

**National Disability Insurance Scheme Independent Advisory Council**

**Meeting 4 of 2015 (10–11 December 2015)**

**NDIS Melbourne Office, Level 3 Casselden place, 2 Lonsdale Street, Melbourne**

**MINUTES**

**ATTENDEES**

**Members present:**

- Prof. Rhonda Galbally AO (Principal Member)
- Dr Ken Baker AM
- Mr Dean Barton-Smith AM
- Ms Jennifer Cullen
- Ms Sylvana Mahmic
- Ms Joan McKenna-Kerr (11 December)
- Ms Janet Meagher AM
- Dr Gerry Naughtin (11 December)
- Mr Dale Reardon
- Mr Michael Taggart

**Apologies:**

- Mr Kurt Fearnley

**Board members present:**

- Mr Martin Laverty

**National Disability Insurance Agency staff in attendance:**

- Ms Louise Glanville, Deputy CEO Stakeholder Relations (11 December)
- Mr Ian Maynard, Deputy CEO Operations (10 December)
- Ms Liz Cairns, General Manager Service Delivery
- Ms Maryanne Diamond, General Manager Media Communications and Engagement
- Mr David Fintan, Acting General Manager, Governance
- Ms Anne Skordis, General Manager Scheme Transition (11 December)
- Mr Andrew Waite, Technology Authority Adviser (10 December)
- Ms Sarah Johnson, Scheme Actuary (11 December)
- Mr Eddie Bartnik, Community Development Authority (11 December)
- Ms Vanessa Robinson, Director Scheme Practice Approaches (10 December)
- Ms Rose Tsen, Scheme Practice Approaches (10 December)
- Ms Louise Freeman, Director, Governance
- Ms Lee Archer, Assistant Director, Governance
- Mr Tim Hillman, Council Secretariat

**External participants:**

- Ms Belinda Epstein-Frisch, Consultant to the Independent Advisory Council
- Mr Ash Alluri, The Australian Centre for Social Innovation (TACSI)
- Ms Ingrid Burkett, The Australian Centre for Social Innovation (TACSI)

**Agenda items:**

The Council considered the agenda items in the following order: 1.1; 1.2; 1.3; 1.4; 2.1; 2.2; 3.1; 3.2; 4.1; 5.1; 5.2; 6.1; 7.2; 7.1; 7.3; 7.4.

**AGENDA ITEMS: DAY ONE – THURSDAY 10 DECEMBER**

- The meeting commenced at 9:30 am on Thursday 10 December.

**ITEM 1.1 Principal Member's Welcome**

- The Principal Member welcomed members to the fourth meeting of the Independent Advisory Council (the Council; IAC) meeting for 2015.
- The Council acknowledged the traditional owners of the land and paid respect to elders, past and present.
- The Council also acknowledged that the purpose of the National Disability Insurance Scheme (NDIS) is to achieve social and economic participation of people with disability and certainty for people with disability, within the context of the United Nations (UN) Convention on the Rights of Persons with Disabilities, particularly in relation to self-determination, independence and mainstream community inclusion. The Council also discussed the UN Convention in relation to *an ordinary life*.
- The Principal Member welcomed Martin Laverty, Ian Maynard, Liz Cairns, David Fintan and Maryanne Diamond to the meeting.

**ITEM 1.2 Declarations of interests**

- The Principal Member noted that the Secretariat had circulated an updated version of the Standing Register of Interests.
- Standing Register of Interests circulated to members as part of the meeting papers for the meeting. Additional interests were declared by Jennifer Cullen, Joan McKenna-Kerr and Michael Taggart.

**ITEM 1.3 Minutes of previous meeting**

- The minutes of the 27–28 August 2015 Council meeting were agreed to.
- The Council noted and agreed to the list of matters arising.

**ITEM 1.4 Report from Principal Member**

- The Principal Member provided an update on:
  - publishing the Council's advice on the NDIA website in an easily accessible location
  - the finalisation of the *Enhancing Personal Safeguards* advice paper, and
  - the plan to explore the issues raised in the Council's work through workshops to be held with DSS, EMG and CEO's forum.

- Martin Laverty noted the IAC's *Enhancing Personal Safeguards* advice and responded to issues that were raised, including enhancing safeguards in reference packages and the innovation that would be required of service providers.

