



NDIS Quality  
and Safeguards  
Commission



# Annual Report 2022–23

**October 2023**

The NDIS Quality and Safeguards Commission is an independent body that works with people with disability, providers and the community to deliver nationally consistent, responsive and effective regulation of NDIS providers.



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## Acknowledgement of Country

The NDIS Quality and Safeguards Commission acknowledges the traditional custodians of the lands upon which we work.

We pay our respects to their elders past, present and emerging. We thank all Aboriginal and Torres Strait Islander people who share their knowledge of country and culture with us so that we can work together to shape culturally appropriate services for a more inclusive society.

# Letter of Transmittal



**NDIS Quality  
and Safeguards  
Commission**

The Hon. Bill Shorten MP  
Minister for the National Disability Insurance Scheme  
Parliament House  
Canberra ACT 2600

Dear Minister

I am pleased to present the Annual Report of the NDIS Quality and Safeguards Commission (NDIS Commission) for the year ended 30 June 2023. This report has been prepared for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), in accordance with all applicable obligations under that Act.

It includes our audited annual financial statements as required by section 43(4) of the PGPA Act, and our annual performance statements, as required under section 39(1)(b).

**Tracy Mackey**  
NDIS Quality and Safeguards Commissioner

11 October 2023

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# How to read this report

This Annual Report, including the Annual Performance Statements, was prepared in the context of, and with reference to, the NDIS Quality and Safeguards Commission (NDIS Commission) Corporate Plan 2022–23.

**Part 1** includes a message from the NDIS Commissioner and offers a reflection on the NDIS Commission's achievements over the reporting period (1 July 2022 to 30 June 2023).

**Part 2** details the NDIS Commission's organisational structure and its responsibilities as an independent regulator. It also outlines the projects and initiatives undertaken by the NDIS Commission, including compliance matters.

**Part 3** presents the NDIS Commission's Annual Performance Report. This outlines how the NDIS Commission is tracking against its established Performance Measures, or targets.

**Part 4** presents the NDIS Commission's financial management against allocated funding and Portfolio Budget Statements (PBS).

**Part 5** explains the NDIS Commission's corporate responsibility requirements, including social responsibility, audit and risk, law reform and fraud control and prevention.

**Part 6** details staff-related initiatives to improve workplace health, wellbeing and safety and also details the NDIS Commission employee profile in terms of diversity.

This report is available online at [www.ndiscommission.gov.au/about/corporate-documents](http://www.ndiscommission.gov.au/about/corporate-documents).

To access other publications and to find out more information about the NDIS Commission, please visit our website at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au).

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# Part 1

# Introduction

## Message from the Commissioner



2022-23 has been a pivotal year for the evolution of the National Disability Insurance Scheme (NDIS). A particular focus of government has been to ensure the NDIS, and those in the broader NDIS eco-system, are truly delivering the Scheme's intent – to ensure participants have the right supports and services to live the lives of their choice. The NDIS Quality and Safeguards Commission (NDIS Commission) plays an essential role with other agencies in delivering on this intent.

Each year we face new opportunities and challenges in monitoring and regulating the NDIS sector. We've seen new markets emerge, workforce challenges and significant increases in

the volume of complaints, reportable incidents and other forms of regulatory intelligence received by the NDIS Commission. Against a backdrop of emerging developments across the industry and increasing community expectations, we continue to evolve our regulatory approach as a collaborative and influential organisation.

2022-23 marked the first full year of delivering our Future State program. This focused on commencing the scale-up of the NDIS Commission's operations through maturing our regulatory approach to a more proactive, action-focused regulatory posture. One of our key drivers of change is regulating for positive impact, this means that participants are at the centre of all our decisions and actively design and influence the way that we regulate.

Our regulatory approach and posture sharpens our focus on how we can use our capabilities and resources to maximise quality and safety across the system. Our operating model guides how we embed our regulatory strategy and organise our work. Following extensive consultation with staff, a new operating model was developed and the NDIS Commission began a complex change program to realign its internal functions with the new model. Commencing with the complaints and intake process, the changes are designed to improve the way NDIS participants and providers interact with, and seek support from, the NDIS Commission.

This change in posture and active engagement with participants has driven a 44 per cent increase in complaints over the last 12 months. It is pleasing that participants are continuing to feel more confident to raise a complaint with us and that there is an increasing understanding of participants knowing their rights and voicing their concerns.

With more than 600,000 NDIS participants across Australia, this increase in complaints suggests around one in 37 participants expressed concern about the disability supports and services they have received.

As the organisation responsible for regulating the safety and wellbeing of participants, each complaint we receive is handled as quickly as possible and commensurate with the risk and complexity of the matters raised.

On 12 December 2022, we stood up a dedicated Safeguarding Unit, with responsibility for providing an urgent response to matters involving immediate risks to participants. Between 12 December 2022 and 30 June 2023, the unit undertook urgent safeguarding actions for 586 participants within 48 hours of receipt. We further demonstrated our commitment to taking swift and appropriate regulatory action with a more than tenfold increase in the number of compliance actions undertaken by the NDIS Commission to NDIS providers and workers during 2022-23.

The NDIS signalled a fundamental shift for people with disability, allowing them greater access to services and supports of their choice delivered in the way they choose. Over the past decade, some providers have answered this call. However, more improvement is needed in the market to ensure the opportunity of the NDIS is realised.

Equally, the increase in complaints we have seen suggests providers and workers must do more to lift their service quality, embed human rights and consumer-led processes in their service delivery and enshrine robust safeguarding mechanisms within their organisations. Our community engagement activities – reaching almost 25,000 people across 773 events – have specifically targeted improving participants' awareness of their rights. This includes feeling empowered to speak up when the services and supports they are receiving don't meet their expectations. Equally, we've worked with NDIS providers and workers to better understand their responsibilities when providing support and services to people with disability. This includes

working with them to understand areas of regulatory burden that may impact their focus on participants.

### **Taking action where it matters most**

The role of the NDIS Commission is to intervene in the market to drive quality and ensure safeguarding using all our tools and powers on an individual, organisational and systemic level.

Importantly, our role is to regulate all NDIS funded supports and services, this includes both registered and unregistered providers.

We continued to prosecute matters to ensure providers are held to account when participants experience violence, abuse, neglect or exploitation. For more detail, please see the [Key Compliance Matters 2023-23](#) and [Appendix 3](#).

### **Intelligence and evidence-led approaches for proactive regulation**

Our agency is a member of the Government's Fraud Fusion Taskforce. We have taken a significant number of compliance actions, as part of this unified approach, to remove unscrupulous NDIS providers and individuals from the sector.

As well as increasing our compliance action, we have been building our capability to proactively anticipate and respond to risks in the market. This has included two Own Motion Inquiries (OMI), which you can learn more about in our [Year in Review](#).

In response to both local intelligence and data analysis, the Commission implements targeted place based campaigns. Campaigns include NDIS services delivered by both registered and unregistered providers and include follow-up compliance actions as appropriate.

### **A strategy and vision for the NDIS Commission developed with people with disability**

The NDIS Commission's vision, purpose and impact areas in our [Strategic Plan 2022-27](#). All activities undertaken throughout the 2022-23 reporting period were prioritised to support our three strategic impact areas

Our Strategic Plan is the result of detailed, varied and challenging discussions with people with disability, NDIS providers, our staff and sector peers and stakeholders. It informs all facets of our role as the NDIS regulator.

The Strategic Plan is fully aligned with our **Corporate Plan 2022-23** and all Commonwealth Performance Framework responsibilities. Together, they inform the activities we prioritised in the 2022-23 reporting period and we have made significant progress. **Rights of people with disability** – the NDIS Commission amplifies and promotes the rights of people with disability.

- ◆ **Quality providers and workers** – every NDIS participant has safeguards in place and access to quality services and supports delivered by skilled workers of their choice.
- ◆ **Thriving, diverse markets** – The NDIS Commission will enable consumer independence and informed choice for NDIS participants by using regulatory frameworks to promote and remove barriers to quality and safety.

### **An uplift in the budget of the NDIS Commission**

In the May 2023 Commonwealth Budget, the NDIS Commission secured an additional \$142.6 million funding allocation over two years. This announcement was the culmination of a detailed 18-month program to define our strategic focus and refine our regulatory approach, posture and operating model.

The additional funding enables us to move from the start-up phase, building on the foundations of the NDIS Commission established over the last five years, through to scaling up operations and bolstering our proactive regulation to detect serious non-compliance and safeguarding risks. It also enables us to overcome significant volume and efficiency pressures that we have experienced as the NDIS has grown and the market has evolved.

This investment will see the NDIS Commission deliver improved outcomes for NDIS participants in 2023-24. The progress we have made in 2022-23 has only been possible through collaboration.

The hard work of our staff; ever more candid engagement with our community stakeholders; and a steadfast commitment to amplify the voice of NDIS participants in our decision-making. Together, it creates a groundswell of opportunity and progress that we are motivated to continue, so that people with disability can enjoy the life they create for themselves.

## **Our year in review**

I am proud of the progress we've made this year despite the resource constraints and industry growth that outstripped the establishment phase of our funding forecasts. We continue to perform our enduring functions related to safeguarding NDIS participants and have focused on both organisational development and our regulatory maturity to increase outcomes and impact for participants. Some of the significant milestones we've achieved this year include:

### ◆ **Compliance, monitoring and enforcement**

Compliance, monitoring and enforcement actions are fundamental regulatory tools designed to elicit high levels of compliance among NDIS providers and workers. The NDIS Commission expects NDIS providers and workers to have a detailed understanding of their obligations. We take action when the service or support provided to NDIS participants does not meet the **NDIS Practice Standards** or **Code of Conduct**. The NDIS Commission has undertaken 9,624 compliance activities in the 2022-23 reporting period. This represents a more than **tenfold increase** in compliance actions from 2021-22. A substantial number of these are educative actions. However, there continues to be significant action through the use of:

- » 92 Banning Orders;
- » 11 Infringement Notices;
- » 608 Corrective Action Requests and 104 Revocations of Registration;
- » 15 Suspended Registrations, and
- » 48 Warning Letters.

## ◆ **Complaints function**

On 20 February 2023, the NDIS Commission introduced a new national complaints handling model to improve our responsiveness. This includes:

- » A **Contact and Early Resolution Centre** to oversee the consistent intake and triage of complaints, and early resolution of less complex matters that can be resolved quickly between participants and providers.
- » A **Safeguarding Unit** to respond quickly to complaints that identify an immediate risk to participant(s) and ensure that providers and other agencies on the ground are taking rapid action to address risk.
- » A **national structure** for complaints operations to ensure a consistent approach to complaints resolution. This also provides a better matching of resources to the circumstances of the complaint rather than being dependent on the availability in each jurisdiction.



## Complaints Case Study

Tyler is a 36 year-old who lives in Supported Independent Living (SIL) accommodation and receives supports from an NDIS provider. Tyler's advocate contacted the NDIS Commission after visiting him and discovering he was sleeping on a metal bed frame with no mattress, pillow, bedding or appropriate equipment to meet his needs. A site visit was conducted the day after receiving the complaint, with NDIS Commission staff speaking with both Tyler and the provider.

Arrangements were made to ensure that a mattress, pillow, bedding and other necessary equipment was available for Tyler. Upon resolving the immediate complaint, the NDIS Commission pursued compliance action with the provider and worked closely with the NDIA, Occupational Therapist (for assessment) and the Trustee Guardian to ensure all arrangements for Tyler's supports were in place.

\* Name changed for privacy

## ◆ Regulatory Capability Program

The NDIS Commission instigated the development of a Regulatory Capability Program to support our ambition of being a contemporary purpose-led regulatory supporting our Regulatory Excellence Strategic Priority. It is designed to integrate a human services, people-centred, rights-based regulatory approach into practice. It is made up of three intersecting components. These include:

- » **Regulatory Capability Framework** – this outlines the skills, knowledge and behaviours that are expected of staff to fulfil their regulatory roles and meet organisational priorities. It supports the continuous improvement and growth of our regulatory staff
- » **Regulatory Practice Maturity Survey** – annually examines the NDIS Commission’s regulatory performance and maturity against the following:
  - the three principles of best practice contained in the Regulator Performance Guide, Department of the Prime Minister and Cabinet, July 2021;
  - 12 areas of good regulatory practice contained in the Modern Regulatory Improvement Tool, AELERT November 2016; and
  - NDIS Commission’s regulatory approaches – outlined and contained in the NDIS Quality and Safeguards Commission Strategic Plan 2022-2027.

## » Regulatory Learning and Development Program

– this tailored internal education program will support the specific requirements of regulating the NDIS. Currently under development, it will include accessing formal certificated training for compliance and investigations and leveraging existing training in the market specifically for regulatory practitioners.

Three intersecting and mutually reinforcing components



## ◆ Outreach and engagement

NDIS Commission representatives attended 773 community events attended by almost 25,000 NDIS participants, providers and stakeholders. These events included two bespoke events created by the NDIS Commission – the annual Disability Advocacy Forum in October and the inaugural Research Roundtable held in November. The events were attended by 160 people and 29 researchers, respectively. At each event, attendees considered emerging themes and evidence related to enhancing human rights, wellness and disability and safeguarding. Refer to the **Key Moments 2022-23** and **Appendix 3** for additional information on engagements.

### ◆ **Focusing on challenges in remote regulation**

The NDIS Commission, in partnership with the Queensland and Northern Territory governments and First Nations providers, facilitated workshops focused on regulating for safe and quality supports in regional and remote communities. The workshops brought together NDIS providers and community stakeholders dedicated to supporting First Nations NDIS participants.

The workshops also highlighted both the achievements and challenges encountered by providers striving to deliver culturally responsive, safe, and high-quality services to First Nations participants in regional and remote communities. The discussions were supported by regulatory data specific to the respective regions.

The discussion extended beyond the workshop itself, as stakeholders continued to share their invaluable experiences and insights and the challenges associated with delivering NDIS supports in remote communities. The workshops, and ongoing collaboration, have significantly influenced the NDIS Commission's approach to remote areas, ensuring it aligns with the unique needs and circumstances of remote communities.

### ◆ **Improving the quality of workers**

More than 1.2 million people completed online learning offerings by 30 June 2023. Our interactive eLearning modules have been developed in consultation with the sector, including NDIS providers and people with disability. The eLearning courses are:

- » Worker Orientation Module;
- » Supporting Effective Communication;
- » Supporting Safe and Enjoyable Meals; and
- » New Worker NDIS Induction Module.

The eLearning modules and other resources and information are available at **Provider and Worker Resources**.

The Workforce Capability Framework (WCF) is an online tool that supports NDIS providers and workers. It translates the **NDIS Practice Standards** or **Code of Conduct** into practical actions and behaviours they should adopt when working with people with disability. Since its launch more than 40,000 visitors have accessed the site with over 15,000 resources downloaded.

Ensuring NDIS participants have access to high-quality services and supports is a priority of the NDIS Commission's Strategic and Corporate Plans. Yet, what quality looks like can be very different from one individual to the next. As a result, the NDIS Commission is developing a Quality Roadmap that aims to establish appropriate service and support standards.

## Our people

NDIS Commission staff are some of the most dedicated people I've had the privilege to work with. We've worked hard throughout 2022-23 to identify ways to support their development, recognise their contribution and protect their wellbeing in the workplace. There will always be more to do in this area and our leadership team is committed to making our organisation a safe and enjoyable place to work.

### APS Census Working Group

17 NDIS Commission staff volunteered to form an APS Census Working Group in September 2022. The group was tasked with exploring the results of the **2022 APS (Australian Public Service) Census** to identify initiatives that encourage staff engagement, wellbeing and collaboration. They identified a number of recommendations, many of which have been adopted. For example, the staff-led feedback panel called The Sounding Board and monthly mindfulness sessions, called Open Minds.

### All Staff Festival

The NDIS Commission held its first online All Staff Festival in November 2022. Festival attendance was high, with staff attending two or more of the five events, on average. This entirely virtual event was an opportunity to take stock of the progress we've made and hear from a diverse group of people about issues that challenge our thinking and push us to consider what we can do differently – individually, in teams and as One Commission – to achieve positive outcomes for people with disability.

### NDIS Commission Staff Recognition Awards

In December 2022, the NDIS Commission held its inaugural Staff Recognition Awards. Employees nominated their colleagues in one or more of the six award categories, aligned to the NDIS Commission's newly created Cultural Principles. These principles - separate to the APS

Values – set the cultural direction for the NDIS Commission. They are:

- ◆ Lead the way
- ◆ Build trust
- ◆ Keep learning
- ◆ Bring insight
- ◆ Stay connected

### Our frontline staff

This year, the NDIS Commission's Contact Centre staff received more than 185,000 calls (an increase of 18%), 32,500 emails (an increase of 98%) and the complaints team handled more than 16,000 complaints (an increase of 44%). Our staff have continued to prioritise people with disability. I am very proud of their efforts and applaud their hard work and commitment to supporting NDIS participants.

The Commission in 2022-23 has made significant progress in scaling up and maturing our regulatory approach through our core functions and strategic activities. Our commitment to safeguarding participants, listening and partnering with stakeholders and regulating markets to ensure delivery of quality services and supports, drives our ambition to deliver impact for NDIS participants.



### Tracy Mackey

NDIS Quality and Safeguards Commissioner





# Part 2

# About Us

## Who we are

### Where we fit in the NDIS

The NDIS Commission works together with the National Disability Insurance Agency (NDIA), the Department of Social Services (DSS), state and territory government agencies, NDIS participants and NDIS providers to deliver the NDIS. The Scheme was created to assist people with disability to reach their goals by ensuring they have choice and control in accessing the supports and services they need.



#### The NDIS

The NDIS provides support to eligible people with disability to gain more time with family and friends, greater independence, access to new skills, jobs or volunteering in their community and an improved quality of life.



#### NDIS participants

People who meet the access requirements are called 'participants'. Participants receive funded supports through an individual plan.



#### NDIS providers

NDIS providers are individuals or companies that provide NDIS funded supports and services to NDIS participants. The **NDIS Commission** registers providers, maintains the Provider Register and monitors all disability support providers, registered or not, to ensure the quality and safety of services and supports.



#### NDIS workers

NDIS workers are persons employed or engaged by an NDIS provider. The NDIS Worker Screening check conducted by states and territories operates to ensure workers don't pose a risk to participants. The **NDIS Commission** maintains the NDIS Worker Screening Database.



### The NDIA

The National Disability Insurance Agency (NDIA) is an independent statutory agency whose role is to implement the NDIS, to support a better life for Australians with a significant and permanent disability and their families and carers.



### The NDIS Commission

The NDIS Quality and Safeguards Commission is the independent regulator of NDIS supports and services. We work to improve the quality and safety of NDIS supports and services by delivering nationally responsive regulation of providers and workers (including compliance and enforcement), advising the NDIA on its functions and delivering education, engagement, policy research and market oversight.

## Our Vision

People with disability achieve their aspirations.

## Our Purpose

To uphold the rights of NDIS participants, to elevate quality and safety and enable consumer independence.

## Our impact areas



Rights of people with disability



Quality providers and workers



Thriving, diverse markets

## Our priorities



### Quality

We confidently engage with NDIS participants to evaluate providers, building trust through robust and adaptive processes.



### Market engagement and oversight

We offer NDIS participants informed choice and consumer independence with regulatory frameworks that promote quality and safety and remove obstacles to access.



### Regulatory excellence

A proactive, risk-based and data-driven approach to regulation that delivers ongoing improvements to service provider capability, quality and participant safety.



### Culture

We have a clear and unified understanding of our purpose, powers, priorities and impact and are seen as a connected, informed, accessible and influential regulator.



### Workforce capability

Our strong leadership, commitment to continuous improvement and ongoing learning empowers our workforce to confidently apply regulatory powers for measurable impact.

# What we do

Our activities are defined by our functions and powers under the National Disability Insurance Scheme Act 2013 (the NDIS Act) and guided by the NDIS Quality and Safeguarding Framework. The framework establishes our work with people with disability and workers and providers under three key responsibilities:

- ◆ **Developmental** – building capability and support systems
- ◆ **Preventative** – preventing harm and promoting quality
- ◆ **Corrective** – responding if things go wrong.

Our enduring activities that address our responsibilities are:

## Complaints



The Complaints teams work closely with complainants, the person with disability and, where relevant, their formal and informal supports, as well as providers, to progress and resolve complaints and build participant and provider capability. The team also works with the Regulatory Operations and Practice Quality teams to ensure that issues raised are addressed at an individual and system level to drive improvements in the quality of services and supports provided to participants.

## Reportable incidents



We receive and handle reportable incidents and investigate serious and alleged incidents experienced by NDIS participants.

## Registration



We register NDIS providers by assessing applications against the NDIS Act and Rules and administering an independent audit program. We maintain the NDIS Provider Register which is available on our website. NDIS providers must be registered if they wish to deliver supports and services to participants whose plans are managed by the NDIA, or if they deliver certain types of support to any participant.

## Behaviour support and behaviour support plans



We continue to work towards lifting the practice quality and capability of behaviour support and implementing providers, and assess the suitability of behaviour support practitioners against the Positive Behaviour Support Capability Framework. We monitor the use of restrictive practices and take actions to eliminate its use. We also undertake research to inform better practice and support.

## Education and communications



We provide education and information on participant rights, the NDIS Commission, provider and worker responsibilities, complaints and other related processes. We also support NDIS workforce development via the creation and execution of a wide array of information resources, training and capacity-building programs.

## Engagement



We develop engagement processes to support participants to strengthen networks and community ties and engage with all stakeholders directly to work together to enhance supports and services.

## Compliance and enforcement



We monitor provider and worker conduct via incident reports, complaints, registration processes and information sharing with other regulators and bodies such as the NDIA. We have a range of compliance and enforcement powers, including banning providers and workers. Actions we take are responsive and proportionate.

## Worker screening



We oversee NDIS Worker Screening, monitor the compliance of registered NDIS providers with their worker screening obligations and maintain the NDIS Worker Screening Database and Helpdesk. We assist self-managing participants and unregistered providers applying for access to the NDIS Worker Screening Database. We also liaise with state and territory Worker Screening Units who accept, access and determine applications for an NDIS Worker Screening Check and facilitate information disclosure where appropriate. We work closely with other agencies including the NDIA in respect of NDIS Worker Screening issues.

## Market and regulatory oversight and risk



We provide market oversight, conduct inquiries and promote research and evidence to support diverse markets that deliver quality and safe NDIS supports and services.

## Grants



We administer the Support for NDIS Providers Grants program. The program delivers tools and resources informed by people with disabilities that assist providers to meet their NDIS quality and safeguarding responsibilities.

## Regulatory Policy



We have a regulatory policy and insights team as well as broader operational regulatory policy and practice across all our functions including compliance, registration and behaviour support. We identify and address issues in systems, including those that directly affect participants and providers. The division supports the NDIS Commission's contributions and response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

## Key activities in 2022-23

This Annual Report coincides with the first year of the NDIS Commission’s five-year Strategic Plan rollout. Consequently, we have worked to implement many of the foundational initiatives of the Strategic Plan during the year. The Commission has made significant progress against the key activities as shown below.



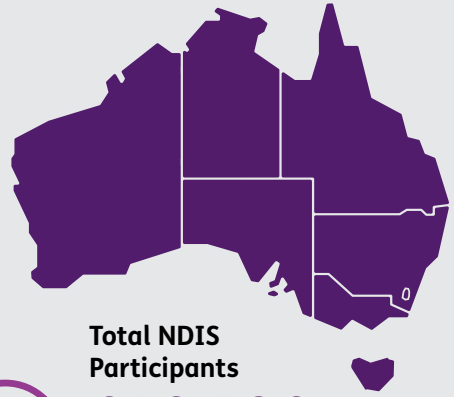


# Where we are

## NDIS Commission offices

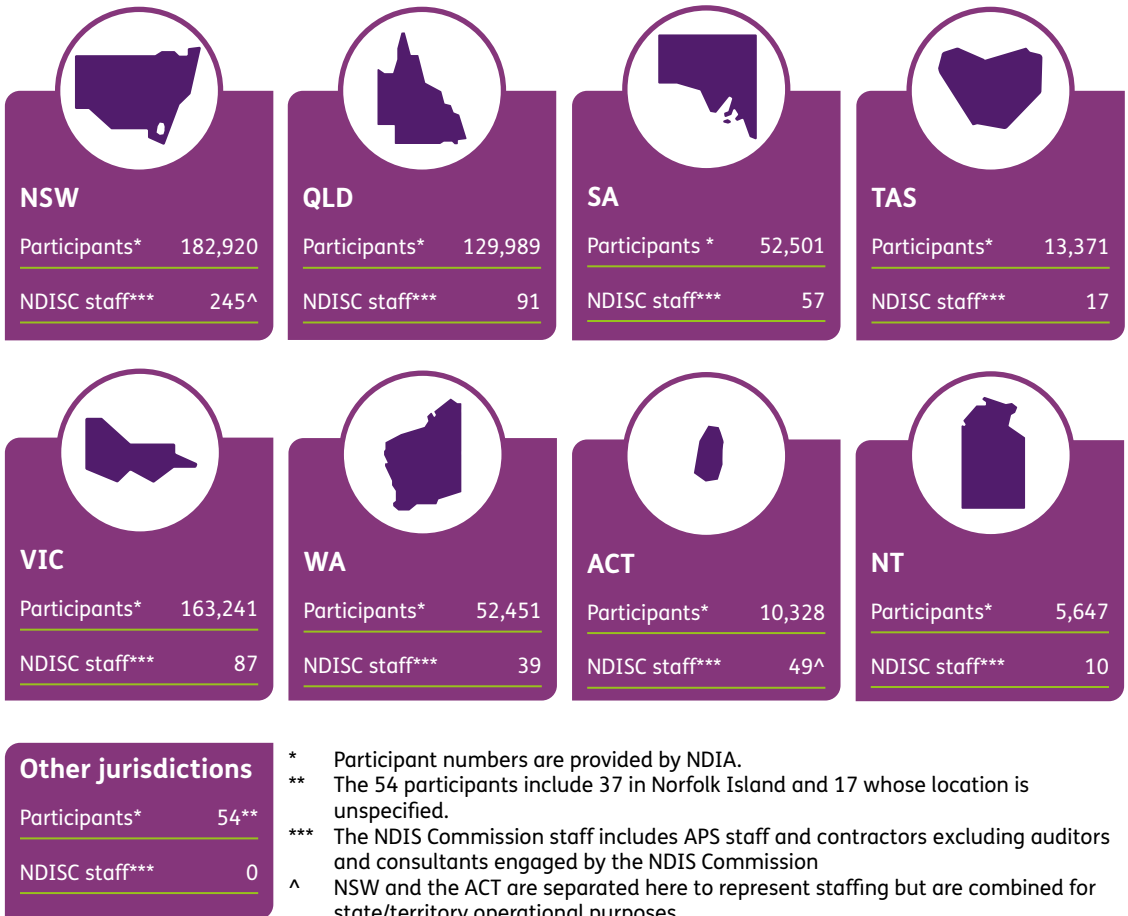
The NDIS Commission operates nationally with offices in all eight Australian states and territories. We have offices in Brisbane (QLD), Melbourne (VIC), Darwin (NT), Perth (WA), Adelaide (SA), Canberra (ACT), Hobart (TAS), Penrith and Parramatta (both NSW).

Below is a breakdown of NDIS Commission staff in each state and territory alongside the number of active NDIS participants in that state or territory, as at 30 June 2023.



**Total NDIS Participants**  
**610,496**

**Total NDIS Commission staff**  
**528**



# Our leadership

## Our key management personnel



### Tracy Mackey

NDIS Quality and Safeguards Commissioner

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Tracy Mackey is the NDIS Quality and Safeguards Commissioner. Tracy commenced in the role in January 2022 and was appointed for a three-year term.

Tracy has extensive professional experience in policy, programs and regulation across a number of portfolios including town planning, housing, environment and social services. She has deep experience in government having spent time in all three tiers and comes to the NDIS Commission from the New South Wales public sector. Previously, Tracy was the Chief Executive Officer at the Environment Protection Authority, leading the organisation through a period of transformation. During her time with the Commonwealth, Tracy held senior executive positions in immigration, health and ageing, community and emergency services.

Tracy has also spent time at the executive level at a large not-for-profit provider, at a multi-national consulting firm and leading her own consulting practice. Complementing her executive roles Tracy brings experience as a non-executive director on a number of Boards.



### Dr Jeffrey Chan

Senior Practitioner

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Dr Jeffrey Chan has worked in disability and health services for more than 30 years in government and non-government settings as a clinical practitioner and in senior executive management roles. He held two inaugural statutory roles – in Victoria as the Senior Practitioner and in Queensland as the Chief Practitioner and Director of Forensic Disability (a Governor-in-Council appointment) – where he was responsible for protecting the rights of people with cognitive impairment subject to restrictive practices and forensic disability orders.

Jeff was a finalist in the Australian Human Rights Award 2010 for Community (Individual) category for his work in protecting the rights of people with disabilities subjected to restrictive interventions. He is an Adjunct Professor at the University of Queensland's School of Education. He continues to research and publish in international refereed journals; his research interest is in the area of applying the United Nations Convention on the Rights of Persons with Disabilities in clinical practice.



## Sian Leathem

Complaints Commissioner

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Sian Leathem started as Complaints Commissioner in January 2022. She has two decades of senior executive experience in both State and Commonwealth agencies, and across a range of dispute resolution and regulatory areas. Prior to joining the NDIS Commission, Sian was the Registrar and CEO of the Administrative Appeals Tribunal (AAT), which is responsible for conducting independent merits reviews of administrative decisions made under Commonwealth laws, including a range of decisions relevant to the NDIS. She led the project team responsible for merging 22 existing tribunals into the New South Wales Civil and Administrative Tribunal (NCAT) and performed the role of Principal Registrar of that amalgamated tribunal.

Prior to her role at NCAT, Sian was the Registrar of the Workers Compensation Commission of NSW. She also has a wealth of legal policy experience gained through roles in the NSW Attorney General's Department and the Department of Prime Minister and Cabinet.



## Catherine Myers

Deputy Commissioner, Regulatory Operations (Registrar)

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Catherine Myers is an experienced regulator, having previously headed up the Victorian Commission for Gambling and Liquor Regulation (VCGLR) as its Chief Executive Officer before joining the NDIS Commission in July 2022. Catherine has held various Committee of Management and Board positions for not-for-profit organisations. She holds a Bachelor of Education and a Master of Business Administration and is a Graduate of the Australian Institute of Company Directors.

Catherine is passionate about people and performance. She has a focus on building strong organisational culture, leading transformation and inspiring teams to deliver outstanding results. Catherine has used her experience in change management and communication to deliver practice improvements in regulation. She has overseen the design of risk-based regulatory tools and implemented significant change programs resulting in improved capability, service delivery and regulatory outcomes.

In 2019, Catherine's contribution was recognised by the Institute of Public Administration Australia (IPAA) in the Top 50 Public Sector Women (Victoria), which recognises women for their leadership, inspiration and accomplishment.



