

- When short term accommodation (respite) providers shut down, there is a need to understand how people with disability and their families can use their funding flexibly to get other supports.
- Delays with SIL roster of care approvals by the Agency, leading to extended hospital stays for some participants.
- Challenges in the provider space around:
 - Adult guardians often refuse/delay signing service agreements on behalf of participants. Providers should ensure they have the financial capacity to support the participant.
 - Reports some unregistered providers are using sharp practices to coerce participants, billing them for services not provided.
 - Inappropriate provider behaviour when there is a shortage of disability support workers.
- All levels of government should work together with departments of health, the NDIA and other organisations to improve future emergency response and reflect on what they have learnt from the coronavirus pandemic.
- The need for a legal expert to lead the independent review of the Agency's external review process via AAT was raised. A question was posed regarding after the election, would the Agency consider getting a retired Federal Court Judge to prepare an independent piece of work on different AAT pathways?

Mr Hoffman noted the feedback and themes raised by Members and provided some comments back to the meeting.

Mr Hoffman advised members that they could email him directly with case delay information for investigation.

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

Action 2: Mr Hoffman to provide self-management data for circulation to Members.

3. Co-design Advisory Group feedback

3.1. Update on Co-Design Advisory Group activities

The Principal Member advised members that the Agency will provide a written report on the work of the Co-Design Advisory Group and each of the Steering Committees for each Council meeting as a factual update. A Council member will then provide an update on the Steering Committee they sit on. This will rotate each month.

For this meeting, Dr ^{s22(1)(a)(i) - irrelevant} provided a verbal update as the new written report is still being developed. Dr ^{s22(1)(a)(i) - irrelevant} noted that all Steering Committees have held at least one meeting and the membership has been settled.

Dr ^{s22(1)(a)(i) - irrelevant} told Members that the Steering Committees will be co-chaired by a participant and work is currently underway with Participant Advocate ^{s47F - personal privacy} to develop a program of support for these roles.

Ms Mahmic provided Members with an update on the Support for Decision Making Steering Committee. Ms Mahmic highlighted the committee membership included fresh and diverse representation, and the Agency has allocated suitable resources to co-design.

Ms Mahmic acknowledged that there is a lot of work going into building trust with the Steering Committee and that the Agency is taking co-design seriously.

General discussion continued, with members noting:

- A brief with milestones for each Steering Committee would be beneficial for Council members to receive
- There needs to be representatives from the Aboriginal and Torres Strait and Culturally Linguistically Diverse communities involved in co-design

Action 3: Terms of reference for each Steering Committee to be circulated to members.

4. No Claim Made Project

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

Ms s22(1)(a)(i) - irrelevant discussed the Agency's plans as part of the Compensation Recoveries Project. The project aims to implement Chapter 5 Compensation payments, Part 1 Requirements to take action to get compensation. Section 104 and 105 of the NDIS Act 2013 which is currently not in use.

Ms s22(1)(a)(i) - irrelevant noted that:

- The project is looking at what the Agency can and must do, where a participant has indicated that their disability is as a result of a personal injury and they have not yet made a claim for compensation.
- Currently around 7 percent of participants have a disability as a result of a personal injury.
- The Compensation Recoveries Branch is keen to work with Council to understand how people can be supported to understand what they are doing.
- There is a need to bring humanity to this work, and to work out what to do next.

Council members noted:

- While the NDIA is treating this important issue sensitively, compensation is an extremely challenging area for people who are vulnerable. It was questioned if the Agency should do this work at all.
- Council would like to work with the Agency to inform their work.
- The human cost of compensation may be greater than the potential economic cost.
- The need to know the projected savings and costs of the project.
- The need to understand project details and exactly who can apply for compensation. For example, people who are self-employed, NDIS participants, prospective participants, parents who are seeking compensations for wrongful birth, etc.

Action 4: The Secretariat to liaise further with the Compensation Recoveries Branch for further conversation on how Council can assist.

