



Australian Government  
Department of Social Services

# NDIS Market Roles and Responsibilities



Working together for a better NDIS

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### **Contact us:**

For enquiries regarding this report, please contact:

Branch Manager, Market Development Branch, Department of Social Services.

Mail: GPO Box 9820, Canberra ACT 2601

Email: [NDISmarketoversight@dss.gov.au](mailto:NDISmarketoversight@dss.gov.au)

Phone: 1300 653 227 or international +61 2 6146 0001

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# **Our shared vision for NDIS participants and providers and their workforce**

The National Disability Insurance Scheme (NDIS or Scheme) is Australia's new way of providing support to people with disability, their families and carers.

For the first time, the Scheme allows eligible Australians with disability to choose providers from which to purchase the supports that enable them to achieve their goals. More than 412,000 Australians with disability are now 'NDIS participants', with individual plans that list their personal goals and the NDIS-funded supports available to help them achieve these goals. This change in service delivery has created an NDIS *market*, which is expected to grow to at least 500,000 participants over the next four years.

This way of providing support has been in operation for just a few years, and in some parts of Australia, for just a few months. During transition, Commonwealth<sup>1</sup>, State and Territory governments have worked collaboratively to help participants and providers understand and enter the Scheme.

Now that the NDIS is available nationwide, these parties continue to play an important role in developing and nurturing the NDIS market of participants, providers and their workforce to secure a high performing NDIS.

**Our vision is that Australians with disability can access support from innovative providers and skilled workers. This will support people with disability to achieve their goals around independence, community involvement, education, employment, and health and wellbeing.**

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<sup>1</sup> 'Commonwealth' throughout this document refers to the Department of Social Services, the National Disability Insurance Agency and NDIS Quality and Safeguards Commission.

## Key roles of Government parties in supporting the NDIS market



**What will we do to support  
NDIS participants,  
providers and their  
workforce?**

The NDIS takes a new, lifetime approach to investing in people with disability early to improve their outcomes later and reduce overall service costs. It is jointly funded by Commonwealth, State and Territory governments. These governments come together, through the Disability Reform Ministers' meeting<sup>2</sup>, to consider how the Scheme should operate, monitor its outcomes and oversee its financial sustainability. It is the role of Disability Reform Ministers to ensure this insurance approach delivers on the promise to Australians with disability and taxpayers more broadly.

The Commonwealth Department of Social Services (DSS) plays an important role working with its State and Territory counterparts in designing the policies and laws that shape the supports participants receive from providers and their workforce.

The National Disability Insurance Agency (NDIA) administers and operates the NDIS. The NDIA ensures participants have funds to receive the supports they need and makes sure that participants can access support from providers no matter where they live, including through creating connections between people with disability and the communities they live in. The NDIA manages, advises and reports on, the financial sustainability of the NDIS.

The NDIA is overseen by an independent statutory Board. The Board determines objectives, strategies and policies for the NDIA and ensures its proper, efficient and effective performance. The Board reports to the Minister for the NDIS and Disability Reform Ministers on the operations and activities of the NDIA, and the outcomes and financial sustainability of the Scheme.

The NDIS Quality and Safeguards Commission (NDIS Commission) works with providers, so that the support participants receive is both high quality and safe, by regulating NDIS providers and their workers.

States and Territories are vital partners of and equal shareholders with the Commonwealth in delivering the NDIS. In addition to co-funding and co-governing the NDIS, they provide mainstream services (like education, health and housing) that participants need to achieve their goals and live inclusive lives in their communities. States and Territories also invest local knowledge and funding that result in development of NDIS providers and their workforce, and supports worker accreditation and screening. States and Territories work with the Commonwealth to set the policy agenda.

These roles are crucial to the operation of an effective market where participants can purchase the supports they need from high quality providers. These parties – Disability Reform Ministers, DSS, the NDIA, the NDIS Commission and States and Territories – have a shared commitment to deliver important responsibilities to achieve our shared vision for the NDIS and its participants. See section *NDIS Market Responsibilities* for a detailed list of responsibilities that the parties commit to delivering.

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<sup>2</sup> Disability Reform Ministers comprises Commonwealth and State and Territory Ministers responsible for disability services.

**How will we work together?**

For the NDIS market to be successful, Disability Reform Ministers, DSS, the NDIA, the NDIS Commission and States and Territories need to work together effectively to deliver our shared vision. A set of agreed principles guide us in how we do this.

## **We will put participants first**

The NDIS is a fundamentally new approach to investing in people with disability to support their independence and their goals for economic and social participation.

The parties will place people with disability at the centre of our decisions on the design and delivery of the NDIS. We are committed to developing a market that ensures all participants are empowered and able to get value for money NDIS supports they need to achieve their goals at the right time, along with the other supports they need.

## **We will collaborate to ensure availability of supports to meet the needs of participants**

The NDIS will be successfully delivered through collaboration between governments to introduce, fund, govern and monitor the Scheme. The parties are committed to continued collaboration. This will ensure that participants can access the supports they need and guarantee value to taxpayers.

