

25MDIS/0401

Your reference: MC25-902908

Government
of South Australia

Hon Nat Cook MP

The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the NDIS

Via email: s47E(d) @Health.gov.au

Mark
Dear Minister Butler,

Thank you for your correspondence regarding s47E(d), s47C
s47E(d), and the current member acting arrangements of the National Disability
Insurance Agency (NDIA) Board.

I am supportive of s47E(d), s47C
as well as the proposed acting arrangements for NDIA Board members Ms Maryanne
Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO.

I look forward s47E(d), s47C to receiving
future updates in accordance with subsection 127(3) of the *National Disability
Insurance Scheme Act 2013 (NDIS Act)*.

Thank you again for your letter and for keeping me informed.

Yours sincerely

N Cook

Hon Nat Cook MP
MINISTER FOR HUMAN SERVICES
MINISTER FOR SENIORS AND AGEING WELL

14 / 10 / 2025

cc: s47E(d) @health.gov.au

Minister for Human Services | Minister for Seniors and Ageing Well
GPO Box 2832 Adelaide SA 5001 | DX 115
T: (08) 8463 6560 | E: ministerhumanservices@sa.gov.au | www.dhs.sa.gov.au | ABN: 11 525 031 744



s47E(c), s47F

From: s47E(c), s47F
Sent: Friday, 7 November 2025 11:43 AM
To: s47E(c),
Subject: FW: Letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr - MC25-902908 [SEC=OFFICIAL]

OFFICIAL

ACT response

OFFICIAL

From: ParticipantsandPerformance s47E(d) @health.gov.au>
Sent: Wednesday, 15 October 2025 10:14 AM
To: STEWART, Nerissa <Nerissa.STEWART@Health.gov.au>; MACISAAC, James <James.MACISAAC@Health.gov.au>
Cc: s47E(c), s47F @Health.gov.au>; ParticipantsandPerformance s47E(d) @health.gov.au>; s47E(c), s47F @Health.gov.au>
Subject: FW: Letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr - MC25-902908 [SEC=OFFICIAL]

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Hi Nerissa/James

ACT have received and responded to the letter on the NDIA board appointment and have no issues.

Thanks s47E(c), s47F

s47E(c), s47F
 Executive Officer to James MacIsaac
 First Assistant Secretary NDIS Participants & Performance

NDIS Participants & Performance Division | Disability and Carers Group
 Australian Government Department of Health, Disability and Ageing
 M: s47E(c), s47F @health.gov.au | E: s47E(d) @health.gov.au
 This email comes to you from Ngannawal Land

Location: Aviation House
 PO Box 9848, Canberra ACT 2601, Australia

The Department of Health, Disability and Ageing acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.

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From: Minister Butler DLO s47E(d) @Health.gov.au>
Sent: Wednesday, 15 October 2025 10:10 AM
To: s47E(c), s47F @Health.gov.au>; ParticipantsandPerformance s47E(d) @health.gov.au>
Subject: FW: Letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr - MC25-902908 [SEC=OFFICIAL]

Hi s47E(c),
s47F

FYI – ACT have received and responded to the letter on the NDIA board reappointment.

Thanks
s47F,
s47E(c)

From: ORR <ORR@act.gov.au>
Sent: Wednesday, 15 October 2025 8:47 AM
To: Minister Butler DLO s47E(d) @Health.gov.au>
Cc: ORR <ORR@act.gov.au>; Minister McAllister DLO s47E(d) @health.gov.au>; CSDDLLO <CSDDLLO@act.gov.au>
Subject: RE: Letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr - MC25-902908 [SEC=OFFICIAL]

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OFFICIAL

Hi s47F,
s47E(c)

Thank you for this! Confirming we have received and have no concerns from the ACT's perspective.

