



Australian Government

**Department of Health,
Disability and Ageing**

Terms of Reference

***National Disability Insurance Scheme (NDIS) Evidence Advisory
Committee (EAC)***

Approved by the Committee on 24 October 2025

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1 Definitions

In these Terms of Reference unless the contrary intention appears:

Committee or **EAC** means the NDIS Evidence Advisory Committee.

Chair means the Committee member appointed as the Chair of the Committee.

Department means the Department of Health, Disability and Ageing.

Minister means the Minister for the NDIS.

NDIS means the National Disability Insurance Scheme.

Steering Committee means the cross-agency Steering Committee responsible for developing a draft annual workplan for the EAC for endorsement by the Disability Reform Ministerial Council.

2 Purpose and status of Terms of Reference

2.0 Purpose of Terms of Reference

These Terms of Reference set out the objectives and operational arrangements of the Committee and the responsibilities of those associated with the Committee.

2.1 Status of Terms of Reference

These Terms of Reference will be binding on all Committee members once they are considered and adopted at the first meeting of the Committee.

2.2 Review of Terms of Reference

Each year, the Department will work with the EAC to review and reassess these Terms of Reference and, if required, make any amendments to the Terms of Reference to ensure they remain consistent with the functions of the Committee and the EAC Annual Workplan.

As part of this review process, the Committee will work with the Department to review its performance.

Any changes to these Terms of Reference are subject to approval by the Department.

3 Establishment, role and responsibilities of the Committee

3.0 Establishment of the Committee

The Committee was created on the date of a Ministerial announcement proclaiming its commencement. The Committee is a non-statutory body created to fulfil the purpose in clause 3.2.

3.1 Purpose of the Committee

The primary purpose of the Committee is to provide advice to the Government about whether specified disability supports should be funded by the NDIS, or the circumstances in which they should be funded. The Committee's advice will be based on the best available evidence concerning benefits, safety, and cost-

effectiveness. The Committee's work each year will be outlined in an Annual Workplan endorsed by the Disability Reform Ministerial Council (**DRMC**).

The 2025-26 Annual Workplan has been developed by a cross-agency Steering Committee, presented to the Minister and endorsed by DRMC.

3.2 Role

The role of the Committee is to:

- (a) review assessments of supports, provided by the Department in line with the Workplan, and consider evidence about expected benefits to participants, safety, quality and cost-effectiveness;
- (b) provide recommendations to government on whether a support should be eligible for NDIS funding, and the circumstances under which it may be eligible;
- (c) provide advice to Government on other evidence-related aspects of NDIS operations identified in its workplan, including investigative technologies, diagnostic tools and approaches, functional and support need assessment approaches and opportunities for innovation; and
- (d) identify evidence gaps relevant to its work and provide advice on priorities to improve the quality and coverage of evidence relating to disability supports.

3.3 EAC Sub-Committees

A Sub-committee structure has been formed to support the work of the EAC. Three Sub-committees provide advice to the EAC in the areas of:

- (a) Assistive technology and capital supports;
- (b) Capacity building and therapies
- (c) Economics

With the Department's approval, the Committee may establish additional Sub-Committees to assist with the performance of the Committee's role. The work of the Sub-Committees will align with the Committee's Workplan.

Membership of any Sub-Committee will be determined by the Department in consultation with the EAC chair. The terms of reference for any Sub-Committee will be agreed by the EAC Chair prior to endorsement by the Sub-Committee.

4 Committee composition

4.1 Appointment of Committee members

Committee members are appointed by the Minister. The Minister is to appoint one Committee member to be the Chair of the Committee.

Membership of the Committee will consist of people with the skills, experience and knowledge to help the Committee perform its roles and functions specified in the Committee's Terms of Reference, including:

- (a) people with a range of relevant expertise, such as disability professionals, clinical experts, health economists, academics, and other disciplines that emphasise evidence analysis and deliberation; and
- (b) people with diverse backgrounds, including gender diversity, people with lived experience of disability, First Nations people and people from multicultural communities.
- (c) people with disability who have broad networks of contacts and

affiliations to ensure they can represent the views of the disability community

All members of the Committee are to be appointed by the Minister on a part-time basis.

A person is not eligible for appointment as a member of the EAC if the person is a member (however described) of:

- (a) the Parliament of the Commonwealth or a State; or
- (b) the legislature of a Territory; or
- (c) a local government authority.

4.2 Acting appointments

EAC Chair

The Minister may, by written instrument, appoint a person to act as the Chair of the Committee, for a specified period of not more than 12 months, during a vacancy in the office of the Chair of the EAC, whether or not an appointment has previously been made to the office.

Other EAC members

The Minister may, by written instrument, appoint a person to act as a member of the Committee during any period, or during all periods, when a member of the Committee:

- (a) is absent from duty or from Australia; or
- (b) is, for any reason, unable to perform their duties and functions as a Committee member.

4.3 Term

The Chair of the Committee will be appointed for the period specified in the letter of appointment. The period must not exceed 5 years.