The parties will show mutual trust and respect, consult early and genuinely, and collaborate where appropriate to fulfil responsibilities, in recognition of the shared interest in NDIS success and value of the knowledge respective parties hold.

The parties will consult with stakeholders and partners to inform advice to governments about entrenched or systemic market risks, including in particular sub-markets or geographies, their severity and likely impacts.

The parties will coordinate action to avoid duplication or gaps in NDIS and other supports. The parties will respond to NDIS issues in a timely, respectful and pro-active manner, consistent with their responsibilities.

## **We will be transparent about our decisions and performance so we can be held to account**

Transparency starts with all parties being clear with participants and their families, providers and their workers, and the general public on what we will do to ensure the NDIS market develops to meet high expectations for innovative, person-centred services. Publishing this document is an important step in achieving this transparency.

Transparency means regular reporting on issues impacting the NDIS market, including participant outcomes, demand and supply, emerging market risks and the Scheme's financial sustainability.

Transparency also means sharing data and information in a timely and open fashion to support market development and provider investment decisions, subject to privacy and other confidentiality requirements. This will help providers better understand the market in which they operate and the evidence behind decisions on important factors like pricing. It will also ensure governments can monitor and develop the NDIS market and demonstrate the impact of their significant investment.

## **We will be flexible and innovative**

The NDIS has only been in operation since 2013 – with the first three years in trial and then in transition to full rollout of the Scheme – and will continue to develop for years to come. Participants and their families are adapting to unprecedented choice and control in the supports they receive. Providers are still adjusting to a market-based model in which participants, rather than governments, choose who provides services to them and the types of services they receive based on a plan budget. As the Scheme develops, Commonwealth, State and Territory government agencies are learning how the NDIS is working in each locality for participants and sharing lessons to help improve. All parties are working together to ensure the support, policies and laws are in place to make this unprecedented reform a success for all.

As the Scheme matures, and other service systems adapt to the Scheme, responsible parties will continue to work with stakeholders to remain flexible and innovative. For example, through new approaches in remote communities, improvements to pricing policy to get better outcomes for participants, nurturing and responding to innovations by participants and providers and ensuring regulatory approaches strike the right balance in protecting participants from risk and enabling innovation.

**We will be guided by four key principles in working together to help participants achieve their goals**

Principles	This means parties will:
 <p><b>1. Participant centred</b></p>	<ul style="list-style-type: none"> <li>▪ Place people with disability at the centre of all decisions to enable them to reasonable and necessary supports and achieve their goals</li> </ul>
 <p><b>2. Collaborative</b></p>	<ul style="list-style-type: none"> <li>▪ Work together to achieve outcomes, based on cooperation, mutual trust and respect for the value each party brings</li> <li>▪ Allow reasonable time for other parties to provide input and collaborate, while still ensuring timely, proactive responses to Scheme issues</li> <li>▪ Consider the broader market in which the NDIS operates and the need for collaboration across the broader market</li> <li>▪ Coordinate action to avoid duplication</li> </ul>
 <p><b>3. Transparent</b></p>	<ul style="list-style-type: none"> <li>▪ Publish roles and responsibilities</li> <li>▪ Share data and information in a timely and open fashion, subject to privacy and other confidentiality requirements</li> <li>▪ Develop a performance reporting framework that will support shared monitoring and accountability for achieving NDIS outcomes</li> <li>▪ Be accountable to Disability Reform Ministers for delivery of responsibilities and timely action</li> <li>▪ Participate in agreed evaluation and reviews</li> <li>▪ Base decisions on the best available information and evidence</li> </ul>
 <p><b>4. Innovative</b></p>	<ul style="list-style-type: none"> <li>▪ Adopt a flexible approach that supports market innovation and evolution to deregulation</li> </ul>

These principles of participants first, collaboration, transparency and innovation will underpin how government parties deliver their respective roles and responsibilities, helping to ensure that this ground-breaking reform is a success for all.

# NDIS market responsibilities

This section lists the key responsibilities of each party, consistent with their roles described in this document. Parties will adhere to the principles of participant-centred, collaborative, transparent and innovative in delivering these responsibilities.

### **Disability Reform Ministers will:**

- Set NDIS strategic policy objectives and scope
- Ensure these objectives are being met
- Consider NDIS policy, laws, rules and regulations and funding commitments, to ensure they align with strategic objectives
- Oversee the financial sustainability of the Scheme
- Conduct continued oversight of market and workforce development and pricing transparency, including pricing methodology, to ensure service availability for participants, including a focus on operational performance and greater transparency over NDIS costs
- Hold NDIS parties to account in fulfilling roles, delivering responsibilities and implementing identified actions
- Agree and oversee the pathway to pricing deregulation and price monitoring, including considering options for deregulation and independent scrutiny
- Consider the interaction of NDIS and mainstream services to identify participant and financial risks

