

## DAY 1 AGENDA INDEPENDENT ADVISORY COUNCIL TO THE NDIS

**Meeting 1 of 2020**

**Date:** Tuesday 17 March 2020

**Venue:** Board Room, NDIA, Elizabeth St, Surry Hills

### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 9.30am-9.45am

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Declarations of interest
- ITEM 1.3 Confirmation of minutes and matters arising

### SESSION 2: COUNCIL REPORTS 9.45am-10.30am

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'

**Morning tea 10.30pm-10.45am**

### SESSION 3: CORPORATE PLAN 10.45am-12.00pm

- ITEM 3.1 CEO Address  
Development of the NDIA 2020-2024 Corporate Plan and participant vision  
NDIA representative: Martin Hoffman, Chief Executive Officer & Sumone (b)(1)(c)(b) - irrelevant material  
Branch Manager Strategy

### SESSION 4: ADVICE TO MINISTER FOR NDIS 12.00pm-1.00pm

- ITEM 4.1 Discussion of Council's response to The Hon. Stuart Robert MP (in Minister's absence)  
Presenter: John Walsh, Principal Member

**Lunch 1.00pm-1.30pm**

### SESSION 5: TUNE REVIEW 1.30pm-3.00pm

- ITEM 5.1 Tune recommendations  
NDIA Representative: Celia (b)(1)(c)(b) - irrelevant material Branch Manager Government Relations
- ITEM 5.2 Participant Satisfaction Survey  
NDIA Representative: Sarah Johnson, Scheme Actuary

**Afternoon Tea 3.00pm-3.15pm**

### SESSION 6: SCHEME ACTUARY 3.15pm-4.00pm

- ITEM 6.1 Quarterly Report update (ECEI focus)  
NDIA Representative: Sarah Johnson, Scheme Actuary

### SESSION 7: ECEI 4.00pm-4.45pm

- ITEM 7.1 Council's advice on the NDIS ECEI approach  
Presenter: Belinda (b)(1)(c)(b) - irrelevant material Council Consultant

### SESSION 8: MEETING CLOSE 4.45pm-5.00pm

- ITEM 8.1 Other Business




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## MINUTES OF THE INDEPENDENT ADVISORY COUNCIL TO THE NDIS

### MEETING 1 OF 2020

Day 1: 17 March 2020 9.30am – 5.00pm

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#### Members and Expert Advisers

Mr John Walsh (Principal Member)  
 Ms Sylvana Mahmic  
 Ms Jennifer Cullen (TC)  
 Ms Janet Meagher  
 Mr James Manders (TC)  
 Prof Anne Kavanagh (TC)  
 Ms Liz Reid (TC)  
 Ms Sue Salthouse  
 Ms Ara Cresswell, Carers Australia (TC)  
 Mr Ross Joyce, Australian Federation of Disability Organisations (TC)  
 Dr Ben Gauntlett, Disability Discrimination Commissioner  
 Mr David Moody, National Disability Services (TC)  
 Ms Jane Flanagan, Disabled People's Organisations Australia (TC)

#### NDIA Representatives

Prof Jane Burns, Board Director (TC)  
 Mr Martin Hoffman, Chief Executive Officer  
 Mr Jeremy Dean, Deputy CEO Participants and Planning Experience (TC)  
 Ms Sarah Johnson, Scheme Actuary  
 Dr Sam [redacted] General Manager, Advice, Research and Evaluation (TC)  
 Ms Sumone [redacted] Branch Manager Strategy (TC)  
 Mr Peter [redacted] Strategic Adviser Early Childhood Early Intervention (TC)  
 Ms Celia [redacted] Branch Manager Government Relations  
 Ms Fiona [redacted] Director Independent Advisory Council (TC)  
 Ms Marina [redacted] Secretariat Independent Advisory Council (TC)  
 Ms Jodie [redacted] Council Secretariat Support Officer (TC)

#### Attending

Commissioner Graeme Head AO, NDIS Quality and Safeguards Commission  
 Ms Belinda [redacted], Council Consultant

#### Apologies

Ms Leah Van Poppel, Council Member  
 Ms Kerry Allan-Zinner, Council Member  
 Ms Judy Huett, Council Member  
 Mr Kevin Cocks, Council Member

TC = participating via teleconference

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## 1. Principal Member's Welcome & Open

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 9.35am and welcomed members and guests, acknowledging people's flexibility with the meeting changes in response to COVID-19.

The Principal Member acknowledged the Traditional Owners of the land.

The Principal Member welcomed Prof. Jane Burns, NDIA Board Director since January, and Mr Jeremy Dean, Deputy CEO Participant and Planning Experience, for whom this was their first Council meeting.

The Principal Member welcomed to the Council Jane Flanagan, recently appointed expert adviser representing Disabled People's Organisations Australia, and acknowledged the work and contributions of former Council representative Therese Sands.

### 1.1. Declarations of interest

Council members and expert advisers noted the updated register of conflicts of interest circulated in advance of the meeting and confirmed they had no additional conflicts to declare.

