

The market issues and its lack of perfect competition, resulting in a need to improve market stewardship. Co-Chairs noted that the market has been primarily guided by the price of supports, set by the NDIA. The NDIS Review Panel will present a paper at the next DRMC meeting to unpack pricing and how it is guiding behaviours and outcomes, with a view to starting a conversation about a different approach to pricing.

The need to realign provider incentives, removing perverse incentives and bringing in the right ones.

The need to work on the interface of the NDIS with other systems, and how the current agreements are not working for participants. There is a general view that the Scheme is the 'funder of last resort', so it is not surprising the Scheme has more participants, and costs more, than anticipated.

The need for the Scheme to focus on outcomes. While there is general agreement that the NDIS has resulted in significant benefits for participants, we cannot currently say what outcomes the Scheme achieved in Australia.

Member's feedback included:

The need to ensure genuine co-design in the development and implementation of the recommendations. Co-Chairs noted that the Review is constrained by the 12-month timeline set by the government and stressed their commitment to consulting with the community at each step (including testing the recommendations before publishing) as much as feasible within that timeline.

The ongoing interface issues with the education system, including the lack of support from States and Territories for students with disability, and the issues with intersectionality.

The need to look at gender inequality in the Scheme.

The possibility to use some of the principles behind the Pharmaceutical Benefits Scheme (PBS) to influence the operation of certain markets (i.e. use the government's procurement power to get better prices for goods/services).

4. Council's Work Plan

4.1. Council's Priorities for 2023-24.

Due to time constraints, this item will be discussed at an out of session meeting.

Action 11: Council to meet out of session to discuss the work plan for 2023-24.

5. PACE

5.1. 3P Test Evaluation: preliminary findings and next steps

Mr. Garth s22(1)(a)(ii) - imeleva General Manager, Participant Experience Design provided an overview of the Tasmania Test of PACE and its evaluation, including NDIA engagement with Disability Representative and Carer Organisations (DRCOs) and Partner staff, and the evaluation's preliminary findings.



The Principal Member noted Council met with Tasmanian DRCOs and Partners on 12 April to discuss their experiences with the test.

Members' feedback included:

The high cost of cyber security accreditation, which is required by some government organisations when other service providers store personal information, and whether this will be required of NDIS service providers.

The importance of ensuring NDIS systems and technology do not disadvantage participants in remote and very remote communities, where internet connectivity, access to technology and language can have an impact on participant's ability to access PACE.

The need to look at the practices and processes that sit behind the technology, including capacity building of NDIA and Partner staff. PACE is just a part of a broader ecosystem, and 3P (process, platforms and people) has the potential to translate to better outcomes for participants.

The work of Flinders University on data sovereignty (funded by the Commonwealth government with a focus on brain injury research) and the importance of the NDIA learning from this work.

The need to streamline the process of identification for participants, and to ensure the NDIS is linked with other government services via myGov, saving participants the need to prove their identity at each contact point. Members also questioned how the proof of identification would work for people who do not have birth certificates or a valid form of identification.

Mr. [redacted] noted that the NDIA would welcome feedback on the evaluation report once published, including what needs further investigation or testing.

Action 12: Question on Notice: Will the NDIA require registered providers who store participant data to complete the ISO 27001 accreditation?

Action 13: Mr. [redacted] to brief Council at a future meeting on how PACE would work for participants and their families in remote and very remote communities.

Action 14: Secretariat to circulate papers from Flinders University on data sovereignty.

5.2. Demonstration – my NDIS Portal and updated my NDIS app

Mr. Alex [redacted] General Manager Digital, and Ms. Lisa [redacted] Director, Participant digital experience provided an overview of the updated My NDIS Portal.

Members' feedback included:

The ability for the portal to show the full length of plan (i.e. 3 years instead of just 12 months)

Allowing participants to discard invoices once uploaded, instead of keeping records for five years as is current practice.

Positive feedback on the inclusion of an inbox for the NDIA to communicate directly with participants.

The ability to upload bulk invoice claims, and to include optical character recognition, to allow the system to 'read' the invoices and prefill information.

A demonstration of the updated app was unable to be provided due to issues with the technology. The Principal Member asked Ms. s22(1)(a)(i) - irrelevant to provide this out of session with Members who were interested.

Members discussed the next steps for Council in relation to PACE.

Action 15: Council to meet out of session to agree on next steps in relation to PACE.

Action 16: Secretariat to circulate a summary of the discussions held on 12 April.

6. Meeting close

6.1. Other Business

6.2. Next Meeting

The next meeting will be on Thursday 18 May via MS Teams.

Actual order of proceedings: sessions 1.1, 1.2, 1.3, 2.1, 3.1, 2.2, 5.1, 5.2

Minutes - P 273



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AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 9 of 2022-23

Date: Thursday 18 May 2023

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-1.15pm

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

SESSION 2: COUNCIL UPDATES 1.15pm-2.15pm

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

Break 2.15pm-2.30pm

SESSION 3: COUNCIL'S ADVICE 2.30pm-3.15pm

- ITEM 3.1 Improving the NDIS for children and young people.
Presenter: Leah van Poppel and Belinda s22(1)(a)(ii) - irrelevant material

Break 3.15pm-3.30pm

SESSION 4: AAT 3.30pm-4.15pm

- ITEM 4.1 Independent Expert Review Program
NDIA representative: Dr Graeme Innes AM, NDIA Board Director, Mr Matt Swainson, General Manager Chief Counsel Legal and Mr Andrew Ford, Deputy Chief Counsel, ADR Expert Review Program

SESSION 5: WORK PLAN 2023-24 4.15pm-4.55pm

- ITEM 5.1 Council's Work Plan 2023-24
Presenter: Leah van Poppel



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SESSION 6: MEETING CLOSE

4.55pm-5.00pm

ITEM 6.1 Other business

ITEM 6.2 Next meeting



Minutes of the Independent Advisory Council (IAC) to the NDIS

Meeting 9 – 18 May 2023

1pm – 5pm – hosted on Ms Teams.

Members

Ms Leah Van Poppel
Dr Sharon Boyce
Adjunct Associate Professor Jennifer Cullen (from session 3.1)
Dr Leighton Jay
Ms Sylvana Mahmic
Ms Tricia Malowney OAM
Mr James Manders
Ms Sam Paior
Dr George Taleporos

IAC Expert Advisor

Dr Ben Gauntlett, Disability Discrimination Commissioner

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair
Dr Graeme Innes AM, NDIA Board Director and Chair of the IER Oversight Committee (session 4.1)
Ms Corri McKenzie, DCEO Service Design and Improvement
Ms Debbie Mitchell, DCEO Governance, Risk and Integrity (session 4.1)
Mr Matt Swainson, Chief Counsel, Legal (session 4.1)
Mr Andrew Ford, Deputy Chief Counsel, ADR Expert Review Program (session 4.1)
Ms Kathy [redacted] Director, Strategic Advice
Ms Marina [redacted] Assistant Director, IAC Secretariat
Ms Lirije [redacted] Assistant Director Communications, IAC Secretariat
Ms Jaklin [redacted] Senior Project Officer, IAC Secretariat

Attending

Mr Gavin Burner, Member of IAC's Intellectual Disability Reference Group
Ms Belinda [redacted] AM, IAC's Independent Consultant
Mr Allan Blackwood, IAC's Independent Consultant

[s47F- personal privacy](#)

Observers

Ms Donna [redacted] Participant Advocate (Session 2)

Apologies

Ms Kerry Allan, Member (taken leave of absence)
Mr Mark Tonga, Member (taken leave of absence)
Ms Liz Reid AM, Member
Ms Rebecca Falkingham, Chief Executive Officer
Dr Sam [redacted] General Manager, Policy, Advice and Research

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 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 the IAC looks to represent. Additionally, the Principal Member recognised several key events and dates that have occurred over the past month, including:

- ANZAC day on 25 April.
- International Day Against LGBTIQ+ Discrimination (IDAHOBIT) on 17 May.
- Global Accessibility Awareness Day on 19 May.

The Principal Member:

Noted the apologies from Liz Reid, Rebecca Falkingham and Sam s22(1)(a)(ii) - irrelevant noting Jennifer Cullen may join the meeting if able.

Welcomed Board Chairperson Kurt Fearnley and Corri McKenzie, DCEO Service Design and Improvement.

Noted the recent meetings of the Home and Living and the Children, Young People and Families Reference Groups. Co-Chairs Leighton Jay and Sylvana Mahmic provided a brief update on each meeting.

The Principal Member noted the information available in Diligent's Resource Centre including:

A paper on Indigenous Data Sovereignty by Dr Courtney Ryder that was mentioned at the April meeting.

Reports on the meetings held on Claim at Point of Support, Intraplan Inflation and National Cabinet outcomes.

The Principal Member acknowledged the recent work IAC had been doing with the NDIA in several out of session meetings, including the recent meeting about National Cabinet outcomes with the NDIA, the Minister for the NDIS and Disability Representative Community Organisations. Members noted their concern around the NDIA ensuring their time was used effectively at these meetings, and that the size of the meetings may have been too large.

Ms van Poppel acknowledged the valued contribution of Dr Ben Gauntlet, who is stepping down from his IAC role as [Expert Adviser in June](#).

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

IAC approved the minutes from the meeting held on 13 April 2023, with the following change included to the minutes:

- Page 3, issue raised about people with complex needs in hospitals – the call need to be more around people being able to use their supports and not just baseline training.

Members noted the matters arising and the updated register of conflicts of interest circulated in advance of the meeting.

Ms McKenzie noted that the issues participants are experiencing while in hospital seem to be systemic, and committed to come back to the IAC with a proposed approach to tackle it.

Action 1: Secretariat to amend the 13 April meeting minutes.

Action 2: Ms McKenzie to work with the IAC on hospital supports for participants.

2. IAC Updates

2.1. Members and Expert Advisers: Reports ‘from the ground’

The Principal Member noted Ms. s22(1)(a)(i) - irrelevant Participant Advocate, is in attendance as observer for this session.

The Principal Member reminded participants about the need to raise systemic issues affecting participants experience with the NDIS.

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

- Reports of ongoing delays in giving fostered children and those in out of home care access to the NDIS or crisis services.
- The need for the NDIS to put families of children with disability at the centre of their lives. Reports of parents being told they cannot use the NDIS funds for parent’s education sessions and therapists not allowing family members to be present during sessions.
- Delays with processing access requests, with reports of a participant waiting 2 years to receive access. It was noted this was due to repeated human errors, and that more training is needed to flag these issues.
- Reports of Health Liaison Officers providing advice that goes against the NDIS Operational Guidelines, negatively impacting on participants.
- Ongoing reports of random increases in participants’ plans, which were not requested, yet other needed supports not being included.
- Concern from the sector about the SDA Price Guide, with suggestions the NDIA may be underestimating the cost of SDA developments.
- Calls from the disability community for the NDIS Review to release more information about the work they are doing so that the community can stay informed and up to date.
- Concern about the support given by the NDIA to providers who service participants with very complex needs living in legacy group homes. Reports that when a participant leaves the house, the provider has no funding to continue to provide 24/7 support to the remaining participant living in the property.

