

The Principal Member requested feedback on the progress of the co-design projects that Council Members are engaged with.

Council Members involved with the co-design for participant safety had mixed views about the progress of their work. Members raised that:

- They do not want different cohorts to be segregated as part of the participant safety co-design. Members said that understanding about participant safety comes from sharing information and listening to all voices in a room, as well as focusing on autonomy and dignity of risk.
- The participant safety co-design project requires a different approach for children and adults, and consideration of gender.
- The participant safety co-design project is important and will have life-saving impact on participants.

6. Meeting close

6.1. Other Business

The Principal Member raised the option of having members stay on at the end of a Council meeting to have an 'in camera' discussion without NDIA staff present.

The Principal Member invited anyone who wished to stay on once the meeting closed to do so.

Action 4: Secretariat to discuss with Principal Member on including 'in camera' sessions for members in Future Council Meeting Agendas.

6.2. Next Meeting

The next meeting will be 17 October at 1pm (AEDT).

Themes from meeting chat

Concern that the NDIS was designed for adults, not children and young people

Compliance focusing on the wrong areas

Meeting 21 September 2022



OFFICIAL

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 4 of 2022-23

Date: Monday 17th October 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

SESSION 4: AUSTRALIA'S DISABILITY STRATEGY 3.00pm-3.45pm

- ITEM 4.1 Briefing on Australia's Disability Strategy
Presenter: Paul ^{s47F- personal privacy} Branch Manager Australia's Disability Strategy, Department of Social Services

Break 3.45pm-4.00pm

SESSION 5: 3P UPDATE 4.00pm-4.50pm

- ITEM 5.1 Update on the 3P (Participants, Platform and Processes) Initiative
Presenter: Richard ^{s22(1)(a)(ii) - irrelevant} Branch Manager Transition Communication and Engagement.

SESSION 6: MEETING CLOSE 4.50pm-5.00pm

- ITEM 6.1 Other business



OFFICIAL

ITEM 6.2 Next meeting



Minutes of the Independent Advisory Council to the NDIS

Meeting 4 – 17 October 2022

1.00pm to 5.00pm, hosted on MS Teams

Members

Ms Leah Van Poppel
Ms Kerry Allan-Zinner
Dr Sharon Boyce
Ms Jennifer Cullen
Ms Sylvana Mahmic
Ms Tricia Malowney OAM
Mr James Manders
Ms Sam Paor
Ms Liz Reid AM
Dr Leighton Jay
Dr George Taleporos

Expert Adviser

Dr Ben Gauntlett, Disability Discrimination Commissioner

NDIA Representatives

Ms Lisa Studdert, Acting Chief Executive Officer
Ms Sarah Johnson, Acting Deputy CEO of Design, Digital and Strategy
Mr Garth [redacted] General Manager, Participant Experience Design
Ms Donna [redacted] Participant Advocate
Ms Kathy [redacted] Director Strategic Advice, Policy, Advice and Research
Ms Marina [redacted] Assistant Director, Independent Advisory Council
Mr Matthew [redacted] Assistant Director, Strategic Advice
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council Secretariat

Attending

Ms Meredith Allen, NDIA Board Director
Mr Paul [redacted] Branch Manager Australia's Disability Strategy
Ms Belinda [redacted] AM (Council's Independent Consultant)
[redacted] s47F- personal privacy

Apologies

Mr Jim Minto, Acting NDIA Board Chairman
Mr Gavin Burner, Intellectual Disability Reference Group Member
Mr Mark Tonga
Dr Sam [redacted] General Manager Policy Advice and Research
Ms Karen [redacted] Group Manager Disability Strategy

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.04pm.

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

The Principal Member noted apologies from Dr Sam ^{s22(1)(a)(ii) - irrelevant} and the Board Chair who were unable to attend the meeting. The Principal Member also advised Council that Board Director Meredith Allen will be joining the meeting today but will be one hour late.

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

- Out of Session meeting reports from the Secretariate:
 - Participant Employment Strategy Refresh
 - LAC Capability Framework

The Principal Member advised Council

- Dr Taleporos is the Council representative on the newly established Alternative Dispute Resolution Oversight Group, noting Ms Malowney is also a member of the group in an individual lived experience and advocacy capacity.
- An expression of interest is out for the National Mental Health Sector Reference Group seeking a Council representative to join the group. This is to create stronger links between the group and Council and enhance communication on common issues. Please reach out to the Secretariat if you are interested.
- A voluntary in camera session will be held at the end of the meeting for those Members who are interested and can attend. Also noting an additional in camera session is scheduled this Wednesday to discuss outcomes from the Minister session at the previous Council meeting in September.