## Lisa Pulko

Chief Operating Officer

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Lisa Pulko started with the NDIS Commission in April 2022. She previously worked in a number of roles across the Department of Defence, the Department of Home Affairs (and its previous iterations) and the National Capital Authority. She has been responsible for improving financial systems, policies and processes, designing prioritisation frameworks that take into account risk and posture in order to inform investment decisions, and designing business improvement approaches across a range of functional areas. Lisa has previously delivered the Commonwealth Budget for Home Affairs, negotiated large contracts and worked on multiagency taskforces. She has extensive experience in delivering high quality and timely advice to support sound decision making by government. Lisa has also delivered the 2023-24 Budget for the NDIS Commission, resulting in a significant uplift of the NDIS Commission's workforce and capability.



## Alisa Chambers

General Manager, Policy, Markets and Insights

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Alisa Chambers started as General Manager Policy, Markets and Insights 2022. Her role provides strategic policy development and advice, which focuses on the regulatory framework, participants rights, the provider market and workforce quality, data and analysis activities, the grants program and other major projects and initiatives.

Throughout her career, Alisa has worked in areas that deal with highly sensitive and complex social issues, such as aged care, child protection services, early childhood education and environmental regulation. She is committed to improving communities, particularly for the most vulnerable. Alisa has designed and delivered major reform and cultural change programs on behalf of government and organisations. She has an inclusive leadership approach, coupled with qualifications in change leadership, which allow her to skilfully manage diverse stakeholder priorities to deliver the best outcomes.



## Kenneth Teoh

General Counsel and Assistant Commissioner, Legal Services and Internal Integrity

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Kenneth (Ken) Teoh is the NDIS Commission's General Counsel and Assistant Commissioner, Legal and Internal Integrity. He joined the NDIS Commission in November 2022.

Ken leads the provision of legal advice to the NDIS Quality and Safeguards Commissioner and the full range of legal services across the NDIS Commission. He also oversees the NDIS Commission's accountability functions such as handling of complaints about the NDIS Commission, requests under the Commonwealth *Freedom of Information Act 1982*, disclosures under the *Public Interest Disclosure Act 2013* and review of decisions made by the NDIS Commission.

Ken has over 20 years' experience working in legal roles within Commonwealth regulators and has also spent time in regulatory and enforcement roles. Prior to that, he was a solicitor at the Australian Government Solicitor specialising in administrative/government law litigation.



## Niki Strachan

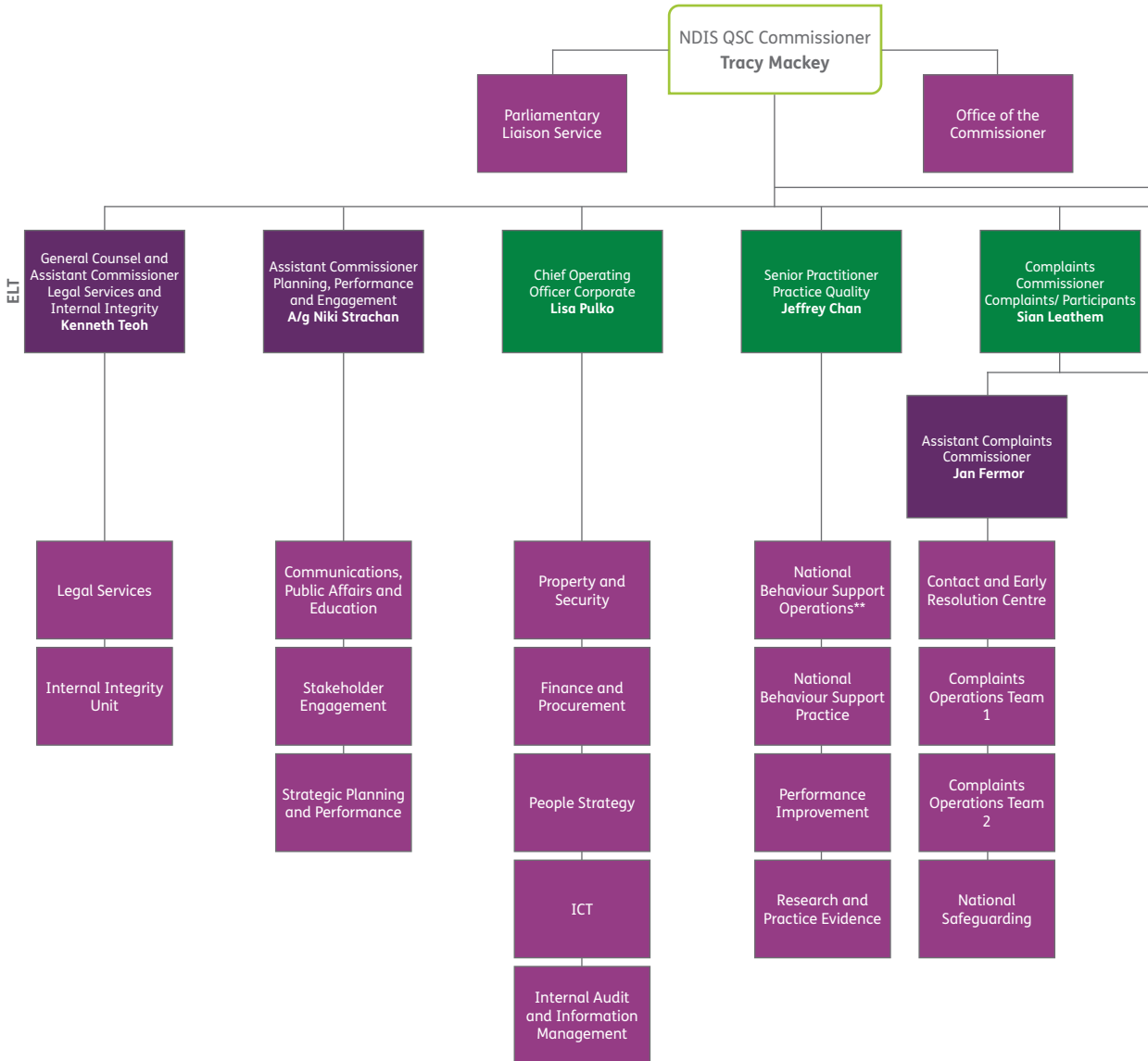
Assistant Commissioner, Planning, Performance and Engagement

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Niki Strachan was acting as the Assistant Commissioner, Planning, Performance and Delivery since March 2023. Niki joined the Australian Public Service in 2009 and has worked in a variety of business management and technology roles. She was our Director – External Budget until March 2023, leading the NDIS Commission's proposal to seek critical funding for resourcing and technology. Her passion for developing the next generation of leaders is evident in the mentoring work she does with several universities and the Future Women program. Niki is an Adjunct Professor with the University of New South Wales.

# Our organisational structure

## NDIS Quality and Safeguards Commission Structure

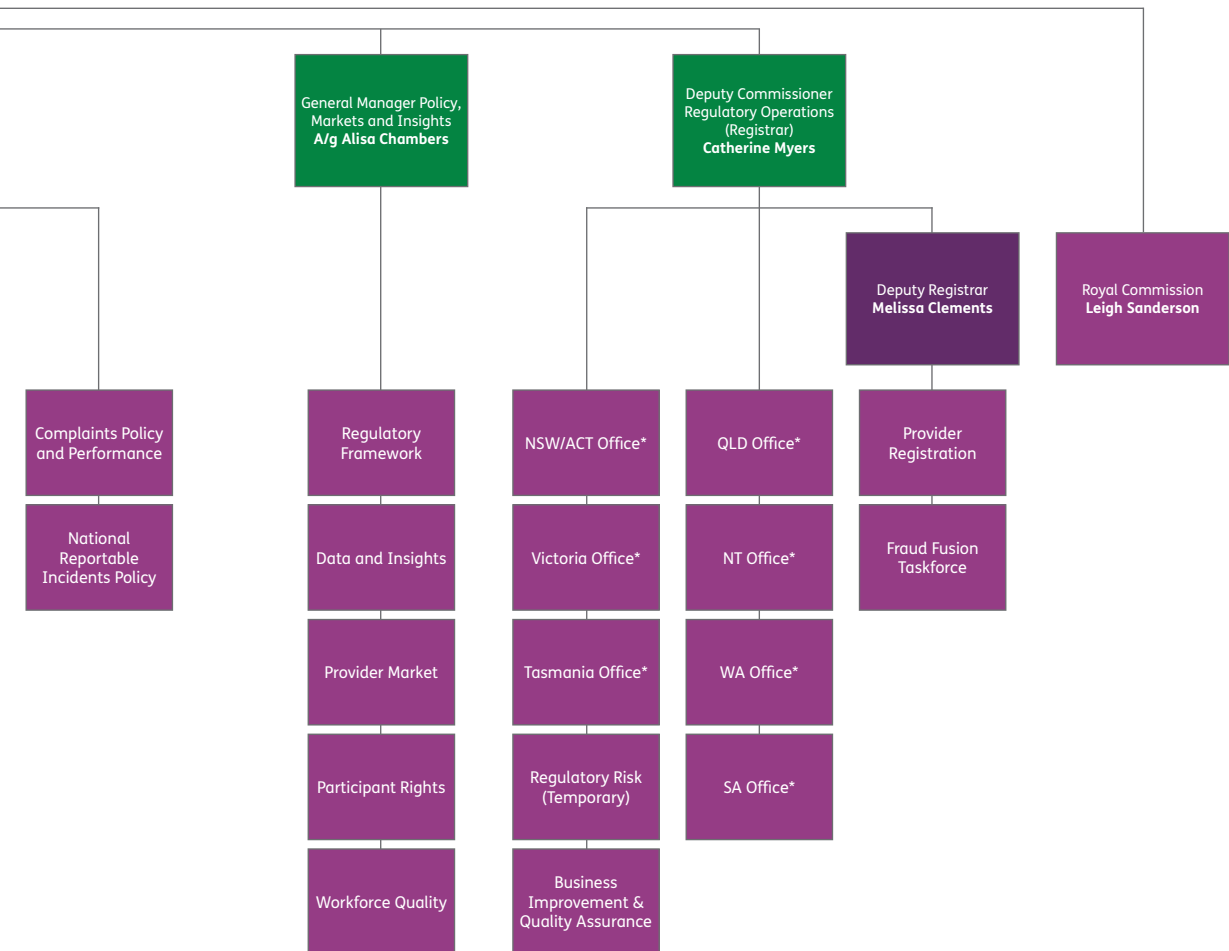


Current as at 30 June 2023

\* Compliance, Investigations Operations and Reportable Incidents Operations function

\*\* National Behaviour Support Operations - all state and territory offices

\*\*\* Staffing changes occurred during the period, organisation structure is reflective of structure as at 30 June 2023



# Key moments 2022-23

## July 2022

- ◆ Celebrated NAIDOC Week with the theme Get Up! Stand Up! Show Up! by bringing all staff together through an e-forum to celebrate and champion institutional, structural, collaborative, and cooperative change.
- ◆ Launched the new Internal Integrity Unit.

- ◆ Launched the new website to make it easier for everyone to find and understand our information.
- ◆ The Supported Residential Services (SRS) Strategy was finalised and supports and guides the Commission's national strategic and operational approach to regulating the quality of NDIS supports and services delivered to NDIS participants residing in privately operated supported accommodation facilities.

## September 2022

- ◆ Held two events during the National Week of Deaf People to celebrate the deaf community, their language, their culture and achievements.

- ◆ Commenced the beta testing of NDIS Workforce Capability Framework tools which have resources to support workforce quality.

## August 2022

- ◆ Launched the First Nations artwork in Brisbane office, which was crafted by First Nations artist who is a proud Wallabaloola and Pajong woman. The artist created the artwork as part of the NDIS Commission's NAIDOC Week 2022 activities during which staff were invited to place their handprints on a canvas.

- ◆ Published the 'Surveillance Practice Guide' with best practices to assist providers in identifying and managing circumstances when surveillance technology is used to facilitate the use of a regulated restrictive practice.
- ◆ Launched **Strategic Plan 2022-27** and Principles which sets out our vision, principles and purpose for the next five years.
- ◆ We began implementing a strategy for monitoring the compliance of Supported Residential Services that are also NDIS providers.



## November 2022

- ◆ Inaugural All Staff Festival held which concluded with the Staff Recognition Awards
- ◆ Commenced the Fraud Fusion Taskforce in partnership with a range of government agencies to identify, address and prevent fraud in the NDIS and other government payment programs and protect the safety and wellbeing of participants associated with NDIS fraud.

- ◆ Published a suite of tools and resources to support Residential Aged Care providers in meeting NDIS provider registration requirements, which include quality audits against the NDIS Practice Standards.

## December 2022

- ◆ Published a new Practice Alert providing best practice guidance on sun and summer safety for NDIS participants.
- ◆ Developed a series of fact sheets for NDIS participants in plain English to explain positive behaviour support, participants' rights, what participants can expect from their provider, and what to do if the supports and services don't meet their expectations.

## October 2022

- ◆ The Hon Bill Shorten MP announced a review of the NDIS.
- ◆ First placed-based campaign including provider and participant forums in Cairns.
- ◆ Held the annual Disability Advocacy Forum in Melbourne with more than 160 in attendance, co-hosted by Elly Desmarchelier.

## January 2023

- ◆ Launched the new Regulatory Approach and Operating Model which outlines how we apply our regulatory capabilities and resources to ensure the quality and safety of services delivered to NDIS participants.

- ◆ Published the final report of Own Motion Inquiry into aspects of supported accommodation. The Inquiry sought to better understand the challenges faced by people living in supported accommodation when exercising choice and control about their supports

## March 2023

- ◆ Commenced Regulatory Operations structural change to realign the regulatory functions with the Regulatory Approach and Operating Model.

- ◆ Commenced a compliance program focused on the role of Specialist Disability Accommodation (SDA) providers to in supporting the independence, choice and control of NDIS participants residing in SDA dwellings.

- ◆ Participated in an ANZOG Regulators Community of Practice forum, 'Are we ok - Co-design and the regulation of psychosocial hazards'.

## February 2023

- ◆ Commenced the new operating model for the complaints function following an extensive review and redesign process.

- ◆ Released the NDIS Commission Workforce Plan 2023-28, which articulates opportunities that will support the NDIS Commission's workforce and enables growth in key skills and competencies.

- ◆ Established a formal learning and development function to centralise governance and coordination for a One Commission approach to workforce capability uplift.

- ◆ Released the NDIS Commission's Data and Digital Roadmap, that enables informed decision making in relation to ICT investment, and its delivery will support the NDIS Commission's systems maturity.

- ◆ Published the updated 'Safe Transportation Practice Guide' with further clarification on when a device is and is not a regulated restrictive practice when transporting people with disability.

- ◆ Commenced Own Motion Inquiry into Platform providers operating in the NDIS Market.

## May 2023

- ◆ Held a remote regulation provider and community forum in Townsville. The NDIS Commission and the Queensland state government hosted a forum for local community stakeholders and NDIS providers about the challenges and opportunities of providing NDIS services and supports in regional and remote communities.
- ◆ Finalised the Workforce Capability Framework resources.
- ◆ Expressions of interest for the Consultative Committee opened to invite participants, their representatives, providers, advocates, and peak bodies to bring diverse experience and expertise in issues affecting people with disability.

## April 2023

- ◆ Visited Maningrida in West Arnhem, Northern Territory to meet service providers, participants and community members to hear about how the NDIS is operating in a remote Aboriginal community and to discuss improvement options.

## June 2023

- ◆ Published the 'Behaviour Support Plan Checklists' which outlined good practice and the conditions of registration that apply to specialist behaviour support providers when developing behaviour support plans.
- ◆ NDIS Commission awarded approximately \$4.4 million to seven grant recipients. The grants seek to improve participant and provider connections around behaviour support outcomes and complaint handling and resolution.
- ◆ Received the first civil penalty outcome since the NDIS Commission commenced operation.

# The year in numbers



**\$4.4 million\***

awarded to seven grant recipients, to deliver projects designed to improve participant and provider connections around behaviour support outcomes and complaint handling and resolution.



**\$0.8 million**

of new contracts awarded with Indigenous businesses



**6.5 million**

NDIS Commission website page views



Our staff presented at  
**773**

in-person and virtual engagements activities across the country, attended by approximately

**24,450**  
stakeholders



**7,415**

Provider Information packs distributed



**8,300**

Participant Information packs distributed

3,121 in standard  
2,705 in easy read  
319 in braille

1,056 in Aboriginal and Torres Strait Islander standard

1,099 in Aboriginal and Torres Strait Islander easy read



**16,378**

registered NDIS providers

**762,713**

worker clearances granted (since 1 February 2021)



**868,286 people**

people have completed the NDIS Code of Conduct Worker Orientation Module 'Quality, Safety and You' since its mid-2019 launch

\* (excl. GST)



'Supporting effective communication' e-learning module completed by

**99,088**

people from launch October 2021



'Supporting safe and enjoyable meals' completed by

**70,178**

people since its launch in April 2022



**96%**

of people who completed a feedback survey rated the module as good/excellent



**98%**

indicated the e-learning modules helped them learn how to better support people with disability



**15,967**

behaviour support plans lodged

**5,863**

behaviour support practitioner considered suitable



**9,624**

compliance actions

**92**

banning orders



**16,305**

complaints received

# Major projects and initiatives

## Regulatory Approach

The NDIS Commission has evolved significantly since its inception in 2018. As it matures as a participant-centric, contemporary regulator, the NDIS Commission is seeking to:

**be increasingly participant-focused, be earlier to act, draw more substantively on data and insights, and embed a more risk-based approach to regulation.**

The **regulatory approach** guides the NDIS Commission in **making best use of all its powers and resources to uphold the rights of NDIS participants, ensure high quality and safe services, and enable consumer independence and choice.** It brings focus to how the NDIS Commission uses its regulatory capabilities and resources and guides regulation at multiple levels, use of a range of regulatory approaches and a combination of levers and tools. The regulatory approach was informed by a review of the NDIS Commission's legislative and strategic documents, best practice insights, and engagement with stakeholders across the NDIS Commission.

Our regulatory approach includes working at multiple levels of quality and safeguarding. We think about the whole NDIS as well as the experience and actions of individual participants, providers and practitioners. This puts participants at the centre of all we do.

We work systemically to strengthen approaches and culture throughout the system and we provide clear standards, training and oversight, and uplift quality. We also work directly with individual providers, workers and in individual matters to improve practice and ensure safeguarding.

The combination of our work at different levels provides effective and efficient regulation that drives quality and safeguarding.

The NDIS Commission takes proactive steps to build system approaches and a system culture that put the rights and voice of participants first. We encourage leading practice **approaches across the system** that provide participants with a meaningful choice of high quality and safe services and supports. We take **system-wide action** to address emerging risks that may give rise to harm to participants or challenges for the sector.

We set **standards**, deliver and encourage appropriate training, and provide regular **oversight**. We support providers in adopting best practice approaches and taking steps to ensuring appropriate skills and capabilities.

We work with providers to improve the systems and controls they have in place to address emerging risks at an **entity level**. We ensure that providers and their workforces take an appropriate, rights based, approach to engaging with participants. We establish the processes and checkpoints necessary to ensure all services and supports meet appropriate standards.

We intervene directly with providers, and their workforce, as they deliver services and supports, to ensure that they have the **right capabilities, capacity, decision making skills and perform the correct actions**. This provides **location or individual specific intervention** to address emerging risks.

We conduct immediate intervention in response to potential harms to participants or issues with the system. This provides an **instance specific intervention** to prevent risks emerging. The NDIS Commission intervenes to protect participants from harm and to preserve the system.

The NDIS Commission focuses on three key regulatory approaches – high intensity responses, targeted campaigns and regulatory activities. We aim to direct substantial effort into preventative approaches using evidence based

targeted campaigns aimed at reducing serious and complex non-compliance to reduce the effort required for high intensity responses and regulatory activities over time.

The strategy encourages the NDIS Commission to use all of its levers to ensure that regulatory intent is met. The NDIS Commission actively uses a range of levers, each of which puts the rights of participants at the centre of the action we take. These levers are almost always used in combination to address risk and provide quality and safeguarding support.

## Operating Model

The operating model describes **how the NDIS Commission co-ordinates and delivers its regulatory approaches and how staff work together**. This supports delivery of the NDIS Commission's Strategic Plan and regulatory strategy.

Key features of the operating model are:

- ◆ An overarching framework of regulatory approaches and functions used to achieve desired outcomes
- ◆ High level processes, typical characteristics and illustrative examples of the regulatory approaches
- ◆ Ways of working that support the operating model.
- ◆ The operating model has been developed as a high-level, practical and accessible document that can be shared with staff and can guide further project work. It was developed based on current-state assessment against a robust regulatory architecture framework, best practice input, and consultation with NDIS Commission leaders and staff. An extensive change management plan was developed in consultation with staff to implement the required changes.

## NDIS Workforce Capability Framework

The **NDIS Workforce Capability Framework** (the Framework) was developed by the NDIS Commission, funded from the Australian Government's Jobs and Market Fund administered by the Department of Social Services. The Framework describes the attitudes, skills and knowledge expected of all workers funded under the NDIS.

Interactive tools and resources to support workforce management and planning, recruitment, supervision, guidance for participants and career guidance for workers have been completed in Phase 2 of the Project which was finalised on 30 June 2023. Booklets tailored to recruitment of Aboriginal and Torres Strait Islander workers have been developed as a dedicated resource with an animation.

Engagement with the Framework website has more than doubled since the NDIS Commission released the first suite of tools into public beta testing on 15 July 2022, with 40,798 unique users this year. The most popular tool with users to date is the Self-Assessment Tool for potential workers, with 5,002 views. The Position Description Tool (4,082 views) and the Workforce Management and Planning Tool (3,495 views) are the next most viewed tools.

Engagement has occurred through webinars with 506 providers and 80 participants attending workshops. Five conference and community of practice presentations were delivered in 2022–23.

## High Intensity Support Skills Descriptors

The high intensity support skills descriptors (skills descriptors) were updated following consultation with expert groups, providers and participants. The revised skills descriptors were published in January 2023.

The review of the skills descriptors was undertaken as a project element within the NDIS Workforce Capability Framework (the Framework) project. The review has updated the:

- ◆ content of the descriptors in line with contemporary practice and expert advice
- ◆ format and language of the descriptors to align with the contemporary language and participant focus adopted in the Framework.

The skills descriptors provide guidance for NDIS providers and auditors by describing the skills and knowledge that NDIS providers should ensure their workers have when supporting participants with high intensity daily personal activities (HIDPA) as defined in the NDIS Practice Standards (High Intensity Daily Personal Activities Module).

## Own Motion Inquiry into Aspects of Supported Accommodation

In January 2023 the NDIS Commission released its report into its first **Own Motion Inquiry** (the Inquiry) into aspects of supported accommodation in the NDIS. The Inquiry examined reportable incidents and complaints made to the NDIS Commission in connection with group homes. The Inquiry identified trends in issues occurring in supported accommodation, what is causing those issues and models of best practice to eliminate or address those issues. It also considered how the NDIS Commission can use its powers to help deliver higher standards of support in these settings. The Inquiry involved detailed examination of 7,000 reportable

incidents and complaints in group homes for seven of the larger Supported Independent Living providers in Australia and conducted major research into models of best practice for the delivery of supported accommodation to help the NDIS Commission in its capacity-building work with providers.

## Own Motion Inquiry into Platform Providers operating in the NDIS market

In February 2023, the NDIS Commission launched an **Own Motion Inquiry into Platform Providers** to better understand the experience of participants who engage NDIS services and supports via paid online Platform Providers. Over 1,470 NDIS participants, workers, providers and members of the disability community engaged directly with the Inquiry. A central focus on this Inquiry was direct engagement with participants engaging services and supports via paid online Platform Providers. The Commissioner released an Insights Report together with data and informational supplements in September 2023.

## Regulatory burden consultation

The NDIS Quality and Safeguards Commission (NDIS Commission), with the support of National Disability Services (NDS), conducted a series of workshops with providers throughout May and June 2023 to hear about the challenges and opportunities associated with regulatory requirements related to the delivery of NDIS supports, without compromising participant rights to safe and quality supports. Sessions were well subscribed with 460 attendees participating across six consultation sessions. The findings have been compiled in the **Regulatory Burden Consultation Insights Report**.





# Key compliance matters 2022–23

## Civil penalty proceedings

The NDIS Commissioner had three active civil penalty proceedings in the Federal Court of Australia between 1 July 2022 and 30 June 2023. In all proceedings the Commissioner alleged contraventions of the National Disability Insurance Scheme Act 2013 (NDIS Act) arising from various breaches of the National Disability Insurance Scheme (Code of Conduct) Rules 2018 and the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018.

On 3 December 2021 the Commissioner commenced civil penalty proceedings in the Federal Court of Australia against registered NDIS provider Australian Foundation for Disability (Afford). The proceedings related to the death of a participant in May 2019, who passed away in a supported independent living home in New South Wales. The NDIS Commission alleged a number of contraventions of the NDIS Act by Afford—specifically, of sections 73J and 73V—with respect to the supports and service it provided leading up to, and at the time of, that participant’s death. The NDIS Commission alleged the Afford failed to comply with its obligations under the NDIS Code of Conduct and the NDIS Practice Standards in several ways, in response to which Afford subsequently admitted liability through a statement of agreed facts. Declarations were made in the Federal Court of Australia that Afford contravened the NDIS Act and it was ordered to pay civil penalties totalling \$400,000, as well as the NDIS Commissioner’s legal costs. The related media release is available on our website [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au) > Media and News > **Statement on Afford civil penalty outcome**.

In March 2022 the Commissioner commenced civil penalty proceedings against NDIS provider Integrity Care (SA) Ltd, in relation to the death

of an NDIS participant. This followed the NDIS Commission giving infringement notices to the provider, revoking its registration and banning one of its Directors from involvement in disability services. The related media release is available on our website [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au) > Media and News > **NDIS Commission commences legal action over the death of an NDIS participant**.

In March 2023 the Commissioner commenced civil penalty proceedings against LiveBetter Services Ltd. relating to the death of an NDIS participant. This followed banning orders made against support workers involved in the provision of care to the NDIS participant. The NDIS participant died in 2022 while receiving in-home supports by the provider. The related media release is available on our website [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au) > Media and News > **NDIS Commission commences legal action against Integrity Care**.

At the time of publication of this report, the proceeding against LiveBetter remains ongoing, while the proceeding against Integrity Care are stayed given the criminal charges laid against Integrity Care by the South Australian Director of Public Prosecutions in June 2022.

## Fraud Fusion Taskforce

The Fraud Fusion Taskforce (FFT) was formed to:

- ◆ strengthen the Commonwealth’s fraud detection, prevention and response capability through enhanced data sharing and intelligence
- ◆ coordinate a government approach to detection and treatment of serious and organised crime and systemic fraud
- ◆ organise well-informed cross-program actions to help prevent fraud.

This will draw on the capabilities and powers of the agencies that are Parties (FFT agencies) to the Memorandum of Understanding for the Fraud Fusion Taskforce.

The FFT will develop multi-agency capability and an enhanced government intelligence base and create scalable solutions to prevent, detect and respond to fraud affecting the NDIS and other Australian government programs and payments and Australians who are intended participants and recipients. This will result in reduced 'waste' due to fraud, non-compliance and incorrect payments and provide positive impacts for intended participants and recipients of such programs.

The NDIS Commission is working closely with other FFT members to identify, prevent and mitigate risks to people with disability arising from fraudulent activity. In the first 10 months of the FFT's operations, the NDIS Commission has escalated its compliance activities, executing 87 actions including 42 banning orders. The focus for the NDIS Commission continues lead and support strategic prevention programs, to future proof the NDIS against fraud and the risks it presents regarding the quality and safety of NDIS supports and services.



## Fraud Fusion Taskforce Case Study

In early 2023, the Taskforce commenced investigation into an alleged multi-million dollar fraud against the NDIS by a suspected criminal syndicate in western Sydney. The NDIS Commission worked closely with other Taskforce members to investigate this matter, including the National Disability Insurance Agency (NDIA).

In June 2023, five warrants were executed across five premises in western Sydney, involving coordination across Taskforce members. The NDIS Commission executed a warrant and issued compliance notices and imposed additional conditions of registration on the NDIS providers controlled by this syndicate, to mitigate risks to people with disability whilst the investigation progressed. The additional conditions, amongst other requirements, prohibited the providers from providing any NDIS supports or services to any additional NDIS participants.

The Taskforce investigation continued, culminating in the arrest of a woman on 26 September 2023 and charges laid against her relating to offences under the Commonwealth Criminal Code.

Upon the woman's arrest and charges laid, the NDIS Commission immediately suspended the registration and issued notices of intention to revoke the registration of two NDIS providers allegedly used by the woman to defraud the NDIS. Notices of intention to make banning orders against her, another woman and four NDIS providers have also been issued.

The Taskforce continues to assess the full alleged fraud value, however early investigations indicate the providers at the centre of the activity had claimed more than \$11 million in NDIS funding over several years.

## Specialist Disability Accommodation (SDA) campaign

The NDIS Commission commenced a national compliance campaign focusing on providers registered to provide specialist disability accommodation (SDA). On 10 February 2023, the Commissioner wrote to all 1,524 providers of SDA informing them of concerns about practices among SDA providers that may have the effect of limiting the choice and control of participants living in SDA facilities and informing them of the compliance activity.

Notices under s56 of the NDIS Act requiring information and documents were issued to a sample group of 175 providers, focusing on provider arrangements for managing conflicts of interest and for enabling participant choice over other supports provided within the SDA facility in accordance with obligations under the NDIS Practice Standards. Analysis of responses to the Notice is in progress and will be completed in early financial year 2023–24, together with actions to address non-compliance.



