



Terms of Reference

Building a strong, effective NDIS

Context

The NDIS aims to improve the wellbeing of Australians by investing and empowering people with disability and supporting them to achieve their goals and participate in the community and economy.

The NDIS takes a lifetime approach to achieving these outcomes, investing in people with a disability early to improve outcomes later in life and improve system sustainability.

An effective NDIS will improve outcomes for:

- people with disability and their families and carers, helping them achieve their life goals and participate in social and economic life; and
- society, by strengthening communities and reducing avoidable system costs, including social security, employment, health, housing and justice.

There will be two parts to the Review:

Part 1 will examine the design, operations and sustainability of the NDIS covering issues outlined in the full-Scheme bilateral agreements between the Commonwealth and jurisdictions.

Part 2 will examine ways to build a more responsive, supportive and sustainable market and workforce.

An overarching objective for both parts of the Review will be to put people with disability back at the centre of the NDIS, restoring, trust, confidence and pride in the NDIS amongst them and their families and carers as well as the broader Australian community, while ensuring the sustainability of the scheme so that future generations receive the benefit of the NDIS.

Part 1: Design, operations and sustainability of the NDIS

Objectives

The Independent Review Panel will make findings and recommendations to Disability Reform Ministers on:

- a. the participant experience and costs of engaging with the Scheme and opportunities to rebuild trust and improve key scheme design and administration, including by examining:
 - o the user journey, including awareness and access to the scheme, assessment, planning, review processes, and navigation of supports and key transition points;
 - o ways to improve the evidence-based understanding and usage of services covered in a plan now and over time;
 - o ways to improve and make more timely decision making in relation to home modification, assistive technology and accommodation; and
 - o ways to ensure participants are well informed and supported as relevant remaining in-kind services are transitioned into the NDIS.

With a view to putting people with disability back at the centre of the NDIS.

- b. the effectiveness and sustainability of the NDIS, including the achievement of participant meaningful employment and lifetime outcomes and broader social and economic benefits, through the provision of reasonable and necessary supports and consider:
 - o the effectiveness of: Information, Linkages and Capacity Building; Local Area Coordination and Community Connectors; and early childhood early intervention; and
 - o the suitability of the NDIS outcomes framework and data to measure effectiveness, and options to improve the ongoing monitoring and evaluation of the Scheme's effectiveness, including economic and social participation for participants and their families;
 - o the fiscal sustainability of the scheme, including the longer term fiscal trajectory.
- c. ways to better ensure the delivery of value and outcomes for participants and government, including capacity building and assistive technology supports;

- d. scheme governance arrangements and the extent they support effective operation of the scheme, including the roles and interaction between the NDIA and NDIS Quality and Safeguards Commission and DSS, and the NDIA's and the NDIS Quality and Safeguards Commission operational models and costs;
- e. efficiencies within the Scheme and improving the interaction between the NDIS and other significant related policies and systems, including mainstream services delivered by the Australian Government, the states and territories, local government, and the community sector;
- f. whether there has been any service and financial impact, positive or negative, on other service systems and programs and the adequacy of supports for people with disability outside the NDIS; and
- g. financial risks and the drivers of cost pressures, and the most appropriate levers to manage these risks and cost pressures.

Part 2: Building a more responsive and supportive market and workforce

Objectives

The Independent Review Panel will make findings and recommendations to Disability Reform Ministers on reforms to:

- a. foster and steward an innovative, effective and sustainable market where providers (commercial or otherwise) invest, grow and improve outcomes for participants and the Scheme;
- b. improve the pricing and payment system to incentivise providers to improve outcomes for participants, improve productivity, support workforce development and ensure market and system sustainability;
- c. improve access to supports in thin markets – including cultural and regional, remote and very remote communities and service categories – and ensure participants with complex needs have continuity of support where a provider withdraws from the market;
- d. attract, build and retain a capable workforce, including employment and training models that enhance participant experience and worker attraction, retention and career pathways;
- e. ensure adequate supply of appropriate and cost-effective accommodation and supports, including specialist disability accommodation, medium-term accommodation and supported independent living and individualised living options;

