

Independent Advisory Council Meeting Bulletin 21 April 2021

The Independent Advisory Council (Council) to the National Disability Insurance Scheme (NDIS) brings the participant's voice to the heart of the NDIS. The Council gives independent advice to the National Disability Insurance Agency (NDIA) Board, as part of the *NDIS Act 2013*.

This Bulletin summarises Council's 21 April 2021 meeting, led by Ms Robyn Kruk AO, Principal Member. The new Minister for the NDIS, Senator the Hon Linda Reynolds CSC, also attended the meeting with:

- Council Members
- Council's Expert Adviser
- Mr Martin Hoffman, NDIA Chief Executive Officer (CEO)
- NDIA Representatives and Council Secretariat.

From the Council's Principal Member

The Principal Member confirmed that Council's formal advice on "Supporting participants to be included and belong" is being drafted. Members agreed to progress with the drafting of the advice out of session.

The Principal Member thanked the newly appointed Minister for the NDIS for the early opportunity to meet with Council. She stressed the Council's commitment to work with the Minister to meet the goals of the NDIS.

From the Minister for the NDIS

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

The Minister noted that her aim is to ensure that the NDIS reforms are done well, and in line with the fundamental principles of the Scheme. She acknowledged the sustainability challenges for the NDIS and requested a further meeting with Council to gain further feedback and insight on Scheme sustainability. She confirmed that understanding the results of the Independent Assessment (IA) pilot will be important, and encouraged Council to engage with this work.

The Minister wants to ensure the NDIS leaves an enduring legacy in our lifetime, and for generations to come. She wants the NDIS to be the world-leading Scheme all Australians can be proud of.

Council Members made presentations to the Minister of the main points included in their letter, including:

Council's view on Scheme reforms

- Council shared that there has been a unanimous expression of relief from the disability community on the pausing of the implementation of the IAs.
- Because of the pause, the disability community feels that their voice is being heard. Council Members said this is an opportunity to enhance engagement and rebuild trust with the community. They want to see more publicly available and meaningful communications on Scheme reforms, at every step the NDIA takes, to increase community confidence in the transparency of decision making.
- Council wants to see lives transformed by the NDIS in line with the vision of the Productivity Commission's Report on Disability Care and Support. They want to work with the Minister, NDIA Board and the NDIA to present participant and community concerns in a constructive way. Council wants to ensure the Scheme is sustainable and run using both insurance principles and a human rights approach.

Council's view on equity and inclusion

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

The Principal Member confirmed that the Council will also have further discussions with the NDIA Board Chairman and the NDIA CEO, outlining their views on Scheme reforms and proposing ways forward.

Council Member reports

Council Members and its Expert Advisor noted their reports had been reflected in the letter to the Minister and discussions with her at the meeting. Updates provided include:

- That the pause on the IAs has been welcomed by the community, who say it's an opportunity to better consider the IA process, improve engagement and communications. The sector wants to go on the 'IA journey' with the NDIA, and they want to know what the next steps are.
- That there is not sufficient feedback from the Agency in instances where Assistive Technology applications are rejected.

Scheme reform consultation

Dr Sam Bennett, NDIA General Manager, Policy, Advice and Research, said that the Agency's work to build the capability to implement changes to access and planning continues.

He said that the review of the previous legislative timeline gave the NDIA the opportunity to continue to focus on:

- Reviewing the 750+ submissions from the public consultation on Scheme reforms
- Reflect on the future engagement approach with Council and stakeholders.

Council Members raised matters on the:

- Personalised Budget Tool and its impacts to Scheme sustainability
- Incorrect view held by some IA pilot participants that their pilot results will affect their plans (they will not)
- Need for a summary document that helps IA pilot participants understand their results
- Need for public consultation on the Personalised Budget Tool.

Advisory Council for the National Disability Strategy

The Department of Social Services (DSS) gave Council an overview of the initial thinking behind its plan to establish the National Disability Strategy (NDS) Advisory Council. Council Members noted that the NDS Advisory Council will be set up for the Strategy's commencement in 2021, and their planning should consider:

- That not all states and territories have Disability Advisory Councils
- Membership should include:
 - enough members to allow a diverse representation, supported by reference groups and expert advisors
 - a representative from Council's membership, who is a person with disability
 - at least 60 per cent of its membership being representative of people with disability
 - Aboriginal and Torres Strait Islander people, with consideration of cultural diversity
- That goals, key performance indicators and evaluations should be set and completed by people with disability
- That progress made by the NDS Advisory Council is tabled in Parliament.

NDIA's implementation on Support for Decision Making advice

Dr Sam Bennett updated on the implementation of the Agency response to Council's [Support for Decision Making advice](#), which was endorsed by the NDIA Board in August 2020.

Dr Bennett said the NDIA is developing a Support for Decision Making Framework. The Framework that will guide decisions on how to support decision making in NDIS.

The NDIA will seek further input from Council's Intellectual Disability Reference Group, before releasing the Framework for public consultation.

Council Members noted that the NDIA should consider:

- Improving definitions and simplifying the language of the Framework

- The nuances within support for decision making, especially for people with complex disabilities
- Further consultation to ensure the Framework works for all participants
- That nominees should help not hinder participants to build their decision making capacity.

The Principal Member said the Council Secretariat is working with the Agency to establish a formal process to monitor the progress of the implementation of all of Council's advice.

More information on the Council

The Council next meets on 18 May 2021. You can find out more about Council meetings at the [Council's website meeting page \(external\)](#). You can access advice from the [Council's website advice page \(external\)](#).

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