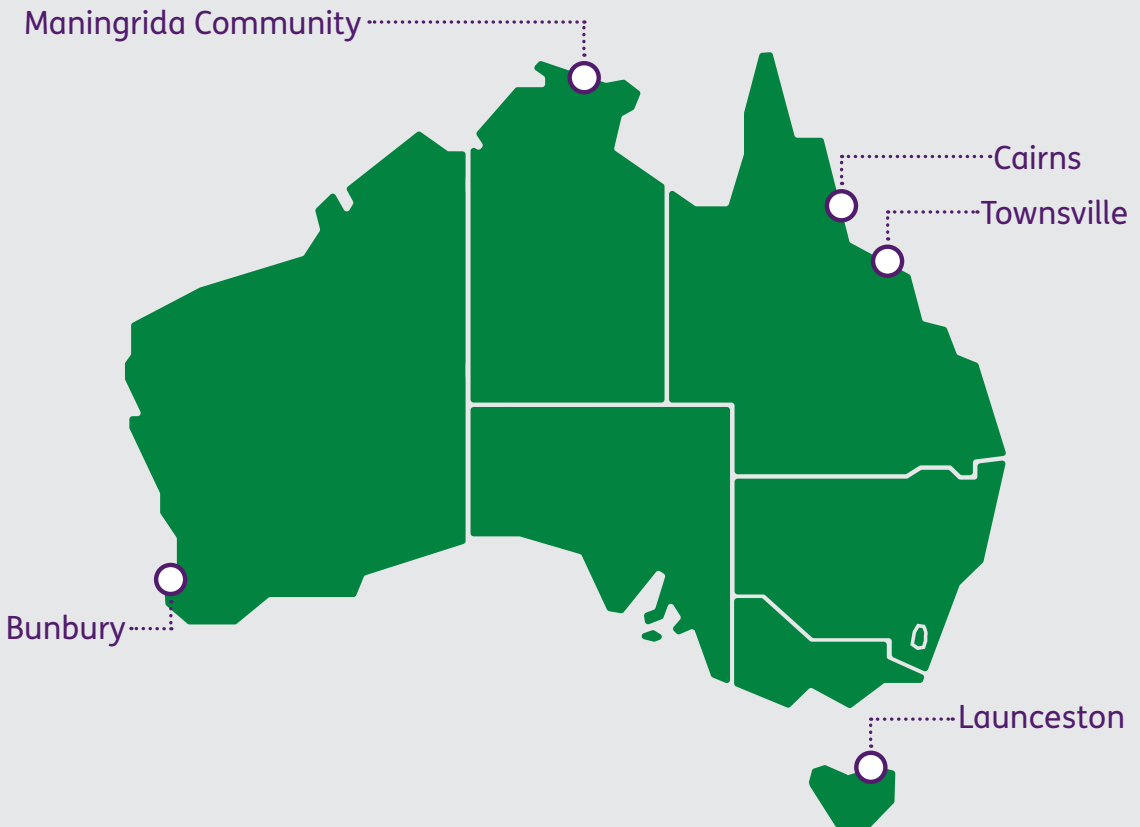
## Other campaigns

Across the reporting period, the NDIS Commission conducted a range of campaigns to amplify the rights of people with a disability, identify and act on incidents of non-compliance, educate and inform participants, providers and the community about the work of the NDIS Commission and identify key issues impacting on people's ability to access quality services and supports.

Place-based campaigns included:

- ◆ Cairns Provider and Community forum in November 2022
- ◆ Bunbury Campaign in January 2023
- ◆ Launceston Provider forum in March 2023
- ◆ Maningrida Community forum in April 2023
- ◆ Townsville Provider and Community forum in May 2023

A nationwide ongoing Quality Compliance Campaign focusing on the quality of Behaviour Support Plans started commenced in December 2022.



## Compliance monitoring in Supported Residential Services

In August 2022 the NDIS Commission established a compliance monitoring strategy for Supported Residential Services (SRS) that also provide NDIS-funded supports and services. The strategy supports and guides our national strategic and operational approach to regulating the quality of NDIS supports and services delivered to NDIS participants residing in privately operated supported accommodation facilities.

Phase one of the strategy involved stakeholder engagement and regulatory activities to understand issues in the SRS sector in Victoria and determine appropriate regulatory interventions. We conducted 24 site visits with a focus on supporting participants to have choice and control across their accommodation and services and raising awareness with providers of their responsibilities and obligations, with follow up compliance activity as required.

In July 2023 we undertook compliance inspection visits to a further 11 sites and are currently progressing a number of regulatory interventions to address identified compliance issues. The primary focus of our regulatory action is on ensuring NDIS providers embed choice and control in to their services and are clear and transparent with participants around the distinction between SRS-funded supports and NDIS-funded supports and services. We will expand our strategy to other states and territories in 2023–24.

## COVID-19 vaccination mandate

From 10 December 2021 to 23 September 2022 the NDIS Commission required NDIS providers registered to provide intensive disability support services to report on the COVID-19 vaccination status of their workers who were required to be vaccinated in accordance with in-force state and territory public health orders. In this period, 96 per cent of workers were reported by providers as being fully vaccinated in accordance with requirements under state and territory public health orders and 3 per cent as being part-vaccinated. The remainder include workers exempt from the vaccination mandate or not yet vaccinated.

With the public health shift from emergency management towards living with COVID-19 permanently, states and territories no longer have public health orders in place mandating disability worker vaccination.

The NDIS Commission continued to monitor the impact of COVID-19 on NDIS participants and providers in 2022–23 through complaints and notifications required by registered NDIS providers about the impact of COVID-19 on their delivery of supports and services to participants. We worked – and continue to work – closely with other areas of government to implement responses to COVID-19 for people with disability and promote health information about COVID-19 and vaccination as a prevention measure against serious illness and death.

# Stories from the NDIS Commission



## Partnering to strengthen engagement

Six registered NDIS Providers are assisting the NDIS Commission engage with NDIS participants interested in sharing their perspectives and experiences.

The NDIS Commission commenced a project in 2022-23 with a large registered NDIS Provider operating in South Australia (SA Provider) who agreed to assist the NDIS Commission consult directly with NDIS participants in Supported Independent Living (SIL) settings or Specialist Disability Accommodation (SDA).

Consultation with NDIS participants in relation to SIL and SDA services and supports delivered under the NDIS was one of a range of recommendations made by the Commissioner's Own Motion Inquiry into Aspects of Supported Accommodation. The NDIS Commission's project team has spent time speaking with well over 100 NDIS participants. The views of NDIS participants will directly inform how to enhance regulation of supported accommodation services to better ensure the quality of life participants experience in supported accommodation with a focus on service quality and safety.

The SA Provider invited the NDIS Commission project team to consult with interested participants. The NDIS Commission project team was also invited to join in planned social activities later that day. Commission officers from the Complaints and Engagement Division also attended as the engagement presented a fantastic opportunity to continue to develop the relationship already established with the SA Provider and to generally increase the visibility of the NDIS Commission to all NDIS participants attending. The social activities included a disco.

While the work of the NDIS Commission and NDIS Providers is serious work dedicated to supporting NDIS participants, opportunities to engage in social activities and events provide valuable opportunities to connect. Though beyond the scope of the consultation project, there is no doubt that the NDIS participants attending the disco were much better dancers, despite the NDIS Commission officers breaking out their best moves.



## Maningrida – First Nations community engagement

In late April, Commissioner Tracy Mackey, Complaints Commissioner Sian Leatham, and NT Director Válli Camara travelled to the remote Aboriginal community of Maningrida in the Northern Territory with the Hon Ngaree Ah Kit, NT Minister for Disabilities. The visit was part of a Disability Deep Dive Project that aims to better understand the low uptake and utilisation of the NDIS by people with disability in the remote communities in the Northern Territory. The project is being led by the NT Government in collaboration with the NDIA and the NDIS Commission.

The visit allowed the community, participants and families and providers an opportunity to share their stories about the NDIS in their

community, including how a lack of services in the region is impacting participant outcomes.

Following the visit, Commissioner Tracy Mackey and Hon Ngaree Ah Kit, NT Minister for Disabilities led an online forum for providers working in the West Arnhem region to provide information about the NDIS Commission, obligations of providers and the Code of Conduct and to hear from the providers about challenges they face in providing services in remote communities.

The Commission is currently producing targeted videos in local languages for the Maningrida community to increase their understanding of their rights, the Commission's role, and the NDIS more broadly.







## Epilepsy Management Masterclass

The NDIS Commission held an Epilepsy Management Masterclass in March 2023 with 448 stakeholders attending. The Epilepsy Management Masterclass aimed to gather providers, workers and participants to learn more about the prevalence, risks and management of epilepsy in disability settings like as supported accommodation. The Masterclass was delivered alongside the publication of a new practice alert: Midazolam for Epilepsy.

Presenters on the day included Professor Julian Troller, Neurologist from the University of New South Wales who presented on his research and discussed implications for people with epilepsy who have an Intellectual Disability. Specialist epilepsy nurses from Epilepsy Action Australia and the Epilepsy Foundation presented on practical aspects of supporting people with epilepsy, discussing

the use of epilepsy management plans, emergency medication plans for Midazolam and first aid for epileptic seizures. We were also joined by a person living with epilepsy named Amanda\*. Amanda shared her personal experience in finding supports that are effective for her, providing valuable insight and perspective for attendees.

Feedback from the event was overwhelmingly positive. At the conclusion of the event, a survey found 73% of attendees rated their level of confidence to deliver services to people with epilepsy as either 'confident' or 'very confident': an increase from 37% prior to the event. All respondents indicated that they found the content of the masterclass valuable.

\* Name changed for privacy



## Co-Creating Safe and Enjoyable Meals for People with Swallowing Disability

In 2020, the NDIS Commission awarded a grant of \$662,000 (excl GST) to the University of Technology Sydney (UTS) and consortium partners to deliver the grant activity 'Co-Creating Safe and Enjoyable Meals for People with Swallowing Disability'. The grant funded UTS to develop and deliver training to build the capability of direct support workers in good practices relating to mealtime management, swallowing and choking. The grant was completed in December 2022.

This project involved a large consortium of partners with diverse interests in the topic of 'safe and enjoyable meals' for people with swallowing disability. The grant activity involved several strategies for co-design of the training materials. Nineteen workshops were conducted, with 163 direct support workers and health professionals, and 6 people with swallowing disability completing the training. Since the completion of the project, UTS has been contracted by Melba Support Services to deliver training to an additional 972 direct support workers. The training is now available as a UTS Open Course.

Feedback from attendees was positive and reinforced the importance of providing

resources and support to address challenges experienced by people with swallowing difficulty and their direct support workers:

“As a human-rights based organisation, the emphasis on enjoyment as well as safety within the training modules strongly aligned with our values. For many of us, mealtimes are much more than merely sustenance, but also source of enjoyment, creativity, and social interaction. We believe that the knowledge and confidence that staff have gained from participation in this training will enable them to prepare meals that are appetising as well as safe. The dysphagia component of the training was applied, clear, and relevant to the work of direct support staff. Overall, the feedback from participating staff was overwhelmingly positive, and they looked forward to demonstrating their learnings with the people they support.” - Melba Support Services

You can find out more on [the Enjoy Safe Meals – Co-creating Safe & Enjoyable Meals for People with Dysphagia](#) website.



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# Part 3

# Annual performance report

## Statement of preparation

I, as the accountable authority of the NDIS Quality and Safeguards Commission (NDIS Commission), present the 2022–23 Annual Performance Statements for the NDIS Commission, which have been prepared under paragraph 39(1)(a) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act).

In my opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity and comply with subsection 39(2) of the PGPA Act.

Our performance measures reflect the ambitious goals we set out to achieve for people with disability. While we did not succeed in meeting all of the targets outlined in this report, we continue to make progress. I am confident the comprehensive consultation, analysis and strategic planning we have undertaken through our Future State program puts us in a strong position to better support people with disability to receive quality and safe supports and services under the NDIS in the future.



**Tracy Mackey**

NDIS Quality and Safeguards Commissioner

4 October 2023

## Entity Purpose

Our purpose is as listed in the **Portfolio Budget Statements 2022–23 Budget Related Paper No. 1.12 Social Services Portfolio** (the PBS) in Outcome 1 for the NDIS Quality and Safeguards Commission:

**Outcome 1:** Promote the delivery of quality supports and services to people with disability under the National Disability Insurance Scheme and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education.

The NDIS Commission administers two programs as set out in the PBS, in support of Outcome 1:

### **Program 1.1 – Support for National Disability Insurance Scheme providers in relation to registration**

Support for NDIS providers in relation to registration to support service providers with the costs of obtaining NDIS registration and to support the provision of education and training for providers, workers and auditors.

### **Program 1.2 – Program Support for the NDIS Quality and Safeguards Commission**

To provide departmental funding for the annual operating costs of the NDIS Commission to enable the NDIS Commission to achieve its outcomes.

All performance measures in the annual performance statements contribute to our entity's purpose. Our performance is measured in accordance with the PBS and the **NDIS Commission's 2022–23 Corporate Plan**.

## Results against performance criteria

The tables in this annual performance statement document report against the performance measures presented in pages 25–29 of our 2022–23 Corporate Plan (pdf version), which align with the two PBS programs as indicated in the next section of this annual report.

## Notes on performance reporting

The NDIS Commission has just completed its fifth financial year of operation. Alignment of performance metrics to the PBS programs continues to evolve as the organisation matures. While we have produced more quantitative reporting, a number of our measures still contain qualitative analysis in order to describe our performance across our service and activities remit. Focus will continue to be placed on improving the maturity of reporting capability and will be reflected in the future Annual Performance Statements. The NDIS Commission's system limitations significantly inhibited reporting on some results for the 2022–23 Corporate Plan targets and commentary has been provided in the next section of this annual report where necessary.

# Performance measure scoring scale

Included against each target in our Annual Performance Statements are status ratings that indicate how well we performed against the targets set for the 2022–23 reporting period.

The status of the results provided in the table below include:

- ◆ Met
- ◆ Working Towards
- ◆ Not Met
- ◆ In Progress

# Regulator performance

As the regulator of the NDIS market and mechanism to fulfil the Government’s commitment to improve the reform the operation of the NDIS, the NDIS Commission is required to conduct regulator performance reporting against three principles of regulator best practice, in accordance with the PGPA Act and the PGPA Rule.

In response to the Ministerial Statements of Expectations, the NDIS Commission continues to work closely with all stakeholders to deliver high-quality and trustworthy services to meet the Government’s expectations. The Ministerial Statements of Expectations and NDIS Statements of Intent are available in [Appendix 8](#).

The three principles of regulator best practice are:

- 1 Continuous improvement and building trust:** regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia’s regulatory settings.
- 2 Risk based and data driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
- 3 Collaboration and engagement:** regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

In the 2022-23 period the NDIS Commission has undergone significant reform to deliver against these principles of regulator best practice including launching our first strategic plan, designing and implementing a new operating model to change the way we do business, and developing a resourcing model to meet requirements which resulted in a significant budget uplift. These systemic and widespread changes will have a major impact on the NDIS Commission’s performance in the following years.



# Results



## Impact 1 – The rights of people with disability

The NDIS Commission amplifies and promotes the rights of people with disability by creating and enabling access to and delivery of quality services and supports.

**Performance Measure (PM) 1.1: People with disability know their rights and trust us to support them and their carers and advocates to make complaints and report violence, abuse, neglect and risk of harm.**

### PM1.1.1: 80% of respondents said they trust the NDIS Commission

**PBS item:** 1.2

**Results:** Working Towards

#### Analysis:

58% of respondents indicated that they trust the NDIS Commission. The NDIS Commission engaged a research firm, ORIMA Research, to conduct a stakeholder survey of NDIS participants and their representatives in May 2023.

In total, 3,611 survey invitations were sent to NDIS participants and representatives. 748 responses were received, which represents a 21% response rate. Notably, all respondents to the stakeholder survey had lodged complaints prior to the implementation of the new model. The majority of the respondents advised that the NDIS Commission has treated them with respect and has taken time to listen to them to understand their needs.

The NDIS Commission is committed to continuous improvement and on 20 February 2023 implemented a new national complaints model, following an extensive review conducted between June and October 2022.

The new model includes a national triage and assessment function, a safeguarding team for rapid response where required, an early resolution team and a complaints operations function to deliver a more timely response and better outcomes for participants.

We are closely monitoring the performance of the new arrangements to ensure they improve the NDIS Commission's responsiveness.

#### Regulator performance:

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

### PM1.1.2: 60% of respondents said they were satisfied or very satisfied with the outcome of their interaction with the NDIS Commission

**PBS item:** 1.2

**Results:** Working Towards

**Analysis:**

This was only tested with respondents relating to the complaints function. The experience of participants and providers relating to other core functions including capability building, compliance and behaviour support is not reflected. Analysis against other indicators (such as 1.3.2) are also reflective of overall satisfaction.

22% of NDIS participants were satisfied with the outcome relating to complaints as per PM1.1.1, the majority of the respondents felt their complaints were not resolved to their satisfaction or in the desired timeframe. The new complaints model has established a new national intake function to triage complaints and increase our responsiveness.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM1.1.3: 70% of complaints resolved in 90 days**

**PBS item:** 1.2

**Results:** In progress

**Analysis:**

48.4% of complaints were resolved in 90 days compared to 57.06% in 2021-22.

Our performance during the reporting period was impacted by :

- ◆ an increase in complaint numbers of 44% in comparison to the previous year
- ◆ a significant 58% increase in the number of complaints resolved
- ◆ an expansion of matters considered ‘in scope’ for resolution
- ◆ dedicated resources to establish a safeguarding team which has dealt with more than 600 matters (Dec-June) in 48hrs
- ◆ the NDIS Commission’s focus on resolving around 5,000 matters that were ‘aged’ (have been open for longer than 6 months). The finalisation of high numbers of these older complaints has impacted the median timeframe for resolution.
- ◆ These factors and additional workload due to the internal review and corresponding changes, despite there being additional funding

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM1.1.4: Qualitative analysis of NDIS Commission communication and education campaigns promoting consumer independence and the rights of people with disability**

**PBS item:** 1.2

**Results:** In Progress

**Analysis:**

Important regulatory levers the NDIS Commission is able to leverage are education and communication. Targeted participant and provider activities are a tool used to inform participants and increase their knowledge about their rights and speaking up. Provider activities focused building working capability to increase the quality of services and supports provided to participants. The NDIS Commission reached participants through the **Make it known, make it better** campaign which had over 8,100 page views and there were over 1,800 YouTube views of our **'Acting with respect for individual rights'** video.

Newly registered providers completed over 500,000 file downloads for campaign posters. The majority of people surveyed, who have completed current e-learning modules would recommend them to others and rate them as good/excellent. Social listening has identified future opportunities to develop new e-learning modules.

Commission representatives engaged with multiple stakeholders to gather feedback and insights to help inform the NDIS Commission's Regulatory activities.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

**PM 1.2: The use of restrictive practices is reduced or eliminated through increased quality of behaviour support plans, and NDIS Commission programs contribute to increased lodgement of behaviour support plans and a reduction in unauthorised restrictive practices (URPs)**

**PM1.2.1: Baseline data – Increase in lodgement of BSPs, and quality of BSPs**

<b>PBS item:</b>	1.2
<b>Results:</b>	Met

**Analysis:**

In 2022-23 there were 2,677 more Behaviour Support Plans (BSP) lodged than in 2021-22.

Whilst the increase in the number of BSP is positive, they also need to be of a high quality. BSPs that have been lodged with the NDIS Commission are reviewed, to assess the quality of the plan and whether it has been developed in accordance with the requirements in the NDIS rules.

A quality evaluation of 100 randomly selected BSPs lodged with the NDIS Commission was undertaken by Commission staff trained in the use of a validated quality assessment tool (the BSP-QEII) in 2023. The mean score was undertaken to assess the quality of the BSP lodged with Commissions. Quality of BSPs:

- ◆ The mean score across 100 lodged plans was 14.75 out of a possible total score of 24 (95% confidence interval 14.06 to 15.43), which indicated an improvement in quality.
- ◆ The median score of these 100 plans was 15 (minimum 4, maximum 23) compared to a median score of 12 in the 2021-22 financial year.
- ◆ 40% of these 100 BSPs showed evidence of consultation with the person with disability compared to 32% of plans assessed in the 2021-22 financial year.

In addition to monitoring the number and quality of plans lodged we continue to work towards lifting the practice quality and capability of behaviour support and implementing providers, and assess the suitability of behaviour support practitioners against the Positive Behaviour Support Capability Framework.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM1.2.2: Baseline data - Increased number of participants who have had restrictive practices reduced**

**PBS item:** 1.2

**Results:** Working Towards

**Analysis:**

The proportion of participants subject to unauthorised restrictive practices is slowly decreasing from 0.78% April – June 2022 to 0.75% April – June 2023.

We monitor the use of restrictive practices and take actions to eliminate its use. We also undertake research to inform better practice and support.

Regulatory action and activity has increased, including early response, published guidance and practice resources, completed implementation of the Positive Behaviour Support Capability Framework, grants related to increasing participant capability in respect to their rights, and publishing practice alerts.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM1.2.3: Baseline data - Increased number of participants who have had restrictive practices eliminated from their support**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

The count of NDIS participants associated with unauthorised restrictive practice notifications as a proportion of total NDIS population is 0.78% of participants who were subject to URPs at end of the 2021-22 reporting period versus 0.75% at the end of the 2022-23 reporting period.

As part of our core functions we promote contemporary, evidence based practice by educating providers and participants about behaviour support strategies that are focused on positive behaviour support and we have published and continue to develop practice guides on the use of restrictive practices.

The NDIS Commission will continue to focus compliance activity on the settings required to reduce and eliminate restrictive practices.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM 1.3: Providers and workers have an increased understanding of what quality and safety means to NDIS participants and understand the rights of people with disability as consumers.**

**PM1.3.1: Number/type of Commission resources, activities and engagements**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

The NDIS Commission engages in a diverse range of activities as a mechanism to provide information, education and resources related to safeguarding.

There were 6.5 million page views in relation to the website in 2022–23 and 882,000 unique total users. There were, on average, 73,500 visits each month.

We had 9,676 Facebook followers and 45,644 LinkedIn followers.

We issued a fortnightly newsletter to approx. 18,000 NDIS providers and subscribers.

More than 1.2 million people have completed online learning offerings. 96% of people who have completed a feedback survey rate the e-learning modules as good/excellent and 98% indicate the modules help them learn how to better support people with disability.

773 in-person and virtual engagement activities took place, attended by approximately 27,450 stakeholders.

The NDIS Commission will continue to improve and refine its engagement based on feedback from participants and other stakeholders.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

**PM1.3.2: 90% of providers surveyed said training had increased their understanding of what quality and safety means for NDIS participants**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

The NDIS Commission launched the Workforce Capability Framework and regularly publishes practical resources to educate providers and workers to increase their capability in supporting participants.

93% of providers and 97% of workers indicated that the NDIS Commission e-Learning had increased (at least to some extent) their/their workers' understanding of what quality and safety means for NDIS participants. In total, 6,278 survey invitations were sent to NDIS providers and workers with 1,160 responses received. This represent a 19% response rate.

The results show that the NDIS Commission has achieved the target to support the NDIS providers and workers in increasing their understanding to deliver quality and safety support to participants.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM1.3.3: Baseline data - % of NDIS participants surveyed report they have had a positive experience with their providers**

**PBS item:** 1.2

**Results:** In Progress

**Analysis:**

54% of participants that responded to our survey were satisfied with their NDIS provider(s).

It is important to note that the respondents to the satisfaction survey are exclusively participants who have contacted NDIS Commission to make a complaint about their providers.

This indicator will be developed for future reporting to encompass other quantitative measures, such as targeted feedback by provider type.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM1.3.4: Baseline data - % of NDIS participants surveyed say they feel they have a voice in improving the safety and quality of provider systems**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

60% of participants and 72% of representatives rated the NDIS Commission as 'OK', 'good' or 'very good' at listening to them during their most recent interaction.

67% of participants rated their NDIS provider(s) as 'OK', 'good' or 'very good' at asking them how they want to receive support or services.

The result provides baseline data to inform us that providers need to gain better understanding to support the participants to feel safe to raise their concerns.

The survey also shows that the providers and workers are doing well in asking participants how they want to receive support or services. However, the respondents feel providers should improve the way they resolve issues that were raised by participants.

Other measures in this reporting period have included more than 1,400 respondents to the Own Motion Inquiry on Platform Providers, the majority of whom were participants. This provided participants with a way of having a strong voice in improving the safety and quality of their support and services.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM 1.4: The NDIS Commission has a well-resourced, diverse and capable workforce to serve the needs, and promote the rights of, people with disability within a regulatory context.**

**PM1.4.1: Baseline data – Benchmark resourcing numbers and percentages**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

As at 30 June 2023 the NDIS Commission had a total workforce of 595, which included 528 Australian Public Service (APS) staff (an increase of 162 from 30 June 2022) and 67 labour hire resources (a decrease of 81 from 30 June 2022). The APS-to-Contractor ratio has increased to 9:1, in comparison to the ratio of 6:1 in 2021-22, with the NDIS Commission continuing to move towards a long-term, secure workforce.

As at 30 June 2023 3% of the NDIS Commission's workforce identified as being from an Aboriginal and/or Torres Strait Islander background (as recorded voluntarily by staff) – this is an increase of 0.9% from 30 June 2022. The proportion of staff (APS and labour hire) who identified as having a disability also increased slightly from 17% in 2022 to 21% as at 30 June 2023.

92% of the NDIS Commission workforce is based outside of the ACT, this is 30% higher than the APS average (as at 30 June 2022, the date of the latest available APS State of the Service report).

As at 30 June 2023 the NDIS Commission had established a formal learning and development function to centralise governance and coordination for a One Commission approach to capability uplift. Work to develop a regulatory capability framework has commenced, which is expected to mature in 2023–24.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.



## Impact 2 – Quality providers and workers

Every NDIS participant has safeguards in place and access to quality services delivered by skilled workers.

**PM 2.1: The quality of NDIS provider and worker provision increases over time, with systemic issues related to poor quality and safety reduced or eliminated.**

### PM2.1.1: Baseline data – % Participants say the quality of their supports has increased

**PBS item:** 1.1

**Results:** In Progress

#### Analysis:

Survey result reflect the limited sample of participants. This limited sampling methodology will be addressed in the 2023-24 survey.

34% of participant respondents indicated that the quality of services and supports from their NDIS provider(s) had improved over the previous 12 months. Based on the limited sample population this result suggests that there is significant room for providers to increase the quality of their support and services to participants.

It should be noted that all participants and representatives that responded to the survey had finalised a complaint with the NDIS Commission in the previous 9 months, which will have skewed the results.

#### Regulator performance:

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

### PM2.1.2: Systemic issues defined

**PBS item:** 1.1

**Results:** In Progress

#### Analysis:

In January 2023 the NDIS Commission released its report into its first Own Motion Inquiry (the Inquiry) into aspects of supported accommodation in the NDIS. The Inquiry identified trends in issues occurring in supported accommodation, what is causing those issues and models of best practice to eliminate or address those issues. It also considered how the NDIS Commission can use its powers to support the delivery of higher standards of support in these settings. The Inquiry involved detailed examination of 7,000 reportable incidents and complaints in group homes for seven of the larger Supported Independent Living providers in Australia. It conducted major research into models of best practice for the delivery of supported accommodation to support the NDIS Commission in its capacity building work with providers.

In early 2023 the NDIS Commission launched an Own Motion Inquiry into Platform Providers. This Inquiry sought to understand how registered and unregistered Platform Providers approach quality and safeguards and facilitate the delivery of NDIS supports. Over 1,470 NDIS participants, workers, providers and members of the disability community have contributed to the OMI consultation. Resources and insights from the Inquiry will be released toward the end of 2023.

The NDIS Commission, with the support of National Disability Services (NDS), conducted a series of workshops with providers throughout May and June 2023 to hear about the challenges and opportunities associated with regulatory requirements related to the delivery of NDIS supports, without compromising participant rights to safe and quality supports. Sessions were well attended with 460 participants across six consultation sessions.



**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

**PM 2.2: NDIS participants have greater access to, and choice of, skilled workers.**

**PM2.2.1: Baseline data – Uptake of the Workforce Capability Framework, building a skilled workforce**

**PBS item:** 1.2

**Results:** Met

**Analysis:**

The NDIS Workforce Capability Framework was developed by the NDIS Commission, funded from the Australian Government’s Jobs and Market Fund administered by the Department of Social Services.

The Framework describes the attitudes, skills and knowledge expected of all workers funded under the NDIS.

Interactive tools and resources to support workforce management and planning, recruitment, supervision, guidance for participants and career guidance for workers have been completed in Phase 2 of the Project, which completed on 30 June 2023.

Engagement with the Framework website has more than doubled since the NDIS Commission released the first suite of tools into public beta testing on 15 July 2022.

Framework website statistics from 1 July 2022 to 30 June 2023:

- ◆ Number of users: 40,798
- ◆ Average daily number of users: 111.76
- ◆ Number of resource downloads: 15,399

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

**PM2.2.2: Baseline data - Targeted innovation and/or models for:**

- rural and remote communities
- Aboriginal and Torres Strait Islander communities

**PBS item:** 1.2

**Results:** In Progress

**Analysis:**

The NDIS Commission is engaging with external stakeholders to understand remote and First Nations communities’ experiences of delivering quality supports in the NDIS market.

The consultations have focused on First Nations participants, providers and communities living and operating in remote NDIS markets. Targeted work in this area led to two consultations, in May and June 2023. These brought together relevant state and territory authorities, the NDIA and service providers to share insights on the context and challenges for First Nations participants navigating the NDIS market.

One of the consultations involved a visit to a remote NDIS First Nations community:

- ◆ to engage directly with participants, local service providers and the broader NDIS community about challenges and models of practices that are working well there.
- ◆ gather qualitative data was gathered about service delivery models, areas for innovative and targeted development to improve the quality and safety of supports for First Nations participants in remote areas.
- ◆ share insights with attendees to promote further discussions on the themes shared.

Three resources were developed as an outcome of the consultations and are included in the Workforce Capability Framework.

A roadmap on future plans is still to be developed, however we have identified early themes for further review and development which include:

- ◆ Non-place based supports including drive-in-drive-out (DIDO) and fly-in-fly-out (FIFO) play an important role in remote communities, however, challenges have been raised that relate to continuity of support and quality of support that impact participant outcomes.
- ◆ Provider and worker quality, cultural responsiveness and safety to support participant outcomes.
- ◆ Providers delivering supports in Alternative commissioning arrangements to strengthen quality and safeguarding of supports.
- ◆ Intermediaries focusing to strengthen support connection and quality outcomes.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

**PM 2.3: The NDIS Commission Grants Program creates resources and opportunities that enhance providers’, workers’ and auditors’ registration and training capability.**

**PM2.3.1: Mix of statement of FY grant spend and qualitative reporting**

<b>PBS item:</b>	1.2
<b>Results:</b>	Met

**Analysis:**

In 2022–23, seven grantees were funded a total of over \$4.398 million across three grant opportunities, representing 96% of the year’s \$4.589 million allocated funds. The three grant opportunities were:

GO6049 The Right Direction: Strengthening participant and provider connections to improve behaviour support outcomes (\$1,019,528) Grant to develop tools and resources to promote the rights of people with a disability to participants and their supports and to assist participants to raise issues directly with their NDIS providers.

GO6050 Resources to assist participants to understand their rights, make complaints and raise issues with NDIS Providers (\$2.881 million). Grant to develop, test and pilot an innovative digital complaint resolution system that facilitates early, efficient and effective resolution of complaints directly between NDIS participants and providers.

GO6051 Digital solution for NDIS providers complaints handling (\$497,490). Grant to respond to the issue of people with disability who are experiencing behaviours of concern and restrictive practices that are lacking effective consultation and participation during the development of their NDIS behaviour support plans, and to strengthen participant and provider connections to improve behaviour support outcomes.

These two latter grants will have a specialised focus on identified participants cohorts including:

- ◆ First Nations participants and providers
- ◆ participants and providers from culturally and linguistically diverse backgrounds
- ◆ people living in specialist disability accommodation or supported accommodation settings
- ◆ participants with psychosocial disabilities and their providers
- ◆ children and young people with disability and their providers.