5. Equity and Inclusion Formal Advice

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

The Principal Member thanked Ms Cullen and Ms s22(1)(a)(ii) - irrelevant material for co-chairing and chairing meetings with the different communities involved in developing the Formal Advice and acknowledged that the discussions have been heartfelt with the challenges raised by the communities.

The Principal Member noted the extensive work of Ms s22(1)(a)(ii) - irrelevant material to bring together this work and encouraged Members to provide feedback.

Ms s22(1)(a)(ii) - irrelevant material provided an overview of the Formal Advice which has been drafted through close consultation with people with disability who identify as Aboriginal and Torres Strait Islander, Culturally and Linguistically Diverse (CALD), and Lesbian, Gay, Bisexual, Transgendered, Intersex, Queer, Asexual. The intention of the advice is to improve equity in access, participation, and outcomes in the NDIS.

Ms s22(1)(a)(ii) - irrelevant material noted that the communities involved had signed off on their community reports, which will be included as an appendix in the Formal Advice without further changes, whereas the Formal Advice is signed off by Council.

General discussion continued with Members noting:

- A strong and important piece of advice, acknowledging the many iterations and an important piece of advice for the Council to have.
- Intersectionality needs to be at the heart of the NDIS.
- Intersectionality goes beyond the three groups that were part of the consultation process, and includes specifically, gender as well as other factors. This needs to be acknowledged in the Formal Advice with reference to the Convention on the Rights of Persons with Disabilities (CRPD), Article 6 Women with disabilities.
- Language used in the Formal Advice has been taken from the Agency Outcomes Measures and Survey Disability and Carers (SDAC).
- Concern that Council's Formal Advice could result in causing more hurt to communities if the Agency does not implement a cultural shift to enhance equity and inclusion. Noting that the Formal Advice has recommended co-design in how to make the NDIS more equitable and inclusive rather than submitting specific recommendations in the Formal Advice.
- Acknowledging that Council is a conceptual body, making it challenging to hold the Agency to account in terms of time frames and tracking. Highlighting the difficulty in some of Council's advice, which may not have straight forward goals.

- The need to work with the Secretariat on tracking the implementation of Formal Advice, noting that there are several pieces of work that will be coming to Council in the coming months.
- Addition in current advice of a timeline to review in 3 years to see the progress against Formal Advice is a starting point. This would then assist Council in planning reviews of future Formal Advice.
- This piece of Formal Advice asks for a cultural shift and an ongoing cultural journey; it is long term and deeply structural work. It includes views from some communities, but not all communities. Acknowledging that equity and inclusion is not limited to the three communities consulted as part of this advice with the hope that this advice will have a positive impact on other communities by default.
- A discussion needs to be held in the future around the use of the term 'CALD' which is a western and Anglo-centric way of viewing 'other', however acknowledged this is an issue that is bigger than the Agency and Council.
- In developing this advice, Council members involved reported they found their own assumptions and biases being highlighted, challenged, and changed, and that the only way they can be changed is over time and in discussion with different groups of people.
- Acknowledged and thanked the Secretariat for their work and support in developing the Formal Advice.

In principle endorsement was given by Council members, with Ms s22(1)(a)(ii) - irrelevant material to make updates as discussed to the advice.

Ms s22(1)(a)(ii) - irrelevant material outlined the next steps of the Formal Advice process, culminating in the Formal Advice and the Agency's draft response being presented to the July Board meeting.

The Principal Member acknowledged the deeply committed and thoughtful feedback provided by Council members, who have provided honest opinions and thanked everyone for their contributions.

Action 5: Ms s22(1)(a)(ii) - irrelevant material to add acknowledgement in the Formal Advice that intersectionality includes gender, with specific reference to the Convention on the Rights of Persons with Disabilities (CRPD), Article 6 Women with disabilities.

Action 6: Once Council submits its Formal Advice to the Board all those involved in the consultations will be notified in writing with thanks and to note that the Formal Advice has been endorsed.