### 1.2. Confirmation of minutes and matters arising

The Council approved the minutes and actions arising from the meeting held on 19 and 20 November 2019.

The Council noted the overdue actions in relation to the provision of support coordination data and service guides.

## 2. Council Reports

### 2.1. Members' reports 'from the ground'

The Principal Member requested the Council to provide their member's reports out of session via email to the Council Secretariat, to instead use this time to discuss the challenges of COVID-19 for people with disability.

Mr Hoffman, NDIA Chief Executive Officer, opened the session outlining the NDIA response to the outbreak, including work in building the NDIA's risk profiling of participants with complex and critical support needs, and sharing these with State-based services to ensure continuity of care; as well as work to provide financial sustainability to the sector.

Commissioner Head noted the Commission is working closely with the NDIA and the social services portfolio to provide a coordinated response. Commissioner Head said the Commission had appointed a dedicated lead to progress the response, and manage regular communications with providers and the sector.

The Council also agreed that a targeted response to people with disability is necessary, similar to that for the aged care sector. Dr Ben Gauntlett urged the need for respect for the human rights of people with disabilities in being given equal access to all support services necessary.





Dr Gauntlett also said the NDIA urgently needed to provide clear, authoritative information about how they will be supporting their participants, noting the challenges and risks for those who require ongoing supports to isolate, with a disability workforce who is mostly employed on a casual basis.

Prof. Anne Kavanagh presented the [Centre of Research Excellence in Disability and Health \(CRE-DH\) call for action](#) to develop a whole-of-government targeted response to people with disability, their families and the sector, outlining a number of concerns about the outbreak.

The Council agreed that the situation would significantly impact the disability workforce and suggested other ways of increasing capacity, such as relaxing the 20-hour work limit on student visas, using TAFE to quickly upskill students or people who had become unemployed in other sectors. Members also noted the specific challenges faced by participants who self-manage and recommended additional guidance from the NDIA.

The Council also stressed the importance of having targeted responses for Aboriginal and Torres Strait Islander participants who are exceptionally vulnerable to the virus; the need for a dedicated NDIA response team to provide immediate responses where needed; and the redeployment of NDIA resources from non-essential services to others required in the response.

### 3. Corporate Plan

#### 3.1. Development of the NDIA 2020-2024 corporate plan and participant vision

Mr Hoffman briefed the Council on the development of the corporate plan and presented the Council with the new NDIA Participant Vision, which outlines the Agency's direction and participant-facing work through to the end of 2021. The goal of the Participant Vision is to improve the participant experience, deliver on the Australian Government priorities and implement recommendations made under the NDIS Act review by David Tune.

The Council welcomed the document and opportunity to contribute.

A number of members raised the importance of clarifying the purpose of the NDIS for participants, and its capacity to change the life trajectory of participants, noting this would assist in the development of a 'brand' that fosters pride in the Scheme. Dr Gauntlett also noted the importance for the Agency to be a champion in employing people with disability particularly in leadership positions, suggesting an evaluation metric be added for this. The Council also suggested the inclusion of more specific evaluation metrics such as those that reflect participants achieving their outcomes; reframing financial measures of success in terms of sustainability instead of 'expenditure is controlled'; and include rates for CALD participants (noting the current rate of 8.9% is well below the target of 20%).

The Council also stressed the importance of linking the Corporate Plan with the National Disability Strategy, as the success of the Scheme relies on the effective implementation of the Strategy.

**Action 1:** Council to provide further feedback on the participant vision and corporate plan out of session.



## 4. Advice to Minister for the NDIS

### 4.1. Discussion of Council's response to the Hon. Stuart Robert MP (in Minister's absence)

The Council presented to Mr Hoffman the advice prepared for The Hon. Stuart Robert MP, Minister for the NDIS, on the issues raised at the November Council meeting. These included supported independent living (SIL), local area coordination (LAC) and early childhood early intervention approach (ECEI). Minister Robert was due to attend the meeting, however due to other commitments in response to COVID-19, he was a late apology.

The Council urged that the Agency approach to these topics should maximise choice and control for participants in achieving positive outcomes, in staying true to the values of the NDIS. Some of the Council's recommendations included:

- Local Area Coordination:

The Council noted the consequences of the NDIA's need to fulfil bilateral agreements. This included the LAC focus on planning, leaving a limited role in connecting participants and non-NDIS participants with mainstream and community services. Other concerns included workforce capability, adequate evaluation and monitoring of LACs, and the need to reach out to people with disability on the margins.

The Council was pleased with the NDIA reviewing and strengthening the LAC model, however concerns were raised that implementation is only being considered until the end of 2021. A number of members also suggested that the review be broadened to include re-design issues such as potential specialisation of LACs or ability for participants to choose their LAC, among others which are not currently being considered.

- Early Childhood Early Intervention:

The Council recommended a refocusing of the ECEI approach, consistent with the current NDIA review, highlighting the importance of taking a strengths-based approach to early childhood supports.

The Council noted that the ECEI approach was meant to provide any parent concerned about their children with access to timely and evidence-based information, referral and limited intervention; and only children who require long-term support becoming participants. The opposite seems to be happening, with many children becoming participants and entering the NDIS under the disability provision rather than early intervention.