The Principal Member expressed thanks to Ms Paor and Dr Jay for their work at the Intellectual Disability Reference Group meeting and pre-brief last week. The Principal Member said it was a great meeting, with lots of discussion around the home and living and supported decision making co-design policies.

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.

The following declarations were made by Members;

- [s47F- personal privacy](#)

- s47F- personal privacy [REDACTED]

The Principal Member reminded Members that sometimes Conflict of Interest declarations may not be public when declared and to be mindful of this confidentiality.

Council approved the minutes from the meeting held on 21 September 2022 and noted the matters arising.

1.3. CEO update

The Principal Member, on behalf of Council, acknowledged the hard work of Dr Studdert, who is finishing in her role as Acting CEO. The Principal Member noted Dr Studdert has shown true dedication to the NDIA, and Council has appreciated her commitment and honest engagement over the past few months. The Principal Member advised Ms Rebecca Falkingham will commence tomorrow in the role of CEO, and hopefully will be able to join the next Council meeting in November.

Dr Studdert noted that the Disability Reform Minister's Meeting is this week and provided Council with an overview of discussion topics.

Dr Studdert advised that the Agency has initiated the Independent Expert Review program, which aims to provide participants with an alternative dispute resolution. She said this is a voluntary program and participants can still proceed with the Administrative Appeals Tribunal (AAT) process. Dr Studdert also noted the establishment of an Oversight Committee for this program to oversee the process.

Dr Studdert said the Agency continues its focus on hospital discharge and the covid response. Dr Studdert also noted the Agency is mobilising their flood response to identify participants at risk.

Members said that throughout the pandemic the Agency has been both proactive and reactive to situations. Members stressed that COVID was not over for everyone and suggested that a lesson learned session between the Agency and Council would be beneficial to prepare for the next wave. Members also suggesting this could assist with future disaster responses.

Members queried whether air purifiers were claimable through an NDIS plan for those participants that need them. Dr Studdert advised she was sure they were, however requested to revert back to the group at the end of the meeting to confirm the details.

Council were pleased the Independent Expert Review program had commenced, noting their interest in hearing further detail about the program including the nature of cases and any themes arising.

Members thanked Dr Studdert for the comprehensive updates and acknowledged the efforts of Agency staff.

Action 1: Secretariat to organise an OOS meeting of Council and NDIA to discuss lessons learnt in the pandemic response, which could contribute to future disaster response.

Action 2: Secretariat to add alternative dispute resolution process review, including an overview of AAT cases as a future agenda item.

2. Council Reports

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

The Principal Member welcomed Ms ^{s22(1)(a)(i) - irrelevant} NDIA Participant Advocate to observe the session.

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

- concerns about the sustainability of small providers, not-for-profit and disabled people's organisations. Members noting many of these organisations are struggling to secure the appropriate funding needed to run their organisations and compete with large corporate providers.
- concerns around NDIS participants in hospitals requiring care that is above and beyond what hospital staff can assist with, therefore participants need to use their NDIS supports. Members suggesting the need for a national protocol to ensure consistency of practice.
- issues with accessibility of retirement villages / aged care homes, noting communal areas are very accessible, whilst individual units are not.
- ongoing issues around lack of intellectual disability awareness and skills of professionals, including doctors, nurses and mental health professionals and corrections officers. Members noting this can disadvantage people with intellectual disability, especially those with mental health concerns, accessing the right supports.
- continued concerns around thin markets, workforce shortages and skilled workers within the disability sector.
- lack of advocacy services within the Northern Territory (NT) is extremely concerning, impacting a participants' ability to contest their plan at AAT. There have been no new AAT appeals from NT in the last 6 months. Members stressing the importance of raising this issue with the Department of Social Services (DSS) as a matter of urgency.
- concerns about the high cost and administrative burden of provider registration for small business and participants who self-manage.
- ongoing issue surrounding the lack of engagement with original stakeholders on the First Nations and Remote / Very Remote strategies, and the potential reputational risk this will cause. Members stressed the importance for the Agency to engage with the original Aboriginal and Torres Strait Islander leaders as soon as possible.

