



NDIS Quality
and Safeguards
Commission

Annual Report

1 July 2023 – 30 June 2024

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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Acknowledgment 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.

| Artwork by Presten Warren



Letter of transmittal



**NDIS Quality
and Safeguards
Commission**

30 September 2024

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 2024 (reporting period). This report has been prepared in accordance with the requirements of the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule) and *Public Governance, Performance and Accountability Act 2013* (PGPA Act). Subsection 46(1) of the PGPA Act requires me to provide you with a report for presentation to the Australian Parliament.

This report includes the NDIS Commission's audited annual financial statements as required by subsection 43(4) of the PGPA Act. It also includes the NDIS Commission's Annual Performance Statements as required under paragraph 39(1)(b) of the PGPA Act.

In accordance with section 10 and as required by subsection 17AG(2) of the *Public Governance, Performance and Accountability Rule 2014*, I certify that the NDIS Commission has:

- ◆ prepared fraud and corruption risk assessments and fraud and corruption control plans;
- ◆ implemented appropriate mechanisms for preventing, detecting incidents of, investigating or dealing with, and recording and reporting, fraud and corruption that meet the specific needs of the NDIS Commission;
- ◆ taken all reasonable measures to deal appropriately with fraud and corruption relating to the entity.

Yours sincerely,

Michael Phelan APM

Acting NDIS Quality and Safeguards Commissioner

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PO Box 210, Penrith NSW 2750
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How to read this report

The purpose of this annual report is to inform the Parliament and the Australian public of the activities the NDIS Quality and Safeguards Commission (NDIS Commission) undertook between 1 July 2023 and 30 June 2024.

The report contains our results and an analysis of our performance against the measures and targets set out in the NDIS Commission Corporate Plan 2023-24.

This report has been compiled in accordance with the legislative requirements, as specified by the *Public Governance, Performance and Accountability Rule 2014* (PGPA Rule).

Part 1 of the report provides an overview from the NDIS Commissioner, highlighting the achievements in the 2023–24 financial year.

Part 2 details the NDIS Commission’s roles, functions, purpose and key activities, demonstrating where we fit among our stakeholders. It explains each division’s purpose and introduces key personnel. It also showcases our major projects and initiatives during 2023–24.

Part 3 contains the Annual Performance Statements, which summarise the results and analyse the performance measures and targets set in our Corporate Plan 2023–24.

Part 4 provides summaries and tables of annual financial statements and financial performance reporting.

Part 5 includes details of the NDIS Commission’s management and accountability processes, detailing the corporate governance structure, audit committees and procurement processes.

Part 6 focuses on human resource management, employee profiles and remuneration.

Part 7 includes other mandatory information relevant to the NDIS Commission.

This report, and an Easy Read version, is available online at [Corporate Documents*](#), or via the [Transparency Portal†](#).

* ndiscommission.gov.au/about/corporate-documents

† transparency.gov.au/publications/social-services/ndis-quality-and-safeguards-commission/ndis-quality-and-safeguards-commission-annual-report-2022-23/ndis-quality-and-safeguards-commission

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Part 1

Introduction

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Message from the Acting Commissioner



I am pleased to present my first annual report as the Acting NDIS Quality and Safeguards Commissioner (NDIS Commissioner). It is an honour to share our achievements over the past 12 months with the disability community and the Australian public.

I was appointed Acting NDIS Commissioner in March 2024, which means I have not been directly involved in many of the achievements we share in this report. In that respect, I acknowledge Tracy Mackey, who led the NDIS Quality and Safeguards Commission (NDIS Commission) during much of the 2023–24 reporting period.

The NDIS Commission received 111,345 complaints and reportable incidents in the

12 months from 1 July 2023 to 30 June 2024 – a 78% increase from the previous year. We resolved 58% of these complaints within 90 days. The most common issues raised with us included complaints about provider practice, worker conduct and capability, and allegations of neglect or abuse.

We attribute this increase to several factors, including growth in the National Disability Insurance Scheme (NDIS), our efforts to promote our role and functions as a risk-based regulator in the disability sector and, in turn, better awareness among NDIS participants and providers of their respective rights and obligations.

Throughout the 2023–24 financial year, we increased our compliance activities to address instances of unacceptable behaviour, unsafe practices, and poor quality supports and services. We conducted two civil penalty proceedings and increased the issuance of banning orders by 34.7%, compliance notices by 162.5% and registration revocations by 79.8% from the previous year. The number of infringement notices we issued also increased more than tenfold in the same period, while the number of warning letters issued quadrupled.

Additionally, the NDIS Commission's Safeguarding Team actioned more than 1,300 matters that removed people with disability from the immediate risk of abuse, neglect, assault, homelessness, loss of supports and services, or other serious harm. This team was formed in December 2022 to resolve urgent matters that, while not always falling within the NDIS Commission's legislated remit, represent a serious threat to people with disability needing immediate help.

We want to see complaints stabilise over time. This means ensuring that NDIS participants can easily identify unacceptable behaviour and exercise their rights when their supports and services are unsafe or of poor quality. We also want all NDIS providers and workers – including those who are unregistered and allied health professionals – to staunchly recognise and abide by the [NDIS Code of Conduct](#)^{*}.

In the past year, we implemented several preventative campaigns to promote safe practices and the quality of providers' services in the NDIS, such as reviewing and updating our behaviour support plan (BSP) templates in consultation with participants and other stakeholders. We held drop-in sessions, including in remote areas, to allow participants to raise issues with us directly, and we conducted targeted awareness campaigns and forums focused on topics such as supported residential services, the use of restrictive practices and regulatory compliance.

The NDIS Commission also joined a taskforce with the Australian Competition and Consumer Commission (ACCC) and the National Disability Insurance Agency (NDIA) to address the [unfair pricing of NDIS supports and services](#)[†].

Operating efficiently

In the past year, we continued refining our structure, systems and processes to ensure we are doing as much as we can with the resources we have, while also meeting our duty of care to NDIS participants.

This included almost doubling our workforce to 1,036 employees on 30 June 2024, following an additional funding allocation of \$142.6 million in the 2023–24 Federal Budget. This allowed us to create several valuable teams, such as the Provider Relations; Litigation and Dispute Resolution; Indigenous and Remote Operations; and Practice Quality Compliance teams.

* ndiscommission.gov.au/about/ndis-code-conduct

† ndiscommission.gov.au/fair-pricing

‡ ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews/support-accommodation#paragraph-id-6118

§ ndiscommission.gov.au

Additionally, the Home and Living Supports team was created in April 2024, following the allocation of a further \$10.4 million in government funding (over two years) in November 2023 as a direct outcome of the NDIS Commission's [Own Motion Inquiry into supported accommodation](#)[‡]. The team is responsible for strengthening the regulation of Specialist Disability Accommodation (SDA) and Supported Independent Living (SIL) providers. During its first three months of operation in the 2023–24 reporting period, the team issued 54 corrective action requests.

We also doubled the number of calls handled by our Contact Centre, following a technology upgrade to a cloud-based system in April 2024. Call-handling rates jumped from around 40% under the legacy system to 80%, meaning we are helping more people more quickly. The new system features an Interactive Voice Response system to queue and redirect calls and a webchat feature that is available on the [NDIS Commission's website](#)[§].

The Contact Centre milestone precedes our Data and Regulatory Transformation (DART) program, which is a complex multi-year project to upgrade the NDIS Commission's outdated technology systems.

In May 2024, the NDIS Commission received an additional funding allocation of \$160.7 million (over four years) in the 2024–25 Federal Budget to support the delivery of the DART program. The funding will be used to update the NDIS Commission's systems to better collect, share and analyse data, so that we can more effectively protect NDIS participants, and regulate providers and workers.

Lived experience matters

Many of our achievements are the intended consequence of pursuing closer links with the community we serve and using the insights from

those interactions to make sensible operational and regulatory investments.

In August 2023, we reorganised our **Consultative Committee**^{*} into a group of 20 external stakeholders whose insights and feedback help us ensure we have the right regulatory protections in place for people with disability. In support of our commitment to people with disability, more than 50% of the committee members are NDIS participants.

Almost 11,000[†] people completed the NDIS Commission's *Stakeholder Sentiment Survey* between 7 June and 10 July 2024. The survey measured key stakeholders' awareness, understanding and trust of our role and functions. According to the results of the survey, 83% of respondents said they trust the NDIS Commission, while 96% of providers surveyed said training had increased their understanding of what quality and safety mean to NDIS participants.

We completed two own motion inquiries (OMI) that collectively considered more than 4,000 stakeholder submissions, interviews, complaints and reportable incidents.

The first OMI into Platform Providers was published in September 2023. It explored the emergence and popularity of online provider services, with a particular interest in whether these services offer people with disability in rural and remote areas greater choice.

Part One of our OMI into Support Coordination and Plan Management was published in August 2023. It investigated whether the NDIS Commission should change how it regulates support coordinators and plan managers.

Internally, we established five Employee Network Groups to encourage greater diversity and advocacy across the NDIS Commission. The groups include our:

- ◆ Rainbow Network
- ◆ Enable Network (Disability and Carers)

- ◆ First Nations Network
- ◆ Young Professionals Network (under 35)
- ◆ CALD (Culturally and Linguistically Diverse) Network.

We also learned more about our employees' understanding of their regulatory responsibilities through our inaugural Regulatory Practice Maturity Survey (RPMS). Feedback from the RPMS is used to identify and develop practical regulatory learning programs.

Our efforts to learn from our stakeholders were significantly bolstered by the many thousands of Australians who shared their experiences of the NDIS through independent reviews. Notably, the reports of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) and the NDIS Review, were delivered in September and December 2023, respectively, and led to the creation of the NDIS Provider and Worker Registration Taskforce in February 2024.

Their stories clearly conveyed the support people with disability need and expect from the NDIS and our organisation. I would like to acknowledge the strength of the people with disability and their supporters who shared their experiences and assure the disability community that we will continue working hard to be the trusted regulator of the NDIS.

Achieving our vision

As the regulator of the NDIS, we are motivated by our vision to support *people with disability to achieve their aspirations*. We do this by upholding their rights, protecting their access to high-quality and safe disability supports and services, and providing the regulatory rigour that allows people with disability to have choice and control over how they live their lives.

Defined in 2022, this vision motivated the NDIS Commission staff throughout the 2023–24 reporting period. We formulated our vision and purpose after many discussions with our

* ndiscommission.gov.au/about/who-we-are/consultative-committee

† A total of 10,949 stakeholder surveys were completed between 7 June and 10 July 2024 – NDIS Quality and Safeguards Commission, Stakeholder Survey 2023–24, ORIMA Research August 2024.

most important stakeholders – people with disability, our employees, providers, workers and several of our partners in the disability community.

This is important because it gets to the crux of what matters most in any community – and particularly in the public service – a shared understanding and purpose.

The achievements outlined in this annual report reflect the combined efforts of dedicated staff and stakeholders to ensure that the rights of people with disability are protected and respected.

Michael Phelan APM

Acting NDIS Quality and Safeguards
Commissioner

30 September 2024

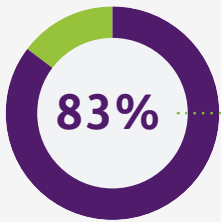
Snapshot of the year

Engagement

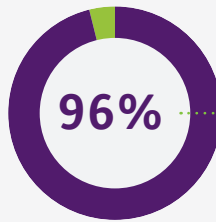


10,949

responses received in the *stakeholder sentiment survey* between 7 June and 10 July 2024



of respondents said they trust the NDIS Commission



of providers surveyed said training had increased their understanding of what quality and safety means to NDIS participants



>500

events attended by NDIS Commission representatives

Calls and enquiries



191,727

calls received



29,436

emails received

Budget uplift

\$71.191 million

increase in resources during 2023–24

\$10.4 million

additional funding to strengthen regulation on Specialist Disability Accommodation and Supported Independent Living providers

Compliance & enforcement

124

banning orders
(34.7% increase compared to the previous year)

187

revocations of registration
(79.8% increase compared to the previous year)

42

compliance notices
(162.5% increase compared to the previous year)

147

infringement notices
(1,236.4% increase compared to the previous year)

3,558

warning letters
(7,312.5% increase compared to the previous year)

1,300

safeguarding matters actioned within 48 hours of receipt

\$1.8 million

civil penalty issued by the Federal Court to LiveBetter

Capability uplift

1,035

the total NDIS Commission workforce (an increase of 500 people compared to the previous year)



410

staff enrolled in the Australia and New Zealand School of Government (ANZSOG): The Professional Regulator Program



\$11.9 million

invested in the telephony system



Complaints management

29,054

complaints received

78% Increase

compared to the previous year

15,064

complaints closed

10% Increase

compared to the previous year

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Part 2

About us

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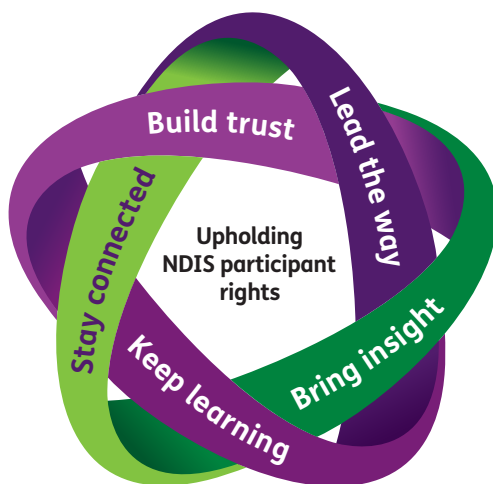
Overview

Our role as a regulator

In accordance with section 181D of the *National Disability Insurance Scheme Act 2013* (NDIS Act), The NDIS Quality and Safeguards Commissioner (NDIS Commissioner) has the following functions:

- ◆ the core functions (see “[Appendix 1. NDIS Commissioner’s core functions](#)” on page 164)
- ◆ the registration and reportable incident functions
- ◆ the complaints functions
- ◆ the behaviour support function
- ◆ such other functions that are conferred on the NDIS Commissioner by, or under, the NDIS Act or any other law of the Commonwealth
- ◆ to do anything incidental or conducive to the performance of the above functions.

Our cultural principles



Our priorities



Amplifying participant voices



Accelerating regulatory impact



Improving quality



Our people



Integrated capability

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



NDIS Quality
and Safeguards
Commission

NDIS Quality and Safeguards Commission

As a contemporary and purpose-led regulator, the NDIS Quality and Safeguards Commission (NDIS Commission) is an independent agency established to improve the quality and safety of the NDIS supports and services provided to NDIS participants. The NDIS Commission puts the rights of people with disability at the centre of our regulatory activities.

How we fit

The NDIS Commission and the NDIA are established under the NDIS Act.

The NDIS Commission works with the NDIA, the Department of Social Services (DSS), state and territory governments, NDIS participants and NDIS providers to deliver the NDIS.



NDIS participants

An NDIS participant is a person with disability who meets the access requirements to become a participant in the NDIS. As a participant, a person with disability can access NDIS community linkages and individualised planning processes to identify the reasonable and necessary supports they need to achieve their goals and aspirations. NDIS participants receive funding to work towards specific goals in their NDIS plans.



National Disability Insurance Agency

The NDIA is an independent statutory agency whose role is to implement the NDIS, which supports a better life for Australians with significant and permanent disability and their families and carers. The NDIA improves the independence and the social and economic participation of eligible people with disability by managing a financially sustainable NDIS with proper, efficient and effective resource use.

National Disability Insurance Scheme

As part of our world-first approach to providing disability support, the NDIS enables people with disability to receive a reasonable and necessary package of flexible supports to help them pursue their goals and aspirations. By putting people at the centre of NDIS decision-making, people with disability can exercise choice and control how they live their lives.

NDIS providers



An NDIS provider is a person, business or organisation that delivers NDIS-funded supports to participants. Providers have different areas of experience and expertise. A registered NDIS provider is a person or organisation that is registered with the NDIS Commission in accordance with section 73E of the NDIS Act. NDIS providers must be registered to deliver certain kinds of supports.

Workers



Under the NDIS Commission, a worker is anyone who is employed or otherwise engaged to provide NDIS supports and services to people with disability. Workers can be paid or unpaid, and can be self-employed, employees, contractors, consultants, and volunteers. State and territory worker screening units, on behalf of the NDIS Commission, assess whether a person who works, or seeks to work, with people with disability poses a risk to them. A worker will either be cleared or excluded from working in certain roles with people with disability.

What we do

Complaints and Engagement Division

The Complaints and Engagement Division comprises:

- ◆ Complaints and Incidents
- ◆ Communication, Engagement and Education.

Complaints and Incidents

Complaints and Incidents are responsible for responding to concerns, complaints and reportable incidents relating to the quality and safety of services and supports providers and workers provide to participants.

Complaints and Incidents work closely with complainants, the person with disability (and, where relevant, their formal and informal supports) and providers to progress and resolve complaints, manage incidents, and build participant and provider capability. It also works with other divisions to ensure that issues are addressed at an individual and system level, driving improvements in the quality of services and supports provided to participants.

The division aims to help participants and their supporters understand their rights, including their ability to exercise choice and control as consumers of NDIS supports and services. It also aims to elevate participants' rights by ensuring providers and support workers understand and meet their obligations under the NDIS Code of Conduct.

Communications, Engagement and Education

Communications, Engagement and Education ensures NDIS Commission

messaging is coordinated, coherent and consistent, and highlights rich, shared stories that underpin a culture of inclusion.

Communications, Engagement and Education creates compelling co-designed content and uses various methods to engage with a wide variety of stakeholders, including participants, providers, workers, advocates and NDIS Commission employees. The primary goal is to uplift the disability sector's capability by increasing awareness of participants' rights and providers' and workers' obligations.

The division's goal is to educate and engage the disability sector on key issues through easy and informative content (for example, an accessible and user-friendly website and social channels) and consultations with participants, their support networks, providers and workers.

Regulatory Operations Division

The Regulatory Operations Division comprises:

- ◆ Regulatory Campaigns and Projects
- ◆ Market Operations
- ◆ Compliance and Enforcement.

The Regulatory Operations Division enables the NDIS Commission to deliver core regulatory functions, supported by three branches and the Office of the Deputy Commissioner, which includes the Risk, Intelligence and Delivery; Operational Assessment; and Business Improvement and Quality teams.

The Risk, Intelligence and Delivery team provides high-quality and timely intelligence reports to support regulatory objectives and inform operational areas of the

NDIS Commission on risks and threats to participant safeguarding, compliance with obligations, the integrity of the NDIS and the quality of services provided to participants.

The Operational Assessment team is responsible for taking a risk-based approach to reviewing closed matters across our Reportable Incidents, Compliance, Investigations and Complaints functions. Analysing these matters provides us with important insights to improve regulatory practice.

The Business Improvement and Quality team partners with staff to support the efficient and effective delivery of regulatory operation transformation and business improvement projects across the division. The team measures, assesses and improves the quality of the work undertaken and supports business planning activities across the division.

Regulatory Campaigns and Projects

Regulatory Campaigns and Projects plays an important role in promoting and progressing the NDIS Commission's proactive and risk-responsive regulatory posture. This is achieved by targeted compliance campaigns and high-intensity responses to urgent safeguarding matters. The team uses both reactive and proactive regulatory levers. It works with our people to develop and enhance regulatory capability to build a confident, professional regulatory workforce. The team works with internal and external stakeholders to build connections.

Market Operations

Market Operations regulates a thriving market of quality registered providers and workers. This is achieved by assessing providers for registration under the NDIS and undertaking audit and monitoring activities to ensure providers meet their

legal obligations in providing high-quality and safe supports and services. Market Operations is the national leader for NDIS worker screening, administers the NDIS Worker Screening Database and leads interagency engagement for market entry.

Compliance and Enforcement

Compliance and Enforcement monitors provider and worker conduct via incident reports, complaints, registration processes and information sharing with other regulators and bodies such as the NDIA. It uses a range of powers, including banning providers and workers. Its compliance and enforcement actions are responsive and proportionate to the non-compliance identified. These actions seek to ensure the NDIS Commission removes unscrupulous providers to keep people safe from harm.

Practice Quality Division

The Practice Quality Division comprises:

- ◆ Practice Quality Capability
- ◆ Practice Quality Operations.

