



Australian Government

Australian Government Response to the
Joint Standing Committee on the National Disability Insurance
Scheme Final Report

Inquiry into the Capability and Culture of the National Disability Insurance Agency
(NDIA)

March 2024

Introduction

The Australian Government (the Government) welcomes the Joint Standing Committee on the National Disability Insurance Scheme's (the Committee) final report of its inquiry into the Capability and Culture of the National Disability Insurance Agency (NDIA, the Agency).

On 14 September 2022, the Committee announced it had initiated an inquiry into the capability and culture of the NDIA. The Committee would inquire into the implementation, performance, governance, administration and expenditure of the National Disability Insurance Scheme (NDIS), with particular reference to:

- the capability and culture of the NDIA, with reference to operational processes and procedures, and the nature of staff employment;
- the impacts of NDIA capability and culture on the experiences of people with disability and NDIS participants trying to access information, support and services from the Agency; and
- any other relevant matters.

The Government notes that the Committee received a total of 206 submissions and held 13 public hearings across the country. The Committee tabled an interim report for this inquiry on 30 March 2023 and its final report on 16 November 2023.

The final report makes 27 recommendations. In addition, the Committee made five recommendations in its interim report. There are a further three recommendations from the Coalition and seven recommendations from the Australian Greens. This Government response addresses all recommendations made in relation to the inquiry.

Two significant and related processes ran in parallel to this inquiry:

1. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) published its final report on 29 September 2023. It made 222 recommendations on how to improve laws, policies, structures and practices to ensure a more inclusive and just society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.
2. The Independent Review of the NDIS (the NDIS Review) released its final report on 7 December 2023. It made 26 recommendations, with 139 detailed actions under these recommendations, to help restore trust, ensure the Scheme's sustainability, and deliver a better NDIS experience for participants.

There is considerable overlap and alignment between the Committee's recommendations in its interim and final reports and the recommendations of the Disability Royal Commission and the NDIS Review. The Government response to this inquiry notes where there is alignment between these recommendations, and does not pre-empt the Government's response to the NDIS Review and the Disability Royal Commission.

The Government acknowledges that the Committee's recommendations in its interim and final reports, along with the recommendations of the Disability Royal Commission and the NDIS Review, are aligned with the Government's focus on rebuilding trust and confidence in the NDIS and getting the Scheme back on track. The Government accepts reform is required to secure the future of the NDIS, so that it can continue to provide life-changing outcomes for

current and future generations of Australians with disability. This hard work necessarily starts with lifting the capability and capacity of the NDIA.

The Government is working openly and transparently, as it takes forward the further work required with the disability community and state and territory governments on the response to the Disability Royal Commission and the NDIS Review.

The Government has already invested more than \$429.5 million through the 2023-24 Budget to lift the NDIA's capability, capacity and systems to better support participants. These investments include better decision-making processes and planner capability for participants with specialised needs, strengthening guidelines for planners on support volumes and intensity, and providing clear minimum standards of evidence for assistance with daily living.

The Government is committed to transparency and partnership with the disability community in delivering these initiatives.

The Government has also worked through National Cabinet on an initial response to key aspects of the NDIS Review. On 6 December 2023, National Cabinet agreed to work together to implement legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the NDIS to support people with permanent and significant disability, within a broader ecosystem of support.

The National Cabinet agreed to jointly design additional Foundational Supports to be jointly commissioned by the Commonwealth and the states, with the work to be oversighted by the First Secretaries Group.

An initial tranche of legislation will be introduced into the Commonwealth Parliament in the first half of 2024, with rule changes phased in as developed.

This is a significant step. These commitments demonstrate governments' ongoing commitment to the NDIS. It reinforces support for the NDIS and the social and economic inclusion of people with disability across the nation.

Discussions with the disability community will continue over the coming months as we work together to make the positive changes needed for people with disability.

Inquiry into the Capability and Culture of the NDIA

Recommendations made by the Committee in the Interim Report

1. Interim Report – The Committee recommends that NDIA staff have comprehensive training in disability awareness and anti-discrimination, and that the Government support planners and other NDIA staff, including contact centre staff, develop specialised skills in specific areas of disability and participants’ needs, so the Scheme can serve the diversity of NDIS participants.