6. Meeting close

6.1. Other Business

Council's Workplan 2022-23

The Principal Member noted:

- Planning for Council's new Workplan for 2022-23 will begin shortly.
- the 'Behaviour Supports' Formal Advice and 'Participants who are Ageing' Formal Advice will be finalised in the next financial year and will form part of the Workplan 2022-23.

The Principal Member encouraged Members to consider what else should be included in the workplan.

Reference Group Meetings

The Principal Member advised these will continue to be held over the next two months, and updates will be provided to Council.

6.2. Next Meeting

The next meeting will be Thursday 26 May at 1.00pm (AEST).



OFFICIAL

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 10 of 2021-22

Date: Thursday 26th May 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-2.15pm

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.

Break 2.15pm-2.30pm

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 draft Strategic Plan and the Commission's workplan
Presenter: Tracy Mackey, NDIS Quality and Safeguards Commissioner

Break 3.55pm-4.00pm

SESSION 5: AGENCY REPORTING 4.00 pm-4.50pm

- ITEM 5.1 Q3 Quarterly Report
- ITEM 5.2 Council progress reports
Presenter: Sarah Johnson, DCEO Design, Digital and Strategy and Sumone s22(1)(a)(ii) - irrelevant material General Manager Strategy and Priorities.



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 10 – 26 May 2022

1.00pm to 5.00pm, hosted on MS Teams

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
Dr George Taleporos
Mr Mark Tonga

Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

NDIA Representatives

Mr Denis Naphine, NDIA Board Chair
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 Sumone [redacted] General Manager Strategy and Priorities
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 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](#)

Observers:

Ms Fiona [redacted] Project Officer, Independent Advisory Council

Apologies

Ms Liz Reid AM
Ms Carly [redacted] Assistant Director, Independent Advisory Council

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.05pm.

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

The Principal Member also acknowledged National Sorry Day, and the strength and resilience of Aboriginal and Torres Strait Islander peoples. Additionally, the Principal Member recognised several key events and dates that have occurred over the past month, including:

- Eid al-Fitr which marked the end of Ramadan on 2 and 3 May
- Vesak which marks Gautama Buddha's birth, enlightenment and death on 16 May
- The International Day against Homophobia, Biphobia, Intersexism and Transphobia on 17 May
- Global Accessibility Awareness Day on 19 May

The Principal Member noted an apology from Ms Liz Reid AM who was unable to attend the meeting.

The Principal Member mentioned the recent Federal election result, noting the change in government. She advised Members that once a new NDIS Minister is appointed, we will invite them to attend a Council Meeting. Additionally, the Principal Member said she would send a letter on behalf of Council to the previous Minister for NDIS, Senator the Hon Linda Reynolds CSC thanking her for her contribution and support of Council.

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

- Out of Session meeting report on Research and Evaluation – Guides for Understanding Supports
- 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.

Action 1: Principal Member to send thankyou letter to previous Minister for NDIS, Senator the Hon Linda Reynolds CSC.

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 26 April 2022 and noted the matters arising.

1.3. Board Chair and CEO update

The Board Chair acknowledged the change of government following the recent Federal election, noting a new NDIS Minister will be appointed shortly. The Board Chair outlined the Labor Government's policy to better support people living with a disability, noting the Board and the Agency are looking forward to working with the new government.

The Board Chair reconfirmed the Agency remains committed to:

- rebuilding trust with the sector and disability community
- ensuring the NDIS works for people with disability, and their families, carers, disability service providers and workers.
- understanding the current barriers and opportunities for improving outcomes for people with disability.

Mr Hoffman advised no contact has been made with the incoming government at their request, until a new NDIS Minister is appointed.

Mr Hoffman mentioned he has been meeting with a range of disability organisations and communities across Australia to better understand their needs. Mr Hoffman noted the positive conversations and the openness to work together to make the Scheme better for people with disability. Members were interested in further detail around the conversations with the Summer Foundation and Mr Hoffman advised he would share in confidence the meeting record.