The Practice Quality Division delivers the NDIS Commission's regulatory function specific to behaviour support and the use of restrictive practices in the NDIS. The division seeks to improve participants' quality of life by improving the quality of behaviour support and reducing restrictive practices over time. It provides national leadership on best practice in behaviour support, safeguards the human rights of NDIS participants, and

takes compliance action against NDIS providers that place participants at risk. It also works with providers who develop BSPs, and providers who use restrictive practices.

Practice Quality Capability

Practice Quality Capability focuses on lifting provider capability through education, leadership and direct action. This is achieved through the direct safeguarding of participants, determining the suitability of behaviour support practitioners, providing clinical and policy advice in relation to best practice in behaviour support, and delivering national education and engagement support on the safe use of restrictive practices and their reduction.

Practice Quality Operations

Practice Quality Operations further drives the impact of and improves provider quality by taking compliance action in relation to restrictive practice use and poor-quality behaviour support interventions (including the use of prohibited practices), overseeing the use of unauthorised restrictive practices, providing advice and consultation about the use of restrictive practices and behaviour support, and undertaking the analysis of restrictive practice data to support risk-based and data-driven approaches by the Practice Quality Division.

Regulatory Policy, Insights and Review Division

The Regulatory Policy, Insights and Review Division comprises:

- ◆ Data and Insights
- ◆ Regulatory Insights.

This division enables us to deliver on the NDIS Commission's outcomes and legislative functions by delivering strategic policy development and advice, market design and oversight, data and analysis activities, and major projects and initiatives. The division also supports the NDIS Commissioner with inquiries and reviews, as well as NDIS workforce initiatives. The division's functions include the Strategic Programs function, which administers the NDIS Support for NDIS Providers' Grants Program, as well as the Research and Evaluation function, which develops and designs the NDIS Commission's research program, evaluates designs to inform best practice, and uses evidence-based information to lift service quality and improve participant outcomes. It brings expertise, evidence and perspective to the NDIS ecosystem.

Data and Insights

Data and Insights is responsible for the NDIS Commission's data governance and analytics functions, and enables the NDIS Commission to manage and use data effectively. It oversees strategic initiatives and ensures operational excellence to navigate the complex disability ecosystem effectively. This includes providing advice on research and evaluation methods and planning and reporting. The division works closely with the NDIS Commissioner, key stakeholders and enabling areas to ensure policy and regulatory reform is practical, efficient and responsive to evolving needs, fostering innovation and growth.

Regulatory Insights

Regulatory Insights oversees the delivery of the strategic regulatory quality improvements rolling program of work, including new policy proposals, and monitoring the market to deliver evidence-informed reforms and continuous improvements. It uses market data to identify and monitor trends, risks and innovations in the NDIS market and

provide insights into emerging or complex systemic issues. It works closely with regulatory areas and external stakeholders to continuously improve the regulatory framework and enhance the NDIS Commission's regulatory influence.

Legal Services and Internal Integrity

The Legal Services and Internal Integrity Branch comprises:

- ◆ Legal Services
- ◆ Internal Integrity Unit.

This division enables us to fulfil the NDIS Commission's statutory functions by delivering legal supports and services across the NDIS Commission, and supporting the Commissioner in managing legal and integrity risks.

Legal Services

Legal Services provides a full range of in-house legal services to support the NDIS Commission's regulatory and corporate functions. It also advises on the application of legislation the NDIS Commission administers, problem-solves and supports robust administrative decisions made under the legislative framework, and manages court and tribunal proceedings.

Legal Services works closely with the NDIS Commissioner and regulatory areas to continuously improve the regulatory framework. This work includes advising on legal policy matters and managing amendments to the legislation, the NDIS Rules and notifiable instruments. Legal Services advises on the NDIS Commission's various corporate and governance obligations, including workplace relations matters, information law matters and capability building across the NDIS Commission.

Internal Integrity Unit

The Internal Integrity Unit manages disclosures relating to the NDIS Commission under the Public Interest Disclosure Act 2013, including undertaking independent investigations into these disclosures. It also investigates alleged workplace misconduct and complaints from external stakeholders about the NDIS Commission.

The Internal Integrity Unit manages all internal reviews of decisions the NDIS Commission makes under the NDIS Act; processes requests for NDIS Commission information and records under the Freedom of Information Act 1982; and handles privacy-related matters on behalf of the NDIS Commission, including privacy inquiries, privacy complaints and requests for access to and correction of personal information under the Privacy Act 1988.

The Internal Integrity Unit has established the framework for enabling us to comply with the NDIS Commission's legislative obligations. It monitors the compliance and continuously builds the capability of NDIS Commission staff.

Planning Performance and Delivery

The Planning, Performance and Delivery Branch comprises:

- ◆ Planning, Performance and Governance
- ◆ Delivery and Strategy
- ◆ Office of the Commissioner
- ◆ Parliamentary Services.

Planning, Performance and Delivery assists the NDIS Commission by coordinating enterprise-wide initiatives and enabling the flow of information within it. This occurs in the form of secretarial services, corporate reporting, project reporting, ministerial

and parliamentary correspondence, and support for the Commissioner. Its contribution ensures that the NDIS Commission meets strategic priorities and that these priorities are operationalised effectively.

Planning, Performance and Governance

Planning, Performance and Governance is responsible for delivering the NDIS Commission's planning and reporting activities in accordance with the PGPA Act. It administers the Planning and Performance Framework and is responsible for its implementation. It works closely with key stakeholders to ensure the work of the NDIS Commission is planned, monitored and reported in a consistent and cohesive way. This includes the NDIS Commission's Portfolio Budget Statement, Corporate Plan, Annual Performance Statements and annual report. These corporate documents demonstrate how the NDIS Commission meets its priorities and fulfils its purpose.

Delivery and Strategy

Delivery and Strategy is a key enabling area, responsible for enterprise-level project oversight. This includes monitoring progress against enterprise-wide initiatives and alignment with the NDIS Commission's five-year strategic outlook. Delivery and Strategy supports continuous improvement, providing the frameworks and structures to deliver innovative and effective programs that support the delivery of regulatory excellence and a one-Commission approach.

Office of the Commissioner

The Office of the Commissioner provides high-level executive support to the NDIS Commissioner. There is a strong focus on stakeholder engagement and customer service, liaising with departmental staff, senior staff in the NDIS Commission, and counterparts in other Australian

Government agencies and state and territory governments. Office of the Commissioner staff work together in their dynamic roles to identify linkages, anticipate needs and develop solutions where required. They provide advice and support for the NDIS Commissioner on a day-to-day basis.

Parliamentary Services

Parliamentary Services is the NDIS Commission's central coordination point for ministerial and parliamentary activity, including ministerial correspondence, ministerial submissions and briefs, coordination activities such as question-time briefs, Senate estimates and parliamentary committee hearings.

Corporate Division

The Corporate Division comprises a range of enabling functions, including finance, procurement, people, information and communications technology (ICT), information management, audit fraud and risk, property, security and workplace services. The Chief People Officer, Chief Finance Officer, Chief Information Officer and Chief Information Security Officer work within the Corporate Division.

The Corporate Division enables the NDIS Commission to deliver on outcomes by providing people-centric and reliable processes, systems, services and information. Corporate uses strong business partnering relationships and subject matter expertise to facilitate appropriate, risk-informed decision-making, support and resource use.



Finance, People and Procurement

Finance, People and Procurement supports all NDIS Commission employees and senior leadership with a range of human resource (HR), finance and procurement services, and provides high-quality data for enhanced decision-making. A range of initiatives is underway across functions to streamline services to support improved business outcomes.

Chief Information Officer

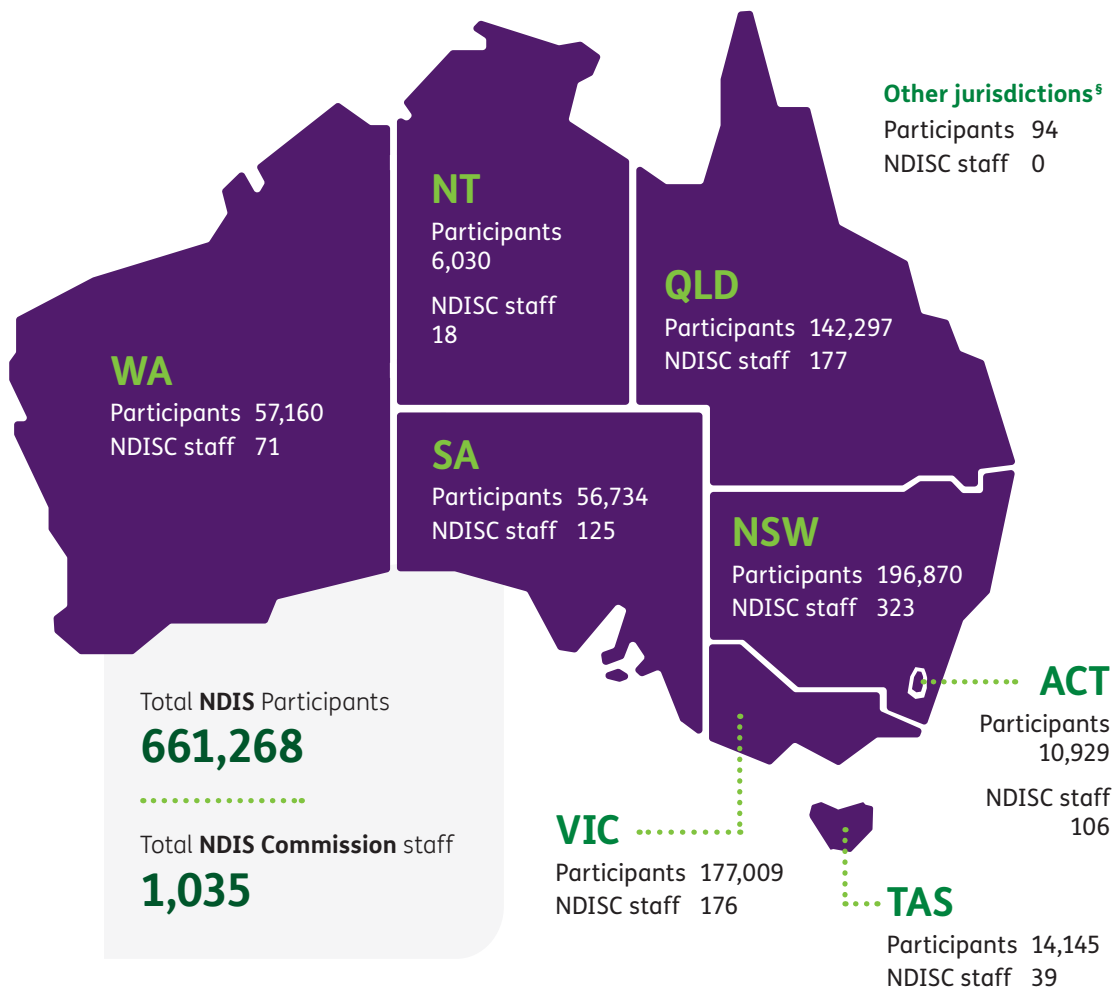
The Chief Information Officer partners with NDIS Commission personnel and executives, NDIS providers, disability workers and government agencies to deliver value-added, effective and efficient information technology (IT) systems and processes in support of the NDIS Commission's overall purpose. The right advice is provided at the right time and the Chief Information Officer is the preferred supplier to implement the right technology choices to address business outcomes.

Where we are located

The NDIS Commission operates nationally, with offices in the capital cities of all states and territories. Our office information is available on the ‘Your state/territory’* page on our website.

As at 30 June 2024, we have a total of 1,035 staff† working with NDIS participants and their informal supports, providers, and workers to improve the quality and safety of NDIS supports and services.

Below is a breakdown of the NDIS Commission staff in each state and territory, along with the number of active NDIS participants in that state or territory, as at 30 June 2024.‡



* ndiscommission.gov.au/providers/your-stateterritory

† The NDIS Commission staff includes staff engaged under the Public Service Act 1999 and contractors, excluding auditors and consultants.

‡ The NDIA provides the data on participant numbers. Further details are available on its website: [Quarterly Reports](https://ndis.gov.au/about-us/publications/quarterly-reports) [ndis.gov.au/about-us/publications/quarterly-reports]

§ As at 30 June 2024, there were 26 active participants with missing state or territory information and 68 active participants residing in other territories including Norfolk Island, Christmas Island and the Cocos (Keeling) Islands.

Leadership

Accountable Authority

The NDIS Quality and Safeguards Commissioner (NDIS Commissioner) is the Accountable Authority for the NDIS Commission. The following individuals were the Accountable Authority between 1 July 2023 to 30 June 2024:

- ◆ **Tracy Mackey**, NDIS Commissioner, from 1 July 2023 to 12 March 2024
- ◆ **Michael Phelan**, Acting NDIS Commissioner, from 12 March 2024 to 21 March 2024
- ◆ **Sian Leathem**, Acting NDIS Commissioner, from 22 March 2024 to 29 March 2024
- ◆ **Michael Phelan**, Acting NDIS Commissioner, from 1 April 2024 to 30 June 2024

Tracy Mackey

NDIS Quality and Safeguards Commissioner

from 10 January 2022 to 12 March 2024

Ms Tracy Mackey was the NDIS Quality and Safeguards Commissioner from January 2022 to 12 March 2024.

Ms Mackey has extensive professional experience in policy, programs and regulation across several portfolios, including town planning, housing, environment and social services. She has significant experience working in government, having spent time in all three tiers, and joined the NDIS Commission from the New South Wales public sector.

Previously, Ms Mackey was the Chief Executive Officer (CEO) at the Environment Protection Authority, and led the organisation through a period of transformation. During her time with the Australian Government, she held senior executive positions in immigration, health and ageing, community and emergency services.

Ms Mackey 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, Ms Mackey brought experience as a non-executive director on several boards.





Michael Phelan APM

Acting NDIS Quality and Safeguards Commissioner

from 12 March 2024 to 30 September 2024

Mr Phelan has had an extensive career in law enforcement, beginning in 1985 when he was first appointed to the Australian Federal Police (AFP).

In 1998, Mr Phelan was appointed CEO of the AFP Association for two years, before taking up a position as the AFP's Senior Liaison Officer in Manila, Philippines.

In September 2007, Mr Phelan was appointed the Chief Police Officer for the Australian Capital Territory (ACT) where he was responsible for delivering all policing services to the ACT.

Mr Phelan was appointed CEO of the Australian Criminal Intelligence Commission (ACIC) and Director of the Australian Institute of Criminology (AIC) in November 2017. As CEO of ACIC, he was responsible for the management and administration of Australia's national criminal intelligence agency overseeing intelligence operations and specialist capabilities, and for ensuring the delivery of national policing information systems and services to partners. As Director of the AIC, Mr Phelan led Australia's national research and knowledge centre on crime and justice.

He has previously held positions on the boards of the Australian Crime Commission, CrimTrac, and the Australian and New Zealand Police Advisory Agency. Mr Phelan also served as a member of the ACT Law Reform Advisory Council and the Australian National Advisory Council on Alcohol and Drugs (ANACAD).

In 2008, Mr Phelan was awarded the Australian Police Medal.



Executive Leadership Team



Rod Carracher

Acting Deputy Commissioner, Practice Quality Division

Mr Rod Carracher is Acting Deputy Commissioner, Practice Quality Division. Mr Carracher joined the NDIS Quality and Safeguards Commission in September 2023. He has supported the division through a restructure and changes in leadership and business priorities.

Mr Carracher is committed to safeguarding the rights of people with disability and ensuring their supports and services are of the highest quality. Through the lens of human rights, he is focused on driving improvements in behaviour support practice and providing leadership to reduce and eliminate restrictive practices.

Prior to joining the NDIS Commission, Mr Carracher was the Chief Practitioner for a large disability service provider for seven years. He has extensive senior executive leadership experience in the human services sector and in direct disability service delivery across state government departments and not-for profit organisations. He brings to the NDIS Commission experience in practice quality leadership and management of large disability and human support services, and behaviour support and clinical practitioners. He worked as a senior executive in the former Victorian Department of Health and Human Services in areas of disability services, youth justice and social housing, and led disability services through the transition into the NDIS. He was the Acting Victorian Senior Practitioner for an extended period and has been a sitting member of Victoria's Youth Parole Board.

Mr Carracher holds an Executive Master of Public Administration and is a Graduate of the Australian Institute of Company directors.



Alisa Chambers

Deputy Commissioner, Regulatory Policy, Insights and Review

Ms Alisa Chambers is the Deputy Commissioner, Regulatory Policy, Insights and Review. Ms Chambers joined the NDIS Commission in February 2022. In her role, she supports the NDIS Commissioner in upholding the rights of NDIS participants by providing high-quality evidence, analysis and policy advice on the regulation of the NDIS market.

Throughout her career, Ms Chambers has worked in areas that deal with highly sensitive and complex social issues, such as aged care, disability and policy reform, child protection services, early childhood education and environmental regulation. She is committed to improving communities, particularly for the most vulnerable among us.

Ms Chambers has designed and delivered major reform and cultural change programs on behalf of governments 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 optimal outcomes.



Sian Leathem

Deputy Commissioner, Complaints and Engagement

Ms Sian Leathem commenced as the Deputy Commissioner, Complaints and Engagement in January 2022. She has two decades of senior executive experience in Australian and state government agencies across a range of dispute resolution and regulatory areas. Before joining the NDIS Commission, she served as the Registrar and CEO of the Administrative Appeals Tribunal (AAT). The AAT is responsible for conducting independent merit reviews of administrative decisions made under Australian Government laws, including decisions relevant to the NDIS.

Ms Leathem 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, Ms Leathem was the Registrar of the Workers Compensation Commission of NSW. She also has a wealth of legal policy experience gained through various roles in the NSW Attorney General's Department and the Department of Prime Minister and Cabinet.

Ms Leathem has received an Excellence in Government Legal Service Award from the Law Society of New South Wales and an Excellence in Leadership Award from the NSW Department of Justice. In 2011, she received the Young Public Sector Leader Award from the Institute of Public Administration Australia.



Catherine Myers

Deputy Commissioner, Regulatory Operations (Registrar)

Ms Catherine Myers joined the NDIS Commission in July 2022 and has led the NDIS Commission's shift from a state-based operation to a national organisation. Ms Myers is focused on building a strong organisational culture and inspiring teams to deliver outstanding results.

With over 12 years of senior leadership experience in the Victorian Government and nine years in the private sector, Ms Myers has led transformation projects and overseen the design of risk-based regulatory tools. She has implemented significant change programs resulting in improved capability, service delivery and regulatory outcomes. Ms Myers leverages her experience in change management and communication to deliver practice improvements in regulation and lift capability across her teams.

Prior to joining the NDIS Commission, Ms Myers was the CEO of the Victorian Commission for Gambling and Liquor Regulation. In 2019, the Institute of Public Administration Australia (IPAA), which recognises women for their leadership inspiration and accomplishment, listed Ms Myers as one of the Top 50 Public Sector Women (Victoria). Additionally, her organisation was awarded the IPAA (Vic) Innovative Regulation Award for the development of a new digital risk assessment tool.

Ms Myers holds a Bachelor of Education and a Master of Business Administration, and is a Graduate of the Australian Institute of Company Directors.



Lisa Pulko

Chief Operating Officer

Ms Lisa Pulko started with the NDIS Commission in April 2022. She previously held various roles across the Department of Defence, the Department of Home Affairs and the National Capital Authority.

Ms Pulko has been responsible for improving financial systems, policies and processes, designing prioritisation frameworks that take into account risk and posture to inform investment decisions, and designing business improvement approaches across a range of functional areas.

She has previously delivered the Federal Budget for the Department of Home Affairs, negotiated large contracts and worked on multiagency taskforces. She has extensive experience in delivering high-quality and timely advice to support sound government decision-making.

Ms Pulko also delivered the 2023–24 Budget for the NDIS Commission, which resulted in a significant uplift of our workforce and capabilities.



Pier Robinson-Tafft

Assistant Commissioner, Planning, Performance and Delivery

Ms Pier Robinson-Tafft is the Assistant Commissioner, Planning, Performance and Delivery, and joined the NDIS Commission in March 2022. She leads initiatives on an enterprise level that support the enablement of the NDIS Commission's regulatory approach.

Ms Robinson-Tafft has extensive experience in human services, and has held senior roles in Australian and state government human services portfolios and in the non-government sector. She has been involved in significant whole-of-government policy reforms, including the transition from NSW disability services to the NDIS.

Ms Robinson-Tafft is committed to delivering outcomes for people through the development of innovative strategy, policy and stakeholder engagement.