Thanks again, appreciate the heads up.

s47F

Chief of Staff | Office of Suzanne Orr MLA

s47F @act.gov.au | s47F

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From: Minister Butler DLO s47E(d) @Health.gov.au>
Sent: Monday, 13 October 2025 12:19 PM
To: ORR <ORR@act.gov.au>
Cc: Minister Butler DLO s47E(d) @Health.gov.au>; Minister McAllister DLO s47E(d) @health.gov.au>
Subject: Letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr - MC25-902908 [SEC=OFFICIAL]

You don't often get email from s47E(d) @health.gov.au. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi team,

Please see attached a letter from Minister Butler to the Minister for Disability, Carers and Community Services Suzanne Orr regarding s47E(d), s47C

of the National Disability Insurance Agency (NDIA) Board.

No hardcopy to follow.

Thanks,

s47F, s47E(c)

Departmental Liaison Officer

Office of the Hon Mark Butler MP

Minister for Health and Ageing

Minister for Disability and the National Disability Insurance Scheme

T: 02 s47E(d) | E: s47F,

E: s47E(d) @health.gov.au | s47E(d) @protected.health.gov.au

Suite MG.50 | PO Box 6022, Parliament House, Canberra ACT 2600

The Department of Health, Disability and Ageing acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.

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The Hon Amanda Camm MP

Minister for Families, Seniors and Disability
Services and Minister for Child Safety and the
Prevention of Domestic and Family Violence

DELIVERING
FOR QUEENSLAND



Queensland
Government

Your reference: MC25-902908
Our reference: MIN ID 25-03535; DFSDSCS 07026-2025

1 William Street Brisbane 4000
GPO Box 2031
Brisbane Queensland 4000 Australia
Telephone +61 7 3719 7360
Email families.services@ministerial.qld.gov.au
Website www.families.qld.gov.au

The Honourable Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme
Minister.Butler@health.gov.au

Dear Minister

Mark

Thank you for your letter on 13 October 2025 regarding the proposed appointment arrangements for the Chair of the National Disability Insurance Agency (NDIA) Board and three Board members.

Noting the imminent expiry of the NDIA Board Chair and three Board member positions, I confirm my support for the proposed three-month acting arrangements for Mr Kurt Fearnley AO, Ms Maryanne Diamond AO, Dr Graeme Innes AM and Dr Denis Napthine AO. I note the proposed short-term arrangements will ensure continuity for the NDIA Board while longer-term arrangements are considered.

Queensland's position for the longer-term appointments to the NDIA Board is that appointments should be done through a transparent and open recruitment process. As joint shareholders in the scheme, it is important that, in addition to the right mix of skills and experience, there is adequate representation of members from each state and territory on the Board. This would ensure shared governance of the scheme at every level and provide the Australian community with confidence the NDIA Board includes diverse representation.

In this regard, there is a need for clarity and certainty about the process that will be established for recruitment and appointment of individuals for future appointments to the NDIA Board. I request this matter be addressed as an agenda item at a Disability Reform Ministerial Council meeting. This would ensure there is a solid plan within the current reform context regarding how Board appointments will be managed to ensure appropriate constitution of the Board.

If you require any further information or assistance in relation to this matter, please contact s47F, Chief of Staff in my office on s47F who will be happy to assist.

Yours sincerely

The Honourable Amanda Camm MP
Minister for Families, Seniors and Disability Services and
Minister for Child Safety and the Prevention of Domestic and Family Violence

17, 10, 2025

OFFICIAL



The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Amanda Camm MP
 Minister for Families, Seniors and Disability Services
 GPO Box 2031
 BRISBANE QLD 4000

Dear Minister

I am writing to consult with you on s47E(d), s47C and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C

s47E(d), s47C

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

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2

Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F [REDACTED]

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

Ms Suzanne Orr MLA
 Minister for Disability, Carers and Community Services
 GPO Box 1020
 CANBERRA ACT 2601

Dear Minister

I am writing to consult with you on s47E(d), s47C and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

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s47E(d), s47C

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Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Nat Cook MP
 Minister for Human Services, Seniors and Ageing Well
 GPO Box 2832
 ADELAIDE SA 5001

Dear Minister 

I am writing to consult with you on s47E(d), s47C acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

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If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F [REDACTED]

Yours sincerely



Mark Butler

13/10/2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Lizzie Blandthorn MP
 Minister for Disability
 Level 22, 50 Lonsdale Street
 MELBOURNE VIC 3000

