



## Minutes of the Independent Advisory Council to the NDIS

### Meeting 6 – 4 February

1.30pm to 4.45pm, hosted on MS Teams

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#### Members

Ms Robyn Kruk AO (Principal Member)  
 Ms Leah van Poppel (Deputy Chair)  
 Ms Sylvana Mahmic  
 Mr James Manders  
 Mrs Judy Huett  
 Ms Jennifer Cullen  
 Ms Liz Reid AM  
 Ms Sam Paior  
 Mr Mark Tonga  
 Ms Sharon Boyce  
 Ms Tricia Malowney OAM  
 Dr Leighton Jay

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Mr Oliver Bladek, Deputy CEO, Design, Digital and Strategy  
 Ms Sarah Johnson, Scheme Actuary  
 Dr Sam <sup>s22(1)(a)(ii) - irrelevant</sup> General Manager, Policy, Advice and Research  
 Gerry <sup>s22(1)(a)(ii) - irrelevant mat</sup> Mental Health and Psychosocial Disability  
 Mr Trent <sup>s22(1)(a)(ii) - ire</sup> Branch Manager, Agency Policy  
 Ms Alex <sup>s22(1)(a)(ii) - irrelevant materia</sup> Director, Participant Experience Improvement  
 Ms Fiona <sup>s22(1)(a)(ii) - irrelevant</sup> Director, Independent Advisory Council  
 Ms Marina <sup>s22(1)(a)(ii) - irreleva</sup> Assistant Director, Independent Advisory Council  
 Ms Lirije <sup>s22(1)(a)(ii) - irrelevant m</sup> Assistant Director - Communications, Independent Advisory Council  
 Ms Jaklin <sup>s22(1)(a)(ii) - irrelevant</sup> Senior Project Officer, Independent Advisory Council

#### Attending

Ms Belinda <sup>s22(1)(a)(ii) - irrelevant material</sup> AM, Council Consultant  
 Ms Rebecca <sup>s22(1)(a)(ii) - irrelevant material</sup> Support

#### Apologies

Ms Kerry Allan-Zinner

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## 1. Principal Member's Welcome and Open

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.34pm.

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

The Principal Member noted apologies from Ms Allan-Zinner, who was unable to attend the meeting.

The Principal Member highlighted the ongoing work of Independent Assessment subgroup and noted the minutes from the last meeting are available in the Resource Centre on Diligent.

The Principal Member advised that the Agency will seek feedback from Council relating to the NDIA Corporate Plan 2021-2025 out of session.

### 1.2. Minutes, matters arising and declarations of interest

Council noted the updated register of conflicts of interest circulated in advance of the meeting.

[s47F- personal privacy](#)

Council approved the minutes from the meeting held on 11 December 2020 and noted the matters arising.

### 1.3. CEO Update

Mr Hoffman thanked members for their ongoing work, noting it has been a busy start to 2021. Mr Hoffman updated Council on the important Scheme reform work including consultations on Independent Assessments (decisions for access, planning and exits), upcoming legislative reform and budgetary reform.

Mr Hoffman highlighted Scheme sustainability remains a huge challenge for the Agency, noting the need to balance its responsibilities under the Act to administer the Scheme and the needs of the community.

## 2. Council Reports

### 2.1. Members and Expert Adviser: Reports 'from the ground'

Council Members raised a number of issues related to the NDIS, including:

- Independent Assessments (IAs) – lack of understanding, participant anxiety relating to plan budget and lack of information for families of children in the ECEI Pathway.
- Need to develop a new NDIS Rural and Remote Strategy, which ceased in 2019.
- Lack of advocacy for people with disability having their children removed, regardless of any supports to help them with parenting goals. Need action at the interface.



- Inconsistencies in plans for people who self-build SDA. Project management fee included in some plans but unclear about practice guidance on this.
- Disability workforce shortages, aggravated with visa restrictions due to COVID-19.

Council queried the project management fee in plans of participants who undertake SDA self-builds and requested further information on where and how to use this item.

**ACTION 1:** Question on notice from Ms Paior *“Some people when they are getting SDA approved and are self-building, they are getting a project management fee put into their plans, but we can’t find that anywhere in any operational guideline.*

*We don’t understand where it is coming from, or where or how it is supposed / allowed to be used. I would really appreciate some guidance from the Agency on what that is all about please.”*

## 2.2. Formal Advice Update

The Principal Member confirmed the Council’s formal advice on Local Area Coordination (LAC) and the Agency response will be presented at the February Board meeting.

Ms <sup>s22(1)(a)(ii) - irrelevant material</sup> provided a brief overview of Council’s advice on participant safety, which aims to help participants, their families, and carers develop personal safeguards to enable them to live a full life safely, through active citizenship and belonging to community. Ms <sup>s22(1)(a)(ii) - irrelevant material</sup> thanked members for taking the time to provide valuable input.

Ms <sup>s22(1)(a)(ii) - irrelevant material</sup> will further refine Council’s advice and recirculate the paper for final endorsement, for submission to the Board in April 2021.