- concerns participant plans reduce in value with plan variations, due to prorating. This can impact participants who have banked their plan funding for periods of high support needs, such as school holidays.
- Employment for people with disability, especially those with intellectual disability. Members raised the importance for the Agency to be an employer of choice in this space.
- Inadequate access to services in regional areas, impacting local participants getting the support they need.
- Plan cuts or unexpected funds cancellation.
- Long delays to receive approvals for home modifications.
- Concerns around the closure of Western Australian Individualised Services (WaiS) due to funding issues and the systemic issue this raises around the future of capacity building organisations.
- Agency conducts consultations with different groups (people with disability, providers) separately (for example people with disability separately). Members raising that bringing various stakeholders together at once would be beneficial.

Dr Studdert noted the feedback and themes raised by Members and provided some comments back to the meeting.

Action 3: Agency to reconvene the original Aboriginal and Torres Strait Islander leaders about the First Nations and Remote / Very Remote strategies as soon as possible.

Action 4: Concerns around lack of advocacy services in NT, resulting in zero AAT appeals in NT to be raised with DDS.

3. Co-design Update

3.1. Update on Co-Design Advisory Group activities

The Principal Member noted we would hold over the update on Information Gathering for Access and Planning (IGAP) project from Mr Tonga to the next meeting as he was unable to attend today.

The Principal Member updated Council on out of session discussions around Participant Safeguarding following feedback at the last Council meeting. She then opened the discussion to Members for feedback on the progress of Co-design activities. Members raised the following points:

- pleased with genuine, open, and honest engagement between Minister Shorten and the Co-design Advisory Group
- the need for the Agency to have open conversations with people with disability and other key stakeholders such as providers in the same room.

- engaging the Co-design Advisory Group in relation to the NDIS review is important.
- stressed the importance of the inclusion of the voice of women and young people in co-design.
- Co-design update paper should reflect actual progress of activities. This is not apparent under the First Nations Strategy project. Additionally, Members requested a copy of the member list of First Nations Advisory Group mentioned in the paper.

Action 5: Questions on Notice from Ms Cullen:

- *Who are the members of the First Nations Advisory Group, contributing to the First Nations Strategy as mentioned in the Co-design update?*
- *Can the Agency clarify what decisions have already been made?*

4. Australia's Disability Strategy

4.1. Briefing on Australia's Disability Strategy

Mr Hardcastle updated Members on the progress of Australia's Disability Strategy (Strategy), including the:

- current consultation to inform the Strategy Guides. Noting the guides are to assist governments, businesses, and the community to ensure policies, programs and services are appropriate and accessible for people with disability.
- upcoming National Forum

Members provided the following feedback:

- importance of including people with intellectual disability on the Strategy's Advisory Council.
- the need to look at outcomes and support across the 'life span' of people with disability, as requirements change over time.
- improve access to appropriate housing for people with disability.

Members thanked Mr Hardcastle for his update and offered their continued support assistance. Mr Hardcastle suggested feedback from Council on the Strategy Guides would be helpful.

Action 6: Council to provide feedback on the Strategy Guides to the Strategy Unit, as well as the Strategy Unit to provide feedback to Council on the Strategy.

5. 3P update

5.1. Update on 3P (Participants, Platform and Processes) Initiative

Ms Johnson, Mr [redacted] and Mr [redacted] provided Council with an update on the 3P (Participants, Platform and Processes) initiative. This included an overview of communications and engagement with people with disability, staff, partners, and the disability sector.



Members also received a demonstration of the new 'my NDIS' participant portal. Members feedback included:

- the ability to incorporate Easy Read translations and imagery into the participant portal would be beneficial.
- the importance of testing the portal with First Nations people, communities from remote and very remote Australia, and people with intellectual disability.

Members were pleased with the Agency's progress and looked forward to hearing about the results from the new system testing occurring in Tasmania.

6. Meeting close

6.1. Other Business

The Principal Member provided an update on the timing of Council advice to the Board, noting:

- Equity in the NDIS – November 2022 or January 2023
- Voice of Children and Young People – March 2023.
- Behaviour Supports – April 2023.

