

Members thanked the Board Chair for her contribution and commitment to people with disability, acknowledging her significant achievements on improving the Scheme through a very challenging environment.

## 2. Co-design Advisory Group feedback

### 2.1. Overview and discussion of Co-Design Advisory Group documents

Ms Van Poppel provided Members with an update on the progress of co-design, acknowledging Ms Cullen, Dr Jay and Dr Boyce on their work on Co-design Advisory Group.

Members discussed the documents shared in advance of the meeting and provided the following feedback:

- Information reads well, they were supportive of the 'living document', noting changes can be made when necessary
- The need to sharpen the language around cultural safety ensuring information is respectful to diverse communities
- Importance of flexibility with timeframes, noting external environmental factors may impact and require re-prioritisation
- Managing workload of Members and Agency staff to avoid burnout
- Disability Representative and Carer Organisations want the Agency to commit to genuine sector consultation.

## 3. Information Gathering for Access and Planning project

### 3.1. Overview of project and discussion

Dr <sup>s22(1)(a)(i) - irrelevant</sup> provided Members with an overview of the Information Gathering for Access and Planning project, advising this will be co-designed with the disability community.

Dr <sup>s22(1)(a)(i) - irrelevant</sup> advised that external reviews of current processes for information gathering will be conducted to provide the Agency with a baseline and detailed understanding of areas for improvement. Dr <sup>s22(1)(a)(i) - irrelevant</sup> noted that a steering committee will be established, and Council will be asked to nominate two Members to participate.

Members thanked Dr <sup>s22(1)(a)(i) - irrelevant</sup> and his team for their progress to date, noting the project was well planned and are excited about the improvement this will bring to the disability community. Council stressed the importance of this work to people with disability and the need to get it right, saying the project should also consider the complexity of disability and information gathering.

Members also said clear and transparent communication with the disability community and sector about all co-design priorities would be critical to success.

## 4. Support for Decision Making

### 4.1. Update on project and discussion

Dr [redacted] provided Council with an update on the Support for Decision Making project, including the recent release of the consultation summary report. Dr [redacted] noted this project will also be co-designed with the disability community and two Council Members will be nominated for membership to the steering committee.

Council raised the following points:

- The Agency is doing comprehensive work and widely consulting experts in support for decision making.
- Funding for advocacy services to support decision making for people with intellectual disability, along with more training for Agency staff about people's rights, is critical to the project's success and empowering participants.
- Support for decision making is not just about funding, but finding solutions to systemic issues.
- State and territory governments need to come together in a unified approach to support for decision making.
- People with disability must be given information they understand, especially people who have little choice/decision-making opportunities.
- Public advocates and public guardians should be added to the policy's stakeholder list.
- The Agency should use learning from the Disability Royal Commission to help inform its work on support for decision making.

## 5. 2021 Reflection and Activity

### 5.1. Minister for the NDIS

#### Acknowledgement of Council's work during 2021

The Principal Member welcomed the Minister and thanked her for making time to join the meeting. The Principal Member acknowledged the working relationship developed over a short time between the Minister and Council and said Members looked forward to working with her in 2022.

Minister Reynolds reflected on her time as Minister over the last eight months, noting the NDIS is a Scheme that is globally unique and is transforming the lives of Australians with disability.

The Minister praised the Agency, Board and Council on getting the Scheme to the point it is today. The Minister thanked Members for their commitment, engagement and frank and fearless advice to the Board about Scheme improvements.

Minister Reynolds advised Board appointments will be officially announced on Friday, including the appointment of Ms Van Poppel as a Director. She commended Ms Van Poppel's impressive





leadership, especially shown throughout Council's consultations and advice on Scheme improvements. The Minister also mentioned Ms Van Poppel would be appointed as Principal Member to Council, with public announcements to follow.

The Minister thanked outgoing members of the Board, including Dr Nugent and Ms Kruk, noting their guidance has been pivotal to Council's success.

## 5.2. Council reflections

The Principal Member reflected on Council's work for the year, noting their advice on Scheme reforms was both brave and transformative. She thanked all members for their resilience, through impacts of the pandemic and increased engagement activities.

Members also provided their reflections, including that:

- they had delivered quality advice and worked under pressure, to make the Scheme better for participants and people with disability
- although there is not always unanimous agreement on matters, Council is a safe space to collaborate and openly share ideas
- the Board and Agency staff have upheld the spirit and essence of the NDIS. This is helping to support people with disability.
- Council's Principal Member, Independent Consultant and Secretariat have shown leadership and delivered quality work.
- honest and open consultations with state and territory government stakeholders has nurtured relationships and trust, progressing their mutual commitment to improve the NDIS.

