



# NDIS Reform Advisory Committee

## Terms of Reference

### Purpose of the Committee

The National Disability Insurance Scheme Reform Advisory Committee (NDIS RAC) provides independent advice from people with disability on the implementation of reform to the NDIS, including in response to the Independent Review into the NDIS (NDIS Review) and NDIS-related reforms from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC).

The NDIS RAC will deliver advice related to the process, timing, community views, and policy substance of NDIS reforms to the:

- Disability Reform Ministerial Council (DRMC), comprised of Ministers with responsibility for disability from the Commonwealth and each state and territory, and
- The Commonwealth Minister for the NDIS, Chair of DRMC.

The purpose of the NDIS RAC is to bring together the different and diverse voices of people with disability to DRMC to report on the progress of implementation. It is not intended to replicate or duplicate existing forums or channels that provide an opportunity for people with disability, and their representative organisations, to have their views communicated to government. Existing forums and channels will be retained and may continue to provide views to government. This includes (but is not limited to) the Disability Representative Organisations program, Australia's Disability Strategy Advisory Council, NDIS Independent Advisory Council, NDIA Disability Representative and Carers Organisation (DRCO) Forum, or state and territories' disability councils.

The NDIS RAC may engage with senior disability officials across the Commonwealth, state and territory government departments and the National Disability Insurance Agency (NDIA), and NDIS Quality and Safeguards Commission (NDIS Commission) as required, to ensure the voices of people with disability are heard throughout the implementation of the reforms.

### Background

The NDIS RAC forms part of the NDIS Review Recommendation 24, which seeks to establish appropriate architecture to ensure the reforms can be implemented. The establishment of the NDIS RAC also links to the NDIS Review Recommendation 26 to develop an implementation roadmap that factors in critical dependencies and risks and ensures a smooth transition for existing participants.

The Australian Government announced the NDIS RAC (formerly known as the NDIS Implementation Advisory Committee) in the 2024-25 Federal Budget as part of strengthened governance and advisory arrangements to support the implementation of NDIS reforms.

The name of the NDIS RAC has been changed from the NDIS Implementation Advisory Committee, as was proposed by the NDIS Review, to avoid confusion with the NDIA's Independent Advisory Council (IAC). The Australian Government, through the Department of Social Services, will fund the NDIS RAC operations.

## Roles and responsibilities

The NDIS RAC will monitor and advise DRMC on the initial period of implementation of reform, including monitoring levels of engagement with people with disability by lead government agencies. It will also report to DRMC on implementation progress and risks, including the approach to inclusion of and accountability to people with disability.

The NDIS RAC is to:

- Monitor and advise DRMC on the implementation of NDIS reforms, against the Response to the Independent Review into the NDIS (NDIS Review response) and the Implementation Roadmap (Recommendation 26), to be developed following the release of the NDIS Review response
- Advise DRMC on effective processes for engaging with people with lived experience
- Monitor and advise DRMC on how the NDIS reforms are being implemented with respect to engagement with people with disability, including process, timing, community views and policy substance
- Ensure the diverse voices, views and lived experience of people with disability are heard by DRMC during the implementation of reforms
- Formally report to DRMC every six months or more frequently at the invitation of the DRMC Chair and provide additional ad hoc reporting and advice as required
- Attend meetings of the DRMC at least every six months, and provide regular reporting and advice to DRMC on the above as required.

## Membership

The NDIS RAC is to have strong representation from the disability community across all jurisdictions. The Commonwealth will select and appoint the Co-Chairs of the Committee, in consultation with DRMC, and each state and territory Disability Minister will nominate an individual to be appointed as a member of the Committee.

The NDIS RAC will total 13 members (including 2 Co-Chairs, and 11 members) and have the following structure:

- **2 Co-Chairs to lead the NDIS RAC:** to be appointed by the Minister for the NDIS, as the Chair of DRMC
- **8 state and territory members:** to be nominated by state and territory Disability Ministers (i.e. one member to represent each jurisdiction)

- **3 members selected through an EOI open to the public:** to be advertised to the public by DSS for at least a 4-week period.

The Commonwealth is to manage the appointment and on-boarding of all members, including administrative processes and remuneration, through the NDIS RAC Secretariat.

Commonwealth, state and territory Disability Ministers will work together and in consultation with the NDIS RAC Co-Chairs to nominate NDIS RAC members that have an appropriately diverse range of skills and experiences as set out in this Terms of Reference.