## 3. Independent Assessments

### 3.1. Independent Assessment Consultation and personalised budgets ‘deep dive’

Ms Johnson provided Council with information on the Personalised Budget Tool (PBT), which is a new budget model to assist the Agency with Scheme reforms.

Council raised concerns around the potential for unconscious bias, and queried whether there will be an element of weighting in funding decisions that will consider all the variables. Ms Johnson advised there will be some weighting for example with age or with self-care needs to ensure a fair and equitable Scheme for all participants. Additionally, there will be significant training of staff and quality assurance protocols in place to reduce the risk of any bias.

Other concerns raised included:

- Importance of a ‘cooling-off’ period, and ability to review the results of the IA, since they are linked to the PBT.
- Future considerations should the IA and PBT not help contain Scheme costs.
- Need to promote innovation, while ensuring critical needs are covered.
- Need to develop a culturally sensitive approach to IA.

Dr <sup>s22(1)(a)(ii) - irrelevant</sup> provided an overview of the public consultation work of the Agency to date, including:

- Submissions on the IA consultation papers.
- NDIS Act review with Department of Social Services, which is due March 2021.
- Considerations for participants with complex support needs.
- Enhancing the Agency's approach to support for decision making, and home and living supports.
- Quality assurance framework for IA.
- Workforce challenges.

Dr <sup>s22(1)(a)(i) - Irrelevant</sup> noted that the aim of the consultations is to understand how IA can work for participants, but also increase sector confidence in the Scheme Reforms

**ACTION 2:** Ms Johnson to attend a future meeting to share information on the Outcomes framework with Council.

## 4. Psychosocial Disability

### 4.1. NDIS approach to psychosocial disability

Mr <sup>s22(1)(a)(i) - Irrelevant</sup> provided an update on the Agency's progress on psychosocial disability.

Dr <sup>s22(1)(a)(i) - Irrelevant</sup> was pleased to announce that Council's recommendations about the episodic nature of mental health, and focus on psychosocial disability, rather than the psychiatric condition, will be built into the legislation and rules.

Council was pleased with the progress achieved, and acknowledge that there is still work to be done.

Some of the issues highlighted by Members included:

- The ongoing increase in mental health issues linked to youth and adolescents, noting availability of child psychologists in certain local government areas is unhelpful.
- Mental health workforce challenges and shortages.
- Intersectionality issues, and how to ensure people with psychosocial disability as secondary disability still have their needs met.
- Need to develop recovery practice that is culturally sensitive.
- Clarification between Support Coordinator and Recovery Coach roles.
- Importance of building linkages between the Agency and justice liaison officers in the criminal justice system.

**ACTION 3:** Mr <sup>s22(1)(a)(i) - Irrelevant</sup> to provide further information on the Agency's approach on ensuring a strong link between the NDIS and justice liaison officers in the criminal justice system.

## 5. Meeting close



### 5.1. Other Business

The Principal Member advised Members the Reference Groups are now finalised, with brief induction meetings occurring next week and the first official meetings planned for May. The Principal Member highlighted to Council the membership was diverse with strong representation of people with disabilities and thanked Ms Van Poppel, Dr Jay, Ms Cullen and Ms Mahmic for accepting their positions as co-chairs.

The Principal Member noted the Secretariat team is planning a Roadshow to raise awareness of Council and its function within the NDIA as part of Council's Communications Strategy. The Principal Member said videos were developed as part of the roadshow and thanked those members who participated.

Ms Cullen and Ms Reid provided a brief update on their work on trauma-informed practice, led by The Blue Knot Foundation in collaboration with DSS. The work should be finalised by June 2021, and will be presented to Council.

### 5.2. Next Meeting

The next meeting is scheduled 19 March 2021 from 1.30pm-4.30pm. The Minister will be in attendance.

Minister 4 Feb 2021



## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

#### Meeting 7 of 2020/21

**Date:** Friday 19 March 2021, 1.30pm – 4.30pm AEDT

#### Log-in details:

[Independent Advisory Council Meeting](#)

s22(1)(a)(ii) - irrelevant material

#### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 1.30pm-2.00pm

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising and declaration of interest
- ITEM 1.3 CEO update

#### SESSION 2: SCHEME REFORM 2.00pm-2.15pm

- ITEM 2.1 Scheme Reform Consultation  
*NDIA Representative: Sam s22(1)(a)(ii) - irrelevant ma General Manager, Policy, Advice*

#### SESSION 3: MINISTER FOR THE NDIS 2.15pm-3.15pm

- ITEM 3.1 Discussion of Council and Ministerial priorities  
*Presenter: Robyn Kruk AO, Principal Member*

**Break 3.15 – 3.30pm**

#### SESSION 4: SCHEME ACTUARY 3.30pm-4.15pm

- ITEM 4.1 Quarterly Report Overview  
*NDIA Representative: Sarah Johnson, Scheme Actuary*