## 5.3. Secretariat 2021 wrap up

The Secretariat provided a brief light-hearted view of Council's year in numbers, which was well received by Members.

# 6. Meeting close

## 6.1. Other Business

The Principal Member, on behalf of all members, expressed thanks to Mrs Huett for her commitment and effort to the Scheme and raising the voice of people with disability on Council. She said Mrs Huett has been an important member of Council, her lived experience has provided Council's work with a personal touch and has driven change to ensure our documents and words are more accessible. This has resulted in a cascading effect within the Agency as they strive to improve document accessibility.

The Principal Member advised the recruitment process for a replacement for Mrs Huett may take time, so Mr Gavin Burner (Member of the Intellectual Disability Reference Group) will attend the



February and March Council Meetings, ensuring the voice of people with intellectual disability is heard at Council Meetings.

Ms Van Poppel, on behalf of Council, thanked Ms Kruk for her exceptional leadership, guidance and mentorship over the last 18 months, noting her commitment to raising the voice of people with disability.

## 6.2. Next Meeting

The next meeting is scheduled on 25 February from 12.30pm-4.00pm (AEDT).

Meeting 157 - 25 February 2024

**OFFICIAL**

## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

**Meeting 7 of 2021-22**

**Date:** Friday 25<sup>th</sup> February 2022

**Log-in details:**

[Independent Advisory Council meeting](#)

**Or call in (audio only)**

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

#### **SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 12.30pm-1.10pm**

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising, terms of reference and declaration of interest
- ITEM 1.3 Board Chair and CEO Update – focusing on COVID

#### **SESSION 2: COUNCIL REPORTS 1.10pm-1.55pm**

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

#### **SESSION 3: CO-DESIGN ADVISORY GROUP FEEDBACK 1.55pm-2.10pm**

- ITEM 3.1 Update on Co-Design Advisory Group activities

*Presenter: Leah Van Poppel*

**Break 2.10pm-2.20pm**

#### **SESSION 4: AGENCY OPERATIONAL OVERVIEW 2.20pm-3.00pm**

- ITEM 4.1 Update on Agency operations

*Presenter: Jeremy Dean*

**Break 3.00pm-3.10pm**

#### **SESSION 5: SELF-MANAGEMENT 3.10pm-3.50pm**

- ITEM 5.1 Update on Self-Management Policy and Implementation plan

*Presenters: Dr Sam s22(1)(a)(ii) - irrelevant m and Kathy s22(1)(a)(ii) - irrelevant m*

#### **SESSION 6: MEETING CLOSE 3.50pm-4.00pm**

- ITEM 6.1 Other business
- ITEM 6.2 Next meeting





## Minutes of the Independent Advisory Council to the NDIS

### Meeting 7 – 25 February 2022

1.30pm to 5.00pm, hosted on MS Teams

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#### Members

Ms Leah Van Poppel (Principal Member)  
Ms Kerry Allan-Zinner  
Ms Sharon Boyce  
Ms Jennifer Cullen  
Dr Leighton Jay  
Ms Sylvana Mahmic  
Ms Tricia Malowney OAM  
Mr James Manders  
Ms Sam Paor  
Ms Liz Reid AM  
Mr Mark Tonga

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Mr Martin Hoffman, Chief Executive Officer  
Ms Sarah Johnson, Deputy CEO, Design, Digital and Strategy  
Dr Sam [redacted] General Manager, Policy, Advice and Research  
Ms Jess [redacted] Acting Branch Manager, Agency Policy  
Ms Kathy [redacted] Director, Empowering Participants, Agency Policy Branch  
Ms Carly [redacted] Acting Director, Independent Advisory Council  
Ms Hannah [redacted] Assistant Director, Independent Advisory Council  
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council  
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council  
Ms Rebecca [redacted] Project Officer, Independent Advisory Council

#### Attending

Mr Gavin Burner, Intellectual Disability Reference Group Member  
Ms Belinda [redacted] AM, Council's Independent Consultant

s47F- personal privacy

#### Apologies

Mr Jim Minto, NDIA Acting Board Chair

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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 noted Jim Minto, Acting NDIA Board Chair was unable to attend, but plans to attend as many Council meetings as possible in the future.