In selecting members, regard should be given to ensuring:

- the membership of the NDIS RAC reflects the diversity of people with disability;
- all members are persons with skills, experience or knowledge that will help the NDIS RAC perform its roles and responsibilities, including having an understanding of matters affecting Australia's disability community and sector (including diverse communities), experience connecting with and representing the views of people with disability, and experience advising or working with government on large pieces of social policy reform;
- both Co-Chairs are people with disability a majority of members are people with disability;
- at least two members are carers of people with disability;
- at least one member is a First Nations person with disability or a carer;
- at least one member is a person who has skills, experience or knowledge in relation to disability in rural or regional areas;
- at least one member is a person who has skills, experience or knowledge in the supply of equipment, or the provision of services, to people with disability; and
- collectively, members reflect the diversity of people with disability, including but not limited to people from migrant and refugee backgrounds, LGBTIQ+, young people, and women.

Committee members should not be employed working in closely related roles in government, such disability policy roles. Government employment in unrelated roles does not preclude eligibility, nor does holding an existing advisory role.

In addition, the Committee will include three ex-officio government members to support the work of the Committee and its engagement with DRMC, departments and agencies. This will include one senior representative from the Commonwealth Department of Social Services and two senior representatives from state and/or territories.

## Funding of the committee and fees

The Australian Government, through the Department of Social Services, will fund the establishment and operations of the NDIS RAC.

The Committee's budget will be determined by the Australian Government each year. All aspects of the NDIS RAC's operations, including meetings, travel, consultations, commissioning of any feedback or advice or related activities, must be maintained within the budget.

Daily sitting fees for the NDIS RAC Co-Chairs and members will be determined by the Australian Government with reference to the rates set out in the Australian Government [\*Remuneration Tribunal \(Remuneration and Allowances for Holders of Part-time Public Office\) Determination 2024\*](#), recognising the similar function of these positions to those of the National Disability Insurance Agency – Advisory Council, included in section 20 of that Determination.

Co-Chairs and members will be remunerated for work directly linked to their roles on the NDIS RAC, including preparation for and attendance at meetings, engagement with Ministers and officials, consultations with the community, and related work set out within an agreed work plan for the Committee. This activity and remuneration will be undertaken within the agreed annual budget for the NDIS RAC.

## Duration of the committee

The duration of the NDIS RAC will be five years, with appointments to be two and a half years. The ongoing role of the NDIS RAC will be reviewed by DRMC annually.

## Secretariat support for the NDIS RAC

The NDIS RAC will be supported by a secretariat function within DSS, with functions including:

- Providing administrative support for meetings, including setting meetings and support for setting agendas, papers, meetings notes, records of actions and any other meeting support required
- Providing an online platform and necessary technical support to support the NDIS RAC to operation and work collaboratively, including MS Teams functionality for meetings and a platform such as GovTeams for securely sharing documentation
- Ensuring appropriate accessibility supports for members
- Administration of the NDIS RAC's finances, including remuneration for Co-Chairs and members
- Development of reports and papers with advice for DRMC and other forums as appropriate
- Supporting members to develop an annual work plan, for DRMC's approval

State and territory officials will support the Secretariat through provision of jurisdictional intel and reporting and through administrative support where agreed by Deputy Department Heads. Officials from the NDIA and NDIS Commission will provide relevant information to the NDIS RAC on request to support the Committee's reporting to DRMC on the progress of reform implementation and engagement.

## Disability Reform Ministerial Council (DRMC)

The NDIS RAC will prepare an annual work plan based on the Implementation Roadmap and report progress to DRMC. This will be prepared by the NDIS RAC, with support from the NDIS RAC Secretariat, for DRMC's approval. Until the Implementation Roadmap has been agreed by DRMC, the work plan should be based on the priority NDIS reforms already underway and

committed to by National Cabinet. An initial work plan is to be provided for DRMC approval no more than 4 weeks following the appointment of all members.

The NDIS RAC will provide advice to DRMC, and DRMC will consider the publication of this advice. This is similar to the publication of IAC advice provided to the NDIA Board.

The advice from the NDIS RAC to DRMC will be included in communiques as relevant and approved by DRMC.

The NDIS RAC will formally report to DRMC at least every six months on the implementation of reform to the NDIS (mid-year and end-of-year). Additional formal reports to DRMC outside of the six-monthly reporting may be progressed, if required, at the discretion of the DRMC Chair. This may also include out of session papers through the DRMC Chair as required.

The NDIS RAC Co-Chairs will attend DRMC meetings at the invitation of the DRMC Chair for agenda items where NDIS RAC advice or reports are being provided or items that are substantially relevant to the role of the NDIS RAC. They may not attend for agenda items that are not relevant to the role of the NDIS RAC.

