerial Forums*. Available at: <https://pmc.gov.au/domestic-policy/effective-commonwealth-state-relations>

5 Tune, D. (2019). *Removing Red Tape and implementing the NDIS Participant Service Guarantee*. Available at: <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/review-of-the-ndis-act-report>

On 9 July 2021, the Disability Reform Ministers' Meeting agreed independent assessments would not proceed. Further, Disability Ministers agreed that they would work in partnership with those with lived experience of disability through the Independent Advisory Council (IAC) and disability representatives, on the co-design of a new person-centred model that delivers consistency and equity in access and planning outcomes, consistent with the legislative requirements for assessments as set out under the *NDIS Act 2013*.⁶ Addressing inequitable planning outcomes will be a key outcome of this co-design process.

Both the Commonwealth and Queensland Governments have responsibility for reforming market policy settings but the National Disability Insurance Agency (NDIA) has the primary responsibility for market development and stewardship. Collaborative intergovernmental relations, and clearly defined NDIS market roles and responsibilities are needed to ensure effective market oversight. All governments have agreed to NDIS Market Roles and Responsibilities⁷ to guide efforts in supporting a healthy and vibrant NDIS market.

Guided by the QPC Inquiry, the views of stakeholders as well as emerging evidence and research, the Queensland Government will actively contribute to the Disability Reform Ministers' Meeting to ensure the NDIS in Queensland delivers on its promise of a better future for people with disability.

The Queensland Government has accepted the QPC's recommendations to improve scheme governance.

See recommendations 53–56

4 Key priority areas

4.1 An equitable scheme—targeted outreach, access and planning processes that recognise diversity

Accessing the NDIS has been challenging for many individuals, especially those seeking a specialist disability service for the first time. The QPC Inquiry found there are cohorts of people with disability who face additional barriers in accessing the NDIS and using their plan, including people from culturally and linguistically diverse backgrounds, people living in rural and remote areas, Aboriginal and Torres Strait Islander peoples and people with psychosocial disabilities.

The Commonwealth's \$20 million investment in NDIS priorities in Queensland has assisted the Queensland Government to establish and implement the Assessment and Referral Team (ART) to increase the number of Queenslanders accessing the NDIS through intensive case management. This program has helped more than 1,800 Queenslanders access the NDIS (as at 31 August 2021). This work, along with the work of the Targeted Outreach Project, has demonstrated that active and tailored approaches providing intensive levels of individualised assistance are needed to assist particularly vulnerable Queenslanders to access the NDIS.

⁶ Disability Reform Ministers' Meeting Communiqué 9 July 2021. Available at: <https://www.dss.gov.au/disability-and-carers-programs-services-government-international-disability-reform-council/communique-9-july-2021>

⁷ Available from <https://www.dss.gov.au/disability-and-carers-programs-services-government-international-disability-reform-council-reports-and-publications/ndis-market-roles-and-responsibilities>

As funding for this program is due to expire on 30 June 2022, there will be a need to continue similarly targeted outreach through the national outreach strategy, as recommended by the Tune Review.

To support equitable access to the NDIS, Queensland will work with the Commonwealth and share learnings from the ART program that may be useful in identifying effective ways to improve NDIS accessibility in Queensland for potential future participants.

Underutilisation of participant plans undermines the potential for increased independence and empowerment to achieve goals made possible through adequate early investment. Underutilisation also represents a significant lost opportunity—funding that is set aside in participant plans that could support more jobs for Queenslanders and regional sector growth is not being used.

The ability for participants to fully utilise their plans is dependent on a robust and functioning market from which they can purchase services. The QPC also found insufficient information and assistance limit the ability of participants to make informed choices among complex service options.

The Queensland Government will work within national governance arrangements to advocate for changes that assist participants to exercise their choice and control more effectively, including providing more assistance to participants and their families and carers to engage productively in planning and use plans effectively, supporting self-management of plans, and encouraging capacity building.

Analysis undertaken by the NDIA⁸ suggested there are differences in average plan values between the highest and lowest socio-economic groups of participants, highlighting potential inequity in the scheme. The NDIA identified this observed trend is due to inconsistent access and planning decisions and may relate to the quality of information collected from participants, with those in higher socio-economic groups having more resources to invest in evidence gathering, such as reports from allied health professionals or specialists. The QPC identified that planning and review processes are confusing and do not always place sufficient emphasis on the participant and their needs and circumstances, which can lead to poorly developed plans. The QPC suggests these concerns with access and planning processes, coupled with low plan utilisation, indicate the scheme is yet to deliver on its full potential.

8 NDIS Quarterly Report to Disability Ministers, June 2021. Available at: <https://www.ndis.gov.au/about-us/publications/quarterly-reports>

The Queensland Government will work with its governance partners to ensure the NDIS recognises diversity of backgrounds, experience and disability among participants and can respond with flexible and accessible processes.

The Queensland Government has accepted or accepted in-principle the QPC's recommendations to help improve participant outcomes, excluding recommendation 2, which is no longer applicable.

See recommendations 1–10

4.2 Employment outcomes—shifting the dial on employment outcomes for people with disability

The QPC Inquiry found NDIS participant employment outcomes are falling short of expectations and substantial effort will be required to achieve the improved employment outcomes envisioned with the introduction of the NDIS.

Suitable employment leads to better mental and physical health and wellbeing, greater social inclusion, independence and contributes to better economic outcomes. The *June 2021 NDIS Quarterly Report to Disability Ministers*⁹ shows rates of employment for NDIS participants have not increased significantly for participants, with the exception of those aged 15 to 24 years. Nationally, younger participants in employment increased from 12 per cent to 21 per cent, for those who entered the scheme between 1 July 2016 and 30 June 2019. Different results across age cohorts suggest a need to take a life-course approach, with programs designed to assist people with disability into employment at key life stages.

The NDIS Participant Employment Strategy is intended to support participants to find and keep meaningful employment and has a goal of 30 per cent of participants of working age in meaningful employment by 30 June 2023. In Queensland, as at 30 June 2021, 18 per cent of participants over 15 years of age who entered the scheme between 1 July 2016 and 30 June 2019 were in employment.

It is important to take into account the broader labour market context, including COVID-19-related impacts, when viewing these latest results and in considering policies to improve employment outcomes for people with disability. The Queensland Government notes the NDIA has adapted the action plans of their employment strategy to reflect the social and economic changes caused by the pandemic.

The QPC suggests that to achieve significantly improved employment outcomes for people with disability over the longer term, many institutions, strategies, policies and programs will need to perform well, in addition to the NDIS. The Australian Government is developing a national disability employment strategy which will outline a pathway for increasing the number of people with disability in meaningful work. Once finalised, the *Australian Disability Strategy 2021-2031*, future state and territory disability plans and this new national disability employment strategy will provide an opportunity for coordinated action to occur.

⁹ Available at <https://www.ndis.gov.au/about-us/publications/quarterly-reports>.

The Queensland Government will continue to monitor the implementation of the NDIS Participant Employment Strategy, advocate for employment support provider performance information to be made available and contribute to work that improves the effectiveness of post-school transition pathways to employment.

Following release of *Australia's Disability Strategy 2021–2031*, the Queensland Government will deliver a new state disability plan, including a focus on increasing participation in the workforce for people with disability across Queensland.

The Queensland Government has accepted, or accepted in-principle, the QPC's recommendations to help improve participant employment outcomes.

See recommendations 36–41

4.3 Future workforce—a high-quality workforce that is resourced and skilled to deliver real change

A diverse, responsive and skilled NDIS workforce is needed to meet growing demand for disability supports and services and assist NDIS participants to build capacity, increase social and economic independence, and achieve their goals.

The QPC Inquiry has noted several workforce issues that pose significant risks to participants and the sustainability of the NDIS. A large proportion of scheme costs go to pay the wages of allied health professionals and disability support workers. Any general increase in minimum awards rates of pay will have a very significant impact on overall scheme costs and may not be very targeted to areas of workforce shortages, such as in rural and remote areas. As such, the QPC argues that any significant policy initiatives to increase the supply of labour in the disability sector need to be tightly targeted to markets where workforce shortages strongly contribute to the under-provision of supports.

The NDIS National Workforce Plan,¹⁰ endorsed by all Disability Ministers, will support the growth of this important workforce by delivering targeted initiatives that improve conditions in the sector, such as better access to training and professional development, improved health and safety conditions, and greater stability. The Queensland Government welcomes the Commonwealth Government's commitment to collaborate with states and territories on linkages between the national plan and related state and territory initiatives. In Queensland this includes the NDIS Training and Skills Support Strategy, which provides significant investment in specialised training for the disability sector.

Commonwealth Government modelling in the NDIS National Workforce Plan indicates Queensland will require a total NDIS workforce of between 68,000 to 76,000 workers by 2024. Workers who support people with disability in Queensland must hold a NDIS or state worker screening clearance, and there has been an increase of over 68,000 people with clearance to work with people with disability since NDIS transition commenced in July 2016. Over the 12 months to June 2021, growth in worker screening clearances was 36 per cent. Continued growth is required to meet expected demand.