The Principal Member:

- welcomed new faces to the Council meeting including:
  - Dr George Taleporos who joined Council as a member on 1 January 2022.
  - Gavin Burner, who is joining us from the Intellectual Disability Reference Group, to ensure the voice of people with intellectual disability is heard in Council's work.
  - Jess s22(1)(a)(i) - irrelevant the new Branch Manager of Agency Policy following Trent s22(1)(a)(i) - relev departure
  - Sarah Johnson, as the Deputy Chief Executive Officer of Design, Digital and Strategy replacing Oliver Bladek.
  - Rebecca s22(1)(a)(i) - irrelevant new member of the Secretariat team
- noted Carly s22(1)(a)(i) - irrelevant.m is acting Director of the Independent Advisory Council, with Fiona s22(1)(a)(i) - irrelevant mat leaving in mid-February to take up a new role in the Victorian Department of Health.

The Principal Member also acknowledged previous Council members John Walsh and the late Sue Salthouse as Australia Day award recipients. She noted John received the Officer in the General Division (AO) and Sue was awarded a Member in the General Division (AM).

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

- Out of Session meeting reports from Ms s22(1)(a)(i) - irrelevant material and the Secretariat on:
  - New technology to assist people with Intellectual Disability (Artificial Intelligence Research Project)
  - Remote and Very Remote Strategy
- Participant Reference Group report from Kerry Allan-Zinner
- Action log of issues raised during previous CEO update and Members reports sessions. The Principal Member also noted that as member reports have been given in writing for this meeting, the Secretariat will compile actions for the log from these reports.



The Principal Member requested feedback from Members on whether they find the reports available in the Diligent Resource Centre useful.

### 1.2. Minutes, matters arising, terms of reference 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 16 December 2021 and noted the matters arising and the terms of reference.

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### 1.3. Board Chair and CEO update

Mr Hoffman told Members that the Agency is continuing to work on COVID-19 measures to support participants. This includes planning for potential future variants and case surges. Mr Hoffman noting there continues to be legitimate concerns with workforce disruptions in group home settings.

Members queried the uptake of COVID-19 booster shots among people with disability, noting their interest in seeing the vaccination data if available. Mr Hoffman said the data is available and would share with Members.

Mr Hoffman mentioned his recent attendance at a culturally and linguistically diverse (CALD) Strategy Refresh roundtable held in Canberra, noting the Agency's continued work to ensure it supports CALD participants, families, and carers. Members who also attended the roundtable noted Mr Hoffman's attendance was a powerful signal of support for people from CALD backgrounds.

**Action 2:** Secretariat to send Members vaccination data for people with disability.

## 2. Council Reports

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

Council Members raised the following concerns they had heard related to the NDIS:

- Continued impact of COVID-19 on participant supports, safety and self-management.
- Concerns that some participants are being transitioned from plan management to agency management plans without consent.
- Proactive and transparent communication is needed for participants to understand the plan review process and timelines. Members suggesting at least two weeks' notice should be given to participants before their plan review.
- Continued concerns around plan reductions and the potential link with planners not fully understanding a participant's background and circumstance.



- Delays in processing support requests
- Concerns support requests are not funded because of decisions on 'value for money'.
- Concerns that allied health and therapies are used for early childhood where flexible and/or core funding would help development.
- Lack of adequate support from early childhood partners to families who do not meet access eligibility, especially given that COVID lockdowns have disrupted childhood services.
- Removal of 'out of school hours care' from state and territory government services is affecting participant plans for children. The NDIA is working with schools and state and territory education departments on this matter.
- Low employment rates for people with disability.
- Members stressed the importance of reducing the number of young people in residential aged care, noting only a small number of young people have left residential aged care and are in specialist disability accommodation.
- Thin markets in rural and remote communities resulting in a lack of disability support workers/workforce issues.
- Concerns around conflicts of interest for NDIS providers who have been funded to find alternative housing options for people in residential aged care'
- Lack of awareness around changes to the Social, Community, Home Care and Disability Services Industry Award and the impact this has on participant plans.
- Continued challenges with NDIS participants who are awaiting hospital discharge.
- DSS suspending funding for the NT NDIS appeals. Members were extremely concerned with the impact this will have on participants in the NT.
- Raised the importance of the National Disability Data Asset for nationally consistent and data-based solutions for people with disability.

The Principal Member thanked Members who provided a report in advance and noted these will be available in the Diligent Resource Centre.

### 3. Co-design Advisory Group feedback

#### 3.1. Update on Co-Design Advisory Group activities

The Principal Member said that the Co-Design Advisory Group has been working towards the creation of project specific steering committees for co-design in:

- Information Gathering for Access and Planning
- Home and Living
- Supported Decision Making

- Participant Safety

The Principal Member said:

- these committees will guide co-design in each area
- membership will include of Council Members, Disability Representatives and Carer Organisations (DRCO's), participants and other Government departments.
- noted Council nominations have been finalised with three representatives on each group. The Principal Member thanked Members for their nominations.