### **The Commonwealth Department of Social Services will:**

- Monitor the market to identify systemic risks that require policy or legislative responses
- Coordinate, review and identify the need for legislative and policy reform across the Commonwealth required to enable an NDIS market
- Develop policy and legislation for the NDIS market, workforce, and quality and safeguards, through working with States and Territories
- Support NDIS and broader market development through sharing information and data with the NDIA, the NDIS Commission, States and Territories and the market
- Coordinate development of a market design strategy and fund, and test market and workforce innovations to address systematic market issues, such as thin markets, in the development and operation of the market
- Coordinate a national approach to workforce development in collaboration with States and Territories
- Coordinate development of a pathway to pricing deregulation, including options for pricing monitoring

- Coordinate cross-sector Commonwealth responses to market challenges
- Develop and implement the Information, Linkages and Capacity Building strategy to maximise the benefit for all people with disability
- Analyse data from NDIA on the financial sustainability of the Scheme and advise Disability Reform Ministers on appropriate policy responses
- Identify and advise on issues of the intersection between the NDIS and other Commonwealth programs
- Work with the NDIA, the NDIS Commission and States and Territories to deliver these responsibilities

### **States and Territories will:**

- Coordinate, review and identify need for legislative and policy reform required to enable an NDIS market across their jurisdiction
- Develop the current workforce and a future pipeline of workers through a national workforce plan, including through providing state-based training programs
- Develop local NDIS workforce and industry policies that support the objectives of the NDIS
- Implement and regulate nationally consistent NDIS worker screening
- Authorise restrictive practices in line with legislation
- Undertake consumer protection regulatory functions
- Share local market information and data with the NDIA, DSS, the NDIS Commission and other States and Territories to resolve operational issues, identify systemic risks and support effective oversight, including on mainstream services
- Provide mainstream services (consistent with the Applied Principles and Tables of Support (APTOS) and National Disability Agreement)
- Identify connections with other government services, such as education, health, housing, justice and child protection, across their jurisdiction
- Support the development of a robust and comprehensive disability services market through the development, consideration and implementation of market policies, strategy and actions
- Support the implementation of market interventions and maintaining critical supports
- Observe, monitor and analyse mainstream providers that intersect with the NDIS market
- Work with the NDIA, the NDIS Commission and DSS to deliver these responsibilities

## **The National Disability Insurance Agency will:**

- Implement the market policy decisions of Disability Reform Ministers
- Ensure all eligible participants have quality plans that provide for reasonable and necessary supports, and information to exercise choice and control, as required under the *NDIS Act 2013*, and the APTOS
- Ensure participants have access to quality supports regardless of where they live and what their needs are, including through encouraging new supplier entrants, supporting provider sustainability through effective payment systems, promoting market diversity and promoting and implementing special measures and/or innovative approaches, including in areas of provider shortage
- In the event of ongoing inability of the market to provide supports or services, provider exits from the market, or sudden withdrawal of service; implement strategies to ensure critical supports are maintained for participants and coordinate the response with States and Territories where mainstream responsibility exists
- Report to Disability Reform Ministers on NDIS financial sustainability and any financial implications of the Ministers' policy decisions. This includes the provision of NDIA actuarial data to the Disability Reform Ministers, to enable them to fulfil their role
- Advise Disability Reform Ministers on the operations of the Scheme
- Provide support and education to participants to enable exercise of choice and control
- Develop and implement price control arrangements in accordance with the Board's decisions and Disability Reform Ministers' policy decisions
- Systematically share detailed market information and data with DSS, the NDIS Commission and States and Territories to support market development, NDIS regulation, financial sustainability and NDIS policy
- Publish market information and data, and provide market information and data for research, and planning purposes to providers, external bodies and researchers
- Provide support and education to current and potential providers to ensure supply
- Implement appropriate technology and infrastructure to support participants and providers to operate effectively in the Scheme
- Monitor local market trends and risks in demand and supply (including provider issues and barriers) and escalate identified trends and issues to DSS, the NDIS Commission and States and Territories when a policy or regulatory response is required
- Prevent fraud and ensure payment assurance, including referring issues to the Federal Police and the NDIS Commission where enforcement action is required
- Work with DSS, the NDIS Commission and States and Territories to deliver these responsibilities

## **The NDIS Quality and Safeguards Commission will:**

- Register and regulate NDIS providers using a proportionate approach that reflects risk
- Monitor and enforce compliance with the NDIS Practice Standards and NDIS Code of Conduct across the NDIS market for both registered and unregistered providers
- Work with NDIS participants in response to concerns, complaints and reportable incidents and take compliance action when NDIS supports do not meet quality for both registered and unregistered providers
- Identify and monitor changes in the NDIS market that may indicate emerging risks
- Monitor and mitigate risks of unplanned service withdrawal arising from quality and safeguards issues and refer to the NDIA for action to ensure continuity of support for participants
- Monitor providers' use of restrictive practices and educate providers on safe practice
- Work with States and Territories to implement nationally consistent NDIS worker screening
- Share information and data to assist NDIS design, operation and review
- Work with the NDIA, DSS and States and Territories to deliver these responsibilities
- Share information to assist States and Territories manage and mitigate risks of unplanned service withdrawal