¹⁰ Available at <https://www.dss.gov.au/disability-and-carers-publications-articles/ndis-national-workforce-plan-2021-2025>.

The Queensland Government will work with the Commonwealth and other state and territory governments to support sustainable growth of a high-quality workforce, including through the implementation of the targeted initiatives in the NDIS National Workforce Plan and the continued delivery of Queensland's NDIS Training and Skills Support Strategy.

The Queensland Government will provide supports for Aboriginal and Torres Strait Islander workers to address unnecessary barriers First Nations people may face in undertaking NDIS worker screening. These supports will be developed in partnership with Aboriginal and Torres Strait Islander stakeholders.

The Queensland Government has accepted, or accepted in-principle, the QPC's recommendations to support workforce development, noting that recommendation 16 is partially accepted.

See recommendations 13–16 and 47

4.4 Thin markets—targeted and timely intervention

The services and supports supplied by the NDIS are necessary for participants' day-to-day living. Enduring supply gaps have the potential to adversely affect participant outcomes.

The QPC found that in areas where there is limited supply, consideration of a broad range of market indicators and an understanding of local conditions can provide a more robust assessment of actual and potential competitive conditions. The NDIA is using data on market effectiveness to improve participant outcomes across regions through identifying thin markets. In Queensland, all NDIS service districts contain a major population centre which can mask market performance and underlying inequalities in sub-regions, and for certain types of supports.

While the average rate of plan utilisation in Queensland has been increasing, and is now comparable with the national average, it is unevenly distributed. In Queensland, 38 per cent of participants have a utilisation rate of under 50 per cent¹¹, with some participants in rural and remote areas regions significantly lower. With 40 per cent of NDIS participants in Queensland living outside major cities compared to 32 per cent nationally, thin markets and underutilisation in regional, rural and remote areas represent a significant concern for Queensland. For example, the QPC Inquiry observed there appears to be an under-representation of Aboriginal and Torres Strait Islander children in very remote areas receiving long-term early intervention supports which could enhance longer term educational outcomes.

In addition, plan utilisation rates are lower for young participants (aged 0-14 years) compared to the scheme as a whole, which is a critical issue for Queensland. Enhanced support is required to ensure families (especially those new to disability) are equipped to utilise plans and navigate the NDIS. Children in care also require access to support coordination to help ensure they are accessing the full range of supports and services they need.

11 NDIS Quarterly Report to Disability Ministers June 2021. Available at: <https://www.ndis.gov.au/about-us/publications/quarterly-reports>

Queensland Government agencies have noted supply gaps in early childhood intervention services, positive behaviour supports and allied health professionals skilled at working with people with high and complex disability needs. Low participant numbers, high provider costs and workforce challenges continue to impede development of the NDIS market in rural and remote areas of Queensland.

The QPC Inquiry found a ‘one-size-fits-all’ approach is not appropriate for the stewardship of markets. Some NDIS sub-markets, mainly in rural and remote areas, will not meet participants’ support needs in their current form and require alternative approaches, such as demand pooling, to support market supply or direct commissioning of supports where service provision under the NDIS market model may not be financially sustainable.

The Commonwealth and NDIA have developed a thin market strategy, supported by Disability Ministers, which is currently being refined through a number of trial projects, including in Queensland, to address market gaps. The strategy was informed by engagement with communities across Australia. The thin market trials will be formally evaluated, and results shared with Disability Ministers.¹²

The Queensland Government notes that implementation of amendments recommended by the Tune Review will also provide for clearer rules and decision-making requirements when intervening in markets on behalf of participants.

As market steward, the NDIA must continue to address thin markets otherwise supply shortages may persist, choice and control will be limited, and participant outcomes may be poor.

The Queensland Government will work with the NDIA through existing governance structures to support the delivery of the thin market strategy and to optimise the use of intermediaries, such as support coordinators, in addressing underutilisation of support.

The Queensland Government will work with the NDIA through existing governance arrangements and Aboriginal and Torres Strait Islander stakeholders to improve the supply and utilisation of culturally relevant services, including targeted services for children and young people, in Aboriginal and Torres Strait Islander communities.

The Queensland Government has accepted, or accepted in-principle, recommendations to address supply gaps and improve market coordination.

See recommendations 42–44 and 45–46

¹² NDIA research. Available at: <https://www.ndis.gov.au/community/research-and-evaluation/markets-and-innovations-our-research>

4.5 Policy and regulatory environment—building provider confidence

The QPC Inquiry found the scheme has an extensive regulatory and policy framework that is large and overly complex and is operating in a way that impedes the effective and efficient functioning of the NDIS market. Providers report changes in policy and regulatory settings create high levels of uncertainty and risk, which can adversely affect market entry and investment by registered providers. These settings also impact on the operational costs faced by those providers.

It is critical that providers are sufficiently attracted to become and remain providers. While improvements have been made, a continued focus is needed to identify barriers to entry of providers, and opportunities to encourage provider continuity in the sector and continue to build the market in Queensland.

There is an opportunity to facilitate NDIS participants to gain greater access to information on the performance of providers. Consumer-focused performance information provided by participants would enable greater input from service users and encourage competition and increased quality of providers.

The introduction of the NDIS provides an opportunity to achieve greater national consistency of safeguards and streamline regulatory processes for providers to encourage market growth. There is an ongoing need to ensure that regulatory systems work effectively together and do not result in unnecessary duplication or red tape which can discourage entry into the NDIS market.

The QPC Inquiry also found there is effective competition in around 70 per cent of the Queensland market, mainly in South East Queensland, and that consideration could be given to moving to a more light-handed approach to pricing regulation in the next few years to support market growth. The QPC argues that price regulation is likely inhibiting market entry, constraining the supply of some supports, and limiting the development of new forms of support and service.

The Queensland Government will work with governing partners and the NDIA to build provider confidence and encourage investment in the NDIS by considering mechanisms to reduce the regulatory and policy risks faced by providers.

As the NDIS matures, there is a need to ensure that NDIS pricing regulation remains fit for purpose.

Queensland will work through national governance arrangements to consider improvements to NDIS pricing regulation and market effectiveness.

The Queensland Government has accepted, or accepted in-principle, recommendations to improve the supply side and pricing regulation.

See recommendations 11–12, 17–22 and 56

4.6 A financially sustainable scheme—delivering net benefit over the longer term

Participant outcomes are central to scheme sustainability. The NDIS was created on the foundational principles that the scheme would increase choice and control and build capacity of participants; and improve wellbeing and economic participation for people with disability and their informal carers. Accordingly, any consideration of the financial sustainability of the scheme must include both the costs of the scheme and outcomes delivered by the scheme, noting that some of the expected benefits of early intervention will only become evident as participants access supports across many years.

In 2019, the Commonwealth estimated the NDIS will reduce the total expected government expenditure associated with participants from \$680 billion to \$310 billion in net present value terms over 40 years¹³. As recommended by the Queensland Audit Office¹⁴, Queensland is developing a performance framework to measure NDIS participant outcomes and value for money for Queensland. This work will align with national efforts to report on NDIS outcomes and ensure capacity to measure the broad-ranging benefits of the NDIS is developed over time.

In July 2021, state and territory Disability Ministers were provided detailed information on the Scheme Actuary projections and underlying assumptions for the first time. These were previously only shared with the NDIA Board, and a summary made available for the published NDIA Annual Report.

The NDIS Scheme Actuary's 2021 *Annual Financial Sustainability Report Interim Update*¹⁵ and the *June 2021 NDIS Quarterly Report* to Disability Ministers highlighted scheme costs and participation are at risk of substantially exceeding original estimates.

The Scheme Actuary projections will form part of the evidence base available for Ministers to consider the financial sustainability of the NDIS. However, as there is inherent uncertainty in any projection, a broad range of evidence, including stakeholder and expert views, is needed.

It is important people with disability and key stakeholders have confidence in the scheme and its sustainability and the scheme objectives as set out in the *NDIS Act 2013* are realised. As such, disability stakeholders must also be provided with transparency around scheme sustainability and have the opportunity to actively contribute to any reforms.

13 Growing the NDIS Market and Workforce Strategy, 2019. Available at: <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/growing-the-ndis-market-and-workforce-strategy>

14 Queensland Audit Office 2018, *The National Disability Insurance Scheme*, report 14: 2017–18. Available at: <https://www.qao.qld.gov.au/reports-resources/national-disability-insurance-scheme>

15 July 2021. Available at: <https://www.ndis.gov.au/about-us/publications>

Queensland welcomes the commitment from the NDIA in the June 2021 NDIS quarterly report to engaging broadly with stakeholders to build a better understanding of the financial challenges facing the scheme.

The Queensland Government will work in close collaboration with the Commonwealth and other states and territories to build a common understanding of the issues in relation to scheme sustainability and identify the options for influencing scheme sustainability, while continuing to provide high quality supports into the future.