Australian Government response to Interim Report recommendation 1: Noted

The Government is committed to improving the training and development for NDIA staff so that the NDIS works for all participants, including those from diverse backgrounds.

There are a number of initiatives underway including mandatory annual training on contemporary disability rights, disability awareness and diversity for all people working at the NDIA, access to a Disability Navigator and Disability Snapshots, a Disability Inclusion Plan, deep dives led by the NDIA’s Disability Champion focused on improving accessibility and inclusion, and co-designing a new Culturally and Linguistically Diverse (CALD) strategy and First Nations strategy.

The NDIA is also transforming the National Contact Centre (NCC) by redeveloping and expanding the NCC induction training, doubling the amount of training provided to staff, creating and training specialist teams with a new additional advanced skills program, and a skills-based routing model design, which will direct calls to specialised teams based on menu selections.

The Government’s investment in the NDIA’s capability, culture and systems will build on these initiatives and allow the NDIA to invest in a workforce capacity and capability package to improve training, tools, and system improvements for planners and partners. It will also improve the consistency, cultural inclusivity, and experience of the planning process for both the frontline workforce and participants.

The Government notes this recommendation overlaps with Recommendation 22 of the NDIS Review to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

2. Interim Report - The Committee recommends that the Government lift staffing caps and improve workplace culture to reduce staff turnover and improve the experience of participants through continuity of relationships.

Australian Government response to Interim Report recommendation 2: Noted

The Government is committed to increasing permanent staffing at the NDIA, by reducing insecure labour hire arrangements, investing in leadership capability development and career pathways, and improving Agency culture.

The proportion of permanent Australian Public Service (APS) roles has increased from 69.59 per cent as of 30 June 2023 to 75.95 per cent as of 31 December 2023. Between 30 June 2023 and 31 December 2023, the number of permanent APS roles has increased by 1,279 (5,328 to 6,607). The number of temporary roles decreased, with APS non-ongoing roles decreasing by 112 (324 to 212) and Labour Hire roles decreasing by 122 (2,004 to

1,882). 292 Labour Hire workers also transitioned to APS employment with the Agency over this period.

Service Delivery roles continue to be the priority area of Agency workforce growth. Between 30 June 2023 and 31 December 2023, the number of Agency Planners has increased by 895 (2,303 to 3,198).

The implementation of the APS Strategic Commissioning Framework, released by the Australian Public Service Commission in October 2023, will result in additional increases to Agency ASL in financial years' 23-24 and 24-25. The framework sets a clear expectation that most roles and functions in Government Agencies will be delivered by APS employees and outlines the limited circumstances in which external workforces such as labour hire can be engaged. The Agency is currently developing an implementation plan to support to support role transition and ensure adherence to the framework for new recruitment requests in the Agency.

The Agency is making good progress in reducing rates of employee turnover. Over the 12 months to 31 December 2023, the Agency staff turnover rate for ongoing APS employees has decreased from 11.20 per cent to 7.86 per cent; a reduction of 3.34 per cent.

The Government notes this recommendation overlaps with Recommendation 22 of the NDIS Review to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

3. Interim Report - The Committee recommends that the Government invest in training of staff and updating systems to improve the quality and transparency of decision-making, and to ensure that decisions consistently meet the requirements of the NDIS Act, so participants do not have to tell their stories again and again to multiple people.

[Australian Government response to Interim Report recommendation 3: Noted](#)

The Government is committed to ensuring the NDIS planning process is simpler and more transparent for NDIS participants. The NDIA's Participants, Platforms and Processes (3P) Project will improve the consistent application of NDIA's processes, and better support participants through a new fit-for-purpose business system called PACE, to eventually replace the NDIA's current Customer Relationship Management (CRM) system and portals. The PACE system was successfully tested in Tasmania and commenced national implementation on 31 October 2023. The NDIA has been working directly with staff, participants, and providers in designing the change program required to support implementation of PACE.

The NDIA is building PACE in a way that futureproofs the system, recognising it will need to be flexible to implement future legislative changes and outcomes of ongoing codesign, as required, including changes arising from the NDIS Review and the Disability Royal Commission.