6.2. Next Meeting

The next meeting will be 21 November at 1pm (AEDT).

The Principal Member invited Members to a voluntary 'in camera' session to those who could join following the meeting and closed the meeting at 5.00pm.

Themes from meeting chat

- Dr Studdert replied to queries regarding air purifiers:
 - Time-limited inclusion of portable air purifiers as part of [flexible low cost AT for support continuity](#) (for eligible participants only)
 - Updated [fact sheet](#)
 - Updated [COVID Addendum effective 1 October 2022](#)
 - [Using your budget – low cost AT for support continuity](#)
 - Flexible low cost AT for support continuity | NDIS
The COVID-19 pandemic changed the way some supports can be delivered, with technology enabling support continuity through telehealth, video conferencing and other technologies.



OFFICIAL

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 5 of 2022-23

Date: Monday 21st November 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 UPDATE **2.30pm-3.00pm**

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

SESSION 4: ILC **3.00pm-3.45pm**

- ITEM 4.1 Information, Linkages and Capacity Building Update
Presenter: Karen s22(1)(a)(ii) - irrelevant materia Group Manager Disability Strategy, and Sarah s22(1)(a)(ii) - irreleva Branch Manager, Disability Support Branch, Department of Social Services

Break 3.45pm-4.00pm

SESSION 5: NDIS REVIEW **4.00pm-4.50pm**

- ITEM 5.1 Briefing on the NDIS Review
Presenter: Prof Bruce Bonyhady AM and Ms Lisa Paul AO PSM, NDIS Review Co-Chair



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 5 – 21 November 2022

1.00pm to 5.00pm, hosted on MS Teams

Members

Ms Leah Van Poppel
Ms Kerry Allan-Zinner
Adjunct Associate Professor Jennifer Cullen
Ms Sylvana Mahmic
Ms Tricia Malowney OAM
Mr James Manders
Ms Sam Paor
Dr Leighton Jay
Dr George Taleporos
Mr Mark Tonga

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair
Ms Estelle Pearson, NDIA Board Director
Ms Rebecca Falkingham, Chief Executive Officer
Ms Sarah Johnson, Deputy Chief Executive Officer Strategy and Service Improvement (10 mins)
Dr Sam [redacted] General Manager Policy Advice and Research
Ms Marina [redacted] Assistant Director, Independent Advisory Council Secretariat
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council Secretariat
Ms Carly [redacted] Assistant Director, Independent Advisory Council Secretariat
Ms Rebecca [redacted] Project Officer, Independent Advisory Council Secretariat

Attending

Professor Bruce Bonyhady AM, NDIS Review Co-Chair
Ms Lisa Paul AO PSM, NDIS Review Co-Chair
Ms Sarah [redacted] Branch Manager, Disability Support Branch, Department of Social Services
Mr Tony [redacted] Director, Disability Support Branch, Department of Social Services
Mr Gavin Burner, Intellectual Disability Reference Group Member
Ms Belinda [redacted] AM (Council's Independent Consultant)

s47F- personal privacy

Observers

[redacted] s47F- personal privacy, Acting Participant Advocate (session 2)
Ms Fiona [redacted] Branch Manager, Partner Program (session 4)
Mr James Maclsaac, NDIS Review Secretariat (session 5)

Apologies

Dr Sharon Boyce, Council Member
Ms Liz Reid AM, Council Member
Dr Ben Gauntlett, Disability Discrimination Commissioner

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.04pm.

Adjunct Associate Professor Cullen provided an acknowledgement of the Traditional Custodians and Owners of the lands on which Members and attendees were meeting.

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

- Diwali/Festival of Lights – 24 October
- Remembrance Day – 11 November
- Transgender Day of Remembrance – 20 November

The Principal Member noted apologies from Dr Sharon Boyce, Ms Liz Reid, and Dr Ben Gauntlett who were unable to attend the meeting.

The Principal Member welcomed new Chief Executive Officer Ms Rebecca Falkingham and new NDIA Board Chair Mr Kurt Fearnley to the meeting.

The Principal Member acknowledged and thanked outgoing Deputy Chief Executive Officer and Scheme Actuary Ms Sarah Johnson for her contributions as she is departing the NDIA at the end of November.