## 4. Agency Operational Overview

### 4.1. Update on Agency operations

Mr Dean provided Members with an update on Agency operations, detailing performance against staff work volume, productivity, and participant growth.

Mr Dean discussed with Members the current frontline performance against KPI targets, highlighting the reduction in time a delegate spends reviewing a participant plan, because of reducing irrelevant steps in the process. Members were interested in understanding this in detail, with Mr Dean offering to send further information.

Council Members raised the following points:

- Concerns around the quality of outcomes in meeting targets in relation to the Participant Service Guarantee, specifically:
  - Some complaints are closed within 21 days however, participants may not consider the process as being a quality outcome/experience.
  - A need to regularly survey participants about their NDIS experience and define what quality means.
- Given the Agency's change to a new Customer Relationship Manager (CRM) system, customer information should be safely transitioned.
- Concerns about the increase in matters going to the Administrative Appeals Tribunals.
- Ways to improve internal review processes, through quality control and staff training delivered by people with disability, to avoid matters going to the Administrative Appeals Tribunal.
- An interest in inviting Jeremy to return to a future Council meeting for further engagement on 3P.

**Action 3:** Mr Dean to supply further detail about the reduction in delegate plan review time to Members.

**Action 4:** Council to invite the Agency to engage further on 3P.



## 5. Self-Management

### 5.1. Update on Self-Management Policy and Implementation plan

Dr [redacted] provided Council with an update on the Self-Management Policy, noting the Policy aims to promote a simple, effective, and consistent approach to the self-management of funding for supports under participants' plans.

Members thanked Dr [redacted] and the team for their update, praising the team for their respectful and interactive approach to the development of the Policy. Members noted this was a strong demonstration of best-practice co-design.

Members discussed the Agency's recommendation for participants to set up a dedicated bank account for NDIS funding. Noting that while some may disagree, this is good practice for several reasons, including easy documentation.

## 6. Meeting close

### 6.1. Other Business

The Principal Member told Members that she now has an NDIA email address, and this is the best email to contact her. Noting the Secretariat will share the address with Members.

The Principal Member thanked all Members for their attendance and valued contribution.

### 6.2. Next Meeting

The next meeting will be Monday 28 March at 1.30pm (AEDT). The Principal Member noted the NDIS Quality and Safeguards Commissioner will be attending.



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## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 8 of 2021-22

Date: Monday 28 March 2022

Log-in details:

[Independent Advisory Council meeting](#)

Or call in (audio only)

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
- ITEM 1.4 Welcome New Board Members

#### SESSION 2: COUNCIL REPORTS 2.00pm-2.30pm

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

#### SESSION 3: CO-DESIGN ADVISORY GROUP FEEDBACK 2.30pm-3.00pm

- ITEM 3.1 Update on Co-Design Advisory Group activities

*Presenter: Leah Van Poppel*

**Break 3.00pm-3.10pm**

#### SESSION 4: NDIS QUALITY AND SAFEGUARDS COMMISSION 3.10pm-3.55pm

- ITEM 4.1 Update on the NDIS Quality and Safeguards Commission

*Presenter: Tracy Mackey*

**Break 3.55pm-4.00pm**

#### SESSION 5: INFORMATION GATHERING FOR ACCESS AND PLANNING PROJECT 4.00pm-4.45pm

- ITEM 5.1 Update on the Information Gathering for Access and Planning (IGAP) project

*Presenters: Dr Sam s22(1)(a)(ii) - irrelevant m and Jess s22(1)(a)(ii) - irrelevant*





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**SESSION 6: MEETING CLOSE**

**4.45pm-5.00pm**

ITEM 6.1 Other business

ITEM 6.2 Next meeting



## Minutes of the Independent Advisory Council to the NDIS

### Meeting 8 – 28 March 2022

1.30pm to 5.00pm, hosted on MS Teams

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#### Members

Ms Leah Van Poppel (Principal Member)  
Ms Kerry Allan-Zinner  
Ms Sharon Boyce  
Ms Jennifer Cullen  
Dr Leighton Jay  
Ms Tricia Malowney OAM  
Mr James Manders  
Ms Sam Paor  
Ms Liz Reid AM