**ITEM 2.2 Members' reports 'from the ground'**

- The Council noted members' reports 'from the ground':
  - Dale Reardon – raised the issue of individuals withdrawing their appeals to the Administrative Appeals Tribunal (AAT) in the last stages of appeal. He asked whether people are receiving sufficient legal support. David Fintan, GM Governance, Legal and Risk, undertook to provide information on the provision of legal aid in these cases and noted that many appeals are settled by agreement between the applicant and the Agency.
  - Ken Baker – discussed the risks of casualisation of the disability sector workforce as well as difficulties involved for smaller organisations attempting to be innovative without financial reserves to risk trial and error.
  - Jennifer Cullen – provided an Indigenous perspective on the development of the Scheme, noting that South Australia, the Northern Territory and the Hunter are progressing well. The Council noted that with the early transition in Queensland, staff are being brought across from the Northern Territory which can be disruptive for that trial site. Ian Maynard agreed to provide information on the transition of staff, noting that staff usually transfer for approximately three months.
  - Janet Meagher – attended a small state conference on housing hosted by the NSW Disability Network Forum, which included a debate on terminology. The conference raised issues relating to the growth and poor quality occurring in congregate housing, as well as the minimal choice of location and living circumstances.
  - Sylvana Mahmic – attended an Ability Links conference, which is a variant of NSW Local Area Coordination (LAC). The Council noted that 17 per cent of linkers are Aboriginal, highlighting the diversity of this group. Ian Maynard agreed to provide this information to Stephanie Gunn to see if this level of diversity can be used as a benchmark for the NSW Local Area Coordination model. Ms Mahmic also raised concern that referral pathways need to be improved in relation to early intervention.
  - Ms Mahmic raised that NSW providers have been circulating a letter advising that the NSW Government is planning to make self-management more restrictive. The Council agreed that Ian Maynard would find out what is happening and brief the Council on issue and NDIA action.
  - Michael Taggart – raised the lack of Disability Support Organisations (DSOs) promoting the NDIA from a local government perspective and the Council agreed to schedule an item for the next meeting of the Council relating to Information, Linkages and Capacity building (ILC) and DSOs.
  - Dean Barton-Smith – raised that before full scheme roll out, it is important to be proactive with strategies in communicating the Scheme and addressing the negativity, by using good news stories which capture innovative stories from participants and businesses. Webinars could be useful as could weekly newsletters.

**Action Items/Matters Arising**

The Council agreed that:

- Secretariat to schedule agenda item on ILC for the next meeting of the Council.
- GM Governance, Legal and Risk to provide information on the provision of legal aid for individuals involved in AAT cases.
- DCEO Operations to provide information on transition of staff from the Northern Territory to Queensland.
- Ian Maynard to provide a response to letters reporting that self-management is becoming more restrictive in NSW.

**ITEM 2.2 Operational update – including SDOM**

- The Council noted the Operational update provided by Ian Maynard, DCEO Operations.
- The Council was provided an update on guided planning.
- The Council noted the NDIS Service Delivery Operating Model (SDOM).
- The Council raised that the language used within the SDOM, which groups participants by severity, does not seem to incorporate a functional basis.
- The Council agreed that the guided planning questionnaire that determines the relevant streams for participants would be provided to the Council for feedback in January 2016 to ensure it considers functionality.
- The Council noted that the Agency is influencing change in practice and innovation through market and sector by using incentives, including Community Inclusion and through Capability Development (CICD) grants. The Council raised that it would be helpful for Operations to provide an overview of the Agency's plan for innovation through the SDOM.

**Action Items/Matters Arising**

The Council agreed that:

- Stephanie Gunn to be invited to the next meeting of the Council to discuss the dual LAC and planning roles and to brief the IAC on the ILC.
- Operations to provide guided planning questionnaire that determines the relevant streams for participants for feedback in January to ensure it considers functionality.
- Operations to provide an overview of the Agency's plan for innovation through the SDOM.

**ITEM 3.1 SDOM and co-design project**

- The IAC discussed the project at length and did not consider what was presented to be co-design, rather it saw it as valuable participative research and consultation.
- The Council discussed the recommendations and findings of the project.
- The Council noted that the final report of the project would be presented to the NDIA Board in January 2016.

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- The Council provided advice on the review of the NDIA Co-design Framework and how the Agency, as a person-centred organisation, considers co-design into the future.
- Scheme Transition undertook to distribute the final report to the Council out of session.

**Action Items/Matters Arising**

The Council agreed that:

- Scheme Transition to distribute the final co-design project report out of session.