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

- Out of Session meeting reports from the Secretariat:
 - Home and Living Demonstration Project Update OOS Meeting
 - School Leaver Supports OOS Meeting
 - Participant Reference Group
- Agency update on 3P initiative

The Principal Member advised Council:

- That the NDIA has nearly completed their Response to Council's Formal Advice 'Improving Equity in the NDIS'. The Advice and NDIA Response will go to the Board in early 2023.
- A voluntary in camera session will be held at the end of the meeting for those Members who are interested and can attend.

1.2. Confirmation of minutes, matters arising, and declaration of interest

Council endorsed the 17 October Council Minutes and noted some minor changes:

- A change in language for 'concerns around hospital staff refusing to give NDIS participants personal care' to 'concerns around NDIS participants in hospitals requiring care that is above and beyond what hospital staff can assist with, therefore participants need to use their NDIS supports'
- A change in language for 'lack of advocacy services within the Northern Territory (NT) is concerning' should be listed as more than concerning.

Council noted the matters arising.

The Principal Member noted that at the 17 October Council Meeting there was discussion about Council providing a submission to DSS' consultation on the Strategy Guides. Unfortunately, due to the limited capacity of Council's Independent Consultant and the Secretariat this would not occur by the due date (27 November). Instead, DSS will be invited to present to Council on what they've heard and receive Council's feedback verbally.

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

The following declarations were made by Members;

- s47F- personal privacy

Action 1: Secretariat to update to 17 October Council Minutes and circulate the revised document to Dr Boyce, Dr Taleporos and Dr Jay.

Action 2: Secretariat to invite DSS to a future Council Meeting to discuss the Strategy Guides.

1.3. Board Chair and CEO update

Mr Fearnley commended the expertise of Council and noted that it is fundamental to the success of the NDIS. He provided a brief overview of his activities in the first five weeks as Board Chairperson, noting his current priority was to engage with NDIA staff and listen to people with disability to understand the challenges and concerns, aiming to rebuild trust in the Scheme. Mr Fearnley noted that he is looking forward to working with and learning from Council.

Ms Falkingham noted the thorough wisdom Council Members bring to the NDIA and committed to continuing to work closely with Council. Since becoming the NDIA CEO, her priorities have included:

- The rollout of PACE, the new NDIA business system, in Tasmania
- Hospital discharge
- Fraud taskforce
- Continuity of supports
- Thin markets
- NDIA recruitment processes to improve representation of people with disability across NDIA staff.

Members noted:

- A request for a brief report from the Board Chair/ CEO before Council's meetings on key areas that they are working on, so that members can raise questions at the meeting.

Action 3: Secretariat to discuss with CEO's office and Board Secretariat on how updates from Ms Falkingham and Mr Fearnley could be provided.

2. Council Reports

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

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

NDIS planning

- Concerns that the '[Would We Fund It – Generators Operational Guideline](#)' does not take into consideration the reality experienced by people with disability living in regional and remote areas of Australia, where electricity supply is commonly unreliable.
- Concerns about the inconsistency in time for decisions. Reports that some decisions take only 3 days, while others can wait up to 12 months for the same request.
- Concerns that some participants are receiving 3 year plans, with funding for 12 months. Repairs and maintenance are also not being factored into longer plans.

Providers

- Continued reports of issues with provider registration processes, particularly for First Nations providers and in remote locations.
- The need to raise awareness amongst participants and their families of the NDIS Quality and safeguards Commission as the main body to report abuse, neglect or unsafe provider practices. Members expressed concern that participants and their families still do not know who to report to.
- Reports of the poor condition of some Specialist Disability Accommodation (SDA) housing, with some participants noting the state of some residences as in their opinion unliveable and dangerous, putting participants safety at risk.

Pricing Review

- Concern about the NDIS Annual Price Review not including Individualised Living Options (ILO). This risks ILO sustainability, as it does not take into consideration the increases in SCHADS Awards which significantly impact on ILO pricing.
- Concerns about Support Coordination rates not being increased in the last 3 years. This reduces the ability of smaller, person-centred, organisations to supply high quality support coordination services.
- The importance of the current SDA Pricing Review in shaping the SDA housing market. Members were concerned that if the Review does not promote good practices in the market, it may result in an increase of institutions and participants becoming homeless.