- Issues for participants who have AT in their plans going on longer plans (i.e., 3 years) only getting support with maintenance for the first year of the plan.
- Positive feedback and optimism in the community towards the NDIS.
- Concern about people with public guardians in Victoria not allowed to speak for themselves. They instead need to go to the Victorian Civil and Administrative Tribunal (VCAT) to get permission for this. Suggestion that this may be a national issue.
- Praise for the NDIA's work in the Northern Territory to support participants evacuated from flood-affected remote communities.
- The need for the NDIA to ensure the Price Guide drives positive behaviour in providers, with many currently making risk-free profits at the expense of participants.
- The need to manage conflict of interests between support coordinators and providers of core services. Reports of support coordinators deliberately not lodging a change of circumstances review in time so that the participant runs out of funds and their plans receive more funds at review.
- Ongoing reports of the NDIS call centre not helping participants, and not providing continuity in service and consistent messaging.
- Calls for more information, planning, and family engagement to help older people with disability with access to palliative care.
- Calls for more information and support to be provided to participants who self-manage, including proactive distribution of the Self-Management Guide.
- Reports of NDIA communications and systems breakdowns related to internal review of decision that are not looked at when/if a new plan is being developed.

Ms McKenzie noted the issues raised and provided comments back to the meeting including:

- Work currently underway on the participant planning journey, which will be a priority for over the next 2 years. This work aims to improve participant outcomes which currently do not correlate with the amount of funding included in their plans.
- The SDA Price Review will be published around June, and members can provide feedback anytime to SDAPR@ndis.gov.au.
- The implementation of the Home and Living Framework is currently going through internal approval processes. The Framework looks at the transition from support categories that came from state-based group homes into independent living arrangements, how this can be implemented and how the NDIA provide home and living supports.
- A new self-management guide is currently under development and will be published in June.

Action 3: The NDIA to provide IAC with a de-identified plan from PACE.

Action 4: IAC to meet out of session with the SDA Review team.

2.2. Board Chair and DCEO update

The NDIA Board Chair was pleased to hear about the optimism within the disability community. He thanked IAC Members for bringing the issues they hear within their networks and for their commitment to working with the NDIA and the Minister on some of the Agency's priorities, in many instances at short notice.

The Board Chair noted that the announcement of a blended payments trial will be led by the Department of Social Services, however the NDIA will engage with DSS regularly on this issue.

The Board Chair was pleased to see IAC's important work on the advice about children and young people, and looks forward to working with IAC on its implementation.

2.3. Improving the NDIS for children and young people

Ms s22(1)(a)(i) - irrelevant material provided a brief overview of the draft advice, including the changes that have occurred since IAC last saw this advice.

Members feedback included:

- The importance of this advice for both the NDIA and NDIS Review, noting there is work starting in the Agency which seems consistent with some of the recommendations in the advice.
- The need for the advice to include a table of acronyms, and a clear definition of what constitutes a family, noting the cultural considerations behind it.
- The advice assists the NDIA in understanding the unique characteristics and needs of children and young people with disability and the importance of their families.

IAC endorsed the advice, which is estimated to progress to the NDIA Board in July 2023.

3. Administrative Appeals Tribunal (AAT)

3.1. Independent Expert Review (IER) Program

Dr Innes AM opened the session providing an overview of the establishment of the IER trial, and his role as Chair of the Oversight Committee. Mr. Swainson and Mr. Ford talked to the operations and deliverables of the IER trial.

Member's comments included:

- Praise for the NDIA for the achievements of the IER trial, including having 78% of legacy cases resolved.
- Noted the need to have a similar approach on an ongoing basis, providing participants with the option of this process for dispute resolution instead of more formal AAT hearings.
- The importance of the IER trial evaluation including a cost-benefit analysis and information on the participant experience within this trial.

- Importance of reaching out to participants from Indigenous or culturally and linguistically diverse (CALD) backgrounds who seem to be underrepresented in the trial. Also, to ensure participants with intellectual disability understand the aim of the IER trial.
- The need to ensure any new dispute resolution models are sympathetic, trauma-informed and effective, focusing on being inquisitorial rather than adversarial.

Dr Innes and Mr. Swainson noted:

- The main issue with the NDIA continuing with a similar approach to the IER trial is that the funding for this process finishes on 30 June. Also, for some cases, running the IER trial and AAT in parallel resulted in more delays for participants.
- A key learning from the trial was the ability for the reviewer to meet with the participant and/or their families to understand the issue, without the NDIA present. This approach led to a more efficient and effective resolution of any of the disputes.

Action 5: Mr. Swainson to brief IAC about the AAT changes, once formally announced.

4. Work Plan 2023-24

4.1. IAC's Work Plan 2023-24

The Principal Member explained the process for IAC's annual work plan, which has been in place since 2021.

Some of the key priorities noted by Members included:

- Advice on participants who are ageing.
- Workforce and employment.
- Quality of services for people with disability, particularly those targeted at people with intellectual disability (i.e., providing promoting contemporary models which are essentially day programs).
- Recommendations from the NDIS Review and Disability Royal Commission.
- The implementation of IAC's advice 'Equity in the NDIS'.

Members noted the current changing environment with the announcement of the National Cabinet Outcomes and Budget target, as well as the future recommendations from the NDIS Review and Disability Royal Commission. Members agreed on a 6-month plan until December 2023, so IAC can adapt to changing priorities.

Action 6: The Secretariat to circulate a 6-month work plan for endorsement out of session.

5. Meeting close

5.1. Other Business

5.2. Next Meeting

The next meeting will be on Thursday 6 July in Melbourne.

Draft Minutes 19 July 2023

**OFFICIAL**

AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 1 of 2023-24

Date: Thursday 10 August 2023

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-1.15pm**

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

SESSION 2: COUNCIL UPDATES **1.15pm-2.30pm**

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

Break 2.30pm – 2.45pm

SESSION 3: CO-DESIGN **2.45pm-3.15pm**

- ITEM 3.1 Co-Design Working Groups Updates
Presenter: Corri McKenzie, DCEO Service Design and Improvement & IAC Member Representatives

SESSION 4: NDIA STRATEGY **3.15pm-3.55pm**

- ITEM 4.1 10-year Agency Strategy
NDIA representative: Corri McKenzie, DCEO Service Design and Improvement

SESSION 5: MEETING CLOSE **3.55pm-4.00pm**

- ITEM 5.1 Other business
- ITEM 5.2 Next meeting



Minutes of the Independent Advisory Council (IAC) to the NDIS

Meeting 1 – 10 August 2023

1pm – 4pm – hosted on Ms Teams.

Members

Ms Leah Van Poppel
Adjunct Associate Professor Jennifer Cullen (from session 3.1)
Ms Sylvana Mahmic
Mr James Manders
Ms Liz Reid AM, Member
Dr George Taleporos

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chair
Ms Peta Seaton, NDIA Board Director
Ms Rebecca Falkingham, Chief Executive Officer
Ms Corri McKenzie, DCEO Service Design and Improvement
Ms Sam [redacted] General Manager Policy Advice and Research
Ms Lisa [redacted] A/g General Manager, Strategy & Priorities
Ms Cintia [redacted] Director, Strategy & Priorities
Ms Marina [redacted] A/g Director, IAC & Strategic Advice
Ms Lirije [redacted] Assistant Director Communications, IAC Secretariat
Ms Jaklin [redacted] Senior Project Officer, IAC Secretariat
Ms Matilda [redacted] Communications Officer, Independent Advisory Council
Ms Louise [redacted] Senior Project Officer, IAC Secretariat (observer)

Attending

Mr Gavin Burner, Member of IAC's Intellectual Disability Reference Group

Observers

Ms [redacted] Participant Advocate (Session 2)

Apologies

Ms Kerry Allan, Member (s47F- personal privacy)
Ms Kathy [redacted] Director, IAC & Strategic Advice

1. Principal Member's welcome and open

1.1. Principal Member's welcome

The Principal Member opened the meeting at 1.05pm.

A/Prof Cullen acknowledged 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 the IAC looks to represent.

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

- NAIDOC Week from 3-9 July
- Islamic New Year on 19 July
- International Day of World's Indigenous People on 9 August

The Principal Member:

- Noted the meeting was attended by half the IAC membership due to delays with IAC appointments by the Minister's Office. She acknowledged Member's concerns and frustrations with the process and stressed communications were ongoing with the Minister and the Department of Social Services (DSS) with a resolution expected within the next few weeks.
- Noted that the Australian Human Rights Commission is yet to appoint a Disability Discrimination Commissioner, who will be the IAC's Expert Advisor. This process may take a few months.
- Welcomed Board Chairperson Kurt Fearnley and Board Director Peta Seaton.
- Acknowledged the work of Dr Sam ^{s22(1)(a)(i) - irrelevant} who has recently finished with the NDIA and welcomed Samantha ^{s22(1)(a)(i) - irrelevant} who is the A/g General Manager Policy, Advice and Research.
- Noted the IAC Reference Group review has been finalised, highlighting the expertise of Members representing a broad range of disabilities, including stronger representation of young people and people with intellectual disability across all groups. She noted Co-Chairs will be appointed once the IAC membership is confirmed.
- Confirmed IAC's advice 'Equity in the NDIS' has been noted by the Disability Reform Ministerial Council (DRMC), and acknowledged again IAC and Reference Group Members' contributions, as well as that of external stakeholders.
- Noted the advice 'Enhancing behaviour support in the NDIS' is on hold until a full IAC is appointed. She also noted the AAG had provided additional advice that responds to the specific needs of autistic people, and this will be included as an appendix.
- Confirmed Belinda ^{s22(1)(a)(ii) - irrelevant material} IAC's Independent Consultant, is finishing up her work with the IAC. The Principal Member acknowledged her contributions since IAC's inception and noted a farewell will be organised once the advice on behaviour support is finalised.

- Noted the IAC Secretariat is currently working on engaging two Independent Consultants to support the work of the IAC and Reference Groups.
- Noted the Tasmania Test Evaluation Report is available in Diligent's Resource Centre.

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

IAC approved the minutes from the meeting held on 18 May 2023.

Members noted the matters arising and the updated register of conflicts of interest circulated in advance of the meeting. [s47F- personal privacy](#)

2. IAC Updates

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

The Principal Member noted Ms. [s22\(1\)\(a\)\(ii\) - imelevo](#) Participant Advocate, is in attendance as observer for this session.

The Principal Member reminded participants about the need to raise systemic issues affecting participants experience with the NDIS.

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

- Conflicts of interest in the early childhood sector, including:
 - childcare providers specialising in Autism assisting families to secure further NDIS funding
 - potential loophole in the use of the form S47A3 which allows families to reset their plan within the first 12 months, gaining access to extra funding for early intervention
 - hospitals referring newborn babies to the NDIS, and to private practices for therapy.
- Ongoing delays with approvals for participants submitting a change of circumstance review and requiring home and living supports.
- Reports of sharp practice and unethical providers taking advantage of participants, particularly those with cognitive impairment. Calls for a dedicated whistleblower phone line where people can make anonymous calls to do in unethical service providers engaging in these practices.
- Ongoing shortages of Occupational Therapists (OTs), with long wait lists for participants who need to access this service. This is a significant issue in the Northern Territory, where they're recommending telehealth services and may not be appropriate for some participants, like those who are neurodiverse.
- Limited understanding of the role of Justice Liaison Officers, and their availability to support participants who are in the justice system.