Dear Minister

I am writing to consult with you on the s47E(d), s47C [redacted] and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C [redacted]
 s47E(d), s47C [redacted]

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

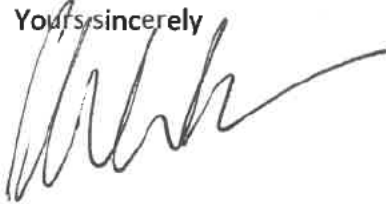
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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F [REDACTED]

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Kate Washington MP
 Minister for Disability Inclusion
 GPO Box 5341
 SYDNEY NSW 2001

Dear Minister

I am writing to consult with you on s47E(d), s47C and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Joanne Palmer MLC
 Minister for Disability Services
 Level 9, 15 Murray Street
 HOBART TAS 7000

Dear Minister

I am writing to consult with you on s47E(d), s47C [redacted] and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C [redacted]
 s47E(d), s47C [redacted]

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F [REDACTED]

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Jinson Charls MLA
 Minister for Disability
 GPO Box 3146
 DARWIN NT 0801

Dear Minister 

I am writing to consult with you on s47E(d), s47C acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C

s47E(d), s47C

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F [REDACTED]

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MC25-902908

The Hon Hannah Beazley MLA
 Minister for Disability Services
 Dumas House
 2 Havelock Street
 WEST PERTH WA 6005

Dear Minister

I am writing to consult with you on s47E(d), s47C and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), s47E(d), s47C

s47E(d), s47C

In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Napthine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Napthine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

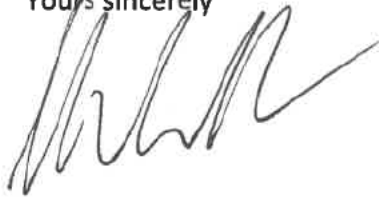
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Should your office wish to discuss the above arrangements further, the relevant contact at the Department of Health, Disability and Ageing is Mr James MacIsaac, First Assistant Secretary of the NDIS Participants and Performance Division, who can be contacted on s47F

Yours sincerely



Mark Butler

13 / 10 / 2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

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Australian Government
**Department of Health,
Disability and Ageing**

Ministerial Submission
Appointments Three - Appoint
MS25-902908
Version (3)
Date sent to MO: 13/10/25

To: Minister Butler

cc: Minister McAllister

Subject: s47C, s47E(d) Chair of the National
Disability Insurance Agency (NDIA) Board, and acting appointments to Board
Chair and other Board positions

Critical date: 16 October 2025, noting Mr Fearnley's current term expires on 17 October 2025.

Recommendations:

1. **Note** the legislative requirements relating to the appointment of the Board Chair, and acting appointments of Board members. 1. Noted/Please discuss
2. **Agree** to s47F [redacted] as NDIA Board Chair (Board Chair) for a period of 3 years. 2. Agreed/Not agreed/
Please discuss
3. **Agree** to appoint Mr Kurt Fearnley AO as acting Board Chair from 18 October 2025 to 17 January 2026 s47C, s47E(d) [redacted] 3. Agreed/Not agreed/
Please discuss
 - a. **Sign** the Instrument of Acting Appointment at Attachment D to give effect to this acting arrangement. a. Signed/Not Signed
4. **Agree** to appoint 3 acting Board members whose terms expire on 17 October 2025 for 3 months, pending a decision on longer term Board appointments. 4. Agreed/Not agreed/
Please discuss
5. **Sign** the letters to the state and territory disability ministers at Attachment B, as per the legislative requirement to consult with them on the Chair appointment and acting appointments of Board members. 5. Signed/Not Signed
6. **Sign** the Instruments of Acting Appointment at Attachments E1 to E3 to give effect to these acting appointments, once the state and territory consultation requirements referred to in Recommendation 5 have been satisfied. 6. Signed/Not Signed
7. **Sign** the Letter to the Prime Minister at Attachment C s47C, s47E(d) [redacted] 7. Signed/Not Signed

8. Note that a separate brief will be provided to you regarding options for filling an existing Board vacancy, and the 3 upcoming vacancies.