Disability community



- Concerns about the negative way the media portrays participant spending, despite it being in line with NDIS guidelines. Members commended Minister Shorten for his public support for participants.
- The need to match the Disability Support Pension to the Aged Pension.
- A need for the NDIA to acknowledge and award innovation in providers and participants. This could be achieved via a Conference or dinner hosted by the Independent Advisory Council.
- Concerns that participants do not understand how to make an appeal and what the process is.

NDIA Operations

- There is a perceived lack of employment opportunities for people with intellectual disability at the NDIA.
- The need for the NDIA to be a leader in employing people with intellectual disability.
- Reports of ongoing delays with the NDIS call centre and not having enquiries appropriately dealt with.
- The need to include information about how people with disability can appeal an access decision in NDIA's written communications to participants.
- Ongoing reports of participants and providers having difficulty finding and keeping skilled disability workers.
- Concern that the mention of draft plans has been removed from the Service Improvement Plan.

Government/Mainstream Interface

- A need for data sharing between the State/Territory Governments and the Commonwealth Government.
- The need to have more discussions with State and Territory Governments about the importance of data sharing arrangements related to NDIS participants in the criminal justice system.
- Reports of children with disability living in residential institutions being significantly underrepresented in the NDIS. The NDIA needs to work with state and territory governments to ensure this vulnerable population receive adequate support to access the NDIS.
- Reports of nominees using their children's log ins for myGov, due to the previous lack of guidance from the NDIA. This has resulted in delays in payments, and/or an ability to access supports and services, when the nominee seeks to change the plan management style to include Self-Management.

Remote/very remote

- Reports of sharp practices in the Northern Territory by Supported Independent Living (SIL)/ILO/SDA providers.
- Concerns about how some large providers and the Guardianship Board are interacting.

Ms Falkingham and Dr ^{s22(1)(a)(ii) - irrelevant} noted the feedback and themes raised by Members and provided some comments back to the meeting.

Dr ^{s22(1)(a)(ii) - irrelevant} noted that a new process has been developed to provide written answers to questions raised in this section of the meeting. Members received their first written report on 8 November 2022. New information will be circulated to members after each Council meeting.

3. Co-design Update

3.1. Update on Co-Design Advisory Group activities

Mr Tonga provided an update on the work of the Information Gathering for Access and Planning (IGAP) Steering Committee.

Members noted:

- The importance of prompt and transparent communications about the work of the Steering Committee. In particular about the nature of its work, pace and engagement to date.
- The need to have balanced views between health and medical professionals and people with disability and their families.
- The importance of co-design in all aspects of the project, including planning, implementation and evaluation.

4. Information, Linkages and Capacity Building

4.1. ILC Update

Ms Sarah ^{s22(1)(a)(ii) - irrelevant} Branch Manager Disability Support, Department of Social Services, briefed Council on the current work related to ILC including:

- Building Employer's Confidence Grant Round
- Development of a Sector Advisory Panel to provide input and advice to DSS.
- Extending the funding of over 350 existing ILC grants until June 2024. This ensures continuity of services for some grant recipients who had expressed interest in continuing their programs or services.
- Delays in the development of the ILC Strategy. This is due to a need to wait for any recommendations the NDIS review may make in relation to ILC.
- Developing a performance framework to better analyse ILC data and evaluate grants outcomes.
- Work related to increasing ILC funding in rural and remote areas
- Work related to improving the ILC grant application process, to make it more accessible and easier for organisations to apply.

Members feedback included:

- The need to provide some advisory service to assist smaller disability and family organisations with the grant application processes, as some may have good programs but not the capacity to apply.
- Questions about the membership and terms of reference of the Sector Advisory Panel.
- The need to provide a platform for current grant recipients to connect with each other, to maximise networking and shared learnings.
- Some grass roots peak bodies have received grants; however, costs have risen significantly and/or they are not able to fill jobs.
- Providers are reporting that the ILC reporting documents are not accessible and are difficult to use.
- Ongoing concern about the ILC program sitting outside of the NDIA.
- Inconsistent communications with grant recipients, with some being told they are unable to sell products developed as part of a grant, while others are not told this.

Action 4: DSS to address the following questions:

- How many new competitive grant rounds have gone out since ILC moved to DSS?
- How much funding has gone out in non-competitive grant funding since ILC moved to DSS?
- Can you please provide the email on the Social Ventures Australia workshop consultations?