## Status of Terms of Reference and amendments

These Terms of Reference govern the way in which the NDIS RAC will operate and will be approved by DRMC. Once approved, the Terms of Reference are binding on the Co-Chairs and members.

The Terms of Reference for the NDIS RAC will be reviewed by DRMC annually or as required. Amendments to the Terms of Reference can be proposed by the NDIS RAC and can be included for DRMC consideration in the NDIS RAC's six monthly reports to DRMC. Final approval is required of the Commonwealth and a majority of Disability Ministers for any amendments.

## Termination of membership

The Commonwealth Minister for the NDIS may terminate members for reasons including the member is found to be neglecting their duties or acting in a manner conflicting with their roles, responsibilities and obligations as covered in these Terms of Reference, or acting in an inappropriate manner.

The Minister for NDIS may also take advice from Disability Ministers and NDIS RAC Co-Chairs in respect of a proposed termination.

If a proposed termination relates to a state and territory-selected member, the NDIS Minister will consult with the relevant Disability Minister prior to making any decision.

## Resignation

NDIS RAC members are asked to provide two months' notice should they choose to resign from the NDIS RAC. This will allow sufficient time to seek a replacement member in line with the membership section of these Terms of Reference.

Written resignations should be made to the Co-Chairs and copied to the NDIS RAC Secretariat. A resignation of a Co-Chair should be made to the Minister for the NDIS and copied to the NDIS RAC Secretariat.

## Meetings

The NDIS RAC will meet monthly and can be held virtually. Urgent matters may be agreed out of session. The NDIS RAC Co-Chairs are responsible for ensuring appropriate representation at relevant meetings and management of the demands on NDIS RAC members' time.

The primary platform for NDIS RAC meetings will be via Microsoft Teams.

The NDIS RAC Co-Chairs may attend the DSOG meeting to provide advice and updates on the work of the NDIS RAC as requested by the DSOG Co-Chairs. The NDIS RAC may offer a sounding board and advice to DSOG, if and as needed.

The Chairs may also attend the DRCO Forum and take feedback from DROs/DRCOs, with other meetings to be agreed by the NDIS RAC Co-Chairs.

## Conflicts of interest

Members must declare any actual or perceived conflicts of interest which could impact their ability to perform their duties. Members will be asked to declare any conflicts of interest upon commencement of their term and should provide any updates to the NDIS RAC Secretariat for the visibility of Co-Chairs as changes arise.

## Confidentiality and privacy

As a part of duties, members may have access to confidential and private information. This information can only be used for approved purposes. Members will be asked to sign a deed of confidentiality.

Members can discuss the reform implementation outside of NDIS RAC members in order to fulfill the duties outlined in the Terms of Reference, as well as to properly listen and learn what the views and concerns of the disability community are.

However, information must be treated confidentially and appropriate due diligence be given in the provision or circulation of confidential information.

# Additional background context (NDIS Review)

## Recommendation 24: Establish appropriate architecture to implement reforms

### 24.1 The Disability Reform Ministerial Council should agree architecture to support implementation and delivery of the NDIS reform agenda

The Advisory Committee should be appointed by the Disability Reform Ministerial Council (DRMC). It should monitor and advise on the initial period of implementation, including monitoring levels of engagement by the implementing agencies with people with disability. It should be made up of representatives from the disability community and sector, as well as government and other external experts with relevant expertise. Appointments should prioritise people with disability, families and carers. It should have an independent chair and report to DRMC. The Advisory Committee should exist for a limited period of time until the Disability Outcomes Council (DOC) is established. At this point, it should transition into the DOC (see Action 20.5). Secretariat support should be provided by the Department of Social Services (DSS). The Advisory Committee's scope should not interfere with the lines of authority of the National Disability Insurance Agency (NDIA), NDIS Quality and Safeguards Commission (NDIS Commission) or DSS; but rather should work in partnership with agencies to ensure successful implementation of reforms.

### 24.2 The new NDIS Review Implementation Advisory Committee should report to the Disability Reform Ministerial Council every six months or as needed.

During the limited period for which the Advisory Committee exists, it should report regularly to the Disability Reform Ministerial Council on implementation progress and risks, including the approach to inclusion of and accountability to people with disability. This should be based on updates from the NDIS Review Implementation Working Group and the NDIS Experience Design Office.\*

\*Note the NDIS Review Implementation Working Group and the NDIS Experience Design Office are other parts of the governance architecture recommended in Action 24.1.