Additional grant activities underway:

- ◆ support to auditors by training a pool of consumer technical experts. It is anticipated that the first cohort of trainees will be trained by 2024, with additional cohorts to be trained over the life of the grant activity.
- ◆ two grants to improve the quality of behaviour support plans and create supported decision-making tools for participants who receive behaviour support.
- ◆ two grants to support First Nations providers and participants, including in rural and remote communities.
- ◆ resources to support providers to meet the new Practice Standards on emergency and disaster management. The standards require providers to be able to communicate with participants about the risk of disruption of continuity of service during an emergency or disaster event and mitigate those risks for participants.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.



## Impact 3 – Thriving, diverse market

The NDIS Commission will enable consumer independence for NDIS participants by using regulatory frameworks to promote and remove barriers to quality and safety.

**PM 3.1: The NDIS Commission influences the market by supporting providers to meet obligations and develop supports and services, through proportionately managed risk that retains participant safeguarding while minimising regulatory burden.**

**PM3.1.1: Registration and complaint/reportable incidents triage data that indicates reduced regulatory burden in four areas of identified risk:**

- registration mid-term audits
- resolution rates for complaints
- proactive monitoring
- compliance education campaigns

**PBS item:** 1.2

**Results:** Working Towards

### Analysis:

Mechanisms for measuring how the four activities in the target have lessened regulatory burden are still being developed.

While reporting mechanisms are being established, the NDIS Commission conducted activities in some areas of identified risk. This included launching compliance campaigns focused on Supported Residential Services (SRS) and Supported Disability accommodation (SDA), as well as localised compliance education campaigns.

The NDIS Commission established new teams to support the new national complaints triage and intake process and improved national consistency in managing complaints and reportable incidents.

We also ran Regulatory Burden workshops with stakeholders to establish a better understanding of pain points. We heard directly from NDIS providers on the regulatory and compliance challenges they were experiencing, as well as opportunities for improvement in regulatory processes, without compromising participant safeguards, rights, and service quality.

### Regulator performance:

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM 3.2: Quality and safety risks are reduced through the use of regulatory levers to exit unscrupulous and ineffective operators and workers from the market.**

**PM3.2.1: Baseline data -**

- % of registration revocations
- % of registrations refused
- # banning orders

**PBS item:** 1.2

**Results:** Met

**Analysis:**

Baseline data has been established by looking at the number of registration revocations, registration refusals and banning orders between 1 July 2022 and 30 June 2023.

- ◆ 104 registration revocations occurred during the reporting period which was a small decrease from 149 that were recorded in the previous year.
- ◆ 2,483 provider registration applications were refused during the reporting period. This was significantly higher than the previous year’s figure at 57 refusals. The total number of registration applications received this year was 10,523.
- ◆ 92 Banning orders were issued during the reporting period which was a significant increase from the 35 that were issued in the previous reporting year and reflects our change in regulatory posture.
- ◆ We reported the targets as numbers rather than percentages to better illustrate the outcomes of the NDIS Commission’s compliance and enforcement activities across all entity types.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM3.2.2: Qualitative analysis**

<b>PBS item:</b>	1.2
<b>Results:</b>	Met

**Analysis:**

We continue to undertake a wide range of compliance and enforcement activities, proportionate to risk.

The NDIS Commission issued 63 more banning orders in the 2022–23 reporting period, compared with 2021–22, which is a 185% increase. A banning order may be issued for several reasons, including if the Commissioner reasonably believes, based on the evidence that the subject of the banning order is not suitable to provide supports or services to people with disability.

There has been a small increase in the refusal of applications for registration, which can be attributed to a number of factors, including:

- ◆ a high number of new applications for registration from smaller, newly formed companies new to the NDIS market seeking to deliver a broad scope of NDIS services and supports that are unable to demonstrate their suitability to be registered
- ◆ targeted compliance activity undertaken for providers who automatically transitioned to the NDIS Commission and who had not complied with requirements to complete a renewal application including a quality audit within required timeframes
- ◆ activity through the Fraud Fusion Taskforce that has identified applicants for registration who are unsuitable to participate in the NDIS market.

The NDIS Commission regularly updates the NDIS Provider Register with banning orders and other compliance and enforcement actions and publishes them on its website so it can be accessed by general public.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 1: Continuous improvement and building trust.

**PM 3.3: Market diversity is increased to correspond to participant/consumer demand, stimulate consumer choice and control, and reduce market capture and/or failure.**

**PM3.3.1: Baseline data – % of new registered providers actively delivering supports within 3 months**

<b>PBS item:</b>	1.2
<b>Results:</b>	Met

**Analysis:**

Baseline data has been established by reviewing the number of new registered providers who have actively delivered supports to Participants within 3 months of registration. 25.6% of the 2,926 new providers registered between 1 July 2022 and 30 June 2023 were actively delivering supports to Participants with Agency or Plan managed NDIS funding in some capacity within 3 months of registration.

The NDIS Commission can use this number as a benchmark to assist in tracking progress against the target over coming years. This data can then be used for guiding how the NDIS Commission’s provider registration function is deployed to ensure that providers that enter the market are aligned to Participant demand and choice and control.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 2: Risk based and data driven.

**PM3.3.2: Baseline data – Increase in the % of providers registered to deliver services in:**

- rural and remote communities
- Aboriginal and Torres Strait Islander communities

<b>PBS item:</b>	1.2
<b>Results:</b>	In Progress

**Analysis:**

One of our priorities is to promote market engagement and oversight. This entails offering NDIS Participants the option of informed choice and consumer independence through frameworks that promote quality and safety by removing obstacles to access.

Rural and remote communities have historically had less options of providers, results in services and supports that may not meet the service requirements of the participants.

Data methodologies for this target are in development. While reporting mechanisms are being developed, the NDIS Commission has taken action to increase the percentage of providers registered in rural, remote, Aboriginal and Torres Strait Islander communities. Multiple campaigns and educational sessions in rural, remote and First Nations communities to promote market diversity and accessibility were conducted throughout the year.

**Regulator performance:**

This performance measure is aligned with regulator performance principle 3: Collaboration and engagement.

## Analysis

The NDIS Commission's Annual Performance Statements report on the period from 1 July 2022 to 30 June 2023. The statements provide the results of the activities and performance measures in the NDIS Commission Corporate Plan 2022–23 and Portfolio Budget Statements (PBS) 2022–23.

The Strategic Plan 2022–2023 prioritises three impact areas of the rights of people with disability; quality providers and workers; and thriving, diverse markets. The NDIS Commission established 10 performance measures with 22 targets to measure our performance and effectiveness as a regulator as aligned with our Strategic Plan.

12 of the 22 targets aimed to establish baseline data that would inform the approach for future performance measurement; these targets warranted a combination of qualitative and quantitative results. Baseline data was established for nine targets, noting that two measures relating to restrictive practices (PM 1.2) and one relating to providers registered (PM 3.3) had limited data available as the development of reporting mechanisms is in progress. The NDIS Commission has set a priority to improve our data and digital capability to ensure we take a risk-informed approach to our compliance and enforcement activities as per our regulatory approach and posture.

The NDIS Commission is currently reviewing our current data collection methodologies to improve the accuracy of the result for the next reporting period. Aiming at regulatory excellence, the NDIS Commission will collaborate with our stakeholders and the broader community and be transparent, open and responsive to the feedback we have received. To build the trust and public confidence in our operations, we have already implemented a series of changes to improve how we manage complaints, compliance and enforcement activities.

The NDIS Commission met and exceeded the PM 1.3.2, which related to the rate of providers stating that training had increased their understanding of what quality and safety means for NDIS Participants. The results shows the NDIS Commission has performed well in providing guidance and information that is relevant, clear, concise and easily accessible to help providers understand their obligations and responsibilities. The launch of the Workforce Capability Framework has received positive feedback to improve the NDIS workforce capability. We will continue to implement innovative approaches to encourage voluntary compliance and to have a greater impact in the community.

There remain a number of targets where qualitative analysis measures our performance across all of the Impact areas. The results show that the NDIS Commission has taken action to engage our stakeholders across the wider community.

Results for PM 1.1.1 and 1.1.2 and PM 1.3.3 and 1.3.4 were based on the outcomes of a Survey. It should be noted that the data will be skewed as the cohort of respondents sampled were derived from people who had previously made complaints to the NDIS Commission about providers. The data gathered is therefore not representative of all of the stakeholders that interacted with the NDIS Commission. The NDIS Commission is working to develop an enhanced methodology that includes the identification of a more representative sampling population across a diverse range of engagements and interactions with the NDIS Commission.

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# Part 4

# Financial performance

## Financial Management

### Purchasing

Our purchasing activities are consistent with the Accountable Authority's Instructions and internal procurement guidelines, which are in accordance with the Commonwealth Procurement Rules 2022.

Purchasing is done in an accountable and transparent manner, complying with Australian Government policies and meeting relevant international obligations.

In 2022–23, we contributed to the Portfolio's Indigenous procurement target with 10 new and ongoing contracts awarded to Indigenous suppliers. We awarded 3.46 per cent of contracts to Indigenous businesses including \$0.8 million of new contracts.

### Assets management

Our assets are managed under the authority of section 20A of the PGPA Act, relevant accounting standards, and Department of Finance requirements.

We invest in new assets to improve our systems and processes within the constraints of our appropriation. We manage capital investment through a capital management plan that reflects both government priorities and ongoing business needs.

### Reportable consultancy contracts

During 2022–23, eight new consultancy contracts were entered into, involving total actual expenditure of \$1.1 million.

We contracted consultants for specialist expertise, or where independent research, review or assessment was required. The decision to engage a consultant was made after considering the skills and resources required for the task, internal capacity and the cost effectiveness of contracting an external service provider. The consultant was engaged in line with the PGPA Act and related regulations including the Commonwealth Procurement Rules and relevant internal policies.

#### Expenditure on reportable consultancy contracts in 2022-23:

Type of contract	Number	Expenditure \$ (GST inc.)
New contracts entered into during the reporting period	8	1,122,495
Ongoing contracts entered into during a previous reporting period	-	-
<b>Total</b>	<b>8</b>	<b>1,122,495</b>

**Organisations receiving a share of reportable consultancy contract expenditure in 2022–23 (top five contracts):**

Name of Organisation	Organisation ABN	Expenditure \$ (GST inc.)
PricewaterhouseCoopers Consulting (Australia) Pty Limited	20 607 773 295	345,563
Nous Group	66 086 210 344	249,759
PricewaterhouseCoopers Consulting (Australia) Pty Limited	20 607 773 295	227,089
Orima Research Pty Ltd	77 076 347 914	124,971
Summer Foundation Ltd	90 117 719 516	84,488

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website: [www.tenders.gov.au](http://www.tenders.gov.au).

## Reportable non-consultancy contracts

During 2022–23 231 new reportable non-consultancy contracts were entered into, involving total expenditure of \$24.3 million. There were 293 non-consultancy contracts entered into during a previous period that were active during the period involving total expenditure of \$40.36 million.

We contracted non-consultant providers after considering the skills and resources required for the task, Whole of Australian Government Arrangements, internal capacity and the cost effectiveness of contracting an external service provider. The engagement of non-consultants pays heed to the PGPA Act and related regulations.

### Expenditure on reportable non-consultancy contracts in 2022–23:

Type of contract	Number	Expenditure \$ (GST inc.)
New contracts entered into during the reporting period	237	25,519,532
Ongoing contracts entered into during a previous reporting period	242	67,959, 368
<b>Total</b>	<b>479</b>	<b>93,478,900</b>

## Organisation receiving a share of reportable non-consultancy contract expenditure in 2022-23:

Name of Organisation	Organisation ABN	Expenditure \$ (GST inc.)
Sandran Property Group	95 053 945 878	10,923,140
Parramatta Square No. 3 Property Pty Limited	12 875 351 004	6,506,836
Jones Lang LaSalle (ACT) Pty Ltd	69 008 585 260	5,541,334
Challenger Life Nominees Pty Ltd	39 091 336 793	2,967,733
PriceWaterHouseCoopers	52 780 433 757	2,462,760

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website: [www.tenders.gov.au](http://www.tenders.gov.au).

## Australian National Audit Office access clauses

All contracts let in the past year required the Auditor-General to have access to the contractor's premises.

## Exempt contracts

In 2022-23, no contracts were exempted from reporting on the [AusTender website](http://www.tenders.gov.au) at [www.tenders.gov.au](http://www.tenders.gov.au)

## Small business

The NDIS Commission supports small business participation in the Commonwealth Government procurement market. We support the use of Small and Medium Enterprises through various means including:

- ◆ using standardised contracts for low-risk procurements valued under \$200,000
- ◆ using an electronic invoice processing system

We recognise the importance of ensuring small businesses are paid on time.

## Executive remuneration

Executive remuneration information is provided at [Appendix 6](#).

## Other mandatory information

We did not conduct advertising campaigns during 2022–23.

Information on grants awarded by the NDIS Commission during 2022–23 is available on our **Departmental Contract Listing** page at [www.ndiscommission.gov.au/about/corporate-documents/departamental-contract-listing](http://www.ndiscommission.gov.au/about/corporate-documents/departamental-contract-listing)

Our financial statements are presented in Part 4 Financial performance. The Australian National Audit Office (ANAO) issued an unqualified audit opinion for the financial statements on 28 September 2023. A summary of our financial performance for departmental activities and activities administered on behalf of the Australian Government in our fifth year of operation is provided below.

## Departmental activities

We recorded an operating loss of \$8.7 million in 2022–23 due to the cost of supporting increased levels of activity to service volumes that were higher than was anticipated when funding levels were set. The NDIS Commission had sought and received permission for the loss.

## Activities administered on behalf of the Australian Government

In 2022–23, we administered one program on behalf of the Australian Government with expenses of \$4.4 million: grants of \$5.0 million were awarded to assist providers in meeting the requirements set out under the NDIS Act and Rules.

## Finance law compliance

No significant issues relating to non-compliance with the finance law were reported to the Minister under paragraph 19(1)(e) of the PGPA Act in 2022–23.



# Entity resource statement 2022-23

	Actual available appropriation for 2022-23	Payments made 2022-23	Balance remaining
	\$'000 (a)	\$'000 (b)	\$'000 (a) – (b)
<b>Departmental</b>			
Annual appropriations – ordinary annual services <sup>1</sup>	106,729	85,067	21,662 <sup>5</sup>
Section 74 external revenue <sup>2</sup>	2,442	2,442	-
Annual appropriations – other services – non-operating <sup>3,4</sup>	1,841	1,224	617
<b>Total departmental annual appropriations</b>	<b>111,012</b>	<b>88,733</b>	<b>22,279</b>
<b>Total departmental resourcing</b>	<b>111,012</b>	<b>88,733</b>	<b>22,279</b>
<b>Administered</b>			
Annual appropriations – ordinary annual services <sup>1</sup>	6,233	4,398	1,835
Appropriations repealed <sup>6</sup>	-	-	(797)
<b>Total administered annual appropriations</b>	<b>6,233</b>	<b>4,398</b>	<b>1,038</b>
<b>Total administered resourcing</b>	<b>6,233</b>	<b>4,398</b>	<b>1,038</b>
<b>Total resourcing and payments for NDIS Quality and Safeguards Commission</b>	<b>117,245</b>	<b>93,131</b>	<b>23,317</b>

1 Appropriation Act (No. 1) 2022-23, Supply Act (No. 1) 2022-23, Supply Act (No. 3) 2022-23 and prior-year departmental appropriations and prior-year administered appropriations.

2 External Revenue receipts under section 74 of the PGPA Act 2013.

3 Appropriation Act (No. 1) 2022-23 DCB.

4 Departmental capital budgets (DCB) are not separately identified in Appropriation Bill (No.1, 3, 5) and form part of ordinary annual services items. For accounting purposes, this amount has been designated as a 'contribution by owner'.

5 Includes the Section 51 application to withhold Appropriation Act (No.1) 2021-22 DCB (\$4.329M) that was officially approved before 30 June 2023 and no longer pending as quarantined for administrative purposes by Department of Finance.

6 Appropriation Act (No. 1) 2019-20 and Supply Act (No. 1) 2019-20.

## Entity expenses by outcomes

Outcome 1: Promote the delivery of quality supports and services to people with disability under the NDIS and other prescribed supports and services, including through national consistent and responsive regulation, policy development, advice and education.

	Budget* 2022-23	Actual expenses 2022-23	Variation 2022-23
	\$'000 (a)	\$'000 (b)	\$'000 (a) – (b)
<b>Program 1.1: Support for NDIS providers in relation to registration</b>			
Administered expenses			
Ordinary annual services (Appropriation Act No. 1)	4,589	4,398	191
Payments to corporate entities			

	Budget* 2022-23	Actual expenses 2022-23	Variation 2022-23
<b>Administered total</b>	4,589	4,398	191
<b>Total expenses for Program 1.1</b>	<b>4,589</b>	<b>4,398</b>	<b>191</b>

**Program 1.2: Program support for the NDIS Commission**

Departmental expenses

Departmental appropriation	94,862	83,398	11,464
s74 External Revenue	-	2,442	(2,442)
Expenses not requiring appropriation in the Budget year	2,671	3,765	(1,094)
<b>Departmental total</b>	<b>97,533</b>	<b>89,605</b>	<b>7,928</b>
<b>Total expenses for Program 1.2</b>	<b>97,533</b>	<b>89,605</b>	<b>7,928</b>

**Outcome 1 totals by appropriation type**

Administered expenses

Ordinary annual services (Appropriation Act Nos. 1, 3 and 5)	4,589	4,398	191
<b>Administered total</b>	<b>4,589</b>	<b>4,398</b>	<b>191</b>
Departmental expenses			
Departmental appropriation	94,862	83,398	11,464
s74 External Revenue <sup>1</sup>	-	2,442	(2,442)
Expenses not requiring appropriation in the budget year <sup>2</sup>	2,671	3,765	(1,094)
<b>Departmental total</b>	<b>97,533</b>	<b>89,605</b>	<b>7,928</b>
<b>Total expenses for Outcome 1</b>	<b>102,122</b>	<b>94,003</b>	<b>8,119</b>

	2022-23	2022-23
<b>Average staffing level (number)</b>	<b>565</b>	<b>420</b>

\* Full-year budget, including any subsequent adjustment made to the 2022-23 budget at Additional Estimates.

1 Estimated expenses incurred in relation to receipts retained under section 74 of the PGPA Act 2013.

2 Expenses not requiring appropriation in the Budget year are made up of depreciation expenses, make good expenses, and audit fees.



# NDIS Quality and Safeguards Commission

## Financial Statements

*for the year ended 30 June 2023*

# NDIS Quality and Safeguards Commission

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**NDIS Quality and Safeguards Commission**  
**STATEMENT BY THE NDIS COMMISSIONER AND CHIEF FINANCIAL OFFICER**

In our opinion, the attached financial statements for the year ended 30 June 2023 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the NDIS Quality and Safeguards Commission will be able to pay its debts as and when they fall due.

Signed..........

Tracy Mackey

NDIS Quality and Safeguards Commissioner

28 September 2023

Signed..........

Anne Fleischer

Chief Financial Officer

28 September 2023



## INDEPENDENT AUDITOR'S REPORT

### To the Minister for the National Disability Insurance Scheme

#### Opinion

In my opinion, the financial statements of the NDIS Quality and Safeguards Commission (the Entity) for the year ended 30 June 2023:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2023 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2023 and for the year then ended:

- Statement by the NDIS Commissioner and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to and forming part of the financial statements, comprising an Overview and a summary of significant accounting policies and other explanatory information.

#### Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

#### Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Commissioner is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Commissioner is also responsible for such internal control as the Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

GPO Box 707, Canberra ACT 2601  
38 Sydney Avenue, Forrest ACT 2603  
Phone (02) 6203 7300

In preparing the financial statements, the Commissioner is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Commissioner is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

### **Auditor's responsibilities for the audit of the financial statements**

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Peter Kerr  
Executive Director  
Delegate of the Auditor-General  
Canberra  
28 September 2023

**NDIS Quality and Safeguards Commission**  
**Statement of Comprehensive Income**  
*for the year ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	53,558	43,516	61,717
Suppliers	1.1B	23,610	28,875	22,801
Depreciation and amortisation	3.2A	7,585	6,350	6,278
Finance costs	1.1C	159	186	150
Payments for service delivery	1.1D	4,691	14,031	6,587
Write-down and impairment of other assets		2	2	-
<b>Total expenses</b>		<b>89,605</b>	<b>92,960</b>	<b>97,533</b>
<b>Own-Source Income</b>				
<b>Own-source revenue</b>				
Other revenue	1.2A	798	7,580	-
<b>Total own-source revenue</b>		<b>798</b>	<b>7,580</b>	<b>-</b>
<b>Gains</b>				
Other gains	1.2B	-	331	-
<b>Total gains</b>		<b>-</b>	<b>331</b>	<b>-</b>
<b>Total own-source income</b>		<b>798</b>	<b>7,911</b>	<b>-</b>
<b>Net cost of services</b>		<b>(88,807)</b>	<b>(85,049)</b>	<b>(97,533)</b>
Revenue from Government	1.2C	80,162	79,904	80,162
<b>Deficit</b>		<b>(8,645)</b>	<b>(5,145)</b>	<b>(17,371)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation reserve		30	1,676	-
<b>Total other comprehensive income</b>		<b>30</b>	<b>1,676</b>	<b>-</b>
<b>Total comprehensive loss</b>		<b>(8,615)</b>	<b>(3,469)</b>	<b>(17,371)</b>

The above statement should be read in conjunction with the accompanying notes.  
Refer to Note 8.2A for explanations of major variances to the Original Budget.

**NDIS Quality and Safeguards Commission**  
**Statement of Financial Position**  
*as at 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial Assets</b>				
Cash and cash equivalents	3.1A	1,077	1,002	1,002
Trade and other receivables	3.1B	17,266	26,357	11,775
<b>Total financial assets</b>		<b>18,343</b>	<b>27,359</b>	<b>12,777</b>
<b>Non-Financial Assets<sup>1</sup></b>				
Leasehold improvements	3.2A	11,355	13,943	13,104
Buildings	3.2A	13,267	16,980	13,549
Plant and equipment	3.2A	1,596	1,665	1,498
Prepayments		65	118	-
<b>Total non-financial assets</b>		<b>26,283</b>	<b>32,706</b>	<b>28,151</b>
<b>Total assets</b>		<b>44,626</b>	<b>60,065</b>	<b>40,928</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	3.3A	2,764	4,731	5,498
Other payables	3.3B	1,868	1,701	929
<b>Total payables</b>		<b>4,632</b>	<b>6,432</b>	<b>6,427</b>
<b>Interest Bearing Liabilities</b>				
Leases	3.4A	15,881	19,797	16,190
<b>Total interest bearing liabilities</b>		<b>15,881</b>	<b>19,797</b>	<b>16,190</b>
<b>Provisions</b>				
Employee provisions	6.1A	8,467	7,067	7,072
Other provisions	3.5A	1,225	1,245	1,245
<b>Total provisions</b>		<b>9,692</b>	<b>8,312</b>	<b>8,317</b>
<b>Total liabilities</b>		<b>30,205</b>	<b>34,541</b>	<b>30,934</b>
<b>Net assets</b>		<b>14,421</b>	<b>25,524</b>	<b>9,994</b>
<b>EQUITY</b>				
Contributed equity		14,073	16,561	18,404
Asset revaluation reserve		1,706	1,676	1,676
Retained surplus/(Accumulated deficit)		(1,358)	7,287	(10,086)
<b>Total equity</b>		<b>14,421</b>	<b>25,524</b>	<b>9,994</b>

The above statement should be read in conjunction with the accompanying notes.

1. Right of use assets are included in Buildings.

Refer to Note 8.2A for explanations of major variances to the Original Budget.

**NDIS Quality and Safeguards Commission**  
**Statement of Changes in Equity**  
*for the year ended 30 June 2023*

Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>CONTRIBUTED EQUITY</b>			
Opening balance	16,561	12,047	16,563
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental capital budget	1,841	4,514	1,841
Section 51 Withholding <sup>1</sup>	<u>(4,329)</u>	<u>-</u>	<u>-</u>
<b>Total transactions with owners</b>	<u>(2,488)</u>	<u>4,514</u>	<u>1,841</u>
<b>Closing balance as at 30 June</b>	<u>14,073</u>	<u>16,561</u>	<u>18,404</u>
<b>RETAINED EARNINGS</b>			
Opening balance	7,287	12,432	7,285
<b>Comprehensive loss</b>			
Deficit for the period	<u>(8,645)</u>	<u>(5,145)</u>	<u>(17,371)</u>
<b>Total comprehensive loss</b>	<u>(8,645)</u>	<u>(5,145)</u>	<u>(17,371)</u>
<b>Closing balance as at 30 June</b>	<u>(1,358)</u>	<u>7,287</u>	<u>(10,086)</u>
<b>ASSET REVALUATION RESERVE</b>			
Opening balance	1,676	-	1,676
<b>Comprehensive income</b>			
Other comprehensive income	<u>30</u>	<u>1,676</u>	<u>-</u>
<b>Total comprehensive income</b>	<u>30</u>	<u>1,676</u>	<u>-</u>
<b>Closing balance as at 30 June</b>	<u>1,706</u>	<u>1,676</u>	<u>1,676</u>
<b>TOTAL EQUITY</b>			
Opening balance	25,524	24,479	25,524
<b>Comprehensive income</b>			
Deficit for the period	<u>(8,645)</u>	<u>(5,145)</u>	<u>(17,371)</u>
Other comprehensive income	<u>30</u>	<u>1,676</u>	<u>-</u>
<b>Total comprehensive loss</b>	<u>(8,615)</u>	<u>(3,469)</u>	<u>(17,371)</u>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental capital budget	1,841	4,514	1,841
Section 51 Withholding	<u>(4,329)</u>	<u>-</u>	<u>-</u>
<b>Total transactions with owners</b>	<u>(2,488)</u>	<u>4,514</u>	<u>1,841</u>
<b>Closing balance as at 30 June</b>	<u>14,421</u>	<u>25,524</u>	<u>9,994</u>

The above statement should be read in conjunction with the accompanying notes.

Refer to Note 8.2A for explanations of major variances to the Original Budget.

1. The Section 51 application to withhold Appropriation Act (No.1) 2021-22 DCB (\$4.329M) was officially approved before 30 June 2023 and is no longer pending as quarantined for administrative purposes by Department of Finance.

**Accounting Policy**

Equity injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.



**NDIS Quality and Safeguards Commission**  
**Cash Flow Statement**  
*for the year ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		85,142	83,340	94,862
GST received		2,784	3,573	-
Section 74 cash received		2,442	8,224	-
<b>Total cash received</b>		<u>90,368</u>	<u>95,137</u>	<u>94,862</u>
<b>Cash used</b>				
Employees		52,055	41,924	61,717
Suppliers		31,710	37,755	29,388
Interest payments on lease liabilities		147	180	150
Section 74 receipts transferred to OPA		2,442	8,224	-
<b>Total cash used</b>		<u>86,354</u>	<u>88,083</u>	<u>91,255</u>
<b>Net cash from operating activities</b>		<u>4,014</u>	<u>7,054</u>	<u>3,607</u>
<b>INVESTING ACTIVITIES</b>				
<b>Cash used</b>				
Purchase of leasehold improvements		483	4,848	-
Purchase of property, plant and equipment		741	521	1,841
<b>Total cash used</b>		<u>1,224</u>	<u>5,369</u>	<u>1,841</u>
<b>Net cash used by investing activities</b>		<u>1,224</u>	<u>5,369</u>	<u>1,841</u>
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Contributed equity		1,224	2,696	1,841
<b>Total cash received</b>		<u>1,224</u>	<u>2,696</u>	<u>1,841</u>
<b>Cash used</b>				
Principal payments of lease liabilities		3,939	3,524	3,607
<b>Total cash used</b>		<u>(3,939)</u>	<u>(3,524)</u>	<u>(3,607)</u>
<b>Net cash used by financing activities</b>		<u>(2,715)</u>	<u>(828)</u>	<u>(1,766)</u>
<b>Net increase in cash held</b>		<u>75</u>	<u>857</u>	<u>-</u>
Cash and cash equivalents at the beginning of the reporting period		1,002	145	1,002
<b>Cash and cash equivalents at the end of the reporting period</b>	3.1A	<u>1,077</u>	<u>1,002</u>	<u>1,002</u>

The above statement should be read in conjunction with the accompanying notes.

Refer to Note 8.2A for explanations of major variances to the Original Budget.

**NDIS Quality and Safeguards Commission**  
**Administered Schedule of Comprehensive Income**  
*for the year ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Grants	2.1A	<u>4,398</u>	<u>4,998</u>	<u>4,589</u>
<b>Total expenses</b>		<u><b>4,398</b></u>	<u><b>4,998</b></u>	<u><b>4,589</b></u>
<b>Income</b>				
Fines and penalties	2.2A	<u>542</u>	<u>83</u>	<u>-</u>
Grant recoveries	2.2B	<u>-</u>	<u>600</u>	<u>-</u>
<b>Total Income</b>		<u><b>542</b></u>	<u><b>683</b></u>	<u><b>-</b></u>
<b>Net cost of services</b>		<u><b>(3,856)</b></u>	<u><b>(4,315)</b></u>	<u><b>(4,589)</b></u>
<b>Deficit</b>		<u><b>(3,856)</b></u>	<u><b>(4,315)</b></u>	<u><b>(4,589)</b></u>
<b>Total comprehensive loss</b>		<u><b>(3,856)</b></u>	<u><b>(4,315)</b></u>	<u><b>(4,589)</b></u>
The above statement should be read in conjunction with the accompanying notes.				
Refer to Note 8.2B for explanations of major variances to the Original Budget.				

**NDIS Quality and Safeguards Commission**  
**Administered Schedule of Assets and Liabilities**  
*as at 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>Assets</b>				
<b>Financial assets</b>				
Trade and other receivables	4.1A	440	1,100	1,100
<b>Total financial assets</b>		<b>440</b>	<b>1,100</b>	<b>1,100</b>
<b>Total assets administered on behalf of government</b>				
		<b>440</b>	<b>1,100</b>	<b>1,100</b>
<b>Liabilities</b>				
<b>Total liabilities administered on behalf of government</b>				
		-	-	-
<b>Net Assets</b>				
		<b>440</b>	<b>1,100</b>	<b>1,100</b>

The above statement should be read in conjunction with the accompanying notes.  
Refer to Note 8.2B for explanations of major variances to the Original Budget.

**NDIS Quality and Safeguards Commission**  
**Administered Reconciliation Schedule**  
*for the year ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000
<b>Opening assets less liabilities as at 1 July</b>		<b>1,100</b>	309
<b>Adjusted opening assets less liabilities</b>		<b>1,100</b>	309
<b>Net cost of services</b>			
Income		542	683
Expenses		(4,398)	(4,998)
<b>Transfers (to)/from the Australian Government</b>			
Appropriation transfers from the Official Public Account			
Payments to entities other than corporate Commonwealth entities		4,838	5,539
Appropriation transfers to the Official Public Account			
GST receipts transferred to the Official Public Account		(440)	(350)
Administered receipts transferred to the Official Public Account		(1,202)	(83)
<b>Closing assets less liabilities as at 30 June</b>		<b>440</b>	1,100

The above statement should be read in conjunction with the accompanying notes.