Kenneth Teoh

General Counsel and Assistant Commissioner, Legal and Internal Integrity

Mr Kenneth Teoh is the General Counsel and Assistant Commissioner, Legal and Internal Integrity. He joined the NDIS Commission in November 2022 and is responsible for providing 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 and integrity functions, such as the handling of complaints about the NDIS Commission, investigations into workplace conduct, requests under the *Freedom of Information Act 1982*, disclosures under the *Public Interest Disclosure Act 2013*, and the review of NDIS Commission decisions.

Mr Teoh has over 20 years' experience working in legal roles with Australian Government 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 and government law litigation.

Organisational structure

Acting NDIS Commissioner - Michael Phelan

Complaints & Engagement

Sian Leathem

Complaints & Incidents

Jan Fermor

- ◆ Complaints Intake
- ◆ Complaints Early Resolution
- ◆ Safeguarding & Critical Incidents
- ◆ Complaints Operations
- ◆ Participant Incident and Early Response
- ◆ Intake & Complaints Policy & Performance

Communication, Engagement & Education

Cassandra Scott

- ◆ Channels
- ◆ Communications & Media
- ◆ Content Strategy
- ◆ Engagement
- ◆ Operations

Regulatory Operations

Catherine Myers

Regulatory Campaigns & Projects

Mahashini Krishna

- ◆ High-Intensity Responses
- ◆ Indigenous & Remote Operations
- ◆ Campaigns & Projects
- ◆ Operational Policy, Practice & Provider Relations
- ◆ Fraud Fusion Taskforce
- ◆ Housing & Living Supports
- ◆ Operation Support & Development

Market Operations

Matt Barr

- ◆ Provider Registration
- ◆ Audit & Monitoring
- ◆ Worker Screening & Market Operations Coordination

Compliance & Enforcement

Tim Eaton

- ◆ Serious Non-Compliance
- ◆ Compliance Monitoring
- ◆ Regulatory Responses
- ◆ Complex Regulatory Responses

- ◆ Operational Assessment
- ◆ Business Improvement & Quality
- ◆ Risk, Intelligence & Delivery

Practice Quality (A/g)

Rod Carracher

Practice Quality Capability (A/g)

Rachel Kelly

- ◆ Advisory
- ◆ Engagement
- ◆ Practitioner Suitability & Capability
- ◆ Complex Safeguarding

Practice Quality Operations

Simon Edwards

- ◆ Data & Reporting
- ◆ Compliance
- ◆ Response

Regulatory Policy, Insights & Review

Alisa Chambers

Regulatory Insights

Nicole Mahar

- ◆ Markets & Framework
- ◆ Intergovernmental & Regulatory Policy
- ◆ Regulatory Improvement Initiatives
- ◆ Disability Specialist Policy Advice

- ◆ Data & Insights
- ◆ Strategic Policy Coordination & Business Improvement
- ◆ Strategic Programs
- ◆ Research & Evaluation
- ◆ External Budget Policy

Chief Operating Officer

Lisa Pulko

Chief Information Officer

Chief Information Security Officer

Michael Kardaris

- ◆ IT Operations
- ◆ IT Governance and Assurance

Assistant Commissioner, Finance & People

Chief People Officer

Chief Financial Officer

Anne Fleischer

- ◆ Finance
- ◆ Procurement
- ◆ People Services
- ◆ People Strategy
- ◆ People Initiatives

- ◆ Workplace Safety
- ◆ Audit, Fraud & Risk
- ◆ Security & Workplace Services

**General Counsel
Legal Services & Internal Integrity**

Kenneth Teoh

- ◆ Legislation & Regulatory Framework
- ◆ Litigation & Dispute Resolution
- ◆ Compliance & Enforcement
- ◆ Regulatory Strategy & Advice
- ◆ Internal Integrity Unit

Planning, Performance & Delivery

Pier Robinson-Tafft

- ◆ Planning, Performance & Governance
- ◆ Delivery & Strategy
- ◆ Office of the Commissioner
- ◆ Parliamentary Services

Key:

Deputy Commissioner

Assistant Commissioner

Our achievements during this year

Key activities status update

The NDIS Corporate Plan is the NDIS Commission's primary planning document. It outlines how the NDIS Commission will undertake its key activities and measure performance to achieve our purpose.

The Corporate Plan spans a four-year period, from 2023–24 to 2026–27, and the key activities set each year will drive the NDIS Commission's maturity into a contemporary, purpose-centred regulator. During the 2023–24 performance cycle, we identified 15 key activities that will contribute to our impact areas.

The annual report reflects on the key activities set in the Corporate Plan, to assess and review how we are progressing in achieving our purpose of upholding the rights of NDIS participants, elevating quality and safety and enabling consumer independence.



Advisory Groups



Co-designing consumer information



Supported decision-making



Regulatory Capability Framework



Compliance priorities and campaigns



Enforcement activity



Lifting quality practice



Quality investment



Responding to the findings of reviews



Uplifting the workforce




Workforce plan implementation



Ensuring staff safety and wellbeing



The Data and Regulatory Transformation (DART) program



Improving internal ICT capability



Continuous business improvements



Key:  Completed  Ongoing  In progress

Year in Numbers

July 2023 to June 2024

Campaigns



Shepparton, Victoria



Rockhampton, Queensland



Albany and Bunbury,
Western Australia



Top End, Northern Territory



APY Lands

Grants



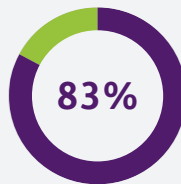
15 active grants
in the 2023–24
period



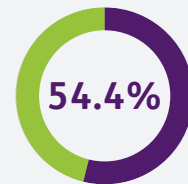
07 grants concluded
their activities
during this period

Aged matters:

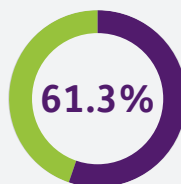
The NDIS Commission has finalised:



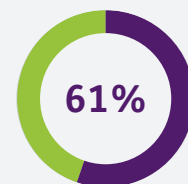
of aged registration matters



of aged compliance matters



of aged reportable incidents



of aged complaints

Fraud against the NDIS

As at 30 June 2024,
the Fraud Fusion Taskforce has:



Executed

109

compliance actions



Opened

58

investigations
relating to 230 providers



Commenced

5

strategic prevention
initiatives

Our people

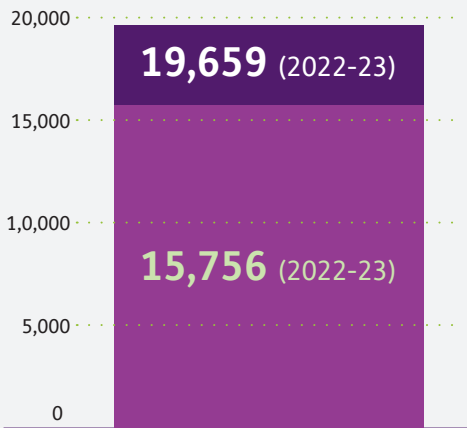


38 activities
were commenced
to improve the work
health and safety
(WHS) system



20 activities
were completed

Behaviour support



19,659 BSPs were lodged in 2023-24, up
from 15,756 in 2022-23



8,477

behaviour support
practitioners are
considered suitable
as at 30 June 2024



04

guidance materials
were published

Our priorities

During 2023–24, the NDIS Commission received a budget uplift to strengthen and expand our activities to achieve our purpose, as outlined in the Message from the NDIS Commissioner. It expresses its commitment to regulatory excellence through its priorities. Each priority contains several initiatives that are directly linked to progressing our influence as a regulator.

Amplifying participant voices

Human Rights Guidance

Throughout 2023, the NDIS Commission worked with the Australian Human Rights Commission (AHRC) to consider how it could further enhance its human rights approach as a regulator. This was an important step in realising the NDIS Commission’s Strategic Plan 2022–2027, and having an impact on the rights of people with disability. In December 2023, the NDIS Commission published a **Human Rights Guidance paper**^{*} to support the enhancement of organisational culture and amplification of human rights in administrative practice and policy development.

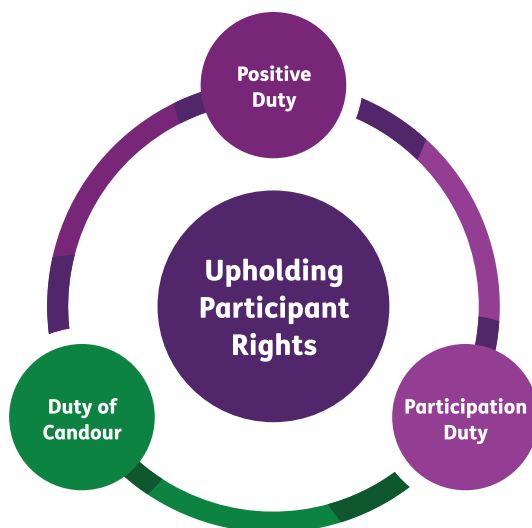
Our work was informed by the:

- ◆ FREDA principles – Fairness, Respect, Equality, Dignity and Autonomy[†]
- ◆ PANEL principles – Participation, Accountability, Non-Discrimination and Equality, Empowerment and Legality[‡]
- ◆ United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD).

In early 2024, the NDIS Commission adopted a set of duties and action statements, outlined in the **Human Rights Guidance poster**[§], as part of its operational and strategic plans.

These duties include the following:

- ◆ **A Positive Duty:** We consider human rights in all our decisions.
- ◆ **A Participation Duty:** We include impacted groups and individuals in decision-making.
- ◆ **A Duty of Candour:** We are open and transparent with people who receive services from the NDIS Commission.



The NDIS Commission is continuing to work on the adoption of these duties as a commitment to continuous improvement and upholding the rights of people with disability.

* ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews#paragraph-id-7426

† The FREDA principles were developed in the United Kingdom to support a human rights based approach to care.

‡ The PANEL principles were developed by the Scottish Human Rights Commission.

§ ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews#paragraph-id-7427

Case study: Tony*

Between May 2022 and January 2024, a set of parents made 41 complaints to the NDIS Commission about the quality and safety of NDIS supports and services provided by an NDIS provider to their son, Tony.

The parents raised multiple concerns about the provider and the safety of the SIL environment where Tony resided; staff conduct and suitability concerns; conflict of interest; data and information integrity; rostering of staff in the SIL house; food-handling and safety concerns; failure to work collaboratively with Tony's clinicians and external teams; and Tony's limited access to community. Numerous other issues were also raised.

The NDIS Commission made multiple written and phone enquiries, spoke with the provider's CEO, Tony's Behaviour Support Practitioner and Support Coordinator, and had the provider undertake remedial actions to resolve some of the issues raised.

After a review of over 400 files of supporting information and evidence and a review of

all 41 complaints, it was determined that the provider had failed to appropriately demonstrate that it had met its obligations under the NDIS Practice Standards and the Code of Conduct. The NDIS Commission's Serious Non-Compliance has taken further actions to address the issues.

This matter contributed to the issuing of a compliance notice in April 2023 and a notice of breach of compliance notice in November 2023. The NDIS Commission is now considering civil penalty proceedings and a possible banning order preventing the provider from onboarding any more complex child participants until it meets its provider registration obligations and demonstrates adherence to the Act.

As a result of the stakeholder interactions, the NDIS Commission facilitated Tony's successful exit from the provider in early 2024 and transitioned him to SIL supports with another provider. Tony is reported to be 'living his best life' with no further complaints received at NDIS Commission regarding his supports and no reportable incidents received.

* Name changed for privacy

Quality and Consumer Information

From July to October 2023, the NDIS Commission consulted with 557 people on quality and consumer information. It undertook this consultation to understand the views of NDIS participants and their supports, NDIS providers and workers about what makes a service or support safe and good quality. We were interested in learning how useful the current information the NDIS Commission or other organisations provide is, as well as what might

be missing. We wanted to understand what information participants already use, as well as what new information they would like to access. Finally, we wanted to understand how we can increase participant awareness of their rights and how we can make it easier for them to raise concerns with their provider or the NDIS Commission.

Consultations revealed that delivering quality support is complex and influenced by a few related factors. In February 2024, the



NDIS Commission published the **Quality and Consumer Information – Insights reports**^{*}. Six key themes emerged from the consultation.

- ◆ Quality workers: Quality workforces are about the right attitudes, training and reflective practice.
- ◆ Quality providers: Provider quality is about a culture of continuous improvement and values.
- ◆ Safety and engaging services: Safety is about knowing and upholding human rights.
- ◆ Safety and the complaints process: Knowing how to navigate the system makes me feel safer.
- ◆ Consumer information: The more I know, the more empowered I am.
- ◆ Consumer information: Exercising choice is important to me.

The findings of these consultations have been used to inform a range of NDIS Commission activities to uplift sector capability and to improve the experience of people with disability in accessing supports and services. Some of these activities include:

- ◆ informing research aimed at the identification and implementation of best practice to measure participants' quality of life and wellbeing
- ◆ informing the design of a new participant website with resources
- ◆ contributing to the updates in the NDIS Workforce Capability Framework and the creation of additional resources and information
- ◆ information and resources for participants and providers about fair pricing and price differentiation.

^{*} ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews/quality-and-consumer

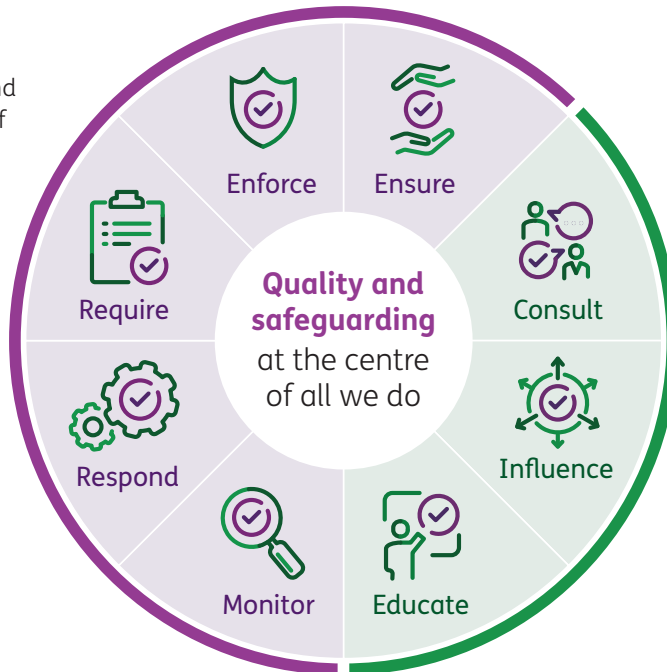
Accelerating regulatory impact

Our regulatory approach defines how we use our regulatory authority to uphold the rights of people with disability. It explains the regulatory levers we use to communicate with the sector and the circumstances in which they are typically applied. Below are some examples that demonstrate how we use our regulatory levers.

Regulatory levers and tools

Reactive Levers

Levers to identify and respond to drivers of risk and anticipated or actual harm



Proactive Levers

Levers to promote quality and participant safety

Proactive action

Campaigns team

Through the realignment of the Regulatory Operations Division in 2023, the NDIS Commission identified an opportunity to establish a Regulatory Campaigns and Projects Branch. The branch was established to plan, deliver and evaluate targeted regulatory compliance campaigns. These campaigns are a key regulatory intervention to influence provider behaviour at scale. Using multiple regulatory tools, targeted campaigns address known or emerging systemic issues in the sector and influence provider behaviour

at scale, using all regulatory powers. Regulatory campaigns are intended to be used where they can have a greater impact relative to the level of effort invested.

Multiple campaigns were run in 2023–24, including:

- ◆ issues-based campaigns aligned with compliance and regulatory priorities to address risks and non-compliance in specific segments of the NDIS sector. Thematic campaigns provide deep insight into provider practices and participant

experiences, and support information sharing across internal and external stakeholders and regulatory partners to improve the quality of NDIS services and supports.

- ◆ place-based campaigns in non-remote areas involving engagement with participants and providers in geographic areas. These campaigns provide an avenue for participants to raise issues directly with the NDIS Commission and develop the NDIS Commission's understanding of the market and participant experiences with the NDIS in particular areas. Regulatory forums and visits with providers ensure their compliance with obligations under the NDIS Act.
- ◆ place-based campaigns in remote areas during which a dedicated team deliver culturally appropriate engagement activities with participants and providers in the Top End (the northernmost part of the Northern Territory) and the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands (in north-west South Australia). Remote place-based campaigns include:
 - » drop-in sessions and provider forums that raise awareness of the NDIS Commission, participant rights, provider expectations and how participants can make a complaint.
 - » stakeholder engagement and compliance monitoring via site visits.

Campaigns were run throughout Shepparton (Victoria), Rockhampton (Queensland) and Albany and Bunbury (Western Australia), delivering:

- ◆ four information sessions to around 100 participants and their supports, providing information on their rights as NDIS participants and the obligations of registered and unregistered NDIS providers. These sessions allowed for individual and personalised engagement with representatives from the NDIS Commission as well as the NDIA, enabling participants

to share their experiences of services and supports across the locations.

- ◆ six regulatory compliance forums with over 300 provider attendees, providing guidance and support to ensure their compliance with obligations under the NDIS Act. The NDIS Commission followed this up with announced compliance visits to 23 providers across multiple sites to assess their approaches and practices.

Indigenous and Remote Operations

The Indigenous and Remote Operations (IRO) team focuses on raising awareness of the NDIS Commission's role among NDIS participants, their families and members of remote communities, and monitoring NDIS provider and worker compliance in Northern Australia and the APY Lands.

The primary focus of IRO activities is to use proactive and targeted approaches to support people with disability, NDIS participants and the broader community to be informed consumers and active advocates and to encourage NDIS providers and workers to identify and understand their obligations and improve their practice. Engagement also enables the NDIS Commission to build trust and rapport with remote communities so that community members feel safe and empowered to raise concerns about NDIS providers and workers. Where available intelligence raises concerns about provider behaviour in remote communities, compliance officers and IRO staff undertake site visits. This includes SIL operated by both registered and unregistered providers.

Regulatory Learning and Development Program

Through the Regulatory Capability Framework, a Regulatory Learning and Development Program is underway. Broadly, the intent of the program is to:

- ◆ design and develop a regulatory learning and development program (including regulatory eLearning modules, to enable self-paced learning internally, and

workshops to embed and extend learning from the eLearning modules)

- ◆ provide all NDIS Commission staff with formal regulatory learning as required to undertake core roles
- ◆ ensure identified investigation staff hold or are enrolled to obtain certification by way of Certificate IV in Government Investigations (Regulatory Compliance)
- ◆ be delivered iteratively and to be fully implemented by June 2025.

Current status and next steps

- ◆ The design and development of eLearning modules and workshops is continuing with the first two eLearning modules now published on LearnHub.
- ◆ The final round of enrolments in the ANZSOG Professional Regulatory Program has been completed. There were 410 staff enrolled during 2023–24 and 125 staff have completed the program.
- ◆ The first cohort of staff commenced Certificate IV in Government Investigations this week. Two further groups are finalising their enrolment.

Operational Policy and Practice Optimisation Project

The Operational Policy and Practice Optimisation (OPPO) Project supported the NDIS Commission's transition to a centralised national operating model by establishing an Operational Policy Framework with fit-for-purpose policies, procedures and supporting documents, and staff who are empowered and capable of performing their roles.

The OPPO Project aligns with a one-Commission approach to our regulatory activity and operations.

The purpose

- ◆ Ensure enterprise-wide consistent, best-practice policy development, approval, implementation, evaluation, maintenance and governance.

- ◆ Facilitate compliance with relevant legislative and regulatory requirements and overarching organisational strategy.
- ◆ Empower NDIS staff, participants, providers and their workers to make efficient and effective decisions in accordance with NDIS Commission policies.

Guiding principles

Six guiding principles underpin the Operational Policy Framework. All existing and new NDIS Commission policies, procedures and supporting documents must meet these general principles.

Principle 1: Policies are in accordance with relevant laws and regulations

Principle 2: Policies align with the vision and purpose of the NDIS Commission

Principle 3: Policies are evidence-based and developed in accordance with best practice

Principle 4: Policies and associated documents are concise, nationally consistent, and accessible for users of all abilities and backgrounds

Principle 5: Policies have appropriate approval and governance arrangements

Principle 6: Policies are appropriately recorded and stored, are easily retrievable by NDIS Commission staff and, where appropriate, other stakeholders and the broader public

OPPO developed a single, cohesive and accessible operational policy and practice framework that streamlined, harmonised and simplified the operational guidance material for the NDIS Commission.

