

Briefing Note on the independent review of the *National Disability Insurance Scheme Act 2013*

12 February 2016

Background

1. Section 208 of the NDIS Act provides that the Minister must cause a review of the NDIS Act on the second anniversary of the Scheme (July 2015). Ernst and Young (EY) were commissioned to undertake an independent review of the NDIS Act and Rules and provided their final report to the Minister in December 2015.
2. The NDIS Act provides that the Council of Australian Governments (COAG) must respond to the report's recommendations and this response must be tabled in both Houses of Federal Parliament within six months of the Minister giving copies to the Disability Reform Council (DRC).

Section 22

Ernst and Young Report

6. EY's final report contains 33 recommendations. Its key findings have identified that overall, the existing legislative framework is enabling government to further the objectives and principles of the NDIS Act, however four areas were identified where the legislation could be improved.
7. EY noted that there is a need for greater clarity on the intent of government policy and how the NDIS should be administered with regard to delivery of Information, Linkages and Capacity Building (ILC) and the intentions of the disability requirements in section 24 and how this should interact with chronic health conditions. The review indicated that there is scope to amend the NDIS Act to enhance the efficiency and effectiveness of NDIS administration, and also scope to amend the wording of the Act to ensure the legislative framework better reflects government policy, Scheme operation and the lived experience of people with disability. In addition, EY noted that amendments to the Act are required to operationalise the bilateral agreements

as well as recommendations from the 2014 Australian Law Reform Commission's report, *Equality, Capacity and Disability in Commonwealth Laws*.

8. In its report, EY have adopted several recommendations put forward in the Agency's submission to the review. Exceptions to this include the Agency's suggestion of widening delegation groups, amendments to compensation provisions and changes to the acquittal processes of NDIS amounts.

Section 22

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