The Queensland Government accepts recommendations relating to interactions with Queensland Government services and intergovernmental governance.

See recommendations 51–52 and 53–55

4.7 Person-centred supports—improving the way the NDIS and Queensland’s social services work together

Further work is required to ensure implementation issues relating to the interface between mainstream services and the NDIS do not create gaps for participants or increase the cost burden on Queensland’s mainstream services and prevent the realisation of the economic benefits of the NDIS, including market growth.

A person-centred approach to the provision of disability supports means that NDIS supports should be well integrated with other supports and services that participants may require over their lifetime. The Applied Principles and Tables of Services (APTOS), agreed by the Council of Australian Governments in 2015, outlines the responsibilities of the NDIS and other parties (mainstream services). Queensland has worked with other jurisdictions and the NDIA to address issues at the interface between the NDIS and mainstream systems, including: clarifying the NDIS’s funding responsibility for disability-related health supports; increasing supports to sustain children with complex disability support needs to stay in the family home; hospital discharge delays for NDIS participants; and interim arrangements for improving transport supports in participant plans.

Any shortcomings of the NDIS in delivering on its stated objectives will ultimately be felt directly by participants, carers and their families or through the mainstream service systems for which states and territories are responsible.

The Queensland Government will promote clarity and efficiency in its restrictive practices regime.

The Queensland Government will work through the national governance arrangements to resolve issues around NDIS participant access to transport services generally.

The Queensland Government has accepted and accepted in-principle recommendations relating to the efficiency of the restrictive practices regime and access to transport services generally.

See recommendations 48–50

5 Implementing the recommendations with a focus on co-design of NDIS reforms

To support full scheme operations in Queensland, the Queensland Government has established the Disability Reform Implementation Interdepartmental Committee (DRIIC) to oversee:

- implementation of the Queensland NDIS full scheme agreement
- Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- development and implementation of the new National Disability Strategy (Australia’s Disability Strategy) and state disability plan.

DRIIC will oversee and monitor implementation of the QPC Inquiry’s recommendations. DRIIC includes representatives from key Queensland Government agencies that interface with the NDIS. This ensures the disability support needs of a broad range of people with disability are considered through the implementation process, including children and young people (especially those in care) and their families and carers, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, people at risk of homelessness, long-stay hospital patients and those in contact with the criminal justice system.

The Queensland Government is committed to collaboration and co-design with people with disability and the disability sector, including the Queensland Disability Advisory Council, to implement the recommendations of the QPC Inquiry.

DRIIC will also be a key advisory body for the Queensland Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships on issues relating to NDIS delivery in Queensland that may need to be raised at the Disability Reform Ministers’ Meeting.

The QPC’s recommendations identify incremental policy and regulatory changes designed to improve the scheme by:

- realigning participant, provider and agency incentives to deliver market outcomes consistent with scheme objectives
- increasing the availability of information and, if necessary, supports to allow better decision-making
- simplifying processes and reducing compliance burden to decrease costs and inefficiencies
- providing greater flexibility and removing restrictions to allow participants, providers and

- agencies to operate more effectively and efficiently
- improving the governance of the scheme to support oversight of performance monitoring and a sharper focus on scheme objectives.

While the NDIS policy focus continues to shift rapidly and COVID-19 has introduced additional uncertainty and risk, these are enduring objectives that will remain central to the Queensland Government's approach to co-governing the NDIS and considering market reform with the Commonwealth Government and other states and territories.

6 Appendix 1—Detailed response to recommendations

Recommendation 1

To improve the access of eligible people with disability to the NDIS, the Queensland Government should:

- work through the Disability Reform Ministers' Meeting and/or relevant governance structures to ensure the national outreach strategy is effective
- advocate for simpler NDIS access processes, where this does not compromise the important gatekeeping role of the eligibility assessment process.

The Queensland Government **accepts this recommendation**.

Recommendation 2

If independent assessments are introduced, the Queensland Government should advocate for ongoing monitoring and evaluation of independent assessments, conducted independently of the NDIA and the organisations selected to implement them, and prompt responses to evaluation findings

The Queensland Government **notes that this recommendation is no longer relevant** due to the policy decision made at the Disability Reform Ministers' Meeting to not proceed with independent assessments.

The Queensland Minister has advocated effectively through the Disability Reform Ministers' Meeting for the needs of Queenslanders with disability and the disability sector. On 9 July 2021, the Disability Reform Ministers' Meeting agreed independent assessments would not proceed. Ministers agreed to work in partnership with those with lived experience of disability through the Independent Advisory Council and disability representatives, on the co-design of a new person-centred model that delivers consistency and equity in access and planning outcomes, consistent with the legislative requirements for assessments as set out under the *NDIS Act 2013*.

Through this work, the Queensland Government will advocate for the inclusion of mechanisms for transparent monitoring and evaluation of access and planning processes.

The Queensland Minister will continue to listen to the needs and concerns of Queenslanders with disability, their families, carers, and the disability sector more broadly, and will advocate that people with disability contribute to the design and implementation of any changes to the NDIS.

Recommendation 3

To assist participants in using their plans more effectively, the Queensland Government should propose that the NDIA:

- provide more clarity about the role of goals in plans, and about why and how this will change if independent assessments and the proposed new approach to planning are introduced
- consider providing tailored capacity building supports to increase participants' ability to develop meaningful goals where warranted
- require that service agreements are developed with reference to participants' goals and that outcomes are considered when developing service agreements
- provide explanations and examples of outcomes and of outcome-based contracts and of the circumstances in which they may be useful to participants
- support training for participants considering outcome-based contracts.

The Queensland Government **accepts this recommendation.**

Recommendation 4

To provide more clarity about the meaning of 'reasonable and necessary' supports and the boundaries of the NDIS, the Queensland Government should:

- support the implementation of relevant recommendations of the Tune Review in the appropriate intergovernmental forums
- monitor the NDIA's progress in implementing the Tune Review recommendations
- accelerate its work to reduce boundary disputes between the NDIA and mainstream services in Queensland
- promote completion of the work program for resolving boundary issues through the Disability Reform Ministers' Meeting.

The Queensland Government **accepts this recommendation.**

Recommendation 5

To provide participants with greater choice and control over the allocation of their budgets across supports, the Queensland Government should propose that the NDIA apply the general principle of maximising participant choice, while safeguarding the scheme and individuals from excessive risks.

This should be achieved by:

- developing a strong decision-making framework
- ruling out inappropriate purchases
- providing details about what can be purchased
- maintaining the role of capacity building supports
- mitigating carryover risks
- evaluating how well proposed reforms to increase flexibility are working

The Queensland Government **accepts this recommendation in-principle**, noting that the implementation of the Tune Review (particularly recommendation 4 which proposes that all governments and the NDIA provide more clarity around the definition of ‘reasonable and necessary’) will contribute to the development of a strong decision-making framework and provision of more detailed and accessible information about what can be purchased.

The Queensland Government will advocate to provide participants with greater choice and control over their budgets, while safeguarding participants from excessive risks. However, further work is required to determine the definition of inappropriate purchases and the Queensland Government will continue to work with the NDIA and governing partners to clarify which supports are considered inappropriate purchases.

The Queensland Minister will continue to listen to the needs and concerns of Queenslanders with disability, their families, carers, and the disability sector more broadly, and will advocate that people with disability contribute to the design and implementation of any changes to the NDIS.

Recommendation 6

To improve the process of creating plans that are most useful for participants, the Queensland Government should:

- monitor, including through the Disability Reform Ministers’ Meeting, the NDIA’s review of draft plans
- propose that the NDIA review options for enabling and encouraging participants to access information about the planning process before the planning meeting.

The Queensland Government **accepts this recommendation**.

Recommendation 7

To enable more participants to increase their choice and control over the purchase of their supports, the Queensland Government should propose that the NDIA removes barriers to participants moving onto self-managed plans, when it is within their capacity and they choose to do so.

The Queensland Government **accepts this recommendation in-principle** noting there needs to be further consideration about how this would be implemented to ensure appropriate safeguards.

The Queensland Government will advocate that NDIS access and planning processes be streamlined and better support provided to participants in developing their capability to navigate the NDIS and increase their independence, while ensuring appropriate monitoring and safeguards are in place.

The Queensland Minister will continue to listen to the needs and concerns of Queenslanders with disability, their families, carers, and the disability sector more broadly, and will advocate that people with disability contribute to the design and implementation of any changes to the NDIS.

Recommendation 8

The Queensland Government should propose that role description and training for planners and local area coordinators include a 'coaching' role to allow them to better support participants in developing their capabilities to increase their independence.

The Queensland Government **accepts this recommendation** noting further work is needed to ensure there are sufficient resources to expand the role of planners and local area coordinators.

The Queensland Government will continue to work with the Commonwealth, NDIA and other states and territories through the Disability Reform Ministers Meeting to oversee the implementation of the recommendations of the Tune Review. In particular, the recommendations relating to the Commonwealth providing additional funding to support people with disability to navigate the NDIS and funding for support coordination.