The Council also referred the NDIA to the more detailed paper and recommendations prepared for a later Board meeting.

- Supported Independent Living:

The Council welcomed the NDIA's work to strengthen SIL and noted that all areas included in the program of work are important and should be addressed. However, the Council raised concerns at the implementation of this work, noting that efforts to improve the existing model may be inadequate and may lead to reputational harm to the Agency. The Council highlighted



the importance of the NDIA considering all challenges related to SIL, or risk that the result will be that SIL is not 'supported', not 'independent', and not fit for 'living'. A number of examples were provided to demonstrate why the current approach needs strengthening:

- The recommendation 'to give participants a tool to work with providers' needs to be made useful for non-verbal, cognitively challenged residents. Understanding the diversity and communication needs and limitations of particular participant groups is essential when formulating an Agency direction in relation to SIL.
- Each recommendation which includes 'engaging participants' would need to recognise that those individuals who come into NDIS from institutional settings require active ongoing structured processes to enable their capacity to choose, or even to personally decide on a goal. These processes need to be embedded in SIL for it to work as intended, and until such time participants need to be able to access independent support for decision making.

In addition, Council argued for the separation of housing and support as critical for participant choice and control. Council also stressed the need for participants to be given a stronger and independent voice in the development of their home and living options and support coordination, including through alternatives to the SIL model.

The Principal Member acknowledged the work of a number of Council members during the preparation of this advice and informed that in the Minister's absence, the formal response will be provided to the Minister's Office after the meeting.

**Action 2:** *The Council Secretariat to forward the formal response to the Minister's Office.*

## 5. Tune Review

### 5.1. Tune recommendations

Ms Celia <sup>s22(1)(a)(i) - irrelevant</sup> Branch Manager Government Relations, briefed the meeting on the NDIA work in developing the government response to the Tune Review and Participant Survey Guarantee.

Ms <sup>s22(1)(a)(i) - irrelevant</sup> noted that out of the 29 Tune recommendations, 19 require a change in the NDIA Act Rules, noting many of these changes will allow for the start of many projects already approved by the NDIA. In relation to the Participant Service Guarantee (PSG), Ms <sup>s22(1)(a)(i) - irrelevant</sup> mentioned that this program of work is well underway, as a 2019 election commitment. However, Ms <sup>s22(1)(a)(i) - irrelevant</sup> anticipated challenges in the implementation of some of the KPIs included in the PSG, which are new to the NDIA.

The Principal Member requested the Council gather again when the Government response to the Tune Review is publicly available, to discuss the response and ensure people with disability remain at the centre of the Scheme.

**Action 3:** *Once government response is publicly available, the Council to provide feedback to the NDIA on the response.*



## 5.2. Participant Satisfaction Survey

Ms Sarah Johnson, Scheme Actuary, discussed with the Council recommendation 54 of the Tune Review. It recommends that the Council develop an independent participant satisfaction survey.

Ms Johnson noted that the NDIA had implemented a more independent and comprehensive participant satisfaction survey, which provided more accurate insights on participant satisfaction. Ms Johnson discussed with the Council the key differences between the old and new surveys.

Members noted the improved features of the new survey, and made suggestions to enhance the survey content in reporting satisfaction with supports that contribute to an ordinary life and meet the participant vision. The Council welcomed the introduction of a modular form in the new survey which will enable the NDIA to capture longitudinal data on a variety of topics, and recommended additional investigation on shortcomings identified by participants and their families or carers, including through the use of qualitative questions.

The Council agreed to work out of session with the Scheme Actuary in the development of a participant satisfaction survey.

**Action 4:** *The Principal Member to nominate a sub-group of Council members to engage with the NDIA in the development of the participant satisfaction survey.*

## 6. Scheme Actuary

### 6.1. Quarterly report update (ECEI focus)

Ms Johnson briefed the meeting on the Quarterly Report and the ECEI deep dive.

In responding to discussion, Ms Johnson indicated that the top concerns highlighted in the ECEI data are:

- who is in the ECEI gateway and who is not;
- the extent to which children enter the NDIS under s24 (disability requirements) or s25 (early intervention requirements); and
- the use of specialist services in plans, noting that the NDIA requires system enhancements to understand the nature of plan utilisation by self-managed participants or in self-managed parts of plans. Given the highest rate of self-management is in ECEI participants with autism, the NDIA is interested to understand the models of support used.

## 7. Early Childhood Early Intervention

### 7.1. Council's advice on the NDIS Early Childhood Early Intervention approach

The Council discussed their latest advice "Promoting best practice in Early Childhood Intervention in the NDIS" paper, which coincides with the NDIS review of the ECEI approach and strategy refresh.



The aim of the paper is to inform this review, highlighting the needs of children and families. This will enable best practice early childhood intervention and maximise the independence and inclusion of young children with disability.

The Council made a number of recommendations including refocusing the ECEI approach, strengthening ECI practice and developing a workforce strategy.

The Council endorsed the advice, which will be formally presented to the NDIA Board at its May meeting.