Action 2: Mr Hoffman to share the meeting record with Members in confidence.

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:

- COVID-19 continues to be an issue for people with disability accessing daily living supports. There is a risk that support issues will worsen in winter and with COVID-19 case increases. Members saying the Agency should strengthen its emergency response plans to respond.
- Increased delays in accessing paediatricians and child psychologists, resulting in early intervention delays.
- The removal of plan management in children's plans is putting stress on families.
- There is misinformation in the community around participants needing to transition to aged care when they reach 65 years.
- Some participants say builders they contact about home modifications give higher quotes to NDIS participants.

- Mixed reactions in the community that a major Australian Disability Enterprise (ADE) will exit from providing supported employment to participants in Western Australia. Members noting, they were overall supportive of the closure, however stressed the importance of ensuring participants and their families were supported well through the closure.
- The need to keep government and ministers accountable for past promises about the NDIS and Independent Advisory Council.
- Confusion about a recent new article - Supporting more participants with longer plans and fewer reviews – members saying it was not if the article referred to automatic plan extensions or plan renewal.
- People with intellectual disability and their families say the quality of supports and local area knowledge from Local Area Coordinators/planners should improve.
- Continued challenges in early childhood disability with families associating high levels of one-on-one therapy with best practice, when group-based programs and application of strategies in natural settings can also assist a child's development.
- Continued challenges with access, plan review and funding:
 - Increased reports the Agency is doing reviews without planning with a participant first. Especially with people who get supports for Individualised Living Options (ILO).
 - Increased reports of large plan reductions after a review.
 - Increased delays with funding approval for assistive technology (AT).
 - Some people need to give the Agency lots of proof/assessments about their disability, which is costly.
 - People with intellectual disability find it hard to understand their NDIS plan because it is not available in Easy Read.
 - Participants would like to see a draft plan after their planning meeting.
 - Challenges when a participant with an Administrative Appeals Tribunal review, also has a change of circumstances review.
 - Lack of education/training for participants about ways to manage their NDIS funds, especially those that self-manage and plan-manage.
 - NDIS information and language is not inclusive for First Nations participants and families who do not speak English as a first language.
- Continued challenges around home and living supports:
 - Long delays to complete a request for plan review/changes and additions to existing plans with home and living supports.

- The Agency sometimes removes supports for Supported Disability Accommodation (SDA) and Supported Independent Living (SIL) immediately after a plan approval.
- Ageing parents, whose children have stable home and living supports, find it hard to plan for their child's future with confidence.
- People with supports for SDA may not report inappropriate provider behaviour because they fear repercussions.
- Participants may be in at-risk situations because of the Agency's home and living funding decisions and decision-making processes.
- Delays in SIL approvals where there is a change in circumstance.
- Some best-practice SDA providers face financial stress due to many factors, including NDIA service booking delays.
- Concern some SDA providers give accommodation places to people on condition they receive SIL and other services from specified providers, which may breach the *Competition and Consumer Act 2010*.

Mr Hoffman noted the feedback and themes raised by Members and provided some comments back to the meeting.

Mr Hoffman advised Members the Agency had written to the disability minister in Western Australia about the ACTIV closure, noting he would share a copy with Members in confidence.

Action 3: Mr Hoffman to share the letter to the WA disability minister regarding ACTIV to Members in confidence.

3. Co-design Advisory Group feedback

3.1. Update on Co-Design Advisory Group activities

The Principal Member noted the factual update on Co-design provided by the Agency in advance of the meeting. The Principal Member mentioned all projects are progressing well, noting each project is moving at a different pace.

Dr Taleporos provided Members with update on the Participant Safety Co-design Steering Committee. Dr Taleporos highlighted the need to work carefully, and use lived experience in a way that is safe for all and allows for dignity of risk. Dr Taleporos also noted the need to be clear on who has responsibility for participant safety between the Agency and the NDIS Commission.