**Accounting Policy**

*Administered cash transfers to and from the Official Public Account*

Revenue collected by the entity for use by the Government rather than the entity is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the entity on behalf of the Government and reported as such in the schedule of administered cash flows and in the administered reconciliation schedule.

**NDIS Quality and Safeguards Commission**  
**Administered Cash Flow Statement**  
*for the year ended 30 June 2023*

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
GST Received		440	350	-
Grant recoveries		660	-	-
Fines and penalties		542	83	-
<b>Total cash received</b>		<u>1,642</u>	<u>433</u>	<u>-</u>
<b>Cash used</b>				
Suppliers		-	41	-
Grants		4,838	5,498	4,589
<b>Total cash used</b>		<u>4,838</u>	<u>5,539</u>	<u>4,589</u>
<b>Net cash used by operating activities</b>		<u>(3,196)</u>	<u>(5,106)</u>	<u>(4,589)</u>
<b>Net decrease in cash held</b>		<u>(3,196)</u>	<u>(5,106)</u>	<u>(4,589)</u>
Cash and cash equivalents at the beginning of the reporting period		-	-	-
<b>Cash from Official Public Account</b>				
Appropriations		4,838	5,539	4,589
<b>Total cash from Official Public Account</b>		<u>4,838</u>	<u>5,539</u>	<u>4,589</u>
<b>Cash to the Official Public Account for</b>				
Appropriations		1,642	433	-
<b>Total cash to official public account</b>		<u>1,642</u>	<u>433</u>	<u>-</u>
<b>Cash and cash equivalents at the end of the reporting period</b>		<u>-</u>	<u>-</u>	<u>-</u>

The above statement should be read in conjunction with the accompanying notes.  
Refer to Note 8.2B for explanations of major variances to the Original Budget.

# NDIS Quality and Safeguards Commission

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### Overview

#### Objectives of the NDIS Quality and Safeguards Commission

The NDIS Quality and Safeguards Commission (the entity) is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the entity is to promote the delivery of quality supports and services to people with disability under the National Disability Insurance Scheme and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education.

Administered activities support National Disability Insurance Scheme providers in relation to registration by providing grants that support the provision of guidance, education and training for providers, workers and auditors.

The continued existence of the entity in its present form and with its present programs is dependent on Government policy and on continuing funding by Parliament for the entity's administration and programs.

#### The basis of preparation

The financial statements are general purpose financial statements as required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities which are recorded at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars, unless otherwise specified.

# NDIS Quality and Safeguards Commission

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### New accounting standards

#### Adoption of New Australian Accounting Standard Requirements

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. This amending standards have been adopted for the 2022-23 reporting period.

The following amending standards were issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period and had no material effect on the entity's financial statements:

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
<i>AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates (AASB 2021-2) and</i>	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate.
<i>AASB 2021-6 Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards (AASB 2021-6)</i>	AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2  This amending standard is not expected to have a material impact on the entity's financial statements for the current reporting period or future reporting periods.

### Taxation

The entity is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

### Reporting of administered activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

### Events after the reporting period

There are no known events occurring after the reporting period that could have a material impact on the departmental or the administered financial statements.

**NDIS Quality and Safeguards Commission**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**1. Financial Performance**

This section analyses the financial performance of the entity for the period ended 30 June 2023.

**1.1 Expenses**

	2023	2022
	\$'000	\$'000
<b>Note 1.1A: Employee Benefits</b>		
Wages and salaries	38,836	32,332
Superannuation		
Defined contribution plans	5,751	4,574
Defined benefit plans	1,269	1,033
Leave and other entitlements	7,629	5,577
Separation and redundancies	73	-
<b>Total employee benefits</b>	<u>53,558</u>	<u>43,516</u>

**Accounting Policy**

Accounting policies for employee related expenses are contained in Note 6, People and Relationships.

**Note 1.1B: Suppliers**

**Goods and services supplied or rendered**

Contractors	12,477	17,504
Contractual services	3,978	4,276
Travel	1,252	316
Property	1,120	1,127
Consultants	995	8
Other	982	949
Legal fees	543	528
IT services	512	424
Training	487	329
Printing & publications	339	1,319
Communications	253	311
Police and Security Clearances	177	155
Audit fees	119	113
Workplace Health and Safety Costs	61	117
Stakeholder engagement	31	32
<b>Total goods and services supplied or rendered</b>	<u>23,326</u>	<u>27,508</u>

Goods supplied	616	1,543
Services rendered	22,710	25,965
<b>Total goods and services supplied or rendered</b>	<u>23,326</u>	<u>27,508</u>

**Other suppliers**

Workers compensation expenses	214	189
Short-term leases	70	1,178
<b>Total other suppliers</b>	<u>284</u>	<u>1,367</u>
<b>Total suppliers</b>	<u>23,610</u>	<u>28,875</u>

The entity has contractual commitments for short-term leases for its temporary office locations. The short-term lease commitment as at 30 June 2023 was \$0.06M (2022: \$0.05M). The above lease disclosures should be read in conjunction with the accompanying notes 1.1C, 3.2A and 3.4A.



**NDIS Quality and Safeguards Commission**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**Accounting Policy**

Short-term leases and leases of low-value assets

The entity has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low value assets (less than \$10,000 per asset). The entity recognises the lease payments associated with short-term leases as an expense on a straight-line basis over the lease term. The entity had 3 (2022: 11) short term leases during the year.

	<b>2023</b>	2022
	<b>\$'000</b>	\$'000
<b>Note 1.1C: Finance Costs</b>		
Interest on lease liabilities	<b>149</b>	174
Unwinding of discount	<b>10</b>	12
<b>Total finance costs</b>	<b>159</b>	186

**Accounting Policy**

All borrowing costs are expensed as incurred.

**Note 1.1D: Payment for Service Delivery**

Payment for service delivery	<b>4,691</b>	14,031
<b>Total payment for service delivery</b>	<b>4,691</b>	14,031

The above payment relates to the provision of corporate services and systems by Department of Social Services and the ICT services delivered by Services Australia.

**Accounting Policy**

Payments for services delivered by other government entities are recognised when services have been delivered.

**NDIS Quality and Safeguards Commission**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**1.2 Own-Source Revenue and Gains**

	2023 \$'000	2022 \$'000
<b>Note 1.2A: Other Revenue</b>		
Resources received free of charge		
Remuneration of auditors	119	113
Leasehold assets received free of charge	-	1,121
Other <sup>1</sup>	679	6,346
<b>Total other revenue</b>	<b>798</b>	<b>7,580</b>

1. The entity received \$0.6M (2022:\$1.3M) for business services delivery to Department of Social Services (DSS) and \$0.1M from other government entities. The entity also received financial assistance of \$5.0M from DSS in 2022.

**Accounting Policy**

Resources Received Free of Charge

Resources received free of charge are recognised in revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Contributions of assets at no cost of acquisition or for nominal consideration are recognised as gains at their fair value when the asset qualifies for recognition, unless received from another Government entity as a consequence of a restructuring of administrative arrangements.

Other Revenue

Other revenue is recognised in revenue when, and only when, a fair value can be reliably determined.

**Note 1.2B: Other Gains**

Other gains	-	331
<b>Total other gains</b>	<b>-</b>	<b>331</b>

**Accounting Policy**

Termination of Lease

The gain in 2022 is due to the termination of the lease and represents the net of ROU (as per Note 3.2A) and the lease liability (as per Note 3.4A).

**Note 1.2C: Revenue from Government**

Appropriations		
Departmental appropriations	80,162	79,904
<b>Total revenue from Government</b>	<b>80,162</b>	<b>79,904</b>

**Accounting Policy**

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue from Government when the entity gains control of the appropriation, except for certain amounts that relate to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriation receivables are recognised at their nominal amounts.

**NDIS Quality and Safeguards Commission**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**2. Income and Expenses Administered on Behalf of Government**

This section analyses the activities that the entity does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

**2.1 Administered – Expenses**

	<b>2023</b>	2022
	<b>\$'000</b>	\$'000
<b>Note 2.1A: Grants</b>		
External parties	<b>497</b>	1,082
Not-for-profit organisations	<b>3,901</b>	3,916
<b>Total grants</b>	<b>4,398</b>	4,998

**Accounting Policy**

The entity administers a number of grants on behalf of the Government. Grant liabilities are recognised to the extent that (i) the services required to be performed by the grantee have been performed or (ii) the grant eligibility criteria have been satisfied, but payments due have not been made. When the Government enters into an agreement to make these grants and services but services have not been performed or criteria satisfied, this is considered a commitment.

**2.2 Administered – Income**

**Note 2.2A: Fines and penalties**

Fines and penalties	<b>542</b>	83
<b>Total fines and penalties</b>	<b>542</b>	83

**Accounting Policy**

Fines and penalties are recognised as income when the cash is received.

**Note 2.2B: Other Revenue**

Grant recoveries	-	600
<b>Total other revenue</b>	-	600

**Accounting Policy**

Grants recoverable are recognised when the services have not been performed or criteria satisfied and the grantee has agreed to return the payments.

**NDIS Quality and Safeguards Commission**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**

**3. Financial Position**

This section analyses the entity's assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in Note 6, People and Relationships.

**3.1 Financial Assets**

	<b>2023</b>	2022
	<b>\$'000</b>	\$'000
<b>Note 3.1A: Cash and Cash Equivalents</b>		
Cash on hand	<u>1,077</u>	1,002
<b>Total cash and cash equivalents</b>	<u>1,077</u>	<u>1,002</u>

**Accounting Policy**

Cash is recognised at its nominal amount. Cash and cash equivalents includes cash on hand.

**Note 3.1B: Trade and Other Receivables**

<b>Appropriations receivables</b>		
Appropriations receivables	<u>16,873</u>	25,565
<b>Total appropriations receivables</b>	<u>16,873</u>	<u>25,565</u>
<b>Other receivables</b>		
GST receivable from the Australian Taxation Office	220	278
Employee benefits receivable	143	489
Other	<u>30</u>	<u>25</u>
<b>Total other receivables</b>	<u>393</u>	<u>792</u>
<b>Total trade and other receivables (gross)</b>	<u>17,266</u>	<u>26,357</u>
Less expected credit loss allowance	-	-
<b>Total trade and other receivables (net)</b>	<u>17,266</u>	<u>26,357</u>

Credit terms for goods and services were within 30 days (2021-22: 30 days).

**Accounting Policy**

**Financial assets**

Trade receivables and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payments of principal and interest that are not provided at below-market interest rates are subsequently measured at amortised cost using the effective interest method adjusted for any loss allowance.

## NDIS Quality and Safeguards Commission

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

#### 3.2 Non-Financial Assets

##### Note 3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment

	Leasehold improvements \$'000	Buildings \$'000	Plant and Equipment \$'000	Total \$'000
<b>As at 1 July 2022</b>				
Gross book value	14,094	23,028	1,667	38,789
Accumulated depreciation, amortisation and impairment	(151)	(6,048)	(2)	(6,201)
<b>Total as at 1 July 2022</b>	<b>13,943</b>	<b>16,980</b>	<b>1,665</b>	<b>32,588</b>
<b>Additions</b>				
Purchases	483	-	712	1,195
Remeasurement of right of use asset	-	22	-	22
Depreciation	(3,071)	-	(779)	(3,850)
Depreciation on right of use assets	-	(3,735)	-	(3,735)
Disposals				
Disposals without proceeds	-	-	(2)	(2)
<b>Total as at 30 June 2023</b>	<b>11,355</b>	<b>13,267</b>	<b>1,596</b>	<b>26,218</b>
<b>Total as at 30 June 2023 represented by</b>				
Gross book value	14,577	23,050	2,372	39,999
Accumulated depreciation, impairment, and amortisation	(3,222)	(9,783)	(776)	(13,781)
<b>Total as at 30 June 2023</b>	<b>11,355</b>	<b>13,267</b>	<b>1,596</b>	<b>26,218</b>
<b>Carrying amount of right of use assets</b>	<b>-</b>	<b>13,267</b>	<b>-</b>	<b>13,267</b>

There were no material indicators of impairment found for property, plant and equipment during the 2022-23 year. Right of use assets (Hobart & Darwin property leases) were remeasured to adjust the market review of rent during 2022-23. The net effect of remeasurements was \$0.02M. It is not anticipated that any property, plant and equipment will be sold or disposed of within the next 12 months.

#### Revaluations of non-financial assets

There was a full revaluation of non-financial assets during the 2021-22 year. The asset revaluation in that year was conducted in accordance with the revaluation policy stated in the Accounting Policy below.

#### Contractual commitments inclusive of GST for the acquisition of leasehold improvements

The entity does not have any contractual commitments for the acquisition of leasehold improvements as at 30 June 2023 (2022:\$0.4M).

#### Accounting Policy

Assets are recorded at cost of acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

#### Asset recognition threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in office accommodation leases taken up by the entity where there exists an obligation to restore the office to its original condition. These costs are included in the value of the entity's leasehold improvements with a corresponding provision for the 'make good' recognised. Leasehold improvement assets have a recognition threshold of \$10,000.

# NDIS Quality and Safeguards Commission

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received.

These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

Following initial application of AASB 16, an impairment review undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss was recognised against any right of use lease asset that was impaired. Leased ROU assets continue to be measured at cost after initial recognition in the entity's financial statements.

### Revaluations

Following initial recognition at cost, property, plant and equipment (excluding right of use assets) are carried at fair value. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

### Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the entity using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current or future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives.

<b>Asset class</b>	<b>Useful life</b>
Plant and equipment	3-10 years
Leasehold improvements	Lesser of 10 years or the lease term

The depreciation rates for right of use assets are based on the commencement date to the earlier of the end of the useful life of the right of use asset or the end of the lease term.

### Impairment

All assets were assessed for impairment at 30 June 2023. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the entity were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

### Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

### 3.3 Payables

	2023	2022
	\$'000	\$'000
<b>Note 3.3A: Suppliers</b>		
Trade creditors and accruals	2,431	3,870
Other suppliers	333	861
<b>Total suppliers</b>	<b>2,764</b>	<b>4,731</b>

Settlement is usually made within 5 days for e-Invoices and 20 days for all other supplier invoices (2021-22: 20 days).

#### **Note 3.3B: Other Payables**

Salaries and wages	1,268	796
Leave transfers	383	768
Superannuation	213	133
Other	4	4
<b>Total other payables</b>	<b>1,868</b>	<b>1,701</b>

#### **Accounting Policy**

Supply and other payables are recognised at amortised costs. Liabilities are recognised to the extent that the goods or services have been received.

### 3.4 Interest Bearing Liabilities

	2023 \$'000	2022 \$'000
<b>Note 3.4A: Leases</b>		
Lease Liabilities	<u>15,881</u>	<u>19,797</u>
<b>Total leases</b>	<u>15,881</u>	<u>19,797</u>

Total cash outflow for leases for the year ended 30 June 2023 was \$4.2M (2022: \$4.9M) which includes principal, interest and short-term lease payments.

#### Maturity analysis - contractual undiscounted cash flows

Within 1 year	4,039	3,836
Between 1 to 5 years	12,209	14,360
More than 5 years	-	1,928
<b>Total leases</b>	<u>16,248</u>	<u>20,124</u>

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1C and 3.2.

#### Accounting Policy

For all new contracts entered into, the entity considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.



### 3.5 Provisions

#### Note 3.5A: Other Provisions

	Make Good Provisions \$'000
<b>As at 1 July 2022</b>	<b>1,245</b>
Reduction in provisions made (in the comprehensive income)	(30)
Unwinding of discount	10
<b>Total as at 30 June 2023</b>	<b>1,225</b>

#### Accounting Judgement and Estimates

##### Make good provision

The fair value of make good for leasehold improvements is based on estimated costs per square metre on a site by site basis and is included as a provision for make good. The value of the provision for each property will depend on the rate and assessed cost of the make good obligation applied to the premises in the lease. The entity's management have determined that not all properties have a make good obligation.

#### 4. Assets and Liabilities Administered on Behalf of Government

This section analyses assets used to conduct operations and the operating liabilities incurred as a result that the entity does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

##### 4.1 Administered – Financial Assets

	2023	2022
	\$'000	\$'000
<b>Note 4.1A: Trade and Other Receivables</b>		
Goods and services receivables	-	660
<b>Other receivables</b>		
GST receivable from the Australian Taxation Office	440	440
<b>Total other receivables</b>	<u>440</u>	<u>440</u>
<b>Total trade and other receivables</b>	<u>440</u>	<u>1,100</u>

Credit terms for goods and services were within 30 days (2021-22: 30 days).

## 5. Funding

### 5.1 Appropriations

#### Note 5.1A: Annual and Unspent Appropriations ('Recoverable GST exclusive')

	2023	2022
	\$'000	\$'000
<b>Departmental</b>		
Annual Appropriation		
Ordinary annual services	80,162	79,904
Departmental Capital Budget <sup>1</sup>	1,841	4,514
PGPA Act		
Section 74 receipts <sup>2</sup>	2,442	8,224
<b>Total annual appropriation</b>	<b>84,445</b>	<b>92,642</b>
Appropriation applied (current and prior years) <sup>3</sup>	<b>88,733</b>	<b>93,403</b>
<b>Variance</b>	<b>(4,288)</b>	<b>(761)</b>
Opening unspent appropriation balance	26,567	30,828
Appropriations repealed		
<i>Appropriation Act (No. 1) 2019-20</i>	-	(3,500)
<b>Closing unspent appropriation balance</b>	<b>22,279</b>	<b>26,567</b>
<b>Balance comprises appropriations as follows:</b>		
Cash (Appropriation Act (No.1) 2021-22)	-	1,002
Appropriation Act (No.1) 2021-22	-	12,493
Appropriation Act (No.3) 2021-22	-	8,743
Pending Section 51, Appropriation Act (No.1) 2021-22 DCB <sup>4</sup>	-	4,329
Section 51 Withheld, Appropriation Act (No.1) 2021-22 <sup>4</sup>	4,329	-
Cash (Appropriation Act (No. 1) 2022-23)	1,077	-
Supply Act (No.1) 2022-23	187	-
Supply Act (No.3) 2022-23	16,069	-
Appropriation Act (No.1) 2022-23 DCB	617	-
<b>Total unspent appropriation - Ordinary annual services</b>	<b>22,279</b>	<b>26,567</b>

1. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1, 3, 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts
2. The departmental appropriation section 74 receipts are largely receipts from Department of Social Services and receipt of lease incentives and employee leave transfers.
3. The Department of Social Services draws down money from the Consolidated Revenue Fund (CRF) in order to make payments on behalf of the entity under a shared service arrangement.
4. The Section 51 application to withhold Appropriation Act (No.1) 2021-22 DCB (\$4.329M) was officially approved before 30 June 2023 and no longer pending as quarantined for administrative purposes by Department of Finance.

**Note 5.1B: Annual and Unspent Appropriations ('Recoverable GST exclusive')**

	2023	2022
	\$'000	\$'000
<b>Administered</b>		
<b>Annual appropriation</b>		
Ordinary annual services	4,589	4,507
<b>Total annual appropriation</b>	<u>4,589</u>	<u>4,507</u>
Appropriation applied (current and prior years) <sup>1</sup>	<u>4,398</u>	<u>5,039</u>
<b>Variance<sup>2</sup></b>	<u>191</u>	<u>(532)</u>
Opening unspent appropriation balance	1,644	3,909
Approp Act (No.2) 2018-19		(1,733)
Appropriations repealed		
<i>Appropriation Act (No.3) 2019-20</i>	(791)	-
<i>Supply Act (No.1) 2019-20</i>	(6)	-
<b>Closing unspent appropriation balance</b>	<u>1,038</u>	<u>1,644</u>
<b>Balance comprises appropriations as follows:</b>		
Appropriation Act (No.3) 2019-20	-	791
Supply Act (No.1) 2019-20	-	6
Approp Act (No.1) 2020-21	821	821
Supply Act (No.1) 2020-21	26	26
Supply Act (No.3) 2022-23	191	-
<b>Total unspent appropriation - Ordinary annual services</b>	<u>1,038</u>	<u>1,644</u>

1. The Department of Social Services draws down money from the Consolidated Revenue Fund (CRF) in order to make payments on behalf of the NDIS Quality and Safeguards Commission under a shared service arrangement.

2. Appropriations applied were lower due to a delay in establishing education and training resources for providers.

## 5.2 Net Cash Appropriations Arrangements

	2023	2022
	\$'000	\$'000
<b>Total comprehensive loss - as per the Statement of Comprehensive Income</b>	<b>(8,675)</b>	<b>(3,469)</b>
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) <sup>1</sup>	<b>3,850</b>	2,853
Plus: depreciation of right-of-use assets <sup>2</sup>	<b>3,735</b>	3,497
Less: lease principal repayments <sup>2</sup>	<b>(3,939)</b>	<b>(3,524)</b>
<b>Net Cash Operating Deficit</b>	<b>(5,029)</b>	<b>(643)</b>
Changes in asset revaluation reserve	<b>(30)</b>	<b>(1,676)</b>
<b>Deficit attributable to NDIS Quality and Safeguards Commission</b>	<b>(5,059)</b>	<b>(2,319)</b>

1. From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity injections. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

2. The inclusion of depreciation/amortisation expenses relating to ROU leased assets and the lease liability principal repayment amount reflect the impact of adopting AASB 16 in 2019-20 and does not directly reflect a change in appropriation arrangements.

## 6. People and Relationships

This section describes a range of employment and post-employment benefits provided to our employees and our relationships with other key people.

### 6.1 Employee Provisions

	2023	2022
	\$'000	\$'000
<b>Note 6.1A: Employee Provisions</b>		
Leave	8,467	7,067
<b>Total employee provisions</b>	<b>8,467</b>	<b>7,067</b>

#### Accounting Policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

Long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

#### Leave

The liability for employee benefits includes provision for annual leave and long service leave. The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the entity's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination. The liability for long service leave has been determined using the shorthand method (as per the *Commonwealth Entities Financial Statements Guide*) and the *Standard Parameters for use in Financial Statements*. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

#### Superannuation

The entity's staff are members of the *Commonwealth Superannuation Scheme* (CSS), the *Public Sector Superannuation Scheme* (PSS), or the *PSS accumulation plan* (PSSap), or other superannuation funds held outside the Australian Government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes. The entity makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The entity accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions.

## 6.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) and the Portfolio Minister of that entity. The entity has determined the Commissioner, Complaints Commissioner, Deputy Commissioner (Regulatory Operations), Senior Practitioner, Chief Operations Officer and General Manager (Policy, Markets and Insights) as key management personnel for financial year 2022-23.

Key management personnel remuneration is reported in the table below:

	<b>2023</b>	2022
	<b>\$'000</b>	\$'000
Short-term employee benefits	<b>1,897</b>	1,632
Post-employment benefits	<b>238</b>	194
Other long-term employee benefits	<b>32</b>	31
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>2,167</b>	1,857

The total number of key management personnel that are included in the above table are six (2022: nine). In the prior year, total number of key management personnel was nine, being two substantive officers who held the position for the full year, five substantive officers who held the position for part of the year and two officers acting in a KMP position for part of the year.

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio and Cabinet Ministers. The Portfolio and Cabinet Ministers' remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the entity.

## 6.3 Related Party Disclosures

### Related party relationships:

The entity is an Australian Government controlled entity. Related parties to this entity are key management personnel including the Portfolio and Cabinet Ministers.

### Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the Government sector in the same capacity as ordinary citizens. These transactions have not been separately disclosed in this note.

The following transactions with related entities occurred during the financial year:

- The entity received ICT services delivered by Services Australia amounting to \$3.7M (2022: \$13M)
- The entity received business services delivered by Department of Social Services (DSS) amounting to \$1.0M (2022: \$0.8M).
- The entity provided business services in implementation of NDIS workforce capability framework to DSS amounting \$0.6M (2022:\$1.3M) under a MOU.

## 7. Managing Uncertainties

This section analyses how the entity manages financial risks within its operating environment.

### 7.1 Contingent Assets and Liabilities

As at 30 June 2023, the entity did not have any material contingent assets or contingent liabilities (2022: nil).

#### Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

### 7.2 Financial Instruments

	2023	2022
	\$'000	\$'000
<b>Note 7.2A: Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Financial assets at amortised cost</b>		
Cash	1,077	1,002
Other	30	25
<b>Total financial assets at amortised cost</b>	<b>1,107</b>	<b>1,027</b>
<b>Total financial assets</b>	<b>1,107</b>	<b>1,027</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Suppliers	2,764	4,731
<b>Total financial liabilities measured at amortised cost</b>	<b>2,764</b>	<b>4,731</b>
<b>Total financial liabilities</b>	<b>2,764</b>	<b>4,731</b>
	2023	2022
	\$'000	\$'000
<b>Note 7.2B: Administered - Categories of Financial Instruments</b>		
<b>Financial Assets</b>		
<b>Financial assets at amortised cost</b>		
Goods and services receivables	-	660
<b>Total financial assets at amortised cost</b>	<b>-</b>	<b>660</b>
<b>Total financial assets</b>	<b>-</b>	<b>660</b>
<b>Total financial liabilities</b>	<b>-</b>	<b>-</b>



## **Accounting Policy**

### **Financial assets**

In accordance with AASB 9 Financial Instruments, the entity classifies its financial assets at amortised cost.

The classification depends on both the entity's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the entity becomes a party to the contract and, as a consequence, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

### **Financial Assets at Amortised Cost**

Financial assets included in this category need to meet two criteria:

1. the financial asset is held in order to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

### **Impairment of financial assets**

Financial assets are assessed for impairment at the end of each reporting period based on expected credit losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased or an amount equal to *12-month expected credit losses* if risk not increased.

### **Financial liabilities**

Financial liabilities are classified as other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

### **Financial liabilities at amortised cost**

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

## 8. Other Information

### 8.1 Current/non-current distinction for assets and liabilities

	2023	2022
	\$'000	\$'000

#### Note 8.1A: Current/non-current distinction for assets and liabilities

##### Assets expected to be recovered in:

##### No more than 12 months

Cash and cash equivalents	1,077	1,002
Trade and other receivables	17,266	26,357
Prepayments	65	118

##### Total no more than 12 months

	<u>18,408</u>	<u>27,477</u>
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##### More than 12 months

Leasehold improvements	11,355	13,943
Buildings	13,267	16,980
Plant and equipment	1,596	1,665

##### Total more than 12 months

	<u>26,218</u>	<u>32,588</u>
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##### Total assets

	<u>44,626</u>	<u>60,065</u>
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##### Liabilities expected to be settled in:

##### No more than 12 months

Suppliers	2,764	4,731
Other payables	1,868	1,701
Leases	3,870	3,687
Employee provisions	4,407	3,767

##### Total no more than 12 months

	<u>12,909</u>	<u>13,886</u>
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##### More than 12 months

Leases	12,011	16,110
Employee provisions	4,060	3,300
Other provisions	1,225	1,245

##### Total more than 12 months

	<u>17,296</u>	<u>20,655</u>
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##### Total liabilities

	<u>30,205</u>	<u>34,541</u>
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	2023	2022
	\$'000	\$'000
<b><u>Note 8.1B: Administered - Current/non-current distinction for assets and liabilities</u></b>		
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Trade and other receivables	440	1,100
<b>Total no more than 12 months</b>	<u>440</u>	<u>1,100</u>
<b>Total assets</b>	<u>440</u>	<u>1,100</u>
<b>Total liabilities</b>	<u>-</u>	<u>-</u>

## 8.2 Explanation of Major Variances to Budget

### Note 8.2A: Departmental Major Budget Variances for 2023

The following major variance explanations between the Original Budget as presented in the 2022-23 Portfolio Budget Statements and the 2022-2023 financial statements are presented in accordance with Australian Accounting Standards.

The variances are included in the statement of comprehensive income, statement of financial position, statement of changes in equity and the cashflow statement. Major variances are those greater than 10% of the original budget. Variances below this threshold are not included unless considered significant by their nature. The major variances below are in relation to the management of resources that ensured the delivery of NDIS Commission objectives during the year.

#### General Commentary

Labour hire positions were gradually transitioned into non-ongoing and ongoing staff during the year. This led to an increase in APS staff compared to the prior year and a reduction in labour hire. This transition was slower than planned resulting in savings in employee benefits that was largely responsible for the underspend compared to the budget.

Explanations of major variances in relation to management of resources	Affected line items
<p>Total net cost of services was \$8.7 million lower than the budget as a result of:</p> <ul style="list-style-type: none"> <li>- An underspend of \$8.2 million in employee benefits caused by slower than planned recruitment of additional staff compared to budget;</li> <li>- Additional staff that were recruited resulted in an increase in purchased ICT equipment and building work that took place in Parramatta was completed and commenced depreciation resulting in increased the capital depreciation by \$1.3 million;</li> <li>- A new memorandum of understanding between the NDIS Commission and Services Australia resulted in lower costs in relation to ICT services delivery and less enhancements were requested for the Siebel Commission Operating System resulting in an underspend compared to budget of \$1.9 million.</li> </ul>	<p>Employee benefits</p> <p>Depreciation and amortisation</p> <p>Payments for service delivery</p>
<p>Total assets were \$3.7 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> <li>- Appropriation receivable being higher by \$5.5 million as a result of the net cost of services being lower by \$8.7 million that was offset by the loss of \$4.3 million caused by section 51.</li> <li>- Non-financial assets being lower by \$1.9 million due to reduction in net asset from additional depreciation.</li> </ul>	<p>Trade and other receivables</p> <p>Non-financial assets</p>
<p>Total liabilities were \$0.7 million lower than the budget as a result of:</p> <ul style="list-style-type: none"> <li>- Payables being lower by \$1.8 million as a result of supplier being paid in a more timely manner resulting in a reduction in accruals.</li> <li>- Leases being lower by \$0.3 due to principal payments.</li> <li>- Both were offset by Provisions that increased by \$1.4 million due to the increase in APS staff and new employees transferring leave balances in from other agencies.</li> </ul>	<p>Payables</p> <p>Leases</p> <p>Provisions</p>
<p>Total equity was \$4.4 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> <li>- Transactions with owners being lower by \$4.3 million due to the official loss of the section 51 from the prior year reclassification of appropriations from DCB.</li> <li>- Retained earnings being higher by \$8.7 million due to the loss for the year being lower than budgeted largely the result of the underspend in employee benefits.</li> </ul>	<p>Transactions with Owners</p> <p>Retained Earnings</p>
<p>Total Net Cash from Operating Activities was \$0.4 higher than budgeted as the result of:</p> <ul style="list-style-type: none"> <li>- Lower appropriations by \$9.7 million drawn down from the government due to the underspend in employee benefits that offset this by \$9.7 million.</li> </ul>	<p>Appropriations and employee benefits</p>

<ul style="list-style-type: none"> <li>- An increase in payments to suppliers by \$2.3 million while GST refund received \$2.7 million, with a net effect to cash flow was \$0.4 million.</li> </ul> <p>Total Net Cash from Investing Activities was \$0.6 million lower than budgeted as the result of:</p> <ul style="list-style-type: none"> <li>- ICT equipment of \$0.6 million ordered at the end of June that was not delivered before the end of the year.</li> </ul> <p>Total Net Cash used in Financing Activities was \$1 million lower than budgeted as the result of:</p> <ul style="list-style-type: none"> <li>- Less DCB appropriations drawn down by \$0.6 million to pay for ICT equipment ordered at the end of June that was not delivered before the end of the year.</li> <li>- Principal payments on leases increasing by \$0.3 million.</li> </ul>	<p>Suppliers &amp; GST</p>  <p>ICT equipment</p>  <p>DCB Appropriations</p> <p>Principal lease payments</p>
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**Note 8.2B: Administered Major Budget Variances for 2023**

<b>Explanations of major variances in relation to management of resources</b>	<b>Affected line items</b>
<p>Total administered income were \$0.5 million more than the Budget due to:</p> <ul style="list-style-type: none"> <li>- fines and penalties were not budgeted.</li> </ul>	<p>Fines and penalties</p>
<p>Net Assets were lower than the Budget by \$0.6 million due to:</p> <ul style="list-style-type: none"> <li>- grant recoveries that were uncertain being received during the year.</li> </ul>	<p>Trade and other receivables</p>

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# Part 5

# Responsibility and accountability

## Overview

### Responsible Minister

During this reporting period, the Hon Bill Shorten MP was the Minister for the National Disability Insurance Scheme and had ministerial responsibility for the NDIS Commission, including the exercise of specific powers under the *National Disability Insurance Scheme Act 2013* (the NDIS Act).