## **8. Meeting close**

### **8.1. Other business**

The Principal Member updated the Council on the Reference Group meetings held on 3, 4 and 5 March in Sydney.

The next Council meetings will be shorter, more frequent and held exclusively via conference call.

*\*\*Due to the COVID-19 outbreak, and to prioritise the health and wellbeing of Council members and expert advisers as well as NDIA staff, only Sydney-based attendees met in person, with the rest of the Council and presenters attending via teleconference. As a result, the original Agenda was shortened from two to a one-day meeting.*



## MEETING AGENDA INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Date: Tuesday 31 March 2020

Teleconference details	Host: John Walsh
Australia Freecall:	s22(1)(a)(ii) - irrelevant material
Host Passcode (John <span style="background-color: grey; color: black;">s22(1)(a)(i) - irrelevant</span> ):	
Guest Passcode:	

### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 11.00am-11.30am

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of Minutes and Declarations of interest
- ITEM 1.3 COVID-19 update

### SESSION 2: PARTICIPANT REFERENCE GROUP 11.30am-12.15pm

- ITEM 2.1 'Participants First' – Updated Participant Reference Group Engagement Model  
Presenter: Maryanne Diamond, General Manager Disability Advocacy and Simon s47F - per Director Participant Reference Group

### SESSION 3: COUNCIL COMMUNICATIONS 12.15pm-1.00pm

- ITEM 3.1 Council Communication Strategy  
Presenter: Richard s22(1)(a)(i) - irrelevant Branch Manager Strategic Communications Media and Marketing

### SESSION 4: MEETING CLOSE 1.00pm-1.05pm

- ITEM 4.1 Other Business




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## MINUTES OF THE INDEPENDENT ADVISORY COUNCIL TO THE NDIS

### MEETING 2 OF 2020

31 March 2020 11.00am to 1.00pm

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#### Members

Mr John Walsh (Principal Member)  
 Ms Sylvana Mahmic  
 Ms Jennifer Cullen  
 Ms Janet Meagher  
 Mr James Manders  
 Prof Anne Kavanagh  
 Ms Liz Reid  
 Ms Sue Salthouse  
 Ms Kerry Allan-Zinner  
 Ms Judy Huett

#### Expert Advisers

Ms Ara Cresswell, Carers Australia  
 Mr Ross Joyce, Australian Federation of Disability Organisations  
 Dr Ben Gauntlett, Disability Discrimination Commissioner  
 Mr David Moody, National Disability Services  
 Ms Jane Flanagan, Disabled People Organisation's Australia

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Dr Sam [redacted] General Manager, Advice, Research and Evaluation  
 Maryanne Diamond, General Manager Disability Advocacy  
 Mr Richard [redacted] Branch Manager Strategic Communications Media and Marketing  
 Ms Justine [redacted] Senior Project Officer Participant Reference Group  
 Ms Taryn [redacted] Senior Strategic Communications Officer, Communications and Engagement Division  
 Ms Fiona [redacted] Director Independent Advisory Council  
 Ms Marina [redacted] Secretariat Independent Advisory Council  
 Ms Jodie [redacted] Council Secretariat Support Officer  
 Ms Jaklin [redacted] Project Officer Advice Research and Evaluation

#### Attending

Ms Belinda [redacted], Council Consultant

#### Apologies

Ms Leah Van Poppel  
 Mr Kevin Cocks

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## 1. Principal Member's Welcome & Open

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 11.05am.

The Principal Member acknowledged the Traditional Owners of the lands on which Members and Expert Advisers were meeting.

### 1.2. Confirmation of Minutes and Declarations of Interest

Council members and expert advisers noted the updated register of conflicts of interest circulated in advance of the meeting and confirmed they had no additional conflicts to declare.

The Council approved the minutes and actions arising from the meeting held on 17 March 2020, subject to some minor corrections identified by members.

### 1.3. Covid-19 Update

Martin Hoffman, NDIA Chief Executive Officer, provided an update on the latest developments in relation to the NDIA response to COVID-19.

Mr Hoffman said that the NDIA is communicating regularly with participants about the changes affecting participants in response to the coronavirus outbreak. In relation to providers, Mr Hoffman noted that the NDIA has increased the price for key daily living and care support items, as well as paying one month's billing in advance.

The Council also raised questions at the level of understanding of the support needs of people with disability when they access the health system, noting advice and ongoing communications may be needed between the NDIA and the Department of Health.

In relation to the impacts on the disability workforce, Dr Gauntlett stressed the importance of participants having a contingency plan in the case they are left without support, and the role of the NDIA in communicating and educating participants on how to set this up. Mr Hoffman agreed and said that the NDIA has already been working with a number of platform providers to increase capacity, encouraging direct providers and participants who self-manage to register with these platforms as a source of additional workforce.

Ms Cresswell urged the need for an increase in the number of hours support workers on a student visa are legally allowed to work, noting the requirement to limit participant's interactions with different support workers makes this a priority.