Reactive action

Investigations Improvement Project

The Investigations Improvement Project was established in October 2023 to implement the recommendations from the Norton Rose Fullbright Case Learnings Report, following a review of practice and outcomes investigations into alleged contraventions of civil penalty provisions under the NDIS Act. The project involved the design and development of an investigations process that supported staff in:

- ◆ effectively conducting investigations into alleged contraventions of civil penalty provisions under the NDIS Act
- ◆ identifying and addressing systemic non-compliance by NDIS providers.

The project developed a suite of resources:

- ◆ procedure and guideline – investigating civil penalty contraventions
- ◆ several quick reference guides, including an elements table, for NDIS Act civil penalty provisions
- ◆ a range of templates including an investigation plan, evidence mapping, and gathering spreadsheet and investigation report.

The project working group used a collaborative process to design and develop the resources, seeking feedback from various subject matter experts across the NDIS Commission. It held a workshop with several staff from Regulatory Operations to test the resources against a case study. This workshop produced valuable feedback on the content and format of the resources which was incorporated into the final versions produced.

Staff were trained in the new investigations process before the suite of resources was published for use on the NDIS Commission Regulatory Resource Library on 1 July 2024. They were provided with additional advisory support during a four-week pilot in July 2024.

Fraud Fusion Taskforce

The NDIS Commission works with taskforce partner agencies to address fraud risks in the NDIS and other government payment programs. This is done through taking direct compliance action as well as participating in several strategic prevention initiatives. In 2023–24, the Fraud Fusion Taskforce:

- ◆ undertook a few high-value and complex operations in conjunction with Taskforce partners, working collaboratively to take decisive and immediate action to reduce risks while broader investigations continue. The NDIS Commission has executed and assisted in several warrant activities with partner agencies
- ◆ advanced our intelligence analysis capabilities to continue supporting strategic and tactical requirements
- ◆ confirmed our involvement in five significant strategic prevention initiatives with taskforce partners, which aim to improve suitability assessments, data sharing and publication, and proof of identity. Examples of this work include:
 - » assessing how suitability assessments interact to prevent phoenixing and program hopping
 - » aligning suitability minimum requirements and standards
 - » improving systems so that proof of identity can be confirmed when providers contact agencies
 - » identifying opportunities to improve registration processes to exclude straw (or ‘dummy’) directors
 - » standardising how non-compliance outcomes are published across agencies.

- ◆ procured an investigation management system for use in the team, with all configuration and testing completed during 2023–24 and implementation due to occur in 2024–25
- ◆ designed and delivered communications and engagement activities to inform providers and participants about fraud.

Case study: Taking strong action to address the risk of fraud

As a partner in the Fraud Fusion Taskforce, the NDIS Commission works with the NDIA and other government agencies to identify and address fraud in the NDIS and other government payment programs. All NDIS providers and their workers are required to comply with the NDIS Code of Conduct, which sets out expectations for safe and ethical service delivery in the NDIS. This includes the requirement to act with integrity, honesty and transparency.

The NDIS Commission takes swift action when providers do not meet their obligations, such as in Operation Ivory, which was a significant Fraud Fusion Taskforce operation conducted throughout 2023–24.

In the early stages of Operation Ivory, a monitoring warrant was executed and a few other compliance actions were taken against several entities to mitigate risks against participants. In October 2023, banning orders were made against two individuals and four entities.

One of the individuals was arrested, charged with four criminal offences and initially refused bail, and is currently awaiting trial.

It is alleged that the individual:

- ◆ used others' details to register private companies and create bank accounts
- ◆ submitted false claims for products and services that were not delivered to NDIS participants
- ◆ intentionally submitted fraudulent payment requests against a large number of participants' plans, allegedly obtaining over \$2 million
- ◆ used the proceeds, which were allegedly obtained fraudulently, for personal gains.

The Fraud Fusion Taskforce is increasing its efforts and growing its capability to identify and respond to fraud in the NDIS.

Anyone can contact the NDIS Commission if they are concerned about how NDIS supports and services are provided, by phoning 1800 035 544 or TTY 133 677 or visiting the [website](#)*

Further information on the Fraud Fusion Taskforce and how the NDIS Commission can respond to fraud in the NDIS is available [online](#)†.

* ndiscommission.gov.au/contact-us/makeacomplaint

† ndiscommission.gov.au/participants/fraud-against-ndis

Fair pricing campaign

The NDIS Commission has been working with the DSS, the ACCC, the NDIA and Treasury to develop legislative responses and an education and awareness campaign regarding price differentiation practices within the NDIS.

In April 2024, Minister Shorten wrote a letter to 660,000 participants informing them of their rights regarding fair pricing. The NDIS Commission managed all responses to this.

The NDIS Commission developed and published material for the fair pricing campaign on its website about fair pricing, consumer rights and provider obligations.

In addition, the NDIS Commission launched several recent initiatives to address pricing concerns:

- ◆ a new rule that specifically includes price differentiation on goods as a breach of the NDIS Code of Conduct
- ◆ updates to the **NDIS Code of Conduct Provider and Worker Guidance (Guidance)**[†] to specify that NDIS workers must not participate in or promote sharp practices
- ◆ guidance for participants on price differentiation and **fair pricing**[‡].

The NDIS Commission established a dedicated email address for participants and their support networks to contact us about pricing matters at pricehelp@ndiscommission.gov.au and, as a result, received multiple complaints about unfair pricing that have been actioned by the NDIS Commission.

This was an important project to uphold participants' rights and to ensure they are aware of fair pricing and how to speak up if they are being charged unfair prices.



“Charging you more just because you are simply an NDIS participant is wrong and it is a breach of federal law. We have upgraded the NDIS rules to make it clear overcharging is prohibited and we have further legal changes coming to more strongly prohibit and punish such practices[‡].”

* ndiscommission.gov.au/fair-pricing#:~:text=The%20NDIS%20Code%20of%20Conduct%2C%20Guidance%20for%20NDIS%20Workers

† ndiscommission.gov.au/fair-pricing#:~:text=Price%20Differentiation%20Guide%20for%20Participants

‡ The Hon Bill Shorten MP. [Cracking down on overcharging of NDIS participants](https://ministers.dss.gov.au/media-releases/14236). March 2024. [ministers.dss.gov.au/media-releases/14236]

Improving quality

Grants

The Support for NDIS Providers Grants Program funds activities that support NDIS providers in increasing quality and safeguarding in the NDIS. There was no expenditure of grant funds throughout 2023–24. There were, however, several active grants in this period, including seven that commenced activities in early July. These projects focused on creating a positive complaints culture for and among priority cohorts, engaging participants in the development of their BSPs and the design and testing of a digital complaints management system to improve early resolution pathways between participants and providers.

The NDIS Commission also established a community of practice for active grantees to facilitate connection, collaboration, support and learning. Early outcomes indicate that the community of practice is enabling grantees to cross-collaborate when developing resources, overcoming common barriers, testing ideas and sharing learnings for better outcomes across all projects.

More detailed information regarding grants can be found in [“Part 3 - Annual Performance Statements” on page 69.](#)

Case study: Grants

In 2022, the NDIS Commission awarded grants to two organisations to develop training and resources for Aboriginal and Torres Strait Islander providers and workers delivering supports to participants in rural and remote communities. Keogh Bay People and Deaf Indigenous Community Consultancy were awarded the grants to deliver projects that demonstrated community connections and a person-centred approach to improving the quality and safety of NDIS supports and services. Completed in 2024, both organisations designed training and resources for providers and workers to build their skillsets in supporting people with disability within their communities.

‘Working and Walking Together: NDIS Learning Place’ was developed by Keogh Bay in consultation and codesign with First Nations participants and providers in rural and remote communities. Keogh Bay collaborated with First Nations people with disability, trainers, artists and organisations to create the NDIS Learning Place. The NDIS Learning Place aspires to increase the capacity, availability and choice of culturally secure, quality and safe services for First Nations participants in rural and remote areas.

The accessible resources are developed with Aboriginal voices to support providers, managers and workers in understanding their NDIS requirements through a culturally competent approach. The resources include a website with modules, videos and storyboards for training to be delivered online and in person. The storyboards present the training in a printable, visual format to support remote Aboriginal workers when it is not culturally accessible to deliver online training.

“

“You have created a very useful resource and so well presented. Thank you so much for sharing.”

“I had a look at the videos and they are great. I really like how relatable they are. Well done.”

- Provider feedback

‘Bina Gurri’ was developed by Deaf Indigenous Community Consultancy in collaboration with Aboriginal and Torres Strait Islander people who are deaf and hard of hearing, providers and workers in rural and remote communities to build their capacity through communication and cultural awareness training. The project involved interviews with people with disability and service providers in a rich, cultural and linguistic setting, with as many as 11 sign language systems and seven spoken languages used to support participant inclusion throughout resource development.

‘Bina Gurri’ supports providers and workers to build a greater understanding of communication diversity and the use of Aboriginal sign language and spoken language systems by Deaf and Hard of Hearing participants. The resources increase bi-cultural understanding and culturally safe services and supports for First Nations people who are Deaf or Hard of Hearing. Through the training, providers and workers are invited on a journey to learn ways to communicate with participants who are deaf and hard of hearing, the role of visual communication and the cultural importance of First Nations sign languages.

* keoghbay.com.au/ndisworkerstraining/

† binagurri.deaficc.com.au

‡ ndiscommission.gov.au/grants

“

““I will be able to tailor my communications skills to be more considerate, use more images and refer back to this resource.”

“[I can] share with other disability support workers and integrate into support plans for First Nations people I support who are Deaf or Hard of Hearing.”

- Provider feedback

The Keogh Bay People ‘Working and Walking Together: NDIS Learning Place’ is free and available on the [NDIS Workers Training website](#)[‡].

Deaf Indigenous Consultancy Community ‘Bina Gurri’ is free and available on the [Bina Gurri website](#)[†].

The NDIS website provides more information about other funded grant projects and the [Grants program](#)[‡].

Reduce and eliminate restrictive practices

In 2023–2024 the NDIS Commission implemented multiple initiatives to lift the capability and practice quality of behaviour support providers and practitioners to reduce and eliminate restrictive practices.

To address the high number of reports about restricted practice use, the NDIS Commission undertook an intensive compliance campaign targeting specialist behaviour support providers and implementing providers using restrictive practices. A range of regulatory actions were implemented, including education letters, warning letters, compliance notices and infringement notices. This work supported the shift of the NDIS Commission's regulatory posture in relation to restrictive practice use by NDIS providers to ensure that providers in the sector take committed action to support reductions in restrictive practice use.

In response to low-quality behaviour support, the Commission assessed a random sample of BSPs for quality and compliance. The review resulted in 32 providers receiving individual feedback, 20 notices requesting additional information under section 56 of the NDIS Act, three corrective action requests and three warning letters. The quality issues identified and addressed with providers related to consultation with the participant in the development of the plan, participant community participation and skills development, and ensuring that restrictive practices are only used as a last resort.

The 'Promoting Positive Behaviour Support Practice' grant was launched in February 2024. It includes an educational web-based tool providers can access and that gives feedback on the quality of a BSP. This grant was to support improvement in plan quality across the sector.

We published a position statement on practices that place participants at high risk of harm and are associated with adverse and catastrophic outcomes. This is to support the sector in understanding and being aware of high-risk practice use.

The NDIS Commission completed four publications: Evidence-Informed Practice Guide, Policy Guidance: Developing Behaviour Support Plans, Policy Guidance: The safe reduction and elimination of restrictive practices, and Policy Guidance: Working within your knowledge, skills, and experience. These resources support providers and practitioners in developing high-quality BSPs to comply with their obligations under the NDIS legislation.

We published two BSP checklists for practitioners. These outline good practice and the legislative requirements that apply when developing interim and comprehensive BSPs. The checklists support self-regulation by practitioners and providers in developing high-quality plans.

The NDIS Commission reviewed and updated the BSP templates in consultation with participants and other stakeholders. This was undertaken to improve national consistency in the quality of BSPs and to improve provider resources.

Flinders University launched a supported decision-making toolkit and educational resources with the help of an NDIS Commission grant. The toolkit empowers NDIS participants to have more say, choice and control in the development of their BSPs.

The NDIS Commission has continued critical work with state and territory governments on national minimum standards for restrictive practices.

Case study: Behaviour support

In early 2024 the NDIS Commission received an NDIA alert about the services provided to a young boy in regional Australia. The NDIA raised concerns about the quality and safety of respite services provided by an unregistered provider.

The NDIA had identified the possible use of high-risk and potentially prohibited restrictive practices with the boy, including the use of bear hugs to restrain him. Bear hugs put participants at risk of physical harm and even death due to the pressure exerted on the chest and other organs and joints. They also put participants at risk of psychological distress.

The NDIS Commission immediately contacted the provider to discuss the concerns, highlight the risks and recommend immediately stopping the high-risk practices and replacing them with positive behaviour support strategies. The team noted that the boy's BSP included positive strategies but also needed to be reviewed as it contained some inappropriate strategies. The respite provider indicated it did not have a copy of the boy's BSP.

The NDIS Commission contacted the boy's behaviour support provider to discuss its obligations, which include consultation with the participant, their family and any provider that needs to implement a regulated restrictive practice. The NDIS Commission requested the behaviour support provider undertake an urgent review of the positive behaviour support strategies with the provider, participant and family to ensure the safe support of the boy.

The behaviour support provider engaged a senior practitioner to review the BSP with the family and provider. The practitioner produced a BSP that included more evidence-based, proactive and preventative positive behaviour support strategies to ensure staff can support the young boy's long-term skills development and sense of safety. It was agreed by all that a few regulated restrictive practices would need to remain in place to prevent the boy from accessing objects and areas with which and where he previously harmed himself.

The behaviour support provider also reviewed its procedures to ensure all BSPs with a regulated restrictive practice were reviewed by a supervisor and that participants, families and implementing providers were consulted.

The NDIS Commission supported the unregistered respite provider in understanding its options if it chose to continue supporting participants needing regulated restrictive practices. The options included registering with the NDIS Commission if continuing to support participants who may need a regulated restrictive practice or supporting the safe transition of all participants needing these practices to a registered provider. The provider is pursuing registration and is training support staff in new policies regarding regulated restrictive practices and positive behaviour support.

Research and new practice guidance

The NDIS Commission is committed to developing and promoting a high-quality, innovative and contemporary evidence base to inform decision-making and the design and implementation of effective programs and policies. Research, along with evaluation and data analysis, is fundamental to building an effective evidence base and to the continuous improvement of the NDIS. The NDIS Commission's research priorities for 2023–24 fell under three major categories.

- ◆ **Empowering NDIS participants.** Research in this space has resulted in best practice guidance aimed at improving the uptake of [Active supports and person-centred planning by disability support providers](#)[†].
- ◆ **Reducing risks to participants.** Research in this space has resulted in:
 - » international best evidence on the effectiveness and harms of using psychotropics to manage behaviour in people with autism
 - » national data on the prescribing of psychotropics to people with disability
 - » risk factors for potentially avoidable deaths and poor health in people with disability ([Potentially avoidable deaths of people with disability in Australia 2013-2018](#)[‡])
 - » evidence-based best practice to reduce the use of psychotropics and other restrictive practices ([Medicines for health, not control](#)[§]).
- ◆ **Supporting participants' quality of life and well-being.** Research in this space is aimed at identifying and implementing best practice to measure NDIA participants' quality of life and wellbeing ([New book highlights the importance of quality of life, rights and lived experience in disability service design and delivery](#)[¶]).

Own Motion Inquiry into aspects of supported accommodation

In January 2023, the NDIS Commission released its report into its first [Own Motion Inquiry into aspects of supported accommodation in the NDIS](#)[¶]. The inquiry examined reportable incidents and complaints filed with the NDIS Commission in connection with group homes. It thoroughly examined 7,000 reportable incidents and complaints in group homes associated with seven large SIL providers in Australia. The inquiry also conducted extensive research on models of best practice for delivering supported accommodation to help the NDIS Commission in its efforts to build providers' capacity.

In 2023–24, the NDIS Commission has progressed several actions to uplift sector capability and to improve the experience of people with disability accessing supported accommodation. This includes launching a new participant website with resources. The NDIS Workforce Capability Framework was updated with additional resources and information on practice standards work underway. The NDIS Commission published its compliance priorities for SIL and restrictive practices, as well as a compliance campaign targeting SIL services, SDA providers and BSP quality. A Home and Living team has been established, focusing on participants receiving 24/7 living supports in shared accommodation. A targeted communication and education program for NDIS participants living in shared and group settings is also underway.

* ndiscommission.gov.au/sites/default/files/2023-01/Attachment%20B%20Group%20Home%20Best%20Practice%20Research%20Final%20October%202022%20PDF.pdf

† apo.org.au/node/325933

‡ ndiscommission.gov.au/medicinesforhealth

§ ndiscommission.gov.au/media-centre/new-book-highlights-importance-quality-life-rights-and-lived-experience-disability

¶ ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects

Case study: Jake and Mark*

Jake and Mark live in SIL accommodation in the eastern suburbs of Melbourne. Although their issues were different, the underlying causes were the same — a lack of quality support and not having choice and control. For Jake, it was about a lack of responsive support provision. For Mark, it was about not being respected in deciding who would be rostered to provide him with personal care. These matters were easily resolved under the new communication protocols.

In an online meeting with the SIL provider regarding this site, we were advised that 14 tenants with mostly acquired brain injuries lived in this old and dilapidated property.

A site visit was arranged to speak with the participants and view the property. This was an eye-opener as the property was indeed old, dilapidated and dirty. Subsequent discussions with the provider's management brought to light that support quality had been affected particularly by changes to management, resulting in less supervision of staff on the ground. This was rectified.

During a subsequent follow-up site visit with the new house manager and state manager, we discussed the need for maintenance

and improvements. We considered what improvements were needed and agreed that re-establishing a vegetable garden, cleaning windows and pathways, repairing garden furniture and repurposing a large storage room into a social activities room would be great steps forward. Mark suggested forming a working group consisting of residents to lead the project around the garden and social activities room. He felt this would reflect an all-inclusive approach from management. His suggestion was accepted.

We are now advised that substantial maintenance has been undertaken on the grounds, there is a thriving vegetable garden being cared for by residents and the social room recently opened with a resident's birthday celebration. The state manager invited the NDIS Commission to return to the site to catch up with the residents and view the improvements that have been made. This is further evidence of the collaborative and respectful relationship the NDIS Commission has built with the provider. It also supports that site visits are an excellent way to improve the quality of life, and not just the quality of supports, of the participants we serve.

* Names changed for privacy

Own Motion Inquiry into platform providers

In September 2023, the NDIS Commission released an **Insights Report**[†] with data and informational supplements from its OMI into platform providers. The OMI into platform providers aimed to better understand the experience of participants who engage NDIS services and supports via paid online platform providers. More than 1,470 NDIS participants, workers, providers and members of the disability community engaged directly with

the inquiry. The insights helped inform a range of NDIS Commission activities, including ways to strengthen its monitoring, compliance and enforcement activities, uplift sector capability and improve the experience of people with disability. This includes working with other agencies to develop resources focused on identifying and mitigating risks in disability support work and support environments.

[†] ndiscommission.gov.au/sites/default/files/2023-09/Own%20Motion%20Inquiry%20into%20Platform%20Providers%20-%20Insights%20Report.pdf

Own Motion Inquiry into support coordination and plan management

The NDIS Commission published Part 1 of the [Own Motion Inquiry into support coordination and plan management*](#) in August 2023, which identified serious quality, safeguarding and integrity risks.

- ◆ **Part 1** examined relevant complaints and incidents reported to the NDIS Commission in relation to support coordination and plan management. Part 1's findings are consistent with the DRC, NDIS Review, and government and independent reviews, which have called for intermediary supports to have stronger standards and independence to increase quality, reduce conflicts of interest and ensure participants can exercise genuine choice and control.
- ◆ **Part 2** required the NDIS Commission to consider the progression, while the government considered its response to the DRC and NDIS Review. Part 2 will examine if changes should be made to the regulation of support coordination and plan management to address quality and safeguarding concerns and support the positive contributions made by good support coordination and plan management identified in Part 1 of the inquiry. Part 2 will be an action plan outlining steps that aim to improve the quality and integrity of support coordination and plan management.

* ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews/own-motion-inquiry-support



Case study: Raymond*

A worker from an unrelated NDIS provider became aware of concerns relating to Raymond's wellbeing after he was found in a very poor state during a routine home inspection in December 2022. It was alleged that because the provider failed to implement NDIS services for Raymond, he was left isolated and unsupported, without an adequate supply of food or personal care for over 12 months. He was found emaciated, living in squalor, with poor hygiene and wounds around his mouth.

Furthermore, it is alleged that the housing manager attempted to contact Raymond's support coordinator to discuss the safety concerns and the issue of no NDIS services being implemented for him. They were unable to reach her and left multiple messages, but requests were left unanswered. When the complainant spoke to Raymond, he didn't understand why he didn't have services, as they just stopped coming.

The NDIS Commission directed the provider under section 20 of the Complaint Rules to investigate the issues raised and report back to the NDIS Commission with its findings, along with additional information that supported the provider's view.

As a result of the direction, advice and education given to the provider, several outcomes were achieved, including the following.

- ◆ We completed a full review of the complaint and identified multiple areas for improvement and reviewed its current standard practice for these issues.
- ◆ The NDIS Commission adopted a co-design approach to establishing supports with our customers to ensure they are at the centre of decision-making every step of the way.

- ◆ All support coordinators received additional education to ensure they understood the different consent options available to participants and the level of authority given to the provider once a participant agrees to the terms of the Client Service Agreement.
- ◆ We developed an automated reminder that populates monthly for all participants. This reminder is used to prompt support coordinators to stay connected with participants at least monthly.
- ◆ The NDIS Commission introduced a Support Coordinator Quality Assurance Program, which reviews several participant accounts each month for quality and training purposes. Funding utilisation is one area that is measured.
- ◆ We improved its onboarding of new participants, which includes an initial call conducted by the Support Coordination Operations Manager.

Despite the positive changes made because of the complaint, the NDIS Commission identified conduct that was non-compliant with the Rules. As a result, a warning letter was issued on 18 August 2023.

The NDIS Commission escalated the concerns regarding Raymond's continuity of support and complex support needs with the NDIA. As a result, the NDIA decided to link Raymond with a new support coordinator and, in turn, connect him with appropriate supports that assisted in providing options of maintaining his tenancy or moving to a new more suitable accommodation and linkages with food, medical and mental health supports.

* Name changed for privacy



Our people

Staff voice and engagement

The NDIS Commission's Corporate Plan 2023–2024 highlights the work we will do in the short term, under our Workforce Plan 2022–2027, which supports and guides continuous improvement. Under our Workforce Plan, we continue to engage with employees to seek feedback and gather workforce insights. The release of the NDIS Commission's 2023 Census results in mid-August 2023 resulted in the formation of an employee-led working group in December 2023, which designed several initiatives and led the implementation.

The following short-term goals have been delivered or are in progress:

- ◆ wellbeing survey (part of the end-of-year check-in survey), but the People at Work Survey and Workload Reviews also sought information regarding wellbeing
- ◆ employee diversity networks
- ◆ visible celebration of successes, noting that this is done at the Staff Festival, and in teams on a more immediate basis
- ◆ people managers at all levels attend the Fundamentals of Leadership and Supervision course
- ◆ greater recognition of the importance of employee representatives
- ◆ quarterly all-staff forums have been held, and opportunities for ongoing visible two-way communication have continued.

Long-term initiatives with meaningful progress are:

- ◆ active consideration of the accessibility of our locations, to inform property holdings into the future
- ◆ a shift from a 'management' to a 'coaching' mindset
- ◆ visible leader participation in lifecycle events, such as induction and training.

Employee Network Groups

As set out in the NDIS Commission's Workforce Plan 2022–2027, a key element of the Diversity, Inclusion and Wellbeing pillar of that plan was to establish workforce-led networks, with SES sponsors to champion, promote and lead the direction of these networks. The NDIS Commission established five employee-led network groups:

- ◆ the Rainbow Network (LGBTQIA+)
- ◆ the Enable Network (Disability and Carers)
- ◆ the First Nations Network
- ◆ the Young Professionals Network (under 35)
- ◆ the Culturally and Linguistically Diverse (CALD) Network.

The networks meet regularly and have champions who drive initiatives cohesively.

Integrated capability

Telephony system upgrade

In April 2024, the NDIS Commission transitioned to a new telephony platform, which resulted in increased call handling and a much better customer experience.

Some highlights from the Contact Centre include the following.

- ◆ Between 75% and 80% of callers had their calls answered. This is a significant increase from the previous average of 40%. This percentage continues to increase.
- ◆ We received 26,652 calls in May 2024 — a 50% increase from the previous year-to-date average of 15,000 calls per month.
- ◆ The introduction of webchat has opened a new channel for people to contact the NDIS Commission, with over 1,700 queries answered per month.

“

“We must ensure the NDIS Commission has the right tools to reduce any risk to participant wellbeing. It is critical anyone needing assistance gets through to the right people in the NDIS Commission straight away.”*

* The Hon Bill Shorten MP. (May 2024). New multi-million dollar technology protecting the NDIS [Media Release]. ([New multi-million dollar technology protecting the NDIS | Department of Social Services Ministers \(dss.gov.au\)](https://www.ministers.dss.gov.au/media-releases/14806)) [[ministers.dss.gov.au/media-releases/14806](https://www.ministers.dss.gov.au/media-releases/14806)]



Website information architecture project

This project addresses usability, accessibility and technical issues with the NDIS Commission website. These include:

- ◆ an ageing content management system platform (Drupal 9)
- ◆ meeting Web Content Accessibility Guidelines (WCAG), particularly readability benchmarks
- ◆ addressing navigation pathways
- ◆ ensuring accurate and up-to-date public-facing content.

This project was guided by evidence-based decision-making, which included data analysis and usability testing to better understand user needs and behaviours.

The following actions have been taken:

- ◆ an upgrade of the content management system to Drupal 10
- ◆ completion of a content audit and gap analysis to eliminate duplication and remove any outdated public-facing content
- ◆ implementation of a new information architecture and navigation, which achieved a 277% improvement in success rates for the findability of content. This was tested with people with disability, providers, workers and the general public
- ◆ updated content that applies best practices, such as plain English, to significantly improve readability
- ◆ targeted user experience and design enhancements based on user behaviour analysis.

DART Program

The NDIS Commission received a historic IT budget allocation of \$160 million over four years, starting from 2023–24, for the DART Program to ensure the NDIS Commission has the critical technology systems required to gather intelligence and collect and analyse data to protect both participants and the scheme itself. The DART program will improve the NDIS Commission's systems, allowing us to more effectively and proactively safeguard participants, elevate provider quality, ease sector burdens and respond swiftly to environment shifts. It will introduce user-centric digital tools for providers and internal staff to access information easily. Increased data integration will also enable sophisticated analytics to identify incidence patterns early.

The scope of the project can be described as the implementation of:

- ◆ a commercial off-the-shelf Case/Workflow Customer Relationship Management, including internal- and external-facing portals
- ◆ security, including identity and access management and cyber security
- ◆ a Cloud-native data solution, including a data warehouse, open architecture and application programming interface
- ◆ an NDIS Commission IT environment
- ◆ consolidated audit logging capability
- ◆ analytics and reporting, including predictive analytics and self-service
- ◆ a built-in intelligence capability
- ◆ external integrations to enable and expand the data exchange between Agencies, for example the NDIA, Australian Securities and Investments Commission (ASIC), Australian Taxation Office (ATO) and Australian Charities and Not-for-profits Commission (ACNC).

Data capability uplift

Uplifting the NDIS Commission’s data maturity will enable us to meet our commitments and obligations under the Data and Digital Government Strategy and the Regulatory Policy, Practice and Performance Framework. These changes will support the optimisation of our businesses using a data-driven approach, provide large productivity gains and enable new types of analysis that will improve our understanding of risk within the NDIS system. The NDIS Commission has implemented initiatives that are key enablers to the DART Program, including the implementation of a common desktop using M365 and Intune for corporate mobile phones; a cyber capability uplift to Essential 8 Maturity Level 1; eSIM on corporate mobile phones for executive staff as a business continuity activity; and increased capability and capacity within the ICT team.

The NDIS Commission significantly improved its data capabilities in 2023–24. Our uplift has primarily focused on data governance, and we have established a new data governance team, developed an overarching Data Governance Framework and established a data catalogue. This catalogue includes a data inventory, data dictionaries and data lineage. This is foundational work that allows us to define and evolve our data architecture and effectively manage our data assets through their full lifecycle. Our work in 2023–24 also included defining the requirements of a data platform and considering specific technology options. This work provides a solid basis for further improvement of our data capabilities under the DART Program.

Key compliance matters

LiveBetter Services

In April 2024, the Federal Court delivered judgment in favour of the NDIS Commission in the matter of Commissioner of the NDIS Quality and Safeguards Commission v LiveBetter Services Ltd [2024] FCA 374.

LiveBetter Services Limited (LiveBetter) was ordered to pay a penalty of \$1.8 million (together with the NDIS Commission’s legal costs) in relation to the death of an Aboriginal woman, Ms Kyah Lucas, who died in February 2022 from complications associated with burns she sustained while receiving personal care supports from support workers employed by LiveBetter in her home in Orange, NSW.

Acting Commissioner Michael Phelan said the tragic death of Ms Lucas should have been avoided and noted that the Court’s decision sent a warning to other NDIS providers:



“The findings from this proceeding put all NDIS providers on notice that they need to pick up their game and ensure their staff are properly trained and highly competent.”

The proceeding, which commenced in March 2023, was only the second civil penalty proceeding commenced by the NDIS Commission. The penalty ordered by the Court was significantly greater than the penalty awarded (in June 2023) in the NDIS Commission’s first civil penalty proceeding in Commissioner of the NDIS Quality and Safeguards Commission v Australian Foundation for Disability [2023] FCA 629.

Oak Tasmania

The NDIS Commission commenced civil penalty proceedings in the Federal Court of Australia against Oak Tasmania Pty Ltd for contraventions of the NDIS Act.

An extensive investigation by the NDIS Commission found that Oak failed to comply with the NDIS Code of Conduct in providing supports and services in a safe and competent manner to certain participants in their care. It is also alleged that Oak Tasmania failed to comply with its conditions of registration in relation to risk management and ensuring that staff held the relevant expertise and experience in undertaking their work.

It is also alleged that Oak Tasmania failed on more than 600 occasions to report within required timeframes to the NDIS Commission whether particular incidents had occurred, such as whether persons with a disability had either suffered a serious injury or neglect.

The matter sends a strong message to NDIS providers that they must comply with participants' BSPs and care plans, and ensure their safety at all times.

The action also highlights NDIS providers' obligations to report incidents within the required statutory timeframes to ensure the NDIS Commission can effectively regulate the sector and ensure providers are taking appropriate actions to safeguard participants.



“Providers must ensure their staff are properly trained and that any injuries or harm suffered by participants are promptly reported to the NDIS Commission as required under the NDIS Rules. The NDIS Commission will hold accountable any provider that does not comply with the law.”

- Acting Commissioner
Michael Phelan APM

Aurora Community Care

The NDIS Commission has commenced civil penalty proceedings in the Federal Court against Aurora Community Care Pty Ltd (Aurora) in relation to the death of an NDIS participant.

Civil penalty proceedings have been commenced against Aurora following the death of a 38-year-old man with an intellectual disability who was an NDIS participant.

The NDIS participant left his SIL home in Queensland without the knowledge of his support workers despite Aurora being responsible for the provision of 2:1 support.

At the time of the NDIS participant leaving his home, it is alleged he was not being monitored or supervised, with one support worker asleep and the other in an adjacent room. The NDIS participant was struck by a car after leaving his home.

It is alleged that Aurora failed to provide supports and services in a safe and competent manner with due care and skill, resulting in harm causing death.

Case study: Compliance and enforcement

The NDIS Commission administers legislation that enables it to take high-impact legal action with a relatively low burden on proof. Occasionally, the NDIS Commission can intervene to protect people with disability when a court cannot reach the ‘beyond reasonable doubt’ test that applies to criminal proceedings. In one recent scenario, the NDIS Commission imposed a very lengthy ban on an individual who had been charged and acquitted on multiple counts of indecent assault on a person with a disability. Despite acquittal on the criminal charges, the NDIS Commission reviewed the evidence provided by the police and the employer as well as the comments made by the magistrate. This enabled the NDIS Commissioner’s delegate to form a ‘reasonable belief’ that the individual was unsuitable to provide services to people with disability. A ban was issued even though criminal charges were unsuccessful. This ensured some level of justice for the victim and that no other participants were put at risk.

People with disability often face a significant disadvantage in courts that require them to prove ‘beyond reasonable doubt’ they were harmed. The NDIS legislation recognises this inherent disadvantage and empowers the NDIS Commission to apply measured but impactful sanctions with a lower burden of proof.

\$1.1 million issued in fines to improve provider responses to the use of restrictive practices

Despite significant education and guidance, the NDIS Commission identified that the desired reductions in restrictive practices were not realised. This means the human rights of NDIS participants continue to be impacted, and participants are placed at risk. An intensive compliance and enforcement campaign was implemented in 2023–24 to address this. The campaign focused on the use of unauthorised restrictive practices, completion of BSPs within legislated timeframes, and compliance with legislative requirements for the inclusion of restrictive practices in BSPs. The campaign identified six providers that did not report unauthorised use of restrictive practices or failed to obtain authorisation. Twenty-two infringement notices were issued, totalling \$399,480. Once engaged, specialist behaviour support providers are required to develop a BSP within legislated timeframes, lodge that plan with the NDIS Commission and ensure the restrictive practice in the plan is only used as a last resort. The campaign also targeted specialist behaviour support providers. As a result, 11 providers were issued four compliance notices and 40 infringement notices, totalling \$778,800. The NDIS Commission will continue to take strong compliance action to support the reduction and elimination of restrictive practices.

Registration integrity

The NDIS Commission has commenced regulatory action to address integrity risks related to applicant registration. These activities include the engagement of consultants to act on behalf of applicants through the registration application process, including the provision of information to the NDIS Commission regarding applicants' knowledge and application of relevant NDIS Practice Standards.

In 2023–24, the NDIS Commission escalated its regulatory response to such matters, including through:

- ◆ an increase in registration application refusals (2,483 in 2022–23 compared to 10,514 in 2023–24), including where applicants had failed to engage an auditor to assess them against the relevant NDIS Practice Standards
- ◆ referrals to the ACCC for potential breaches of Australian Consumer Law, which included the identification of potential breaches of Australian Consumer Law by consultancies making false and misleading claims about NDIS provider registration and audit outcomes. A review of over 1,500 audit reports showed suspicious identical responses in around 1,000 applications, suggesting integrity issues. Further investigation of 130 consultancy websites highlighted problematic claims of guaranteed registration and audit success, posing risks to the NDIS. Following these findings, the NDIS Commission referred the matter to the ACCC and is collaborating with the ACCC, the NDIS Taskforce and JASANZ to address these integrity and fraud concerns.

Case study: Registration Story

The NDIS Commission regulates registered NDIS providers' compliance with registration conditions, including quality audit obligations. These obligations are critical to ensuring that registered NDIS providers are assessed cyclically against quality standards that apply to them, depending on the nature of the supports and services they are registered to provide.

The NDIS Commission further imposes quality audit obligations as additional conditions of registration to mitigate certain risks. This includes where new applicants for registration have not yet been assessed against quality standards through witnessing support or service delivery.

The NDIS Commission engaged with over 7,800 registered NDIS providers to influence compliance with quality audit obligations. This included registered NDIS providers that had transitioned to the NDIS Commission and were assessed for the first time against applicable quality standards, registered NDIS providers providing higher-risk supports and services, and new registered NDIS providers that the NDIS Commission had imposed an additional quality audit obligation on as a risk mitigation activity.

Through this engagement, of the 7,800 registered NDIS providers, the NDIS Commission:

- ◆ supported 70% to achieve compliance with their quality audit obligations
- ◆ took regulatory action against the 30% for failure to comply with quality audit obligations, including registration application refusals and revocations of registration.

Key moments 2023-24

August 2023

Regulatory Practice Maturity Survey

The NDIS Commission conducted the Regulatory Practice Maturity Survey, which captured staff perceptions of the NDIS Commission's regulatory practice and maturity.

Own Motion Inquiry into support coordination and plan management

Part 1 published after examining relevant complaints and incidents reported to the NDIS Commission.

September 2023

Own Motion Inquiry into platform providers operating in the NDIS market

The Own Motion Inquiry into platform providers operating in the NDIS market commenced in February 2023 and the final *Insights Report*^{*} was published in September 2023.

Established the Risk, Intelligence and Delivery team

The NDIS Commission established the Risk, Intelligence and Delivery team to discreetly and holistically analyse providers operating in the market to support regulatory operations.

* ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-reports-and-reviews/own-motion-inquiry-platform

December 2023

BSP Template review

The NDIS Commission published findings of the co-designed BSP template review and new interim and comprehensive BSP templates to reflect contemporary evidence-informed practice and to lift capacity and practice quality. Preliminary data suggests the new templates contributed to higher-quality plans.

Crack-down on unfair NDIS participant pricing

The NDIS Commission has been working with the ACCC and the NDIA to address unfair participant pricing and to take compliance action when unfair pricing practices by NDIS providers are identified. Amendments were made to the NDIS Code of Conduct to help address NDIS price differentiation.

NDIS Review

The NDIS Review's Report, *Working to Deliver the NDIS*, includes 26 recommendations and 139 actions.

July 2023

Behaviour Support Plan Checklist

The NDIS Commission published the BSP checklists, which outline good practice and the registration conditions that apply to specialist behaviour support providers when developing interim and comprehensive BSPs.

'Deciding with support' toolkit

The NDIS Commission launched 'Deciding with support' — a toolkit of resources about supported decision-making in behaviour support. It was funded by the NDIS Commission and developed by Flinders University in conjunction with the University of New South Wales and the Council for Intellectual Disability.

October 2023

Improvement of Provider Registration and Worker Screening

Committed to continuous improvement, the NDIS Commission reviewed the practices and processes of the Provider Registration and Worker Screening functions to ensure an achievable future state. Early successes included a streamlined assessment process pilot and the development of a risk model to inform proportionate and risk-informed registration activities.

Regulated Restrictive Practice Summary and Protocols

The NDIS Commission published regulated restrictive practice protocols to improve practice and support compliance with sections 20 and 21 of the National Disability Insurance Scheme Restrictive Practices and Behaviour Support Rules 2018 and to promote the reduction and elimination of restrictive practices.

Disability Advocacy Forum

The annual NDIS Commission Disability Advocacy Forum was held from 9 to 10 October, focusing on the theme of empowering participants through rights-based regulation.

Ministerial Direction

In October, the Minister gave a direction to the NDIS Quality and Safeguards Commissioner under section 181K of the *National Disability Insurance Scheme Act 2023 – No. 1/2023*^{*}.

* legislation.gov.au/F2023L01383/latest/text

June 2024

Stakeholder engagement

The NDIS Commission conducted a comprehensive sentiment survey in June 2024 with responses sought from key stakeholders. The survey was redesigned this year to seek evidence-based insights into the value of the NDIS Commission's work and to assess the extent to which it delivers on its commitments.

April 2024

Contact Centre

The NDIS Commission upgraded and implemented an \$11.9 million telephony system. This has resulted in a doubling of call-handling rates and much better customer experiences.

Work health and safety plan

To address various recommendations from the Provisional Improvement Notice issued by Comcare (the Australian Government regulator for work health and safety) in April 2023, the NDIS Commission has launched a WHS action plan to improve our WHS systems and culture.

February 2024

Promoting Positive Behaviour Support Practice grant

A resources website was launched to improve behaviour support practice. The resources were developed by the University of Melbourne, the University of Queensland and Flinders University through an administered grant that included an AI educational tool to review BSP quality and link users to relevant information.

Quality Roadmap

The [Quality Roadmap](#)^{*} published in February 2024, enhances the quality and safety of NDIS services and supports by providing guidance to participants, workers and providers.

* ndiscommission.gov.au/about/quality-roadmap

May 2024

Civil litigation

A \$1.8 million civil penalty was awarded by the Federal Court against LiveBetter Services Limited – the highest figure to date.