#### SESSION 5: MEETING CLOSE 4.15pm-4.30pm

- ITEM 5.1 Other business
- ITEM 5.2 Next meeting



## Minutes of the Independent Advisory Council to the NDIS

### Meeting 7 – 19 March

1.30pm to 4.30pm, hosted on MS Teams

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#### Members

Ms Robyn Kruk AO (Principal Member)  
 Ms Leah van Poppel (Deputy Chair)  
 Ms Kerry Allan-Zinner  
 Ms Sharon Boyce  
 Ms Jennifer Cullen  
 Mrs Judy Huett  
 Dr Leighton Jay  
 Ms Sylvana Mahmic  
 Ms Tricia Malowney OAM  
 Mr James Manders  
 Ms Sam Paior  
 Ms Liz Reid AM  
 Mr Mark Tonga

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Mr Oliver Bladek, Deputy CEO, Design, Digital and Strategy  
 Ms Sarah Johnson, Scheme Actuary  
 Dr Sam [redacted] General Manager, Policy, Advice and Research  
 Mr Trent [redacted] Branch Manager, Agency Policy  
 Ms Fiona [redacted] Director, Independent Advisory Council  
 Ms Marina [redacted] Assistant Director, Independent Advisory Council  
 Ms Lirije [redacted] Assistant Director - Communications, Independent Advisory Council  
 Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council

#### Attending

The Hon. Stuart Robert MP, Minister for the NDIS  
 Mr Simon [redacted] Adviser, Office of the Hon. Stuart Robert MP  
 Ms Belinda [redacted] AM, Council Consultant  
 Ms Rebecca [redacted] Support

#### Apologies

Nil

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## 1. Principal Member's Welcome and Open

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.33pm.

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

The Principal Member thanked Ms Allan-Zinner for her recent report following participation as Council representative at the Participant Reference Group, noting this report and minutes from the previous Scheme Reform subgroup are available in the Resource Centre on Diligent.

The Principal Member said Scheme sustainability is a high priority for the Agency and that Members would benefit from further information on this topic. Members agreed with the Principal Member's recommendation to include sustainability impact statements in all future formal advice.

The Principal Member advised Reference Group induction meetings were held in February, noting the wealth of members' experience and diverse representation of people with disability, families, researchers and sector experts.

The Principal Member raised ongoing issues with accessibility of Agency consultations, communications and papers (particularly for members with intellectual disability). The Principal Member noted Ms van Poppel's recommendation that all future Agency engagement with Members with intellectual disability should provide documentation in Plain English (at a minimum) and ideally Easy Read. Council endorsed this recommendation and it was agreed that the Agency would be advised.

### 1.2. Minutes, matters arising and declarations of interest

Council noted the updated register of conflicts of interest circulated in advance of the meeting.

Council approved the minutes from the meeting held on 4 February 2021 and noted the matters arising.

### 1.3. CEO Update

Mr Hoffman noted the value of the Minister's attendance and thanked members for their presentations, noting the constructive solutions provided by Council members for Independent Assessments and broader Scheme Reforms.

Mr Hoffman noted that sector engagement and discussions about the proposed Scheme Reforms are ongoing.

Council queried the proposed release of funds system for participant plans, noting restricting available funds for some participants may impact choice and control over their plans. Members also requested further data on fraud in relation to exhausted plan reviews.



Mr Hoffman responded to Members' questions. He noted there is significant pressure on the Agency with regards to Specialist Disability Accommodation (SDA) as it is the only option available in each state and territory for social housing. Council acknowledged this as a state issue, although reaffirmed the importance of SDA for participants to live an ordinary life.

**ACTION 1** Question on Notice: Members asked for the Agency to:

*Provide data on fraud in relation to exhausted plan reviews (ie how many participants are overspending their plans due to fraud and not a crisis) and any data on participant vs provider fraud*

## 2. Scheme Reform

### 2.1. Scheme Reform Consultation

The Principal Member advised Council of the name change of this standing agenda item from 'Independent Assessments' to Scheme Reform, noting the breadth of the consultations proposed and underway.

Dr <sup>622(1)(a)(i) - irrelevant</sup> provided Council with an update on the public consultation work of the Agency, including:

- 769 total unique submissions received.
- NDIS participants (including their families and carers) were the largest audience to submit feedback, followed by advocacy and peak organisations, providers, allied health service organisations
- 200 engagement sessions were run across Australia, with 50 of those open to the public and 20 held in regional and remote communities.
- Overall sentiment towards the consultations papers were mixed, there were many concerns and significant negative feedback. Although some supported the logic of IAs, many raised concerns about the practicalities of implementation and alignment to the participant pathway. This is consistent with views raised by Council.

Dr <sup>622(1)(a)(i) - irrelevant</sup> confirmed the Agency is working hard to ensure all feedback is collated and fed into policy development, noting feedback on legislation is provided to Department of Social Services (DSS) for their consideration.

Dr <sup>622(1)(a)(i) - irrelevant</sup> presented the main themes from the feedback received. He noted many people recognise and support the need for a fair and equitable approach to determining access and eligibility. He also acknowledged that many people continue to raise concerns and fears about the changes and are uncertain about the long term implications.