**Action 1:** *Mr Hoffman to respond to the following questions taken on notice:*

*"What measures, if any, are in place for participants and providers residing in the 76 remote Indigenous communities with travel restrictions in the Northern Territory?"*

*"Currently, only participants and plan nominees can seek a plan review, leaving those participants with complex needs and without formal support unable to seek a review (in the past advocates were able to seek a review on behalf of a participant). How is the NDIA supporting these participants? Case study: VALID, the peak disability organisation in Victoria representing people with intellectual disability and their families, provides advocacy and support to participants who live in State Government Specialist Disability Accommodation (SDA) who do not have family, unpaid supporters or legal guardians to assist with decision-making. These participants do not have a Plan Nominee because they have no-one to*



*nominate and do not have guardians because there are no major decisions required for which the Victorian Tribunal would appoint one. They cannot however make simple NDIS decisions without full assistance and are therefore unable to seek a review due to change of circumstances.*

## 2. Participant Reference Group

### 2.1. 'Participants First' – Updated Participant Reference Group Engagement Model

Maryanne Diamond, General Manager Disability Advocacy, briefed the meeting on the new model for the NDIA to engage with participants as part of the Participant Reference Group (PRG).

The Principal Member noted that Sylvana Mahmic, Council member, is the Council representative on the PRG.

The Council welcomed the new engagement model as a step towards using the voice of participants proactively and effectively by the NDIA, noting there were other issues still to be resolved. Examples of these included ensuring a steady rotation of participants to allow different voices to be heard; supporting participants to build their leadership skills to effectively contribute to the PRG and remunerating participants for their involvement.

The Council also offered assistance with the recruitment of participants as part of the members' and expert advisers' roles in the community.

**Action 2:** *The Council to provide further feedback out of session to Ms Diamond.*

## 3. Council Communications

### 3.1. Council Communication Strategy

Richard <sup>s22(1)(a)(i) - imeeva</sup> Branch Manager Strategic Communications Media and Marketing, consulted with members on the Council's Communications Strategy.

Members endorsed the suggested change from the acronym 'IAC' to 'Council', as the abbreviated form for the Independent Advisory Council.

Mr <sup>s22(1)(a)(i) - imele</sup> sought Council's feedback in relation to the Council narrative, their role and purpose. The Council noted their role as a main stakeholder for the NDIA, providing feedback on NDIA projects but also their ability to initiate advice and inform the NDIA, as stated in the legislation. Ms Meagher also noted the Council is solution-focused, bringing the issues people with disability experience to the attention of the NDIA and producing a response from the Agency.

The Principal Member noted that the Council has access to confidential information and the need to filter any sensitivities when making information publicly available.

Council members also raised concerns at the proposed 'individual' promotion of Council members via various communications channels, with Mr <sup>s22(1)(a)(i) - imele</sup> clarifying that the aim is to raise awareness of the Council's work, not the individual members.

The Principal Member also noted the opportunity for the Council to reach a wider range of participants, which could then engage with the NDIA via the PRG; suggesting Mr <sup>s22(1)(a)(i) - imele</sup> to link this Strategy to that of the PRG presented by Ms Diamond.



**Action 3:** Mr <sup>s22(1)(a)(i) - Ineligible</sup> to discuss the strategy with Ms Diamond, and provide the Council with an updated communication plan for feedback out of session.

## 4. Meeting Close

### 4.1. Other Business

The Principal Member noted the update provided by Ms Salthouse in relation to her participation as Council representative at the February NDIS Advisory Group on Market Oversight, run by the Department of Social Services.

### 4.2. Other Business

The next meeting is scheduled on 14 April, to be hosted on the Microsoft Teams platform

The meeting closed 1.12pm.

Minutes 3 March 2025

## MEETING AGENDA INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Date: Tuesday 14 April 2020

### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN

11.00am-12.00pm

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of Minutes and Declarations of interest
- ITEM 1.3 COVID-19 update

### SESSION 2: NATIONAL DISABILITY STRATEGY

12.00pm-1.00pm

- ITEM 2.1 Revised approach to a new National Disability Strategy  
Presenter: Stephen b22(1)(a)(i) - nrele Branch Manager Disability Policy, DSS

### SESSION 3: MEETING CLOSE

1.00pm-1.05pm

- ITEM 3.1 Other Business






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## MINUTES OF THE INDEPENDENT ADVISORY COUNCIL TO THE NDIS

### MEETING 3 OF 2020

14 April 2020 11.00am to 1.00pm, hosted on the Microsoft Teams platform

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#### Members

Mr John Walsh (Principal Member)  
 Ms Sylvana Mahmic  
 Ms Jennifer Cullen  
 Ms Janet Meagher AM  
 Mr James Manders  
 Prof Anne Kavanagh  
 Ms Liz Reid  
 Ms Kerry Allan-Zinner  
 Ms Judy Huett  
 Mr Kevin Cocks AM

#### Expert Advisers

Mr Ross Joyce, Australian Federation of Disability Organisations  
 Dr Ben Gauntlett, Disability Discrimination Commissioner  
 Mr David Moody, National Disability Services  
 Ms Jane Flanagan, Disabled People Organisation's Australia