BSP Quality and Compliance Project

The NDIS Commission randomly sampled 12% of comprehensive BSPs lodged in February 2024 to review the quality of the plans. The quality check showed that 58% of BSPs had evidence of consultation with the participant — a significant increase from 40% in 2023 and 32% in 2022.

March 2024

Planning and Performance framework

The NDIS Commission developed a Planning and Performance Framework to strengthen our planning and reporting activities in alignment with the Commonwealth Performance Framework.

January 2024

Work health and safety

The NDIS Commission worked with SafeWork NSW to develop resources directly related to the Own Motion Inquiry into platform providers. The resources were published in January 2024 and focus on the risks disability support workers face and how providers can identify and mitigate risks in disability support work and environments.

Human Rights Guidance

The NDIS Commission adopted a set of duties and action statements, which are incorporated into our operational and strategic plans and operationalised in our day-to-day work.

Quality and Consumer Information Insights Reports

The NDIS Commission published the Quality and Consumer Information Insights Reports in January 2024. The findings of these consultations have been used to inform a range of NDIS Commission activities to uplift sector capability and to improve the experience of people with disability in accessing supports and services.

2024 ▶▶▶

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Part 3

Annual Performance Statements

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Statement of preparation

I, Michael Phelan, as the Accountable Authority for the NDIS Quality and Safeguards Commission (NDIS Commission), present the 2023–24 Annual Performance Statements for the NDIS Commission on behalf of the former Accountable Authority for the NDIS Commission in 2023–24, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

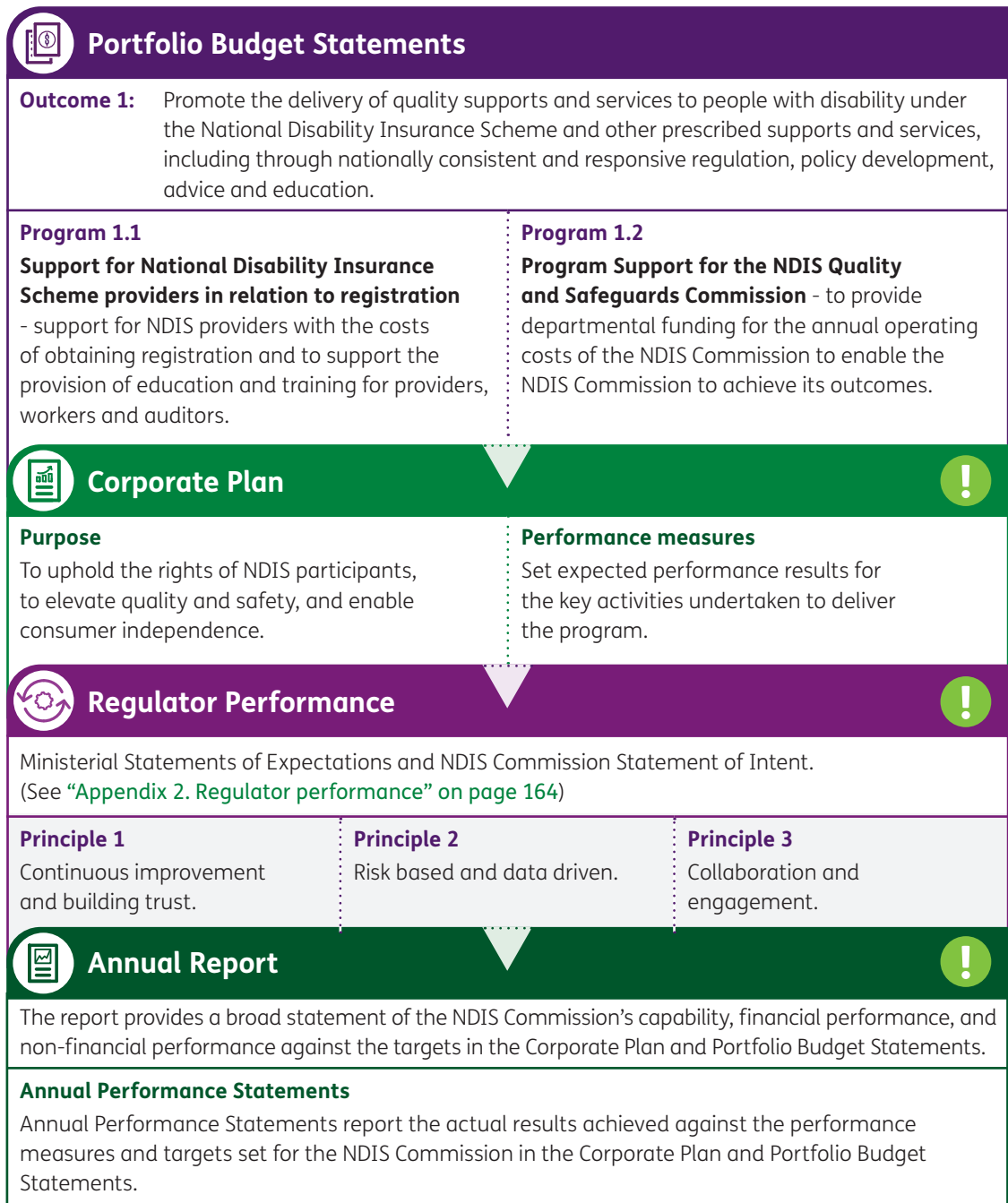
In my opinion, these performance statements accurately present the NDIS Commission's performance for the year ended 30 June 2024 and comply with subsection 39(2) of the PGPA Act (section 16F of the PGPA Rule).



Michael Phelan APM

Acting NDIS Quality and Safeguards Commissioner
30 September 2024

NDIS Commission Planning and Performance Framework



 **Risk Management**

Summary of results

<p>Performance Measure (PM) 1</p>	<p>Impact area</p> <p>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.</p>	
<p>PM 1.1</p>		<p>Outcome: Partially achieved</p>
<p>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</p>		
<p>Target</p>		
<p>1.1.1 80% of respondents said they trust the NDIS Commission.</p>		
<p>1.1.2 70% of complaints resolved in 90 days.</p>		
<p>1.1.3 Qualitative analysis of NDIS Commission communication and education campaigns promoting consumer independence and the rights of people with disability.</p>		
<p>PM 1.2</p>		<p>Outcome: Not met</p>
<p>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)</p>		
<p>Target</p>		
<p>1.2.1 Increase in lodgement of BSPs, and quality of BSPs.</p>		
<p>PM 1.3</p>		<p>Outcome: Achieved</p>
<p>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</p>		
<p>Target</p>		
<p>1.3.1 Number/type of NDIS Commission resources, activities and engagements.</p>		
<p>1.3.2 90% of providers surveyed said training had increased their understanding of what quality and safety means to NDIS participants.</p>		

Performance Measure (PM)

2

Impact area

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



PM 2.2

Outcome: Achieved

NDIS participants have greater access to, and choice of, skilled workers

Target

2.2.1 Uptake of the Workforce Capability Framework, building a skilled workforce.

PM 2.3

Outcome: Partially achieved

The NDIS Commission Grants Program creates resources and opportunities that enhance providers', workers' and auditors' registration and training capability

Target

2.3.1 Mix of statement of FY grant spend and qualitative reporting.

Performance Measure (PM)

3

Impact area

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

Outcome: Achieved

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

Target

3.1.1 # of registration revocations
of registrations refused
banning orders

3.1.2 Changes from Qualitative analysis.

Changes to performance measures from our Corporate Plan 2023–24

We continued reviewing and improving our performance measures to reflect the breadth of activities undertaken to achieve our purpose. We built on what we learnt from internal improvement processes.

The NDIS Commission will not reconcile the performance information for the below performance measures and targets in the annual performance statement for the 2023–24 performance cycle.

<p>PM 1.3</p> <p>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</p>
<p>Target</p>
<p>1.3.3 > % of NDIS participants surveyed report they have had a positive experience with their providers.</p>
<p>1.3.4 > % of NDIS participants surveyed say they feel they have a voice in improving the safety and quality of provider systems.</p>

<p>PM 2.1</p> <p>The quality of NDIS provider and worker provision increases over time</p>
<p>Target</p>
<p>2.1.1 > % Participants say the quality of their supports has increased.</p>

Justification

Previous stakeholder surveys were confined to complainants and did not seek information relevant to this performance measure. It would also be challenging to gather accurate data on this measure as participants are often supported by multiple providers and may have variable levels of satisfaction with different providers.

Since publication of the NDIS Commission's 2023–24 Corporate Plan, we have amended our research methodology to more accurately capture the experiences of both participants and providers, and measure the awareness levels of the NDIS Commission and the quality of engagement. The new approach has involved restructuring questions in the 2023–24 Stakeholders Sentiment Survey and distributing the survey more widely.

This will enable us to:

- ◆ gather more extensive data from a wider stakeholder group, which now includes providers, support workers, people with disability (including NDIS participants) and the broader public
- ◆ report on more meaningful performance results in the next annual report
- ◆ use the feedback and insights from the survey to more deeply understand our target audience and how best to communicate with them
- ◆ establish broader community benchmarking of the trust levels and awareness of the NDIS Commission and our functions
- ◆ sharpen our communication, education and operational focus to improve service delivery.

Summary of Annual Performance Statements

The 2023–24 Annual Performance Statements detail how the NDIS Commission has delivered against its purpose to uphold the rights of NDIS participants, to elevate quality and safety and enable consumer independence. Our Commitment to promoting the rights of people with disability, ensuring access to quality services and supports, and promotion of a thriving and diverse market is demonstrated through the suite of performance measures we use to measure our progress. The measures are reflective of our core regulatory functions and our growing maturity in regulating and safeguarding.

The results from the 2023-24 reporting period were overall positive and reflect the major initiatives undertaken across the NDIS Commission. Significant adjustments to the way we manage complaints and an adjustment


to our posture on enforcement has notably improved our performance overall, as many of the performance measures are interrelated.

Our ability to meet our targets effectively is evidenced in our achievements against each of the performance measures published in the NDIS Commission’s Corporate Plan 2023–24. Three of the six measures that we reported against were achieved, noting significant improvement in the areas that were partially achieved and not met when compared to the previous year.

These Annual Performance Statements provide an accurate assessment of the NDIS Commission’s delivery against the measures established in the Corporate Plan 2023–24 and the supporting mechanisms enabling achievement of the NDIS Commission’s overall purpose.



Detailed performance results

 <p>Performance Measure (PM)</p> <p>1.1</p> <p>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</p>	<p>Linked PBS program</p> <p>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.</p>								
	<p>Key Activities</p> <p>Complaints and reportable incidents management, communications and engagement with stakeholders, behaviour support leadership, registration of NDIS service providers, management of worker screening processes, compliance operations, intra-agency operational, legal, policy and administrative support.</p>								
	<p>Measure type</p> <p>Output, efficiency, and effectiveness</p>								
<table border="1"> <thead> <tr> <th>Targets</th> <th>Results</th> </tr> </thead> <tbody> <tr> <td>1.1.1: 80% of respondents said they trust the NDIS Commission</td> <td>83%</td> </tr> <tr> <td>1.1.2: 70% of complaints resolved in 90 days</td> <td>58%</td> </tr> <tr> <td>1.1.3: Qualitative analysis of NDIS Commission communication and education campaigns promoting consumer independence and the rights of people with disability</td> <td>Analysed</td> </tr> </tbody> </table>		Targets	Results	1.1.1: 80% of respondents said they trust the NDIS Commission	83%	1.1.2: 70% of complaints resolved in 90 days	58%	1.1.3: Qualitative analysis of NDIS Commission communication and education campaigns promoting consumer independence and the rights of people with disability	Analysed
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Analysis of results

The NDIS Commission partially achieved this performance measure by meeting two of the three targets for 2023–24.

Results for Target 1:

83% of respondents said they trusted the NDIS Commission.

During June and July 2024, the NDIS Commission engaged a research firm, ORIMA Research to conduct a stakeholder survey of people with disability, including NDIS participants and their supporters, providers, workers and the general public. We reflected on the survey method used for the 2022–23 performance cycle and broadened the target audience and the breadth of the questions for this reporting period. The survey results allowed us to report directly on stakeholder views on the NDIS Commission’s profile and performance.

The survey was designed to directly address questions and seek information about people’s trust in the NDIS Commission, including the factors that underpin their perceptions. Further analysis will be conducted in this financial year to ensure we can address the needs of stakeholders and the factors underpinning perceptions of mistrust.

The trust rating of 83% was an average across all stakeholder groups and included those who indicated that they trusted the NDIS Commission a lot or completely, moderately or a little.

Results for Target 2:

58% of complaints were resolved in 90 days. This fell short of our target of 70% but was an improvement of 10 percentage points compared to the 48% achieved in 2022–23.

The NDIS Commission reviewed the complaints management process and performance during the reporting year. The following factors affected our timeliness result:

- ◆ The NDIS Commission received almost 80% more complaints compared to the previous year. This influx in new complaints required us to divert staff from managing and finalising complaints to intake and triage, to ensure we could identify and action urgent safeguarding and other high-risk matters without delay.
- ◆ The NDIS Commission reviewed and expanded our definition of what is considered ‘in scope’ as a complaint, which resulted in a further increase in volumes received.
- ◆ The NDIS Commission established a dedicated safeguarding team whose focus is to ensure any immediate risks to people with disability are actioned within 48 hours.
- ◆ The NDIS Commission continued to dedicate effort to finalising ‘aged complaints’*. The finalisation of high numbers of these older complaints has adversely impacted the median timeframe for resolution.

In addition to increasing the number of complaints finalised in 90 days by 10% compared to 2022-23, we also finalised 23% more complaints and actioned more than 1,300 safeguarding matters within 48 hours of receipt.

Results for Target 3:

In 2023–24, the NDIS Commission continued to promote consumer independence and the rights of people with disability through various communication methods and educational campaigns.

- ◆ Targeted participant and provider activities were used as an important tool to inform participants and increase their knowledge about their rights and how to speak up.
- ◆ Focussed activities and resources to educate providers and workers on what quality services and supports look and feel like for participants.

NDIS Commission reached participants through a range of engagement forums between August and September 2023. The NDIS Commission facilitated a series of six forums with participants who had expressed interest in being a member of the NDIS Commission’s Consultative Committee, to better understand how the NDIS Commission can bring the voice of people with disability directly into our work. We gathered valuable insights through the forums and will use them to inform our Engagement Principles and future co-design and consultative activities.

NDIS Commission representatives actively engaged with multiple stakeholders in over 500 activities. They gathered feedback and insights to help inform regulatory activities including, but not limited to, communications campaigns and the development of engagement principles and the NDIS Commission’s [Regulatory Priorities 2024-25](#)†.

Some of the major forums in which we engaged and gathered insights were:


- ◆ engagement principles workshops, where participants provided feedback on how they would like the NDIS Commission to engage with them

* An aged complaint is a complaint that has been open for more than 6 months without resolution.

† ndiscommission.gov.au/regulatory-priorities-2024-25

- ◆ the annual Disability Advocacy Forum, which provides opportunities to collaborate with and gain feedback from advocates on issues within the sector, and improves relationships between advocates and stakeholders
- ◆ NDIS Commission overview presentations (education sessions) for community groups, participants and providers, staged in collaboration with the NDIA.

These events and forums provided great opportunities for the NDIS Commission to work directly with participants and their representatives to better understand their rights.

 <p>Performance Measure (PM)</p> <p>1.2</p>	<p>Linked PBS program</p> <p>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.</p>
	<p>Key Activities</p> <p>Complaints and reportable incidents management, communications and engagement with stakeholders, behaviour support leadership, registration of NDIS service providers, management of worker screening processes, compliance operations, intra-agency operational, legal, policy and administrative support.</p>
<p>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)</p>	<p>Measure type Effectiveness</p>
<p>Target</p> <p>1.2.1: Increase in lodgement of BSPs, and quality of BSPs</p>	<p>Results</p> <p>3,903 more BSPs were lodged this financial year The quality of BSPs has remained stable</p>

Analysis of results

The NDIS Commission has not achieved our target.

We achieved the increase in the number of BSPs lodged. This increase is a result of 2,246 more participants having a BSP compared to 2022–23. Despite overall growth of total participants in the NDIS, the increase in the number of participants with BSPs is greater than the increase in participants subject to unauthorised restrictive practices. This means the needs of more participants requiring behaviour support are being met, and the use of restrictive practices is better safeguarded. It also means there are more opportunities to reduce or eliminate restrictive practice.

We did not achieve the desired increase in the quality of BSPs. Sample reviews showed the quality remained relatively stable compared with 2023–24. Importantly, it was evident that participant consultation informed the development of a greater number of plans that in previous years.

The NDIS Commission implemented an intensive compliance campaign in 2023–24. The campaign targeted provider obligations in relation to the use of unauthorised restrictive practices, and

requirements for specialist behaviour support providers to develop BSPs within legislated timeframes. Additionally, a number of initiatives were implemented to increase the quality of BSPs, including publishing BSP quality checklists, updating BSP templates, providing policy and clinical guidance, and giving direct feedback to providers that were subject to quality reviews. Further work is needed to lift the quality of BSPs that can improve participants' quality of life and reduce use of restrictive practices.

Table 1. Number of participants with behaviour support plans who were subject to unauthorised restrictive practices, and the number behaviour support practitioners, 2022–23 and 2023–24

Result	2022-23 (baseline data)	2023-24	Percentage of NDIS participants 2023-24	Change from 2022-23
Number of BSPs lodged	15,756	19,659	2.18%	0.19% increase
Number of participants with lodged BSPs	12,144	14,390		
Number of participants subject to unauthorised restrictive practices	9,747	11,347	1.72%	0.12% increase
Number of behaviour support practitioners considered suitable (cumulative)	5,863	8,477	-	0.45% increase

The quality of BSPs appears to have remained relatively stable compared to 2022–23, although overall quality remains higher than in 2021–22. The entrance of high numbers of new behaviour support practitioners into the market (2,615 new entrants were deemed suitable in 2023–24) presents ongoing challenges to quality, given it takes time for them to develop capabilities and the quality of their services.

As in previous years, NDIS Commission undertook a quality evaluation of a randomly selected sample of all BSPs lodged with the NDIS Commission in the month of February 2024 was undertaken by NDIS Commission staff trained in the use of a validated quality assessment tool, the BSP-QEII*. The sample comprised 117 plans, and the assessment produced the following results.


- ◆ The mean score across all assessed plans was 14.39 out of a possible score of 24. This was similar to the 2022–23 mean score of 14.75, and higher than the 2021–22 score of 12.5.
- ◆ The median score was 14 (minimum 2, maximum 24). This was slightly lower than the median score for the 100 plans assessed in 2022–23 sample, at 15, but higher than the score of 12 in 2021–22.
- ◆ 58% had evidence of consultation with the participant. This is an improvement on the 2022–23 result of 40%, and the 2021–22 result of 32%.

The NDIS Commission implemented a range of initiatives to improve the quality of BSPs in 2023–24,

* The BSP-QEII is a 12-item research-based scoring instrument that can be used to rate the quality of a BSP and support the process of behaviour support planning. Plans can be rated on a three-point scale (0, 1 or 2) for each of 12 categories, giving a total score out of 24. Total scores are categorised into the following ranges: Weak (0–12), Underdeveloped (13–16), Good (17–21) and Superior (22–24).

including:

- ◆ publishing two BSP checklists outlining good practice and the conditions of registration that apply to specialist behaviour support providers when developing interim and comprehensive BSPs
- ◆ reviewing and updating BSP templates in consultation with participants and other stakeholders
- ◆ providing new policy guidance and resources to support the development of BSPs and the safe reduction and elimination of restrictive practices
- ◆ publishing policy guidance outlining expectations of specialist behaviour support providers and NDIS behaviour support practitioners when developing BSPs that reference regulated restrictive practices
- ◆ publishing policy guidance outlining expectations of NDIS providers to reduce and eliminate restrictive practices in a safe and competent manner with care and skill.

 <p>Performance Measure (PM)</p> <h1>1.3</h1>	<p>Linked PBS program</p> <p>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.</p>
	<p>Key Activities</p> <p>Complaints and reportable incidents management, communications and engagement with stakeholders, behaviour support leadership, registration of NDIS service providers, management of worker screening processes, compliance operations, intra-agency operational, legal, policy and administrative support.</p>
	<p>Measure type</p> <p>Effectiveness</p>
<p>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</p>	<p>Targets</p> <p>1.3.1: Number/type of NDIS Commission resources, activities and engagements</p> <p>1.3.2: 90% of providers surveyed said training had increased their understanding of what quality and safety means to NDIS participants</p>
	<p>Results</p> <p>68 major events and 525 engagement activities</p> <p>96%</p>

Analysis of results

The NDIS Commission achieved this performance measure by meeting all the targets.