The Participant Service Improvement Plan (PSIP) is published on the NDIS website and outlines 51 commitments to ensure NDIS transparency. These commitments have a strong focus on a more consistent experience for NDIS participants when they are interacting with the Agency, which is clearer and more easily understood.

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway and Recommendation 22 to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

4. Interim Report - The Committee recommends that the NDIA adopt a participant-led, user-centred design approach to improve the participant experience, including better supporting participants at life-changing events.

Australian Government response to Interim Report recommendation 4: Noted

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

5. Interim Report - The Committee recommends that the Government address the concerns of participants that a plan underspend might lead to reduced funding in their next plan.

Australian Government response to Interim Report recommendation 5: Noted

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

Recommendations made by the Committee in the Final Report

1. Final Report – The Committee recommends that the NDIA assess people according to the totality of their disabilities and no longer require participants to nominate ‘primary disability’ and ‘secondary disability’.

Australian Government response to Final Report recommendation 1: Noted

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

2. Final Report – The Committee recommends that the NDIA review, publish and implement changes to List A: Conditions that are likely to meet the disability requirements, and List B: Conditions that are likely to result in a permanent impairment to improve inclusion of invisible, episodic, rare, and psychosocial disabilities.

Australian Government response to Final Report recommendation 2: Noted

The Government notes amendments to the *National Disability Insurance Scheme (NDIS) Act 2013*, which took effect on 1 July 2022, clarified that episodic and fluctuating impairments can

be considered permanent when determining eligibility to the Scheme, including for people with psychosocial disability.

The Government also notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway and Recommendation 7 to introduce a new approach to NDIS supports for psychosocial disability, focused on personal recovery, and develop mental health reforms to better support people with severe mental illness.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

3. Final Report – The Committee recommends that the NDIA develop, publish, and implement a mechanism to improve staff knowledge and acceptance of invisible, episodic, rare, and psychosocial disabilities.

Australian Government response to Final Report recommendation 3: Noted

The Government notes this recommendation overlaps with the following recommendations in the NDIS Review:

- Recommendation 3 to provide a fairer and more consistent participant pathway
- Recommendation 7 to introduce a new approach to NDIS supports for psychosocial disability, focused on personal recovery, and develop mental health reforms to better support people with severe mental illness
- Recommendation 22 to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

4. Final Report – The Committee recommends that the NDIA develop and implement a mechanism to recruit and retain staff with specialised knowledge and skills regarding invisible, episodic, rare, and psychosocial disabilities.

Australian Government response to Final Report recommendation 4: Noted

The Government notes this recommendation overlaps with Recommendation 7 of the NDIS Review to introduce a new approach to NDIS supports for psychosocial disability, focused on personal recovery, and develop mental health reforms to better support people with severe mental illness and Recommendation 22 to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

5. Final Report – The Committee recommends that the NDIA focus its compliance activities on the activities of service providers and subcontractors, to prevent systematic fraud and to ensure that people with disability do not experience further discrimination in wider society.

Australian Government response to Final Report recommendation 5: Supported

The Fraud Fusion Taskforce (FFT) brings together 16 Government agencies to deliver a

whole-of-government capability uplift to detect and respond to potential fraudulent and criminal activity against the NDIS and deliver greater integrity and fairness across Commonwealth programs and payments.

The FFT has new capabilities to identify misuses of NDIS funds intended to support people with disability. The FFT is reducing risk to participants by disrupting bad practice and fraudulent behaviours of providers, including prosecuting and shutting them down. FFT activities strengthen and improve the NDIS and other government systems, making it easy to do the right thing and harder to do the wrong thing.

In addition, the NDIA regularly delivers a variety of education and awareness sessions to assist providers to understand their roles and responsibilities as a NDIS provider. This includes general sessions focused on operating as a provider within the NDIS, as well as issues specific sessions on topics such as good payment practices. These information sessions are supported by a variety of provider focused online resources available on the NDIS website.

6. Final Report – The Committee recommends that the NDIS Quality and Safeguards Commission make recommendations to the Fraud Fusion Taskforce for increasing investigation, detection, and prosecution of systematic fraud against the Scheme.

Australian Government response to Final Report recommendation 6: Supported

The Government notes the NDIS Quality and Safeguards Commission is a key contributor to the Fraud Fusion Taskforce (FFT), being a permanent member on all governance committees, driving the strategic direction of the FFT.