8. Noted/Please discuss

Signature 

Date: 13 / 10 / 2025

Comments: Please provide Min MCA and me with a brief about upcoming board vacancies before the end of October

Contact Officer:	James MacIsaac	First Assistant Secretary, NDIS Participants and Performance, Disability and Carers	Mobile: s47F
Clearance Officer:	Luke Mansfield	A/g Deputy Secretary, Disability and Carers Group	Mobile: s47F

Submission summary:

s47C, s47E(d)

s47C, s47E(d)

it seeks your approval to appoint Mr Fearnley as acting Board Chair for a period of 3 months. It also seeks your agreement to appoint 3 acting Board members, pending decision on longer term appointments.

Appointment Details:

- The requirements for managing appointments to the NDIA Board are outlined in the *National Disability Insurance Scheme Act 2013* (NDIS Act) and the *Cabinet Handbook 15th Edition*.
- As outlined in the NDIS Act, the NDIA Board is comprised of the Board Chair and up to 11 members. A full list of Board members and their term expiry dates is at **Attachment A**.
- The term of the current Board Chair, Mr Fearnley, is due to expire on 17 October 2025. Mr Fearnley was appointed Board Chair on 18 October 2022 for a period of 3 years.
- s47C, s47E(d)
- Section 127(3) of the NDIS Act outlines the legislative requirement to consult with jurisdictions about the appointment of the Board Chair. The Act does not specify what form this consultation must take. States and territories do not have to agree to the appointment.
- To fulfill this requirement, a letter to the state and territory disability Ministers advising them of your intention s47C, s47E(d) is provided at **Attachment B** for your signature.
- The appointment of the Board Chair is considered a significant appointment, requiring the approval of the Prime Minister or, at his discretion, Cabinet. A letter to the Prime Minister seeking this approval is provided at **Attachment C** for your signature.

8. ^{s47C, s47E(d)} [REDACTED] we seek your agreement to appoint Mr Fearnley as acting Chair for a period of 3 months. You are not required to consult the states and territories for acting arrangements for the Board Chair. Since no acting arrangement is already in place, approval of the Prime Minister or, at his discretion Cabinet, does not need to be sought.
- a. To facilitate the timely implementation of the acting appointment, an Instrument of Appointment is included at **Attachment D** for your signature, should you agree.
9. The terms of 3 Board members, Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Naphthine AO, are also due to expire on 17 October 2025. There is also one Board vacancy. The department will provide a separate brief outlining options for filling these 4 Board positions.
10. In the interim we seek your agreement to appoint Ms Diamond, Mr Innes and Dr Naphthine as acting Board members for a period of 3 months commencing from 18 October 2025. This will provide continuity for the Board while longer term arrangements are being considered.
- a. To facilitate the timely implementation of these acting appointments, Instruments of Appointment are included at **Attachments E1-E3** for your signature, should you agree.
11. Section 129 of the NDIS Act outlines the legislative requirement to consult with jurisdictions on the acting appointments of Board members. To fulfil this requirement the letter at **Attachment B** advises state and territory disability ministers of your intention to appoint Ms Diamond, Mr Innes and Dr Naphthine as acting Board members.

12. ^{s47C, s47E(d)} [REDACTED]

Background:

13. The NDIA Board is established under the NDIS Act. Its functions are to ensure the proper, efficient and effective performance of the NDIA's functions; determine objectives, strategies and policies to be followed by the NDIA; and any other functions conferred on the Board by or under the NDIS Act, the associated regulations or instruments made under the NDIS Act, or any other law of the Commonwealth.

Gender Diversity on Australian Government Boards:

14. From 1 July 2016, the Australian Government stipulated a gender diversity target whereby women are to hold at least 50% of positions on Government boards and committees, and at least 40% of positions on individual boards and committees.
15. The composition of the NDIA Board (including the Chair) has been 45.5% female and 54.5% male representation.

Sensitivities:

16. The NDIS Act requires consultation with, not agreement from, the states and territories for a Board Chair appointment, and acting appointments for other (non-Chair) Board members. It is important that consultation with state and territory ministers takes place before the letter to the Prime Minister is sent, and the Instruments of Acting Appointment of other Board members is signed, despite the tight timeframes involved.

