



NDIS Quality
and Safeguards
Commission

Consultative Committee

Terms of Reference

November 2023



Terms of Reference

1. Purpose

The NDIS Quality and Safeguards Commission places people with disability at the centre of decision making. To honour this mission, a Consultative Committee has been established that is made up of people who have something to say and are interested in helping the NDIS Quality and Safeguards Commission make important decisions and develop informed policy about the role and functions of the NDIS Quality and Safeguards Commission. This safe place connects people from the NDIS Quality and Safeguards Commission with stakeholders to ensure that the voice of the Participant is considered as part of the decision making process and the development of policy.

2. Membership

Inclusivity and accessibility are essential principles of the Consultative Committee. This means that a diverse mix of stakeholders will be chosen from expressions of interest. **Up to 20 people** from all parts of Australia can be appointed to the Consultative Committee at any one time and this might include:

- a) People with disability or lived experience with disability
- b) NDIS Providers, peak bodies or professional associations
- c) Disability representatives or disability advocacy organisations
- d) Culturally and linguistically diverse people with disability
- e) First Nations people with disability
- f) Children and young people with disability
- g) Women with disability
- h) People with intellectual disability
- i) LGBTIQ+ people with disability
- j) Disability researchers
- k) People with experience in governance and regulation, particularly in the human services sector

People interested in participating in the Consultative Committee should submit an expression of interest using the standard form. For people who not able to complete and submit a form, a contact officer will be made available at the Contact Centre who can receive information in different formats and pass it onto the Chair.

Membership of the Consultative Committee will be for up to **24 months** and be reviewed by the NDIS Commission at least once every year to make sure that fair opportunities for a diverse mix of people are created.

The names of Committee members will be published on the NDIS Quality and Safeguards Commission's website. However, comments made by members during meetings will not be attributed to individuals, instead, decisions and actions will be attributed to the committee as a whole.

3. Chair

The NDIS Quality and Safeguards Commissioner, or their delegate, will lead the meetings.

4. Responsibilities of members

In addition to sharing important perspectives with the NDIS Quality and Safeguards Commission and guiding decision making, the Consultative Committee will:

- a) Promote the work of the NDIS Quality and Safeguards Commission
- b) Share information about current and proposed legislation, policy, regulation and practice
- c) Prepare for meetings by consulting with others in order to advocate for others
- d) Actively contribute to meetings in a respectful way
- e) Raise issues that are important to their stakeholder group or area of expertise
- f) Provide advice in their area of expertise or experience
- g) Foster cooperation and collaboration between stakeholder groups
- h) Build trust with other members of the Consultative Committee

5. Confidentiality and Conflict of Interest

Confidentiality

In addition to the *Privacy Act 1988* (Cth) requirements, information held by the NDIS Quality and Safeguards Commission is subject to special privacy protections. The *National Disability Insurance Agency Act 2013* (NDIS Act) restricts the use of certain types of information referred to as protected Commission information. Section 9 defines **protected Commission information** as information about a person (including a deceased person) that is or was held in the records of the Commission, but does not include information publicised on the NDIS Provider Register in whole or part.

A person may, make a record, disclose, or otherwise use the information for certain permitted purposes in the NDIS Act.

Examples of the type of information which is captured as protected Commission information includes:

- information shared by individual members which reveals the identity of individual Participants and providers (third parties); and
- information shared by individual Committee members which reveals their own personal information (members).

To protect the rights of Participants and the integrity of individual cases, members are asked to treat this type of information confidentially, in the same way they would like their sensitive and confidential information treated, which means only talking about it with other members of the Consultative Committee for the purposes of the Consultative Committee. If members feel uncomfortable about treating some information confidentially they should talk to the Chair who can help them manage through the situation.

Conflict of Interest

From time-to-time, Consultative Committee members might have personal knowledge or interests that could influence their decision making, or might be perceived to influence their decision making. If this situation arises please approach the Chair to discuss this potential conflict of interest. Following discussion, the member might abstain from participating in that specific discussion or matter. In all cases, discussions with the Chair will be treated confidentially and conflicts of interest will be recorded in the Minutes.