General discussion continued, with members noting:

- the need to address women's safety, especially women who identify as First Nations, Culturally and Linguistically Diverse (CALD), or LGBTIQ+.

- the importance of friendship and supported employment in keeping people with disability safe.
- the importance to reference Council's past advice, Choice and control to safely live a good life of belonging and citizenship, which is a great source of information.
- the need to consider ways to engage people without re-traumatisation.

4. NDIS Quality and Safeguards Commission

4.1. Update on the draft Strategic Plan and the Commission's workplan

Ms Mackey provided an overview of the NDIS Quality and Safeguards Commission five-year strategic plan. Ms Mackey sought Council's feedback, with Members noting:

- the importance people with disability understanding what makes a quality service and skilled worker. They also deserve support from workers who have the right attitude and values too.
- people with disability have the right to self-determination, including making informed choices and access to capability building supports.
- Australian governments and private enterprise can improve the way they regulate by having regulation strategies and focusing on work it does in the development phase.
- the importance of training to ensure people with disability understand their consumer rights.
- sometimes being a registered provider results in more disadvantage than being an unregistered provider. For example, the auditing process and cost.
- the strategy should include all people with disability, including children and creating links with organisations like SNAICC National Voice for our Children.

Ms Mackey thanked Council for their honest and valued feedback, noting she is happy for Members to contact her directly should they have further questions.

Action 4: Secretariat to share Ms Mackey's contact details with Members.

5. Agency Reporting

5.1. Q3 Quarterly Report

Ms Johnson provided Council with an overview of the latest Quarterly Report for Q3, highlighting the following:

- inclusion of participation rates
- data separated into 10-year age groupings, rather than previous 25 years and over
- inclusion of home and living decisions

- average payments and plan budgets in 10-year bands
- inclusion of average plan budgets over four points of time for the same group of people

Members provided the following comments:

- grateful for the detailed reporting on gender but would like further data on women exiting the Scheme.
- the need for data on:
 - therapy supports or plan sizes for children under 7 years.
 - on ways the Agency measures employment outcomes
- queried the use of the original Scheme projection data from the productivity commission, noting the length of time since it was originally modelled.
- the importance of making the report accessible for all people with disability, including those with intellectual disability.

Ms Johnson noted the feedback and questions raised by Members and provided some comments back to the meeting, taking three questions on notice.

Action 5: Ms Johnson to respond to the following three questions on notice:

1. Dr Taleporos - *How many children under 5 years of age receive more than \$200,000 in therapy supports per year?*
2. Dr Taleporos - *Can you please provide the link to the analysis you mentioned regarding employment levels and variables to assist members to understand why the levels are not going up?*
3. Dr Jay - *Regarding Slide 73 - This graph seems to provide compelling evidence that we should stop referencing the Productivity Commission's 2017 projections. It tells me that something was seriously awry with their data, assumptions, or methodology. They were not close to correct in the short term and they aren't close to correct in the long term. Is it possible to cease using this as a reference point now please?*

5.2. Council Progress Reports

Ms Johnson discussed the Agency's plans to track and report against the implementation of Council's Formal Advice recommendations. Ms Johnson sought feedback from Members on how to improve this process. Members provided the following comments:

- a traffic light system would be helpful to note progress and flag any delays
- some reporting doesn't seem to be an accurate reflection against the true sense of Council's recommendations. Ms s22(1)(a)(i) - irrelevant material offered to provide detailed feedback outside the meeting.

- reporting on the advice 'Promoting best practice in early childhood intervention' requires improvement to reflect current and ongoing work between the Agency and Council and Reference Group members.
- they would like to work with Agency out of session to improve this work.

Action 6: Ms s22(1)(a)(i) - irrelevant material to provide detailed feedback to Ms Johnson on the progress reports.

Action 7: Council members and Ms Johnson to meet out of session to discuss possible improvements to the reporting.

