



NDIA Justice Advisory Panel

Advice: Providers and Markets Across the Justice-NDIS Interface

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1. Executive Summary

The Justice Advisory Panel (Panel) is an expert advisory group to the National Disability Insurance Agency (NDIA) that examines policy and systemic issues across the disability and justice interface.

This advice focuses on provider' capability, and the design of the market for them. It also focuses on workforce capability, and safety, while recognising the critical role which providers play in ensuring safe, effective, and culturally safe and appropriate supports for participants with a justice interface.

The Panel has consistently identified that current National Disability Insurance Scheme (NDIS) markets are not effectively responding to participants with complex needs, particularly those with forensic histories and/or high-risk behaviours or who are transitioning from custody.

These challenges are most acute in thin, remote, very remote and First Nations markets, where there is limited availability of providers with appropriate expertise, workforce capacity, and cultural capability. The Panel emphasises that these challenges are not solely attributable to provider capability, but reflect broader systemic issues in market design, pricing, commissioning, and safeguarding frameworks.

Current challenges contribute to:

- Limited provider participation in high-risk and forensic cohorts.
- Delays and breakdowns in transition from custody to community.
- Increased safety risks for participants, providers, workers, NDIA staff, and the broader community.
- Inequitable access to culturally safe and appropriate supports.

To improve provider markets, the NDIA should move beyond reliance on market forces alone and adopt a more active market stewardship role through targeted commissioning, pricing reform, cultural safety initiatives, and workforce development.

This advice outlines a coordinated set of considerations to:

- Strengthen market design and provider supply.
- Improve alignment between pricing and complexity.

- Embed culturally safe and capability driven service models.
- Enhance provider identification and system navigation.
- Strengthen cross-system safeguarding and coordination.

These considerations aim to improve participant outcomes, provider sustainability, and system performance; particularly at critical transition points between custody and community.

This advice forms part of a broader suite of Panel recommendations and should be read in conjunction with the Information and Data Sharing, Youth Justice and Education and Engagement advice, recognising the interrelated nature of the issues addressed across the disability and justice interface.

2. Key Issues Identified by the Panel

While provider engagement occurs across the system, this does not consistently translate into a capable, sustainable, or culturally safe market response for justice-involved participants.

- **Thin and Failing Markets for High-Risk Cohorts**

The current market is not effectively responding to participants with complex risk profiles. Providers are often reluctant to engage due to risk, complexity, suitability and lack of incentive.

- **Workforce Capability Gaps**

There is a persistent shortage of providers with workforce capability in justice systems, trauma-informed practice, behaviour support, and cultural competence, particularly in remote, very remote and regional areas.

- **Pricing and Incentive Misalignment**

Current pricing structures do not adequately reflect the complexity, risk and coordination requirements associated with high-risk justice participants, limiting provider attraction and retention.

- **Limited Pool of Culturally Capable Providers**

There are significant gaps in the availability of First Nations and other culturally and linguistically diverse (CALD) providers, alongside limited support for developing and embedding culturally led service delivery models.

- **Fragmented Transition Planning and Safeguarding**

Transition processes are often fragmented and uncoordinated across disability, justice, health, and community systems. Late provider engagement and delayed, incomplete or inconsistent information sharing can undermine provider readiness, workforce safety, safeguarding arrangements, and continuity of supports.

- **Limited Mechanisms for Provider Identification and Matching**

There is no consistent or reliable system for identifying capable providers or matching them to maximise support for participants with complex needs.

The Panel notes that many of the challenges identified reflect broader scheme design and policy settings. Addressing these issues will require close collaboration with central agencies, including the Department of Health, Disability and Ageing (DHDA), particularly in relation to pricing reform, workforce development, cultural safety, and market design.

3. Advice

The following considerations set out a coordinated approach to strengthening provider markets and capability across the justice–NDIS interface.

Consideration 1: Strengthen Market Design Through Targeted Commissioning

The Panel identified that existing market arrangements alone are insufficient to meet the needs of high-risk and complex participants. Targeted commissioning is a critical mechanism to address market failure, manage risk, and enable provider participation where traditional market approaches remain ineffective.