7. Final Report – The Committee recommends that the Australian Government work with state and territory government counterparts to ensure that children with a disability who need access to early childhood intervention services are able to do so, especially in rural, regional and remote areas.

Australian Government response to Final Report recommendation 7: Noted

The Government notes this recommendation overlaps with Recommendation 6 of the NDIS Review to create a continuum of support for children under the age of 9 and their families.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

8. Final Report – The Committee recommends that the Australian Government work with state and territory governments to ensure that the rights and wishes of participants of the NDIS are upheld and respected when they are under guardianship and trustee orders.

Australian Government response to Final Report recommendation 8: Noted

The Government notes the NDIA introduced a new Supported Decision Making policy in April 2023 to better support people with disability to make decisions in the NDIS, including those participants with child representatives and nominees under the NDIS Act.

The Government also notes this recommendation overlaps with Recommendation 5 of the NDIS Review to provide better support for people with disability to make decisions about

their lives, and Recommendation 6.15 of the Disability Royal Commission on updating the national standards for public advocates, public guardians and public trustees.

The Government is considering these issues further in response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

9. Final Report – The Committee recommends that the NDIA keep and maintain accurate records of participants under guardianship and/or financial administration orders.

Australian Government response to Final Report recommendation 9: Noted

The Government notes the NDIA is working with state and territory guardian and financial administrators to improve processes and management of records related to state and territory guardianship and financial administration orders.

The Government notes this recommendation overlaps with Recommendation 6.15 of the Disability Royal Commission on updating the national standards for public advocates, public guardians and public trustees.

The Government is considering these issues further as part of its response to the Disability Royal Commission.

10. Final Report – The Committee recommends that, where a participant is under a guardianship order, NDIA delegates and planners are required to meet with the participant, including a face-to-face option, to ensure that plans reflect the wishes of the participant.

Australian Government response to Final Report recommendation 10: Noted

The Government notes the NDIA introduced a new Supported Decision Making policy in April 2023 to better support people with disability to make decisions in the NDIS, including those participants with child representatives and nominees under the NDIS Act.

The Government also notes this recommendation overlaps with Recommendation 5 of the NDIS Review to provide better support for people with disability to make decisions about their lives and Recommendations 6.6 and 10.6 of the Disability Royal Commission in relation to Supported Decision Making principles, and to amend the NDIS (Quality Indicators for NDIS Practice Standards) Guidelines 2018 (Cth) to reflect that each participant has opportunities to make decisions and is supported to develop their decision making skills and communicate their will and preferences.

The Government is considering these issues further in response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

11. Final Report – The Committee recommends that the Australian Government work with its state and territory counterparts to establish a joint task force with the powers necessary to investigate any instances where NDIS participants are exploited, coerced, or abused while being supported by the state regulated Supported Residential Services sector.

Australian Government response to Final Report recommendation 11: Noted

The Government notes this recommendation overlaps with Recommendation 9 of the NDIS Review to deliver a diverse and innovative range of inclusive housing and living supports and Recommendation 17 to develop and deliver a risk-proportionate model for the visibility and regulation of all providers and workers, and strengthen the regulatory response to long-standing and emerging quality and safeguards issues.

This recommendation also overlaps with Disability Royal Commission recommendations 10.13, 10.14 and 10.15 in relation to creating an independent investigators panel for complaint handling and investigative practice guidelines.

The Government is considering these issues further in response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

12. Final Report – The Committee recommends that the Australian Government work with its state and territory counterparts to develop comprehensive guidance regarding the regulation of disability accommodation providers who are also NDIS providers.

Australian Government response to Final Report recommendation 12: Noted

The Government notes this recommendation overlaps with Recommendation 9 of the NDIS Review to deliver a diverse and innovative range of inclusive housing and living supports and Recommendation 17 to develop and deliver a risk-proportionate model for the visibility and regulation of all providers and workers, and strengthen the regulatory response to long-standing and emerging quality and safeguards issues.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

13. Final Report – The Committee recommends that the Australian Government develop, publish, and implement a mechanism to ensure that a participant’s support coordinators, accommodation provider, and support providers do not have conflicts of interest that would impact the quality or safety of participant supports.

