



## PARLIAMENTARY JOINT STANDING COMMITTEE ON THE NATIONAL DISABILITY INSURANCE SCHEME

9 February 2022

Mr Ray Griggs  
Secretary  
Department of Social Services  
By email c/o: [parlservices@dss.gov.au](mailto:parlservices@dss.gov.au)

Dear Mr Griggs

### **General Issues Report – November 2021 – Clarification**

I am writing on behalf of the Joint Standing Committee on the National Disability Insurance Scheme (NDIS), in relation to the committee's report on General Issues related to the NDIS (No. 2).

The committee is aware of a misstatement on p. 29 of the report. The fragment relates to discussion about the government response to a committee recommendation (No 34) made in earlier reports into NDIS Planning. The government did not accept this recommendation. The final column asked the government to reconsider its position on the matter and suggested that both the Tune Review and the Australian National Audit Office supported the recommendation. However, neither Mr Tune nor the ANAO have called for AAT decisions, or summaries, to be published. The relevant extract is attached to this letter. The full report is available online [here](#).

A clarifying statement will be placed on the committee's website where the report is published. The committee will consider in the coming weeks whether any further action is appropriate.

In any event, the committee's recommendation, that the government reconsider its response to recommendation 34, persists.

If you have any queries or concerns in relation to this matter, please contact me on (02) 6277 3083.

Yours sincerely,

Ms Bonnie Allan  
Committee Secretary

PO Box 6100, Parliament House Canberra ACT 2600  
Ph: (02) 6277 3083 Email: [ndis.sen@aph.gov.au](mailto:ndis.sen@aph.gov.au) Internet: [www.aph.gov.au/joint\\_ndis](http://www.aph.gov.au/joint_ndis)

<p><b>Recommendation 34</b></p> <p>The committee recommends that the National Disability Insurance Agency develop and publish de-identified summaries of key themes arising from settlement outcomes in the Administrative Appeals Tribunal.</p>	<p>The committee also made this recommendation in its interim report. The NDIA's response was to state that it would be an inefficient use of resources. Publishing settlement outcomes would be in line with the NDIA's commitment to transparency. It would also aid the NDIA to identify consistent themes in decisions that may be arising</p>	<p><b>Noted</b></p> <p>'The AAT generally publishes decisions in relation to the NDIS in accordance with its publication of decisions policy... AAT settlements are not precedent-setting, and all cases are considered on their individual merits.</p>	<p>The committee calls upon the Government to reconsider its position on this matter, given that multiple bodies – this committee, the Tune Review and the Australian National Audit Office – have now made this recommendation.</p>
<p><b>Recommendation 35</b></p> <p>The committee recommends that the Australian Government ensure</p>			

<p>that the National Disability Insurance Agency is sufficiently resourced to carry out the functions outlined in Recommendation 34</p>	<p>because it has not made changes to policy and procedure. Multiple inquiries have now suggested that the NDIA needs to do better in how it makes use of AAT decisions to ensure consistency in its decision-making.</p>	<p>The Government is committed to appropriately resourcing the NDIA so the agency can undertake all its legislated functions.'</p>
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## PARLIAMENTARY JOINT STANDING COMMITTEE ON THE NATIONAL DISABILITY INSURANCE SCHEME

9 February 2022

Mr Martin Hoffman  
Chief Executive Officer  
National Disability Insurance Agency  
By email c/o: [parliamentary@ndis.gov.au](mailto:parliamentary@ndis.gov.au)

Dear Mr Hoffman

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The committee has asked me to thank your officers for bringing this to its attention. A clarifying statement will be placed on the committee's website where the report is published. The committee will consider in the coming weeks whether any further action is appropriate.

In any event, the committee's recommendation, that the government reconsider its response to recommendation 34, persists.

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<p><b>Recommendation 34</b></p> <p>The committee recommends that the National Disability Insurance Agency develop and publish de-identified summaries of key themes arising from settlement outcomes in the Administrative Appeals Tribunal.</p>	<p>The committee also made this recommendation in its interim report. The NDIA's response was to state that it would be an inefficient use of resources. Publishing settlement outcomes would be in line with the NDIA's commitment to transparency. It would also aid the NDIA to identify consistent themes in decisions that may be arising</p>	<p><b>Noted</b></p> <p>'The AAT generally publishes decisions in relation to the NDIS in accordance with its publication of decisions policy... AAT settlements are not precedent-setting, and all cases are considered on their individual merits.</p>	<p>The committee calls upon the Government to reconsider its position on this matter, given that multiple bodies – this committee, the Tune Review and the Australian National Audit Office – have now made this recommendation.</p>
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## PARLIAMENTARY JOINT STANDING COMMITTEE ON THE NATIONAL DISABILITY INSURANCE SCHEME

9 February 2022

Mr Grant Hehir  
Auditor-General  
Australian National Audit Office  
By email c/o: [external.relations@anao.gov.au](mailto:external.relations@anao.gov.au)

Dear Mr Hehir

### **General Issues Report – November 2021 – Clarification**

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The committee apologises for this oversight. A clarifying statement will be placed on the committee's website where the report is published. The committee will consider in the coming weeks whether any further action is appropriate.

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