5. NDIS Review

5.1. Briefing on the NDIS Review.

The NDIS Review Co-chairs, Professor Bruce Bonyhady AM and Ms Lisa Paul AO PSM held a closed session with Members.

Action 5: From February 2023, Secretariat to invite the NDIS Review Panel to Council and Reference Group meetings to provide updates.

6. Meeting close

6.1. Other Business

Nil.

6.2. Next Meeting

The next meeting will be 15 December at 1pm (AEDT).

The Principal Member invited Members to a voluntary 'in camera' session to those who could join following the meeting and closed the meeting at 5.15pm.

Themes from meeting chat

- Acknowledgement of Sarah Johnson's contribution to the NDIS since 2014 and best wishes from members
- SDA Pipeline issue
- Community support for appointment of new NDIA Board Chairperson and NDIS Review
- The role of the Professional Advice Panel



OFFICIAL

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 6 of 2022-23

Date: Thursday 15 December 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: COUNCIL'S ADVICE **2.30pm-3.20pm**

- ITEM 3.1 Operationalising intersectionality
- ITEM 3.2 Voices of children and young people

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

SESSION 4: CO-DESIGN UPDATE **3.20pm-3.50pm**

- ITEM 4.1 Update on Co-Design Advisory Group activities

Presenter: Leah Van Poppel

Break 3.50pm-4.05pm

SESSION 5: COMPLEX NEEDS **4.05pm-4.50pm**

- ITEM 5.1 YPIRAC and Hospital Discharge

NDIA Representative: Chris s22(1)(a)(ii) - irrelevant material *Branch Manager YPIRAC and Hospital Discharge*



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 6 – 15 December 2022

1.00pm to 5.00pm, hosted on MS Teams

Members

Ms Leah Van Poppel
Ms Kerry Allan
Dr Sharon Boyce
Adjunct Associate Professor 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

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair
Ms Rebecca Falkingham, Chief Executive Officer
Dr Sam [redacted] General Manager, Policy Advice and Research
Ms Chris [redacted] Branch Manager, YPIRAC Hospital Discharge Interface
Mr Matt [redacted] Branch Manager, Mainstream Interface & Royal Commissions
Ms Kathy [redacted] Director, Strategic Advice
Ms Lirije [redacted] Assistant Director Communications, Independent Advisory Council Secretariat
Ms Carly [redacted] Assistant Director, Independent Advisory Council Secretariat
Ms Jaklin [redacted] Senior Project Officer, Independent Advisory Council Secretariat

Attending

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

[s47F- personal privacy](#)

Observers

Ms Linda [redacted] Assistant Director, Office of the Participant Advocate (Session 2)
Mr Alan Blackwood, Council Independent Consultant (Session 3)

Apologies

Ms Sandra Birkenleigh, NDIA Board Director
Dr Ben Gauntlett, Disability Discrimination Commissioner

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.04pm.

Adjunct Associate Professor Cullen provided an acknowledgement of the Traditional Custodians and Owners of the lands on which Members 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 16 Days of Activism against Gender-Based Violence – 25 November to 10 December.
- International Human Rights Day – 10 December.
- International Day of People with Disability – 3 December.

The Principal Member noted:

- Ms Reid would be 30 minutes late
- Mr Fearnley, Board Chair, would arrive late due to an existing commitment.
- Ms Falkingham, CEO, would only be able to join part of the meeting due to Senate Estimates commitments.

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

- Out of Session meeting reports from the Council's Independent Consultant and the Secretariat:
 - Early Childhood Supports - Capacity Building OG
 - Hospital Supports
 - Behaviour Supports OG
 - Home and Living Demonstration Projects Round 2
 - Participant Safeguarding
 - NDIS Quality and Safeguards Commission
- Member's Report – Participant Reference Group
- Agency update on 3P initiative

The Principal Member opened discussion around the meeting with NDIS Quality and Safeguards Commission (the Commission). Members noted:

- concerns around children and young people, particularly those under six, and the need for registered providers.



- concerns with the lack of visibility of the Commission in the disability community. This includes information about the Commission's role in helping participants and referral processes for participants. There is also misinformation in the community about the Commission's role in cuts to personal care supports.
- The NDIS Workforce Capability Framework is an important resource. It may help participants learn about the skills and knowledge expected of workers funded under the NDIS.