The Deputy Chair position will be selected by the Chair with agreement of the committee. The Deputy Chair and all other Committee members will hold the position for the period specified in their letter of appointment. The period must not exceed 3 years.

4.4 Committee size and composition

The Committee consists of:

- (a) the Chair of the Committee;
- (b) the Deputy Chair of the Committee; and
- (c) no more than 12 other members.

The Minister has the discretion to limit or expand membership of the Committee.

4.5 Role of the Chair

The Chair has a key role in ensuring the Committee effectively fulfills its purpose. The Chair will be responsible for:

- (a) being the primary point of contact between the Committee and the Minister
- (b) ensuring the Committee adheres to the Terms of Reference;
- (c) preparing the agenda for meetings in consultation with the secretariat;

- (d) ensuring that adequate time is allowed for the discussion of agenda items and opportunity is available for the contribution of all members; and
- (e) ensuring that all members of the Committee can participate in its deliberations during meetings and out-of-session discussions.
- (f) verifying the accuracy of minutes.

5 Committee meetings

5.0 Convening meetings

The Committee holds meetings as necessary for the efficient performance of its functions. They are to be held at times and places determined by the Department in consultation with the Committee.

The Chair must convene a meeting within 30 days of a written request from the Department.

5.1 Presiding over meetings

The Chair is to preside at all meetings at which they are present. If the Chair is absent from a meeting, the Deputy Chair will preside.

5.2 Quorum

A quorum shall comprise of half of the then current number of members plus one.

In the event that a Committee member is required to be absent from a decision, and their absence would result in the failure to constitute a quorum, the remaining members will constitute a quorum for the purpose of that decision or deliberation.

5.3 Papers and records

The secretariat will work with the Chair to set Committee agendas.

The Committee, assisted by the secretariat, must keep the minutes of Committee and keep records of decisions made out of session.

5.4 Voting and decision making

The Committee is to work within a model of consensus decision making. A question or resolution proposed or arising at a meeting is determined by a consensus between members. Should consensus not be reached on the same question at two consecutive meetings, or within an agreed timeframe, the question or resolution proposed or arising should then be determined by a majority of the votes of the Committee members present and voting.

5.5 Decisions without a meeting

The Committee may consider and make a decision on any matter without a meeting if all of the Committee members entitled to vote on the proposed decision sign a document containing a statement that they are in favour of the resolution set out in the document.

The document may be circulated and signed in counterparts (including by electronic means) and the resolution is passed when the last Committee member entitled to vote signs the document.

The Committee must keep a record of decisions without a meeting.

5.6 No proxies

A Committee member is not entitled to appoint a proxy or alternate.

5.7 Guest speakers, non-members and observers

The Chair, in consultation with the Department and Committee members, may invite guest speakers, non-members or observers to Committee meetings. Any non-members who are present at a Committee meeting must complete a conflict of interest declaration and may be required to absent themselves during certain agenda items where a conflict of interest may arise.

Non-members and observers are not entitled to any payment or reimbursement of costs for attending or participating in Committee meetings. Any travel-related costs (including meals) of non-members invited to attend a meeting, are at the invitee's expense unless otherwise agreed to with the Department. Guest speakers will be renumerated for their time.

6 Standards of conduct and duties

Committee members must at all times:

- (a) perform their functions in accordance with all relevant laws (including work health and safety laws), these Terms of Reference and the terms of their appointment;
- (b) act in a collegiate, collaborative and respectful manner when discussing and resolving issues;
- (c) perform their functions with a reasonable degree of care and diligence;
- (d) perform their functions honestly, in good faith and for a proper purpose;
- (e) not improperly use their position or information obtained because of their role as a Committee member:
 - i. to gain, or seek to gain, a benefit or an advantage for themselves or any other person; or
 - ii. to cause, or seek to cause, detriment to the Department, Commonwealth or any other person;
- (f) declare and take all reasonable steps to avoid any actual, perceived or potential conflict of interest;
- (g) make reasonable enquiries if relying on information or advice provided by others; and
- (h) not engage in "corrupt conduct" as defined in section 8 of the *National Anti-Corruption Commission Act 2022* (Cth).

7 Remuneration

Annual fees for Committee members who are not employed by the Commonwealth or a State or Territory Government will be paid by the Australian Government, using the rates set out in the *[Remuneration Tribunal (Remuneration and Allowances for Holders of Part-time Public Office) Determination 2025, Part 3, Section 16, Annual Fees]* as a guide. Annual fees are as determined by the Secretary of the Department.

For Committee members who are employed by the Commonwealth or a State or Territory Government while they remain a Committee member, there will be no remuneration for their appointment as a Committee member.

Travel, accommodation and out of pocket expenses for all Committee members will be met by the Australian Government at the rates outlined in the latest *Remuneration Tribunal (Official Travel) Determination*.

8 Resources

8.0 Funding and budget

The Australian Government will fund Committee operations including establishment and maintenance of the Committee and Sub-Committees up to the level of the Committee's annual budget.

All aspects of the Committee's operations including meetings, Sub-Committees, travel, advice and consultations must be within the Committee's annual budget. All decisions made in relation to the Committee must consider cost implications to ensure the Committee works within its annual budget and its operations are managed to stay within its budget.