### Accountable authority

Ms Tracy Mackey was the accountable authority for the NDIS Commission for this reporting period.

Ms Sian Leathem was the accountable authority for the NDIS Commission as the acting Commissioner between 31 March 2023 and 12 April 2023 and from 27 June 2023 to 6 July 2023.

### Functions of the NDIS Commissioner

The NDIS Commission's function is to assist the Commissioner to exercise the functions and powers that are vested in the Commissioner. NDIS Commission staff routinely exercise powers delegated by the Commissioner.

The NDIS Commissioner has core functions as set out in section 181E of the NDIS Act (see [Appendix 1](#)). In addition to powers set out in the NDIS Act, a number of the NDIS Commission's activities are prescribed through a series of Rules.

The NDIS Commissioner may also make guidelines about the exercise of the Commissioner's functions.

### Power of the NDIS Commissioner

The NDIS Act provides the NDIS Commissioner with compliance and enforcement powers. They assist the NDIS Commission to promote best practice among NDIS providers and their compliance with obligations under the NDIS Act and Rules and to respond to risks to NDIS participants.

In addition, we work with NDIS providers through engagement and education activities to promote and assist them in their compliance with those obligations.

We have the power to investigate alleged breaches of the NDIS Act and Rules by NDIS providers and their workers. We can impose sanctions including, in the most serious cases, banning providers and workers, deregistering providers, seeking civil penalties, and, in the case of criminal offences, referring cases to the Commonwealth Director of Public Prosecutions for consideration. These powers allow us to investigate complaints and reports of non-compliance with the NDIS Practice Standards, the NDIS Code of Conduct and other quality and safeguards requirements.

In exercising our compliance, investigation and enforcement powers we adhere to the requirements of procedural fairness, which means the NDIS Commissioner and staff of the NDIS Commission:

- ◆ avoid actual and perceived conflicts of interest and act in an impartial and objective manner
- ◆ afford a person an opportunity to be heard before making a decision affecting their interests.



The NDIS Commissioner is required to conduct compliance and enforcement activities in a risk-responsive and proportionate manner. The NDIS Commissioner’s monitoring, compliance, investigation and enforcement powers are proportionate to the risks that non-compliance pose for NDIS participants and comparable to other Commonwealth regulators.

The NDIS Commissioner is required to maintain an NDIS Provider Register, which includes (among other matters) information about the registration arrangements for providers. The NDIS Act requires that this register includes information such as the period for which the registration of the person is in force and the classes of supports or services the NDIS provider is registered to provide. If a compliance notice is (or was) in force relating to the NDIS provider, information about the compliance notice must be placed on the register. The register must also include information about banning orders made against NDIS providers or workers or other persons, whether or not those banning orders are in force. If a registered provider has given an enforceable undertaking to the Commissioner, then information about the undertaking must be included in the register.

## Strategic planning – Future State

In early 2022, the NDIS Commission developed a Strategic Plan 2022-27 to define its vision, purpose and priorities for the next five years. From this, an internal Future State Program was launched to build the organisational structure and culture required to achieve the objectives outlined in the Strategic Plan.

All milestones outlined within the Strategic Plan and Future State Program are included in the NDIS Commission’s Corporate Planning cycle.

The development of a Strategic Plan is not part of the Commonwealth Performance Framework (see [Appendix 7](#)). However, with the appointment of the new – and current – NDIS Commissioner in January 2022, the NDIS Commission’s ELT saw an opportunity to conduct a detailed review of the organisation’s approach to supporting people with disability.

The review included in-depth consultation with Commission staff and stakeholders, including NDIS participants and providers. Overwhelmingly, the feedback highlighted the importance of putting NDIS participants at the centre of all decision-making. The insights gathered during this review process are reflected in the Strategic Plan 2022-27 and, in turn, were incorporated into both the Future State Program and [Corporate Plan 2022-23](#).

# Corporate structure

The governance of the NDIS Commission is in accordance with normal practices for non-corporate Commonwealth entities. The NDIS Commissioner is the Accountable Authority of the NDIS Commission for the purposes of the PGPA Act. They are the sole statutory officer overseeing all functions of the NDIS Commission and the sole officer of the NDIS Commission in which the NDIS Act and Rules confer powers and functions. The NDIS Commissioner delegates powers and functions through instruments of delegation, including for:

- ◆ financial governance, including powers under the PGPA Act and its associated Rule
- ◆ human resources-related matters, including powers under the *Public Service Act 1999* and other relevant legislation
- ◆ the NDIS Commissioner's functions and powers under the NDIS Act and related Rules
- ◆ matters relating to functions and powers under the *Freedom of Information Act 1982* (FOI Act)
- ◆ matters relating to functions and powers under the *Public Interest Disclosure Act 2013*.

The NDIS Commissioner gives relevant instructions under the PGPA Act on the use of those powers through a set of Accountable Authority Instructions supported by a variety of policies and practices.

## Committees

Key committees providing governance for the NDIS Commission include:

- ◆ the Executive Leadership Team (ELT), which focuses on strategic organisational decisions

- ◆ Audit and Risk Committee, which provides independent assurance and advice to the NDIS Commissioner and ELT on the NDIS Commission's financial and performance reporting responsibilities, risk oversight and management, and system of internal control
- ◆ Compliance and Enforcement Committee, which focuses on operational compliance and enforcement strategy and activity monitoring
- ◆ Complaints Function Advisory Committee, which provides feedback to the Complaints Commissioner on all aspects of the Complaints function
- ◆ Workplace Consultative Committee, which focuses on consulting with employees and their representatives about workplace issues, policies, and changes
- ◆ Work Health and Safety Committee, which provides advice to the Commissioner and ELT on health and safety issues relevant to the workplace
- ◆ Reconciliation Action Plan Committee, which supports the establishment and implementation of the NDIS Commission's Reconciliation Action Plan
- ◆ Disability Sector Consultative Committee and Industry Consultative Committee, provide an engagement opportunity for the NDIS Commission to receive feedback and advice directly from stakeholders including participants, their representatives, advocates, providers and workers, and peak organisations.

## Freedom of information

The NDIS Commission provides access to information as required by the Freedom of Information Act 1982 (Cth) (FOI Act). During 2022–23, we received 53 FOI requests, a 23% increase from previous financial years. Many applicants requested documents relating to incidents and complaints reported to the NDIS Commission, which are documents we hold as part of our regulatory functions.

There has been an increased effort to streamline processes for information requests where appropriate. Requests for information which could be resolved informally (e.g. by administrative release outside the FOI process) or under the Privacy Act 1988 have been actioned promptly.

We have information on our website relating to the Information Publication Scheme (IPS), as required by law. This includes the NDIS Commission's IPS plan, outlining the information we publish in accordance with IPS requirements: [www.ndiscommission.gov.au/information-publication-scheme-agency-plan](http://www.ndiscommission.gov.au/information-publication-scheme-agency-plan). Documents released under the FOI Act are listed publicly on the FOI Disclosure Log on our website, excluding those exempt from this requirement.

## Integrity unit

The Integrity Unit within the Legal Services and Internal Integrity Division is now established and promoting public confidence and trust in the NDIS Commission. This unit is responsible for dealing with:

- ◆ complaints against the NDIS Commission
- ◆ public interest disclosures
- ◆ FOI requests
- ◆ privacy matter
- ◆ internal reviews of decisions made by the Commissioner or delegates under the NDIS Act
- ◆ preparing for the commencement of the National Anti-Corruption Commission
- ◆ monitoring legislative compliance
- ◆ internal education initiatives

The Integrity Unit supports the NDIS Commissioner to meet its obligations and requirements, as well as improving integrity systems and reporting within the NDIS Commission.

# Law reform

The NDIS Commission is an active contributor to the passage of amendments to the NDIS Act and the making of amendments to the NDIS Rules – amendments that go towards clarifying and reducing inconsistencies in provisions in those statutes. We propose these recommendations to the Department of Social Services and then contribute to developing them and supporting their journey through parliament where necessary. The amendments help to make the administration of legislation more efficient and timely.

## Legislative and regulatory changes 2022–23

During the reporting period, the NDIS Commissioner made these amendments to NDIS Guidelines:

- ◆ An amendment to the National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines 2018 to provide for a modified audit pathway for eligible residential aged care providers operating in the NDIS market.
- ◆ An amendment to the National Disability Insurance Scheme (NDIS Behaviour Support Practitioner Application) Guidelines 2020 to clarify matters relating to the publication of information about NDIS behaviour support practitioners.



# Social responsibility

## Disability reporting

Australia's Disability Strategy 2021–2031 (the Strategy) is the overarching framework for inclusive policies, programs and infrastructure that will support people with disability to participate in all areas of Australian life. The Strategy sets out where practical changes will be made to improve the lives of people with disability. It acts to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia's policies and programs that affect people with disability, their families and carers. All levels of government have committed to deliver more comprehensive and visible reporting under the Strategy. A range of reports on progress of the Strategy's actions and outcome areas will be published at [www.disabilitygateway.gov.au/ads](http://www.disabilitygateway.gov.au/ads).

Disability reporting is included in the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available on their website at [www.apsc.gov.au](http://www.apsc.gov.au).

## Carers Act

For the purposes of the *Carer Recognition Act 2010* we report that we take appropriate measures to comply with sections 7 and 8 of that Act, including by making the Statement of Australia's Carers available to NDIS Commission staff. This confirms our commitment to valuing and recognising the role of carers in society and partnering with the carers of employees or clients with disability. We also incorporate due regard for carers into our human resources policy development as appropriate.

## Ecologically sustainable development and environmental responsibility

For the purposes of section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*, we report that our activities accord with the principles of ecologically sustainable development outlined in section 3A of that Act, particularly through development of a management culture that ensures social, economic, environmental and equitable considerations are factored into decisions. Our primary environmental impact is through the operation of our office premises.

# APS Net Zero 2030 Annual Reporting Requirements

APS Net Zero 2030 is the Government’s policy for the APS to reduce its greenhouse gas emissions to net zero by 2030 and transparently report on its emissions. As part of this, non-corporate and corporate Commonwealth entities are required to report on their operational greenhouse gas emissions.

emissions. Greenhouse gas emissions reporting has been developed with methodology that is consistent with the Whole-of-Australian Government approach as part of the APS Net Zero 2030 policy. Not all data sources were available at the time of the report and adjustments to baseline data may be required in future reports.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2022–23 period. Results are presented on the basis of Carbon Dioxide Equivalent (CO2-e)

Emission source	Scope 1 kg CO2-e	Scope 2 kg CO2-e	Scope 3 kg CO2-e	Total kg CO2-e
Electricity	N/A	146,851	16,065	<b>162,916</b>
Natural Gas	-	N/A	-	-
Fleet vehicles	-	N/A	-	-
Domestic flights	N/A	N/A	250,230	<b>250,230</b>
Other energy	-	N/A	-	-
<b>Total kg CO2-e</b>	-	<b>146,851</b>	<b>266,295</b>	<b>413,146</b>

**Note:** the table above presents emissions related to electricity usage using the location-based accounting method. CO2-e = Carbon Dioxide Equivalent.

## Travel

The NDIS Commission maintains offices in all states and territories to allow easy access to regulatory services for NDIS participants and reduce interstate travel demands. Air travel is only undertaken where required to support NDIS Commission business objectives. All employees are encouraged to use video conferencing wherever possible to manage meetings remotely.

The NDIS Commission does not operate its own vehicle fleet. However, work is underway to explore establishing a vehicle fleet that will include electric vehicles in sites where this is an appropriate approach.

## Energy

The following measures are employed in our offices to increase energy efficiency:

- ◆ Installation of energy star rating appliances at a minimum of 4-stars
- ◆ Automatic lighting and temperature control systems.
- ◆ Time-controlled supplementary air conditioning systems installed within meeting rooms.
- ◆ LED lighting fixtures.

## Waste

To increase energy efficiency in our offices, we employ:

- ◆ the use of recycled paper and ink cartridges
- ◆ follow-me printing technology, which collates print jobs in a queue employees must approve before printing, providing an additional checkpoint to prevent unnecessary paper usage
- ◆ waste separation into landfill and recycling in common areas
- ◆ the removal of desk-side bins and the use of employee lockers to minimise wasteful practices.

## Environmental performance indicators

As a new agency, the NDIS Commission has been establishing permanent offices over the last few years. In light of this, we do not yet hold a suite of consistent data that accurately represents our environmental impact across all of our national locations. Data collected in 2022–23 will serve as a baseline for future reporting years.

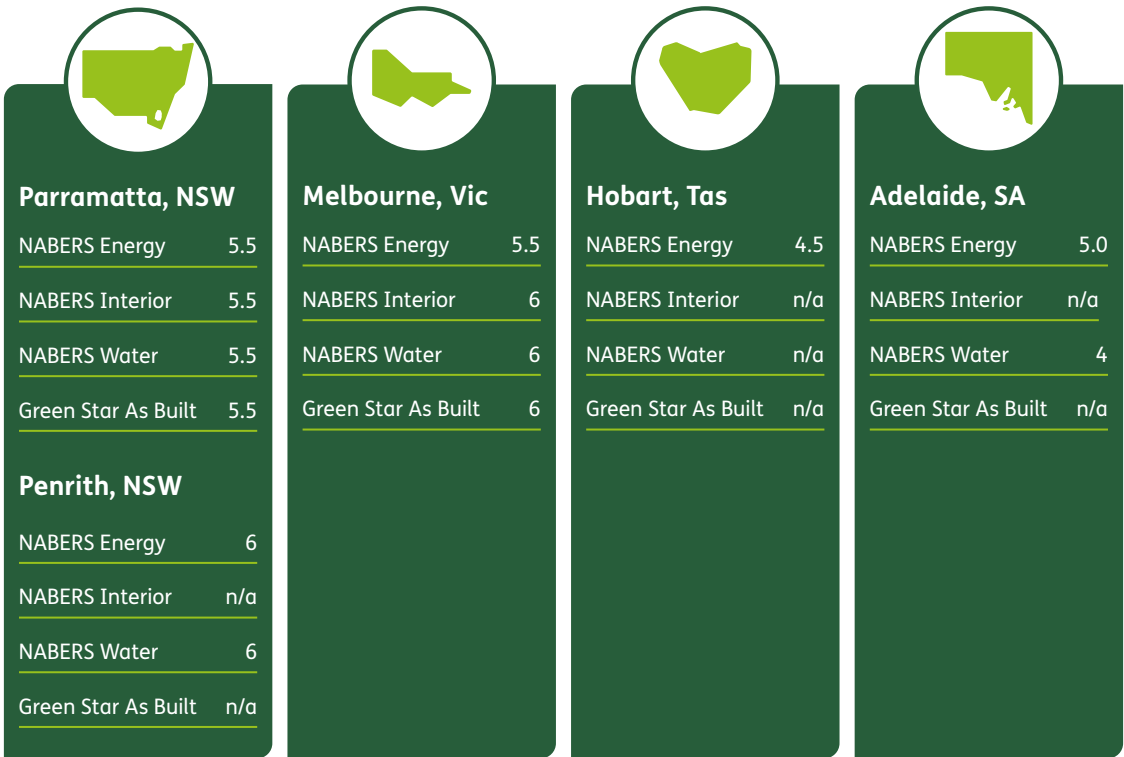
Notable for this years' annual reporting, 10 per cent of the NDIS Commission's energy is procured through GreenPower. In the next financial year, the NDIS Commission will increase this to 50 per cent.

# Building

The NDIS Commission receives environmental sustainability services from our property service provider, Jones Lang LaSalle, and our offices generally meet appropriate standards of energy efficiency. Only one NDIS Commission lease is of sufficient size to warrant a green lease schedule and that lease includes a compliant schedule.

During 2022–23 all of the NDIS Commission’s tenancies consumed on average 1,836 MegaJoules (MJ) per full-time equivalent employee (FTE) – around one quarter of the maximum allowance of 7,500MJ FTE set by the Energy Efficiency in Government Operations (EEO) policy.

The following table provides quantitative information on indicators that assist with measuring the baseline impact of some of the buildings within which the NDIS Commission leases an office. Both the National Australian Built Environment Rating System (NABERS) and the Green Building Council Australia’s Green Star rating scales range from 1–6 stars, with 1 star meaning making a start compared to 6 stars being market/world leading.







### Perth, WA

NABERS Energy	4
NABERS Interior	n/a
NABERS Water	5.5
Green Star As Built	n/a



### Darwin, NT

NABERS Energy	5
NABERS Interior	n/a
NABERS Water	5.5
Green Star As Built	n/a



### Canberra, ACT

NABERS Energy	4.5
NABERS Interior	n/a
NABERS Water	4.5
Green Star As Built	n/a



### Brisbane, Qld

NABERS Energy	5.5
NABERS Interior	n/a
NABERS Water	4.5
Green Star As Built	n/a



# Audit and Risk

The NDIS Commission's Audit and Risk Committee (ARC) provides advice to the Commissioner regarding the organisation's assurance and oversight approaches. The ARC Charter can be found on our [website](#). Further information about the ARC membership and remuneration is available in [Appendix 6](#).

## Risk management

We have a Risk Framework that accords with normal Commonwealth practices, including a Risk Management Policy, a Risk Management Framework and a set of Risk Management Guidelines. These documents prescribe our approach to managing risk, including methods for documenting and managing risk and our risk appetite. The Risk Management Framework outlines leadership and staff roles in overseeing and managing risk. The Audit and Risk Committee provides advice to the Accountable Authority on the appropriateness of our risk management framework.

## Internal audit

The NDIS Commission's internal audit function provides independent advice and assurance to the NDIS Quality and Safeguards Commissioner, the Audit and Risk Committee and the Executive Leadership Team in order to improve the effectiveness of the NDIS Commission's risk management, control and governance processes. The function was established in a manner consistent with the International Standards for the Professional Practice of Internal Auditing.

During 2022–23 internal audits were completed reviewing systems and operations to ensure they were in place and working efficiently and effectively, and to satisfy the compliance requirements of the PGPA Act and associated regulations. Internal Audit findings and recommendations were given to the Audit and Risk Committee and provide internal advice and assurance to the Accountable Authority.

# External scrutiny

Our operations are scrutinised by external entities, which can include the courts, Administrative Appeals Tribunal, committees of the Australian Parliament and the Commonwealth Ombudsman.

## Judicial decisions

During 2022–23 there were no judicial decisions that had a significant effect on our operations.

## Merits review decisions (administrative tribunals and the Australian Information Commissioner)

During 2022–23 there were no decisions made by the Administrative Appeals Tribunal that had a significant effect on our operations.

During 2022–23 there were no decisions made by the Australian Information Commissioner that had a significant effect on our operations, in respect to either the Privacy Act 1988 (Cth) or the *Freedom of Information Act 1982* (Cth).

## Auditor-General

The Auditor-General gave a report on the 'Effectiveness of the National Disability Insurance Agency's Management of Assistance with Daily Life Supports' (Auditor-General Report No.43 2022–23, published 28 June 2023). While the report focussed upon the operations of the National Disability Insurance Agency, the report also included information relating to the operations of the NDIS Commission.

The NDIS Commission was also briefly referred to in the following reports that examined the whole of government:

- ◆ Management of Information Assets (Auditor-General Report No.44 2022–23, published 28 June 2023).
- ◆ Australian Government Procurement Contract Reporting — 2022 Update (Auditor-General Report No.11 2022–23, published 2 February 2023).

For more information, go to <https://www.anao.gov.au/>

## Committees of the Australian Parliament

The Parliamentary Joint Standing Committee on Human Rights (Human Rights Committee) examines all bills and legislative instruments for compatibility with human rights and reports to both Houses of Parliament on its findings.

During 2022–23 the Human Rights Committee referred to the operations of the NDIS Commission, in relation to aged care legislation, in two reports:

Human Rights Scrutiny Report (Report 2 of 2023, published 8 March 2023).

Human Rights Scrutiny Report (Report 3 of 2023, published 15 March 2023).

The Parliamentary Joint Standing Committee on the National Disability Insurance Scheme (NDIS) (NDIS Committee) is tasked with inquiring into:

- ◆ the implementation, performance and governance of the NDIS
- ◆ the administration and expenditure of the NDIS
- ◆ such other matters in relation to the NDIS as may be referred to it by either House of the Parliament.

After 30 June each year the NDIS Committee is required to present an annual progress report to Parliament on the activities of the Committee during the year, in addition to other reports on any other matters it considers relevant.

The NDIS Committee has not tabled reports in 2022–23. On 8 September 2022 the Committee announced a new Inquiry into the Capability and Culture of the National Disability Insurance Agency. Even though the Terms of Reference are not directly related to the NDIS Commission and its core functions, some of the submissions and evidence the Committee is receiving through the public hearings relate to the operations of the NDIS Commission. For more information, go to <https://www.aph.gov.au/>.

## Commonwealth Ombudsman

During 2022–23 there were no reports given by the Commonwealth Ombudsman on the operations of the NDIS Commission. For more information, go to <https://www.ombudsman.gov.au/>.

## Capability reviews

During 2022–23 there were no capability reviews of the NDIS Commission released. The Auditor-General has not tabled any Performance Audits relating to the NDIS Commission's operations. However, the NDIS Commission actively considers tabled reports of other entities in line with our commitment to continuous improvement.

# Disability Royal Commission - Violence, Abuse, Neglect and Exploitation of People with Disability

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) was in operation during the reporting period and the NDIS Commission continued to support its important work throughout 2022–23.

Our main activities were as follows:

- ◆ In relation to the experiences of NDIS participants who live in Supported Residential Services in Victoria, the Commissioner and the Strategic Advisor to the Commissioner each provided a witness statement to the Disability Royal Commission in response to a notice in August 2022 and gave evidence on 2 September 2022 at Public hearing 26: Homelessness, including experience in boarding houses, hostels and other arrangements.
- ◆ In relation to the regulation of disability services providers and the disability support workforce and best practice management of complaints and incidents, the Commissioner provided two witness statements in response to notices in November 2022 and February 2023 and gave evidence on 17 February 2023 at Public hearing 32: Service providers revisited.
- ◆ The Senior Practitioner provided a written statement in response to a notice in October 2022 in relation to the NDIS Commission's work with the Australian Commission on Safety and Quality in Health Care and the Aged Care Quality and Safety Commission under the Joint Statement on the Inappropriate Use of Psychotropic Medicines to Manage the Behaviours of People with Disability and Older People.
- ◆ We provided information and documents in response to a number of notices during 2022–23 and contributed to the Australian Government's submissions in response to Counsel Assisting the Disability Royal Commission's submissions in Public hearings 23, 25, 26, 29 and 32.



# Fraud control and prevention

The NDIS Commission is committed to preventing and controlling the risk of fraud. We have a Fraud Control Policy and a Fraud Control Plan in place which are designed to prevent, detect, deter and deal with fraud in accordance with the requirements of section 10 of the PGPA Rule. They include:

- ◆ a statement of the NDIS Commission's policy on, and approach to, fraud risks
- ◆ a description of our fraud control responsibilities and strategies
- ◆ a direction for fraud control, fraud response and fraud awareness
- ◆ a description of fraud reporting obligations within the NDIS Commission.

In accordance with recent amendments to Fraud Rule 10 and in readiness for the establishment of the National Anti-Corruption Commission and requirements, the NDIS Commission has incorporated considerations of collusion risk into risk planning and control mechanisms.

In addition, work began to define and expand on responsibilities for prevention, detection and response, including the establishment of the Internal Integrity Unit to identify fraud and an Internal Fraud Management capability to respond to matters as required.

Our fraud control strategy encompasses staff training in minimising the risk of fraud and corruption from both internal and external threats. Fraud awareness and security training is mandatory for all NDIS Commission staff.

The Fraud Control Policy and Fraud Control Plan were last updated in June 2021 and are under review. Control testing and effectiveness ratings will occur in the 2023–24 financial year.

## Fraud Certification

As required by section 10 and paragraph 17AG(2) (b) of the Public Governance, Performance and Accountability Rule 2014, I certify that the NDIS Commission:

- ◆ has prepared fraud risk assessments and a fraud control plan
- ◆ has in place appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with and recording or reporting fraud
- ◆ has taken all reasonable measures to deal appropriately with fraud relating to the NDIS Commission.



**Tracy Mackey**

NDIS Quality and Safeguards Commissioner

9 October 2023

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# Part 6

# Our people

## Management of human resources

During the 2022–23 reporting period we continued to increase our workforce to deliver quality services against our regulatory obligations, adding more than 160 ongoing and non-ongoing employees to critical operational and enabling support roles. We also continued to focus on supporting our employees by offering flexible work arrangements, including part-time arrangements and enabling employees to work from home. The NDIS Commission’s **Workforce Plan**, which was published in February 2023, will guide our investment and activity over the coming year.

The NDIS Commission’s performance expectations are consistent with the APS Employment Principles in the Public Service Act 1999 and the APSC Directions 2022. In particular, the Principles require effective performance of each employee, support the concept of managers and employees having regular and

honest discussions about performance and provide for two formal reviews during an annual performance cycle.

### APS Employee Census

The NDIS Commission’s 2023 APS Employee Census results recorded an employee engagement score of 71 per cent. The NDIS Commission uses the feedback in the annual census to celebrate successes, identify areas for improvement and inform our People programs and activities.

We are taking a number of actions to address the areas identified for improvement from the 2023 Census. This includes a Deep Dive of the Census results with our Senior Leadership Team (SLT). Further working group discussions are underway to progress action planning for the key





areas that have been identified as areas of focus, including flexible working conditions, inclusion and diversity within the workforce, wellbeing, communication and change, and leadership.

## Our workforce mix

In 2022–23 we continued to on-board staff across Australia to support our operations in all jurisdictions.

Our workforce comprises ongoing APS, non-ongoing APS and labour hire (contractor) staff. As at 30 June 2023 our total APS employee headcount was 528.

The Average Staffing Level (ASL) target in the Portfolio Budget Statements (PBS) for 2022–23 was 565. As at 30 June 2023 the NDIS Commission's ASL was 420 and our full-time equivalent (FTE) employee count was 514.

Of our 528 APS employees 88 per cent were ongoing employees and 12 per cent were engaged on a non-ongoing basis. Approximately 67 per cent of our workforce is female. Please see [Appendix 5](#) for more details.

## Diversity

The NDIS Commission is committed to diversity and inclusion within our workforce. Our Workforce Plan identifies number of actions that we can take to attract and retain a diverse and resilient workforce. The NDIS Commission is in the process of developing a Diversity and Inclusion Strategy 2023–24 to represent our formal commitment to diversity and inclusion at the NDIS Commission.

## Disability

We are committed to having a workforce that includes those who have lived experience of disability. As at 30 June 2023, 31 per cent of our employees had shared their disability status with us. This is an increase from 17%, which was recorded in the 2021–22 APS Census.

The NDIS Commission has been a member of the Australian Network on Disability for a number of years. Work is underway to establish a dedicated 'champion' for employees with disability. This is currently in consultation with staff and expected to be in place in the first half of 2023–24 financial year.

## First Nations

We are also committed to developing staff awareness around Indigenous culture and community. NDIS Commission employees are supported to undertake cultural awareness training on the NDIS Commission's e-learning platform, and in partnership with Career Trackers, we are participating in an internship program that places Indigenous students with the NDIS Commission during their university breaks. We placed three students during 2022–23. One Intern that completed the program has now gained an ongoing role with the NDIS Commission.

The NDIS Commission celebrated National NAIDOC week, which ran from 3 to 10 July 2022. In recognition of NAIDOC week the NDIS Commission brought employees together in an all-staff virtual live event on 5 July 2022 to celebrate and champion institutional, structural, collaborative and cooperative change. On 7 July 2022 our Queensland state office invited Commission staff to hear from special guest speakers Uncle Willie Prince and Byron Albury, who are both First Nations people living with disability and prominent advocates for disability rights.

For National Sorry Day and Reconciliation week in May 2023 the NDIS Commission hosted an all-staff broadcast.

The NDIS Commission has developed our first Reconciliation Action Plan (RAP) called Reflect, which is with Reconciliation Australia for review and endorsement. The Reflect RAP is for 12 months and the first of our four RAP stages: Reflect, Innovate, Stretch, and Elevate. It sets out

the steps for the NDIS Commission to prepare for reconciliation initiatives in future RAPs.

## Work health and safety

To match the continued growth of the NDIS Commission, in consultation with staff and Comcare, significant work has occurred across the NDIS Commission to strengthen its Work Health and Safety (WHS) Management System (WHSMS).

A combination of mandatory and optional initiatives were also launched during the 2022–23 financial year to ensure management and staff felt confident and empowered to protect their health and wellbeing at work. These included:

### Employee Assistance Program

The NDIS Commission undertook an exercise to renew its commitment to provide free and confidential counselling support to its staff and their immediate families in the form of an Employee Assistance Program.

Following a competitive procurement exercise Converge International was appointed to deliver counselling support and a suite of mental health services to supplement the NDIS Commission's focus on reducing the impact of psychosocial hazards for our staff.

Following a competitive procurement exercise, Converge International was appointed to deliver counselling support, and a suite of mental health services to supplement the NDIS Commission's focus on reducing the impact of psychosocial hazards on our staff.

The additional services include incorporating reflective supervision into team settings, giving individuals an opportunity to “use work itself as a teacher”. The embedding of this service into the operational environment creates a mechanism for staff to discuss issues, problems, and new ways of thinking in a safe and supportive environment. It supports individuals and teams in learning to work more effectively, particularly in highly stressful environments. This focus on

building sound reflective practices, will contribute to an environment where continuous learning is second nature.

### Influenza Vaccination Program

The NDIS Commission recognises the importance of continuing its annual influenza vaccination program for staff. Arranged through a central provider and delivered locally, the vaccination program saw a similar number of participants to previous years.

