

NATIONAL DISABILITY INSURANCE AGENCY BOARD
BOARD MEETING 7/2015 OF 30 OCTOBER 2015

NDIS LEGISLATIVE REVIEW

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Key issues covered in the Agency's submission

9. The Agency has prepared a draft submission (Attachment A) in response to EY's discussion paper.
10. The issues covered in the draft submission fall into five categories:
 - a. minor changes
 - b. substantive issues identified during trial
 - c. changes required to implement the SDOM
 - d. necessary reforms to implement stronger cost controls, and
 - e. suggestions around the governance of the NDIA.

Minor changes

11. The following represent minor changes to 'tidy up' the language of the Act to correct oversights in drafting or remove confusion caused solely by the text of the Act or Rules. The relevant submissions are:
 - a. Amendment to section 60 or section 55 to clarify jurisdictions providing prospective participant information to the Agency
 - b. Addition of a principle in section 31 highlighting importance of insurance-based approach to planning
 - c. Section 90 – ability to remove or suspend nominee where they are no longer guardian
 - d. Change of language around review of plan and review of plan decision, and
 - e. Amendment to the timeframe for delivery of the Quarterly Report.

Substantive changes based on experience during trial

12. Substantive changes suggested are intended to address issues that have arisen during trial or which represent emerging Agency experience. These submissions are:
 - a. Clarification of how disability requirements in section 24 operate with chronic health conditions
 - b. Clarification of CEO's plan review power
 - c. Greater legislative clarity around the purpose of the provider registration process and how it will interact with State/Territory regimes, and

- d. Legislatively recognising the role of supported decision making and supporters in contrast to substitute decision making and nominees.

Changes necessary to give effect to SDOM and full Scheme

13. Amendments to the Act or Rules to facilitate the SDOM are suggestions that provide clarity and efficiency during the period of roll out to full scheme. These are:
 - a. CEO power to specify guidance on implementation and operational matters
 - b. Administration of access requests during full Scheme roll out, and
 - c. Regulation making power to allow for future delegation to non-government entities if appropriate in the future.

Measures to strengthen the Agency's capacity to control costs

14. Measures to control costs for the Scheme and ensure financial sustainability have been developed not just from the experience of the Scheme but also from observation of how other insurance schemes have developed. These submissions are:
 - a. Amendments in the rules to the way in which NDIS amounts are paid and acquitted, and
 - b. Amendments to the compensation provisions.
15. In addition, some changes to the governance of the Agency were suggested by Board members. These are:
 - a. Requiring the Principal Member of the Independent Advisory Council to also be a Board member, and
 - b. Providing a legislative recognition that the CEO assists the Board.

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