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Mr Oliver Bladek Deputy CEO Design, Digital and Strategy  
 Dr Sam [redacted] General Manager, Advice, Research and Evaluation  
 Ms Fiona [redacted] Director Independent Advisory Council  
 Ms Marina [redacted] Secretariat Independent Advisory Council  
 Ms Jodie [redacted] Council Secretariat Support Officer  
 Ms Jaklin [redacted] Project Officer, Advice, Research and Evaluation

#### Attending

Mr Stephen [redacted] Branch Manager, National Disability Policy Branch, DSS  
 Ms Kate [redacted] Director, Governance and Engagement DSS  
 Mr Andrew [redacted] Policy Officer Disability Strategy Governance and Engagement, DSS  
 Ms Belinda [redacted] AM, Council Consultant

#### Apologies

Ms Leah Van Poppel  
 Ms Sue Salthouse  
 Ms Ara Cresswell

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## 1. Principal Member's Welcome & Open

### 1.1. Principal Member's Welcome

The Principal Member opened the meeting at 11.00am.

The Principal Member acknowledged the Traditional Owners of the lands on which Members and Expert Advisers were meeting.

### 1.2. Confirmation of Minutes and Declarations of Interest

Council members and expert advisers noted the updated register of conflicts of interest circulated in advance of the meeting.

Prof Kavanagh noted her appointment to the Advisory Council to the Department of Health to develop, monitor and implement an operational plan for people with disability in COVID-19. Dr Gauntlett declared he is also a member of this Advisory Council.

The Council approved the minutes and actions arising from the meeting held on 31 March 2020.

### 1.3. COVID-19 Update

Mr Martin Hoffman, NDIA Chief Executive Officer, attended the session to take questions from Council in relation to the NDIA response to COVID-19.

The Council commended the NDIA for its response to COVID-19, and welcomed the measures that have been implemented to date to support participants.

Mr Oliver Bladek, Deputy CEO Design, Digital and Strategy, briefly commented on the question on notice from the previous Council meeting regarding Aboriginal communities in the Northern Territory. Mr Bladek said the NDIA is shifting resources to proactively reach out to vulnerable participants to ensure they are adequately supported. The NDIA is individually contacting participants who have been identified as high risk, communicating with critical support providers to ensure services are maintained and using the community connectors program to reach out to very remote and Aboriginal communities.

Ms Meagher highlighted the negative impact that the restrictions associated with COVID-19 can have for people with psychosocial disability, who may experience more frequent and/or extended episodes of disability, and encouraged the NDIA to regularly communicate to providers about the importance of personal interaction with participants with psychosocial disability (complying with the physical distancing rules).

Mr Manders raised the potential value of an NDIS ID card, particularly in emergency situations. Mr Hoffman highlighted the privacy and operational issues associated with the card, and suggested the NDIA would benefit from Council's advice on the matter.

Prof Kavanagh expressed concern at the death of a disability support worker due to COVID-19, and urged a nationally consistent approach to supporting participants, workers and providers. While reinforcing the efforts of the NDIA to the extent possible, Mr Hoffman noted that the NDIS Quality and Safeguards Commission is the responsible regulator at national level, except for a small area in WA. In response to Ms Kavanagh's question about the safety issues related to the operation of Australian Disability Enterprises (ADEs) during the



pandemic, Mr Hoffman explained that ADEs are the responsibility of the Department of Social Services (DSS) and the position is they can operate as long as they comply with regulations on physical distancing.

In relation to the short supply of personal protective equipment (PPE) across Australia, Mr Hoffman noted that the desired use of PPE from participants and providers does not always meet the criteria as per medical advice, which is a gap of concern. Mr Hoffman also confirmed the NDIA has an arrangement in place with the Department of Health for the emergency distribution of PPE from the national stockpile to disability facilities, which will be managed by the NDIA.

The Council raised concerns that the government's public communications through health and aged care messaging, failed to acknowledge the similar COVID-19 risks and challenges faced by people with disability. Members encouraged Mr Hoffman to communicate to the Prime Minister, Minister for Health and Minister for the NDIS the need for public messaging for people with disability. Dr Gauntlett raised the need for communications to also address the increased risk of violence, abuse and neglect towards people with disability during the pandemic. Mr Hoffman noted the NDIA has a comprehensive communications strategy for COVID-19 in place and committed to circulating it for Council's feedback.

The Council also questioned the level of understanding within the health system of the rights and needs of people with disability; the equitable treatment of people with disability when accessing health care; and the ethical implications should people with disability not be equally prioritised for treatment during a crisis. The Principal Member noted it may be a topic for future Council advice.

**Action 1:** *The Council Secretariat to circulate the responses to the questions on notice from the meeting of 31 March 2020.*

**Action 2:** *Mr Hoffman to circulate the COVID-19 Communications Strategy for Council's feedback.*

**Action 3:** *Council to provide high-level feedback on the potential pros and cons, and broader considerations, related to an NDIS ID card.*

## 2. National Disability Strategy

### 2.1. Revised Approach to a New National Disability Strategy

Mr Stephen <sup>s22(1)(a)(i) - irelev</sup> Branch Manager National Disability Policy Branch, DSS, provided an update on the progress of the new National Disability Strategy.