Australian Government response to Final Report recommendation 13: Noted

The Government notes the NDIA regularly deliver a variety of education and awareness sessions to assist providers understand their roles and responsibilities and expectations of good practice. This includes advice on identifying and managing conflict of interest.

The Government also notes this recommendation overlaps with the following recommendations from the NDIS Review:

- Recommendation 9 to deliver a diverse and innovative range of inclusive housing and living supports

- Recommendation 10 to invest in digital infrastructure for the NDIS to enable accessible, timely and reliable information and streamlined processes that strengthen NDIS market functioning and scheme integrity
- Recommendation 17 to develop and deliver a risk-proportionate model for the visibility and regulation of all providers and workers, and strengthen the regulatory response to long-standing and emerging quality and safeguards issues.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

14. Final Report – The Committee recommends that the Australia Government re-evaluate the design of grant funding under the Information, Linkages and Capacity Building program, giving consideration to the complexity and transparency of the application process, length of funding periods, and amount of funding available.

Australian Government response to Final Report recommendation 14: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

15. Final Report – The Committee recommends the Australian Government promote secure, long-term investment in activities that support people with disability, including through Information, Linkages and Capacity Building funding.

Australian Government response to Final Report recommendation 15: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

16. Final Report – The Committee recommends that the Information, Linkages and Capacity Building program be refocused to better meet the needs of people with disability through ongoing evaluation of outcomes and facilitation of information sharing and strategic development of services across jurisdictions.

Australian Government response to Final Report recommendation 16: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

17. Final Report – The Committee recommends the Australian Government revise the administrative arrangements for Information, Linkages and Capacity Building grants, consistent with recommendation 5.6 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability for the Australian Government to establish new governance arrangements for disability policies and programs.

Australian Government response to Final Report recommendation 17: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability and Recommendation 5.6 of the Disability Royal Commission to establish new governance arrangements for disability policies and programs.

The Government is considering these issues further in response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

18. Final Report – The Committee recommends that the Department of Social Services revise the role of Local Area Coordinators to ensure sufficient resources are directed to the roles of capacity building, information sharing, and community engagement, alongside coordinating NDIS supports.

Australian Government response to Final Report recommendation 18: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability and Recommendation 4 to support all people with disability to navigate mainstream, foundational and NDIS service systems.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

19. Final Report – The Committee recommends that the NDIA ensure that planners fully explore current and future accommodation and support needs with participants during pre-planning, planning and plan reviews.

Australian Government response to Final Report recommendation 19: Noted

The Government notes this recommendation overlaps with Recommendation 8 of the NDIS Review to fund housing and living supports that are fair and consistent, and support participants to exercise genuine choice and control over their living arrangement.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

20. Final Report – The Committee recommends that the NDIA allow participants to use plan budgets more flexibly, including in situations where short term or emergency accommodation is required.

Australian Government response to Final Report recommendation 20: Noted

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway and Recommendation 8 to fund housing and living supports that are fair and consistent, and support participants to exercise genuine choice and control over their living arrangement.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

21. Final Report – The Committee recommends that the NDIA develop and publish clear, comprehensive guidance material for participants who seek to transition into other forms of supported accommodation, including state disability housing, Supported Independent Living, or Specialist Disability Accommodation.

Australian Government response to Final Report recommendation 21: Noted

The Government notes this recommendation overlaps with Recommendation 8 of the NDIS Review to fund housing and living supports that are fair and consistent, and support participants to exercise genuine choice and control over their living arrangement.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

22. Final Report – The Committee recommends that the NDIA implement mechanisms to support women with disability who are at risk of, or have experienced, domestic, family and sexual violence, including expedited approvals for Supported Independent Living, Specialist Disability Accommodation and Short Term Accommodation, where it is considered reasonable and necessary.

Australian Government response to Final Report recommendation 22: Noted

The Government notes the NDIA released the Participant Safeguarding Policy and Implementation Plan in April 2023. The Agency's initial focus is to support frontline staff to have a more complete and individualised view of participant risk of harms from abuse, neglect, violence and exploitation, and opportunities to meaningfully mitigate these risks through supports that can be provided through NDIS supports and services. The implementation of the Policy will include a capability uplift of NDIA staff and partners to further embed a safeguarding culture within the NDIA.