- Calls for the NDIA to urgently address issues for participants who are in hospital and are not receiving the supports they need.
- Ongoing reports of participants being taken off self-management as their preferred plan management style, without prior communications with the participant.

The Principal Member noted that she had a discussion with Scott McNaughton, DCEO Service Delivery, on the issue of hospital supports and agreed that this would be further discussed at an IAC meeting.

Action 1: Provide an update on discussions re insurance covering abuse and molestation, as referenced in the action from April 2023 meeting.

Action 2: Secretariat to provide the NDIA's presentation on Justice Program delivered by the complex support needs team.

Action 3: Provide an update to the IAC on hospital supports at a future meeting.

2.2. Board Chair and CEO update

The NDIA Board Chair noted the work challenges the Agency will face in the next few months related to the final recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) and NDIS Review, and stressed the Agency's commitment to co-design. He also noted:

- Improvements made in the performance of the NDIS call centre, which is more responsive to the needs of callers.
- Acknowledged the concerns with the delay in IAC appointments, noting the Board is also awaiting appointments. He was also understanding of the many pressures the Minister's Office is currently experiencing and noted he is in communications with the Minister's Office about the matter.
- The ongoing engagement with the community in relation to the SDA and Annual Pricing Reviews.
- The NDIA Board Subcommittees review, including a new Strategic Direction and Participant Outcomes Subcommittee, chaired by Board Director Dr Peta Seaton AM.
- PACE national rollout will commence on 30 October 2023, subject to having all the systems and processes ready.
- The Agency's and government's commitment to tackle fraud and sharp practices, including the government's establishment of the Fraud Fusion Task Force.

Dr Seaton acknowledged the importance of the new Strategic Direction and Participant Outcomes Subcommittee and noted that the Committee's Charter states the IAC's Principal Member as a Member of the Subcommittee. She noted this subcommittee will provide the opportunity to test and explore new strategic projects and advice, before they are presented to the NDIA Board. Dr Seaton noted this subcommittee could test some ideas proposed by the IAC in their advice.

The CEO acknowledged Member's reports and noted:

- The money recovered from fraudulent activities goes to a consolidated revenue pool within Treasury. However, the NDIA ensures that participants who were affected received the appropriate support or plan 'top-ups' to ensure they do not miss out.
- Work on investment and outcomes led by David Gifford. There is a need to build into NDIA's processes a way to better report on participant outcomes and if the supports they are receiving are helping them to achieve their goals.
- Improvements made at the National Contact Centre in the last quarter, with 86% of queries being able to be resolved after the first call.
- The data privacy breach experienced by a legal firm providing services to the NDIS. While the Agency did not get breached, NDIA staff are in communications with participants who were affected and also working with the law firm to assist with the management response. The NDIA is currently reviewing all contracts with external companies that handle participant data to strengthen their obligations in this area.
- Acknowledged the contributions and support of Ms Reid and A/Prof Cullen at the last meeting of the First Nations Advisory Council, and noted the NDIA is recruiting a Deputy CEO for First Nations.
- Engagement with the community on PACE rollout and offered the IAC to be involved in this process.
- Work led by Penelope McKay around mapping the conflicts of interest that exist within the NDIS market and home and living areas, including looking at ways to strengthen the legislation on this.
- The need to fast track and improve communications with participants around home and living decisions. The NDIA is currently having discussions with the Minister's Office for the public release of the Home and Living Framework and is recruiting for positions within the home and living team.
- A meeting with the OT Association earlier in the week, where the shortages of OTs was discussed and the Association is willing to work with the NDIA to address this.
- The appointment of a General Manager SA, WA, NT & Remote Services, in recognition of the complex work required in this area. This was previously an SES 1 role (Branch Manager).

Ms McKenzie provided a brief update on:

- Current mapping of internal work around hospital supports, with a view to present to the IAC in the near future.

Action 4: David Gifford and Corrie McKenzie to present at the IAC work on investment and outcomes.

Action 5: IAC to be briefed on the Justice reset program.

3. Co-Design

3.1. Co-design Working Group updates

Ms McKenzie provided a brief update on the recent co-design Working Group meetings, including:

- The importance of understanding what has worked well in the past in previous co-design work, and what needs to be improved.
- Acknowledging the input of IAC and DRCO Members who are part of the Working Groups.

Members' feedback included:

- Co-design Steering Committee's discussion about whether their terms of reference should be changed to include their broader function on co-design, outside the reform work.
- The need to continue to ensure that people with disability, and those that represent their communities, lead the co-design process.
- Calls for improvements in the accessibility of meetings, including accessible documentation and pre-brief meetings with members that require them, and enough time to read the meeting pack before the meeting.
- Concerns with the co-design process around the CALD Strategy, noting Member's feedback was not included in the final draft.
- The need to understand what work has been done before in each of the reform areas, to avoid duplication.

Action 6: Ms McKenzie to meet with Ms Mahmic and A/Prof Cullen to discuss CALD Strategy.

4. NDIA Strategy

4.1. 10-year Agency Strategy

Ms Lisa [redacted] led the discussion on the 10-year NDIA Strategy, due for release in late 2023.

Members' feedback included:

- The need to consult with a number of different stakeholders on this, outside the IAC.
- The ambitious timeframe and scope behind the development of the Strategy.
- The NDIA should be an enabler and driver to an ordinary life, with a focus on equity of outcomes. The need to change current NDIA's transactional relationship with the community which is based around money to pay for support workers or therapy. The NDIS needs to go back to its original aspirations of the NDIA about increased independence or community inclusion.
- The importance of NDIA's role around self-determination and empowering people with disability to live an ordinary life.
- The need to establish a clear link between the Strategy and the Reform for Outcomes work.

- The Strategy can be an opportunity for the NDIA to shift the focus to the community, rather than the needs or agenda of government.

Ms McKenzie noted that the team will provide a draft to the IAC in October, for further input.

5. Meeting close

5.1. Other Business

Ms ^{s22(1)(a)(i) - rele} provided a brief update on the Children's Taskforce progress including:

- Finalising the work of the Early Childhood Early Intervention Reset work, noting some areas rely on the recommendations from the NDIS Review
- Commencing to plan co-design work around the implementation of the Disability Royal Commission and NDIS Review recommendations.
- Engaging with stakeholders and partners to understand the issues and provide input into the Taskforce's forward work program
- Providing input into PACE rollout and its implications for partners who work with children and their families.

5.2. Next Meeting

The next meeting will be on 20 and 21 September in Melbourne.



OFFICIAL
AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 2 of 2023-24

Date: Wednesday 20 September 2023

Log-in details:

[IAC Meeting - 20 September](#)

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

Or call in (audio only)

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

SESSION 1: EMERGENCY RESPONSE

1.00pm-2.45pm

ITEM 1.1 NDIA Emergency response

NDIA representative: Mark s22(1)(a)(ii) - irrelevant ma General Manager Audit and Risk

ITEM 1.2 VDAC Reflections

Presenters: Victorian Disability Advocacy Council (VDAC)

Afternoon Tea 2.45pm-3.00pm

SESSION 2: DARU

3.00pm-4.30pm

ITEM 2.1 Key issues for participants – Advocacy sector perspective

Presenters: Disability Advocacy Resource Unit (DARU)

OFFICIAL
AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 2 of 2023-24

Date: Thursday 21 September 2023

Log-in details:

[Independent Advisory Council meeting](#)

Or call in (audio only)

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

Morning tea/Coffee 9.30am – 9.55am

SESSION 1: PRINCIPAL MEMBER'S WELCOME & OPEN 10.00am-10.15am

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

SESSION 2: IAC UPDATES 10.15am-11.30am

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

SESSION 3: EMPLOYMENT 11.30am-12.15pm

- ITEM 3.1 NDIA Employee with Disability Deep Dive
NDIA Representative: [s47F- personal privacy](#), *Participant Advocate*

Lunch 12.15pm-1.15pm

SESSION 4: NDIS COMMISSION 1.15pm-2.00pm

- ITEM 4.1 NDIS Quality and Safeguards Commissioner Update
Presenter: Tracy Mackey, NDIS Commissioner

SESSION 5: CO-DESIGN 2.00pm-2.20pm

- ITEM 5.1 Co-Design Updates
Presenter: IAC Members

Afternoon Tea 2.20pm-2.35pm

SESSION 6: COMPLEX SUPPORT NEEDS 2.35pm-3.20pm



OFFICIAL

ITEM 6.1 Justice Liaison Service Offer & Justice Transition Project
*NDIA Representative: Ms Michelle [redacted] A/g Branch Manager,
Complex Support Needs*

SESSION 7: MEETING CLOSE 3.20pm-3.30pm

ITEM 7.1 Other business
ITEM 7.2 Next meeting



Minutes of the Independent Advisory Council to the NDIS

Meeting 2 – 21 September 2023

10am – 3:30pm – held at the Pan Pacific Melbourne and hosted on MS teams.

Members

Ms Leah Van Poppel, Principal Member

Adjunct Associate Professor Jennifer Cullen, IAC Member

Ms Sylvana Mahmic, IAC Member

Mr James Manders, IAC Member

Dr George Taleporos, IAC Member

Ms Liz Reid AM, IAC Member

NDIA Representatives

Ms Rebecca Falkingham, NDIA CEO

Mr Kurt Fearnley, NDIA Board Chairperson

Dr Graeme Innes AM, NDIA Board Director

Ms Corri McKenzie, DCEO Service Design and Improvement

Ms s22(1)(a)(ii) - irrelevant material, Participant Advocate

Ms Michelle s22(1)(a)(ii) - irrelevant A/g Branch Manager, Complex Support Needs

Ms Caroline s22(1)(a)(ii) - irrelevant m National Director, Justice Liaison, Complex Support Needs

Ms Katie s22(1)(a)(ii) - irrelevant m Assistant Director, Justice Transition Project, Complex Support Needs

Ms Kathy s22(1)(a)(ii) - irrelevant mate Director, Strategic Advice

Ms Lirije s22(1)(a)(ii) - irrelevant mate Assistant Director Communications, IAC Secretariat

Ms Marina s22(1)(a)(ii) - irrelevant Assistant Director, IAC Secretariat

Ms Sarah s22(1)(a)(ii) - irrelevant m Assistant Director, IAC Secretariat

Ms Louise s22(1)(a)(ii) - Senior Project Officer, IAC Secretariat

Ms Matilda s22(1)(a)(ii) - irrelevant Senior Communications Officer, IAC Secretariat



Attending

Mr Gavin Burner, Member of IAC's Intellectual Disability Reference Group

s47F- personal privacy

Ms Tracy Mackey, NDIS Quality and Safeguards Commissioner

Apologies

Ms Kerry Allan, Member (taken leave of absence)

Ms Belinda s22(1)(a)(i) - irrelevant material AM, IAC's Independent Consultant

1. Principal Member's Welcome and Open

1.1. Principal Member's welcome

The Principal Member Ms Leah Van Poppel opened the meeting at 10:17am.