Dr <sup>622(1)(a)(i) - irrelevant</sup> advised Members the next steps include:

- 'You said, we heard' reports will be available publicly by the end of March.



- Continuing to work closely with Council and the Scheme Reform subgroup on specific topics, including the self-identified discussion topics
- Further work on the Personalised Budget tool

Refer to [Attachment A](#) for Dr Bennett's speaker notes for further detail.

### 3. Minister for the NDIS

#### 3.1. Discussion of Council and Ministerial priorities

Minister Robert joined the meeting at 1.38pm.

The Principal Member welcomed Minister Robert to the meeting and thanked him for taking the time to join the meeting. The Principal Member noted the concerns raised by and with Members in relation to the Minister's commentary in recent radio interviews.

Minister Robert advised Council he is focused on Scheme Reforms to ensure future sustainability of the NDIS for all Australians. The Minister stressed that the NDIS is an Insurance Scheme, is underpinned by insurance principals and it is not a welfare system.

Council presented three items for the Minister's attention including:

- Council's formal advice on Local Area Coordination: The Minister supported Council's advice, saying that he wants LACs to prioritise informal community supports for people with disability.
- Council's draft formal advice on Participant Safety: The Minister said this advice is important for the NDIS, participants and the Disability Royal Commission. The Minister noted participant safety is a topic of discussion at the Disability Minister's Meeting and would welcome Council's draft advice in advance of receiving it formally. The Minister added work is currently underway on definitions of vulnerability and how to better connect with vulnerable participants.
- Council's views on Scheme Reforms: The Minister recognised the issues raised on Scheme Reforms and appreciated that Council provided a number of practical ideas for solutions that could improve the perception and implementation of Scheme Reforms. The Minister requested a copy of these ideas.

Minister Robert thanked Council for its advice and ongoing support

The Minister stated:

- that the Productivity Commission and Tune Review recommended these reforms to make the Scheme fairer and more equitable for all Australians, regardless of financial status.
- the NDIS has interface challenges with the criminal justice and child protection systems, and asked Council to keep him across any issues in these areas to work through solutions.



- the NDIS can be financially sustainable if the States and Territories also help all people with a disability get the mainstream supports they need.
- workforce continues to be an issue for the NDIS.

The Principal Member thanked the Council members who presented the reports to the Minister – Ms van Poppel, Dr Jay and Ms Paior and the support of Ms s22(1)(a)(ii) - irrelevant material

**ACTION 2:** Council to provide to the Minister the following items

- Speaker notes from each presentation
- Council's draft advice on Participant Safety (prior to receiving the formal advice in June)
- Case studies on interface issues in relation to domestic violence, criminal justice, child protection services

## 4. Scheme Actuary

### 4.1. Quarterly Report Overview

Ms Johnson provided the Council with an overview of the recently released Quarterly Report for Q2.

Ms Johnson noted Scheme intake is not slowing down as projected. Substantial growth in average plan payments is putting significant pressure on the Agency and the sustainability of the Scheme. Members acknowledged the sustainability concerns and said they would be interested in receiving more advice on Scheme sustainability issues.

Council mentioned the increase in chronic health conditions and queried what the Agency is considering as a chronic health condition. Ms Johnson said there currently isn't a specific definition, although generally high-prevalence lifestyle-associated conditions would be included.

Council raised a number of questions which Ms Johnson took on notice, including:

- Proportion of participants using less funding at plan review, and indication of outcomes if possible
- Break down of chronic health conditions gaining access to the NDIS
- Access decisions, reviews and outcomes by gender split (for adults)
- Any indication as to why the proportion of CALD participants in the Scheme increased in the last quarter

**ACTION 3** Secretariat to arrange for Ms Johnson to present on Sustainability at a future meeting.

**ACTION 4** Question on Notice - Members requested further detail on:

- Proportion of participants using less funding at plan review, and indication of outcomes if possible
- Break down of chronic health conditions gaining access to the NDIS
- Access decisions, reviews and outcomes by gender split (for adults)
- Any indication as to why the proportion of CALD participants in the Scheme increased in the last quarter

## 5. Meeting close

### 5.1. Other Business

The Principal Member provided Members with an update on Council's Roadshow to raise awareness of Council and their role within the NDIS and within the Agency. The Principal Member noted the Secretariat team aims to launch the Roadshow in late April and hopes it will

- improve Agency staff understanding of Council's role
- support the Agency to better engage with Council in any new policy or project work

The Principal Member noted Council became a partner of the Building Better Homes Campaign which aims to introduce a nation building code for all Australians. This aligns with Council's submission to the National Disability Strategy Outcomes Frameworks which recommends increasing the supply of accessible housing.

### 5.2. Next Meeting

The next meeting is scheduled 21 April 2021 from 1.30pm-4.30pm.