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Ms Meredith Allan, NDIA Board Director  
Mr Denis Naphine, NDIA Board Director  
Mr Martin Hoffman, Chief Executive Officer  
Dr Sam [redacted] General Manager, Policy, Advice and Research  
Ms Jess [redacted] Acting Branch Manager, Agency Policy  
Ms Kathy [redacted] Director Strategic Advice, Policy, Advice and Research  
Ms Carly [redacted] Acting Director, Independent Advisory Council  
Ms Hannah [redacted] Assistant Director, Independent Advisory Council  
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council  
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council  
Ms Rebecca [redacted] Project Officer, Independent Advisory Council

#### Attending

Ms Tracy Mackey, NDIS Quality and Safeguards Commissioner  
Mr Gavin Burner, Intellectual Disability Reference Group Member  
Ms Belinda [redacted] AM, Council's Independent Consultant

[s47F- personal privacy](#) [redacted]

#### Apologies

Mr Jim Minto, NDIA Acting Board Chair  
Ms Sylvana Mahmic, Council Member  
Mr Mark Tonga, Council Member

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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 also acknowledged people with Disability, whose voice Council looks to represent.

The Principal Member noted apologies from Mr Jim Minto Acting NDIA Board Chair, Ms Mahmic and Mr Tonga who were unable to attend meeting.

The Principal Member welcomed Ms <sup>s22(1)(a)(i) - irrelevant</sup> to the meeting as the new Director of the Independent Advisory Council team. Noting Ms <sup>s22(1)(a)(i) - irrelevant</sup> has engaged with Council over several years, most recently with the Self-Management Policy project.

The Principal Member said she will not appoint a Deputy Chair at this stage, noting Council previously implemented this role as part of an interim arrangement through its own procedures. Council sought further rationale, with the Principal Member advising the Reference Group Co-Chair roles were seen as an opportunity for skill development. Mr Hoffman added the NDIS Act does not include the Deputy Chair role for either Council or the Board. The Principal Member said she will continue to work closely with Reference Group Co-Chairs to align advice, priorities and draw upon them for Council meetings as needed.

The Principal Member noted the following information is available in the Diligent Resource Centre:

- Out of Session meeting report on the Research and Evaluation Strategy Refresh
- Action log of issues raised during CEO update and Members reports sessions. The Principal Member also noted that as member reports have been given in writing for this meeting, the Secretariat will compile actions for the log from these reports.

The Principal Member mentioned the possibility of extending future meetings by 30 minutes to allow extra time for Members reports discussions. The Members were in favour of this.

### 1.2. Minutes, matters arising, terms of reference 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 25 February 2022 and noted the matters arising and the terms of reference.

### 1.3. CEO update

Mr Hoffman told Council that the Agency continues to focus on ongoing operational improvements and more broadly, the co-design projects on wider reform. Mr Hoffman also noted work is underway on:

- participant outcomes relating to Employment and Early Childhood
- commercial activities including the price review and ongoing fraud and integrity activities.

### 1.4. Welcome New Board Members

The Principal Member welcomed two NDIA Board members, Dr Denis Napthine AO and Ms Meredith Allan who joined the meeting, noting both were appointed on 1 January 2022.

Dr Napthine has held various senior positions in government and was the 47th Premier of Victoria. As the Premier, he led the government to sign the NDIS Agreement with the then Prime Minister Julia Gillard.

Ms Allan is a former president of the Internal Society of Alternative and Augmentative Communication (ISAAC), an organisation working to improve the lives of children and adults with complex communication needs. She was the first president to speak via alternative and augmentative communication (AAC).

The Principal Member also congratulated Mr Napthine on his appointment as NDIA Board Chair, effective 1 April 2022.

## 2. Council Reports

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

Council Members raised the following concerns they had heard related to the NDIS:

- continued challenges with plan reviews, funding, and plan management:
  - increased delays in the completion of plan reviews and changes to existing plans, with reports of significant reductions in plans following a review.
  - some people with disability are in hospital waiting for plan approval.
  - self-management is not promoted equally to manage funding, alongside NDIA-managed or plan-managed plans.
- challenges in rural and remote communities around:
  - lack of local area coordination (LAC) to help access NDIS services.
  - inadequate housing options for people with a disability.
  - transport options and a lack of understanding on how to use funding efficiently for transport
  - people not feeling they are being heard. Members suggesting creating linkages with peer groups across Australia may help.
- public advocates:
  - have long wait lists to help people with disability to access supports.