A/Prof Cullen acknowledged the Traditional Custodians and Owners of the lands on which Members and attendees were meeting.

Ms Van Poppel:

- Noted that we are waiting for the appointments of six IAC member vacancies to be resolved through the government decision-making process.
- Acknowledged that this is a difficult situation and thanked the existing members for their continued hard work.
- Thanked the Secretariat team and staff across the NDIA for their work to enable to IAC to carry out their functions.
- Noted that since the IAC last met, all of the Reference Groups have met at least once.
- Noted that the Reference Groups are starting to put together their workplans. As IAC is waiting for the recommendations from the Royal Commission and the NDIS Review it is making the usual cycle of work planning difficult. These areas will be key discussions for the Reference Groups once recommendations are handed down.
- Requested that the NDIA brief the IAC and the Reference Groups at the right time once the report from the Royal Commission is available.
- Welcomed Board Chairperson Mr Kurt Fearnley and Board member Dr Graham Innes and thanked them for attending today's meeting.
- Thanked NDIA CEO Ms Rebecca Falkingham and DCEO Ms Corri McKenzie for attending today's meeting.
- Acknowledged that today is Ms Marina Mazza's last meeting as she is leaving the Secretariat to take on a new position within the NDIA. The Principal Member thanked Ms s22(1)(a)(i) - irrelevant for her work with the IAC.

Action 1: NDIA to arrange for the IAC and Reference Groups to be briefed on the report of the Royal Commission.

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

The IAC approved the minutes from the meeting held on 10 August 2023.

Dr Taleporos asked about action items from the previous meeting relating to hospital supports. Ms McKenzie stated her team picked up two action items and will provide updates later in the meeting.

Members updated the register of conflicts of interest circulated in advance of the meeting.

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

2. IAC Reports

2.1. Members' reports 'from the ground'

The Principal Member reminded Members about the need to raise systemic issues affecting participants' experience with the NDIS.

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

- In relation to the NDIS Review:
 - Professor Bruce Bonyhady's referring to community perception of the NDIS as a Magic Pudding, a phrase understood easily by many community members.
 - Comments on the community based not for profit early childhood intervention sector were also positive particularly with regards to the early childhood system needing urgent and complete reform.
- The DANA discussion paper authored by Dr Simon Duffy and Dr Mark Brown which questioned the fundamental principles of the way the NDIS is constructed. The authors suggested building NDIS 2.0 and asked IAC to consider what NDIS 3.0 will look like.
- Families report there are challenges transitioning from early childhood partner to LAC:

- Starting in July 2023, children under seven will have the opportunity to continue with their early childhood partner until they reach nine. Families have expressed satisfaction with this change.
- This positive change has the potential to alleviate the existing transition issues, provided that an effective support system is implemented.
- Concerns that there are issues with transitioning to a Local Area Coordinator that the NDIA needs to look at.
- Equity iceberg: children are missing out on services because wrap around supports don't work using a billable hours model:
 - The market approach is not working for many children and their families, and the situation is worsening for families who have multi-faceted needs, are from CALD or Aboriginal background, or are in the child protection system. Organisations are cherry picking 'easy' families so that they can support them within a billable hours model.
- Members are continuing to see independent support workers charging the highest possible rates and selectively choosing individuals and families who are easier to support. This could impact on scheme sustainability and value for money and for people with high and complex needs.
- Information, Linkages and Capacity building (ILC) grants are now open. Several years ago, the NDIA commissioned Swinbourne University to review the program; it recommended the grant process be put on hold until a new strategy was developed however, the ILC grants were once again opened in two rounds – Social and Community Participation and Individual Capacity Building. The existing funded grants were extended to June 2024 upon application.
- The Disability Ministers meeting was held recently in Darwin, with Minister Bill Shorten, Professor Bruce Bonyhady, Rebecca Falkingham and Corri McKenzie in attendance. The community provided positive feedback about this event.
- A deep dive into Maningrida as the first of two trial sites in a \$7.6 million investment into the NDIS was announced by Minister Shorten. The trial will consider a different way of providing supports for Aboriginal people with disabilities in remote areas.
- Systemic issues associated with supports for parents and caregivers in remote communities providing care for their own children with disabilities, as well as additional children with disabilities, were raised. There is a lack of communication between the NDIA (including the Complex Care Team) and mainstream organisations to support families with complex needs. Caregivers in remote areas should receive supports proactively.

- Changes to the NDIS data and insights webpage were reported to impact functionality and have resulted in less access to data, not more.
- Members are continuing to hear about long delays in making decisions about home and living arrangements.
- There has been a lack of consultation with NDIS participants in government's proposed Industrial Relations laws for the employee-like "care and support" workforce. This is making it harder to remove unsuitable people from the platforms. Under the proposed legislation, the worker will have the right to remain on the platform until an investigation is completed. Furthermore, the minimum standards are likely to include minimum engagement periods. To date, there has been no consultation with people with disabilities about these changes.
- The IAC welcomed the launch of Disability Legal Western Australia in the first week in September, a single point of entry in WA which is only for people living with a disability.
- Two new programs in Western Australia were discussed:
 - The Intellectual Disability Diversion Program supports people who have an intellectual disability, cognitive disability, brain injury, and/or autism to potentially achieve a non-custodial sentence.
 - The Start Court offers a program that combines access to mental health supports and services, and support for drug and alcohol use (if required), with regular appearances before the Start Court Magistrate.
- Organisations are training people working in the correctional system to understand intersections between offending behaviour and disability. There is also work occurring to understand NDIS supports while in a correctional centre or transitioning out.
- Increased difficulties in finding people to become support workers and the provision of support to people with lived experience to become employees.
- Concerns regarding disability worker screening. Some people, particularly those with disability, may be prevented from pursuing supporting work if they have history of low-level offending behaviour.
- Insurance premiums are rising for providers, directly impacting the level of care they can provide to participants. This also puts their viability at risk.
- Reports that restrictive practices result in excessive paperwork. The paperwork, dual compliance, legal and reporting responsibilities is onerous. This limits the time available for providers to support people with disabilities.

- A suggestion that a provider engagement strategy should be considered to enhance communication about the NDIS.
- There are reports that families are sometimes receiving a participant's plan, even if the participant is an adult. One of the impacts is they don't understand their plans.
- Reports of participants being unable to change providers because of restrictions imposed by their state guardians.
- Concerns raised about big providers in regional areas not having the local knowledge and understanding of small providers, impacting on the level of service to participants.

2.2 Board Chair and CEO update

The NDIA Board Chair Mr Kurt Fearnley noted concerns raised regarding IAC membership delays and wanted to make sure that Members heard IAC appointments and the process were a priority. Mr Fearnley also noted:

- The PACE rollout across Tasmania and the approaching national rollout date of 30 October.
- NDIA Participant Advocate Ms s47F- personal privacy NDIA Employee with Disability Deep Dive report, "equally the best and worst thing I have ever read". The NDIA, as an employer of people with disabilities, needs to look at how it employs and treats these employees. He stated the commitment from the Board to the Executive, and in every layer of the organisation, to be better. He sincerely thanked Ms s22(1)(a)(i) - t'reteva for her work.
- The recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) are soon to be released. It is hoped that the IAC could meet with Commissioners with disabilities to talk about their experience and reflections.

The CEO acknowledged Member's reports and noted:

- The issues raised regarding transition and the investment in looking at life transition points across the Scheme. For younger children, this is a focus of the Children's Task Force.
- Following a recent visit to the Northern Territory, conversations have occurred with the Northern Territory Chief Minister about colocation of some of the Territory's staff with NDIA staff and taking a different approach.
- There is awareness of the delays with Home and Living decisions. Currently there are 900 vacancies. As a result of the budget investment to fix a range of NDIA backlogs, 300 staff have recently been onboarded with training underway.

- The NDIA was not consulted about changes to Industrial Relations legislation impacting the care economy.
- Improvements to decision-making processes for plans continue to be made to PACE, ahead of refreshed guidance and staff training.
- We have been conversing with staff about why self-management is a really positive thing for our Scheme and for our participants and how this goes to the culture change within the NDIA. We are also looking to identify and have an ongoing log around self-management issues to bring a systematic approach to improvement.
- Regarding issues for people with co-occurring disabilities, the NDIA recognises that a person can have more than one impairment, including something they acquire after assessment. The NDIA will change a plan if needed to make sure it meets the participant's disability support needs.
- Work is underway to streamline the assessment of what system is best placed to meet a participant's needs when they have co-occurring disability, for example within the health system.
- Of particular challenge right now is the palliative care space and the pressure placed on workers across the systems if they are not adequately trained in end-of-life care. Minister Shorten has written to Minister Butler on this issue.
- Worker screening difficulties and criminal history checks are issues we are advocating about as part of the NDIS Review.
- We're looking forward to discussing, working together and implementing the NDIS Review and Royal Commission outcomes and garnering all the wisdom of the IAC to achieve legislative and workforce reform. Minister Shorten is to speak more about this in the coming weeks.
- Insurance costs are factored into the current price guide. Acknowledge we need to streamline our system so that providers have less red tape.
- A reset of our provider engagement processes is about to begin to ensure we are hearing the voices of providers and that we are considering changes to historical supplementation funding from States and Territories.

Ms McKenzie provided a brief update on:

Continued work around hospital supports, including updates to mainstream operational guidance.

Action 2: Invite the Department of Social Services to brief the IAC on the changes to the ILC program refresh and evaluation, as well as peer-led advocacy.

Action 3: Invite Commissioners Dr Rhonda Galbally AC and Dr Alistair McEwin AM to a future IAC meeting.

Action 4: Provide an update on worker screening developments at a subsequent meeting.

Action 5: Arrange an Out of Session workshop for IAC members in October on hospital supports, with the item to be listed on the December IAC agenda also.

3. Employment

3.1. NDIA Employee with Disability Deep Dive.

Ms Donna ^{s22(1)(a)(i) - irrelevant} Participant Advocate, provided a summary of the Employee with Disability Deep Dive, including the background and the recommendations of the deep dive.

Ms ^{s22(1)(a)(i) - irrelevant} said:

- Last year a number of staff with a disability spoke out about some of the workplace issues and barriers they face at work.
- The Office of the Participant Advocate extended an invitation to staff members with disability to attend an informal listening session, where they could share their experiences. Some common themes emerged from this session, and therefore it was decided that a formal deep dive was needed.
- The purpose of the deep dive was to closely examine the experience of staff with a disability.
- The deep dive was a formal project that was recognised by the NDIA. It was a key action in the Disability Inclusion Plan.
- There was extensive consultation, including 39 listening sessions and 41 written submissions. There was also a survey for people leaders to respond to.
- 152 staff members and 91 people leaders took part in the deep dive.
- 46% of staff who took part said they had a positive experience at work. 54% said they were having a negative experience.
- The summary report was released in August this year, with 14 recommendations.
- Staff who took part in the deep dive were involved in prioritising the recommendations and deciding how to measure outcomes from the recommendations. The recommendations were endorsed by the Board and SLT.
- Staff will be involved in co-design around implementing the recommendations.