### Early Intervention

Recognising the importance that early intervention has to reduce the impact of psychosocial hazards, work has taken place across all aspects of WHS hazard and risk management. Our approach has given our staff an awareness of hazards beyond ‘slips trips and falls’, and into the area of psychosocial hazards. The work completed included:

#### Prevention/detection:

- ◆ Delivery of WHS Roles and Responsibility training to staff.
- ◆ Conduct of a psychosocial risk survey, incorporating results into the WHS Risk Register.
- ◆ Extended the number of Health and Safety Representatives (HSR).
- ◆ Reflective Supervision approaches.
- ◆ Review of the NDIS Commission's principle WHS consultative mechanism, the Health and Safety Committee (HSC).
- ◆ Quarterly WHS reporting, including data from quarterly workplace inspections (geographical) and Environmental Scans (psychosocial hazard indicators identifiable by supervisors and managers).

#### Response:

- ◆ Increase of first aid officer support.
- ◆ Introduction of ‘Compassionate Foundation’ e-learning for empathy training.
- ◆ Review of emergency evacuation signage.

### Management:

- ◆ Inclusion of intervention metrics for managers to report on a quarterly basis.
- ◆ Increased injury management intervention to build management capability in this important area.

## Health and Safety Outcomes

Preparation and design of structured quarterly WHS reporting was undertaken in the 2022-23 year, with reporting commencing in the third quarter of 2023. This will include lag/lead data to measure the effectiveness of initiatives. Governance of this performance data will be through the NDIS Commission's HSC, and reported into the NDIS Commission's Executive Leadership Team on a quarterly basis.

## Notifiable Incidents

One workplace incident occurred that required notification to Comcare as the WHS regulator.

## Investigation conducted

The NDIS Commission has worked closely with Comcare (the Commonwealth regulator for work health and safety) over the reporting period, seeking their support and assistance in developing a compliant WHSMS. The NDIS Commission will continue to do all that is required related to Comcare.

Notices issued to the NDIS Commission are as follows:

- ◆ Inspector Notices
  - » MC00025196 Notifiable Incidents – Deficiencies in the process to notify Comcare of specific incident types (refer Part 3 of the WHS Act 2011).
  - » MC00020714 Consultation mechanisms, issue resolution (WHS related) and hazard identification and management.
  - » MC00028634-NT01 Hazard control and consultation.
  - » MC00025196 Consultative mechanisms.
  - » MC00031458 HSR Negotiations.
  - » MC00030540 WHS Complaint
- ◆ Improvement Notice
  - » MC00028634-NT03 Improvement Notice – Hazard control.

# Enterprise agreement

The **NDIS Quality and Safeguards Commission Enterprise Agreement 2019–2022** was negotiated and approved consistent with the Australian Public Service Commission’s Workplace Bargaining Policy 2018 and came into effect on 15 October 2019.

The NDIS Commission is currently evaluating its Enterprise Agreement strategy in line with the Government’s Public Sector Workplace Relations Policy 2023, which comes into effect from 1 September 2023.

## Senior Executive Service (SES) Remuneration

The Remuneration Tribunal sets the remuneration and conditions for the NDIS Commissioner.

SES employees’ remuneration and employment conditions are provided via individual Determinations under Section 24(1) of the Public Service Act, which may deviate from standard salary ranges. Total remuneration for SES employees includes salary, Executive Vehicle Allowance (EVA) and superannuation. Superannuation arrangements vary depending on whether an SES employee is a member of a defined benefits scheme member or an accumulation fund.

In 2022–23, the salary ranges for SES employees were:

- ◆ SES Band 1: \$183,011 to \$212,688 – plus \$26,000 EVA
- ◆ SES Band 2: \$236,185 to \$263,389 – plus \$27,000 EVA

No SES staff received performance pay in 2022–23.

No staff were classified as ‘other highly paid staff’ in 2022–23.

## Non-Senior Executive Service remuneration

The NDIS Quality and Safeguards Commission Enterprise Agreement 2019–2022 (the Agreement) provides salary entitlements and employment terms for non-SES employees. The Agreement includes provision for salary advancement subject to satisfactory performance and other factors, and for the payment of a range of allowances such as Workplace Contact Officer Allowance, Higher Duties Allowance and reimbursement of reasonable costs associated with relocations.

No non-SES staff received performance pay in 2022–23.

## Non-salary benefits

Non-salary benefits provided to employees include leave options, flexible working arrangements (including part-time and home-based work) and employer superannuation contributions paid to both defined benefits schemes and accumulation funds. Employees also have access to salary packaging, in particular to novated leasing arrangements (so employees can keep their leased car when they change jobs) and salary packaging of superannuation.

SES entitlements are specified in a determination made by the NDIS Commissioner under section 24(1) of the Public Service Act.

### APS employment salary ranges by classification level as at 30 June 2023

Classifications	Minimum Salary	Maximum Salary*
SES 2	\$236,185	\$263,389
SES 1	\$183,011	\$212,688
EL 2	\$131,355	\$161,065
EL 1	\$111,445	\$135,673
APS 6	\$89,445	\$101,896
APS 5	\$81,661	\$87,208
APS 4	\$74,357	\$79,924
APS 3	\$65,631	\$71,211
APS 2	\$56,790	\$63,195
APS 1	\$48,862	\$54,376
<b>Minimum/Maximum range</b>	<b>\$48,862</b>	<b>\$263,389</b>

**Note:** \* Individual agreements may result in remuneration above this range.

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# Appendices

# Appendix 1 - Commission's core function

The NDIS Commission's function is to assist the Commissioner to exercise the functions and powers that are vested in the Commissioner. NDIS Commission staff routinely exercise powers delegated from the Commissioner.

The NDIS Commissioner has core functions set out in section 181E of the NDIS Act:

- ◆ Upholding the rights, and promoting the health, safety and wellbeing, of people with disability receiving supports or services, including those received under the NDIS.
- ◆ Developing a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the NDIS.
- ◆ Promoting the provision of advice, information, education and training to NDIS providers and people with disability.
- ◆ Securing compliance with the NDIS Act through effective compliance and enforcement arrangements, including through monitoring and investigation functions.
- ◆ Promoting continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability.
- ◆ Developing and overseeing the broad policy design for a nationally consistent framework relating to the screening of workers involved in the provision of supports and services to people with disability.
- ◆ Providing advice or recommendations to the NDIA or the NDIA Board in relation to the performance of the NDIA's functions.
- ◆ Engaging in, promoting and coordinating the sharing of information to achieve the objectives of the NDIS Act.

- ◆ Providing NDIS market oversight, including by:
  - » monitoring changes in the NDIS market that may indicate emerging risk
  - » monitoring and mitigating the risks of unplanned service withdrawal.
- ◆ Monitoring registered NDIS providers' compliance with their conditions of registration, including in relation to the screening of workers in accordance with the NDIS Practice Standards.
- ◆ Investigating, managing and resolving complaints referred to the NDIS Commission, including the notification and management of reportable incidents.
- ◆ Providing leadership in relation to behaviour support and in the reduction and elimination of the use of unauthorised restrictive practices by NDIS providers.

In addition, the NDIS Commissioner has functions set out in the NDIS Act related to:

- ◆ registration and reportable incidents
- ◆ complaints
- ◆ behaviour support
- ◆ the NDIS worker screening database.





# Appendix 2 - NDIS Commission’s ensuring activities

Our activities are defined under the NDIS Act, and guided by the NDIS Quality and Safeguarding Framework, which establishes our work with people with disability, workers and providers in terms of three types of responsibility:

- ◆ Developmental – building capability and support systems
- ◆ Preventative – preventing harm and promoting quality
- ◆ Corrective – responding if things go wrong.

It ensures this approach is distributed across our primary stakeholders – people with disability, workers and providers:

<b>NDIS Quality and Safeguarding Framework</b>	<b>DEVELOPMENTAL building capability and support systems</b>	<b>PREVENTATIVE preventing harm and promoting quality</b>	<b>CORRECTIVE responding if things go wrong</b>
<b>INDIVIDUALS</b> supporting and empowering people with disability	<ul style="list-style-type: none"> <li>◆ Providing education and information on the NDIS, participant rights, and complaints processes</li> <li>◆ Developing engagement processes to support participants to strengthen networks and community ties</li> </ul>	<ul style="list-style-type: none"> <li>◆ Working with the NDIA and other stakeholders to ensure safeguards in NDIS processes</li> <li>◆ Providing funding via the Grants Program to create educational and supportive resources for NDIS providers</li> <li>◆ Engaging with participants to elicit feedback and work together to enhance support and services</li> </ul>	<ul style="list-style-type: none"> <li>◆ Triage, investigate, manage, mediate and resolve complaints</li> <li>◆ Receive and handle reportable incidents</li> <li>◆ Investigate serious and alleged incidents</li> </ul>
<b>WORKFORCE</b> promoting a safe and competent workforce	<ul style="list-style-type: none"> <li>◆ Supporting NDIS workforce development via the creation and execution of information development and capacity building programs</li> </ul>	<ul style="list-style-type: none"> <li>◆ Supporting worker skills quality via state/territory worker screening programs and through the maintenance of the Worker Screening Database</li> </ul>	<ul style="list-style-type: none"> <li>◆ Monitoring worker conduct via incident reports, complaints and notifications of breaches of the Code of Conduct</li> </ul>

NDIS Quality and Safeguarding Framework	DEVELOPMENTAL building capability and support systems	PREVENTATIVE preventing harm and promoting quality	CORRECTIVE responding if things go wrong
<p><b>PROVIDERS</b> encouraging safe, innovative, high-quality support provision</p>	<ul style="list-style-type: none"> <li>◆ Registering NDIS providers and maintaining the NDIS Provider Register</li> <li>◆ Conducting market oversight and research in order to support market development, safety, quality and diversification</li> <li>◆ Develop and maintain the Positive Behaviour Support Capability Framework</li> <li>◆ Research to inform better practice</li> </ul>	<ul style="list-style-type: none"> <li>◆ Providing consistent quality and reporting requirements for behaviour support practitioners</li> <li>◆ Provide best practice guidance and advice to those providing supports</li> </ul>	<ul style="list-style-type: none"> <li>◆ Take compliance and enforcement action that is responsive and proportionate.</li> <li>◆ De-register and ban NDIS unsuitable providers where appropriate</li> </ul>

# Appendix 3 - NDIS Commission's operation in detail

## Complaints

The NDIS Commission takes complaints about whether an NDIS-funded service has been provided in a safe way and to an appropriate standard. Anyone can make a complaint about a provider.

We support complainants to resolve their issues through a range of methods including the provision of advice and guidance, conciliation processes and the enforcement of the NDIS Practice Standards and the Code of Conduct.

We also:

- ◆ provide complaints-handling advice, education and training to people with disability and NDIS providers
- ◆ support people with disability and other complainants to go to other bodies when their complaint is not within the NDIS Commission's remit, and refer matters to other relevant authorities when appropriate
- ◆ work to educate providers about delivering quality and safe supports and effectively responding to complaints. If a complaint raises a serious compliance issue, the NDIS Commission has powers to take action.

The Complaints Intake and Early Resolution team manages the intake, triage and early resolution of all complaints. The team also identifies immediate safeguarding risks and refers these to the Safeguarding and Critical Incidents team. Incidents that are not suitable for early resolution are referred and allocated to the Complaint Operations, Regulatory Operations and/or Practice Quality teams.

The Safeguarding team works with participants and other community, government and non-government partners to ensure the immediate

safety and wellbeing of NDIS participants. It also provides the first point of contact and immediate response.

The Complaints Operations teams work closely with complainants, the person with disability and, where relevant, their formal and informal supports, as well as providers, to progress and resolve complaints and build participant and provider capability. The team also works with the Regulatory Operations and Practice Quality teams to ensure that issues raised are addressed at both an individual and a system level to drive improvements in the quality of services and supports provided to participants.

The Complaints Policy and Performance team supports and promotes best practice intake, complaints management and dispute resolution within the NDIS Commission's Intake, Complaints and Incidents function and across the sector. The team is also responsible for supporting and guiding participant and provider capacity to engage with the complaints process.

## Education and communication

We provide education and information on participant rights, the NDIS Commission, provider and worker responsibilities, complaints and other related processes. We also support NDIS workforce development via the creation and execution of a wide array of information resources, training and capacity-building programs.

The NDIS Commission website is the public face of our organisation and is used to educate and build the knowledge and awareness of NDIS participants, providers and behaviour support practitioners. There were 6.5 million page views

of the website in 2022–23 and 882,000 unique total users. There were, on average, 73,500 visits each month.

We use Facebook and LinkedIn to share important information with social media audiences, which are predominantly registered and unregistered providers, peak bodies, advocates and workers in the NDIS sector. As at 30 June 2023 we have 9,676 Facebook followers and 45,644 LinkedIn followers.

We issue a fortnightly newsletter to all registered NDIS providers and subscribers, with approximately 18,000 recipients. These newsletters aim to keep NDIS providers informed of NDIS Commission news and support them in meeting their obligations to provide safe and quality services to people with disability. We produced seven issues of the newsletter during the 2022–23 reporting period. We also produced one edition of SAFEGuard, a participant-focussed newsletter, in summer 2022.

The NDIS Commission is focused on educating and advising NDIS providers and their workers on areas of practice that have a significant impact on the quality and safety of supports and services that people with disability experience in the NDIS.

As at 30 June 2023 the NDIS Code of Conduct Worker Orientation Module ‘Quality, Safety and You’ had been completed by 868,286 people since its launch in mid-2019.

Our e-learning modules for NDIS workers, ‘Supporting Effective Communication’ and ‘Supporting Safe and Enjoyable Meals’, were co-designed by the sector and aimed at improving the capability of NDIS providers and workers to provide person-centred, safe and high-quality supports, with a specific focus on known and emerging issues that impact the wellbeing and safety of people with disability.

At 30 June 2023 the ‘Supporting Effective Communication’ module had been completed by 99,088 people since its launch in October 2021. The ‘Supporting Safe and Enjoyable Meals’ module had been completed by 70,178 since its launch in April 2022. 96% of people who

completed a feedback survey rate the modules as good/excellent and 98% indicate the modules help them learn how to better support people with disability.

Our e-learning modules received top accolades at the TechDiversity 2023 Awards, winning the ‘Tech for Good’ category, which recognises technology projects or initiatives that have a positive social impact. The modules were also declared the overall champion across all five award categories, which celebrate technology initiatives that amplify diversity awareness and achieve a culture of inclusion, through conversation, collaboration and action.

## Engagement

We develop engagement processes to support participants to strengthen networks and community ties, and engage with all stakeholders directly to work together to enhance supports and services.

In 2022–23 our Engagement team supported the NDIS Commissioner and Commission representatives to attend approximately 773 in-person and virtual engagement activities across the country, attended by approximately 27,450 stakeholders.

In line with the NDIS Commission’s strategic focus areas including promoting the rights of people with disability, quality providers and workers, and thriving, diverse markets, the Commissioner led a series of targeted campaigns and forums in 2022–23. These included:

- ◆ October 2022: three local forums were held in Cairns, Queensland across two days. These forums focused on participant rights and the NDIS Commission’s role in regulating NDIS funded providers. 22 participants, advocates and their supporters attended the participant forum, while 112 providers attended the two provider forums.

- ◆ October 2022: the NDIS Commission held its fourth Disability Advocacy Forum in Melbourne, with 80 advocates joining in person and a similar number joining online. The all-day forum, hosted by the NDIS Commissioner and writer, speaker and disability rights advocate Elly Desmarchelier, explored how the NDIS Commission can work together with NDIS participants and advocates to improve quality and safeguards, and better understand what quality means to NDIS participants.
- ◆ November 2022: the NDIS Commission hosted its inaugural Research Roundtable at the University of Sydney. 29 researchers attended in person and virtually, and presented research on disability-related topics including enhancing human rights through co-design and intersectionality, technology and supporting choice and control.
- ◆ January 2023: targeted compliance activities were held in Bunbury, Western Australia. The NDIS Commission delivered three drop-in sessions, hosted by the NDIS Commissioner and Deputy Commissioner, Regulatory Operations (Registrar). All sessions were well attended by NDIS participants and their supporters, advocates and providers.
- ◆ March 2023: the NDIS Commission delivered a provider forum in Launceston, Tasmania. The event was hosted by the NDIS Commissioner and Deputy Commissioner, Regulatory Operations and provided an overview of the NDIS Commission and its role in regulation. The event was attended by over 67 attendees mainly consisting of registered and unregistered providers. A number of NDIS participants and their advocates also attended the event.
- ◆ May 2023: the NDIS Commission facilitated a provider workshop in Townsville, Queensland for 35 NDIS Providers and Community Stakeholders supporting First Nations NDIS participants in Townsville and the remote communities of Palm Island, Doomadgee and Mornington Island. In conjunction with the Queensland Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDATSIP) the workshop canvassed themes and barriers to regulation in regional, remote and Aboriginal and Torres Strait Islander communities.
- ◆ June 2023: the NDIS Commission held four workshops on Regulatory Burden in Brisbane, Melbourne, Perth and virtually with NDIS providers and workers. The workshops were facilitated by National Disability Services (NDS) and attracted approximately 600 attendees who discussed the benefits, challenges and burdens of regulation as well as potential improvements or alternatives.
- ◆ June 2023: in collaboration with the Northern Territory Minister for Disability, the Hon. Ngaree Ah Kit, the NDIS Commissioner held a virtual provider forum for 18 regional and remote providers servicing remote communities across the West Arnhem Region.

The Stakeholder Engagement team also delivered 15 commission-wide internal events across the last twelve months focusing on national days of significance such as International Day of People with Disabilities, International Women's Day and Global Accessibility Awareness Day.

## Policy, market and Insights

The Policy, Market and Insights Division supports the NDIS Commission's delivery of legislative functions through strategic regulatory policy development and advice, market design and oversight, data and analysis activities, major projects and initiatives.

This includes innovative and strategic thinking, data analysis and evidence reviews, to solve complex regulatory policy issues that facilitate upholding the rights of people with disability through regulation of the NDIS market, to enable the provision of safe and quality supports.

The division supports the NDIS Commission's contributions and response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. It also supports the NDIS Commissioner with inquiries and reviews, delivery of NDIS workforce initiatives and administration of the NDIS support for providers' grants program.

The division works to identify, categorise, assess and manage systemic risks to protect people with disability from harm that arises from poor-quality or unsafe supports or services provided under the NDIS. This involves :

- ◆ identifying, monitoring and responding to intelligence on emerging risks based on a range of data sources, including compliance data, data collected through complaints, reportable incidents and restrictive practices reporting, and data collected through external stakeholders such as the NDIA, other regulators and state and territory governments
- ◆ delivering initiatives to drive workforce and provider quality and determine the appropriate regulatory responses that are proportionate to the level of risk identified across the NDIS system

- ◆ monitoring changes in the NDIS market which may indicate emerging risk and service shortfalls in relation to the NDIS Commissioner's functions.

This activity reduces regulatory risk that might lead to non-compliance, helps to ensure effective regulatory activities and helps monitor and strengthen the adequacy of supports available in the NDIS.

## Grants

We administer the **Support for NDIS Providers Grants program**. The program delivers tools and resources informed by people with disability that help providers meet their NDIS quality and safeguarding responsibilities.

Through the program, the NDIS Commission awarded close to \$4.4m to seven new grantees across the three new grant opportunities published on GrantConnect in the 2022–23 reporting period. These new grantees will increase the current pool of grant activities underway to 15, building on established grant projects now well into the delivery phase. The grants include providing support to auditors by training a pool of Consumer Technical Experts to contribute to the audit process, the development of resources to support First Nations providers and participants including in remote communities, and other resources to support providers to meet the new Practice Standards on emergency and disaster management.

The new grantees will focus on strengthening participant and provider connections to improve behaviour support outcomes, and improving the complaints process with providers. Resources will be developed to assist participants to understand their rights, make complaints and raise issues with NDIS providers and develop a digital solution for participants to lodge feedback with NDIS providers.

At least five of the grants have a focus on identified participant cohorts, including First Nations participants, those from culturally and linguistically diverse backgrounds, people living in supported accommodation settings, participants with psychosocial disabilities and children and young people with disability. The tools and resources developed will be purposely developed for use by providers of NDIS supports to improve the quality and safeguarding of services delivered.

More information regarding the grants program can be accessed in the Annual Performance Statements.

## Partnering with external stakeholders and regulatory bodies – delivering the Scheme together

We work together with others to deliver the Scheme through joint policy and operational responses, and we bring the voices of participants and industry into the work we do. This involves:

- ◆ building links between systems and stakeholders to support effective and coordinated responses to issues
- ◆ sharing information with other bodies (such as child protection agencies and industry complaints bodies) to help support the coordination of regulatory and other responses
- ◆ maintaining effective information sharing arrangements with other government agencies, such as the NDIA, the Australian Health Practitioner Regulation Agency, the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Department of Health, to support us in improving the quality of supports

- ◆ working with the Aged Care Quality and Safety Commission, Department of Veterans' Affairs, Department of Health and Department of Social Services to consider reform options for regulatory alignment that strengthen protections through consistency in quality and safety for participants and consumers, and reduce the regulatory burden on providers
- ◆ convening the Disability Sector Consultative Committee and the Industry Consultative Committee. The committees comprise senior sector and industry leaders brought together to provide advice to the NDIS Commission. They represent, respectively, the interests and perspectives of NDIS participants and their support networks, and industry perspectives surrounding the ability of NDIS providers to deliver quality and safe supports and services in a regulated NDIS market.

We continue to work with partners through the **Support for NDIS Providers Grants program**, who are delivering tools and resources that are informed by people with disability and will assist providers to meet NDIS quality and safeguarding responsibilities.

This activity supports responses to issues being well coordinated and thoroughly informed by all relevant information. It also enables us to interface seamlessly with broader protections and safeguards, such as state and territory worker screening units.

## Behaviour support

The Senior Practitioner Division consists of a number of teams including:

- ◆ state and territory behaviour support operations
- ◆ national behaviour support practice
- ◆ research and practice evidence
- ◆ performance improvement.



The teams provide leadership and oversee the use of behaviour support strategies and restrictive practices. This involves:

- ◆ developing and maintaining the Positive Behaviour Support Capability Framework to help ensure practitioners deliver high-quality behaviour supports
- ◆ assessing the suitability of behaviour support practitioners against the framework
- ◆ undertaking reviews on the quality of behaviour support plans that are lodged with the NDIS Commission
- ◆ providing best practice guidance and advice to practitioners, providers, participants, families and carers.

In the 2022–23 reporting period Practice Quality adopted a stronger regulatory posture that resulted in a 10-fold increase in compliance activities relating to behaviour support and restrictive practice use and reporting. This resulted in more providers better understanding and complying with requirements. Compliance action was taken in relation to the monthly reporting of restrictive practices to support increased focus on providers reducing their use of restrictive practices over time. There was also a strong focus on supporting early response to the use of unauthorised restrictive practices. Practice Quality also issued the NDIS Commissions' first Enforceable undertaking, which facilitated a systemic impact on an individual provider.

Research and Practice Evidence undertook a range of activities including:

- ◆ management of four administered grants, all of which are due to be completed in 2023. One of these has now been completed
- ◆ eight internal research projects, five of which have now been completed
- ◆ collaboration with University partners on three external grants

- ◆ three on-line masterclasses for disability service providers
- ◆ 15 practice alerts providing best-practice guidance to disability providers on identifying and responding to risks have now been produced and published on the NQSC website in a variety of formats (animations, Quick Reference Guides and Easy Read versions).

During the 2022–23 reporting period a range of clinical guidance and tools were developed and published to help improve capacity and capability in behaviour support. They include:

- ◆ behaviour support plan checklists
- ◆ the co-design and publication of 5 participant fact sheets
- ◆ a review and update of the Safe Transportation Practice Guide
- ◆ publishing of the Surveillance Technology Practice Guide.

We have a **position statement** published which outlines practices that place participants at high risk of harm and are associated with adverse and catastrophic outcomes for participants, such as long-term psychological or physical injury and death. NDIS providers (registered and unregistered) must not use these practices. Use of these practices must cease immediately and should be replaced with proactive and evidence-informed alternatives based on risk assessment. Use of these practices by NDIS providers constitutes a serious breach of the NDIS Code of Conduct. The NDIS Commissioner will take strong action against any provider and individuals that engage in these practices.

The NDIS Commission ceased considering practitioners provisionally suitable from July 2022 and has commenced revoking provisional suitability for remaining practitioners who have not applied to be assessed against the Positive Behaviour Support Capability Framework (PBS Capability Framework). This completes the

implementation of the PBS Capability Framework. It means all practitioners are fully assessed against the PBS Capability Framework and any new practitioners entering the market are fully assessed before commencing deliver of NDIS behaviour support service. A total of 5,863 behaviour support practitioners were considered suitable, 3,334 applications were assessed in the 2022–23 reporting period.

## Worker screening

The Worker Screening team oversees NDIS Worker Screening including maintaining the NDIS Worker Screening Database and Helpdesk and monitoring compliance of registered NDIS providers with their worker screening obligations. We assist applicants with access to the NDIS Worker Screening Database (for unregistered providers and self-managed participants). We also liaise with state and territory Worker Screening Units and facilitate information disclosure where appropriate. We work closely with other agencies including the NDIA in respect of NDIS Worker Screening issues.

## Registration

We register NDIS providers to deliver safe, quality supports and services to NDIS participants. We register NDIS providers by assessing applications against the NDIS Act and Rules, and administering an independent audit program. We maintain the NDIS Provider Register which is available on our website. NDIS providers must be registered if they wish to deliver supports and services to participants whose plans are managed by the NDIA, or if they deliver certain types of higher-risk support to any participant, specialist disability accommodation, development of behaviour support plans and the implementation of regulated restrictive practices.

The registration process follows these steps:

1. An application is lodged with the NDIS Commission through the online Applications Portal, which includes a self-assessment by the applicant.
2. The applicant engages an approved quality auditor and undergoes an audit against the NDIS Practice Standards.
3. We undertake an assessment of the applicant and their key personnel to establish their suitability to provide services and supports.
4. We assess the application including the outcome of the audit, the suitability assessment and any other relevant information and then advise the applicant of the outcome.
5. Where the decision is to register the applicant we issue a certificate of registration that specifies the period of registration and conditions that apply to the registration. The details of the registered NDIS provider are published on the **NDIS Provider Register**.

Our NDIS Approved Quality Auditor Scheme establishes third-party audit arrangements that providers must use to undertake a review of their practice against relevant NDIS Practice Standards. Auditing firms approved by the NDIS Commission under the scheme are accredited with JASANZ, an internationally recognised accreditor of auditing firms. Individual auditors complete training provided by the NDIS Commission.

NDIS providers registered with the NDIS Commission must:

- ◆ comply with the conditions of registration prescribed through various rules and those stated on their certificate of registration
- ◆ comply with the NDIS Practice Standards applicable to the types of services and supports they are registered to deliver
- ◆ comply with the NDIS Code of Conduct
- ◆ have a complaints management and resolution system
- ◆ have an incident management system
- ◆ report certain incidents (including allegations) to the NDIS Commission
- ◆ fulfil NDIS worker screening requirements
- ◆ meet behaviour support requirements, including reporting the use of restrictive practices, to the NDIS Commission if applicable.

We monitor registered NDIS providers' compliance with these obligations. This activity helps provide assurance to the NDIS Commission that the NDIS providers we register are suitable and competent to provide safe, quality supports and services to NDIS participants. It also supports us in undertaking our NDIS market oversight responsibilities.

## Reportable Incidents

The NDIS Commission receives reports from registered NDIS providers when a reportable incident occurs, or is alleged to have occurred in connection with the delivery of NDIS supports and services. Reportable Incidents include:

- ◆ the death of a person with disability
- ◆ serious injury of a person with disability
- ◆ abuse or neglect of a person with disability
- ◆ unlawful sexual or physical contact with, or assault of, a person with disability

- ◆ sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- ◆ use of a restrictive practice in relation to a person with disability where the use is not in accordance with an authorisation (however described) of a state or territory in relation to the person, or if it is used according to that authorisation but not in accordance with a behaviour support plan for the person with disability.
- ◆ We monitor registered NDIS providers' compliance with their obligations to identify, report and respond to incidents, and we identify and act on incidents requiring a regulatory response. This involves:
  - ◆ overseeing the management of reportable incidents by registered NDIS providers and where incidents identify potential or actual breaches of the NDIS Act and Rules, and investigating and managing any necessary action
  - ◆ requiring providers to take a variety of actions to respond to the incident, if we are not satisfied that appropriate actions have already been taken
  - ◆ referring matters to other relevant authorities when appropriate
  - ◆ reviewing and sharing reportable incident data to identify systemic issues to be addressed and driving improvement actions through registered NDIS provider education and compliance activities.

## Compliance and enforcement

We monitor provider and worker conduct via incident reports, complaints, registration processes and information sharing with other regulators and bodies such as the NDIA. We have a range of compliance and enforcement powers, including banning providers and workers. Actions we take are responsive and proportionate, according to the result.

We undertake compliance and enforcement activities. This involves:

- ◆ accelerating our compliance activity around issues that present high-risk and systemic issues for people with disability, including the unauthorised use of restrictive practices
- ◆ applying appropriate regulatory responses to non-compliance and/or emerging issues that require compliance monitoring
- ◆ determining registered NDIS provider compliance with conditions of registration, NDIS Practice Standards, the NDIS Code of Conduct and other applicable requirements and, where necessary, using influence or statutory tools to compel compliance
- ◆ establishing compliance programs that address areas of risk for various types, classes of supports or services, or certain obligations
- ◆ using information gathering and other powers in response to apparent non-compliance
- ◆ taking protective action in serious cases of persistent and high-risk non-compliance. If compliance cannot be secured through the above actions, we can prohibit or restrict an NDIS provider or individual from delivering disability supports and services.

We have a comprehensive range of compliance and enforcement powers, tools and methods. These include the following actions:

- ◆ educating NDIS providers to understand their obligations and achieve ongoing compliance
- ◆ monitoring and investigating compliance with the NDIS Code of Conduct, the NDIS Practice Standards and other quality and safeguard requirements where they apply
- ◆ issuing compliance notices directing a provider to do, or refrain from doing, certain things
- ◆ entering into enforceable undertakings that commit a provider to specific action
- ◆ seeking injunctions from a court to compel a person to take, or refrain from taking, certain action
- ◆ issuing infringement notices
- ◆ seeking civil penalties through a court
- ◆ varying, suspending or revoking a provider's registration
- ◆ making banning orders that prohibit or restrict specified activities by a provider, or a person employed or otherwise engaged by a provider.

Actions to be taken are determined on a case-by-case basis, taking into consideration factors outlined in the NDIS Commission's Compliance and Enforcement Policy. These include the seriousness of the issue, the appropriateness of the provider's or other person's response and the likelihood of further harm to NDIS participants.

Our compliance and enforcement activities help to prevent poor service delivery and to protect participants from harm. It also helps ensure public confidence in the NDIS and in services delivered by NDIS providers.

## Regulating unregistered providers

We regulate providers that deliver NDIS supports and services and are not required to be registered.