Results for Target 1:

In 2023–24, the NDIS Commission hosted or participated in 68 major external events and attended approximately 525 engagement activities with our stakeholders, in person or virtually. The NDIS Commission has invested effort in building our social media profile and sharing information with key stakeholders through these channels. At 1 July 2024, the NDIS Commission had more than 61,000 followers on LinkedIn and over 15,000 on Facebook.

The NDIS Commission is committed to engaging with our stakeholders and providing education and resources to providers and workers to improve outcomes for participants and increase the safety and quality of services provided to people with disability.

While much of the focus of our educational activities has been on registered providers, in 2023–24 we increased our emphasis on promoting the importance of the Code of Conduct for all providers, including unregistered providers and their workers. We worked with our partners in DSS, the NDIA and the ACCC to raise awareness of consumer rights and the safety and quality of supports and services to the community.

The NDIS Commission is involved in a range of engagement activities, and education and information campaigns.

The NDIS Commission issued four provider newsletters and one provider alert informing the sector about significant operational and regulatory changes, including changes to:

- ◆ legislation
- ◆ policies
- ◆ the NDIS Commission's operations and practices.

We developed new resources for providers, workers and participants, to increase their understanding of the rights of people with disability. These included:

- ◆ a poster and fact sheet with general guidance on the Code of Conduct
- ◆ a two-page flyer with guidance on the Code of Conduct in hospital settings, developed for the healthcare sector.

We produced participant and provider packs that can be requested via the NDIS Commission website. We distributed 22,210 hard copies of the packs during the reporting period, and 56,216 digital copies were downloaded from the website.

Results for Target 2:

96% of providers said training had increased their understanding of what quality and safety means to NDIS participants.

In 2023, the NDIS Commission launched the Workforce Capability Framework, which describes the attitudes, skills and knowledge expected of all workers providing services funded under the NDIS. It gives clear, practical examples and establishes a shared language of 'what good looks like' for participants when they receive NDIS supports and services.


The NDIS Commission continues to regularly publish practical resources, including eLearning worker training modules, to educate providers and workers and increase their capability in providing quality supports and services to participants. These include:

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

The NDIS Commission's eLearning modules are designed to help NDIS workers better support people with disability and understand their obligations under the NDIS Code of Conduct. These modules are also available in Auslan and screen reader-friendly versions.

In June and July 2024, ORIMA research surveyed workers and providers who had completed the eLearning modules, to gain feedback on the effectiveness of the modules. In total, 547 responses were received. Around 96% of providers and 92% of workers who responded to the survey indicated that the modules had increased their understanding of what quality and safety means for NDIS participants.

The NDIS Commission will continue to review existing training resources, develop new training resources, and actively promote them in our engagement activities to help support workers and providers better understand NDIS participants' rights as consumers.

 <p>Performance Measure (PM) 2.2</p>	<p>Linked PBS program</p> <p>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.</p>
	<p>Key Activities</p> <p>Provide support to providers, workers and auditors in relation to the registration process, via administration of the NDIS Commission grants program and management of its deliverables.</p>
	<p>Measure type</p> <p>Effectiveness</p>
<p>NDIS participants have greater access to, and choice of, skilled workers</p>	
<p>Target</p> <p>2.2.1: Uptake of the Workforce Capability Framework, building a skilled workforce</p>	<p>Results</p> <p>15% increase in the use of the Workforce Capability Framework</p>

Analysis of results

The NDIS Commission achieved this performance measure by meeting the target.

In 2023–24, there was a 17% increase in the use of the **Workforce Capability Framework (WCF)***.

The NDIS Commission first launched the Workforce Capability Framework (WCF) in July 2022 for testing, and it was fully launched on 30 June 2023. The WCF describes the attitudes, skills and knowledge expected of all workers in services funded under the NDIS. It incorporates interactive tools and resources to support workforce management and planning, recruitment, supervision, training, guidance for participants, and career guidance for workers.

Table 2. Use of the Workforce Capability Framework in 2023–24 compared to 2022–23

Result	2022–23 (baseline data)	2023–24	Variance from 2022–23
Number of users	40,798	47,895	17.4% increase
Average daily number of users	111.76	131.22	17.4% increase
Number of resources downloads	15,399	17,557	14.0% increase


* workforcecapability.ndiscommission.gov.au/

To give participants greater access to, and choice of, skilled workers, the WCF provides tailored resources for participants, providers and workers. The resources are designed to improve participants' knowledge in directly engaging with NDIS providers and workers, including:

- ◆ what to look for in an NDIS provider
- ◆ how to find a registered NDIS provider and an NDIS behaviour support practitioner
- ◆ how to self-manage an NDIS plan and manage supports
- ◆ to describe support needs, and recruit and select suitable workers
- ◆ to check if a worker has submitted to an NDIS Worker Screening Check
- ◆ how to make a complaint.

Some resources are available in Easy Read format, Auslan and community languages other than English. We also developed resources to improve participants' cultural awareness when engaging Aboriginal and Torres Strait Islander workers.

The NDIS Commission recognises the limitations of resources in the disability sector and continues to work with stakeholders on the co-design of material to meet identified needs.

 <p>Performance Measure (PM) 2.3</p>	<p>Linked PBS program</p> <p>Program 1.1 – Support for National Disability Insurance Scheme providers in relation to registration – Support for NDIS providers with the costs of obtaining registration and to support the provision of education and training for providers, workers and auditors.</p>
	<p>Key Activities</p> <p>Complaints and reportable incidents management, communications and engagement with stakeholders, behaviour support leadership, registration of NDIS service providers, management of worker screening processes, compliance operations, intra-agency operational, legal, policy and administrative support.</p>
<p>The NDIS Commission Grants Program creates resources and opportunities that enhance providers', workers' and auditors' registration and training capability</p>	<p>Measure type Output</p>
<p>Target</p> <p>2.3.1: Mix of statement of FY grant spend and qualitative reporting</p>	<p>Results</p> <p>No expenditure of grant funds</p>

Analysis of results

The NDIS Commission partially achieved this performance measure. There was no expenditure of grant funds in 2023–24. The qualitative reporting described below is evidence that the grants program created resources and opportunities that enhanced providers', workers' and auditors' registration and training capability.

During 2023–24, we had a few active grants, including seven that commenced activities in early July 2023. The focus of these projects was to:

- ◆ create a positive complaints culture for and among priority cohorts
- ◆ engage participants in the development of their BSPs
- ◆ design and test a digital complaints management system to improve early resolution pathways between participants and providers.

In February 2024, the NDIS Commission established a community of practice for active grantees, to facilitate connection, collaboration, support and learning. The community of practice creates opportunities for grantees to build relationships between one another as they co-design and co-create solutions with people with disability. Early outcomes indicate that grantees are collaborating in developing resources, overcoming common barriers, testing ideas, and sharing learnings for better outcomes across all projects.

Activities facilitated under seven grants concluded during the reporting period, with one grant being finalised early and another soon to formally conclude. In this reporting period, we are unable to share the outcome of the grant that was finalised early, due to confidential sensitivities. The following resources were developed through the six concluded grant projects and are now available for use by participants, providers, workers and others in the sector.

- ◆ Flinders University developed the **Deciding with Support**^{*} website for people with disability and the people who support them. The website includes a range of Easy Read and other resources to help people make decisions about their BSPs.
- ◆ Keogh Bay People Pty Ltd released the **Working and Walking Together NDIS Learning Place**[†]. The learning place supports workers and providers to improve their understanding of NDIS service delivery to Aboriginal people in rural and remote communities.
- ◆ Deaf Indigenous Community Consultancy produced the **Bina Gurri**[‡] website, which provides free online training for providers and workers who support Aboriginal and Torres Strait Islander participants who are Deaf or hard of hearing.
- ◆ Kaleidoscope Focus developed the **Resources for NDIS Emergency and Disaster Management (R4NED)** website, which supports participants and providers to manage their NDIS supports and services, and get ready for, manage and recover from emergencies and disasters. This resource has now been included on the ABC Emergency website.
- ◆ Inclusion Australia completed the national rollout of **Your Service, Your Rights**[§] project workshops and accompanying resource materials. The project assisted people with intellectual disability to build their capacity to be change-makers and increase the quality of the supports they receive.
- ◆ Allied Health Professions Australia reviewed and updated the **Allied Health NDIS Registration Support**[¶] website to reflect updates to the NDIS Practice Standards.

The grant activities delivered throughout the year supported people with disability to exercise their rights when accessing NDIS supports and services, and providers and workers to uphold the rights of people with disability through the delivery of safe and quality NDIS supports and services.

* decidingwithsupport.flinders.edu.au

† learningplace.s3.ap-southeast-1.amazonaws.com/content/index.html#/


‡ binagurri.deaficc.com.au

§ inclusionaustralia.org.au/project/your-service-your-rights/

¶ ndisregistrationsupport.ahpa.com.au

Findings from grant activities have been considered in reforming the Grants Program to better align with the future state of the NDIS, Commonwealth Grants Rules and Principles 2024, and best practice grants management approaches. Further detail can be found in the recently released [Program guidelines](#)*

* ndiscommission.gov.au/grants#paragraph-id-7648

 <p>Performance Measure (PM) 3.1</p>	<p>Linked PBS program</p> <p>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.</p>
	<p>Key Activities</p> <p>Complaints and reportable incidents management, communications and engagement with stakeholders, behaviour support leadership, registration of NDIS service providers, management of worker screening processes, compliance operations, intra-agency operational, legal, policy and administrative support.</p>
<p>Quality and safety risks are reduced through the use of regulatory levers to exit unscrupulous and ineffective operators and workers from the market</p>	<p>Measure type Output and Effectiveness</p>
<p>Targets</p> <p>3.1.1: # of registration revocations # of registrations applications refused # banning orders</p> <p>3.1.2: Qualitative analysis</p>	<p>Results</p> <p>187 registration revocations 10, 546 registrations applications refused 124 banning orders</p> <p>Analysed</p>

Analysis of results

We achieved this performance measure by meeting all the targets.

Table 3. Comparison of compliance results between 2022–23 and 2023–24

Result	2022–23 (baseline data)	2023–24	Change from 2022–23
Registration revocations	104	187	79.8% increase
Registration applications refused	2,483	10,546	324.7% increase
Banning orders	92	124	34.7% increase

As a result of the 2023–24 budget uplift, the NDIS Commission increased the number of employees across functions. These additional resources significantly increased the number of provider registration applications processed compared to 2022–23, and more non-compliance matters were investigated

and determined. The extra funding also supported the roll-out of the Regulatory Learning and Development Program, which continues to support staff to grow their regulatory capability.

The NDIS Commission has used the full range of compliance and enforcement levers available to increase the quality and safeguarding of NDIS supports and services. The NDIS Commissioner used statutory coercive notices and warrants to obtain information that informed our regulatory actions.

The NDIS Commission has also increased the use of regulatory interventions such as imposing registration conditions, and revoking, suspending or varying registrations in conjunction with compliance and enforcement actions to get timely and risk-responsive outcomes for NDIS participants.

Throughout the year, we delivered a Regulatory Learning and Development Program to increase our workforce capability. With additional investment in staff and a continued focus on regulatory capability, there has been a marked increase in the use of statutory compliance and enforcement tools within the NDIS Commission.

Banning orders were also issued by the Practice Quality Division, which monitors compliance against NDIS Restrictive Practices and Behaviour Support Rules.

Since the establishment of the Fraud Fusion Taskforce in November 2022, the NDIS Commission continues to steadily increase its investigative tools and its resources and capacity to pursue current and historical matters. At 30 June 2024, the NDIS Commission had executed 181 compliance actions against providers suspected of fraud or sharp practices since the establishment of the Fraud Fusion Taskforce in November 2022, with 59 of these in 2023–24.

The compliance outcome comparison shown in [Table 4](#) demonstrates the NDIS Commission’s evolving maturity through its use of statutory tools, serving as general and specific deterrence for providers who put participants at risk.

Table 4. Compliance outcomes, 2022–23 and 2023–24

Action	2022–23	2023–24
Banning order	92	124
Banning order variation	12	6
Civil penalty proceedings	1	3
Compliance notice	16	42
Corrective action request	608	251
Education	6,228	20,732
Enforceable undertaking	0	5
Infringement notice	11	147
Revocation of registration	104	187
Warning letter	48	3,558

This shows a significant increase in the number of infringement notices issued to providers, from 11 in 2022–23 to 147 in 2023–24. Similarly, there was a 156% increase in the number of compliance notices issued and a 34.8% increase in the use of banning orders compared to 2022–23.

The NDIS Commission is focused on maintaining the integrity and quality of service providers in the NDIS market.

The number of registration applications refused, and the significant number of revocations highlight the NDIS Commission's proactive stance on maintaining service quality and protecting participants in the market.

The data will be used to further refine and improve the vetting process to ensure providers continue to be educated and we can develop more sophisticated monitoring tools.

The NDIS Commission continues to provide regulatory education and guidance to internal and external stakeholders, mainly through its Market Operations team. In deciding to exit a provider from the NDIS market, we consider the impact it will have on the availability of supports and services to people with disability. We work closely with the NDIA to minimise impacts as participants are transitioned to alternative providers.



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Part 4

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Reporting financial performance

Departmental Activities

In 2023-24, the NDIS Commission was provided a budget uplift which increased departmental operating resourcing by \$69.9 million and department capital budget by \$1.5 million that effectively enabled the doubling of the workforce requiring recruitment of more than 500 roles. As at 30 June 2024, the NDIS Commission had a total workforce of 1,036, which included 938 APS staff and 97 labour hire resources.

The NDIS Commission was provided with \$11 million for the Second Pass Business Case, including Quick Wins such as the replacement of the NDIS Commission's telephony system and establishing a data governance process and data architecture plan to support the creation of a data lake.

The NDIS Commission received additional funding at the Mid Year Economic and Fiscal Outlook (MYEFO) that provided an additional 35 staff to strengthen Housing and Living Supports.

The Second Pass Business Case was provided to Government and resulted in agreement at the 2024-25 Budget to fund the Data and Regulatory Transformation (DART) Program.

The successful replacement of the telephony system, sharing technology with the NDIA on the Amazon Web Services platform, was stood up in April 2024.

The funding envelope assumed that additional staff would commence on 1 July 2023, which was not achievable; however, it provided opportunities to fast-track some activities. The final result for the financial year 2023-24 was a comprehensive surplus of \$11.5 million. This outcome is due to the employment market conditions, the size of the workforce uplift required and was exacerbated by the additional appropriations received at MYEFO that were

also linked to workforce growth. It has been necessary for the NDIS Commission to carefully manage workforce size towards the end of the 2023-24 year in order to ensure affordability in the 2024-25 year. This result is not expected to have any impact on future financial results.

There are sufficient unspent appropriations for the NDIS Commission to continue operations and pay liabilities as and when they become due. Departmental Appropriations of \$44.4 million (yet to be drawn down) represent an asset on the balance sheet and current liabilities are \$17.5 million. This includes year-end accruals of \$5.6 million and employee liabilities (salaries, superannuation, annual leave) of \$10.2 million, with other creditors and payables making up the balance.

Compared to the previous year, the NDIS Commission has spent \$38.1 million more on its workforce, \$9.2 million more on contractual services and suppliers and \$2 million more on service delivery from Services Australia and the Department of Social Services. The increases in costs are aligned with the increased staff footprint, as shared services costs, are, to a great extent, driven by staffing numbers.

Administered Activities

The increase in regulatory work across the NDIS Commission resulted in \$2.1 million in infringement notices, which is returned to government as administered revenue. Additionally, a successful court case resulted in \$1.8 million being awarded. The NDIS Commission also recovered money of \$2.4 million from a previously issued grant where the acquittal process showed that deliverables were not as expected from this grant.

These administered receipts totalled \$6.3 million.

Table 5. Entity Resource Statement and expenses for outcomes

	Current available appropriation (a)	Payments made (b)	Balance remaining (a)-(b)
	\$'000	\$'000	\$'000
Departmental			
Annual appropriations - ordinary annual services ^{1,2}	151,280	105,384	45,896
Prior year appropriations available - ordinary annual services ³	21,662	21,662	-
Annual appropriations - other services - non-operating ^{4,5}	4,719	3,071	1,648
Prior year appropriations available - other services - non-operating ⁶	617	617	-
s74 External Revenue ⁷	4,875	4,875	-
Total departmental annual appropriations (c)	183,153	135,609	47,544
Total departmental special appropriations (d)	-	-	-
Opening balance - special accounts	-	-	-
Special account receipts	-	-	-
Total special accounts (e)	-	-	-
less departmental appropriations drawn from annual/special appropriations and credited to special accounts (f)	-	-	-
Total departmental resourcing (c+d+e-f)	183,153	135,609	47,544
Administered			
Annual appropriations - ordinary annual services	4,804	-	4,804
Prior year appropriations available - ordinary annual services	191	-	191
Annual appropriations - other services - non-operating	-	-	-
Prior year appropriations available - other services - non-operating	-	-	-
Annual appropriations - other services - specific payments to States, ACT, NT and local government	-	-	-
Prior year appropriations available other services - specific payments to States, ACT, NT and local government	-	-	-
Annual appropriations - other services - new administered expenses	-	-	-
Prior year appropriations available - other services - new administered expenses	-	-	-
Total administered annual appropriations (g)	4,995	-	4,995

	Current available appropriation (a)	Payments made (b)	Balance remaining (a)-(b)
	\$'000	\$'000	\$'000
Total administered special appropriations (h)	5	5	-
Opening balance – special accounts	-	-	-
Special account receipts	-	-	-
Total special accounts receipts (i)	-	-	-
less administered appropriations drawn from annual/special appropriations and credited to special accounts (j)	-	-	-
less payments to corporate entities from annual/special appropriations (k)	-	-	-
Total administered resourcing (g+h+i-j-k)	5,000	5	4,995
Total resourcing and payments for NDIS Quality and Safeguards Commission	188,153	135,614	52,539

1. Appropriation Act (No.1, 3) 2023-24.
2. The Section 51 application to withhold Appropriation Act (No.1) 2023-24 (\$1.5M) was approved on 26 June 2024. The amount is being quarantined by Department of Finance for administrative purposes.
3. Supply Act (No. 1, 3) 2022-23, and Appropriation Act (No. 1) 2022-23.
4. Appropriation Act (No. 1, 3) 2023-24 DCB.
5. Departmental capital budgets (DCB) are not separately identified in Appropriation Act (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'.
6. Appropriation Act (No. 1) 2022-23 DCB.
7. External Revenue receipts under section 74 of the PGPA Act 2013.

Table 6. Expenses for outcomes

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 nation-ally consistent and responsive regulation, policy development, ad-vice and education	Budget* 2023–24 \$'000 (a)	Actual expenses 2023–24 \$'000 (b)	Variation 2023–24 \$'000 (a) - (b)
Program 1.1 – Support for National Disability Insurance Scheme providers in relation to registration			
Administered expenses			
Ordinary annual services (Appropriation Act No. 1)	4,804	-	4,804
Other services (Appropriation Act Nos. 2, 4 and 6)	-	-	-
s74 External Revenue ¹	-	-	-
Special appropriations	5	5	-
Special accounts	-	-	-
Payments to corporate entities	-	-	-
Expenses not requiring appropriation in the Budget year ²	-	-	-
Administered total	4,809	5	4,804
Total expenses for Program 1.1	4,809	5	4,804
Program 1.2 – Program Support for the NDIS Quality and Safeguards Commission			
Departmental expenses			
Ordinary annual services (Appropriation Act Nos. 1, 3 and 5)	151,280	131,935	19,345
Other services (Appropriation Act Nos. 2, 4 and 6)	-	-	-
s74 External Revenue ¹	-	4,875	(4,875)
Special appropriations	-	-	-
Special accounts	-	-	-
Payments to corporate entities	-	-	-
Expenses not requiring appropriation in the Budget year ²	2,264	3,632	(1,368)
Departmental total	153,544	140,442	13,102
Total expenses for Program 1.2	153,544	140,442	13,102

* Full-year budget, including any subsequent adjustment made to the 2023–24 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, amortisation expenses, make good expenses, audit fees.