Mr <sup>s22(1)(a)(i) - irelev</sup> presented an overview of the engagement plan for the second stage of consultations, which included the traditional workshops and online submissions as well as targeted face-to-face consultations to reach people who are usually underrepresented in these consultations, such as people with complex disabilities. Mr <sup>s22(1)(a)(i) - irelev</sup> noted this targeted approach was co-designed with Dr Gauntlett as part of his role as Human Rights Commissioner, the University of Melbourne and a number of disability providers.

Mr <sup>s22(1)(a)(i) - irelev</sup> noted that in light of the current pandemic, the National Disability Strategy Reform Steering Group (which has Council members Ms Cullen and Ms Reid as members)

recommended to defer consultations, even though this will result in a delay of the finalisation of the Strategy.

The Council was pleased to hear about the nuanced approach to targeting groups of people with complex disability, to ensure their views are represented in the Strategy. Members also noted some opportunities arising from the delayed consultation including a more focused communications campaign about the purpose of the National Disability Strategy; and the potential to reach a higher number of people with disability via online consultation.

Members also highlighted the importance of having a robust outcomes framework alongside the Strategy. The Council noted some of the outcomes measures described in the meeting papers may be too broad and suggested more specific measures to provide a strong reporting mechanism and accountability. Members acknowledged the inconsistencies in data available at national and state level, however emphasised the importance of the strong accountability framework. The Principal Member noted the NDIA is also required to report on systems outside NDIS funding and the Scheme Actuary may be able to assist to clarify the inconsistencies in the data. The Principal Member encouraged the Council's input to the development of the outcomes framework.

**Action 4:** *Continue to explore with DSS opportunities for the Council to contribute to the development of the National Disability Strategy, including the Outcomes Framework and data improvement plan.*

### 3. Meeting Close

#### 3.1. Other Business

The next meeting is scheduled on 28 April, to be hosted on the Microsoft Teams platform

The meeting closed 1.14pm.



## MEETING AGENDA INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Date: Tuesday 28 April 2020

### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN

11.00am-11.40pm

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of Minutes and Declarations of interest
- ITEM 1.3 COVID-19 update

### SESSION 2: ASSISTIVE TECHNOLOGY

11.40pm-12.30pm

- ITEM 2.1 Flexible Provision of Assistive Technology Supports  
NDIA Representative: Liz <sup>s22(1)(a)(i) - irrelev</sup> A/g GM Provider and Markets, and Lloyd <sup>s22(1)(a)(i) - irrelev</sup>  
Director Assistive Technology

### SESSION 3: COMPENSATION

12.30pm-1.15pm

- ITEM 3.1 Compensation in the NDIS  
NDIA Representative: Chris <sup>s22(1)(a)(i) - irrelev</sup> Chief Counsel, Corporate Services and CFO, and  
Michael <sup>s22(1)(a)(i) - irrelev</sup> Branch Manager, Compensation & Recoveries

### SESSION 3: MEETING CLOSE

1.15pm-1.30pm

- ITEM 3.1 Other Business




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## MINUTES OF THE INDEPENDENT ADVISORY COUNCIL TO THE NDIS

### MEETING 4 OF 2020

28 April 2020 11.00am to 1.30pm, hosted on the Microsoft Teams platform

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#### Members

Mr John Walsh (Principal Member)  
 Ms Sylvana Mahmic  
 Ms Janet Meagher AM  
 Mr James Manders  
 Prof Anne Kavanagh  
 Ms Liz Reid  
 Ms Kerry Allan-Zinner  
 Ms Judy Huett  
 Mr Kevin Cocks AM  
 Ms Leah Van Poppel  
 Ms Sue Salthouse

#### Expert Advisers

Mr Ross Joyce, Australian Federation of Disability Organisations  
 Dr Ben Gauntlett, Disability Discrimination Commissioner  
 Mr David Moody, National Disability Services  
 Ms Jane Flanagan, Disabled People's Organisations Australia  
 Ms Ara Cresswell, Carers Australia

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Mr Oliver Bladek, Deputy CEO Design, Digital and Strategy  
 Dr Sam [redacted] General Manager, Advice, Research and Evaluation  
 Ms Chris [redacted] Chief Counsel, Corporate Services and CFO  
 Mr Michael [redacted] Branch Manager, Compensation & Recoveries  
 Ms Liz [redacted] A/g General Manager, Provider and Markets  
 Dr Lloyd [redacted] Director, Assistive Technology  
 Ms Kathy [redacted] Branch Manager, Subject Matter Experts and Advice  
 Ms Fiona [redacted] Director Independent Advisory Council  
 Ms Marina [redacted] Secretariat Independent Advisory Council  
 Ms Jodie [redacted] Council Secretariat Support Officer  
 Ms Jaklin [redacted] Project Officer, Advice, Research and Evaluation

#### Attending

Ms Belinda [redacted] AM, Council Consultant

#### Apologies

Ms Jennifer Cullen

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## 1. Principal Member's Welcome & Open

### 1.1. Principal Member's Welcome

The Principal Member opened the meeting at 11.00am.