Remuneration/Financial Implications:

17. The remuneration of Board Members is set by the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-Time Public Office) Determination 2025* (determination). Under this determination, the Board Chair is entitled to \$159,500 per annum and Tier 1 travel allowance, and \$79,760 per annum and Tier 1 travel allowance for other Board members.
18. The determination notes a member (other than the Chair) who is also appointed to the Sustainability Committee is entitled to additional fees as follows:
 - a. for the Chair of the Sustainability Committee—\$13,850 per year.
 - b. for a member of the Sustainability Committee—\$6,940 per year.

19. s47F

Timing/Handling:

20. Reappointments can take considerable time to formalise. This is particularly so in this case due to the need to have the Prime Minister or, at his discretion, Cabinet, approve all NDIA Board appointments.
21. Timely consideration is requested to support preparation of appointment documentation, as well as to give effect to acting arrangements before the expiry of the term of the Chair and 3 other board members on 17 October 2025.

Consultations:

22. Consultation has occurred with your office regarding the proposed approach. The department's Ministerial Appointments Reporting and Committee Support (MARCS) team and Legal Division have also been consulted.

Communication Activities:

23. A communication strategy will be developed to announce the reappointment once agreement from the Prime Minister or Cabinet has been finalised.

Attachments:

- A:** List of current Board Members
- B:** Letter to State and Territory Disability Ministers
- C:** Letter to the Prime Minister
- D:** Instrument of Acting Appointment to appoint Mr Kurt Fearnley AO
- E1–E3:** Instruments of Acting Appointment to appoint Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Napthine AO
- F1:** s47F
- F2:** s47F
- F3:**
- G:** s47C, s47E(d)

NATIONAL DISABILITY INSURANCE AGENCY BOARD: as at 25/09/2025

<u>NAME</u>	<u>GENDER</u>	<u>POSITION</u> (previous term/s in italics)	<u>STATE OF RESIDENCE</u>	<u>DATE APPOINTED</u> (previous term/s in italics)	<u>EXPIRY DATE</u> (previous term/s in italics)
<i>Current members:</i>					
Mr Kurt FEARNEY AO	M	Chair	NSW	18.10.22	17.10.25
Mr Mark DARRAS	M	Member	VIC	24.11.23	23.11.26
Ms Maryanne DIAMOND AO	F	Member	VIC	18.10.22	17.10.25
Dr Richard FEJO	M	Member	NT	01.04.23	31.03.26
Dr Rhonda Galbally AC	F	Member	VIC	01.01.25	31.12.27
Dr Graeme INNES AM	M	Member	NSW	18.10.22	17.10.25
Mrs Joan MCKENNA KERR	F	Member	WA	01.04.23	31.03.26
Dr Denis NAPTHINE AO	M	Member <i>Chair</i>	VIC	18.10.22 <i>01.04.22</i>	17.10.25 <i>18.07.22</i>
Ms Estelle PEARSON	F	Member <i>Member</i>	NSW	11.10.23 <i>01.01.17</i>	10.10.26 <i>10.10.23</i>
Dr Ian WATT AC	M	Member	VIC	28.08.24	27.08.27
Ms Leah VAN POPPEL	F	Member <i>Member</i>	VIC	01.01.25 <i>01.01.22</i>	31.12.27 <i>31.12.24</i>
<i>Vacant</i>	---	<i>Member</i>	---	---	---

Current Gender and Geographic composition		
Gender balance	Geographic balance	
Males: 6 (54.5%) Females 5 (45.5%)	NSW: 3 VIC: 6 SA: 0 NT: 1	WA: 1 QLD: 0 TAS: 0 ACT: 0

Note: Sections marked with an asterisk () are exempt from geographical reporting due to the absence of publicly verifiable information.*

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the Freedom of Information Act 1982 (Cth) by
the Department of Health, Disability and Ageing