Through this work, the Queensland Government will advocate for training to be expanded to ensure planners and local area coordinators understand the needs of vulnerable people and the context of the systems supporting them, and for better support to be provided to participants in developing their capability to navigate the NDIS and increase their independence, while ensuring appropriate safeguards are in place.

The Queensland Minister will continue to listen to the needs and concerns of Queenslanders with disability, their families, carers, and the disability sector more broadly, and will advocate that people with disability contribute to the design and implementation of any changes to the NDIS.

Recommendation 9

To improve the effectiveness of scheduled plan reviews, the Queensland Government should propose that the NDIA publicly report on plan reviews, including their outcomes and performance against goals.

The Queensland Government **accepts this recommendation.**

Recommendation 10

To support the implementation of the Participant Service Guarantee, the Queensland Government should propose that the NDIA produce its response to the proposed Commonwealth Ombudsman's annual report on the NDIA's performance on delivery of the Guarantee. If the NDIA has not delivered on any performance outcomes, the report should identify proposed actions to remedy the situation.

The Ombudsman's report and the NDIA's response should be submitted to the Disability Reform Ministers' Meeting and be published.

The Queensland Government **accepts this recommendation.**

Recommendation 11

To inform stakeholders of the risk of harm in the NDIS and to help assess whether the regulation of quality of providers is proportionate to the risk of harm to participants, the Queensland Government should propose that the NDIS Quality and Safeguards Commission regularly report publicly on the incidence and context of participant harm in the NDIS market.

The Queensland Government **accepts this recommendation.**

Recommendation 12

To strengthen provider and investor confidence in the NDIS market by reducing policy and regulatory uncertainty and improve regulator performance standards, the Queensland Government should propose that the Australian Government introduce a Provider Guarantee.

The Provider Guarantee should encompass the activities of the NDIA, the NDIS Quality and Safeguards Commission and key policy-making bodies. The Provider Guarantee should:

- be based around a set of principles to which NDIS regulator behaviour will adhere
- include a set of regulator service standards the NDIS regulators will be required to meet.

The accountability mechanism around the Provider Guarantee should:

- rely on public reporting and transparency as an enforcement mechanism
- minimise compliance costs for the institutions involved by having service guarantees and performance indicators integrated within each institution's performance reporting framework
- include the regular publication of a single document showing performance against the full range of service guarantees, with the document discussing any reasons for performance shortfalls and actions to be undertaken.

The Australian Government should develop the Provider Guarantee in partnership with NDIS providers and their peak representative groups.

The Queensland Government **accepts this recommendation in-principle**, noting that introducing a Provider Guarantee could be effective in addressing uncertainty for providers and supporting more transparent, respectful and responsive relations between providers and the NDIA. However, it requires national agreement and a more detailed proposal to ensure it would produce meaningful change given the investment that would be required from all stakeholders to develop and implement the Provider Guarantee.

Disability Ministers have agreed that improving scheme performance is a priority and are already considering a range of reforms intended to improve market and workforce conditions. Through the Disability Reform Ministers' Meeting, Queensland will consult with other jurisdictions to test support for a Provider Guarantee, and if supported, work with the Commonwealth to develop a more detailed proposal to discuss with providers.

The Queensland Government will work with the Commonwealth, states and territories, the NDIA and the NDIS Commission to reduce policy and regulatory uncertainty for providers operating in the NDIS market.

Recommendation 13

To facilitate the movement of allied health professionals into the NDIS market in order to alleviate service shortages, the Queensland Government should propose that the NDIS Quality and Safeguards Commission, Aged Care Quality and Safety Commission and the Australian Commission on Safety and Quality in Health Care, in consultation with the Department of Social Services, the Department of Health and other stakeholders, undertake a review of quality standards across those sectors. The review should seek to:

- streamline quality standards across the sectors
- introduce mutual recognition of professional qualifications across relevant sectors.

The Queensland Government **accepts this recommendation in-principle**. Queensland agrees with the intent of the recommendation, which is to alleviate supply gaps for allied health services by addressing regulatory barriers to working across sectors. Work to review the potential for streamlining quality standards is already underway and significant work is required to consider the operational, financial and legislative implications of streamlining activity to ensure effective implementation is possible.

The NDIS National Workforce Plan, developed by the Commonwealth Government with support from states and territories, was publicly released on 10 June 2021. The plan includes an initiative to improve alignment of provider regulation and worker screening across the care and support sector, including for disability, aged care and veterans' affairs.

Queensland will work with the Commonwealth on the implementation of the NDIS National Workforce Plan, including initiatives to streamline quality and regulatory requirements. However, while there are common elements and opportunities to increase regulatory alignment for providers and workers across the sectors, it is important that any alignment or streamlining does not result in a reduction in the safeguards offered under the NDIS, including through the new system of national worker screening checks introduced on 1 February 2021 which set the highest standard of worker screening across any sector. It is also critical that any changes are appropriately planned and subject to extensive consultation with the sector given recent concerns about changes in the Commonwealth landscape that have experience implementation challenges.

Recommendation 14

Greater use of Allied Health Assistants can help alleviate some of the shortage of allied health professionals and provide a pathway for support workers or new workers to the industry seeking to increase their skill levels.

To alleviate allied health professional service shortages in the NDIS market, the Queensland Government should propose the Australian Government fund a pilot for Allied Health Assistant roles. The pilot should seek to better understand the role in the context of disability services, particularly in relation to delegation and supervision, and risk management. The pilot should be led and coordinated by industry.

The Queensland Government **accepts this recommendation**, noting this issue will be addressed through a parallel national initiative to understand the potential for greater use of allied health assistants.

The NDIS National Workforce Plan, endorsed by all Disability Ministers, includes an initiative to explore options to support allied health professionals to work alongside allied health assistants and support workers to increase capacity to respond to participants needs. The initiative includes a commitment to explore options using a co-design approach.

The Queensland Government will work with the Commonwealth Government to implement this initiative, including advocating for strategies that increase numbers of Aboriginal and Torres Strait Islander peoples employed as allied health assistants to be considered, given the shortage of allied health professionals to provide NDIS services in Aboriginal and Torres Strait Islander communities.

The Jobs Queensland state workforce report recommends the Queensland Government invests in an action research project that supports the establishment of allied health assistant roles in priority areas such as rural and remote locations. Jobs Queensland is working with the Community Services Industry Alliance to complete this project. The Queensland Disability Reform Implementation Interdepartmental Committee will ensure there is strategic alignment between work done in Queensland and at the national level.

Recommendation 15

To alleviate allied health professional service shortages, particularly in Indigenous communities, the Queensland Government should propose that:

- the Australian Government fund a pilot to examine how the NDIS can make greater use of Aboriginal and Torres Strait Islander Health Practitioners and explore devolution, supervisory and other issues which may limit the use of such practitioners
- depending on the results of the pilot, the NDIA recognise the role of Aboriginal and Torres Strait Islander Health Practitioners in the price guide and consider broadening the definition of Therapist Assistant Level 1 and 2 supports to include supports provided by Aboriginal and Torres Strait Islander Health Practitioners.

The Queensland Government **accepts this recommendation**, noting that an initiative with a similar intent is already progressing at the national level.

The NDIS National Workforce Plan includes an initiative to help build the Aboriginal and Torres Strait Islander community controlled sector to enhance culturally safe NDIS services. This will be implemented through the NDIS Ready project which assists Aboriginal Community Controlled Health Organisations to become registered to deliver NDIS services¹⁶.

The Queensland Government will support the Commonwealth's implementation of this initiative and will advocate for the recommended changes to the price guide be considered to alleviate allied health professional service shortages in Indigenous communities. The Queensland Government will also submit the QPC's recommendation to the next NDIA's Annual Pricing Review as evidence.

16 Available at: <https://www.naccho.org.au/ndis-ready-indigenous-business-support-funding>

Recommendation 16

To alleviate allied health professional service shortages by attracting former allied health professionals into the disability service sector, the Queensland Government should propose that the NDIA:

- investigate the introduction of a Therapist Assistant Level 3 support to fund supports provided by former allied health professionals who are not currently registered. Supports would be provided under supervision of a registered allied health professional in the same way as for allied health assistants
- seek to have the Australian Health Practitioner Regulation Agency, and the fifteen National Health Practitioner Boards, review their registration requirements with a view to reducing barriers to workforce re-entry, including having re-entry pathways that are tightly aligned to actual risks of harm.

The Queensland Government **partially accepts this recommendation**.

The Queensland Government does not accept the first component of this recommendation. Not all allied health professionals are registered with the Australian Health Practitioner Regulation Agency and so defining the workforce group that would be eligible for the Therapist Assistant Level 3 role is complex. There is no existing framework for ‘supervision’ that could be adapted to provide for the necessary clinical governance of the proposed workforce or process for ensuring competency and recency of practice of the un-registered allied health professionals. The Queensland Government suggests this potential workforce (unregistered allied health practitioners) could be employed as allied health assistants under the existing delegation framework.

