# Pricing Reference Group

# Terms of Reference

## Purpose

* 1. The Pricing Reference Group (PRG) has been established by the CEO of the National Disability Insurance Agency (NDIA) to provide advice, through the CEO, to the NDIA Board on the price control arrangements for the National Disability Insurance Scheme (NDIS).
  2. The PRG will advise on NDIA price regulation activities and decisions to support Scheme objectives during the transition to a competitive marketplace. In particular, the PRG will provide advice that ensures price regulation activities are co-ordinated with participant funding arrangements and non-price market settings to support the best possible outcomes for NDIS participants.
  3. The PRG will also advise on:
     1. Embedding a consistent price regulation approach in the NDIA;
     2. Increasing the quality of information delivered across the NDIA regarding market settings, particularly price regulation; and
     3. Building price regulation understanding and capability within the NDIA and the sector through the sharing of knowledge, advice and information.

## Scope

* 1. The PRG will:
     1. Provide the NDIA Board, through the CEO, with timely, accurate, insightful and accessible price regulation advice to enable informed decision making, mitigations and interventions including:
        + the scope, consultation activities, deliverables and timing for market reviews where price regulation is already in place or is likely to be needed to meet Scheme objectives;
        + the development of alternative approaches to addressing market failure in thin markets, including commissioning models
        + the development and monitoring of KPIs associated with the appropriate de-regulation of the pricing of disability goods and services in line with the NDIS Pricing Strategy
     2. Escalate issues and decisions to the NDIA Board through the CEO;
     3. Support continuous improvement in price regulation practices.

## Reporting

* 1. The PRG will report and provide advice to the Board, through the CEO, following each meeting of the PRG, and as otherwise requested as required by the CEO or Board.

## Roles

* 1. NDIA staff will lead market reviews, including consultation activities, and will present options and recommendations to the PRG. Options and recommendations will be supported by a proportionate impact assessment that considers:
     1. Market prices and factors influencing markets, including market monitoring activities and any market issues that arise based on analysis of Scheme data and external data sources;
     2. Expected costs and benefits for participants, providers and other relevant stakeholders, including the distribution of these costs and benefits;
     3. Risks, along with any options to manage/mitigate these risks; and
     4. Any other impacts that are relevant to the successful delivery of the NDIS.
  2. The PRG will make and record its advice to the Board on the basis of the impact assessment.
  3. Price control decisions will be announced after the Board has considered the advice of the PRG through the CEO.

## Constitution

* 1. The PRG is comprised of a chair, and up to five (5) independent members as follows:
     1. Chair – a senior executive of the NDIA nominated by the CEO;
     2. Independent Members appointed by the CEO, after consultation with the Board, reflecting an appropriate diversity of skills, experience and geography.
  2. The CEO may also designate other NDIA senior executives to attend PRG with full access and speaking rights.
  3. Independent members will be appointed, on a rotational basis, each year following the announcement of the Annual Review of Price Controls with their appointment to take effect from 1 July or else at the direction of the Board.
  4. Each appointment to the PRG will be for a maximum term of three years.
  5. PRG members can be reappointed.
  6. The Chair may nominate another NDIA senior executive as Alternate Chair. The Alternate Chair will act as Chair if the Chair is unavailable.
  7. As required, the Chair can request additional attendance to PRG meetings and/or for particular agenda items from NDIA staff and external experts to address issues that require subject matter expertise or to provide external market information.

## Confidentiality

* 1. Independent members will be required to sign a Confidentiality Deed in which they undertake:
     1. To use any Confidential Information or Personal Information provided to them as member of the PRG for the sole purpose of their involvement in the PRG; and
     2. Not to disclose or reproduce the Confidential Information or Personal Information to any person without the prior written approval of NDIA and to take all necessary precautions to prevent unauthorised access to or copying of the Confidential Information and Personal Information in the Confidant’s control.

## Disclosure of interests

* 1. A PRG member who has an interest, pecuniary or otherwise, in a matter being considered or about to be considered by the PRG must disclose the nature of the interest to the Chair.
  2. The disclosure must be made as soon as possible after the relevant facts have come to the member’s knowledge.
  3. The disclosure must be recorded in the minutes of a meeting of the PRG.

## Payment

* 1. A PRG member will be paid for their services as determined, in writing, by the CEO of the NDIA.
  2. However, a PRG member is not entitled to be paid if he or she holds an office or appointment, or is otherwise employed, on a full‑time basis in the service or employment of:
     1. A State; or
     2. A corporation (a public statutory corporation) that is established for a public purpose by a law of a State and is not a tertiary education institution; or
     3. A company limited by guarantee, where the interests and rights of the members in or in relation to the company are beneficially owned by a State; or
     4. A company in which all the stock or shares are beneficially owned by a State or by a public statutory corporation.
  3. All independent members would have their inter-state travel and accommodation organised and paid for by the NDIA.
     1. Air travel for the independent members will be in economy class, except for flights over five hours where travel will be in business class;
     2. Accommodation entitlement for independent members will be as per non-SES employees of the NDIA;
     3. Travel allowance will not be paid for independent members for a day trip; and
     4. For trips including an overnight stay, travel allowance for independent members will be paid as per non-SES employees of the NDIA.

## Secretariat

* 1. The NDIA will provide Secretariat functions for the PRG.

## Meeting arrangements

### Meeting agenda, papers and minutes

* 1. The agenda and papers are to be approved by the Chair in advance of the meeting date and provided to members one week before a meeting.
  2. Decisions and actions will be recorded for all meetings. Registers will be maintained by the Secretariat.
  3. Agreed actions will be updated monthly and form the primary minutes for meetings.

### Frequency and location

* 1. The PRG will meet as required, with video connection to the NDIA National Office in Geelong, with teleconference dial in capability.

### Conduct at meetings

* 1. All members are expected to:
     1. Read all papers before attending the meeting;
     2. Remain within the allotted time for agenda items;
     3. Operate from a whole-of-Scheme perspective and be accountable to identify risks and opportunities;
     4. Bring forward papers which enable the PRG to discharge its responsibilities;
     5. Ensure all PRG members are informed of issues that affect projects or programs of work;
     6. Act in a collegiate and collaborative manner when discussing and resolving issues;
     7. Provide PRG with accurate and timely information to enable well-informed reporting; and
     8. Declare and avoid conflicts of interest and conflicts of role.

### Quorum

* 1. A quorum is three members, one of whom must be the Chair or Alternate Chair.

## Review of Terms of Reference

* 1. These Terms of Reference will be reviewed on an annual basis, or after any significant change within the NDIA, to ensure the PRG remains effective.
  2. These Terms of Reference were last revised in December 2019.