6. Meeting close

6.1. Other Business

The Principal Member, in Liz Reid's absence, shared with Members the changes at the Northern Territory Government with the appointment of Ngaree Ah Kit as the Minister for Disabilities, and Natasha Fyles as the Chief Minister.

6.2. Next Meeting

The next meeting will be Wednesday 15 June at 12.00pm (AEST).



Minutes of the Independent Advisory Council to the NDIS

Meeting 11 – 15 June 2022

1.00pm to 5.00pm, hosted on MS Teams

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
Dr George Taleporos
Mr Mark Tonga

Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

NDIA Representatives

Ms Meredith Allan, NDIA Board Member
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 Sumone [redacted] General Manager Strategy and Priorities
Ms Kathy [redacted] Director Strategic Advice, Policy, Advice and Research
Ms Carly [redacted] Assistant Director, Independent Advisory Council
Ms Marina [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](#)

Observers:

Mr Matthew [redacted] Assistant Director, Strategic Advice
Ms Fiona [redacted] Project Officer, Independent Advisory Council

Apologies

Ms Liz Reid AM

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.04pm.

Ms Cullen acknowledged the Traditional Custodians and Owners of the lands on which Members, Expert Adviser and attendees were meeting.

The Principal Member recognised several key events and dates that have occurred over the past month, including:

- National Reconciliation Week
- Mabo Day
- Queen's birthday honours list

The Principal Member noted an apology from Ms Liz Reid AM who was unable to attend the meeting and from NDIA Board Chair Denis Napthine.

The Principal Member acknowledged the appointment of The Hon. Bill Shorten MP as the Minister for the NDIS. The Principal Member will invite Mr Shorten to a future meeting on behalf of Council.

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

- Out of Session meeting report on NDIS Act S47a Variations Policy and Operational Guidelines
- 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 approved the minutes from the meeting held on 26 May 2022, noting two minor amendments required to wording.

Council noted the matters arising.

Council noted there have been no new updates to the register of conflicts of interest circulated in advance of the meeting.

1.3. Board Chair and CEO update

The Principal Member acknowledged Mr Hoffman's last Council meeting, and thanked him for his time, honesty and his work to elevate the voice of Council in the Agency. On behalf of Council members, the Principal Member shared their appreciation for his work and wished him the very best for the future.

The Principal Member acknowledged Ms Allan from the NDIA Board. The Principal Member and Ms Allan updated Council on their recent Board meeting in Geelong and visits to providers in the Geelong region.

The Principal Member reiterated the appreciation of the Board with regards to the information and updates provided by Council. The Principal Member encouraged members to also share with the Board, via these reports, what is working well in the NDIS and where they are seeing successes as along with issues.

Mr Hoffman noted positive meetings with Minister Shorten about the planned review of the design, operation, and sustainability of the NDIS, as well as other priority work. He said Council may like to consider making a submission via the Board about Council's views on the review. He noted that the intention is to bring forward the review of the Bilateral Agreement from 2023 to 2022.

Mr Hoffman congratulated Dr Lisa Studdert, Deputy CEO for Markets, Government and Engagement at the NDIA, who will step into the acting chief executive role.

Mr Hoffman noted the NDIA's tender process, seeking community-based organisations to help deliver the NDIS partners in the community, recently closed. Work will now start on assessment to ensure new contracts are in place before June 2023.

Members noted:

- Thanks to Mr Hoffman for his work as CEO, acknowledging that it is a challenging job.
- Appreciated Mr Hoffman's availability and responses to Council member matters.
- Hope that Min Shorten would be as engaged with Council as Minister Reynolds was.

Action 1: Council to have a small group out of session discussion to talk about correspondence to the Minister about the review and what that might pertain.

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:

- A positive sentiment in the community is the NDIA's commitment to co-design.
- NDIS participants with spinal disorders say the NDIS is life-changing and given them greater flexibility and choice and control, compared with block funding models.
- Aboriginal and Torres Strait Islander peoples need more community-led models of disability support and trusted relationships with therapists/health professionals.
- Members are hearing increased reports of a shortage of therapists and specialists who provide evidence about NDIS eligibility applications, particularly in Aboriginal and Torres Strait Islander communities, as well as worker and staff shortages.