**ITEM 3.2 Guidelines for maximising the involvement of people with disability in the Agency's forums**

- The Council discussed the proposal to develop guidelines that provide a framework for consultation with people with disability across the Agency.
- The Council noted that trial sites have formed Local Area Groups that have been a useful tool for utilising the expertise of People with Disability (PWD). It was raised that if this approach is expanded, it should include the use of guidelines framed in Terms of Reference. This would achieve consistency across membership, aims and purpose of the groups.
- The Council noted that the groups are important for supplying local feedback and therefore have to be scalable and representative of the area.
- The Council raised that a document could be developed which outlines the Agency's existing structure for ensuring PWD are consulted at various levels, which could be made available on the NDIA website.

**ITEM 4.1 NDIA exemplar website**

- The Council noted the demonstration delivered by Andrew Waite on the NDIA exemplar website.
- The Council requested that a list of people who are participating in the co-design group for the website be provided to the Council.
- The Council noted that the exemplar is very ambitious as well as innovative and needs to incorporate people with disability at its centre. It would also be useful to ensure that all participants are able to use the website with different types of technology.
- The Council requested that the Technology Authority attend the next meeting of the Council to discuss co-design and the development of the website and web interface, as well as the provider experience through the website and eMarket interface.

**Action Items/Matters Arising**

The Council agreed that:

- Technology Authority to attend the next meeting of the Council to discuss co-

Action Items/Matters Arising
design and the development of the website and web interface, as well as the provider experience through the website and eMarket interface.

## AGENDA ITEMS: DAY TWO – FRIDAY 11 DECEMBER

### ITEM 5.1 NDIA Report

- The Council noted the NDIA Report provided by Louise Glanville, Deputy CEO Stakeholder Relations.
- The Council was provided with an update on Bilateral numbers in trial sites. The Council requested a description of new roles and how they interact with each other, including community connectors, support coordinators, local area coordinators and planners.
- The Council noted the update on housing, including that Minister Porter had released a specialist disability and pricing framework for people with intense needs as well as providing \$10 million for housing pilots nationally.
- The Council noted that the tender for the Independent Investigator was closing at the end of December 2015. The tender was open to individuals and to organisations, and will include the important role of handling complaints.
- The Council was advised of a report by Graeme Innes on how the Agency can best help with recruiting and supporting PWD in the Agency and in their careers. The Council requested that it receive this report once finalised.
- Louise Glanville updated the Council on the Agency's current processes for recruitment, including filling quotas of people with a disability, using merit-based recruitment and focusing on retention.
- The Council requested that a summary of the Agency's cultural mapping report be provided at the next meeting, noting that it reinforces the findings of the engagement surveys.
- The Council noted that the ILC Commissioning Framework would be released at the end of December 2015. The Council raised the importance of the ILC maintaining flexibility to ensure a local focus, with realistic expectations and balancing risk. It was agreed that the ILC Commissioning Framework should be included on the agenda for the next meeting of the Council.

Action Items/Matters Arising
The Council agreed that: <ul style="list-style-type: none"><li>• Louise Glanville to provide description of new roles and how they interact with each other including community connectors, support coordinators, local area coordinators and planners.</li><li>• Secretariat to distribute the final report by Graeme Innes on attracting, supporting and retaining PWD.</li><li>• Louise Glanville to provide a summary of Agency's cultural mapping report and engagement surveys at the next meeting of the Council.</li><li>• ILC Commissioning Framework to be included on the agenda for the next meeting of the Council.</li></ul>

**ITEM 5.2 Scheme Actuary update**

- The Council noted the update from the Scheme Actuary.
- The Council discussed the September 2015 quarterly actuarial report to the COAG Disability Reform Council.
- The Council noted the gap between committed funds in plans and the funds that are being spent by participants. The Council was advised that second plans have higher utilisation, which implies capacity building in participants. The issue occurs across all trial sites and all committed reports, with the main reason being that participants are learning about their plans, in addition to the complicated in-kind funding process.
- It was raised that safeguards should be provided in all reference packages and that the IAC Advice on enhancing personal safeguards provides recommendations for the Agency from an individual perspective.
- The Council discussed the Outcomes Framework summary report.
- The Council noted that natural supports could be provided to help families complete the Outcomes Framework survey, particularly siblings as mostly parents complete the surveys on behalf of families. The Council also raised sensitivities in this area, noting that the family may be providing an update on how the individual is going and therefore might be speaking for them.

**Action Items/Matters Arising**

The Council agreed that:

- IAC Consultant to analyse the Outcomes Framework and ILC Commissioning Framework to ensure it supports families.