- are dealing with more appeals cases for plan reviews. Noting, when appealing, some cases are declined and then resolved when the advocate appeals for a second time with the same evidence.
- Aboriginal and/or Torres Strait Islander participants who have received funding for several years:
  - reporting their funding has reduced by more than half.
  - have had funding removed for Supported Independent Living (SIL).
- Continued support challenges with the justice interface:
  - people find it hard to locate and access Justice Liaison Officers (JLO).
  - difficult for a Coordinator of Supports (CoS) to engage with participants in prison, even with a known release date.
  - the justice system operational guidelines are not working.
  - lack of outreach to prisons, and the need for better training for CoS, LAC and NDIA Planners.
  - NDIA complex pathway is hard to access for prisoners.
- Continued challenges around home and living:
  - SIL plan funding reductions without explanation or justification.
  - providers select high value SIL plans for their financial benefit.
  - impact funding reductions have on people's lives and wellbeing.
  - concerns participants with SDA and ILO funding do not truly have choice and control over how, where, and with whom they live, because of planner, service provider and/or family interventions.
  - long wait times for SDA approval (average five months), with some up to 18 months.
  - service providers manage most SDA housing being built.
  - Lack of proper housing options. Members suggesting the Agency should share data on where participants live to help state governments decide where community housing is needed for future planning.
- Planners and LAC:
  - have little cultural understanding around defining 'challenging behaviour' or 'behaviours of concerns' and include unnecessary restrictive practice in a Positive Behaviour Support Plan.
  - have little understanding around Huntington's Disease, or other rare diseases, because they lack specialist training.
  - lack of complex care pathway use for participants with progressive neurological disease, often because they do not know what supports should be funded in plans.
  - not available in some states, which means other states manage their LAC supports for them.
- concerns the disability community have not seen the final amendments to the NDIS Act (currently in parliament).
- concerns with misinformation on social media about participants asked to repay their funding because of non-compliance.
- high rate of late autism diagnosis for women, as compared to males, which prevents early intervention.



- need for greater public awareness around insurance principles that guide the NDIS. Members noting participants and the public often have difficulty in relating disability support needs to insurance.

The Principal Member thanked Members who supplied a report in advance and noted these will be available in the Diligent Resource Centre.

### 3. Co-design Advisory Group feedback

#### 3.1. Update on Co-Design Advisory Group activities

The Principal Member thanked Members for giving feedback on the Co-design Engagement Framework, noting this has been incorporated and is nearing finalisation.

The Principal Member gave Members an update on progress by the Co-Design Advisory Group, noting the engagement of TACSI to help with co-design. Additionally noting all co-design steering committees have begun and meetings have been productive.

Dr Jay provided Members with an update on the Home and Living Co-design Steering Committee, noting two meetings have been held with a focus on process and scope for the policy.

General discussion continued with members noting:

- Policy development is broad and for the long term
- Agency engagement with the Home and Living Reference Group on short to medium term issues in parallel will be beneficial to rebuild trust in the sector and gain further insights

### 4. NDIS Quality and Safeguards Commission

#### 4.1. Update on the NDIS Quality and Safeguards Commission

Ms Mackey provided Members with an overview of the work being undertaken by the NDIS Quality and Safeguards Commission (the Commission) to drive a nationally consistent approach to the registration, education, and regulation of providers and workers in the market.

Ms Mackey noted a recent registration roundtable, and other engagement events, have been important to get stakeholder feedback about areas of improvement for the Commission.

Members raised the following points:

- The need for the Commission to work closely with the Royal Commission to make improvements for people with disability.
- Recommendations from the Robertson report around identifying at-risk and/or vulnerable participants.
- The importance of:

- data around organisations and employees with current registrations to reinforce that the current framework is working
- recognising that developing friendships for people with complex support needs is an important personal safeguard
- engaging intellectual disability peer groups to explain the work of the Commission, ways they can raise issues, and get supports
- NDIS workers undertaking the Commission's online courses around worker orientation

## 5. Information Gathering for Access and Planning Project

### 5.1. Update on the Information Gathering for Access and Planning Project (IGAP) project

Dr [redacted] gave Council an update on the Information Gathering for Access and Planning (IGAP) project, noting the Agency will co-design a new person-centred model that delivers consistency and equity in access and planning outcomes. Dr [redacted] noted an Expert Advice Panel (including medical practitioners, allied health professionals, academics, and social insurance experts) will be set up to help the Co-design Steering Committee with its work.

Members raised concerns around the 'expert advice panel' and separating technical experts and people with disability. Dr [redacted] reassured Council that there will not be separate meetings, and the Steering Committee will drive how the expertise is used.