## 6. Attachments

### 6.1. ATTACHMENT A Sam s22(1)(a)(ii) - irrelevant m speaker notes

#### Consultation closed 23 Feb

- What are we doing with the information? Service design / policy finalisation / leg
- What happens next – exposure draft consult / publish papers you said we heard

#### Some of the stats:

- 769 total unique submission received. Of these 769, there were 450 responses to Access, 293 responses to Planning and 193 responses to ECEI.
- Some responses covered more than one of the papers, factoring this in there were 936 responses received altogether.
- Largest audience who submitted feedback was NDIS participants, their families and carers (230 submissions)
- Next largest audience: advocacy and peak organisations (198), providers (142), allied health service organisations (123).
- Other audiences included government and mainstream support.
- Engagement sessions to promote submissions to the papers:
  - NDIA ran over 200 specific sessions across Australia, 50 of which were open to the public. Over 1030 people attended these sessions.
  - 20 specific session were held for regional and remote communities.
  - 112 discussions were held with sector representatives and state and territory governments.
  - 14 targeted focus groups and workshops were held over a 3 month period.
- Overall sentiment towards the papers:
  - Very mixed – a lot of concerns and significant negative feedback
  - Some supported the logic of IAs but had uncertainties about practicalities of implementation and alignment to participant pathway. Planning paper had support for plan flexibility, with concerns regarding reviews and appeals processes.

#### Consultation themes

- While many people recognise and support the need for a more equitable approach to determining access and edibility to the NDIS, we also heard concerns as well as uncertainty that these changes raise.
- Respondents indicated concerns about the following topics:

#### On Access:

- **Participant experience**
  - IA process will trigger additional **stress** and **anxiety** for people applying or already in the Scheme.
  - Preference to do **assessments in a variety of ways** – home, telehealth, clinic/office.

- **Other parties should be involved in the assessment** if requested by the person with disability – family and friends, providers and other professionals known to the family.
  - Need for **informed consent** – participants understand the process, consents to their information being used, and knows what the information will be used for and who will have access to it.
- **Assessment tools**
    - **Time allowed** to complete IAs won't provide a true picture of a person's disability or complexity of an individual situation.
    - **Reliability of assessment tools** in assessing disability, including in culturally diverse communities.
    - Potential for **inaccurate reports on functional capacity** from people who have paid for practitioner advice/reports and received appropriate plans and budgets
- **Assessors**
    - Adequate training for assessors to ensure **appropriate expertise and experience** to conduct assessments, including knowledge **disability types**.
    - Strong preference for **treating health professionals to complete assessments** instead of an unfamiliar, independent assessor.
    - **Cultural competency of assessors** and **cultural appropriateness** of assessments for people from diverse communities.
    - And concerns regarding the impact of these measures on the **allied health provider market**, where participants and prospective participants **already face difficulties in finding treating health professionals** with experience and skills to work with people with disability.
    - **Availability of assessors** in rural and remote communities.
- **Exemptions, reviews and appeals**
    - Questions about what happens when **someone disagrees with the assessment or outcome**.
    - Preference for results of IAs to be a **reviewable decision**, need for **clear appeals and/or complaints process** and **transparency about how decisions on exemptions to IAs will be made**.
    - Need for **strong safeguards**.
- **Loss of support and funding**
    - Potential **reduction in the number of people supported** by the NDIS
    - Potential **reduction in the amount of funding** people receive
    - Suspicion around **reasons behind introduction of IAs**



### On planning:

We heard clearly that people want the NDIS to be easier, they can see the inequity and inconsistency in our current practices, and want their experiences with the NDIS to be improved. But the perceived impact of these changes on people with disability, NDIS participants, their families and carers has caused concern.

- **Personalised budgets**
  - **Support for IAs in access process – less so in planning**
  - **Lack of support/understanding for how IAs can be used to deliver individualised planning** – further information required to help understand.
  - Although assessors will not make recommendations on supports or services, **concern and question of appropriateness of using IAs to inform funding amounts.**
  - **IAs will not accurately capture a full picture of a person’s life**, aspirations and support needs, which could result in **insufficient plan funding.**
  - Ability to **ensure IA results are accurate** before they are used to develop plans.
  - A possible **loss of choice and control** in receiving a **pre-determined budget** without the ability to change funding allocations.
- **Planning experience**
  - **Uncertainty about the function of a planning meeting** when plan budgets have been informed by IA results.
  - **Ability to discuss individual circumstances** and needs before a plan is drafted, and **impacts on the adequacy of plan funding** and ability to exercise choice and control.
  - **Role of goals in a participant’s budget and plan**, the ability for plans to be tailored to support individual goals and aspirations, and the cultural appropriateness and relevance of goal setting.
- **Plan implementation**
  - **Support for flexible budgets**, plan flexibility and simpler budget categories
  - Comfortable with some budgets being fixed, as long as participants could **‘top up’ fixed budgets with flexible funds if required.**
  - Suggestions and recommendations for what types of funding should fall into a fixed budget (high cost assistive technology and home mods)
  - **Longer term plans welcomed** but concerns about implementation of personalised plans.
  - **Concern proposed approach to the release of funds** will limit choice and control on spending and limit ability to save for planned or unexpected events – counterproductive to flexibility. Seen as backwards step
  - Need for **participants to be supported to use and get the most out of flexible budgets**, as it is a significant change.



