



Australian Government



NDIS  
Review

# Our Approach

Independent Review of the National Disability Insurance Scheme  
November 2022



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# Foreword from the Co-Chairs

We know how important the National Disability Insurance Scheme (NDIS) is to you. It's important to us too.

We hope this Review will help restore **trust** and **pride** in the NDIS for people with disability, families and carers, service providers and workers, representative organisations and all Australians.

We want to work with you to make that happen.

So we can work together well, we want to make you a series of promises.

We promise to be open. Open to listening to you. And making sure we do our work out in the open.

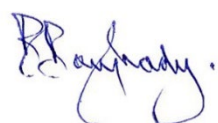
This paper is the start of our conversation. It covers the background to the NDIS and a summary of past reviews.

Then it tells you how you can get involved in the Review and have your say.

You can read more on our website – [www.ndisreview.gov.au/have-your-say](http://www.ndisreview.gov.au/have-your-say).

We look forward to hearing from you.

Yours sincerely



Professor Bruce Bonyhady AM

Co-chair, Independent Review of the  
National Disability Insurance Scheme



Ms Lisa Paul AO PSM

Co-chair, Independent Review of the  
National Disability Insurance Scheme

# The Independent Review of the National Disability Insurance Scheme

The Minister for the NDIS, the Hon Bill Shorten MP, announced the Review on 18 October 2022. All Australian governments agreed to the Review.

## The Independent Review Panel

So who are we? We are the Independent Review Panel. We have two co-chairs:

- Professor Bruce Bonyhady AM has spent more than 30 years working to improve the lives of people with disability. He brings an extensive understanding of the design of the scheme. Bruce was the first Chair of the National Disability Insurance Agency (NDIA).
- Ms Lisa Paul AO PSM is a former senior public servant with experience in complex social policy reform. She chaired headspace, the National Youth Mental Health Foundation until 2021.

And five panel members:

- Ms Judy Brewer AO is a high profile speaker, writer and advocate on issues relating to education, autism, and family carers.
- Mr Kevin Cocks AM is a recognised leader in the human rights and disability field.
- Professor Kirsten Deane OAM was the Campaign Director of Every Australian Counts, the grassroots campaign that fought for the introduction of the NDIS.
- Mr Douglas (Dougie) Herd has worked for more than 30 years in disability advocacy, disability advice and service delivery in Scotland and Australia.
- Dr Stephen King who is a Productivity Commission Commissioner with expertise in human service delivery models.

We will bring all our experiences and expertise to the Review. But we will also always be guided by the United Nation’s Convention on the Rights of Persons with Disabilities, Australia’s Disability Strategy 2021–31 and the National Agreement on Closing the Gap.

Our Terms of Reference asks us to look at how the NDIS can be improved. You can find the Terms of Reference at the end of this paper. If you want more information about the Review you can find it on our website – [www.ndisreview.gov.au](http://www.ndisreview.gov.au).

## What will the Review look at?

It is now 10 years since the NDIS was introduced. Now is a good time to look at how well it is working for participants and their families.

We know the NDIS has been reviewed many times already. We also know that you have voiced your concerns many times before, and haven't always been heard.

We have now been given the task of reviewing the scheme and coming up with ways to make sure the scheme works well for everyone who depends on it. We want to make sure that people with disability really are at the heart of the NDIS. To do that, we want to work with you to unpack the problems areas and come up with solutions.

The purpose of this paper is to let you know what we will do and how you can get involved.

## How can I get involved?

You can tell us what you think about the NDIS at [www.ndisreview.gov.au/have-your-say](http://www.ndisreview.gov.au/have-your-say) by:

- ✓ Sending us your views in writing, in a video or by audio
- ✓ Filling in a set of questions online
- ✓ Speaking to us on the telephone

We are happy to hear from you in any way you wish.

We look forward to hearing from you.

# We've listened to what has been said before

There have been many reviews of the NDIS since it started 10 years ago.

We will not ask you to repeat what you've said before.

But we would like to know what you are feeling about the NDIS now.

For many people with disability, the NDIS has been great.

But for many people, the NDIS hasn't worked or hasn't worked well enough.

We want to hear the good and bad.

We have heard about:

- long delays in making decisions;
- unexplained changes to plans;
- lots of red tape;
- confusing and complicated information and processes;
- too many changes made too quickly;
- lack of help to work your way through the scheme; and
- not enough focus on what needs to be done to make sure people with disability have what they need to be independent and live a good life.

Here are some examples of what has been said before:

"For many of its participants, the NDIS is helping to improve their social and economic outcomes, increasing their ability to live an ordinary life and achieve their goals and aspirations. However, the implementation of the NDIS has not been smooth and it is evident that the pressure of rolling the scheme out across Australia has directly impacted the NDIA's ability to provide a consistent, effective and high quality service delivery offering" <sup>1</sup>

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<sup>1</sup> [Review of the NDIS Act report \(June 2019\)](#)



Figure 1. Some areas identified as opportunities for improvement

Previous reviews of the NDIS include:

- [Productivity Commission Study of NDIS Costs 2017](#)
- [Review of the NDIS Act \(Tune Review\) 2019](#)
- [Robertson Review 2020](#)
- [Mental Health – Productivity Commission Inquiry Report 2020](#)
- Inquiries by the [Joint Standing Committee into the NDIS \(2022\)](#)
- [Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS, NDIS Quality and Safeguards Commission 2022](#)
- [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability \(2019-2023\)](#)
- [Australia’s Disability Strategy 2021-31](#)
- Inquiries and reviews undertaken by states and territories.



# We want this Review to be different

All our communication will be accessible.

We will communicate with you in ways that work for you.

We want what you want – a better NDIS.

And we know that the only way that will happen is if we all work together.

So we hope that we will earn your trust and some of the ways we will do that are:

- We understand that as Chairs and Panel members, we will be seen to have some power. We will share that power.
- We will ask you to help set our priorities.
- We will work hard to hear from everyone, including people who haven't had a chance to have a say before.
- We will focus on First Nations peoples, people whose first language is not English, and rural, regional and remote communities.
- We will be open about what we were doing and communicate often.
- We will make sure there are lots of ways for you to tell us what you think.
- We will use facts and not make assumptions.
- We will check back in with you to make sure we are doing what we promised.

## How to have your say

You can find out more about how to have your say at [www.ndisreview/have-your-say](http://www.ndisreview/have-your-say)

## Contact us

You can contact us by completing a form on the website at

[www.ndisreview.gov.au/contactus](http://www.ndisreview.gov.au/contactus).

### **Postal Address**

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# Our Terms of Reference

## 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 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:

- the user journey, including awareness and access to the Scheme, assessment, planning, review processes, and navigation of supports and key transition points;
- ways to improve the evidence based understanding and usage of services covered in a plan now and over time;
- ways to improve, and make more timely, decision making in relation to home modification, assistive technology and accommodation; and
- 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:
  - the effectiveness of: Information, Linkages and Capacity Building; Local Area Coordination and Community Connectors; and early childhood early intervention;
  - 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; and
  - 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 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.