The Panel recommends that the following actions be progressed:

- Explore and implement targeted or direct commissioning models for high-risk and forensic cohorts, and prioritise commissioning projects for thin or failing markets, including:

- prioritising providers with demonstrated experience in complex disability, justice system engagement, cultural safety, trauma informed practice, and supported transition planning
- embedding cultural safety requirements within statements of requirements, evaluation criteria, and contract arrangements
- recognising and supporting both First Nations' organisations and non-First Nations organisations with demonstrated cultural capability and community connections
- understanding Kinship and considering connection to Country, community participation, and culturally informed transition planning within commissioned service models, where relevant
- considering choice and control, particularly where people have substitute decision making
- leveraging community-led and place-based approaches that strengthen local capability and respond to regional, remote and very remote market conditions.
- Prioritise the development and procurement of Specialist Support Coordination capability for participants with complex disability, forensic and justice-related support needs. This should include specific skills in:
 - navigating complex coordination and engagement with multiple service systems
 - supporting participant decision making and choice and control
 - optimising supports to best minimise or mitigate risk
 - enabling or enhancing engagement with both formal and informal supports
 - demonstrated knowledge and expertise within the justice interface, including service system roles and responsibilities.
- With jurisdictions, tailor commissioning approaches to support shared financial and operational responsibility across systems, particularly where significant community safety, justice or forensic risk considerations exist alongside substantial disability support needs, accommodation, and thin market contexts.
- Work with DHDA and state and territory governments to align commissioning approaches with broader system settings, including housing, justice pathways, and market incentives. Similarly, this collaboration should also monitor, identify and where practical, proactively respond to emerging and existing market gaps and sustainability challenges for high-risk, forensic, remote and very remote cohorts.

Consideration 2: Align Pricing with Complexity and Risk

Supporting participants at the justice-disability interface often involves a level of complexity, risk and coordination that is not reflected in current pricing arrangements.

The Panel has noted that providers are frequently required to work across multiple service systems, participate in extensive transition planning, respond to safety concerns, and support participants with complex disability, behavioural support, and justice-related needs. Pricing and funding arrangements should recognise this complexity but instead they currently discourage provider participation and limit market growth, particularly for high-risk cohorts.

The Panel recommends that the following actions be progressed:

- Assess the distinct cost drivers for justice-involved participants with high-risk and forensic histories, active orders, or complex support needs. These include:
 - the price and sourcing of specialist insurance for working with these cohorts, such as public liability and professional indemnity policies which provide cover against abuse and sexual offending, or policy exclusions which might remove cover against risks for which provider coverage is required
 - appropriate and specialised workforce readiness, training, and capability
 - additional administrative burden, including coordination and reporting requirements to meet frequent risk, safety, and incident requirements
 - the long-term investment required to support and develop relationships with participants experiencing the effects of institutionalisation, noting best practice engagement commences early in pre-release transition planning and extensively during transition.
- Consider these factors as inputs into broader Scheme reform and adjustments, or as contributions to an appropriate 'Annual Pricing Review', to enable pricing to adequately reflect the unique support intensity and requirements.

Consideration 3: Define and Embed Provider Capability Standards

Provider capability is a critical factor in achieving positive participant outcomes at the justice-disability interface. Participants often require supports that sit across disability, justice, behaviour support, health and safeguarding systems, requiring providers to draw on a broad range of skills and expertise.

The Panel has emphasised that *‘effective coordination between service systems is necessary to address both criminogenic risks and disability-related needs.’* While the [Workforce capability framework \(NDIS Quality and Safeguards Commission\)](#) provides an overarching foundation, further work is needed to strengthen and embed justice-interface capability across the sector. This may include enhancements to existing frameworks, standards, practice guidance, competency pathways, and capability development approaches to support providers working in complex environments and promote consistent, high-quality practice across the sector.

The Panel recommends that the following actions be progressed:

- Alongside the NDIS Quality and Safeguards Commission and the sector, define baseline capability requirements and expand training and education opportunities specifically for providers working in the justice interface. This should include:
 - understanding of justice, forensic and community safety contexts
 - trauma-informed and culturally safe practice
 - behaviour support, risk assessment, and management
 - participation in complex multidisciplinary and cross-agency coordination
 - supporting participants with impaired decision-making, fluctuating support needs, and unstable support arrangements
 - privacy and information sharing, safeguarding, and transition planning requirements
 - workforce training, supervision, and clinical governance arrangements.
- In addition to the baseline requirements outlined above, work with the NDIS Quality and Safeguards Commission to further develop tiered capability standards that recognise the levels of complexity, intensity and risk involved in supporting different participant cohorts, including participants subject to community orders and those with high-risk or forensic backgrounds:

- these standards should consider capability in navigating regulatory requirements, including the interaction between restrictive practices, lawful orders, justice system processes, and the distinction between disability support functions and justice system risk management responsibilities.
- There should be mechanisms developed quickly and easily identify providers with demonstrated expertise and advanced capabilities in supporting justice-involved participants.
- Mechanisms should be strengthened to assess, monitor, and assure provider capability, including demonstrated expertise, workforce competency, and adherence to relevant practice standards for supporting participants with complex needs.

