



Australian Government

Department of Health, Disability and Ageing

Technical Advisory Group on NDIS Functional Capacity

Terms of Reference



Purpose of the Technical Advisory Group

Established by the Hon Mark Butler MP, Minister for Health and Ageing and the Minister for Disability and the National Disability Insurance Scheme (NDIS), the Technical Advisory Group (TAG) will bring together national expertise to provide independent, evidence-based advice to support the development of a robust consistent assessment framework for assessing substantially reduced functional capacity (SRFC) for the purposes of NDIS access. This will include advice on reforms to NDIS access criteria.

The TAG will be co-convened by Minister Butler and Ms Suzanne Orr MLA, ACT Minister for Disability, Carers and Community Services, nominated by the Disability Reform Ministerial Council (DRMC). It will provide reports directly to the DRMC. The TAG will be co-chaired by Professor Christine Imms and Deputy Secretary, Disability and Carers Group, Mary Wood. It will guide the identification, design and integration of appropriate assessment approaches, tools and thresholds to ensure access decisions are equitable, consistent and aligned with best practice and the original intent of the Scheme.

The TAG will progress advice through three phases:

1. **Assessment Framework and Design Principles:** Establish a shared evidence-informed conceptual framework for assessing SRFC for NDIS access, grounded in the objects and principles of the NDIS. This Assessment Framework will provide a structured and consistent foundation for operationalising the assessment of SRFC.
2. **Advice on the Assessment Model Design and Options:** Advise on feasible assessment methodologies to assess SRFC, in line with the Assessment Framework. This will include the identification of assessment tools, evidence requirements and threshold options to inform NDIS access. This includes options to streamline assessment approaches for those who will clearly meet the NDIS access criteria.
3. **Implementation Readiness and Design:** Provide technical advice to support implementation, testing and validation of the proposed assessment approach ahead of statutory NDIS rules development.

Background

The NDIS Review found the current approach to accessing the Scheme is inconsistent and inequitable and not always targeted to people with disability who require the most support. This has led to unfair outcomes and contributed to participant numbers well beyond its original intent of supporting people with significant and permanent disability.

In January 2026 National Cabinet agreed to progress reforms to NDIS eligibility criteria to support the implementation of Thriving Kids and the broader sustainability of the NDIS. The Commonwealth is continuing to work together with states and territories to implement these reforms.

On 14 May 2026, the National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 (the Bill) was introduced to amend the *National Disability Insurance Scheme Act 2013*. The Bill establishes the legal framework for determining access to the NDIS based on substantially reduced functional capacity and whether an impairment could be considered permanent. It also provides a definition of functional capacity, aligned with the World Health Organization's International Classification of Functioning, Disability and Health Framework (ICF), which distinguishes between "capacity" and "performance". It also includes a definition of appropriate treatment that would be likely to improve or alleviate the impairment.

Guiding Principles

The TAG's advice will be guided by the following principles:

- Participant-centred and based on functional capacity, not diagnosis
- Consistent with the objects and principles of the NDIS Act, including Australia's human rights obligations
- Informed by lived experience, including consideration of participants, families and carers
- Evidence-based and clinically informed
- Equitable and non-discriminatory, including for episodic and psychosocial disability
- Proportionate and accessible, avoiding unnecessary administrative burden.

Roles and Responsibilities

The TAG will provide advice to governments on the matters in scope and will participate in stakeholder group meetings. The TAG will also attend relevant DRMC meetings and seek their feedback at key junctures.

Co-convening ministers will attend key meetings of the TAG.

The Department of Health, Disability and Ageing (department) or consultants, may undertake targeted engagement with stakeholders or subject matter experts, as requested by the co-chairs, to support the work of the TAG.

The secretariat will organise deep dives and technical workshops, with some TAG members leading discussions, as they are available. The secretariat will circulate notes from these deep dives to all members.