The Government notes this recommendation overlaps with NDIS Review Recommendations 8 and 9 regarding housing and living supports, and Recommendation 16 regarding safeguarding.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

23. Final Report – The Committee recommends that the NDIA improve connections with Aboriginal and Torres Strait Islander peak organisations with the goal of improving co-design, and access to culturally appropriate services.

Australian Government response to Final Report recommendation 23: Noted

The Government notes the NDIA and First Peoples Disability Network (FPDN) jointly established a First Nations Advisory Council in 2023. First Nations Advisory Council

members include First Nations people with lived experience of disability, peak body, and sector representatives.

The NDIA will work with the First Nations Advisory Council to discuss and make shared decisions about the goals, strategies, and initiatives that affect First Nations people with disability. This included working on a review NDIS First Nations Strategy and action plan.

The NDIA is progressing the development of a new First Nations Strategy, to replace the 2017 Aboriginal and Torres Strait Islander Strategy. The NDIS has publicly committed to working with First Nations people with disability, participants, the broader First Nations disability community, families, carers, and sector stakeholders to co-design this strategy.

The Government also notes this recommendation overlaps with Recommendation 14 of the NDIS Review to improve access to supports for First Nations participants across Australia and for all participants in remote communities through alternative commissioning arrangements and Recommendation 20 to create a new compact between Australian governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

24. Final Report – The Committee recommends that the NDIA improve connections with Culturally and Linguistically Diverse peak organisations with the goal of improving co-design, and access to culturally appropriate services.

Australian Government response to Final Report recommendation 24: Noted

The Government notes this recommendation overlaps with Recommendation 2 of the NDIS Review to increase the scale and pace of change in mainstream and community inclusion and accessibility and improve the connection between mainstream services and the NDIS and Recommendation 22 to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

25. Final Report – The Committee recommends that the NDIA invest in building staff capacity to drive an inclusive culture and appropriate support for LGBTQIA+ people with a disability.

Australian Government response to Final Report recommendation 25: Noted

The Government notes the NDIA is working with the disability and LGBTQIA+ community to review and update the NDIS LGBTQIA+ Strategy in 2024.

The Government also notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability and Recommendation 22 to embed a highly skilled, person-centred, disability aware culture across all disability agencies and governments.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

26. Final Report – The Committee recommends that the Department of Social Services provide ongoing and adequate funding of advocacy organisations, including disability advocacy organisations.

Australian Government response to Final Report recommendation 26: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability and Recommendation 6.21 of the Disability Royal Commission on additional funding for advocacy programs.

The Government is considering these issues further as part of its response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

27. Final Report – The Committee recommends that the Australian Government has regard to the recommendations of the Disability Royal Commission 4.7 (right to live free from exploitation, violence, abuse), 6.41 (legislative prohibition of non-therapeutic sterilisation), 7.3 (improve policies and procedures on the provision of reasonable adjustments to students with disability) and 10.1 (embedding human rights) in the implementation of the NDIS and throughout the participant planning pathway.

Australian Government response to Final Report recommendation 27: Noted

The Government notes this recommendation overlaps with the following recommendations of the Disability Royal Commission and the NDIS Review:

- Recommendation 4.7 of the Disability Royal Commission on the right to live free from exploitation, violence, abuse
- Recommendation 6.41 of the Disability Royal Commission on legislative prohibition of non-therapeutic sterilization
- Recommendation 7.3 of the Disability Royal Commission to improve policies and procedures on the provision of reasonable adjustments to students with disability
- Recommendation 10.1 of the Disability Royal Commission on embedding human rights
- Recommendation 6 of the NDIS Review to Create a continuum of support for children under the age of 9 and their families

The Government is considering these issues further as part of its response to the release of the final reports of the NDIS Review and the Disability Royal Commission.

Recommendations made by the Coalition in the Final Report

1. Coalition – The Committee recommends that the NDIA co-design and implement a Sex and Relationships policy to give NDIA staff and participants clear guidelines on the approach to related supports. Additionally, the Committee recommends that planners and coordinators are trained to engage with participants about relationships and sexual expression goals during the development of plans.

Australian Government response to Coalition recommendation 1: Noted

The Government notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

2. Coalition – The Committee recommends the ILC program be administered by the NDIA, with robust links with the Department of Social Services.