- Workplace culture, including leadership capability and confidence, workplace adjustments and creating an inclusive and accessible workplace were the key themes that came out of the deep dive.
- We are handing over the project to the People and Culture team but will stay closely connected. We are also working out who will be the owners of each recommendation.

Member's feedback included:

- Members valued this worked and thanked Ms ^{s22(1)(a)(ii) - irrelevant} and her team for their work.
- Calls for more work to increase the number of staff with disability that the NDIA employs.
- Suggestions that the NDIA should improve the internal recruitment processes so staff with disability can progress in their careers within the NDIA.
- There should be Assistive Technology to access desk top platforms. This is very important so that some people can do their jobs. Ms ^{s22(1)(a)(ii) - irrelevant} said that there have been issues raised around workplace adjustments in this area. There is currently an Assistive Technology project team as part of the Disability Inclusion Plan.
- The NDIA should only be using accessible software and hardware.
- Participant Experience Delivery is the largest staff cohort in the NDIA. If staff have concerns about workplace support and inclusion, the IAC feel this indicates that some people are not being heard or understood in the NDIA.
- Job redesign is particularly important for staff with cognitive disabilities. How much job redesign is happening in the NDIA and how can we increase the focus on this?
- The NDIA needs to do more work to increase the diversity of disability within its workforce.
- There are currently no staff within the NDIA who write Easy Read documents. The NDIA is working on ways to communicate more accessibly.

Action 6: Secretariat to talk to Ms ^{s22(1)(a)(ii) - irrelevant} about coming to a meeting next year to provide an update.

4. NDIS Commission

4.1. NDIS Quality and Safeguards Commissioner Update

Ms Mackey provided information on various matters related to her Office.

- Two inquiries have recently been completed:

- Own Motion Inquiry into Platform Providers Operating in the NDIS Market
- Own Motion Inquiry into Support Coordination and Plan Management.
- The Commission has been focussing on the reduction and elimination of unauthorised use restrictive practices and recently moved to more coercive regulatory action.
- The Commission has established an email address for the reporting of price gouging: pricehelp@ndiscommission.gov.au
- A safeguarding team has been established this year to better manage complaints and to the end of August, 900 matters have been dealt with; this ensures the safety of an individual within 48 hours of receiving a complaint.

Action 7: Commissioner to provide a more in-depth briefing on the Own Motion Inquiry into Platform Providers Operating in the NDIS.

5. Co-Design

5.1. Co-Design updates

The Principal Member, Ms Van Poppel, said that this session will be included in every meeting. Ms Van Poppel said that Reference Groups will also talk about co-design projects.

Members' feedback included:

- Regarding fraud, we should think about how we can make it harder for people to do the wrong thing, and easier for people to do the right thing.
- As part of regular check-ins, we should be asking participants if they are happy with the services they are getting for their money. We should build the skills of participants so that they are knowledgeable about payments and empowered.
- There should be more clarity and rules around providers who offer supports for participants to go on holidays.
- New NDIA staff should have more comprehensive training in the human rights approach to disability and the person-centred approach.
- The Plan Flexibility and Co-design Group will place on emphasis on early intervention but acknowledge that plan flexibility is a very broad topic.
- Facilitators should have better knowledge of the NDIS and the intent of the NDIS.
- Concerns were raised about the conduct of some facilitators during the meetings. Concerns were also raised for some members of a meeting who were distressed, and the facilitator's response to this. Ms Falkingham and Ms McKenzie are aware of these concerns and are taking steps to resolve the issues.

6. Complex Support Needs

6.1. Justice Liaison Officer – Justice Transition Project

Ms s22(1)(a)(i) - irrelevant Ms s22(1)(a)(i) - irrelevant and Ms s22(1)(a)(i) - irrelevant spoke of the work of the Justice Planning Team in the Northern Territory.

- For the last 12 months, the Team has had this dedicated project to engage with participants and the wider sector, including our First Nations representatives, to develop recommendations for improving this service offer for the NDIA.
- The Team is focussed on improving outcomes for people with a disability who intersect with the justice and forensics system and is committed to improving transitional experiences through partnerships with government colleagues, public guardians and advocates.

7. Meeting close

7.1. Other Business

Ms Van Poppel gave Members the opportunity to debrief about what was discussed on day 1 of the meeting. Ms Van Poppel also said that some of the issues discussed on the first day of this IAC meeting (20 September) will be picked up in the 2024 working plan.

The Members said:

- There should be a testing plan for the emergency response that was discussed. We should also think about how we can make this an opportunity to build capacity of participants. IAC should be involved in this.
- It was concerning to hear feedback from advocates on the challenges they currently face. They are overwhelmed with supporting people with NDIS related matters. They don't have the funding or resources to support people in areas like supported decision making.
- First Nations People and people who come from a refugee background can experience a trauma trigger if they see people in uniform, for example police and SES. This should be thought about in times of emergency. For these people, there should be community check-ins in times of emergency, from people who are not in uniform.

Ms Van Poppel thanked IAC Members, Board Members, NDIA staff and the Secretariat for their contributions to the meeting.

7.2 Next Meeting

The next meeting will be held on MS Teams on 2 November 2023.

**OFFICIAL****AGENDA****INDEPENDENT ADVISORY COUNCIL TO THE NDIS****Meeting 3 of 2023-24****Date:** Thursday 2 November 2023**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-1.15pm**

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising, and declarations of interest.

SESSION 2: IAC UPDATES 1.15pm-2.30pm

- ITEM 2.1 Members and Expert Advisers: Reports 'from the ground'. Highlights from submitted or circulated written reports.
- ITEM 2.2 Board Chair and CEO Update

SESSION 3: DISABILITY ROYAL COMMISSION 2.30pm-3.15pm

- ITEM 3.1 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Recommendations
- Dr Rhonda Galbally, Commissioner, has been invited to speak about the recommendations and her reflections of the Royal Commission*

Break 3.15pm-3.30pm

OFFICIAL**SESSION 4: SUPPORTED INDEPENDENT LIVING****3.30pm-4.15pm**

- ITEM 4.1 Changes to Supported Independent Living (SIL)
NDIA Representative: Scott McNaughton

SESSION 5: WORKPLANS**4.15pm-4.35pm**

- ITEM 5.1 Reference Group Workplan Development
- Home and Living
 - Children, Young People and Families
 - Intellectual Disability
 - Equity and Inclusion

- ITEM 5.2 IAC Workplan

SESSION 6: CO-DESIGN WORKING GROUPS**4.35pm-4.50pm**

- ITEM 6.1 Reform for Outcomes Working Group Updates
- Workforce capability
 - Better planning
 - Flexibility
 - Independent living
 - Evidence-based supports
 - Fraud

SESSION 7: MEETING CLOSE**4.50pm-5.00pm**

- ITEM 7.1 Other business
Workforce Dialogue

- ITEM 7.2 Next meeting



Minutes of the Independent Advisory Council to the NDIS

Meeting 3 – 2 November 2023

1pm, hosted on MS Teams

Members

Ms Leah van Poppel, Principal Member

Adjunct Associate Professor Jennifer Cullen

Ms Sylvana Mahmic

Mr James Manders

Dr George Taleporos

NDIA Representatives

Dr Denis Napthine AO, NDIA Board Director

Ms Rebecca Falkingham, NDIA CEO

Ms Corri McKenzie, DCEO Service Design and Improvement

Ms Meredith Allan, NDIA Board Director (observer)

Ms Donna s22(1)(a)(ii) - irrelevant Participant Advocate (observer session 2.1)

Mr Scott McNaughton, DCEO Service Delivery (session 4.1)

Mr Andrew s22(1)(a)(ii) - irrelevant m GM Operations, Performance and Capability (session 4.1)

Mr Ed s22(1)(a)(ii) - irrelevant Branch Manager, Operations and Housing Support (session 4.1)

Ms Samantha s22(1)(a)(ii) - irrelevant materi IAC Senior Independent Advisor

Ms Sarah s22(1)(a)(ii) - irrelevant Assistant Director, Independent Advisory Council Secretariat

Ms Louise s22(1)(a)(ii) - a/g Senior Project Officer, Independent Advisory Council Secretariat

Attending

Dr Rhonda Galbally AC, served as a Commissioner, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (session 3.1)

Apologies

Mr Kurt Fearnley, NDIA Board Chairperson

Ms Liz Reid AM, IAC Member

Mr Gavin Burner, member of IAC's Intellectual Disability Reference Group, and representative of people with intellectual disability



1. Principal Member's Welcome and Open

1.1. Principal Member's welcome

Principal Member Ms Leah van Poppel opened the meeting with an acknowledgement of country. Ms van Poppel acknowledged that the IAC was awaiting 6 IAC member vacancies to be resolved through the government decision-making process.

- Ms van Poppel informed Members that Ms Liz Reid AM is finishing her term with the IAC in December and [s47F- personal privacy](#). Work is underway to recruit into this position.
- Ms van Poppel referenced Mental Health Awareness Week and ADHD Awareness month in October, campaigns which are important for creating awareness of the needs of people with invisible disabilities.
- The Principal Member Reports from recent out of session meetings on PACE and Hospital Supports were now available in Diligent. A PACE walk-through with Mr Garth O'Brien's team is being arranged as soon as possible.
- Ms van Poppel introduced and welcomed Ms Samantha [s22\(1\)\(a\)\(i\) - irrelevant matter](#) the new IAC Senior Independent Advisor. Ms [s22\(1\)\(a\)\(i\) - irrelevant matter](#) most recently worked at the NDIS Quality and Safeguards Commission and has a long history of working in disabled persons' organisations.
- **Action 1:** Ms van Poppel to write to the Prime Minister and the Minister for the National Disability Insurance Scheme to draw their attention to ensuing governance issues for the IAC as a result of the delay to IAC membership appointments, and to seek an explanation for the delay.

1.2. Declarations of interest

- [s47F- personal privacy](#)

1.3. Confirmation of minutes and matters arising

- Members confirmed the minutes from the previous meeting.

2. Council Reports

2.1. Members' reports 'from the ground'

- Members reported on issues arising in their respective jurisdictions including:
- The community is surprised by how much attention the findings of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal



Commission) on segregation in education has received. This has triggered many conversations about education for children with disabilities. The NDIS has a role to play in helping children and adults with disability to be more involved in mainstream education.