The Queensland Government notes the second component of the recommendation and will share the QPC’s analysis with the NDIA through existing governance mechanisms, such as the Executive Steering Committee and the Australian Health Practitioner Regulation Agency.

Recommendation 17

As one pathway to price deregulation, the NDIA should offer capable participants greater choice and control when negotiating the price of supports. The Queensland Government should propose that the NDIA provide participants with plan-managed plans assessed as capable of self-management (or capable of self-management with the provision of additional supports) with the option of having the same flexibility as self-managed participants in terms of the application of price regulation. The Price Guide should continue to apply in terms of the recording of payments at cost item level to facilitate price monitoring.

The Queensland Government **accepts this recommendation in-principle**. Queensland agrees with the intent of the recommendation, which is to afford plan-managed participants, who have passed a risk assessment test, the same purchasing flexibility as self-managed participants, who are not

subject to price caps. However, the Queensland Government notes that without supporting legislative amendments, the implementation of this recommendation may be difficult to operationalise and could introduce uncertainty for participants and providers.

The Queensland Government notes that the Tune Review recommended the *NDIS Act 2013* be amended so a participant who requests to ‘plan manage’ their NDIS funding be subject to the same considerations that apply when a participant seeks to ‘self-manage’. The Commonwealth Government has supported amending the *NDIS Act 2013* to extend risk assessment processes as it applies to all forms of self-managed funding, including those where an intermediary is involved.

Through the Disability Reform Ministers’ Meeting, the Queensland Government will advocate for these changes to encompass the QPC’s recommendation for suitable plan-managed participants to be removed from the scope of price-cap regulation.

Recommendation 18

The NDIS requires the appropriate regulatory tools to ensure price regulation is proportionate to the risks it is managing. The Queensland Government should propose that the NDIA include price monitoring and release of price information as additional regulatory tools to be used as part of a pathway towards more light-handed regulation.

The Queensland Government **accepts this recommendation**, noting there is research and analysis occurring at the national level which will inform the Disability Reform Ministers’ Meeting’s decisions on pricing policy and regulation.

The Queensland Government notes that the Productivity Commission’s 2017 Review of NDIS Costs recommended the 2023 review of scheme costs consider the state of market development, including progress towards price deregulation. This will provide an opportunity for independent assessment of whether pricing regulatory arrangements are fit for purpose.

Recommendation 19

The NDIS should facilitate the provision of price information to participants and providers to assist the efficient operation of the NDIS market. The Queensland Government should propose that the NDIA provide administrative payments data to an accredited provider/s for the establishment of a price comparator website for use by all providers, participants and other interested stakeholders.

The Queensland Government **accepts this recommendation**.

Recommendation 20

To improve the effectiveness and efficiency of the NDIS market, the Queensland Government should support the rollback of price cap regulation for price-controlled supports by no later than the end of 2022–23 for the majority of Queensland participants.

The rollback should involve:

- Greater Brisbane, the Gold and Sunshine coasts, Toowoomba and Townsville being considered as initial candidates
- price caps being replaced with price monitoring and release of price information as initial steps of a price deregulation pathway
- the establishment of target timeframes to provide greater certainty for investment planning
- monitoring of price deregulation to help ensure that participants are not being exploited
- evaluation of initial price deregulation steps to provide lessons for future price deregulation.

The implementation of other recommendations in this report to improve the operation of the NDIS market, such as the provision of provider quality information and assistance for participant decision-making, will support the rollback of price cap regulation.

For markets where the contestability of supply is not as strong, for example in many regional, remote and very remote markets, it will be important to ensure that consumer protection mechanisms are effective as part of the process of the removal of price caps.

Based on the experience of initial deregulated markets, a timetable for price deregulation should then be developed for other areas and support submarkets based on an assessment of a range of market indicators and local conditions to determine their capacity for provider competition and contestability under conditions of price deregulation.

The Queensland Government **accepts this recommendation in-principle**. Queensland supports the phased approach to rolling back price caps proposed by the QPC in-principle and remains committed to advocating for continual improvement to pricing in the NDIS. However, the Disability Reform Ministers' Meeting is responsible for agreeing a pathway to pricing deregulation and a timeframe and approach will need to be agreed at the national level following a research and consultation process.

Through the Disability Reform Ministers' Meeting, Queensland will advocate for the pathway to deregulation to be evidence-based, include extensive sector consultation and that plans are clearly communicated to the sector to provide certainty.

Queensland notes the QPC's advice that delaying price deregulation could constrain market development and risk participant outcomes. However, there must be a balance between moving towards pricing deregulation and ensuring participant safety and value for money. Further analysis is needed to assess the extent to which NDIA price caps capture the true cost of service delivery, and consequently whether competition is sufficient to ensure any increases in prices following deregulation are accompanied by proportionate gains in quality and benefits to participants or are cost reflective. Queensland also notes that successful implementation of recommendation 18 is an important prerequisite for price-cap rollback.

The Queensland Government will monitor and assess any risks that emerge resulting from pricing deregulation changes in Queensland. The Productivity Commission's 2023 review of scheme costs will assess whether progress toward pricing deregulation is sufficient.

Recommendation 21

The NDIS should improve the business environment and investment conditions by giving stakeholders confidence that, while price regulation remains, pricing decisions are made as part of a rigorous process.

To this end, the Queensland Government should propose that:

- the NDIA increase the independence of the NDIA's Pricing Reference Group. A Pricing Commissioner should be appointed who would report directly to the NDIA Board and be supported by a secretariat independent of the NDIA. The role of the Pricing Commissioner should be to:
 - chair the Pricing Reference Group
 - provide advice on pricing methodologies and parameters
 - ensure that the NDIS Quality and Safeguards Commission has significant input into the annual pricing review process and is able to review proposed changes prior to changes being made
- NDIA Board decisions and supporting information be made public, to improve transparency of decision-making
- these arrangements be reviewed as part of the Australian Productivity Commission's scheduled 2023 review of NDIS costs.

The Queensland Government **accepts this recommendation in-principle**. The work of the NDIA's Pricing Reference Group in setting prices remains integral to supporting the growth of the NDIS market. The Queensland Government notes that the QPC's consultation confirmed there is a need to improve pricing governance arrangements so those who have invested in the market can have greater confidence that the NDIA Board is basing its decisions on advice that fairly reflects the full range of arguments and evidence with improvements encompassing options to increase independence and transparency.

In-principle, the Queensland Government supports improvements to pricing governance arrangements that will continue to build provider confidence in the pricing regulatory process. Through the Disability Reform Ministers' Meeting, Queensland will consult with other jurisdictions to test support for a Pricing Commissioner, and if supported, develop a more detailed proposal for the Disability Reform Ministers' Meeting to consider as part of broader pricing regulatory reform. If a Pricing Commissioner is not supported in the short term, but the case for a Commissioner remains strong, the Queensland Government will consider including the proposal in a submission to the 2023 review of scheme costs, noting circumstances may change.

Recommendation 22

The Queensland Government should propose that the Disability Reform Ministers' Meeting issue an annual risk appetite statement providing advice to the Pricing Commissioner (see Recommendation 21) and the NDIA Board on the appropriate balancing of competing participant outcome, market development and financial sustainability objectives in regulating prices.

The Queensland Government **accepts this recommendation in-principle**. Should jurisdictions support the appointment of a Pricing Commissioner, this proposal will be considered as part of the design.

Recommendation 23

To improve the information available to participants and providers, the Queensland Government should propose that the NDIA:

- determine through consultation which additional market-related data would be most valued by stakeholders and, where appropriate for public release, incorporate the release of this data into the NDIA data availability release plan
- consider making publicly available unit record level data that has been confidentialised so that participants and providers cannot be identified
- where data cannot be publicly provided, ensure that stakeholders understand how to request data, and improve clarity about what data the NDIA holds and under what circumstances data can be accessed
- review its website and materials to make information easier to find, and to better direct readers to related documents, websites, data, learning materials and research and evaluation materials held by other institutions within and outside the NDIS.

The Queensland Government **accepts this recommendation**.

Recommendation 24

To provide participants with better information to assess the quality of supports and alternative providers, the Queensland Government should propose that the NDIA and the NDIS Quality and Safeguards Commission collaborate to develop a strategy for making provider quality information available to the NDIS market. The strategy should consider:

- risks associated with developing and publishing quality indicators and how to manage them
- the broad parameters for the development of useful and timely provider quality measures
- which agency or entity is best placed to develop the measures
- how and when the measures could be made available to the market.

The strategy should be developed in consultation with participants and providers and be published by the end of 2022, with the aim of making provider quality measures available by mid-2023.

The Queensland Government **accepts this recommendation**.

Recommendation 25

The Queensland Government should propose that the NDIA allow participants to share their NDIS information with digital marketplaces.