The Principal Member noted Member concerns, asked Dr Taleporos to provide a report of the meeting, and requested a follow up discussion be arranged with the Commission in the new year.

Action 1: Dr Taleporos to provide a written report about the meeting with the Commission.

Action 2: Secretariat to arrange a follow-up discussion between Council and the Commission early in 2023.

1.2. Confirmation of minutes, matters arising, and declaration of interest

Council approved the minutes from the meeting held on 21 November 2022 and noted the matters arising.

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

s47F- personal privacy

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

1.3. Board Chair and CEO update

Mr Fearnley restated the expertise and value Council adds to the NDIS, reiterating its importance and his view of Council as a priority.

Mr Fearnley provided an overview of his recent activity including:

- Initial meeting with the NDIS Review panel, and the taskforce that underpins it – to build the relationship
- The last Board meeting of the year was held in November.

- Disability Reform Minister's Meeting – discussion on the NDIS Review and progress to date

Ms Falkingham noted the thorough wisdom Council Members bring to the NDIA and committed to continuing to work closely with Council. Since becoming the NDIA CEO, her priorities have included:

- Administration Appeals Tribunal – commending the work of Graeme Innes and the Independent Expert Review team for reduction in AAT cases
- The rollout of PACE, the new NDIA business system, in Tasmania
- Establishment of the Fraud taskforce, and achievements to date across Fraud
- Pilots for Thin markets
- NDIA recruitment processes to improve representation of people with disability across NDIA staff.

Members raised:

- the need to focus on those groups that are most marginalised, when looking at fraud, including those from cultural and linguistic diverse (CALD) backgrounds and women with disability.
- the importance of employment for people with disability. Members suggesting the Agency should be the leader in employment of people with disability, particularly those with intellectual disability.
- importance of people with disability requiring employment supports at various stages in their life, not only in their younger years. Members highlighting Aboriginal and Torres Strait Islander communities do this very well.

2. Council Reports

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

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

- Positive feedback from the disability community about Council's Work Plan for 2022-23.
- Positive feedback from on the work undertaken to improve hospital discharge processes.
- Positive feedback on how NDIA State Managers have responded to issues raised by Council members
- The importance of Council engagement with the NDIA's First Nations Advisory Group, which is currently being set up.
- Organisations and government agencies that give jobs to people with disability must be more inclusive. Especially around plain English and Easy Read.

- Challenges with support workers, including the lack of training for support workers to properly support people with disability who experience psychosocial disability/mental health issues.
- Challenges with local area coordinators, including lack of training or expertise to properly support people with disability.
- Difficulties for parents of children with disability accessing accessible playgrounds in some jurisdictions, due to locked gates for fear of vandalism. Members stressing the need for local councils to be aware of the logistical challenges faced by parents to get children to accessible playgrounds.
- Concerns around inconsistent practice when transitioning six year old children to the next stage of the Scheme.
- Concern around the costs associated with diagnostic services for children with disability, who need evidence to enter the NDIS. Members noting sharp practice is happening in this area.
- Concerns around the way in which the Agency exits children from the NDIS, noting this is often without warning. Members suggesting a step-down approach to transition therapy and supports would be beneficial.
- Ongoing concern for those participants who face plan reductions.
- Concern that three-year plans do not fund the whole three-year period. For example, only one year of speech therapy in a three-year plan.
- Concerns that self-managed participants are moved to Plan, or Agency managed following a plan review without notification or reason. Members offering to provide the Agency with examples.
- Concerns around provider behaviour, where some providers submit many invoices with the same services on the same dates.
- Positive outcomes around a proactive community-based approach to planning in parts of the Northern Territory.
- Issues with a surge of private investors in Darwin and the Northern Territory looking to establish specialist disability accommodation (SDA) that replicates aged care settings and does not give participants choice and control about where they live.
- Some SDA currently under construction in areas that people with disability do not want to live. Members raising the importance of builders consulting with the disability community before they start SDA constructions.
- An interest in understanding the number of COVID-related deaths of NDIS participants.

Dr s22(1)(a)(i) - Irrelevant in Ms Falkingham's absence, noted the feedback and themes raised by Members and provided some comments back to the meeting.