1 May 2023

The Oversight Committee changed to a monthly meeting rhythm from January 2023. This edition features the key highlights and issues considered at the meetings held on:

- Friday 27 January
- Friday 24 February
- Thursday 30 March 2023.

Oversight Committee members

The Committee endorsed the appointment of Alan Blackwood to replace Jean Cotchin and Jeff Smith to replace Mary Mallett, who both commenced roles with different organisations.

A list of current Committee members is published on the NDIS website.

Independent Experts

The Committee recommended the appointment of a further 2 Independent Experts, including an Independent Expert with First Nations experience.

All candidates met the selection criteria published on the website, which includes 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.

The Committee also reviewed the Guidelines for Independent Experts, a document to support consistency in neutral evaluation decision making on IER matters.

Independent Expert Review program status and outcomes

The Committee acknowledged the commencement of the Independent Expert Review Advice Service (IERAS) Information line in January. The IERAS is a free, national legal advice service that can support people with disability, their families and carers participating in the IER program. More information regarding this service can be found on the DSS website and contact details for the IERAS are:

- Telephone 1800 44 1800
- Email: ieradvice@legalaid.qld.gov.au

The Committee discussed the proposed Register of publicly searchable de-identified matter outcomes at the February meeting. The Committee raised a number of risks including consent based, privacy and unintended expectation creation, and asked the Agency to keep working on an acceptable format for publication.

The Committee discussed the lower than expected trial volumes at the March meeting to better understand the reasons for the numbers.

IER numbers through the trial are lower than originally estimated for a variety of reasons including the success of other Agency resolution activities such as case review processes and the introduction of an early resolution team to reduce matters before the AAT. Many matters that would otherwise have been in the IER trial are being resolved prior to referral to an Independent Expert. This is considered a positive outcome. As at 19 March, 4,681 NDIS cases have been resolved at the AAT since 1 June 2022.

While lower than estimated, the main reason is positive because of the high number of resolutions through other Agency initiatives. There are also sufficient numbers progressing through the trial for the evaluation to occur. The trial is also very beneficial to assist with the resolution of complex and aged matters.

The Committee also discussed other factors including a lower than expected acceptance of invitations to the IER trial and the complexity of the matters requiring more time than expected to prepare the referral material for the Independent Experts to undertake their review and complete the recommendation.

IER program feedback and evaluation

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

At the March meeting, the Agency's Research and Evaluation Branch presented an update on the IER Evaluation Framework and the status of responses to date from participants, their representatives, independent experts and key informants both within and external to the Agency.

The first draft IER Evaluation report is expected to be due in May 2023.

Alternative Dispute Resolution

The Committee acknowledged the Attorney General's Department announced the AAT will be abolished and replaced with a new federal administrative review body. A Discussion Paper to address the NDIS and how it fits with the changing arrangements with the AAT is expected to be shared with the Committee for input in May 2023.

The Interim Report on Long Term Options for Dispute Resolution under the National Disability Insurance Scheme prepared by the Committee in collaboration with DSS late last year, was published on the DSS website in March.

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