NDIA and NDIS Quality and Safeguards Commission (QSC) policies should support the development of digital marketplaces such that digital intermediaries are able to use both provider and participant information.

This will:

- assist providers in identifying new market opportunities, such as opportunities to coordinate demand in markets where there are relatively few participants (through demand pooling), and achieve economies of scale
- allow participants to ‘post’ required supports for tender
- provide direct information for market stewardship on thin markets (where tenders are unmet)
- facilitate price monitoring.

Where the NDIA and QSC hold information on the quality of supports provided, that information should also be made available to enhance the value of digital marketplaces.

NDIS agencies must ensure that the development of digital marketplaces preserves participant rights to privacy and choice and control.

The Queensland Government **accepts this recommendation**, noting that digital marketplaces for NDIS supports could simplify the process of sourcing a suitable provider for an individual participant as

well as help to identify opportunities for demand pooling, facilitating price monitoring and identifying supply gaps. It is important to ensure any digital platform developed is accessible and empowering for participants and participants are supported to be able to increase their digital literacy to be able to use such platforms. Information privacy issues for vulnerable groups, such as children in care, must also be considered in the development of digital marketplaces.

NDIS market roles and responsibilities, agreed by all jurisdictions, note a responsibility of the NDIA is to implement appropriate technology and infrastructure to support participants and providers to operate effectively in the scheme. The Queensland Government notes work is already progressing on the application of digital marketplaces to the NDIS through the NDIA's Digital Partnership Program.

The Queensland Government will request the NDIA provides Queensland with regular updates on its Digital Partnership Program through existing governance forums such as the Executive Steering Committee and will monitor progress of this program in achieving the objectives set out in this recommendation.

Recommendation 26

To improve the effectiveness of funding allocated to support coordination, the Queensland Government should propose that data collected by the NDIA on participant spending, budgets, demographics and outcomes should be used to evaluate the benefits of support coordination, how they vary between cohorts, and to indicate whether funding is being allocated where the needs for it are greatest. The results from these evaluations should be published, as well as guidance on how the NDIA plans to allocate funds.

The Queensland Government **accepts this recommendation.**

Recommendation 27

To ensure the quality of support coordination advice to participants, the Queensland Government should propose that the NDIA publishes its strategy for addressing potential conflicts of interest in support coordination and how it will measure, monitor and report on the success of this strategy.

The Queensland Government **accepts this recommendation.**

Recommendation 28

To facilitate the evolution of intermediary roles according to the market-driven needs of participants and providers, the Queensland Government should propose that the NDIA identify and remove unnecessary restrictions (including regulation of pricing) that prevent these roles from evolving.

If roles evolve, the NDIA may need to introduce appropriate safeguards; for example, strengthening disclosure arrangements to address risks from the integration of advisory roles with providers that deliver supports.

The Queensland Government **accepts this recommendation**, noting the importance of safeguards, such as separation between advisory/intermediary roles and other funded supports and clarity of responsibilities of intermediary roles to mitigate risks that may arise. Risks may include conflicts of interest, whereby providers could use intermediary roles to influence participants to purchase supports such as SIL and accommodation from the same provider.

It is noted that these risks may be partially addressed by implementation of Tune Review recommendations. The Tune Review recommended amending the NDIS Rules to outline circumstances in which it is not appropriate for the providers of support coordination to be the provider of any other funded supports in a participant's plan, to protect participants from provider's conflicts of interest.

These NDIS Rule amendments would provide greater protection against conflict of interest risks. However, these amendments may only apply to the support coordination role. Similar protections may not be in place for other intermediary roles such as plan managers, so care must be taken if other intermediaries begin to perform a support coordination function. The NDIA's Review of Support Coordination Consultation Paper noted there was some overlap between plan managers and support coordination, which may need to be considered in the implementation of Tune Review recommendations.

Recommendation 29

The Queensland Government should propose that, in markets where there are significant and persistent shortfalls in supply, the NDIA allow extended service agreements to be offered by participants as an incentive to providers to enter the market and/or expand supply.

The Queensland Government **accepts this recommendation in-principle**. The Queensland Government agrees that flexible approaches are required to address thin markets, including extended service agreements. However, such agreements will not be appropriate in some circumstances, such as for children and young people, and where participant needs may be more likely to change.

The Queensland Government, through existing NDIS governance arrangements, will raise the use of extended service agreements (with appropriate safeguards) as a potential thin market intervention.

Recommendation 30

The Queensland Government should propose that the NDIA streamline and align specialist disability accommodation (SDA), home modification and supported independent living (SIL) access processes, in order to provide faster access for participants and clearer signals to providers. Participants' eligibility should be determined regardless of their access to a support or the presence of a provider.

Discussions about housing should be elevated in importance and occur early in planning meetings. Application of the 'reasonable and necessary' criterion and reasons for housing support decisions on access should be more clearly explained to promote greater consistency and accountability. Participants with SDA in their plans should be funded at a level that allows a reasonable degree of choice. The NDIA should also report regularly on the timeliness of applications and decisions in relation to housing supports and SIL.

The Queensland Government **accepts this recommendation.**

Recommendation 31

The Queensland Government should propose that the NDIA increase the ready availability of market information on the demand for and supply of housing supports (including SDA, medium term accommodation (MTA), home modifications and independent living options (ILO)) and supported independent living (SIL) support. This should include the preferences and needs of participants likely to require housing support, while protecting participant privacy.

Information should be available on:

- the number and projected number of participant plans with SDA and SIL support funding, by:
 - location at a detailed level
 - type of accommodation required
 - current living arrangements
- the number of existing SDA and SIL places, by:
 - location at a detailed level
 - occupancy status
 - dwelling type, design category, size
 - construction status
- the number of participants with MTA in their plans and MTA places, by:
 - location
 - dwelling type, design category, size
- the number of participants with ILO funding in their plans and ILO places, by:
 - location
 - dwelling type, design category, size
 - vacancy rates
- for more general housing needs:
 - location of participants by disability
 - availability of accessible housing.

The Queensland Government **accepts this recommendation.**

Recommendation 32

To inform the NDIS market of opportunities to house NDIS participants, the Queensland Government should improve information it releases on NDIS participants in social housing and public hospitals.

It should provide information on whether persons residing in social housing or as long term hospital residents are NDIS participants seeking accessible housing. In doing so, the privacy concerns of participants should be fully respected.

Such information should be made available with other NDIA disability housing data, and could also be linked to the National Disability Data Asset.

The Queensland Government **accepts this recommendation in-principle** noting there needs to be further consideration about the purpose and outcomes expected from the provision of this information, the feasibility of collecting and sharing information from clients in social housing and patients in public hospitals, and how this would be implemented to ensure appropriate privacy protections are in place.

Social housing tenants and applicants

The Department of Communities, Housing and Digital Economy encourages social housing tenants and applicants to share information that could assist in providing a tailored service response, including their disability status, whether they have an NDIS plan and/or are eligible for SDA. However, it remains the client's choice to share this information.

Patients in hospital

Queensland Health is currently working with the Commonwealth and other jurisdictions to establish nationally consistent data sharing arrangements for NDIS participants in hospital experiencing barriers to discharge, inclusive of accessible housing. Queensland Health is also progressing automated collection of this data. The outcomes of this work will inform the viability of this recommendation and its subsequent value to the NDIS market.

Recommendation 33

The Queensland Government should propose that the NDIA investigate ways to educate:

- participants, planners and support coordinators about housing options available to participants
- financial institutions and investors about the opportunities for investment in SDA.

NDIS participants who may require housing supports should be made aware of their options and empowered to make decisions on which options best meet their reasonable and necessary requirements. This should involve the provision of clear information, guides, including case studies of how housing supports work and capacity building of participants, and upskilling of planners and support coordinators.

The NDIA should encourage research on and innovation in housing options for NDIS participants. Programs to encourage innovation and support education of housing and in-home care options should be evaluated to ensure they are effective and modified where appropriate.

The Queensland Government **accepts this recommendation.**

Recommendation 34

The NDIA should outline a long-term approach to how it will deal with conflicts of interest between SDA and SIL providers.

In the interim, the NDIS Quality and Safeguards Commission should reduce conflicts of interest in the provision of support coordination, SDA and SIL by:

- monitoring and publicly reporting on the overlap between these services
- investigating low-cost options to address conflicts, such as requiring providers to lodge conflict of interest statements defining potential impacts on participants and measures taken to mitigate impacts
- strengthening and enforcing independence of support coordinators in relation to SDA and SIL providers.

The Queensland Government **accepts this recommendation.**

Recommendation 35

The Queensland Government should examine options for its stock of disability accommodation and services, recognising the NDIA plans to cease paying providers for old legacy housing. The Queensland Government should make public its plans, including a timeline for implementation, by 2023.