- The members would like the NDIA to consider using a person with disability as a spokesperson for the NDIS, similar to Centrelink.
- Self-managers and self-managed participants need training or supports to maximise the value of their plans.
- Some states do not have access to funded advocacy services to support people with NDIS-related issues. In states with advocacy services, there are often delays.
- Parents of young children with rare diseases who need specialist support are unable to access suitable childcare, causing employment and inclusion issues.
- Continued advocacy in Western Australia to ensure that an Australian Disability Enterprise (ADE) remains open so that people with disability are not left unemployed. There were mixed views on the merit of the support being extended.
- Home and Living matters:
 - Some seeking supported independent living (SIL) as part of their plans or due to change of circumstance report on plan delay due to requests for extra specialist information.
 - Reports some NDIS participants do not tell the NDIA about a change of circumstances or request a plan review because they fear they will lose their specialist disability accommodation (SDA) funding and/or face eviction.
 - Reports about core funding reductions preventing some people from moving into SDA homes.
 - Poor quality home and living decisions and processes in SDA put other NDIS participants, their co-residents, or support workers at risk and/or harm.
 - Some best-practice SDA providers face financial stress due to many factors, including issues with consistency of NDIA decision making and service booking delays.
 - There are reports the NDIA sometimes removes supports for home and living immediately after a plan approval, or after a random S48 review. Often without participant knowledge.
- The quality and experience of support coordinators needs improvement through training and rigorous recruitment.
- NDIS participants and families do not know how to make a complaint about the services they get and/or conduct of support coordinators.
- NDIS participants would like to see a draft plan summary after their planning meeting per recommendations in the 2019 'Review of the NDIS Act 2013 report' (Tune Review). The Information Gathering for Access and Planning co-design project should consider draft plans in its work.

- There is a need to pilot new, innovative, and evidence-based models of therapy and supports to better support children's development in school.
- The NDIA needs more market intervention projects, especially for children.
- Continued challenges between the NDIS and the justice system and/or justice liaison officers.
- Wondering if the increases to the national minimum wage and Social, Community, Home care and Disability Services Industry (SCHADS) Award will affect prices of NDIS supports.
- Challenges with occupational therapists, including availability, charging participants for supports not received, and lack of NDIS training.
- The need for the NDIA and states and territories to work together on the shortage of social and community housing in regional areas.
- The importance of peer groups and support networks for people with intellectual disability.
- The need for more education about ways people with disability can manage their funding and understand their rights.
- Participants want to know when the NDIA will release 2022-23 NDIS pricing.
- State government regulated power markets and potential power shortages create anxiety among people who rely on life saving equipment and telecommunications.

3. Co-design Advisory Group feedback

3.1. Update on Co-Design Advisory Group activities

The Principal Member noted productive meetings held with the Co-Design Steering Committee recently and provided an update on the Information Gathering for Access and Planning (IGAP) Steering Committee.

As part of the IGAP project, listening sessions were held with over 100 participants to test its co-design process. The IGAP project will release an online survey to engage further with the community. Disability Representative and Carer Organisations (DRCOs) will soon lead their own listening sessions with a diverse cross section of the disability community.

The Principal Member noted the intention to hold an out of session meeting for Council members in August to discuss the outcomes from the listening sessions.

Members noted:

- The value of self-assessments
- The need for surveying to capture data on gender and diverse communities
- Expressed an interest in hearing the outcomes from these sessions.

4. Act Implementation

4.1. Briefing on the two amendments and addition of the Participant Service Guarantee in the NDIS Act

The Principal Member invited Ms ^{s22(1)(a)(i) - irrelevant material} and Ms ^{s22(1)(a)(i) - irrele} to provide a briefing on the three key changes to the NDIS Act on 1 July 2022.