~~PROTECTED CABINET~~

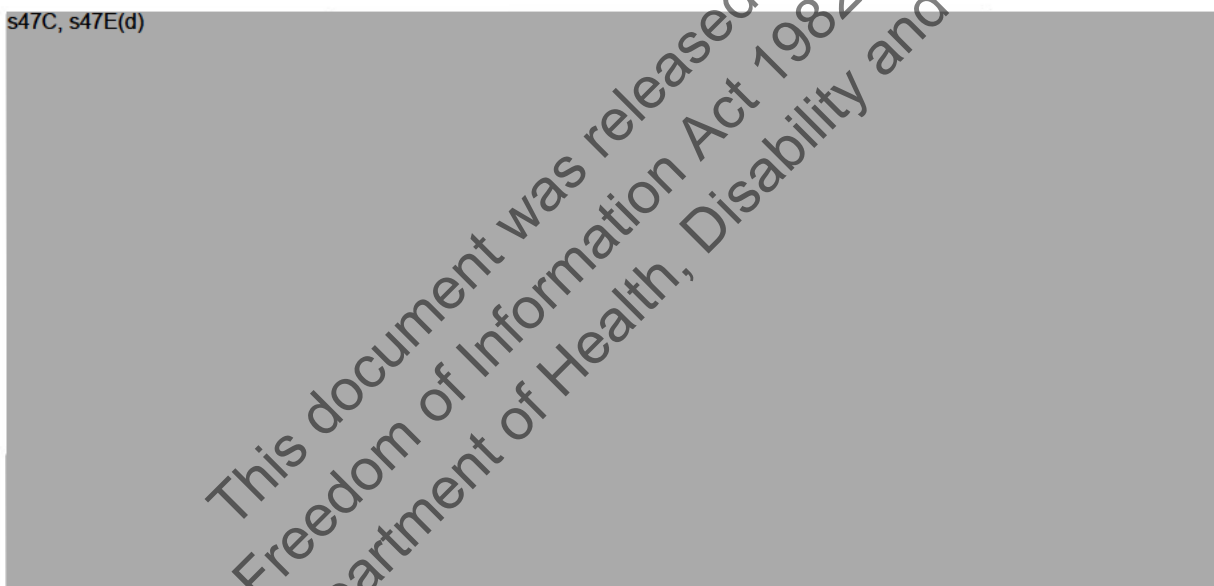
The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MS25-902908

The Hon Anthony Albanese MP
 Prime Minister
 Parliament House
 CANBERRA ACT 2600

Dear Prime Minister

s47C, s47E(d)



The NDIA Board is established under the *National Disability Insurance Scheme Act 2013* (NDIS Act). Its functions are to ensure the proper, efficient and effective performance of the NDIA's functions; determine objectives, strategies and policies to be followed by the NDIA; and any other functions conferred on the Board by or under the NDIS Act, the associated regulations or instruments made under the NDIS Act, or any other law of the Commonwealth.

Section 127(3) of the NDIS Act requires me to consult with the states and territories about the appointment of the Board Chair. Their agreement is not required. In that context, I have written to state and territory disability ministers about

s47C, s47E(d)

s47C, s47E(d)

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~~PROTECTED CABINET~~

2

s47C, s47E(d)

s47C, s47E(d)

in accordance with subsection 129(1) of the NDIS Act, I intend to appoint Mr Fearnley as acting Board Chair for a three-month period commencing 18 October 2025. This will ensure minimum disruption to the Board. I note that under section 129 of the NDIS Act, I am not required to consult with states and territories on the appointment of an acting Chair.

The terms of 3 other Board members, Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Naphthine AO, are also due to expire on 17 October 2025. I intend to appoint Ms Diamond, Mr Innes and Dr Naphthine as acting Board members for a period of 3 months commencing from 18 October 2025. This will provide continuity for the Board while longer term arrangements are being considered.

The remuneration of Board Members is set by the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-Time Public Office) Determination 2025*. Under this determination, the Board Chair is entitled to \$159,500 per annum and Tier 1 travel allowance. Other Board members are entitled to \$79,760 per annum and Tier 1 travel allowance.