- It is good news that the Disability Royal Commission findings have prompted this conversation. However, it shows that we have a long way to go to close segregated education.
- There is disillusionment amongst service providers and families about market quality and the role of the NDIS Quality and Safeguards Commission, including the meaning of 'registration'. There is community distress following recent media reports about abuse of participants.
- There should be more information and support for parents to understand the risks of some early intervention therapies and choosing safe service providers for their child. Early Childhood Partners and Local Area Coordinators should play a role in this education.
- Some service providers are receiving letters from the Quality and Safeguards Commission with an authoritarian tone and providers feel this has happened without warning. Some providers are questioning the benefit of being registered, as it is an expensive and time-consuming process. Some providers do not see the connection between registration and quality.
- Providers are aware of the national expansion of PACE and are hopeful it will result in improvements. Providers have said the changes that will come with PACE are not on the radar of many families of young children. Ms McKenzie said there is information readily available to the public about PACE. Due to the gradual roll out of PACE, targeted information will be given to participants and their families when the participant's plan changes to PACE.
- Mr James Manders is launching the Powered Media Platform today in Adelaide. This is part of RPH Australia, a free to air radio reading network.
- There is continued concern for not-for-profit providers in financial trouble and how some do not have insurance because they cannot afford it.
- We need to engage more with not-for-profit service providers. They provide a critical service and some are considering leaving the market. Some providers are offloading assets to maintain their capital. Ms Falkingham said the NDIA is very conscious of this.
- There are ongoing delays with home and living decisions and getting plans approved.
- Reports that Australian Taxation Office (ATO) changes to paying domestic or private workers superannuation is causing confusion around how self-managing participants employ carers, creating stress and uncertainty among self-managing participants. It was suggested the ATO should speak to people who self manage so it can understand their



perspective. Ms Falkingham took this question on notice and will raise this with the head of the ATO.

- There are concerns that some participants in Specialist Disability Accommodation (SDA) are not receiving enough funding for the on-site overnight assistance they need. When a group of participants live in a shared home, some participants want NDIS planner to think about everyone living on the SDA site when they make individual participant's plans.

2.2. Board Chair and CEO update

- Dr Denise Napthine provide the following updates from the Board:
- The presence of Dr Napthine and Ms Allan, NDIA Board Directors, at the meeting shows a continued partnership between the Board and the IAC.
- The Board has recently met in Hobart and Brisbane. Next year the Board is scheduled to meet in various places around the country. The Board has a commitment to meeting with staff, providers and participants around the country.
- Dr Napthine acknowledged the recent national expansion of PACE and acknowledged the work of Mr Garth s22(1)(a)(i) - irrelevant and his team. National expansion will be gradual.
- Dr Napthine said that work is underway to respond to the Disability Royal Commission findings. Soon work will start on responding to the NDIS Review.
- The quarterly report has recently been signed off, and this will go to the Disability Ministers' meeting this week.
- Dr Napthine acknowledged the NDIS has made a difference and has made great achievements in the past decade.
- The Board is currently focused on improving services for children, First Nations people and rural and remote communities. The employment strategy is also a focus for the Board. There has been a lot of good work to improve decision making to reduce the number of cases that go to the Administrative Appeals Tribunal.
- There has also been a lot of focus on hospital discharge and there have been some good achievements in this area.
- The Young People in Residential Aged Care program continues to have positive outcomes.
- There is an ongoing genuine effort to tackle fraud.
- Dr Napthine said the Board has approved the Terms of Reference for consultation for the next round of the pricing review.
- The Board is exploring the benefits and risks of artificial intelligence for participants. There is a need to manage risk but there is also a lot of opportunity there.

Ms Rebecca Falkingham provided the following updates about the NDIS Review and the Disability Royal Commission:



- The NDIS Review report will most likely be made public after National Cabinet meets in early December. The Agency has been actively involved with the Review in the form of information sharing.
- The Agency will use co-design to implement the Review findings.
- The Agency will need to work quickly to decide what will be prioritised. The Agency would be grateful for any advice from the IAC.
- The Disability Royal Commission handed down its final report in September. The Board has been briefed on the recommendations and the implications for the Agency.
- All governments will be expected to respond to the Disability Royal Commission final report.
- The NDIA will be involved in providing advice to the taskforce that has been set up within Department of Social Services.
- The Disability Royal Commission was supportive of a number of directions that the Agency is moving in, including policies around participant safeguarding and supported decision making.

Ms Falkingham provided the following updates about PACE:

- The gradual national expansion of PACE began on 30 October. The roll out will take about 18 months and during this time staff will be working across two systems.
- The Agency will closely monitor systems and processes.
- There will be a focus on making sure staff, providers, participants and partners have all the information they need.
- There will also be a focus on keeping volumes of work manageable during the early stages of the transition so staff can adjust to the new ways of working.

Ms Falkingham provided the following updates on the First Nations Employment Network Conference in Brisbane in October:

- This important forum allowed for First Nations staff to be heard about how the Agency can support them and participants.
- Ms Falkingham met with recent graduates of the First Nations Apprenticeship Program and acknowledged their talent in the Agency.

Ms Falkingham provided the following updates about the Home and Living project's grant recipients:

- The Agency has announced the grant recipients for Round 2 of the home and living demonstration projects.
- Participants and the disability sector told the Agency it is important to recognise and promote new ways for participants to pursue their home and living goals, which led to the introduction of the home and living demonstration projects.



- The new initiative brings participants and the sector together to design and test better ways of delivering home and living supports.

Ms Falkingham also said that:

- There has been very good progress in the National Contact Centre transformation strategy. There have been improvements noted in how quickly a query is resolved, time to answer calls and overall user experience.
- The Agency is co-designing a LGBTQIA+ summit for 2024. The event will include speaking opportunities for staff, participants and champions. It is also hoped that the Minister will speak at the summit.
- **Action 2:** Schedule an Out of Session meeting later this year or early next year to discuss the NDIS Review report and prioritisation of the recommendations.
- **Action 3:** The Chief Executive Officer to seek advice from the Commissioner of the Australian Taxation Office about the changes to paying domestic or private workers superannuation and implications for self-managing participants who employ carers.

3. Disability Royal Commission

3.1. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability - Recommendations

- Dr Rhonda Galbally joined the meeting to speak about the recommendations of the Disability Royal Commission and her reflections.
- Dr Galbally said:
 - The issue of segregation of people with disability was a distressing part of the Disability Royal Commission experience.
 - The neglect of the opportunity for development of people with disability was also a distressing part of the experience.
 - Dr Galbally acknowledged the work of the NDIA on supported decision making.
 - People with disability are more likely to work in segregated education settings if they went to a segregated school.
 - There has been a push for many years for mainstream schools to be more inclusive.
 - Many people with disability have restrictions placed on their education, such as limited days of attendance and being taken away from class for therapy. This is due to the school not being ready or able to support the child with disability. Personal care support should be better organised to minimise time away from the classroom.
 - Bullying at school is another issue which causes families to feel more comfortable sending their child to a special school. There needs to be a long-term commitment to inclusion. There should be no tolerance of bullying at schools.



- The Commission has made recommendations for better training of teachers at university and more professional development.
- South Australia has introduced specialist teachers with expertise in autism in every South Australian primary school.
- Changing the education system will take time and money. There is a risk that momentum could be lost over time.
- When people with disability and people without disability are included together in settings like school, this creates a safer environment. There is less violence and abuse when there are more eyes on what is happening.
- The NDIS has an impact on whether or not the child is an individual within a school, and if the child needs a medical model or a personal support model within a school. These are important considerations for the NDIS and something the IAC could think about.
- Disability Employment Enterprises, or sheltered workshops, should use the Social Firm model where people are paid an award wage and the workplace includes people with disability and without disability. Currently there is little incentive to move to the new model. The NDIS should think about how to create incentives for organisations to move to the Social Firm model. There is a recommendation that this happens within the next 11 years.
- The NDIS and the IAC should explore a different model of shared living. This includes better tenancy rights, the ability for tenants to have a say in who they live with and being able to choose their own support workers in the home.

4. Supported Independent Living

4.1. Changes to Supported Independent Living

- Mr Scott McNaughton, Mr Andrew s22(1)(a)(i) - irrelevant and Mr Ed s22(1)(a)(i) - irrelevant presented changes to Supported Independent Living (SIL).
- Mr McNaughton said:
- SIL is one of the highest payment areas on the scheme. There has been a 40 per cent increase in the number of people applying for SIL for the first time.
- Factors contributing to this increase include hospital discharge, younger adults applying for SIL, ageing parents/caregivers, and a shortage of social housing. There were less applications during the COVID pandemic.
- In response to increased first time SIL applications, the home and living team began looking at how decision making could be made more consistent and transparent.
- There is a new process where senior and highly trained delegates are making decisions about SIL. There is also an effort to increase the clarity of information about what evidence is needed to make a decision.



- As a result of this new process, 40 per cent of new to SIL applications are being diverted away from SIL, towards other suitable home and living options.
- There are ongoing discussions around how to balance choice and control for participants who want to live alone, and scheme sustainability.
- When a participant has a high ratio of supports and funding is reduced, the Agency needs to take a measured step-down approach. Reduces ratios need to be based on factual evidence and participant safety a consideration.
- Support coordinators have a role in helping participants to explore different home and living options.
- There is an issue where some SIL providers will increase support ratios over what is funded, and this results in early plan reviews.
- SIL needs to be part of a home and living solution, rather than something based on support needs exceeding a certain level.
- Mr s22(1)(a)(i) - irrelevant m said:
- The Agency needs to encourage planners, support coordinators and participants to think about other home and living solutions, not just SIL, which might be better suited. These supports might be more expensive in the short term but will reduce costs in the longer term.
- Sometimes the SDA decision can affect the SIL outcome, for example, if a participant wants an SDA decision to live alone, then there is no ability to have shared supports. This is a consideration for scheme sustainability and drives up the cost of SIL.
- Individualised Living Options (ILO) has worked well in Western Australia, but the Agency needs to improved facilitation of ILOs in other areas, particularly in SIL-based provider markets.
- The new SIL process is likely resulting in some delays in decisions because the process is more in-depth. The Agency is addressing this by increasing the number of staff making decisions.
- The number of pending home and living decisions in the backlog has started to reduce and should reduce further as staff become faster and more experience in making decisions.
- **Action 4:** IAC be provided with a breakdown of data about the percentage of Supported Independent Living funding packages including items related to housing costs such as Specialist Disability Accommodation.
- **Action 5:** IAC to be briefed on industrial relations issues in relation to Individualised Living Options.



5. Workplans

5.1. Reference Group Workplan Development

Members discussed how the Reference Group Workplan Priorities may inform and align to a new IAC workplan and noted:

- their comfort with the Reference Group Workplan Priorities, as presented.
- recognition of the need for workplans to remain flexible enough to be responsive to recommendations from the NDIS Review and Disability Royal Commission.
- Reference Group workplan alignment with the Reform for Outcomes working groups, without there being doubling up of content for IAC Members.
- meeting scheduling difficulties for IAC Members involved in multiple other consultative processes, leading to both content and meeting overlaps.

Ms van Poppel shared the intention to hold a joint face-to-face meeting of IAC and Reference Group Members in March or April 2024 which would give rise to an opportunity to further distil workplan priorities and alignment between the IAC and Reference Groups.

5.2. IAC Workplan

Ms van Poppel asked IAC Members to consider ahead of the next meeting how the IAC will progress its workplan.

Members and the Senior Independent Advisor noted:

- The option of extending the workplan to January, due to the imminent release of the NDIS Review findings and the recent release of the recommendations of the Disability Royal Commission.
- That the IAC considers the provision of shorter, more succinct advice to the Board early next year, rather than lengthier pieces of advice, to ensure the IAC's advice is captured in a timely manner and whilst sector consultation takes place.