The Queensland Government **accepts this recommendation in-principle.**

The full scheme agreement for the NDIS enables Accommodation Support and Respite Services to continue to be provided on an in-kind basis until 30 June 2023. The Queensland Government has not made a decision about how the departmental-run accommodation support and respites services will operate following the end of the in-kind arrangement period. Any decision will be made carefully and in consultation with key stakeholders as well as considering the ongoing use of the department-owned disability accommodation properties.

Recommendation 36

The Queensland Government should propose that the NDIA expedite the development of its performance measurement systems of employment support providers to facilitate:

- the reliable measurement of outcomes by provider, service type and other service characteristics
- the analysis of differences in performance across providers and through time to understand what is driving performance
- innovation and the diffusion of knowledge on best practice
- the provision of performance information (at a detailed level) to participants and other stakeholders to improve choices and strengthen incentives for providers to improve performance.

The Queensland Government **accepts this recommendation.**

Recommendation 37

The NDIA can improve the effectiveness of the school-leaver employment supports (SLES) through making it clear that the SLES needs to achieve actual employment outcomes, and through implementing the performance measurement recommendation (Recommendation 36).

The Queensland Government **accepts this recommendation.**

Recommendation 38

To improve education and employment outcomes for young NDIS participants, the Queensland Government should propose that the NDIA examine the net benefits from extending SLES supports to school years prior to Year 12, and providing learning supports to post-secondary students to help them succeed in their studies, including examining funding arrangements which restrict the hiring of qualified teachers.

Where there are likely to be net benefits, but the NDIA considers the supports should be provided by a mainstream service, then the Queensland Government and the NDIA, possibly through the Disability Reform Ministers' Meeting, should clarify their respective roles and responsibilities.

The Queensland Government **accepts this recommendation in-principle**. The Queensland Government supports the NDIA improving education and employment outcomes for young NDIS participants.

The Queensland Minister will continue to listen to the needs and concerns of Queenslanders with disability, their families, carers, and the disability sector more broadly, and will advocate through the Disability Reform Ministers' Meeting that the NDIA ensure young NDIS participants are supported to succeed in their studies.

Recommendation 39

The Queensland Government and TAFEs should review how existing programs to assist persons with an intellectual disability in post-secondary education are working in practice, and identify ways to improve those programs to reduce barriers to learning.

The Queensland Government **accepts this recommendation**, noting further work is required to clarify the scope of the project. The Queensland Government supports the NDIA improving education and employment outcomes for young NDIS participants, however further work is required to determine the scope of the review.

Recommendation 40

To improve employment outcomes for young NDIS participants, the Queensland Government should propose that the NDIA, in cooperation with the Queensland Department of Education, investigate the benefits and costs of significantly increasing the proportion of work experience placements that students with disability undertake in open employment, including placements prior to the student's final year of schooling.

The investigation should address the risks associated with open employment and how they may be best managed with the objective of ensuring that work experience raises the aspirations of students with disability.

The investigation should be linked to the recommendation examining extending SLES supports (Recommendation 38).

The Queensland Government **accepts this recommendation** noting there needs to be further work to consider current work experience arrangements and explore options for working with the NDIA to investigate ways to increase work experience opportunities for students with disability.

Discussion on work experience for students with disability requires engagement across multiple stakeholders and responsible agencies to progress this recommendation in its entirety. Employment supports for people with disability, including young people with disability, are administered by the Australian Government and state and territory governments. Some of these supports, such as the SLES and those in open and supported employment sectors, are administered through the NDIA, requiring inter-governmental and inter-agency engagement to further discussions under this recommendation.

Recommendation 41

The Queensland Government should propose that the NDIA review its processes related to assisting people into employment. An objective should be to improve the responsiveness of the NDIA to participant and provider needs, including significantly reducing the time period between when an employer shows interest in a jobseeker and the first day of employment.

The Queensland Government **accepts this recommendation**.

Recommendation 42

To improve the evidence base of what works for the delivery of the NDIS and disability supports in rural and remote areas, the Queensland Government should:

- propose that the NDIA evaluate and publicly report on programs and initiatives undertaken to improve delivery of the NDIS in rural and remote areas
- evaluate and publicly report on programs and initiatives it leads.

The Queensland Government **accepts this recommendation**.

Recommendation 43

To improve the effectiveness of the NDIS in delivering better outcomes for scheme participants in rural and remote locations, the Queensland Government should propose that the NDIA assess:

- the market for support coordination in rural and remote locations, including the availability and quality of support coordinators and whether there are areas of unmet demand
- whether the increased inclusion of support coordination in the plans of rural and remote participants would be an effective and efficient means of improving plan utilisation and building capacity in rural and remote locations.

The Queensland Government **accepts this recommendation in-principle**, noting where there are enduring thin markets for other types of supports, increasing support coordination may not be effective in increasing plan utilisation. There may also be an increased risk of conflict of interest in thin markets, where a support coordinator's organisation offers other NDIS services.

Queensland also notes that support coordination in early plans can be effective in helping participants to build capacity to self-manage plans, which supports greater choice in rural and remote markets where there may be limited registered providers.

Recommendation 16 of the Tune Review proposes the NDIS Rules be amended to set out the factors the NDIA will consider in funding support coordination in a participant's plan and outline circumstances in which it is not appropriate for the providers of support coordination to be the provider of any other funded supports in a participant's plan, to protect participants from provider's conflicts of interest.

Through the implementation of recommendation 16 of the Tune Review, and providing the conflict of interest risk is addressed through the rule changes, Queensland will advocate for increased inclusion of support coordination in the plans of rural and remote participants by suggesting that geography be included as factor for allocating support coordination in the NDIS Rules. There must also be a focus on strategies to improve the quality of support coordination services.

Recommendation 44

The Queensland Government should propose that the NDIS Thin Markets Project prioritise the development of a thin markets framework that:

- establishes arrangements for identifying thin markets and developing timely responses
- responds to the underlying causes of thin markets on a case-by-case basis
- considers options for improved market coordination, including mechanisms to facilitate coordinated purchasing among participants
- considers alternative commissioning models for purchasing supports where other market-oriented options are not viable
- ensures thin market responses are adequately and consistently evaluated and reported.

The Queensland Government **accepts this recommendation.**

Recommendation 45

To improve the effectiveness of the NDIS in delivering better outcomes for Aboriginal and Torres Strait Islander people, the Queensland Government should propose that the NDIA assess:

- the market for support coordination in Aboriginal and Torres Strait Islander communities, including the availability and quality of support coordinators and whether there are areas of unmet demand
- whether increased inclusion of support coordination in the plans of Aboriginal and Torres Strait Islander participants would be an effective and efficient means of improving plan utilisation and building capacity.

The Queensland Government **accepts this recommendation in-principle**, noting where there are enduring thin markets for other types of supports, increasing support coordination may not be effective in increasing plan utilisation. There may also be an increased risk of conflict of interest in thin markets, where a support coordinator's organisation offers other NDIS services.

More research is needed to understand the benefits and qualities of effective support coordination in Aboriginal and Torres Strait Islander communities. Through the Disability Connect and Outreach Program, the Queensland Government, with funding support from the Commonwealth Government, is leading a project to develop, implement and test an approach for supporting Aboriginal and Torres Strait Islander corporations and individuals to become active registered providers in rural, regional and remote communities that are deemed thin markets. The project will also design and test an approach to increasing the awareness of existing culturally appropriate service providers to leverage and realise economic opportunities created by the NDIS. The Disability Connect and Outreach Program will also conduct a research partnerships project, which will investigate the reasons for plan underutilisation across Aboriginal and Torres Strait Islander, and regional and remote, communities.

The Queensland Government notes that addressing thin markets in Aboriginal and Torres Strait Islander communities is an important part of increasing plan utilisation.

Ensuring culturally appropriate training for local area coordinators and a focus on employment of more Aboriginal people and Torres Strait Islander peoples as local area coordinators could be part of a strategy to increase utilisation, as well as increasing and improving employment/training outcomes for Aboriginal and Torres Strait Islander peoples.

Recommendation 16 of the Tune Review proposes the NDIS Rules be amended to set out the factors the NDIA will consider in funding support coordination in a participant's plan. If evidence suggests support coordination is an effective means of improving plan utilisation for Aboriginal and Torres Strait Islander participants, Queensland will advocate for increased inclusion of support coordination in the plans of Aboriginal and Torres Strait Islander participants living in remote communities through formal amendment to the NDIS Rules.

Recommendation 46

To improve the evidence base of what works for the delivery of the NDIS and disability supports to Aboriginal and Torres Strait Islander people, the Queensland Government should:

- propose that the NDIA evaluate and publicly report on programs and initiatives undertaken to improve delivery of the NDIS to Aboriginal and Torres Strait Islander people with disability, their families, carers and communities. In particular, the NDIA should commission and publish an evaluation of the Access and Planning Pilot Project that was led by the Institute of Urban Indigenous Health
- evaluate and publicly report on programs and initiatives it leads.