- f. improve consumer information and dissemination on supports / services (type of service, price, quality and availability) and the role of intermediaries to make it easier for participants and carers to find value for money supports that meet their needs and deliver outcomes;
- g. ensure the adequacy and effectiveness of the operation of the Quality and Safeguards Framework in ensuring quality, addressing conflicts of interest, and providing appropriate protection for participants;
- h. improve the efficiency and effectiveness of current price setting and regulatory functions (market oversight, monitoring and enforcement), including interaction with other relevant Commonwealth, state and territory regulatory systems; and
- i. improve performance monitoring, compliance, reporting and responses to breaches, unscrupulous behaviour, including the detection of fraud and sharp practices.

The Independent Review Panel will consider interactions across the broader care and support sector, including aged care, veterans' care and primary health care, as well as broader community based activities, and identify how programs could achieve better outcomes through an integrated approach.

Approach

The Review will:

- **analyse** challenges to the effectiveness of the NDIS and the NDIS market and workforce, and opportunities to improve their effectiveness to support people with disability and their families and carers, helping them achieve their life goals and participate in social and economic life. This includes analysis of barriers to accessing and navigating the NDIS;
- **consult** widely to ensure participant, provider and community feedback and, where necessary, draw on specialist expertise while managing demands on those consulted;
- **examine** barriers that have affected the operation of the NDIS and the NDIS market and the development of a capable workforce, including an assessment of the impact of major policy changes, regulation and interaction with other systems;
- **co-design directly with participants, carers and their families, and providers and workers, and prioritise** potential reforms to improve the responsiveness and capability of the NDIS and the NDIS market to ensure they deliver for Australians with a disability and their families and carers, and society more broadly; and
- **review** the reasons for ongoing significant upward revisions of cost pressures on the scheme and **identify** options to ensure scheme sustainability and manage future financial risks, including growth in scheme costs.

The Independent Review Panel will be guided by Australia's commitments under the United Nations Convention on the Rights of Persons with Disabilities, Australia's Disability Strategy 2021-31 and the National Agreement on Closing the Gap.

It will apply best practice for designing policy that supports people with disability. This will include consideration of the needs of First Nations participants and participants with a range of lived experiences including in relation to gender, culture, socio-economic status, age, and sexuality to ensure the NDIS is catering to the diversity of participant needs and intersections between them. The Independent Review Panel will also have careful regard to the findings and proceedings of previous and ongoing reviews and inquiries, including the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the National Autism Strategy, so that input already provided by the disability community is fully taken into account.

The Panel will also identify and provide advice on ways to monitor and manage implementation risks.

Governance

An Independent Review Panel – comprising Professor Bruce Bonyhady AM (co-chair), Ms Lisa Paul AO PSM (co-chair), Mr Kevin Cocks AM, Ms Judy Brewer AO, Dr Stephen P King, Mr Dougie Herd and Ms Kirsten Deane OAM – will report directly to Disability Reform Ministers. Professor Bonyhady will lead Part 1 of the Review, *Design, operation and sustainability*, and Ms Paul will lead Part 2 of the Review, *Building a more responsive and supportive market and workforce*.

The Independent Review Panel will be supported by a Secretariat in the Department of the Prime Minister and Cabinet comprising Commonwealth, State and Territory officials as well as people with sector and workplace relations experience. The Secretariat will seek expert opinions where needed, including independent actuarial advice.

Timeframe

A final report is to be provided by the Independent Review Panel to Disability Reform Ministers by October 2023. Where specific opportunities for reform are identified prior to the final report, the Independent Review Panel may bring forward recommendations and a supporting paper on these to Disability Reform Ministers ahead of the final report.