6. Co-design Working Groups

6.1. Reform for Outcomes Working Group Updates

Due to time constraints, it was suggested by Ms van Poppel and agreed by IAC Members that this item be addressed at an Out of Session meeting.

Action 6: An Out of Session meeting be scheduled to provide Reform for Outcomes Working Group updates.



7. Meeting Close

7.1. Workforce Dialogue

Ms van Poppel provided an update about her IAC representation at monthly Workforce Dialogue meetings, newly established by the Minister of the National Disability Insurance Scheme.

- The group consists of NDIA representatives, the Quality and Safeguards Commissioner, DRCO representatives, unions and disability services.
- It has been tasked with starting discussion around key issues with four identified priority areas:
 - Pay and conditions
 - Training
 - Worker safety
 - Pathways to reform.
- Overall, representations from Ms van Poppel and DRCOs have focused on ensuring the disability community more broadly has the opportunity to have a say on any defined issues. This is clearly agreed by all parties.

7.2. Next meeting

- The next IAC meeting will be held in Sydney on 7 December.

**OFFICIAL****AGENDA****INDEPENDENT ADVISORY COUNCIL TO THE NDIS**

Meeting 4 of 2023-24

Date: Wednesday 6 December 2023

Log-in details:[IAC Meeting - 6 December](#)

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

Or call in (audio only)

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

SESSION 1: PEER-LED SECTOR ORGANISATIONS**1.00pm-2.45pm**

ITEM 1.1 Disability Council NSW

Presenter: Jane Spring, Chair

ITEM 1.2 Cultural Diversity

*Presenter 1: Abraham (Ibby/Abes) Darouiche**President, Diversity Disability Alliance**Presenter 2: Yvonne Munce**Manager, Capacity Building Support Program
Multicultural Disability Advocacy Association**Presenter 3: Dina Petrakis**CEO, Ethnic Community Services Co-operative**NDIA representative: Dishan ^{s47F- personal privacy} CALD Strategy***Afternoon Tea 2.45pm – 3.00pm**



OFFICIAL

SESSION 2: CHILDREN AND FAMILY ADVOCACY 3.00pm-4.30pm

ITEM 2.1 Children, Families and Early Childhood Intervention – Sector Perspective

Presenter: *Morgan Fitzpatrick*
CEO, Koorana

NDIA representative: *Samantha* s22(1)(a)(i) - irrel
General Manager, Children's Taskforce

ITEM 2.2 Parent-led Advocacy – Sector Perspective

Presenter: *Stacey Touma*
CEO, Kindred

NDIA representative: *Samantha* s22(1)(a)(i) - irrel
General Manager, Children's Taskforce

Meeting close 4.30pm

DINNER 6.00pm-8.30pm

Eastender Banquet Hall

Rooftop, Branksome Hotel



REVISED MEETING AGENDA
Independent Advisory Council Meeting 5 for 2023-24
Principal Member: Leah van Poppel
29 February 2024, 1.00pm – 5.00pm
Online meeting – MS Teams

MEETING AGENDA
<p style="text-align: center;">Attendees</p> <p>IAC Members:</p> <ul style="list-style-type: none">• Ms Leah van Poppel, IAC Principal Member• Adjunct Associate Professor Jennifer Cullen• Ms Sylvana Mahmic• Mr James Manders• Dr George Taleporos• Mr Gavin Burner• Dr Sharon Boyce• Ms Tricia Malowney OAM• Ms Sam Paior• Mr Mark Tonga <p>Senior Independent Advisor:</p> <ul style="list-style-type: none">• Ms Samantha s22(1)(a)(i) - irrelevant mate <p>Apologies:</p> <ul style="list-style-type: none">• Dr Leighton Jay• Ms Rebecca Falkingham, NDIA CEO• Ms Kathy s22(1)(a)(i) - irrelevant ma Director, IAC Secretariat & Strategic Advice <p>External Attendees:</p> <ul style="list-style-type: none">• Ms Rosemary Kayess, Disability Human Rights Commissioner• Mr Luke s22(1)(a)(i) - irrelevant mate Department of Social Services

NDIA Attendees:

- Mr Kurt Fearnley, NDIA Board Chairperson
- Ms Estelle Pearson, NDIA Board Director
- Dr Peta Seaton, NDIA Board Director
- Ms Corri McKenzie, DCEO Service Design and Improvement (until 2pm)
- Ms Donna ^{s22(1)(a)(ii) - irrelevant} Participant Advocate

Also in attendance:

- [s47F- personal privacy](#)
- Ms Marina ^{s22(1)(a)(ii) - irrelevant} Acting Director, IAC Secretariat & Strategic Advice
- Ms Sarah ^{s22(1)(a)(ii) - irrelevant} Assistant Director, IAC Secretariat

Item	Details	Lead
1	1.00pm – 1.10pm 1.1. Principal Member welcome and open 1.2. Confirmation of minutes Matters arising Declarations of interest	Ms Leah van Poppel
2	1.10pm – 1.40pm 2.1. NDIS Review Presentation from Co-chair	Professor Bruce Bonyhady
3	1.40pm – 2.00pm IAC updates 3.1. NDIA Board Chair update 3.2. DCEO update (including Co-design)	Mr Kurt Fearnley Ms Corri McKenzie
Break 2.00pm – 2.15pm		
4	2.15pm – 4.00pm NDIS Review 5.1. DSS update on government response 5.2. Member reports from the ground 5.3. Agency response to issues raised by Members 5.4. NDIS Review Summaries and Analysis	Ms Leah van Poppel Mr Luke ^{s22(1)(a)(ii) - irrelevant mat} IAC Members Ms Samantha ^{s22(1)(a)(ii) - irrelevant male}

Break 4.00pm – 4.15pm		
5	4.15pm – 4.25pm 2.1. Disability Discrimination Commissioner Introduction to the Commissioner	Ms Rosemary Kayess
6	4.25pm – 4.40pm 6.1. Enhancing NDIA Practice in Behaviour Support 6.2. Briefing Note – DRAFT – Enhancing Behaviour Support in the NDIA 6.3. Advice – DRAFT – Enhancing Behaviour Support in the NDIA Presentation of draft advice for endorsement	Ms Samantha <small>s22(1)(a)(i) - irrelevant mate</small>
7	4.40pm – 4.50pm 7.1. IAC Workplan Decision	Ms Leah van Poppel
8	4.50pm – 4.55pm 8.1. IAC and Reference Group Meeting Dates	Ms Leah van Poppel
9	4.55pm – 5.00pm 9.1. Other Business	Ms Leah van Poppel
10	5.00pm 10.1. Meeting close	Ms Leah van Poppel

OFFICIAL
AGENDA

INDEPENDENT ADVISORY COUNCIL TO THE NDIS

Meeting 4 of 2023-24

Date: Thursday 7 December 2023

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 10.00am-10.15am

- ITEM 1.1 Principal Member's welcome
- ITEM 1.2 Confirmation of minutes, matters arising, declarations of interest

SESSION 2: IAC UPDATES 10.15am-11.30am

- ITEM 2.1 Reflections of Day One
- ITEM 2.2 Members and Expert Adviser: Reports 'from the ground'
Highlights from submitted or circulated written reports
- ITEM 2.3 Board Chair and CEO Update

SESSION 3: HOSPITAL SUPPORTS 11.30am-12.00pm

- ITEM 3.1 Hospital Supports – Principles for Decisions
Review of the final version of the principles ahead of the team starting work on the products to communicate the principles

NDIA Representatives: Claire s22(1)(a)(ii) - irrelevant m

BM, Service Guidance & Practice

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

Director, Service Guidance and Practice

Lunch 12.00pm – 12.30pm

OFFICIAL**SESSION 4: NDIS REVIEW****12.30pm-1.30pm**

- ITEM 4.1 IAC to watch broadcast of address to the National Press Club by
The Hon Bill Shorten MP
Minister for the National Disability Insurance Scheme
- NDIS Review

SESSION 5: DEPARTMENT OF SOCIAL SERVICES UPDATES**1.30pm-2.30pm**

- ITEM 5.1 Disability Strategy Update
- DSS Representative:* Luke s22(1)(a)(i) - irrelevant mater
General Manager, Disability Strategy
- NDIA Representatives:* Gabriela s22(1)(a)(i) - irrelevant material *GM, Government*
Matthew s22(1)(a)(i) - irrelev *BM, Royal Commissions*
- ITEM 5.2 Information, Linkages and Capacity Building Program
- DSS Representative:* Luke s22(1)(a)(i) - irrelevant mater
General Manager, Disability Strategy
- NDIA Representative:* Rebecca Falkingham, *CEO*

Break 2.30pm – 3.00pm**SESSION 6: CO-DESIGN****3.00pm-3.30pm**

- ITEM 6.1 “Reform for Outcomes” Working Group Updates
- Workforce capability
 - Better planning
 - Flexibility
 - Independent living
 - Evidence-based supports
 - Fraud
- NDIA Representative:* Aaron s22(1)(a)(i) - irrele
GM, Co-Design & Engagement

OFFICIAL

SESSION 7: AGEING PARTICIPANTS 3.30pm-4.00pm

ITEM 7.1 Ageing Participants

Representative: Samantha s22(1)(a)(ii) - irrelevant materia
Senior Independent Advisor to the IAC

SESSION 8: WORKPLAN 4.00pm-4.30pm

ITEM 8.1 IAC Workplan

SESSION 9: YEAR IN REVIEW AND 2024 MEETING DATES 4.30pm-4.45pm

ITEM 9.1 IAC and Reference Group Dates 2024

SESSION 10: MEETING CLOSE 4.45pm-5.00pm

ITEM 10.1 Other business

ITEM 10.2 Next meeting



Minutes of the Independent Advisory Council (IAC) to the NDIS

Meeting #5 - 29 February 2024

1pm, online via MS Teams

Members

Ms Leah van Poppel, Principal Member
 Adjunct Associate Professor Jennifer Cullen
 Ms Sylvana Mahmic
 Mr James Manders
 Dr George Taleporos (joined the meeting at 1.14pm)
 Mr Gavin Burner
 Dr Sharon Boyce
 Ms Tricia Malowney OAM
 Ms Sam Paor (joined the meeting at 1.12pm)
 Mr Mark Tonga

Independent Consultants

Ms Samantha [redacted] Senior Independent Consultant
 Ms Lucy [redacted] Independent Consultant

NDIA Representatives

Mr Kurt Fearnley, NDIA Board Chairperson
 Ms Estelle Pearson, NDIA Board Member
 Dr Peta Seaton, NDIA Board Member
 Ms Corri McKenzie, DCEO, Service Design and Improvement
 Ms Samantha [redacted] General Manager, Policy Advice & Research

IAC Secretariat

Ms Marina [redacted] A/g Director, IAC & Strategic Advice
 Ms Sarah [redacted] Assistant Director, IAC Secretariat
 Ms Lirije [redacted] Assistant Director, Communications, IAC Secretariat

Attending

s47F- personal privacy

Professor Bruce Bonyhady, NDIS Review Co-chair
 Ms Jodi [redacted] Branch Manager, Australia's Disability Strategy, Department of Social Services
 Mr Luke [redacted] General Manager, Disability Strategy, Department of Social Services
 Ms Rosemary Kayess, Disability Discrimination Commissioner

Apologies

Dr Leighton Jay, IAC Member
 Ms Rebecca Falkingham, NDIA CEO
 Ms Lisa Paul, NDIS Review Co-chair



1. Principal Member’s Welcome and Open

1.1. Principal Member’s welcome

- Principal Member Ms Leah van Poppel welcomed IAC Members and guests to the online meeting, noting Dr Leighton Jay and Ms Rebecca Falkingham were apologies.
- Ms van Poppel welcomed Ms Rosemary Kayess, Disability Discrimination Commissioner, and will meet with her about becoming an Expert Advisor to the IAC.
- Professor Bruce Bonyhady, NDIS Review Co-chair, was thanked for attending the start of the meeting to speak with the IAC. Representatives of the Department of Social Services were acknowledged also.
- Ms Lucy ^{s22(1)(a)(ii) - Ff} [redacted] was introduced as the Independent Consultant to the IAC.
- Ms van Poppel advised that the process for selecting new IAC Members to fill vacancies left by retiring members Ms Liz Reid AM and Ms Kerry Allan is progressing.