Council mentioned using the analysis and knowledge gained from the Independent Assessment Pilot to inform the IGAP Project would be beneficial.

Members also raised the importance of considering the inclusion of experts in administrative law and from National Aboriginal Community Controlled Health Organisations (NACCHO) for the Expert Advice Panel.

## 6. Meeting close

### 6.1. Other Business

The Principal Member said new guidelines on Food and Beverage and Domestic Travel have been developed for Council and Reference Group Members and will be sent to Members after the meeting. The Principal Member noted the guidelines are consistent with the requirements of the:

- Public Governance and Accountability Act 2013
- Remuneration Tribunal (Official Travel) Determination
- Whole of Australian Government Travel Arrangements





The Principal Member acknowledged that the meeting can be tiring and long, expressing appreciation to Members and guest speakers for their thoughtful and deep engagement throughout the meeting.

## 6.2. Next Meeting

The next meeting will be Tuesday 26 April at 1.00pm (AEST). This meeting will include discussion and endorsement of Council's Equity in the NDIS formal advice.

26 March 2022





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## AGENDA

### INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 9 of 2021-22

Date: Monday 26<sup>th</sup> April 2022

Log-in details:

[Independent Advisory Council meeting](#)

Or call in (audio only)

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

#### SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 1.00pm-1.30pm

- 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 Update

#### SESSION 2: COUNCIL REPORTS 1.30pm-2.30pm

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

#### SESSION 3: CO-DESIGN ADVISORY GROUP FEEDBACK 2.30pm-3.00pm

- ITEM 3.1 Update on Co-Design Advisory Group activities  
*Presenter: Leah Van Poppel*

**Break 3.00pm-3.10pm**

#### SESSION 4: NO CLAIM MADE PROJECT 3.10pm-3.45pm

- ITEM 4.1 Update from the Compensation Recoveries branch on the 'No Claim Made' project

*Presenter: Jo s22(1)(a)(ii) - irrelevant and Sharon s22(1)(a)(ii) - irrelev*

**Break 3.45pm-3.50pm**

#### SESSION 5: EQUITY AND INCLUSION FORMAL ADVICE 3.50pm-4.50pm

- ITEM 5.1 Endorsement of Council's Formal Advice 'Improving Equity in the NDIS'

*Presenter: Belinda s22(1)(a)(ii) - irrelevant material*



**OFFICIAL**

**SESSION 6: MEETING CLOSE**

**4.50pm-5.00pm**

ITEM 6.1 Other business

ITEM 6.2 Next meeting



## Minutes of the Independent Advisory Council to the NDIS

### Meeting 9 – 26 April 2022

1.00pm to 5.00pm, hosted on MS Teams

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#### Members

Ms Leah Van Poppel (Principal Member)  
Ms Sharon Boyce  
Ms Jennifer Cullen  
Dr Leighton Jay  
Ms Sylvana Mahmic  
Ms Tricia Malowney OAM  
Mr James Manders  
Ms Sam Paor  
Ms Liz Reid AM  
Dr George Taleporos  
Mr Mark Tonga

#### Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

#### NDIA Representatives

Dr Denis Napthine, NDIA Board Chair  
Mr Martin Hoffman, Chief Executive Officer  
Dr Sam [redacted] General Manager, Policy, Advice and Research  
Ms Jess [redacted] Acting Branch Manager, Agency Policy  
Ms Jo [redacted] Branch Manager, Compensation Recoveries  
Ms Sharon [redacted] Director, Compensation Recoveries  
Ms Kathy [redacted] Director Strategic Advice, Policy, Advice and Research  
Ms Carly [redacted] Assistant Director, Independent Advisory Council  
Ms Hannah [redacted] Assistant Director, Independent Advisory Council  
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council  
Ms Rebecca [redacted] Project Officer, Independent Advisory Council

#### Attending

Mr Gavin Burner, Intellectual Disability Reference Group Member  
Ms Belinda [redacted] AM, Council's Independent Consultant  
[s47F- personal privacy](#)

#### Apologies

Ms Kerry Allan-Zinner  
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council

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## 1. Principal Member's welcome and open

### 1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.03pm.

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

The Principal Member also acknowledged people with Disability, whose voice Council looks to represent. Additionally, the Principal Member recognised several key events and dates that have occurred over the past month, including:

- The Transgender Day of Visibility, a day of pride and celebration for gender diverse identity, achievements, and community, held on 31 March.
- The first annual celebration of Auslan Day held on 13 April.
- The Christian festival of Easter held in mid-April.
- The Jewish celebration of Passover held from the 15 April to 23 April.
- The holy month of Ramadan for the Islamic community continues to 1 May.