Consideration 4: Embed Culturally Safe, Community-Led Approaches

Culture, family, community, and connection to Country play a critical role in supporting the wellbeing, identity, and long-term outcomes of both First Nations participants and those from CALD backgrounds. However, access to culturally safe and community-led supports remains uneven, particularly in regional, remote, and very remote communities.

The Panel has observed that connection to culture, language, traditions, spirituality, and Country can be *‘a powerful source of identity and resilience’* and provide *‘healing and affirming experiences’* for participants. The Panel also noted that *‘disabled First Nations Australians are denied the opportunity, offered to other Australians, to receive the supports which would enable them to live lives which are as rich, culturally and otherwise, as they can be.’* Supporting culturally safe and community-led service models is therefore fundamental to improving participant outcomes.

The Panel recommends that the following actions be progressed:

- Develop, implement, and monitor a nationally consistent Cultural Safety Framework for NDIS providers that supports implementation of the NDIS Quality and Safeguards Commission Practice Standards and Code of Conduct. The Framework should include clear and specific practice standards, culturally safe service delivery approaches, accountability mechanisms, workforce capability requirements, and outcome measures.
- Expand partnerships with Aboriginal Community Controlled Organisations and communities to design, deliver, and support culturally safe, place-based service models, particularly in remote and very remote communities.

- Continue to embed First Nations and CALD lived experience, cultural expertise and community leadership into NDIA policy development, service design, workforce development and evaluation processes through formal advisory mechanisms and co-design approaches.
- Strengthen both NDIS and mainstream planning and service delivery to:
 - recognise the central role of family, kinship systems, community, language, culture, and connection to Country in achieving participant goals, sustaining informal supports, and supporting successful transitions
 - deliver culturally safe and responsive supports for participants from CALD backgrounds, including access to interpreters, translated information and culturally informed engagement approaches.
- Collaborate with key partners to support the development of culturally informed behaviour support, including greater involvement of First Nations practitioners, Elders, families and communities in behaviour support planning and implementation.

Consideration 5: Strengthen Workforce Capability and Supply

A capable and sustainable workforce is essential to supporting participants with complex disability, trauma histories, behaviours of concern and justice involvement. Workforce shortages, limited specialist expertise and challenges recruiting and retaining staff continue to affect service availability across many locations and cohorts.

The Panel has identified the need for providers and workers to have access to specialist knowledge, supervision, and capability-building opportunities to confidently support participants with complex needs. Workforce development approaches should therefore focus on both workforce growth as well as capability.

The Panel recommends that the following actions be progressed:

- Grow and retain the First Nations disability workforce through targeted employment pathways, mentoring, traineeships, and recognition of cultural expertise as a specialised capability that contributes to improved participant outcomes.
- Expand flexible workforce development pathways, including micro-credentials, recognition of prior learning and community-based training models, to improve workforce availability in regional, remote and very remote, communities and where markets are thin.

- Align workforce strategies with [Australia's Disability Strategy](#) and [NDIS reforms and reviews](#), ensuring workforce planning reflects the capability requirements of providers supporting justice-involved participants, including:
 - justice-interface and forensic disability capability
 - risk assessment and risk management
 - First Nations and CALD workforce development
 - rural, remote, very remote and thin market workforce capacity
 - workforce attraction, retention, and supervision.
- Establish a specialist provider support function, jointly delivered by the NDIA and NDIA Quality and Safeguards Commission, to provide mentoring, specialist advice, system navigation assistance, and support with regulatory and Scheme requirements for providers supporting participants with complex and justice-related support needs.

Consideration 6: Improve Provider Identification, Matching and Early Engagement

Effective provider matching and early engagement are critical to successful transitions, particularly for participants leaving custody or forensic environments. Delays in identifying providers as well as limited opportunities for providers to understand participant needs prior to release can contribute to service gaps, increased risk, and poor transition outcomes.