The Chair and Committee members will be provided with the indicative budget ahead of the start of each financial year. The Department will provide updates on expenditure against the budget throughout the year.

8.1 The secretariat

The Department will provide secretariat services for the Committee. The secretariat will assist the Committee by:

- (a) liaising with the Chair to schedule meetings, establish and circulate agendas and follow up on agreed actions;
- (b) ensuring meetings are advertised in a timely fashion and the agenda and papers are distributed to members in advance of meetings ensuring adequate time is allowed for the discussion of agenda items and verifying the accuracy of minutes prior to publication and distribution.
- (c) providing advice to Committee members on procedures, practices and policy;
- (d) providing administrative and clerical support, including assisting the Committee to maintain records of meetings and decisions;
- (e) preparing Committee papers, minutes and other documents as reasonably requested by the Committee;
- (f) consulting internally and externally as reasonably requested by the Committee and managing committee correspondence and communication;
- (g) managing the resources of the Committee to enable their effective and efficient function;
- (h) maintaining a Declaration of Interests register;
- (i) ensuring all members are kept informed of issues and information relevant to the work of the Committee;
- (j) arranging venues and catering for meetings (including travel and transport);
- (k) verifying and arranging payment of associated travel costs and reimbursement of eligible expenses; and
- (l) providing any other assistance as reasonably required by the Committee.

8.2 Access to management

Committee members have access to the secretariat, should they need to contact senior departmental management.

9 Deliverables and Intellectual Property

Ownership of all Intellectual Property rights in all reports, deliverables or other material created by the Committee and its members in the course of or connection with the work of the Committee will vest immediately on their creation in the Commonwealth.

For the purposes of this clause, **Intellectual Property** includes any:

- (a) copyright;
- (b) design, patent, trademark, semiconductor, circuit layout or plant breeder rights (whether registered, unregistered or applied for);
- (c) trade business, company or domain name;
- (d) know-how, inventions, process or confidential information whether in writing or recorded in any form; and
- (e) any other proprietary or personal rights, or licence, arising from intellectual activity in the business, industrial, scientific or artistic fields.

10 Conflicts of interest

Members of the Committee must comply with the Conflict-of-Interest Declaration and Undertaking entered into upon their appointment.

Under the Conflict-of-Interest Declaration and Undertaking, Committee members have (among other things) an ongoing obligation to disclose all interests, pecuniary or otherwise, that may affect the impartial performance of their functions. This will be a standing agenda item at each meeting.

A Conflict-of-Interest register will be maintained by the secretariat. Should any perceived declarations arise, the secretariat will seek probity advice from the Legal section within the Department.

11 Confidentiality

Committee members may receive confidential material that has privacy or security implications.

Members must comply with the Confidentiality Deed entered into upon their appointment. Members have a responsibility to maintain confidentiality of all information that is not in the public domain, including but not limited to deliberations of the Committee.

Committee members may seek advice from the secretariat where they have queries about confidential information and circumstances in which it may be shared beyond the Committee.

12 Privacy

As part of the Committee's function and roles outlined in clause 3, the Committee may have access to personal information as defined in the *Privacy Act 1988 (Cth) (Privacy Act)*.

As set out in the Confidentiality Deed entered into on their appointment, Committee members must abide by the provisions of the Privacy Act, including the Australian Privacy Principles set out in the Privacy Act. A Committee member must not do an act, or engage in a practice, that would breach an Australian Privacy Principle if done or engaged in by the Department.

The Australian Privacy Principles are available on the Australian Government

Office of the Australian Information Commissioner website at www.oaic.gov.au/privacy/australian-privacy-principles/read-the-australian-privacy-principles.

13 Reporting

The Committee does not formally report on its activities but remains accountable to the Minister and the Department, ensuring it effectively carries out its function and role.

14 Resignation and termination

14.1 Resignation of members

A Committee member may resign by giving written notice to the Chair. The resignation takes effect on the day it is received by the Chair, or if a later day is specified in the resignation, on that later day. The latter day specified in the resignation must not be more than 90 days after the day the resignation is received by the Chair.

When a Committee member resigns, the Chair (with the assistance of the secretariat) must notify the Minister.

The Chair may resign by giving written notice to the Minister.

14.2 Termination of members

The Minister may terminate the appointment of a member without cause by providing no less than 7 days written notice of the termination.

The Minister may terminate the appointment of a member immediately:

- (a) if in the Minister's opinion, the member has not met the Committee members' standards of conduct and duties in clause 6;
- (b) if the Minister holds a reasonable belief that the member is unable to perform the duties of their office because of physical or mental incapacity;
- (c) if the member:
 - (i) becomes bankrupt; or
 - (ii) takes steps to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with one or more of their creditors; or
 - (iv) makes an assignment of their remuneration for the benefit of one or more of their creditors.
- (d) if the member is absent, except on leave of absence, from three consecutive meetings of the Committee; or
- (e) if the member engages in paid work that, in the Minister's opinion, conflicts or may conflict with the proper performance of their duties.