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

The Principal Member noted the following information is available in the Diligent Resource Centre:

- Out of Session meeting reports on:
  - Early Childhood Approach
  - Home and Living: 'Making SIL Better' and 'Making SDA Better'
- Participant Reference Group Member report
- Action log of issues raised during CEO update and Members reports sessions. The Principal Member also noted that as member reports have been given in writing for this meeting, the Secretariat will compile actions for the log from these reports.

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

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

[s47F- personal privacy](#)

[REDACTED]

[REDACTED]

[REDACTED]

- s47F- personal privacy

Members will provide updates to the Secretariat after the meeting.

Council approved the minutes from the meeting held on 28 March 2022 and noted the matters arising.

### 1.3. Board Chair and CEO update

The Board Chair acknowledged the Agency's work to date to deliver the NDIS and noted that the task now is to deal with the challenges and issues that have been raised. The Board Chair sees his role as working with people with disability, providers and providing bipartisan support to the government.

The Board Chair is keen to focus on creating better opportunities for people with disability to obtain employment, build skills and make a positive contribution to Australia overall.

Mr Hoffman noted that the Agency is currently in the caretaker period leading up to the Federal Election on Saturday 21<sup>st</sup> May, and that the NDIS has been an election and media issue more than expected.

Mr Hoffman noted:

- The recent amendment to the NDIS Act 2013 establishes the Participant Service Guarantee (PSG). The Agency will ensure it upholds PSG standards to improve outcomes for people with disability.
- Continuing work on the CRM (Customer Relationship Management) system build.
- Co-Design activities are being positively received across the Agency.

**Action 1:** Mr Hoffman will work with Dr <sup>s22(1)(a)(i) - imelevan</sup> and the Secretariat to distribute the monthly Agency Pulse report

## 2. Council Reports

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

Council Members raised the following concerns they had heard related to the NDIS:

- Continued challenges with plan reviews, funding, and plan management:
  - Increased delays in the completion of plan reviews and changes to existing plans, with reports of some significant reductions in plans following a review.
  - Reports of the Agency reducing larger plans without warning and/or a step-down approach.
  - Increased delays with funding approval for assistive technology (AT).
  - Some people find it hard to get help from the Agency with their plans. When they do, there is no continuity of service.



- Some people need to give the Agency lots of proof about their disability, which is not considered in planning.
- Reports the Agency does not equally promote ways to manage NDIS funding, and removes self-management from plans without reason.
- Members receiving more phone calls from distressed participants.
- Participants feeling frustrated that:
  - They speak to someone different each time they contact the National Contact Centre and have to explain their story again.
  - There is a recorded message on respect when calling the National Contact Centre – this should say mutual respect.
  - Some are waiting up to 15 months for a decision on SDA.
  - Some are waiting up to two years for a wheelchair.
  - It can take more than a year to go through the AAT review process
- Challenges in some rural and remote Aboriginal and Torres Strait islander communities around:
  - Significant funding reductions, especially with larger plans.
  - Sometimes support coordinators are not told when plan reviews will happen and cannot help participants prepare.
  - Over the phone plan reviews are not inclusive for participants and families who do not speak English as a first language.
  - Some Aboriginal Community Controlled Organisations providers cannot provide service to NDIA-managed participants because they do not meet registration requirements.
  - The new tender for NDIA's Partners in the Community (PITC) program, which includes Local Area Coordinators (LAC), does not cover all communities.
- Challenges in early childhood disability with families:
  - finding it hard to return or stay at work because of lack of childcare support.
  - focused on their child's deficit rather than best-practice and development outcomes. Reports that families seek reports and/or quotes for therapies from providers to get larger NDIS plans.
- Some disability advocates:
  - Have long waiting lists to assist people with disability access NDIS supports.
  - Say they are dealing with more Administrative Appeals Tribunal (AAT) cases relating to sexuality supports.
- Continued NDIS support challenges with the justice interface:
  - Some people find it hard to locate and access Justice Liaison Officers.
  - Some support coordinators do not engage with prisoners who have NDIS plans before release. Because of this, plans are not operational weeks/months after release.
- Continued challenges around home and living:
  - Reports of longer delays in the completion of a request for plan reviews and changes and additions to existing plans.
  - Reports some people wait six months for a reply from the Agency about their SDA application.
  - Reports some people who previously had a package of individualised living option (ILO) supports are now being funded through Assistance with Daily Living funds in their core supports budget.