1.2. Declarations of interest

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

1.3. Confirmation of minutes and matters arising

- The minutes of the December IAC meeting were confirmed by IAC Members.

2. NDIS Review

2.1. Professor Bruce Bonyhady, NDIS Review Co-chair

- Professor Bonyhady joined the IAC meeting to take members through the NDIS Review Final report: Working together to deliver the NDIS.
- The IAC discussed the role it can play to assist the NDIA to consider how the NDIS Review recommendations could be implemented so that the experience of people with disability in the NDIS is improved.

- IAC Members also raised the importance of:
 - strengthening the provider market to provide better quality supports
 - choice and control for people with disability to live independently
 - qualifications and training of the workforce that might be involved in future planning and assessment
 - fair and equitable access to the NDIS.

Professor Bonyhady and Ms s22(1)(a)(i) - irrelevant left the meeting at 1.53pm.

3. IAC Updates

3.1. Deputy CEO Update

- DCEO of Service Design and Improvement, Ms Corrie McKenzie, provided an update to IAC members on behalf of the NDIA CEO.
- The Q2 NDIS Report to December 2023 has been published and includes that the average hospital discharge time has reduced from 24 to 21 days.
- The Agency's target employment strategy goal to see 50% of parents and carers reporting paid employment by 2023-24 has now been reached.
- There are also encouraging results for participant employment statistics with participation in work more than doubling for participants aged 15 to 24.
- Ms McKenzie updated the IAC on work underway to implement decisions of National Cabinet in 2023 following the release of the NDIS Review. The Agency together with DSS will engage the IAC on the commitment to introduce legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the Scheme.
- IAC Members noted this work requires time and insight from the Government's response to the NDIS Review recommendations.
- Reform for Outcomes co-design work continues to progress immediate work needed for operational changes ahead.

Ms McKenzie left the meeting at 2.19pm.

3.2. Board Chair Update

- Mr Kurt Fearnley acknowledged the recent Disability Reform Minister Council meeting.
- Mr Fearnley shared the appointments of two key senior leadership positions:
 - Chief People and Wellbeing Officer Ally s47F- personal pr
 - Chief People Strategy Officer Jane s47F- personal priv
 - Mr Mark Darras has been appointed to the Board.

Dr Seaton left the meeting at 1.29pm; returned at 1.31pm.

4. NDIS Review

4.1. DSS Update on Government response to NDIS Review recommendations

- The Department of Social Services (DSS) provided an update on how the response to the NDIS Review final report and recommendations is progressing, including the town halls and other engagement activities that are being undertaken with the community to raise awareness of the Review, and to gauge community feedback.
- DSS also provided updates on other related work, including the recently established NDIS Provider and Worker Registration Taskforce (Taskforce), community engagement on a response to Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) final report, and the announcement made for initial investment to start work on the Review in the Mid Year Economic and Fiscal Outlook.
- IAC Members noted that community input will be used in the drafting of the Government response to the NDIS Review recommendations.
- The IAC members observed that the foundational supports recommendation from the NDIS Review final report needs consideration around market service capacity.
- The IAC also expressed an interest in engaging with the new Taskforce.

4.2. Member Reports

- It was requested that Member Reports for this meeting focus on the NDIS Review recommendations, where possible.
- The IAC agreed not to discuss Member Reports in session due to time constraints.

4.3. Agency response to issues raised by Members

- Responses to questions put at previous meetings were included in the meeting papers.

4.4. NDIS Review Summaries and Analysis

- IAC Members discussed their focus for future Advice from the NDIS Review recommendations. IAC Members raised:
 - the need to inform the community on what foundational supports are or intend to do.
 - concerns about moving to online access forms in the participant pathway, as well as work needed around NDIS eligibility assessments.
 - concern around the implementation of navigators.
 - concern around the funding of home and living supports, particularly the recommended 1:3 support ratio.

- the need for clarity in self-management, especially considering the implications of potential registration changes and the introduction of navigators.
- The need to revisit the IAC advice on quality and safeguards and consider individual risk assessments for people with disability that enable independence and self-management.

Associate Professor Cullen left the meeting at 3.44pm; returned to the meeting at 3.54pm.

- IAC Members will prioritise advice about NDIS Review recommendations on:
 - Pathways
 - Navigators
 - Home and Living.

5. Disability Discrimination Commissioner

5.1. Ms Rosemary Kayess

- Ms Kayess introduced herself to IAC Members and provided details of her professional background.
- In considering the role of the IAC and current state of the sector, Ms Kayess raised:
 - the operationalisation of 1:3 ratio support ratio is critical – that only through demonstrating how that does not drive ongoing congregate care situations for people with disability, we can meet our human rights obligations for people with disability.
 - the need to ensure there are not the perverse outcomes as there have been in the last 10 years, such as with the registration process, and that flexibility is not driven out of the system, becoming a block to sole providers and community-based options.
 - when considering legacy properties and frameworks, the need to focus on the original intent which was for people with disability to have equality, not just in access to services, but a quality in choice of where and with whom to live.
 - the critical need to establish how the Navigator system will work to independently guide people through the maze that is flexible service provision which ensures someone can be self-managed, without the risk of huge corporations being granted contracts.
 - the importance of review and reform being a deliberative and co-design process to not make the mistakes of political expediency that occurred in 2014.

Mr Gavin Burner and Ms Laynie s22(1)(a)(ii) - irrelevant material left the meeting at 4.47pm.

6. IAC Advice

6.1.. Enhancing NDIA Practice in Behaviour Support

- Ms Samantha s22(1)(a)(ii) - irrelevant material Senior Independent Advisor, presented the Advice paper 'Enhancing NDIA practice in behaviour support' for IAC endorsement.
- The paper was finalised last year, with input from the IAC and the Intellectual Disability Reference Group.

6.2. Briefing Note – DRAFT – Enhancing Behaviour Support in the NDIA

- After a meeting with the NDIS Commission, it was raised that there may be some technical information that was not correct in the paper. The paper was reviewed and minor changes were made.
- The Briefing Note reflects all the changes made by Ms s22(1)(a)(ii) - irrelevant material

6.3. Advice – DRAFT – Enhancing Behaviour Support in the NDIA

- Ms s22(1)(a)(ii) - irrelevant material presented a plain English summary of the considerations IAC has included in the paper.
- The IAC endorsed the final draft Advice on Enhancing Behaviour Support in the NDIA with the plain English summary, with these minor additions to the summary:
 - the usability and usefulness of the NDIS Provider Finder.
 - the Reform for Outcomes Working Groups are already considering some of these options.
 - the IAC's definition of family, by the Equity and Inclusion Reference Group, and the presumption of people having family, carers and informal supports.
 - the absence of reference to individuals in other systems, such as criminal justice and out of home care.
- The IAC Secretariat will circulate the final Advice via email for endorsement. Once endorsed, the NDIA will commence the drafting of the Agency Response and both the Advice and Agency Response will progress to Board.

7. Workplan

7.1. IAC Workplan

- The IAC extended its current 2023-24 Workplan to 30 June. This will allow the future Workplan to align with the Government response to the final reports of the NDIS Review and Disability Royal Commission.

Mr Kurt Fearnley left the meeting at 4.51pm

8. IAC and Reference Group Meeting Dates

8.1. IAC and Reference Group Dates 2024

- The revised meeting dates were noted by the IAC.

9. Meeting Close

9.1. Other business

- s47F- personal privacy
-

10. Next meeting

- The next meeting will be hosted online on 15 April 2024.

Ms van Poppel closed the meeting at 5.06pm.



Minutes of the Independent Advisory Council to the NDIS

Meeting #4 - 7 December 2023

10am, The Branksome, Sydney

Members

Ms Leah van Poppel, Principal Member
Adjunct Associate Professor Jennifer Cullen
Ms Sylvana Mahmic
Mr James Manders
Dr George Taleporos (online)
Ms Liz Reid AM
Mr Gavin Burner
Dr Sharon Boyce (online)
Dr Leighton Jay (online)
Ms Tricia Malowney OAM (online)
Ms Sam Paor

Senior Independent Consultant

Ms Samantha [redacted] s22(1)(a)(ii) - irrelevant material

NDIA Representatives

Ms Maryanne Diamond, NDIA Board Member (online from 10.23am)
Ms Corri McKenzie, DCEO, Service Design and Improvement
Ms Samantha [redacted] s22(1)(a)(ii) - irrelevant material General Manager, Policy Advice & Research
Ms Donna [redacted] s22(1)(a)(ii) - irrelevant material Participant Advocate, Service Design & Improvement(online, session 2.2)
Ms Jackie [redacted] s22(1)(a)(ii) - irrelevant material Director, Service Guidance and Practice Branch (online, session 3.1)
Ms Clair [redacted] s22(1)(a)(ii) - irrelevant material Branch Manager, Service Guidance & Practice (online, session 3.1)
Ms Gabriela [redacted] s22(1)(a)(ii) - irrelevant material General Manager, Government (online, session 4.1)
Mr Matthew [redacted] s22(1)(a)(ii) - irrelevant material Branch Manager, Governance and Royal Commissions (online, session 4.1)
Mr Aaron [redacted] s22(1)(a)(ii) - irrelevant material General Manager, Co-Design & Engagement (online, session 5.1)

Secretariat

Ms Kathy [redacted] s22(1)(a)(ii) - irrelevant material Director, Independent Advisory Council & Strategic Advice
Ms Sarah [redacted] s22(1)(a)(ii) - irrelevant material Assistant Director, IAC Secretariat
Ms Louise [redacted] s22(1)(a)(ii) - irrelevant material a/g Senior Project Office, IAC Secretariat (online)

Attending

s47F- personal privacy

Mr Luke [redacted] s22(1)(a)(ii) - irrelevant material General Manager, Disability Strategy, Department of Social Services (online)

Apologies

Mr Kurt Fearnley, NDIA Board Chairperson
Ms Rebecca Falkingham, NDIA CEO



Mr Mark Tonga, IAC Member
Ms Kerry Allan (leave of absence)

Draft Minutes 17 December 2025