Scope

The TAG will provide independent, expert technical advice to support the development of a robust, consistent framework and processes for assessing SRFC relating to access to the NDIS for children and adults. The advice of the TAG will be informed by the design of Thriving Kids.

The advice of the TAG will support a shift towards a more proportionate access process, with standardised evidentiary requirements that reduce variability and minimise burden on prospective participants and their families.

This would include advice about:

- the design and development of an overarching assessment framework for determining SRFC, with a standardised eligibility model which controls for environmental and personal circumstances, across all age groups and disability types
- suitable assessment tools and methods, and additional supporting evidence to ensure a robust assessment of functional capacity in line with the access requirements and functional domains in the NDIS Act
- how permanency of impairment and appropriate treatment should be considered when determining substantially reduced functional capacity in alignment with best practice. This should be particularly considered in the context of certain ages and disability types, including but not limited to infants and young children, and episodic and fluctuating conditions and progressive or degenerative conditions
- thresholds and interpretation of assessment results for a standardised model, including cumulative assessment across more than one activity domain

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- how a functional assessment process could be staged or streamlined to support efficient assessment of persons with very significant and permanent impairment, and aligned or integrated with assessment of support needs
 - how information collected at point of NDIS access could support plan development (or modification for existing participants) and monitoring of outcomes over time, including changes in functional capacity
 - appropriate workforce, competency standards and requirements including training and guidance to undertake assessments, including decision making safeguards and quality assurance.

Membership

Members will be determined by the Minister and drawn from experts with relevant technical expertise across disability, paediatrics, rehabilitation, child development and functional assessment. The TAG will consider lived experience expertise, including representatives with lived experience of disability, diversity and a First Nations perspective. In addition, members would include two representatives from a state or territory government, the National Disability Insurance Agency and the department.

If a member is unable to attend a meeting, proxies will not be allowed.

Invited Guests

The co-chairs may invite an expert or official to participate in discussions for specific agenda items, as appropriate.

Remuneration of members

Members will be engaged by the department and remunerated for work directly linked to their attendance according to eligibility under the Departmental Remuneration Framework. If meeting face to face, members would receive travel entitlements under Tier 2 of the Remuneration Tribunal (Official Travel) Determination 2025.

Term

The TAG is expected to complete its main work by late 2026, with further technical advice to inform detailed design to be provided by March 2027, and potential for extension if required.

Meetings

The TAG will meet monthly, with meetings held both online and in person. Additional meetings may be convened, as required, to support the delivery of the TAG's work program.

To facilitate the efficient and targeted consideration of issues, subgroups of the TAG may be established, and work may be progressed out of session, as appropriate. This will be determined by the co-chairs in consultation with the department.

Secretariat support

The department will provide secretariat support.

Conflicts of interest

Members must declare any actual or perceived conflicts of interest which could impact their ability to perform their duties. Members will be asked to declare any conflicts of interest prior to commencement of their term and should provide any updates to the secretariat for visibility of the co-chairs.

Confidentiality

Members may receive confidential material that has privacy or security implications. This information can only be used for approved purposes. 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 TAG.

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

Where agreed by the co-chairs, members can discuss topics with a wider pre-agreed group in order to fulfill the duties outlined in the Terms of Reference (for example, testing with a sample of allied health professionals that an assessment process may work as intended).

A state and territory representative will be invited to act as a conduit to other states to ensure they can contribute knowledge about the different state and territory service systems. This role entails seeking advice to input into meetings but does not extend to conversations with other parties on the discussions or workings of the Group.

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

Privacy

As part of the Group function and roles, the Group may have access to personal information as defined in the Privacy Act 1988 (Privacy Act).

As set out in the Confidentiality Deed entered into on their appointment, Advisory Group members must abide by the provisions of the Privacy Act, including the Australian Privacy Principles set out in the Privacy Act. An Advisory Group 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.

Termination of membership and resignation

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

Resignation

Members are asked to provide a week's notice should they choose to resign. Written resignations should be made to the co-chairs and copied to the secretariat.