**So next steps:**

- Publish reports
- Continue to work with the Council and IA Ref Group on specific topics, including those that have been identified by Council for discussion
- Specific further work planned with Sarah on the PBT build

ISSUED 19 March 2022





## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

#### Meeting 8 of 2020/21

Date: Wednesday 21 April 2021, 1.30pm – 4.30pm AEDT

#### Log-in details:

[Independent Advisory Council Meeting](#)

s22(1)(a)(ii) - irrelevant material

#### SESSION 1: MINISTER FOR THE NDIS 1.30pm-2.15pm

- ITEM 1.1 Principal Member Welcome
- ITEM 1.2 Discussion about key issues and priorities

#### SESSION 2: PRINCIPAL MEMBER 2.15pm-2.20pm

- ITEM 2.1 Confirmation of minutes, matters arising and declaration of interest

#### SESSION 3: COUNCIL REPORTS 2.20pm-2.50pm

- ITEM 3.1 Members and Expert Adviser: Snapshot of issues and concerns

#### SESSION 4: SCHEME REFORM 2.50pm-3.20pm

- ITEM 4.1 Scheme Reform Consultation  
*NDIA Representative: Sam s22(1)(a)(ii) - irrelevant ma General Manager, Policy, Advice and Research*

#### **Break 3.20 – 3.30pm**

#### SESSION 5: DISABILITY STRATEGY 3.30pm-4.00pm

- ITEM 5.1 National Disability Strategy Advisory Council  
*Presenter: Stephen s22(1)(a)(ii) - irrelevant Branch Manager Disability Policy*

#### SESSION 6: ADVICE IMPLEMENTATION 4.00pm-4.25pm

- ITEM 6.1 Support for Decision Making  
*NDIA Representative: Sam s22(1)(a)(ii) - irrelevant ma General Manager, Policy, Advice and Research*

#### SESSION 7: MEETING CLOSE 4.25pm-4.30pm

- ITEM 7.1 Other business
- ITEM 7.2 Next meeting



## Minutes of the Independent Advisory Council to the NDIS

### Meeting 8 – 21 April

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#### Members

Ms Robyn Kruk AO (Principal Member)  
 Ms Leah van Poppel (Deputy Chair)  
 Ms Sharon Boyce  
 Ms Jennifer Cullen  
 Mrs Judy Huett (for item 6 only)  
 Dr Leighton Jay  
 Ms Tricia Malowney OAM  
 Mr James Manders  
 Ms Sam Paior  
 Ms Liz Reid AM  
 Mr Mark Tonga

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
 Mr Oliver Bladek, Deputy CEO, Design, Digital and Strategy  
 Dr Sam [redacted] General Manager, Policy, Advice and Research  
 Ms Liz [redacted] General Manager, Government  
 Mr Trent [redacted] Branch Manager, Agency Policy  
 Ms Kathy [redacted] Director Empowering Participants, Agency Policy  
 Ms Fiona [redacted] Director, Independent Advisory Council  
 Ms Marina [redacted] Assistant Director, Independent Advisory Council  
 Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council  
 Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council

#### Attending

Senator the Hon. Linda Reynolds CSC, Minister for the NDIS  
 Mr Simon [redacted] Adviser, Office of the Hon. Linda Reynolds CSC  
 Mr Stephen [redacted] Branch Manager, Disability Policy, Department of Social Services  
 Ms Kate [redacted] Director Governance and Engagement, Disability Policy, Department of Social Services  
 Ms Belinda [redacted] AM, Council Consultant  
 Ms Rebecca [redacted] Support

#### Apologies

Ms Kerry Allan-Zinner  
 Ms Sylvana Mahmic

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## 1. Minister for the NDIS

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.30pm.

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

The Principal Member noted apologies from Ms Allan-Zinner and Ms Mahmic who were unable to attend the meeting. The Principal Member advised Mrs Huett was also an apology, although noted she will attend for session six.

The Principal Member noted the additional information available in the Resource Centre on Diligent including:

- Participant Reference Group report from Ms Malowney
- Council Out of Session advice (Jan to Mar 21) report from Ms s22(1)(a)(ii) - irrelevant material
- Snapshot of issues and concerns report from Dr Jay
- Scheme Reform Subgroup minutes from the last meeting

The Principal Member thanked Ms Malowney, Dr Jay and Ms s22(1)(a)(ii) - irrelevant material for their reports.

The Principal Member reminded Members to provide feedback on the draft formal advice 'Supporting participants to be included and belong' to ensure current timeframes are met.

### 1.2. Discussion about key issues and priorities

The Principal Member welcomed Minister Reynolds to the meeting and thanked her for taking the time to meet with Council so soon following her appointment. The Principal Member stressed Council's commitment to work with the Minister to meet the goals of the NDIS.

The Minister thanked Council Members for their welcome and introductions, and acknowledged the letter recently received from Council, providing their insight on Scheme reforms and the challenges that exist between the NDIA and the disability community.