Should your office wish to discuss the above arrangements further, the relevant contact is Mr James MacIsaac, First Assistant Secretary of the Participants and Performance Division at the Department of Health, Disability and Ageing, who can be contacted on s47F

s47C, s47E(d)

Yours sincerely



Mark Butler

17/10/2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

Encl (4)

s47F

- Appointment Details
- Curriculum Vitae
- Private Interests Declaration

4. Membership list of the NDIA Board as at 25 September 2025

~~PROTECTED CABINET~~

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

INSTRUMENT OF ACTING APPOINTMENT

Acting Chair of the Board of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Mr Kurt Fearnley AO** under section 129(1) of the *National Disability Insurance Scheme Act 2013* as the acting Chair of the Board of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this 17th day of October 2025

Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

OFFICIAL

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Ms Maryanne Diamond AO** under section 129(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this 17th day of October 2025



Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

OFFICIAL

OFFICIAL

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Mr Graeme Innes AM** under section 129(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this day of 2025



Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

OFFICIAL

OFFICIAL

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Dr Dennis Napthine AO** under section 129(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this 17th day of October 2025



Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

OFFICIAL

APPOINTMENT DETAILS PRO-FORMA

Proposing Minister/s	The Hon Mark Butler, Minister for Disability and the National Disability Insurance Scheme		
Organisation	Board of the National Disability Insurance Agency (NDIA).		
Proposed Position	Chair		
Is this a New Appointment or a Reappointment?	s47C, s47E(d)		
s47C, s47F			
s47C, s47E(d)			
Remuneration	\$159,500 per annum with Tier 1 Travel Allowance	Part Time (PT)	
		Set by Remuneration Tribunal.	
Has the APSC Merit and Transparency policy for Agency Heads and Statutory Offices been followed?	Exempt – as the office is part time only.	Is the Private Interests Declaration attached?	Yes
		Is a current CV attached?	Yes
For all <u>other</u> vacancies, has the Minister addressed appointment options?	N/A	Is the current membership list of the body attached?	Yes
What is the legislative authority?	Section 127 of the <i>National Disability Insurance Scheme Act 2013</i> (NDIS Act).		
Have all legislative requirements been met?	Yes		
Who appoints?	Minister		
Departmental Contact Officer	s47E(c), s47F	Phone	02 s47E(c), s47F

All details must be supplied. Contact the Appointments team within your Department (if applicable) if you have any queries. If further assistance is required, contact Cabinet Division on s47E(d) or s47E(d) [@pmc.gov.au](mailto:apmc.gov.au).



Australian Government
Department of Health,
Disability and Ageing

Ministerial Submission
Appointments Three - Appoint
MS25-902908
Version (1)
Date sent to MO: 1/10/25

To: Minister Butler

cc: Minister McAllister

Subject: s47C, s47E(d) [redacted] as Chair of the National Disability Insurance Agency (NDIA) Board and acting arrangements of other Board members

Critical date: 16 October 2025, noting Mr Fearnley's current term expires on 17 October 2025.

Recommendation/s:

- | | |
|---|--|
| <p>1. Agree to s47C [redacted] as NDIA Board Chair for a period up to 3 years.</p> <p>a. Sign the Letter to the Prime Minister at Attachment C seeking his, or at his discretion, s47C, s47E(d) [redacted]</p> <p>b. Agree to appoint Mr Kurt Fearnley AO for a short term acting period from 18 October 2025 to 18 January 2026 s47C, s47E(d) [redacted]</p> | <p>1. Agreed/Not agreed/
Please discuss</p> <p>a. Signed/Not Signed</p> <p>b. Agreed/Not agreed/
Please discuss</p> |
| <p>2. Sign the letters to the state and territory disability ministers at Attachment B, as per the requirement to consult with them on the Chair appointment.</p> | <p>2. Signed/Not Signed</p> |
| <p>3. Note the legislative requirements relating to the appointment of the Board Chair.</p> | <p>3. Noted/Please discuss</p> |
| <p>4. Agree to act 3 Board members whose terms expire on 17 October 2025 for 3 months, pending a decision on longer term Board arrangements.</p> | <p>4. Agreed/Not agreed/
Please discuss</p> |
| <p>5. Note that a separate brief will be provided to you regarding options for filling an existing Board vacancy, and the 3 upcoming vacancies.</p> | <p>5. Noted/Please discuss</p> |

Noted.