6. Reference Groups

Sometimes the NDIS Quality and Safeguards Commission needs advice on specific subject areas. Standing or short-term Reference Groups, such as sub-groups of the Consultative Committee, can be established for this purpose. Members of the Consultative Committee are encouraged to participate in these groups, particularly where members have lived experience relating to the specific subject area.

7. Meeting schedule, engagement method and frequency

The Consultative Committee will aim to meet **four times a year** and the meeting will be **two hours in duration**. Sometimes additional meetings are required and the duration might be extended. The NDIS Quality and Safeguards Commission will always provide reasonable notice about changes to the schedule.

Attending in-person is not compulsory and most meetings will be held virtually. If an in-person meeting is planned, and members cannot attend in-person, arrangements will be made for them to participate online or by telephone. If members are unable to attend, they should offer their apologies as soon as possible after the meeting date has been set and they know they cannot attend. If the member would like to send a representative in their place, they should let the Chair know.

8. Meeting preparation, agenda, distribution of materials and communication

An agenda and meeting papers will be provided to members in Plain English format and Easy Read prior to each meeting via email. Members are encouraged to read the papers and ask questions before the meeting to clarify their understanding of the information. If there is a specific

accessibility need, the member should raise this with the Chair and the NDIS Quality and Safeguards Commission will work with that member to support their participation. Participation Officers are available to support members to understand difficult concepts, develop skills to actively participate in meetings, speak up, make choices and participate as representatives of their stakeholder group.

The agenda will usually provide opportunities for large and small group discussions. This means that some time will be dedicated to discussions with the whole group and some time will be dedicated to discussions with smaller groups who might have experience or expertise on a certain topic. Irrespective of the topics on the agenda, all members of the Consultative Committee will have an equal opportunity to fully participate in the meeting.

9. Quorum

A quorum is the minimum number of members that must be present before a meeting can go ahead. For the Consultative Committee, the Chair, and **at least 10 members** must be present for a quorum.

10. Code of Conduct

All members are required to comply with the below standard of conduct when participating in Consultative Committee:

- a) Act in an honest and ethical manner
- b) Respect and show consideration for others, including by:
 - i. Valuing diversity, differing roles and opinions
 - ii. Considering people equally, without prejudice or favour
 - iii. Allowing others to be heard
 - iv. Refraining from being offensive or disrespectful
- c) Provide any proposed agenda items to the Chair well in advance of meetings and follow the agenda during the meeting
- d) Accept group decisions and only revisit closed agenda items if new and relevant information emerges.

11. Remuneration and travel costs

Members are eligible for sitting fees if they meet the following requirements:

- a) They are not employees of federal, state or territory governments; and
- b) They do not receive a salary from their usual place of employment while participating.

Sitting fees for eligible members and eligible organisations are calculated at the rate of other part-time public officers – Member as outlined in Section 12 Table 2A of the latest Australian Government’s Remuneration Tribunal Remuneration Allowances for Holders of Part-time Public Office Determination (Determination)

For completeness, members are not part time public office holders for the purposes of the Determination.

Sitting fees may be paid for regular meetings and can be agreed by the Chair in special circumstances for special meetings.

Requests to be exempted from travelling economy may be made for members with disability whose disability requires them to travel in a higher class.

Where attendance at an in-person meeting requires the member to stay overnight in commercial accommodation, the member may receive a travel allowance calculated in accordance with Part 4 Division 2 and Part 6 Tier 3 of the latest Australian Government's Remuneration Tribunal Official Travel Determination. Travel allowance cannot be paid where the member receives an allowance for the same trip through another source.

Where a member with disability needs to travel with a support person, that support person may also be entitled to reimbursement of their airfare and a travel allowance in accordance with the above principles.

12. Committee Support

The NDIS Quality and Safeguards Commission is the Secretariat for the Consultative Committee and will:

- a) Provide Participation Officers, support and policy advice to the Committee
- b) Develop agendas and related papers for Committee meetings
- c) Arrange meetings for the Commission to discuss issues
- d) Distribute relevant information to members in advance of meeting
- e) Coordinate any references to and reporting from Reference Groups
- f) Prepare minutes of meetings
- g) Arrange venues and catering for meetings
- h) Verify and arrange payment of travel costs and reimbursement of eligible expenses