**ITEM 6.1 Annual Mental Health update**

- The Council noted the NDIA's annual update 2014–2015 on NDIS and mental health, including the NDIA Mental Health Work Plan 2015–16.
- The Council was informed of the main issues arising from the sector including:
  - existing state and Commonwealth programs and whether they are covered under ILC
  - the unmet needs of individuals who will not enter the Scheme as participants, as the modest level of ILC funding will not be sufficient, and
  - that jurisdictional mental health contributions are being progressed via Bilateral Agreements, Transitional Operational Plans, the ILC mapping and commissioning process and the COAG endorsed Mainstream Interface principles.
- The Council noted the key initiatives of the Mental Health Work Plan, including
  - the implementation of recommendations from the Review of Operational Access for People with a Psychosocial Disability
  - the development of a mental health sector and key stakeholder communication and engagement strategy
  - engagement with the Government Response to the National Mental Health Commission Review and key implementation challenges including communications with the sector regarding the transition of programmes to the NDIS, and
  - increased emphasis on mapping the transition of mental health programs and data including ILC and NDIS Act section 55 data.
- The Council discussed episodic treatment, raising that it was important to be able to manage severe functional impairment with a rapid response.
- The Council agreed to receive a Mental Health update for the last meeting of the IAC every year.

**Action Items/Matters Arising**

The Council agreed that:

- Secretariat to schedule a Mental Health update for the last meeting of the IAC every year.

**ITEM 7.1 Update on Rural and Remote Strategy**

- The Council noted the status of Rural and Remote Strategy 2016–2019 which has been endorsed by the Disability Reform Council (DRC).
- The Council noted the progress of the Implementation Plan for the Rural and Remote Strategy and the Aboriginal and Torres Strait Islander Engagement Plan.
- The Council discussed and provided its views on issues to consider prior to the finalisation of the Implementation Plan, including:

- providing innovative access points for new entrants to the Scheme in remote areas
  - the importance of understanding the marketplace, and how community organisations can be supported to be part the NDIS, and
  - the value of DSOs in identifying programs and early intervention.
- The Council agreed that it should be provided an update on rural and remote strategy every six months.

<b>Action Items/Matters Arising</b>
The Council agreed that:
• Secretariat to schedule an update on the rural and remote strategy every six months.



#### **ITEM 7.2 Workplan item: Innovation**

- The Council discussed the proposal for 2016 work on the issues of promoting innovation.
- The Council noted that the proposed work would provide advice on how the NDIA can strengthen its role in innovation; inform participants about innovative approaches; innovate models of support among participants and providers; and contrast costs between operationalising an ordinary life through traditional and innovative approaches.
- The Council noted the referral by Martin Laverty to the work of Burns and Stalker on *The Management of Innovation*, which provides a specific framework for innovation in seven stages including dissemination, evaluation and refinement as final steps.
- The Council agreed that the work on innovation must highlight the values of the Scheme and build a culture of innovation within the Agency, while building capacity of individuals to apply innovation in achieving *an ordinary life*.
- The Council stated its appreciation of the work of Belinda Epstein-Frisch.

<b>Action Items/Matters Arising</b>
The Council agreed that:
• Technology and Digital Innovation to provide a stocktake of innovative processes the Agency is already using.



#### **Item 7.3 Workplan: Intellectual Disability update**

- The Council adopted the discussion paper *What the NDIS should understand about intellectual disability?*
- The Council noted the discussion paper *Discussion points in relation to the ILC Commissioning Framework*.
- The Council discussed key issues that had been identified, including
  - employment within the Agency for people with Intellectual Disability

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- assessment of people with intellectual disability for entry into the Scheme in relation to lists A, B and C
  - that the majority of the recommendations are internally focused on the Agency, and need to include an engagement or development plan, and
  - life circumstances and people living on the margins need to be considered.
- The Council requested that the minutes of the IDRG be provided at the next meeting.

**Action Items/Matters Arising**

The Council agreed that:

- Secretariat to provide minutes of the Intellectual Disability Reference Group at the next meeting of the IAC.

**Item 7.4 Feedback and confirmation of next meeting**

- The next Council meeting will be held in March 2016.
- The meeting concluded at 2:59 pm on 11 December 2015.

**Other Business**

- The Council noted the signing of the South Australian Bilateral Agreement.
- The Council requested slides that could be used to try explain the NDIS with people who are unfamiliar with the Scheme.
- The Council noted that Australia ratified the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled*.

**Action Items/Matters Arising**

The Council agreed that:

- Communications, Media and Engagement to provide information packs to Council members that outline the NDIS.

**UNDER THE LINE ITEMS**

**UTL Item 1**

- The Council noted the current AAT reviews paper.