The Queensland Government **accepts this recommendation.**

Recommendation 47

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships should remove unnecessary barriers for Aboriginal and Torres Strait Islander people regarding worker screening requirements under the *Disability Services Act 2006*, including by:

- prioritising the development of supports for worker screening
- considering recommendation 73 of the Queensland Family and Child Commission's 2017 Review of the blue card system and whether similar reforms should be applied in respect of the yellow card system.

The Queensland Government **accepts this recommendation.**

Recommendation 48

The Queensland Government should promote clarity and efficiency in its restrictive practices regime, by:

- continuing to investigate opportunities to harmonise its restrictive practices regime with relevant laws in other states and territories, and the NDIS; for example, aligning where possible the definitions of types of restrictive practices in the *Disability Services Act 2006* with the NDIS restrictive practice rules
- announcing timeframes in respect of that investigation and any subsequent actions, and publicly report on progress
- identifying inconsistencies in administrative processes around the content of Positive Behaviour Support Plans (PBSPs) between the Queensland and NDIS requirements, and harmonising those processes in cases where substantive protections would not be compromised
- reviewing the actions undertaken by the Queensland Civil and Administrative Tribunal, the Office of the Public Guardian and the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships to ensure that their approaches are consistent and that they are able to adequately manage the authorisation process.

The Queensland Government **accepts this recommendation**, noting these issues are being considered as part of the current review of the restrictive practices authorisation framework in Queensland, along with other issues relevant to those identified in the recommendation, including: opportunities to better align with the Commonwealth NDIS legislation and the NDIS Quality and Safeguarding Framework and the associated processes and requirements; and restrictive practices authorisation roles and processes.

Consultations with key stakeholders will be integral to the review, particularly people with disability and their families, carers and advocates, and service providers. Understanding the experiences and views of people with lived experience of restrictive practices, and their families and carers will be particularly important. It is anticipated advice on the outcomes of the review will be provided to the Queensland Government for consideration in 2022. Any proposed reforms will be announced subsequently.

Recommendation 49

To help foster a market for the private preparation of Positive Behaviour Support Plans (PBSPs) while exercising appropriate caution in ensuring that those being produced are of appropriate quality, the Queensland Government should announce a timetable for removing its statutory monopoly on the preparation of PBSPs for seclusion and containment. As transitional measures, it should:

- continue to prepare PBSPs as a provider of last resort
- monitor the adequacy of supply and quality of PSBPs
- apply a threshold condition for withdrawal from the preparation of PBSPs that contains objective indicators of both supply adequacy and PBSP quality, and only withdraw from the provision once that threshold is met.

The Queensland Government **accepts this recommendation in-principle**. The Queensland Government is committed to removing the statutory role of the department in the preparation of PBSPs involving containment and/or seclusion and ensuring there is a market with sufficient capacity and capability to undertake the functions. The Queensland Government is not currently a provider of last resort for this function, but rather has temporarily continued to perform the function beyond the commencement of full scheme NDIS in Queensland while market capacity and capability develops. Consistent with the broader NDIS approach, the goal is for these functions to be market driven, with the Queensland Government not providing a provider of last resort function. However, given the complexities associated with the restrictive practices of containment and seclusion, the Queensland Government is cautious to devolve the preparation of PBSPs which include the use of containment and/or seclusion to the market until it is confident the rights of people with a disability will not be compromised. In addition, while the Queensland Government will continue to have a role in ensuring the quality of PBSPs as part of the authorisation process, it should be noted that the NDIS Quality and Safeguards Commission has primary responsibility for building the capacity and capability of the sector and regulating positive behaviour support, including the preparation of PBSPs.

These issues are being considered as part of the current review of the restrictive practices authorisation framework in Queensland. It is anticipated advice on the outcomes of the review will be provided to the Queensland Government for consideration in 2022. Any proposed reforms will be announced subsequently.

Recommendation 50

The Queensland Government should continue to engage in intergovernmental processes aimed at resolving issues around NDIS participant access to transport services generally.

If arrangements for suitable participant disability transport supports in participant plans are unable to be resolved in a timely way, the Queensland Government should propose that the Taxi Subsidy Scheme applied to NDIS participants be modified so that equivalent transport options are treated equally.

The Queensland Government **accepts this recommendation in-principle**. Through intergovernmental forums, the Queensland Government has actively worked with the Commonwealth Government to develop solutions to issues regarding NDIS participant access to transport services. This has included advocating for development of longer-term transport support policy and the extension of cross-billing arrangements the Taxi Subsidy Scheme (TSS) supports.

Queensland notes access to general transport services are categorised as a Commonwealth responsibility under the APTOS. Work is underway to determine long-term transport policy at the national level. In this long-term policy approach, it is not intended for the TSS to continue to apply to NDIS participants.

The Queensland Government is supportive of implementing a flexible solution for arrangements for participant disability transport supports in participant plans as part of their NDIS supports. Extending the TSS to other transport providers is a significant undertaking to support an interim solution. As committed within the Department of Transport and Main Road's (TMR) Disability Action Plan 2018-2022, by the end of 2022, TMR will consider the expansion of the TSS to include the provision of services by other operators.

Recommendation 51

In developing intergovernmental and interagency agreements in relation to information sharing, the Queensland Government should ensure that appropriate weight is given to competing individual interests, such as the benefits associated with increased access to information and the privacy interests of the relevant person.

The Queensland Government **accepts this recommendation**.

The QPC Inquiry notes that, if the role of child protection agencies is considered to be the equivalent of a parent, then they should be entitled to access information that would ordinarily be provided to a parent, or to make decisions a parent would ordinarily be able to make. For example, it would have access to the NDIS portal, and be able to monitor spending directly and rely on support coordinators to provide information to it.

The Queensland Government will work with the NDIA to finalise intergovernmental agreements relating to the sharing of information and implementing the information technology solution enabling child protection agencies to access the NDIS portal to support vulnerable children, such as those in the child protection system.

Recommendation 52

The Queensland Government should evaluate the effectiveness and efficiency of its interventions to promote access to the NDIS. That evaluation should consider all impacts, including but not limited to the effects on participants, providers, Queensland Government services, the Australian Government and NDIA, and adjacent markets. Those evaluations may form part of the Queensland Government's NDIS Assurance Framework

The Queensland Government **accepts this recommendation**.

Recommendation 53

To avoid undermining the NDIA's independence, the Disability Reform Ministers' Meeting should publish its guidance to the NDIA Board and limit its guidance to setting the broad parameters within which it expects the NDIA to manage the scheme.

The Queensland Government **accepts this recommendation**. As this will require a multilateral commitment, the Queensland Government will raise this proposal with the Commonwealth, other states and territories and the NDIA through the Disability Reform Ministers' Meeting.

Recommendation 54

To secure the largest benefits from NDIS reforms, the Queensland Government should propose that the Disability Reform Ministers' Meeting publish its work program, including the basis on which issues have been prioritised, and how it will advance the legacy issues that were on the former Disability Reform Council's agenda.

The Queensland Government **accepts this recommendation**. As this will require a multilateral commitment, the Queensland Government will raise this proposal with the Commonwealth, other states and territories and the NDIA through the Disability Reform Ministers' Meeting.

Recommendation 55

To provide effective governance to support the development of the NDIS market and a forum for states and territories to have a continued role in policy development and implementation, the Queensland Government should propose that the Disability Reform Ministers' Meeting:

- has a clearly defined purpose, including to identify and ensure the implementation of reforms of the NDIS
- has clearly defined roles
- maintains the independence of the NDIA
- publishes regular reports on its progress in delivering its work program
- publicly reports annually on the performance of the NDIS market.

The Queensland Government **accepts this recommendation**. As this will require a multilateral commitment, the Queensland Government will raise these proposals with the Commonwealth, other states and territories and the NDIA through the Disability Reform Ministers' Meeting.

Recommendation 56

To ensure NDIS regulations are efficient and effective, the Queensland Government should propose the Australian Productivity Commission advises on NDIS regulatory review arrangements as part of its review of NDIS costs in 2023. The review should:

- assess existing processes for introducing new NDIS regulation and reviewing the stock of NDIS regulation
- advise on possible improvements to those processes
- advise on a process for a program of reviews of the existing NDIS regulatory stock, including which agency or entity is best placed to conduct the reviews and what the priority areas for review are
- propose a timetable for the reviews of the regulatory stock, based on its determination of priority areas.

The Queensland Government **accepts this recommendation**. The Queensland Government is supportive of addressing the issue of the scheme's regulatory restrictions on the development of the NDIS market through the Australian Productivity Commission review. In the full scheme agreement, the Queensland and Commonwealth Governments have agreed that the Disability Reform Ministers' Meeting will commission independent reviews of NDIS costs in 2023 and also consider the parameters and terms of reference of the review.

Through the Disability Reform Ministers' Meeting, Queensland will advocate for the 2023 review to include advice on NDIS regulatory arrangements with parameters consistent with this recommendation.

As this will require multilateral agreement, the Queensland Government will raise this proposal with the Commonwealth, other states and territories and the NDIA through the Disability Reform Ministers' Meeting.

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