Signature [Signature]

Date: 13/10/2025

Comments:

Contact Officer:	James MacIsaac	First Assistant Secretary, NDIS Participants and Performance, Disability and Carers	Mobile: s47F
Clearance Officer:	Robyn Shannon	Deputy Secretary, Disability and Carers Group	Mobile: s47F

Submission summary:

s47C, s47E(d)

s47C, s47E(d)

it seeks your

approval to act Mr Fearnley as Chair for a period of 3 months. It also seeks your agreement to acting arrangements for other Board members.

Appointment Details:

1. The requirements for managing appointments to the NDIA Board are outlined in the *National Disability Insurance Scheme Act 2013* (NDIS Act) and the *Cabinet Handbook*, 15th Edition.
2. As outlined in the NDIS Act, the NDIA Board is comprised of the Chair and up to 11 members. A full list of Board members and their term expiry dates is at Attachment A.
3. The term of the Chair of the NDIA Board, Mr Fearnley, is due to expire on 17 October 2025. Mr Fearnley was appointed Chair on 18 October 2022 for a period of 3 years.
4. s47C
5. Section 127(3) of the NDIS Act outlines the legislative requirement to consult with jurisdictions about the appointment of the Board Chair. The Act does not specify what form this consultation must take. States and territories do not have to agree to the appointment.
6. To fulfill this requirement, Attachment B contains a letter to the state and territory disability Ministers for your signature, advising them of your intention s47C
7. The appointment of the Board Chair is considered a significant appointment, requiring the approval of the Prime Minister or, at his discretion, Cabinet. Subject to any feedback from the states and territories, a letter to the Prime Minister is provided at Attachment C for your signature, seeking this approval.
8. s47C, s47E(d) we seek your agreement to appoint Mr Fearnley as acting Chair for a period of 3 months. You are not required to consult the states and territories for acting arrangements for the Chair when the period is less than 12 months. Since no acting arrangement is already in place, approval of the Prime Minister or, at his discretion Cabinet, does not need to be sought.
9. The terms of 3 Board members, Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Napthine AO, are also due to expire on 17 October 2025. There is also one Board vacancy. The department will provide a separate brief outlining options for filling these 4 Board positions.
10. In the interim we seek your agreement to act Ms Diamond, Mr Innes and Dr Napthine as Board members for a period of 3 months commencing from 18 October 2025. This will provide continuity for the Board while longer term arrangements are being considered.

From: "Minister Butler DLO"
Sent: 17/10/2025 2:16:34 PM
To: "s47E(d) @pm.gov.au" <s47E(d) @pm.gov.au>
Cc: "Minister Butler DLO" s47E(d) @protected.health.gov.au>;
s47E(c), s47F @Protected.Health.gov.au>; s47E(d), s47C @Protected.Health.gov.au>
Subject: Correspondence | Minister for Health, Disability and Ageing to the PM | s47E(d), s47C
[SEC-PROTECTED, CAVEAT-SH.CABINET, ACCESS-Legal Privilege]
Attachments: Signed letter to PM - MS25-902908.pdf, Enclosures - MS25-902908.pdf

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Good Afternoon,

Please find attached correspondence from the Minister for Health and Ageing to the Prime Minister seeking his approval of s47C, s47E(d) as NDIA Board Chair.

Encl (4):

1. s47F Appointment Details
2. Curriculum Vitae
3. Private Interests Declaration
4. Membership list of the NDIA Board as at 25 September 2025

No hard copy to follow.

Thanks

s47E(c), s47F

Departmental Liaison Officer

Office of the Hon. Mark Butler MP
 Minister for Health and Ageing
 Minister for Disability and the National Disability Insurance Scheme
 T: 02 s47E(d) | M: s47E(c), s47F
 E: s47E(d) @protected.health.gov.au
 Suite MG.50 | PO Box 6022
 Parliament House, Canberra ACT 2600

The Department of Health and Ageing acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.

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