Council presented the main points included in the letter to the Minister. These included:

Scheme reforms:

- Council shared the unanimous expression of relief from the disability community for the decision to pause the implementation of Independent Assessments (IAs).
- Council noted the disability community now feels their voice is being heard. Council said this is an opportunity to enhance engagement and rebuild trust with the community. Members raised the importance of having publicly available, accessible





and meaningful communications on Scheme reforms, at key steps the NDIA takes, to increase community confidence in the transparency of decision making.

- Council wants to see lives transformed by the NDIS in line with the vision of the Productivity Commission's Report on Disability Care and Support. Members want to work with the Minister, the NDIA Board and the NDIA to present participant and community concerns in a constructive way. Council wants to ensure the Scheme is sustainable and is run using both insurance principles and a human rights approach.

Equity and Inclusion:

- Council stressed the importance of ensuring the NDIA and NDIS are equitable and inclusive. Members said they want to see broad-ranging representation of people with disability, including women, people who identify as Aboriginal and Torres Strait Islander or culturally and linguistically diverse. Additionally, members stated that people with disability from rural and remote areas of Australia need to have equal access to and benefit from NDIS supports, just like their urban counterparts.
- Council noted that community confidence would be strengthened if people with disability were appointed to the NDIA Board and to leadership positions within the NDIA. Council also noted that the disability community boasts viable Board candidates who have great skill, lived experience and governance acumen.

The Minister stated her aim is to make sure the NDIS Reforms are done well and are in line with the fundamental principles of the Scheme, ensuring the NDIS is available for generations to come.

Minister Reynolds acknowledged the sustainability challenges for the NDIS, noting the complexity of issues and suggested a detailed discussion on the sustainability challenges with Council would be beneficial.

The Minister said understanding the results of the IA pilot will be important, and encouraged Council to engage with this work.

Minister Reynolds thanked Council for their open and honest advice, their willingness to support her and the Agency and is looking forward to working closely with Members to ensure we deliver a Scheme where people with a disability can live their best lives.

The Principal Member thanked the Council members who presented the reports to the Minister – Ms Van Poppel and Ms Reid and the support of Ms s22(1)(a)(i) - irrelevant material

**ACTION 1:** Principal Member and Secretariat to liaise with Minister's office to schedule a meeting with Council on Scheme Sustainability and Scheme Reform.

**ACTION 2:** Secretariat to provide Minister Reynolds with Council's submission on the National Disability Strategy.

## 2. Principal Member

### 2.1. Minutes, matters arising and declarations of interest





Council noted the updated register of conflicts of interest circulated in advance of the meeting.

Council approved the minutes from the meeting held on 19 March 2021 and noted the matters arising. Additionally, the Principal Member queried the questions on notice raised to Ms Johnson at the last meeting. The Secretariat confirmed the Office of the Scheme Actuary will respond in writing and they will be circulated when received.

### 3. Council Reports

#### 3.1. Members and Expert Adviser: Snapshot of issues and concerns

Council Members said the overwhelming views from the community is relief on the pause of the IA implementation. They noted that this provides an opportunity to better understand and consider the IA process and improve communications and engagement with the community and sector.

Members also highlighted concerns about:

- Difference in provider rates for the general public compared to NDIS participants
- Insufficient feedback from the Agency in instances where Assistive Technology applications are rejected
- Worker screening in WA
- Changes in SDA decision making by the NDIA

### 4. Scheme Reform

#### 4.1. Scheme Reform Consultation

Mr Hoffman briefed the Council on where the Agency is at as a result of the recent Ministerial announcements. Mr Hoffman noted that:

- The Agency will not launch IAs in July
- The IA pilot is still continuing, noting the importance of the pilot in understanding the process and gathering valuable feedback from participants on their experience.
- Legislation is complex and timing is uncertain

Dr <sup>s22(1)(a)(i) - irrelevant</sup> [redacted] advised Council that work will continue, building Agency capability to implement Scheme reforms on access and planning. He noted the NDIA now has the opportunity to:

- focus and reflect on future engagement with Council, stakeholders and participants
- further review the submissions received from the public consultations



The Council queried the Personalised Budget Tool (PBT), how the PBT relates to the assessments and also its impact on Scheme sustainability. Additionally, Members said a public consultation on the PBT was needed.

Members raised concerns from the community that some IA Pilot participants believe the pilot results will impact their current plans. Dr <sup>s22(1)(a)(i) - irrelevant</sup> confirmed IA pilot information is not being used to inform participant plans and Members suggested communication around the pilot needs to be clearer.

Members stressed the importance of providing IA participants with a summary document to assist them in understanding their results as the reports received are quite complex.

## 5. Disability Strategy

### 5.1. National Disability Strategy Advisory Council

Mr <sup>s22(1)(a)(i) - irrelevant</sup> presented an overview of the proposed approach to establishing a National Disability Strategy (NDS) Advisory Council to align with the commencement of the Strategy late in 2021.

