14 February 2023

The Committee met on 11 November 2022, 25 November 2022 and 9 December 2022, and endorsed resolutions out of sessions on 1 December 2022.

Key matters considered at these meetings as below.

Interim Report on long-term options for dispute resolution under the National Disability Insurance Scheme

The Interim Report was developed by the Committee with the support of the Department of Social Services and in consultation with a range of stakeholders within the disability community, including people with disability, advocates and state legal aid organisations.

The Interim Report was presented by Mr Graeme Innes to the Disability Reform Ministers Meeting on 7 December 2022 and it provided recommendations to improve the process for handling disputes about National Disability Insurance Agency (NDIA) decisions. Ministers agreed further work be undertaken on a potential reform model in 2023.

Independent Experts appointed

The Committee recommended the appointment of 13 additional Independent Experts for Phase 2 of the Independent Expert Review program. All candidates met the selection criteria previously recommended to the Committee, and published in previous Communiques, including a minimum of 3 years contemporary involvement with the disability sector, including lived experience or other personal experience such as a service provider, academic or advocate.

Independent Expert Review program status and outcomes

The Committee is engaged with the NDIA about the qualitative and quantitative data being collected from the Independent Expert Review program including through statistical data collection, surveys and feedback.

Independent Expert Review program – Phase 1

The NDIA reported on the progress of Independent Expert Review referrals for Phase 1 and noted 10 recommendations had been received and all were accepted by the NDIA.

Independent Expert Review program – Phase 2

The NDIA reported that Phase 2 would commence on 12 December 2022. Delegates of the Committee worked closely with the NDIA to implement improvements to the Independent Expert Review processes based on learnings from Phase 1.

Delegates of the Committee also engaged with the NDIA to develop prioritisation criteria for Phase 2 to ensure equity for all Participants with Tribunal appeals. The Committee endorsed priority for matters taking into account:

- Plan reduction: where a decision has the effect of reducing a plan by >20% in plan value, from the plan in the immediately previous period
- Date since application: where proceedings have been in the Tribunal for in excess of 9 months
- Information: information necessary to consider the matter is relatively settled or easily able to be collected
- Forensic analysis of evidence: parties must not need to challenge evidence, which is more appropriate to be done through a hearing in the Tribunal
- Access matters: to be considered further during Phase 2.

The Committee endorsed the NDIA recommendation (based on consultation with Committee delegates, the Department of Social Services and the state legal aid commissions) that primary intake pathways for the December 2022/January 2023 period will focus on matters that meet the above criteria where participants have existing representation (including through the Department of Social Services funded participant advocates) and where matters are scheduled for hearing between January and March 2023, provided the Independent Expert Review can be completed before the hearing date without deferring the Tribunal hearing.

The Committee will continue to review the prioritisation criteria, particularly relating to when matters are not appropriate for Independent Expert Review and should be heard in the Tribunal.

IER program feedback and evaluation

The NDIA has developed an evaluation framework for the Independent Expert Review program including surveys of all people taking part, consideration of outcome data, as well as informal feedback.

IER meeting bulletin December 2022

- Easy read IER Oversight Committee - December 2022 (DOCX 60KB)
- Easy read IER Oversight Committee - December 2022 (PDF 5MB)

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