Australian Government response to Coalition recommendation 2: Noted

The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

3. Coalition – We recommend the Labor Government resume releasing the NDIS Monthly summaries, and immediately release the outstanding 2022-23 Annual Financial Sustainability Report and the NDIS Independent Review in full.

Australian Government response to Coalition recommendation 3: Noted

The Government notes the 2022-23 Annual Financial Sustainability Report was released on 8 December 2023 and the NDIS Review was released on 7 December 2023.

The Government also notes this recommendation overlaps with Recommendation 23 of the NDIS Review to measure what matters, build an evidence base of what works, and create a learning system.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

Recommendations made by the Australian Greens in the Final Report

1. Australian Greens – The Australian Greens recommend that the Standing Council of Attorneys General expedite national consistency for public guardianship and trustees, including improving the lives of disabled people by considering removing the protection and confidentiality laws order, national consistency of fees, transparency of decision-making, and implementing supported decision making and reviews of orders.

Australian Government response to Australian Greens recommendation 1: Noted

The Government notes this recommendation overlaps with Recommendation 6.15 of the Disability Royal Commission on updating the national standards for public advocates, public guardians and public trustees.

The Government is considering these issues further as part of its response to the final report of the Disability Royal Commission.

2. Australian Greens – The Australian Greens recommend that the ILC program be administered by the NDIA, with robust links with the Department of Social Services.

Australian Government response to Australian Greens recommendation 2: Noted
The Government notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

3. Australian Greens – The Australian Greens recommend that the NDIA ensure that planners fully explore current and future accommodation and support needs with participants during pre-planning, planning and plan review.

Australian Government response to Australian Greens recommendation 3: Noted
The Government notes this recommendation overlaps with Recommendation 8 of the NDIS Review to fund housing and living supports that are fair and consistent, and support participants to exercise genuine choice and control over their living arrangement.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

4. Australian Greens – The Australian Greens recommend the NDIA review processes to ensure they are inclusive of gender and sexuality, including exploring establishing supports such as shared safe spaces for LGBTIQ+ disabled people.

Australian Government response to Australian Greens recommendation 4: Noted
The Government notes the NDIA is working with the disability and LGBTIQ+ community to review and update the NDIS LGBTIQ+ Strategy in 2024.

The Government also notes this recommendation overlaps with Recommendation 1 of the NDIS Review to invest in foundational supports to bring fairness, balance and sustainability to the ecosystem supporting people with disability and Recommendation 3 to provide a fairer and more consistent participant pathway.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

5. Australian Greens – The Australian Greens note the impact of algorithmic technologies, such as Robodebt and recommend that the NDIA and the Department of Social Services immediately cease any use of algorithmic technologies or automated decision-making with participants.

Australian Government response to the Australian Green's recommendation 5: Noted
The Government notes NDIS access and planning decisions are not made using algorithmic technologies or in an automated manner. The NDIA uses data to assist in the prioritisation of work and to support staff in making decisions by providing benchmarks. This approach is consistent with that used more broadly within an insurance context to enable efficient decision

making. It is important to note that a human is still required to review all available information and make a determination.

6. Australian Greens – The Australian Greens recommend the NDIA take steps to ensure financial transparency, including making available to the public the full Annual Financial Sustainability Reports.

Australian Government response to Australian Greens recommendation 6: Noted

The Government notes the 2022-23 Annual Financial Sustainability Report was released on 8 December 2023.

The Government also notes this recommendation overlaps with Recommendation 23 of the NDIS Review to measure what matters, build an evidence base of what works, and create a learning system.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.

7. Australian Greens – The Australian Greens recommend that NDIA planners and coordinators are trained to engage with participants about relationships, gender, and sexual expression goals during the development of plans.

Australian Government response to the Australian Green's recommendation 7: Noted

The Government notes NDIA staff are required to complete online training in Unconscious Bias, Diversity and Inclusion.

The Government also notes this recommendation overlaps with Recommendation 3 of the NDIS Review to provide a fairer and more consistent participant pathway and Recommendation 4 to support all people with disability to navigate mainstream, foundational and NDIS service systems.

The Government is considering these issues further in response to the release of the final report of the NDIS Review in late 2023.