Council thanked Mr <sup>s22(1)(a)(i) - irrelevant</sup> for the opportunity to provide feedback and raised a number of items for consideration, including:

- not all states have a Disability Advisory Council, what happens in those states?
- membership requirements should include
  - minimum of 60% of membership with lived experience of disability
  - the Chair being a person with disability
  - a representative from the Independent Advisory Council to the NDIS, who is a person with disability
  - Aboriginal or Torres Strait Islander representation
  - Culturally and linguistically diverse representation
- an active reference group structure and expert advisers to ensure diverse representation – be transparent on skills, capability and expertise
- frequency of meetings should be monthly
- NDS Advisory Council progress report tabled in Parliament yearly to ensure support and accountability
- NDS Advisory Council update included as a standing item at the Disability Ministers Meeting
- goals, strategies, key performance indicators and assessments are set by people with disability.



## 6. Advice Implementation

### 6.1. Support for Decision Making

The Principal Member advised Council that the Secretariat is working with the Agency to establish a process to monitor the progress of the implementation of Council's advice, to ensure it is on track.

Dr <sup>s22(1)(a)(i) - irrelevant</sup> provided an update on the implementation of Council's advice on Support for Decision Making. Dr <sup>s22(1)(a)(i) - irrelevant</sup> advised Council that the paper on Support for Decision Making Framework will be released for public consultation in late May.

Council raised concerns around the timing of public release with the Home and Living consultation paper, noting the audience is the same and they may not be able to respond to both.

Council stressed the importance of using simplified and clear language in the consultation papers, noting people with an intellectual disability have the right to understand the information and are the primary audience of this consultation.

Members said the nuances surrounding support for decision making, especially for participants with complex support needs, are poorly reflected in the framework.

## 7. Meeting close

### 7.1. Other Business

The Principal Member thanked all Members for their hard work out of session in the lead up to this meeting with the Minister. Additionally, advising the group the Secretariat will be in contact once details on the follow-up meeting with the Minister is confirmed.

### 7.2. Next Meeting

The next meeting is scheduled 18 May 2021 from 12.00pm-4.30pm.



## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

#### Meeting 9 of 2020/21

**Date:** Tuesday 18 May 2021, 12.00pm – 4.30pm AEDT

#### Log-in details:

[Independent Advisory Council Meeting](#)

s22(1)(a)(ii) - irrelevant material

#### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 12.00pm-12.30pm

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising and declaration of interest
- ITEM 1.3 Board Chair and CEO updates

#### SESSION 2: COUNCIL REPORTS 12.30pm-1.30pm

- ITEM 2.1 Members and Expert Adviser: Snapshot of issues and concerns
- ITEM 2.2 Formal advice 'Supporting participants to be included in the community'

**Break 1.30 – 2.00pm**

#### SESSION 3: SCHEME REFORM 2.00pm-2.30pm

- ITEM 3.1 Scheme Reform Consultation  
*NDIA Representative: Sam s22(1)(a)(ii) - irrelevant ma General Manager, Policy, Advice and Research*

#### SESSION 4: CORPORATE PLAN 2.30pm-3.00pm

- ITEM 4.1 NDIA Corporate Plan 2021-2025  
*NDIA Representative: Oliver Bladek, DCEO Design Digital and Strategy*

**Break 3.00 – 3.15pm**

#### SESSION 5: COUNCIL PRIORITIES 3.15pm-4.25pm

- ITEM 5.1 Council's 2021-22 Work Plan  
*Presenter: Robyn Kruk, Principal Member*

#### SESSION 6: MEETING CLOSE 4.25pm-4.30pm

- ITEM 6.1 Other business
- ITEM 6.2 Next meeting





## Minutes of the Independent Advisory Council to the NDIS

### Meeting 9 – 18 May

12.00pm to 4.30pm, hosted on MS Teams

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#### Members

Ms Robyn Kruk AO (Principal Member)  
 Ms Leah van Poppel (Deputy Chair)  
 Ms Kerry Allan-Zinner  
 Ms Sharon Boyce  
 Ms Jennifer Cullen  
 Mrs Judy Huett  
 Dr Leighton Jay  
 Ms Sylvana Mahmic  
 Ms Tricia Malowney OAM  
 Mr James Manders  
 Ms Sam Paior  
 Mr Mark Tonga

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Dr Helen Nugent, NDIA Board Chair  
 Mr Oliver Bladok, Deputy CEO, Design, Digital and Strategy  
 Dr Sam [redacted] General Manager, Policy, Advice and Research  
 Ms Sumone [redacted] A/g General Manager, Strategy and Priorities  
 Mr Trent [redacted] Branch Manager, Agency Policy  
 Ms Fiona [redacted] Director, Independent Advisory Council  
 Ms Marina [redacted] Secretariat, Independent Advisory Council  
 Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council  
 Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council

#### Attending

Ms Belinda [redacted] AM, Council's Independent Consultant  
 Ms Rebecca [redacted] Support

#### Apologies

Ms Liz Reid AM  
 Mr Martin Hoffman, Chief Executive Officer

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