The Panel has consistently recognised that the period between custody and community transition presents heightened vulnerability and that providers require sufficient time to establish rapport, understand risks, and prepare suitable support arrangements before supports commence in the community.

The Panel recommends that the following actions be progressed:

- Develop enhanced provider identification and matching mechanisms that recognise demonstrated capability, including justice-interface experience, behaviour support expertise, cultural capability, and other specialist competencies, to support appropriate matching of providers to participant complexity, risk, and decision-making support requirements.
- Explore the development of a standardised provider quality information profile, like existing provider engagement resources used for other complex cohorts (i.e., [Quality NDIS supports for children](#)). This profile could support informed provider selection, capability assessment, risk identification, service matching, and transition planning.

- Strengthen provider and stakeholder capability to navigate disability, justice, health, and community systems through earlier and more appropriate information sharing, and through clearly articulated roles, referral pathways, and escalation processes.

Consideration 7: Strengthen Provider Safety and Cross-System Coordination

The Panel has emphasised that clear roles, timely information sharing and coordinated responses are fundamental to effective safeguarding at the justice-disability interface. In examining a case study, the Panel observed a *‘long-standing forensic history includes theft, break and enter, public nuisance, carrying weapons, assault, illicit drug use, and sexual offences involving minors. The NDIA’s duty to the participant and his providers, and to NDIA staff, includes a duty to provide a safe workplace.’*

Challenges often arise when responsibilities become blurred, information is unavailable, or agencies and providers hold different expectations regarding their roles in supporting participants with complex needs.

The Panel recommends that the following actions be progressed:

- Strengthen wellbeing, safeguarding and risk mitigation approaches for participants, providers and support workers while maintaining participant choice and control by:
 - clarifying information sharing legislation to ensure proportionate and appropriate offending history can be shared with providers to enable worker safety strategies, preparation, and training
 - promoting nationally consistent approaches to provider engagement and support delivery, supported by clinical, behavioural and specialist expertise to build provider capability in the provision of supports for participants with complex, high-risk, and forensic supports.
 - strengthening cross-system transition arrangements through early planning, clear agency roles, and multidisciplinary coordination across justice, health, housing, community services
 - embedding throughcare approaches by ensuring continuity of support from custody to community through consistent points of contact, warm handovers and targeted intensive one-to-one post release follow-up.

- Work with the NDIS Quality and Safeguards Commission to build on existing resources such as, [The Justice System and Lawful Orders: A guide for supporting people with disability](#), and develop practical guidance for providers on the interaction between behaviour support plans, regulated restrictive practices, safeguarding obligations and broader justice-related requirements.
- Strengthen collaboration between the NDIA, NDIS Quality and Safeguards Commission and partner agencies to align safeguarding approaches, regulatory oversight, and provider support arrangements for participants with complex, high-risk, and forensic support needs.
- Strengthen NDIA Request for Service (RFS) processes to provide clear direction regarding respective roles, responsibilities, and interfaces between providers, the NDIA and with justice agencies where disability supports operate alongside court orders, parole conditions, supervision orders, behaviour support arrangements, and other justice-related requirements.
- RFS processes should establish minimum expectations for information sharing, escalation pathways, and mandatory notification of significant changes in circumstances, recognising that some participants require enhanced coordination due to complexity, risk, and involvement across multiple service systems, such as:
 - entry into custody, transfer between custodial settings, and release from custody
 - changes to legal status, including court orders, parole conditions, supervision orders, or other justice-related requirements
 - accommodation breakdowns, changes in living arrangements or risks to housing stability
 - provider withdrawal, service disruption, provider breakdown, or inability to safely deliver supports
 - critical incidents, reportable incidents, and significant behavioural escalations
 - emerging safeguarding concerns impacting participants, support workers, or the broader support environment
 - changes in participant circumstances that may impact support delivery, support needs, workforce safety, transition planning, or continuity of supports
 - any other significant events requiring coordinated planning, risk management, or cross-agency response.

4. Summary

Improving provider capability and market responsiveness across the justice–NDIS interface is critical to supporting positive participant outcomes.

The Panel considers a more active market stewardship approach, focused on market development and pricing reform, workforce capability, readiness, and culturally responsive practice combined with enabling cross-system coordination and effective transition planning as a path toward improving long terms outcomes.

The NDIA has a key leadership role in progressing this work with the NDIS Quality and Safeguards Commission and government partners to improve outcomes for participants, particularly at critical transition points between custody and community.