We regulate unregistered providers through:

- ◆ the requirement that all NDIS providers comply with the NDIS Code of Conduct
- ◆ the NDIS Worker Screening check
- ◆ supporting participants who wish to complain directly to an unregistered provider
- ◆ receiving and acting on complaints made about an unregistered provider or a person employed or otherwise engaged by the provider, including taking further action where a complaint raises a compliance issue
- ◆ receiving, reviewing and analysing provider reports on the use of restrictive practices
- ◆ monitoring provider compliance with registration obligations related to behaviour support and the use of restrictive practices
- ◆ responding to the ongoing use of unauthorised restrictive practices
- ◆ undertaking and commissioning research to inform better practice
- ◆ working with states and territories to achieve national consistency in regulatory arrangements for restrictive practice authorisation.

Our Practice Quality teams work with providers and practitioners to implement strategies designed to help reduce the occurrence and impact of behaviours of concern, and reduce and eliminate the use of restrictive practices. The teams also help to improve the capability of the sector through research and education to share best-practice advice with providers, practitioners, participants, their families and their carers.

If a complaint or other information available to the NDIS Commission indicates a serious issue concerning a provider the NDIS Commission can undertake a range of compliance and enforcement actions, including banning them from providing NDIS supports, issuing infringement and compliance notices, seeking civil penalties, seeking an injunction and entering into an enforceable undertaking.

# Appendix 4 – Our regulatory approach

The Regulatory Approach outlines how we apply our regulatory capabilities and resources to ensure the quality and safety of services delivered to NDIS participants. This builds on the NDIS Commission's purpose to uphold the rights of NDIS participants and our goal to ensure that participants are at the centre of our decision-making.

It defines our regulatory intent and how we regulate to improve quality and safeguarding for NDIS participants. Our Regulatory Approach guides the NDIS Commission to regulate at multiple levels, use a range of regulatory approaches and a combination of levers and tools. It explains to Providers, workers, participants and the public, how the NDIS Commission will regulate the industry in the best interests of NDIS participants.

Being a contemporary and purpose-centred regulator requires meaningful consideration of the application of regulatory effort. The Regulatory Approach provides a guide for how we will achieve this, recognising and addressing the need to manage risk and harm at both the entity and systemic levels.

We take a responsive and proportionate approach to regulation, with the ability to escalate actions if an initial response does not achieve the intended outcome. While the NDIS Commission can and does proceed directly with the strongest actions should the case require, there is a sustained focus on achieving ongoing compliance and building the capacity of the sector through education and the development and dissemination of information and useful tools to encourage NDIS providers and workers to identify and understand their obligations and improve their practice.

Our regulatory approach considers and responds to five key opportunities to strengthen delivery of the NDIS system:

## System

Ensuring that all parts of the system place the rights and voice of participants at the heart of NDIS work.

## Participants

Encouraging and supporting NDIS participants, their carers, families, advocates and the community to be informed consumers.

## Providers and workers

Building a resilient network of providers and workers that have the skills, capability and capacity to offer high quality and safe supports and services to an appropriate standard.

## Market

Fostering a market capable of offering NDIS participants a meaningful choice of best practice supports and services.

## Culture

Embedding a principles-based culture of proactive quality, compliance and continuous improvement to ensure the whole system can give effect to the rights and choice of people with disabilities.

# Appendix 5 – Workforce information

All ongoing Australian Public Service (APS) employees as at 30 June 2023

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	
<b>NSW</b>	48	1	49	128	20	148	-	-	-	-	-	-	-	-	-	<b>197</b>
<b>QLD</b>	25	-	25	36	4	40	-	-	-	-	-	-	-	-	-	<b>65</b>
<b>SA</b>	11	-	11	31	2	33	-	-	-	-	-	-	-	-	-	<b>44</b>
<b>TAS</b>	10	1	11	3	3	6	-	-	-	-	-	-	-	-	-	<b>17</b>
<b>VIC</b>	18	1	19	47	5	52	-	-	-	-	-	-	-	-	-	<b>71</b>
<b>WA</b>	6	-	6	27	5	32	-	-	-	-	-	-	-	-	-	<b>38</b>
<b>ACT</b>	16	-	16	8	1	9	-	-	-	-	-	-	-	-	-	<b>25</b>
<b>NT</b>	4	-	4	3	1	4	-	-	-	-	-	-	-	-	-	<b>8</b>
<b>External Territories</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Overseas</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Total</b>	<b>138</b>	<b>3</b>	<b>141</b>	<b>283</b>	<b>41</b>	<b>324</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>465</b>

All non-ongoing APS employees as at 30 June 2023

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	
<b>NSW</b>	6	-	6	12	-	12	-	-	-	-	-	-	-	-	-	<b>18</b>
<b>QLD</b>	5	-	5	7	-	7	-	-	-	-	-	-	-	-	-	<b>12</b>
<b>SA</b>	4	1	5	5	-	5	-	-	-	-	-	-	-	-	-	<b>10</b>
<b>TAS</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>VIC</b>	7	-	7	2	-	2	-	-	-	-	-	-	-	-	-	<b>9</b>
<b>WA</b>	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	<b>1</b>
<b>ACT</b>	3	4	7	4	1	5	-	-	-	-	-	-	-	-	-	<b>12</b>
<b>NT</b>	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	<b>1</b>
<b>External Territories</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Overseas</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<b>-</b>
<b>Total</b>	<b>26</b>	<b>5</b>	<b>31</b>	<b>31</b>	<b>1</b>	<b>32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>63</b>



APS employees by full-time and part-time status as at 30 June 2023

	Ongoing			Woman/Female			Total
	Full Time	Part Time	Total Ongoing	Full Time	Part Time	Total Non-Ongoing	
SES 3	-	-	-	-	-	-	-
SES 2	4	-	4	-	-	-	4
SES 1	5	-	5	-	-	-	5
EL 2	34	1	35	4	-	4	39
EL 1	90	8	98	11	-	11	109
APS 6	132	17	149	9	1	10	159
APS 5	106	12	118	21	-	21	139
APS 4	33	6	39	11	-	11	50
APS 3	15	-	15	1	5	6	21
APS 2	1	-	1	-	-	-	1
APS 1	-	-	-	-	-	-	-
Other	1	-	1	-	-	1	-
<b>Total</b>	<b>421</b>	<b>44</b>	<b>465</b>	<b>57</b>	<b>6</b>	<b>63</b>	<b>528</b>

Ongoing APS employees by classification and gender as at 30 June 2023

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	1	-	1	3	-	3	-	-	-	-	-	-	-	-	-	4
SES 1	2	-	2	3	-	3	-	-	-	-	-	-	-	-	-	5
EL 2	6	-	6	28	1	29	-	-	-	-	-	-	-	-	-	35
EL 1	31	-	31	59	8	67	-	-	-	-	-	-	-	-	-	98
APS 6	37	-	37	95	17	112	-	-	-	-	-	-	-	-	-	149
APS 5	38	2	40	68	10	78	-	-	-	-	-	-	-	-	-	118
APS 4	18	1	19	15	5	20	-	-	-	-	-	-	-	-	-	39
APS 3	5	-	5	10	-	10	-	-	-	-	-	-	-	-	-	15
APS 2	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	1
<b>Total</b>	<b>138</b>	<b>3</b>	<b>141</b>	<b>283</b>	<b>41</b>	<b>324</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>465</b>

Non-ongoing APS employees by classification and gender as at 30 June 2023

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	Full Time	Part Time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EL 2	2	-	2	2	-	2	-	-	-	-	-	-	-	-	-	4
EL 1	7	-	7	4	-	4	-	-	-	-	-	-	-	-	-	11
APS 6	2	1	3	7	-	7	-	-	-	-	-	-	-	-	-	10
APS 5	9	-	9	12	-	12	-	-	-	-	-	-	-	-	-	21
APS 4	6	-	6	5	-	5	-	-	-	-	-	-	-	-	-	11
APS 3	-	4	4	1	1	2	-	-	-	-	-	-	-	-	-	6
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>26</b>	<b>5</b>	<b>31</b>	<b>31</b>	<b>1</b>	<b>32</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>63</b>

### APS employment type by location as at 30 June 2023

	Ongoing	Non-Ongoing	Total
NSW	197	18	215
QLD	65	12	77
SA	44	10	54
TAS	17	-	17
VIC	71	9	80
WA	38	1	39
ACT	25	12	37
NT	8	1	9
<b>Total</b>	<b>465</b>	<b>63</b>	<b>528</b>

### APS employment arrangements as at 30 June 2023

	Ongoing	Non-Ongoing	Total
Public Service Act Section 24(1) Determination	9	-	9
NDIS Quality and Safeguards Commission Non-SES Employees Enterprise Agreement	-	518	518
<b>Total</b>	<b>9</b>	<b>518</b>	<b>527*</b>

\* The NDIS Commissioner is employed under a Remuneration Tribunal Determination and is not included in this figure.

### APS Indigenous employees as at 30 June 2023

Type of employment	Total
Ongoing	13
Non-Ongoing	5
<b>Total</b>	<b>18</b>

# Appendix 6 – Remuneration details for key management personnel

## Remuneration details for key management personnel

Name	Position title	Short term benefits			Post employment benefits	Other long term benefits			Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances		Superannuation contribution	Long service leave	Other long term benefits		
Alisa Chambers	General Manager Policy, Markets & Insights	\$171,528	-	\$18,120	\$25,385	\$1,603	-	-	\$216,636	
Catherine Myers	Deputy Commissioner Regulatory Operations (Registrar)	\$262,216	-	\$24,548	\$37,728	\$2,388	-	-	\$326,880	
Jeffrey Chan	Senior Practitioner	\$248,475	-	\$26,914	\$40,116	\$4,990	-	-	\$320,495	
Lisa Pulkko	Chief Operating Officer	\$263,110	-	\$26,914	\$45,997	\$7,238	-	-	\$343,259	
Sian Leatham	Complaints Commissioner	\$352,534	-	-	\$63,540	\$9,767	-	-	\$425,841	

Tracy Mackey	Commissioner	\$502,972	-	-	\$25,447	\$6,038	-	-	\$534,457	
<b>Information about remuneration for senior executives and other highly paid staff</b>										
		Short term benefits			Post employment benefits		Other long term benefits		Termination benefits	Total remuneration
<b>Total remuneration bands</b>	<b>Number of senior executives</b>	<b>Average base salary</b>	<b>Average bonuses</b>	<b>Average other benefits and allowances</b>	<b>Average superannuation contributions</b>	<b>Average long service leave</b>	<b>Average other long term benefits</b>	<b>Average termination benefits</b>	<b>Average total remuneration</b>	
\$0- \$220,000	5	\$148,691	-	\$11,007	\$24,937	\$3,246	-	-	\$187,881	
\$245,001-\$270,000	2	\$182,853	-	\$31,600	\$32,092	\$3,328	-	-	\$249,873	

\$270,001-\$295,000	1	\$216,641	-	\$25,917	\$31,572	\$3,927	-	-	\$278,057
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### Audit and Risk Committee

The below table shows Audit and Risk Committee membership during 2022-23, the number of meetings attended by each member during the year, and the total remuneration each member received.

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Role
Ms Carolyn Walsh	<ul style="list-style-type: none"> <li>◆ Bachelor of Economics</li> <li>◆ Chair or member of state and Commonwealth boards, statutory bodies, and audit committees</li> <li>◆ Graduate of the Australian Institute of Company Directors</li> </ul>	4	4*	\$15,840 (incl. GST)	Chair
Ms Maria Storti	<ul style="list-style-type: none"> <li>◆ Bachelor of Economics</li> <li>◆ Master of Business Administration</li> <li>◆ Chair or member of various Commonwealth audit committees</li> <li>◆ Fellow of the Institute of Chartered Accountants</li> <li>◆ Fellow of the Institute of Company Directors</li> <li>◆ Member of the Institute of Internal Auditors</li> <li>◆ Specialist in corporate governance, financial reporting, Commonwealth performance reporting, audit and risk management</li> </ul>	4	4*	\$9,900 (incl. GST)	External Member

\* Ms Walsh and Ms Storti commenced their terms as Chair and external Member (respectively) of the NDIS Commission's ARC in September 2022.

Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Role
Ms Donna Rygate (External Member)	<ul style="list-style-type: none"> <li>◆ Chair or member of boards, statutory bodies, planning panels and audit and risk committees, and experienced state and local government chief executive</li> <li>◆ Master of Planning</li> <li>◆ Graduate of the Australian Institute of Company Directors Course</li> <li>◆ Diploma of Governance</li> <li>◆ Fellow of the Institute of Public Administration Australia</li> <li>◆ Fellow of the Institute of Community Directors Australia</li> </ul>	5	5	\$11,000 (incl. GST)	External Member
Mr Nick Baker (Chair)	<ul style="list-style-type: none"> <li>◆ Bachelor of Arts in Computing Studies</li> <li>◆ Graduate Diploma in Professional Accounting</li> <li>◆ Certificate IV Commonwealth Fraud Investigations</li> <li>◆ Fellow Certified Practising Accountant Australia</li> <li>◆ Member of the Australian Computer Society</li> </ul>	2	2 <sup>^</sup>	\$7,000 (excl. GST)	Chair

<sup>^</sup> Mr Baker and Ms Morison concluded their terms as Chair and external Member (respectively) of the NDIS Commission's ARC in December 2022.



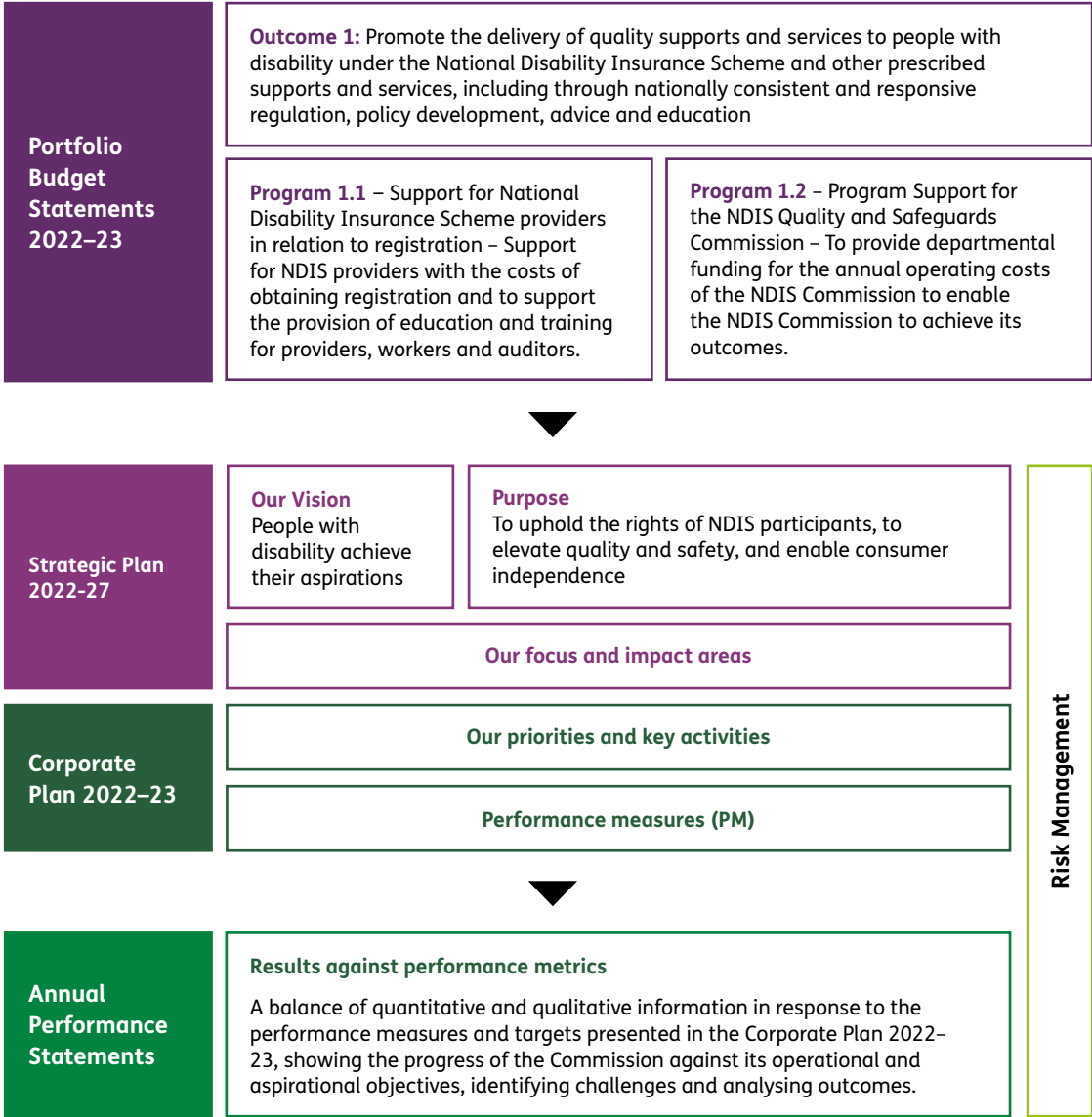
Member name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Number of meetings attended	Total number of meetings held	Total annual remuneration (GST inc.)	Role
Ms Jenny Morison (External Member)	<ul style="list-style-type: none"> <li>◆ Bachelor of Economics</li> <li>◆ Fellow of the Chartered Accountants Australia and New Zealand</li> <li>◆ Fellow of the Australian Institute of Management</li> <li>◆ Specialist in government financial reforms, governance, and consulting</li> <li>◆ Independent member and Chair of Commonwealth audit and risk committees and financial statement sub-committees for large and small government entities</li> </ul>	1	2 <sup>^</sup>	\$3,560 (incl. GST)	External Member

<sup>^</sup> Mr Baker and Ms Morison concluded their terms as Chair and external Member (respectively) of the NDIS Commission's ARC in December 2022.



# Appendix 7 – Performance Framework Cycle NDIS Commission

The Commonwealth Performance Framework requires that entities’ performance planning and reporting should provide meaningful performance information with a clear line of sight between planned and actual performance.



# Appendix 8 – Minister’s letter, Statement of Expectations

Ref: MS22-000873

Ms Tracy Mackey  
Commissioner  
NDIS Quality and Safeguards Commission  
PO Box 210  
PENRITH NSW 2750

  
Dear Commissioner

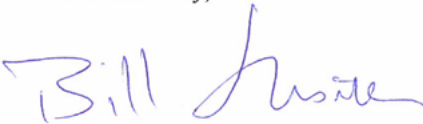
As the Minister for the National Disability Insurance Scheme (NDIS), I am writing to you to formalise my expectations of you, and of the NDIS Quality and Safeguards Commission (the Commission), in carrying out the role as regulator of the NDIS market and in the delivery of the Australian Government’s commitment to improve and reform the operation of the NDIS. The enclosed Statement of Expectations focuses on the period until 30 June 2024.

These expectations are consistent with the Government’s commitment to ensure effective governance and performance of the Commission, in accordance with the requirements of the *National Disability Insurance Scheme Act 2013* (NDIS Act), the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the Regulator Performance Guide 2021.

Please provide your response to my letter within a month of its receipt, in a Statement of Intent that addresses my expectations and articulates how the Commission will strive to adopt the principles of best practice through its plans and strategies for the coming years.

I look forward to hearing from you.

Yours sincerely,



Bill Shorten MP

20 / 12 / 2022

## NDIS Statement of Intent

<https://www.ndiscommission.gov.au/about/corporate-documents#paragraph-id-6802>

# Glossary

Term	Definition
<b>All Staff Festival</b>	A two-week long, Commission-wide occasion that consisted of five events.
<b>APS Net Zero</b>	A Government Policy for the APS to reduce its greenhouse gas emissions to net zero by 2030.
<b>APS Values</b>	The APS Values articulate Parliament's expectations of public servants in terms of performance and standards of behaviour. The principles of good public administration are embodied in the APS Values. They are: Impartial, Committed, Accountable, Respectful and Ethical.
<b>NDIS Commissioner, or Commissioner</b>	The NDIS Quality and Safeguards Commissioner.
<b>Compliance and Enforcement Policy</b>	Provides a broad overview of our compliance and enforcement functions, strategies and tools.
<b>consumer technical expert</b>	A person with disability who has the training, experience and skills to be involved in audit processes, as defined in the NDIS (Approved Quality Auditor Scheme) Guidelines 2018.
<b>Consultative Committee</b>	Brings together key stakeholders from the disability sector to represent the interests, and encompass the different perspectives, of NDIS participants and their support networks where they exist.
<b>Fraud Fusion Taskforce</b>	The Fraud Fusion Taskforce is a multi-agency partnership working to disrupt fraud and criminal activity, including serious and organised crime. The Fraud Fusion Taskforce aims to: improve how government agencies work together to detect and prevent fraud and serious organised crime.
<b>Future State program</b>	A comprehensive strategic review of the NDIS Commission began in early 2022.
<b>NDIS Act</b>	The <i>National Disability Insurance Scheme Act 2013 (Cwth)</i> . This Act is the legislation which establishes the National Disability Insurance Scheme
<b>NDIS Code of Conduct</b>	Promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers.
<b>NDIS Commission or Commission</b>	The NDIS Quality and Safeguards Commission.
<b>NDIS Provider Register</b>	The register maintained under section 73ZS of the NDIS Act.

Term	Definition
<b>NDIS Worker Screening Check</b>	An assessment that determines whether a person who works, or seeks to work, with people with disability poses a risk to them. Workers are either cleared or excluded from working in certain roles with people with disability. Worker screening units contained within state/territory government departments or authorities conduct the checks under state/territory law.
<b>NDIS Worker Screening Database</b>	A register of NDIS workers from all states and territories who have undertaken the NDIS Worker Screening Check: it shows their cleared or excluded status.
<b>NDIS participant, or participant</b>	A person who is a participant in the NDIS as defined in the NDIS Act, sections 28–30.
<b>NDIS Practice Standards</b>	Specify the quality standards registered NDIS providers must meet to provide supports and services to NDIS participants. They also build NDIS participants' awareness of what quality service provision they should expect from registered NDIS providers.
<b>NDIS provider, or provider</b>	A person or legal entity who is an NDIS provider as defined in the NDIS Act.
<b>NDIS worker, or worker</b>	A person employed or engaged by an NDIS provider.
<b>Own motion inquiry</b>	An inquiry into a complaint or a reportable incident, or a series of complaints or reportable incidents, about supports or services delivered by NDIS providers.
<b>registered NDIS provider</b>	A person or entity who is registered with the NDIS Quality and Safeguards Commission under section 73E of the NDIS Act.
<b>Regulator Performance Framework</b>	Aimed to improve regulator performance and assist an efficient, accountable and effective regulatory environment. Superseded by the Regulator Performance Guide 2021.
<b>Fraud Fusion Taskforce</b>	The Fraud Fusion Taskforce is a multi-agency partnership working to disrupt fraud and criminal activity, including serious and organised crime. The Fraud Fusion Taskforce aims to: improve how government agencies work together to detect and prevent fraud and serious organised crime.
<b>Workforce Capability Framework</b>	Outlines the attitudes, skills and knowledge expected of all workers funded under the NDIS.
<b>Workforce plan or strategy</b>	A document that outlines the approach on how the Commission will meet its workforce needs in the future.

# Abbreviations and Acronyms

Term	Definition
<b>AASB</b>	Australian Accounting Standards Board
<b>APS</b>	Australian Public Service
<b>ASL</b>	Average Staffing Level
<b>DSS</b>	Department of Social Services
<b>EL1/2</b>	Executive Level 1/2
<b>ELT</b>	Executive Leadership Team
<b>EVA</b>	Executive Vehicle Allowance
<b>FTE</b>	Full-time equivalent (employees)
<b>ICT</b>	Information and Communication Technology
<b>IPS</b>	Information Publication Scheme
<b>NDIA</b>	National Disability Insurance Agency
<b>NDIS</b>	National Disability Insurance Scheme
<b>PBS</b>	Portfolio Budget Statements
<b>SES</b>	Senior Executive Service
<b>OMI</b>	Own Motion Inquiry
<b>FFT</b>	Fraud Fusion Taskforce
<b>SRS</b>	Supported Residential Services
<b>PBS</b>	Portfolio Budget Statements
<b>FOI</b>	Freedom of information

# List of requirements

Below is the table set out in Schedule 2 of the PGPA Rule. Section 17AJ(d) requires this table be included in NDIS Commission's annual reports as an aid of access.

PGPA Rule Reference	Part of Report	Description	Requirement
<b>17AD(g)</b>		<b>Letter of transmittal</b>	
17AI	page 5	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
<b>17AD(h)</b>		<b>Aids to access</b>	
17AJ(a)	page 7	Table of contents (print only).	Mandatory
17AJ(b)	page 189	Alphabetical index (print only).	Mandatory
17AJ(c)	page 177	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	page 180	List of requirements.	Mandatory
17AJ(e)	page 180	Details of contact officer: T 1800 035 544 E <a href="mailto:contactcentre@ndiscommission.gov.au">contactcentre@ndiscommission.gov.au</a>	Mandatory
17AJ(f)	page 180	Entity's website address: <a href="http://www.ndiscommission.gov.au">www.ndiscommission.gov.au</a>	Mandatory
17AJ(g)	page 180	Electronic address of report: <a href="http://www.ndiscommission.gov.au/about/corporate-documents">www.ndiscommission.gov.au/about/corporate-documents</a>	Mandatory
<b>17AD(a)</b>		<b>Review by accountable authority</b>	
17AD(a)	page 10	A review by the accountable authority of the entity.	Mandatory



PGPA Rule Reference	Part of Report	Description	Requirement
<b>17AD(b)</b>		<b>Overview of the entity</b>	
17AE(1)(a)(i)	page 21	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	page 30, 144	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	page 38	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	page 21, 55, 171	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	page 120, 165	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	page 120, 165	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	page 120	Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory
17AE(1)(b)	Not Applicable	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory
17AE(2)	Not Applicable	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, Mandatory
<b>17AD(c)</b>		<b>Report on the Performance of the entity</b>	
		<b>Annual performance Statements</b>	
17AD(c)(i); 16F	page 54	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
<b>17AD(c)(ii)</b>		<b>Report on Financial Performance</b>	
17AF(1)(a)	page 74-117	A discussion and analysis of the entity's financial performance.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AF(1)(b)	page 79	A table summarising the total resources and total payments of the entity.	Mandatory
17AF(2)	Not Applicable	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, Mandatory.
<b>17AD(d)</b>		<b>Management and Accountability</b>	
		<b>Corporate Governance</b>	
17AG(2)(a)	page 133	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	page 133	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	page 133	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory
17AG(2)(b)(iii)	page 133	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory
17AG(2)(c)	page 122	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory
17AG(2)(d) – (e)	page 77	A statement of significant issues reported to the Minister under paragraph 19(1)(e) of the Act that relates to non compliance with Finance law and action taken to remedy non compliance.	If applicable, Mandatory
		<b>Audit Committee</b>	
17AG(2A)(a)	page 130	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(2A)(b)	page 167-169	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	page 167-169	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	page 167-169	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	page 167-169	The remuneration of each member of the entity's audit committee.	Mandatory
<b>External Scrutiny</b>			
17AG(3)	page 130	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	page 130	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	page 130	Information on any reports on operations of the entity by the Auditor General (other than report under section 43 of the Act), a Parliamentary Committee or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	page 130	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
<b>Management of Human Resources</b>			
17AG(4)(a)	page 136-139	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	page 159-160	<p>Statistics on the entity's employees on an ongoing and non ongoing basis, including the following:</p> <ul style="list-style-type: none"> <li>a) statistics on full time employees</li> <li>b) statistics on part time employees</li> <li>c) statistics on gender</li> <li>d) statistics on staff location.</li> </ul>	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(4)(b)	page 161-164	<p>Statistics on the entity's APS employees on an ongoing and non ongoing basis, including the following:</p> <ul style="list-style-type: none"> <li>a) Statistics on staffing classification level</li> <li>b) Statistics on full time employees</li> <li>c) Statistics on part time employees</li> <li>d) Statistics on gender</li> <li>e) Statistics on staff location</li> <li>f) Statistics on employees who identify as Indigenous.</li> </ul>	Mandatory
17AG(4)(c)	page 140	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the Public Service Act 1999.	Mandatory
17AG(4)(c)(i)	page 140	Information on the number of SES and non SES employees covered by agreements, etc, identified in paragraph 17AG(4)(c).	Mandatory
17AG(4)(c)(ii)	page 140	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	page 140	A description of non salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	page 140	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory
17AG(4)(d)(ii)	Not Applicable	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory
17AG(4)(d)(iii)	Not Applicable	Information on the average amount of performance payment and range of such payments, at each classification level.	If applicable, Mandatory
17AG(4)(d)(iv)	Not Applicable	Information on aggregate amount of performance payments.	If applicable, Mandatory
<b>Assets Management</b>			
17AG(5)	Not Applicable	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
<b>Purchasing</b>			
17AG(6)	page 74	An assessment of entity performance against the Commonwealth Procurement Rules.	Mandatory
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	page 74	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory
17AG(7)(b)	page 74	A statement that “During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]”.	Mandatory
17AG(7)(c)	page 74	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	page 75	A statement that “Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.”	Mandatory
<b>Reportable non-consultancy contracts</b>			
17AG(7A)(a)	page 75	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(7A)(b)	page 75	A statement that “Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.”	Mandatory
<b>17AD(daa)</b>			
<b>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>			
17AGA	page 74	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
<b>Australian National Audit Office Access Clauses</b>			
17AG(8)	page 76	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor General with access to the contractor’s premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, Mandatory
<b>Exempt contracts</b>			
17AG(9)	page 76	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, Mandatory
<b>Small business</b>			
17AG(10)(a)	page 76	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(10)(b)	page 76	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Not Applicable	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	If applicable, Mandatory
<b>Financial Statements</b>			
17AD(e)	page 86	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
<b>Executive Remuneration</b>			
17AD(da)	page 165, 166	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2–3 of the Rule.	Mandatory
<b>17AD(f) Other Mandatory Information</b>			
17AH(1)(a)(i)	Not Applicable	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	If applicable, Mandatory
17AH(1)(a)(ii)	page 77	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	page 77	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	If applicable, Mandatory
17AH(1)(c)	page 125	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	page 123	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AH(1)(e)	Not Applicable	Correction of material errors in previous annual report.	If applicable, mandatory
17AH(2)	page 122	Information required by other legislation.	Mandatory



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A woman with blonde hair, wearing a yellow polka-dot t-shirt and light blue shorts, stands in a doorway. She has a prosthetic right leg and is wearing white sneakers. She has her arms crossed and is smiling slightly. The background shows a wooden door and a white wall with horizontal siding. A potted plant is visible on the left side of the image.

## NDIS Quality and Safeguards Commission

### Annual Report 2022–2023

To contact the NDIS Commission

Phone 1800 035 544 (free call from landlines)

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Translating and Interpreting Service 131 450

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Mail: PO Box 210, Penrith NSW 2750



**NDIS Quality  
and Safeguards  
Commission**

## **For more information about this report, please contact**

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