Members noted:

- A desire to work with the NDIA on parts of the implementation
- Acknowledged the huge undertaking to get this work up and going in 3 months and appreciates that there will be some initial issues during this phase.
- The need for the NDIA to develop a communications plan to ensure information about changes to the NDIS Act are accurate and reach the right stakeholders.
- Unclear language used by the NDIA to communicate changes in the NDIS Act, may affect a planner's or local area coordinator's ability to communicate change effectively.
- The Principal Member acknowledged Ms ^{s47F- personal privacy} work with Council and dedication to the work to the NDIA, and on behalf of members wished her well in her future endeavours.
- Need to get the Disability Representative and Carer Organisations involved in releasing this information to reduce confusion.
- Is there scope for Council to give feedback as we are seeing issues on the ground?

Action 2: Ms ^{s22(1)(a)(i) - irrele} to follow up with the Communications team to share the communications plan with Council.

Action 3: Ms ^{s22(1)(a)(i) - irrele} to follow up on how will issues with people understanding the changes to the Act be monitored?

Action 4: Ms ^{s22(1)(a)(i) - irrele} to provide communications messages for feedback.

5. Corporate Plan

5.1. Update from the DCEO Digital Design and Strategy

Ms Johnson provided Council with an overview of the NDIA's Corporate Plan 2022-2026, which will be publicly available before 30 August.

Members noted:

- The Corporate Plan would be enhanced by having a strategic intent statement.
- Importance of continuing to look at government supports, like the disability support pension, that may impede employment and/or ways to make employment fair.

- More consideration of how draft plan summaries may be a way to help people in remote and very remote areas.
- Importance of continuing to address the needs of the community and work force.
- More work required to address and clarify the many ways the NDIA interacts with other systems such as health, and community health for children.
- Importance of links to Australia's Disability Strategy.

Action 5: Question on Notice – Ms Johnson to provide a status update on draft plans being available to participants before the plan is finalised.

Action 6: Finalised Corporate Plan to be circulated to members once ready.

6. Council Workplan

6.1. Starting the conversation on Council's workplan 2022-23.

The Principal Member led discussions about Council's workplan for 2022-23, including priority areas of work for the upcoming year. Council Members will agree on the workplan at a future meeting.

Ms ^{s22(1)(a)(i) - irrelevant material} provided an overview and update on the development of Formal Advice as listed in the current workplan. Ms ^{s22(1)(a)(i) - irrelevant material} acknowledged the work of the Reference Groups in developing Formal Advice noting that there is further work to start:

- The Children, Young People and Families Reference Group will be working on promoting the voice of children and young people to the NDIA and looking to work on how the NDIS interfaces with the education system.
- The Intellectual Disability Reference Group is looking to work on how the NDIS interfaces with the justice system.

Members gave feedback about potential new priority work areas and other matters, including:

- Linking the NDIA's co-design work into the Work Plan.
- Managing the time needed to complete Council priorities and Member workload.
- The need to reflect on and understand progress against Council's past Formal Advice.
- Council must remain agile and responsive to advice requests or opportunities from the new Labor Government.
- The need to include work on home and living and inclusive communities in the Council Work Plan.

- Council should maintain an important relationship with the NDIS Quality and Safeguards Commission and the Department of Social Services to further influence education and employment outcomes for participants.
- The need for Council to keep in touch with the progress and opportunities related to the Australian Disability Strategy's targeted action plan.

Action 7: Ms ^{s22(1)(a)(ii) - irrelevant material} to speak with Mr Burner and Mr Tonga for their thoughts on the work plan discussion.

Action 8: The Secretariat to summarise core themes from chat as part of minutes

Action 9: The Secretariat to speak to Mr Manders and Ms Allan-Zinner about how we can improve accessibility with regard to the meeting chat function.

7. Meeting close

7.1. Other Business

Nil

7.2. Next Meeting

The next meeting will be 21 July 2022 at 12pm (AEST).