The Principal Member acknowledged the Traditional Owners of the lands on which Members, Expert Advisers and attendees were meeting.

The Principal Member welcomed Leah van Poppel s47F- personal privacy, and Kathy s22(1)(a)(ii) - irrelevant ma Branch Manager Subject Matter Experts and Advice, who will be supporting the Council Secretariat team.

### 1.2. Confirmation of Minutes and Declarations of Interest

Council members and expert advisers noted the updated register of conflicts of interest circulated in advance of the meeting. Ms Jane Flanagan declared that the National Ethnic Disability Alliance (NEDA) is in contract negotiations with the NDIA to deliver the National Community Connector Program for CALD communities.

The Council approved the minutes and actions arising from the meeting held on 14 April 2020.

The Principal Member noted the outstanding actions related to support coordination. Dr Sam s22(1)(a)(ii) - irrelevant General Manager Advice, Research and Evaluation, said that the NDIA is progressing a program of work around support coordination, and will be seeking the opportunity to re-engage with the Council in early May.

In relation to the outstanding action of 'Council to return to the topic of training', the Principal Member noted this had been covered at the Intellectual Disability Reference Group and committed to circulating the papers.

**Action 1:** *The Secretariat to circulate the IDRG papers related to training.*

### 1.3. COVID-19 Update

Mr Martin Hoffman, NDIA Chief Executive Officer (CEO), and Mr Oliver Bladek, Deputy CEO (DCEO) Design, Digital and Strategy, provided a brief update on the latest measures implemented by the NDIA to support participants and providers during COVID-19.

Mr Hoffman acknowledged the contributions of the Council to the NDIA response to COVID-19, noting the change to more frequent, shorter Council meetings enabled timely consultation with and feedback from Council.

Mr Hoffman said that there was general support for the NDIA's response to participants and providers to ensure continuity of supports, with the Agency now focusing on determining what the 'new normal' will involve. He also noted the NDIA was on track to meeting some, if not all, of the Participant Service Guarantee benchmarks proposed in the Tune review by the end of June.

The Council raised the positive impacts of the increased use of technology during COVID-19, including more frequent and better access to service delivery in remote areas, and the opportunity to have ECEI services delivered remotely into the home, as recommended in best practice.



The Council welcomed the Minister's announcement of the low-cost assistive technology (AT) measures for continuity of supports during COVID-19, and suggested consideration of the measures becoming permanent. Mr Bladek noted that this would serve as an initial test on plan flexibility to gain valuable learnings that would enable increased flexibility in others areas. Members suggested consideration of families that may require access to more than one device, such as families with multiple members with disability.

Mr Hoffman noted the extensive work being led by Mr Bladek to review and rewrite the operational guidelines and practice guidance, which will bring consistency of decisions and transparency, contributing to flexibility, and asked Council's input into the process.

Mr Hoffman raised the issues of financial sustainability for the Scheme, noting data shows an increase in participant spend of around 14-15% per year in some areas over the last few years, and the need for the NDIA to understand what is driving this and how to best manage it.

**Action 1:** *Mr Bladek to consult with the Council on the review of the NDIA operational guidelines and practice guidance.*

**Action 2:** *Mr Hoffman to further discuss with the Council the Scheme's sustainability and financial trajectory.*

## 2. Assistive Technology

### 2.1. Flexible Provision of Assistive Technology (AT) Supports

Liz <sup>s22(1)(a)(i) - irrelevant</sup> A/g General Manager, Provider and Markets and Lloyd <sup>s22(1)(a)(i) - irrelevant</sup> Director AT provided an update on the policy for the flexible provision of AT supports, endorsed by the NDIA Policy Committee in December 2019.

Mr <sup>s22(1)(a)(i) - irrelevant</sup> noted that the Joint Standing Committee Review of Assistive Technology recommended that the NDIA enable a hire and rental approach to AT, through which specific cohorts would benefit. Mr <sup>s22(1)(a)(i) - irrelevant</sup> said that the main purpose of this policy was to give the market confidence to set up the necessary infrastructure for this approach to work, ensuring participants would receive ongoing funding for capital supports.

Mr <sup>s22(1)(a)(i) - irrelevant</sup> said that early trials have proven successful, with participants negotiating the changing needs on AT supports directly with providers, and no involvement required from the NDIA. The Council was supportive of rent/loan schemes however suggested that Disabled People's Organisations (DPOs) and Family Organisations (FOs) would be well placed to manage and run with these models. The NDIA is now looking to trial the 'try-to-buy' model.

The Council provided feedback that the policy in its written form does not reflect the positive intent in enhancing participant flexibility as verbalised by Mr <sup>s22(1)(a)(i) - irrelevant</sup> Ms Mahmic noted that this carries the risk of the policy being incorrectly interpreted and implemented, potentially reducing the choice and control of participants.

Ms Salthouse recalled previous involvement and informal advice of Council on AT, which called for a holistic approach to AT services, moving beyond AT products and their affordability to include services for participants to have the information and knowledge required to make informed decisions and truly have choice and control.