NDIS Quality and Safeguards Commission

Financial statements

for the year ended 30 June 2024

NDIS Quality and Safeguards Commission

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Comparator year: 2023

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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 2024 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.

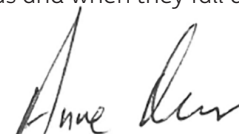


Signed

Michael Phelan APM

Acting NDIS Quality and Safeguards Commissioner

30 September 2024



Signed

Anne Fleischer

Chief Financial Officer

30 September 2024



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 2024:

- (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 2024 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 2024 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 material accounting policy information 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 their 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.

Other information

The Commissioner is responsible for the other information. The other information comprises the information included in the annual report for the year ended 30 June 2024 but does not include the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

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.

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
30 September 2024

NDIS Quality and Safeguards Commission

Statement of Comprehensive Income

for the year ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	92,310	53,558	78,397
Suppliers	1.1B	32,778	23,610	58,316
Depreciation and amortisation	3.2A	8,244	7,585	6,054
Finance costs	1.1C	171	159	118
Payments for service delivery	1.1D	6,672	4,691	5,459
Write-down and impairment of other assets		-	2	-
Total expenses		140,175	89,605	148,344
Own-Source Income				
Own-source revenue				
Other revenue	1.2A	2,326	798	-
Total own-source revenue		2,326	798	-
Total own-source income		2,326	798	-
Net cost of services		(137,849)	(88,807)	(148,344)
Revenue from Government	1.2B	149,780	80,162	146,080
Surplus/(Deficit)		11,931	(8,645)	(2,264)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve		(478)	30	-
Total other comprehensive income/(loss)		(478)	30	-
Total comprehensive Income/(loss)		11,453	(8,615)	(2,264)

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 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	3.1A	1,734	1,077	1,002
Trade and other receivables	3.1B	45,488	17,266	11,775
Total financial assets		47,222	18,343	12,777
Non-Financial Assets¹				
Leasehold improvements	3.2A	8,323	11,355	10,984
Buildings	3.2A	9,610	13,267	10,120
Plant and equipment	3.2A	2,869	1,596	4,212
Intangibles	3.2A	1,698	-	-
Other non-financial assets		412	65	-
Total non-financial assets		22,912	26,283	25,316
Total assets		70,134	44,626	38,093
LIABILITIES				
Payables				
Suppliers	3.3A	7,334	2,764	5,498
Other payables	3.3B	3,313	1,868	929
Total payables		10,647	4,632	6,427
Interest Bearing Liabilities				
Leases	3.4A	11,963	15,881	12,400
Total interest bearing liabilities		11,963	15,881	12,400
Provisions				
Employee provisions	6.1A	15,184	8,467	7,072
Other provisions	3.5A	1,747	1,225	1,245
Total provisions		16,931	9,692	8,317
Total liabilities		39,541	30,205	27,144
Net assets		30,593	14,421	10,949
EQUITY				
Contributed equity		18,792	14,073	21,623
Asset revaluation reserve		1,228	1,706	1,676
Retained surplus/(Accumulated deficit)		10,573	(1,358)	(12,350)
Total equity		30,593	14,421	10,949

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

1. Property lease right of use (ROU) assets are included in Buildings. Motor vehicle lease ROU assets are included in Plant and equipment.

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 2024

	2024 \$'000	2023 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY			
Opening balance as at 1 July	14,073	16,561	18,404
Transactions with owners			
Contributions by owners			
Departmental capital budget	4,719	1,841	3,219
Section 51 Withholding ¹	-	(4,329)	-
Total transactions with owners	<u>4,719</u>	<u>(2,488)</u>	<u>3,219</u>
Closing balance as at 30 June	<u>18,792</u>	<u>14,073</u>	<u>21,623</u>
RETAINED EARNINGS			
Opening balance	(1,358)	7,287	(10,086)
Comprehensive income/(loss)			
Surplus/(Deficit) for the period	11,931	(8,645)	(2,264)
Total comprehensive income/(loss)	<u>11,931</u>	<u>(8,645)</u>	<u>(2,264)</u>
Closing balance as at 30 June	<u>10,573</u>	<u>(1,358)</u>	<u>(12,350)</u>
ASSET REVALUATION RESERVE			
Opening balance	1,706	1,676	1,676
Comprehensive income/(loss)			
Other comprehensive income/(loss)	(478)	30	-
Total comprehensive income/(loss)	<u>(478)</u>	<u>30</u>	<u>-</u>
Closing balance as at 30 June	<u>1,228</u>	<u>1,706</u>	<u>1,676</u>
TOTAL EQUITY			
Opening balance	14,421	25,524	9,994
Comprehensive income			
Surplus/(Deficit) for the period	11,931	(8,645)	(2,264)
Other comprehensive income/(loss)	(478)	30	-
Total comprehensive Income/(loss)	<u>11,453</u>	<u>(8,615)</u>	<u>(2,264)</u>
Transactions with owners			
Contributions by owners			
Departmental capital budget	4,719	1,841	3,219
Section 51 Withholding	-	(4,329)	-
Total transactions with owners	<u>4,719</u>	<u>(2,488)</u>	<u>3,219</u>
Closing balance as at 30 June	<u>30,593</u>	<u>14,421</u>	<u>10,949</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. Section 51 withholding of \$4.32M was confirmed on 29 June 2023. The amount had previously been quarantined in 2021-22 by Department of Finance for administrative purposes.

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 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		123,372	85,142	146,080
GST received		3,350	2,784	-
Section 74 cash received		4,875	2,442	-
Total cash received		<u>131,597</u>	<u>90,368</u>	<u>146,080</u>
Cash used				
Employees		84,148	52,055	78,397
Suppliers		37,411	31,710	63,775
Interest payments on lease liabilities		125	147	118
Section 74 receipts transferred to OPA		4,875	2,442	-
Total cash used		<u>126,559</u>	<u>86,354</u>	<u>142,290</u>
Net cash from operating activities		<u>5,038</u>	<u>4,014</u>	<u>3,790</u>
INVESTING ACTIVITIES				
Cash used				
Purchase of leasehold improvements		79	483	-
Purchase of property, plant and equipment		2,250	741	3,219
Purchase of intangibles		1,359	-	-
Total cash used		<u>3,688</u>	<u>1,224</u>	<u>3,219</u>
Net cash used by investing activities		<u>(3,688)</u>	<u>(1,224)</u>	<u>(3,219)</u>
FINANCING ACTIVITIES				
Cash received				
Contributed equity		3,688	1,224	3,219
Total cash received		<u>3,688</u>	<u>1,224</u>	<u>3,219</u>
Cash used				
Principal payments of lease liabilities		4,381	3,939	3,790
Total cash used		<u>4,381</u>	<u>3,939</u>	<u>3,790</u>
Net cash used by financing activities		<u>(693)</u>	<u>(2,715)</u>	<u>(571)</u>
Net increase in cash held		<u>657</u>	<u>75</u>	<u>-</u>
Cash and cash equivalents at the beginning of the reporting period		<u>1,077</u>	<u>1,002</u>	<u>1,002</u>
Cash and cash equivalents at the end of the reporting period	3.1A	<u>1,734</u>	<u>1,077</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 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Grants	2.1A	-	4,398	4,804
Refund of infringements		4	-	-
Total expenses		<u>4</u>	<u>4,398</u>	<u>4,804</u>
Income				
Fines and penalties	2.2A	3,924	542	-
Grant recoveries	2.2B	2,401	-	-
Total Income		<u>6,325</u>	<u>542</u>	<u>-</u>
Net (cost of) / contribution by services		<u>6,321</u>	<u>(3,856)</u>	<u>(4,804)</u>
Surplus / (Deficit)		<u>6,321</u>	<u>(3,856)</u>	<u>(4,804)</u>
Total comprehensive Income / (loss)		<u>6,321</u>	<u>(3,856)</u>	<u>(4,804)</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 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
Assets				
Financial assets				
Trade and other receivables	4.1A	-	440	1,100
Total financial assets		-	440	1,100
Total assets administered on behalf of government		-	440	1,100
Liabilities				
Total liabilities administered on behalf of government		-	-	-
Net Assets		-	440	1,100

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 2024

	Notes	2024 \$'000	2023 \$'000
Opening assets less liabilities as at 1 July		<u>440</u>	<u>1,100</u>
Adjusted opening assets less liabilities		<u>440</u>	<u>1,100</u>
Net cost of services			
Income		6,325	542
Expenses		(4)	(4,398)
Transfers (to)/from the Australian Government			
Appropriation transfers from the Official Public Account			
Payments to entities other than corporate Commonwealth entities		-	4,838
Special appropriations			
Payments to entities other than corporate Commonwealth entities	5.1C	5	-
Appropriation transfers to the Official Public Account			
GST receipts transferred to the Official Public Account		(200)	(440)
Administered receipts transferred to the Official Public Account		<u>(6,566)</u>	<u>(1,202)</u>
Closing assets less liabilities as at 30 June		<u>-</u>	<u>440</u>

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 2024

	Notes	2024 \$'000	2023 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
GST Received		200	440	-
Grant recoveries		2,641	660	-
Fines and penalties		3,925	542	-
Total cash received		<u>6,766</u>	<u>1,642</u>	<u>-</u>
Cash used				
Grants		-	4,838	4,804
Other		5	-	-
Total cash used		<u>5</u>	<u>4,838</u>	<u>4,804</u>
Net cash from / (used by) operating activities		<u>6,761</u>	<u>(3,196)</u>	<u>(4,804)</u>
Net increase/(decrease) in cash held		<u>6,761</u>	<u>(3,196)</u>	<u>(4,804)</u>
Cash and cash equivalents at the beginning of the reporting period		-	-	-
Cash from Official Public Account				
Appropriations		5	4,838	4,804
Total cash from Official Public Account		<u>5</u>	<u>4,838</u>	<u>4,804</u>
Cash to the Official Public Account for				
Appropriations		6,766	1,642	-
Total cash to official public account		<u>6,766</u>	<u>1,642</u>	<u>-</u>
Cash and cash equivalents at the end of the reporting period		<u>-</u>	<u>-</u>	<u>-</u>
<p>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.</p>				

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. New accounting standards

No new /or amending accounting standards were adopted for the 2023-24 reporting period.

Net cash appropriations comparatives were updated as required.

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 2024.

1.1 Expenses

	2024 \$'000	2023 \$'000
Note 1.1A: Employee Benefits		
Wages and salaries	66,580	38,836
Superannuation		
Defined contribution plans	9,680	5,751
Defined benefit plans	1,903	1,269
Leave and other entitlements	13,819	7,629
Separation and redundancies	328	73
Total employee benefits	92,310	53,558

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	10,253	12,477
IT services	4,374	512
Contractual services	4,223	3,978
Travel	3,138	1,252
Legal fees	2,455	543
Consultants	2,292	995
Property	1,391	1,120
Training	1,282	487
Other	1,199	982
Police and Security Clearances	485	177
Printing & publications	325	339
Workplace Health and Safety Costs	248	61
Audit fees	125	119
Communications	30	253
Stakeholder engagement	21	31
Total goods and services supplied or rendered	31,841	23,326

Goods supplied	648	616
Services rendered	31,193	22,710
Total goods and services supplied or rendered	31,841	23,326

Other suppliers

Workers compensation expenses	718	214
Short-term leases	219	70
Total other suppliers	937	284
Total suppliers	32,778	23,610

The entity has contractual commitments for short-term leases for its temporary office locations. The short-term lease commitment as at 30 June 2024 was \$0.11M (2023: \$0.06M). 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 4 (2023: 3) short term leases during the year.

	2024 \$'000	2023 \$'000
Note 1.1C: Finance Costs		
Interest on lease liabilities	127	149
Unwinding of discount	44	10
Total finance costs	<u>171</u>	<u>159</u>

Accounting Policy

All borrowing costs are expensed as incurred.

Note 1.1D: Payment for Service Delivery

Payment for service delivery	6,672	4,691
Total payment for service delivery	<u>6,672</u>	<u>4,691</u>

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

	2024 \$'000	2023 \$'000
Note 1.2A: Other Revenue		
Resources received free of charge		
Remuneration of auditors	125	119
Other ¹	2,201	679
Total other revenue	2,326	798

1. The entity received \$2.00M (2023: \$0.60M) from the Department of Social Services (DSS) for the behaviour support training program and \$0.20M (2023: \$0.10M) from other government entities.

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. Resources received free of charge are recorded as either revenue or gains depending on their nature.

Other Revenue

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

Note 1.2B: Revenue from Government

Appropriations		
Departmental appropriations	149,780	80,162
Total revenue from Government	149,780	80,162

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

	2024 \$'000	2023 \$'000
Note 2.1A: Grants		
External parties	-	497
Not-for-profit organisations	-	3,901
Total grants	<u>-</u>	<u>4,398</u>

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	3,924	542
Total fines and penalties	<u>3,924</u>	<u>542</u>

Accounting Policy

The NDIS Commission can issue fines and penalty orders pursuant to the section 103 of the Regulatory Powers (Standard Provisions) Act 2014 on any contravention of the National Disability Insurance Scheme Act 2013. Fines and penalties are recognised as income when the cash is received.

Note 2.2B: Other Revenue

Grant recoveries	2,401	-
Total other revenue	<u>2,401</u>	<u>-</u>

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

	2024 \$'000	2023 \$'000
Note 3.1A: Cash and Cash Equivalents		
Cash on hand	1,734	1,077
Total cash and cash equivalents	<u>1,734</u>	<u>1,077</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

Appropriations receivables

Appropriations receivables	44,312	16,873
Total appropriations receivables	<u>44,312</u>	<u>16,873</u>

Other receivables

GST receivable from the Australian Taxation Office	512	220
Employee benefits receivable	574	143
Other	90	30
Total other receivables	<u>1,176</u>	<u>393</u>
Total trade and other receivables (gross)	<u>45,488</u>	<u>17,266</u>

Less expected credit loss allowance

	-	-
Total trade and other receivables (net)	<u>45,488</u>	<u>17,266</u>

Credit terms for goods and services were within 30 days (2022-23: 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 and Intangibles

	Leasehold improvements \$'000	Buildings \$'000	Plant and Equipment \$'000	Intangibles \$'000	Total \$'000
As at 1 July 2023					
Gross book value	14,577	23,050	2,372	-	39,999
Accumulated depreciation, amortisation and impairment	(3,222)	(9,783)	(776)	-	(13,781)
Total as at 1 July 2023	11,355	13,267	1,596	-	26,218
Additions					
Purchase	79	-	2,250	1,734	4,063
Right-of-use assets	-	280	190	-	470
Remeasurement of right of use asset	-	(7)	-	-	(7)
Depreciation	(3,111)	-	(1,112)	(36)	(4,259)
Depreciation on right of use assets	-	(3,930)	(55)	-	(3,985)
Total as at 30 June 2024	8,323	9,610	2,869	1,698	22,500
Total as at 30 June 2024 represented by					
Gross book value	14,656	23,323	4,810	1,734	44,523
Accumulated depreciation, impairment, and amortisation	(6,333)	(13,713)	(1,941)	(36)	(22,023)
Total as at 30 June 2024	8,323	9,610	2,869	1,698	22,500
Carrying amount of right of use assets	-	9,610	135	-	9,745

There were no material indicators of impairment found for property, plant and equipment during the 2023-24 year.

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. It is not anticipated that any property, plant and equipment will be sold or disposed of within the next 12 months.

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 2024 (2023: Nil).

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).

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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.

Intangible assets comprise purchased and internally developed software for internal use. Intangibles are capitalised when their gross values are greater than \$50,000 for externally acquired software and \$200,000 for internally developed software. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

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.

<u>Asset class</u>	<u>Useful life</u>
Plant and equipment	3-10 years
Intangibles	5 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 2024. 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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.3 Payables

	2024 \$'000	2023 \$'000
Note 3.3A: Suppliers		
Trade creditors and accruals	6,614	2,431
Other suppliers	720	333
Total suppliers	7,334	2,764

Settlement is usually made within 5 days for e-Invoices and 20 days for all other supplier invoices (2022-23: 20 days).

Note 3.3B: Other Payables

Salaries and wages	2,356	1,268
Leave transfers	538	383
Superannuation	394	213
Other	25	4
Total other payables	3,313	1,868

Accounting Policy

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

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.4 Interest Bearing Liabilities

	2024 \$'000	2023 \$'000
Note 3.4A: Leases		
Buildings	11,827	15,881
Plant and equipment	136	-
Total leases	<u>11,963</u>	<u>15,881</u>

Total cash outflow for leases for the year ended 30 June 2024 was \$4.73M (2023: \$4.20M) which includes principal, interest and short-term lease payments.

Note 3.4A: Leases - Maturity

Maturity analysis - contractual undiscounted cash flows

Within 1 year	4,102	4,039
Between 1 to 5 years	8,099	12,209
Total leases	<u>12,201</u>	<u>16,248</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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.5 Provisions

Note 3.5A: Other provisions

	Make Good Provisions
	\$'000
As at 1 July 2023	1,225
Additional provisions made (in the comprehensive income)	478
Unwinding of discount	44
Total as at 30 June 2024	1,747

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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

	2024 \$'000	2023 \$'000
Note 4.1A: Trade and Other Receivables		
GST receivable from the Australian Taxation Office	-	440
Total other receivables	-	440
Total trade and other receivables	-	440

Credit terms for goods and services were within 30 days (2022-23: 30 days).

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5. Funding

5.1 Appropriations

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

	2024 \$'000	2023 \$'000
Departmental		
Annual Appropriation		
Ordinary annual service	151,280	80,162
Departmental Capital Budget (DCB) ¹	4,719	1,841
PGPA Act		
Section 74 receipts ²	4,875	2,442
Total annual appropriation	160,874	84,445
Appropriation applied (current and prior years) ³	131,280	88,733
Variance	29,594	(4,288)
Opening unspent appropriation balance	22,279	26,567
Appropriations repealed		
Appropriation Act (No.1) 2021-22 ⁴	(4,329)	-
Closing unspent appropriation balance	47,544	22,279
Balance comprises appropriations as follows:		
Appropriation Act (No.1) 2021-22 ⁴	-	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
Cash (Appropriation Act (No.1) 2023-24)	1,732	-
Appropriation Act (No.1) 2023-24 ⁵	1,500	-
Appropriation Act (No.1) 2023-24	36,765	-
Appropriation Act (No. 3) 2023-24	5,899	-
Appropriation Act (No.1) 2023-24 DCB	148	-
Appropriation Act (No.3) 2023-24 DCB	1,500	-
Total unspent appropriation - Ordinary annual services	47,544	22,279

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 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. Section 51 withholding of \$4.32M was confirmed on 29 June 2023 and was repealed on 1 July 2024. The amount had previously been quarantined in 2021-22 by Department of Finance for administrative purposes.
5. The Section 51 application to withhold Appropriation Act (No.1) 2023-24 (\$1.50M) was approved on 26 June 2024. The amount is being quarantined by Department of Finance for administrative purposes.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

	2024 \$'000	2023 \$'000
Administered		
Annual appropriation		
Ordinary annual services	4,804	4,589
Total annual appropriation	4,804	4,589
Appropriation applied (current and prior years) ¹	-	4,398
Variance²	4,804	191
Opening unspent appropriation balance	1,038	1,644
Appropriations repealed	-	-
<i>Appropriation Act (No.1) 2020-21</i>	(821)	(791)
<i>Supply Act (No.1) 2020-21</i>	(26)	-
<i>Supply Act (No.1) 2019-20</i>	-	(6)
Closing unspent appropriation balance	4,995	1,038
Balance comprises appropriations as follows:		
<i>Appropriation Act (No.1) 2020-21</i>	-	821
<i>Supply Act (No.1) 2020-21</i>	-	26
<i>Supply Act (No.3) 2022-23</i>	191	191
<i>Appropriation Act (No.1) 2023-24</i>	4,804	-
Total unspent appropriation - Ordinary annual services	4,804	1,038

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.

Note 5.1C: Special Appropriations applied ('Recoverable GST exclusive')

Authority		
<i>Public Governance, Performance and Accountability Act 2013 Section 77¹</i>	5	-
Total special appropriations applied	5	-

1. Refund appropriation to enable repayment of funds to third parties for incorrect payments that were previously received and sent to the OPA as an administered receipt.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5.2 Net Cash Appropriations Arrangements

	2024 \$'000	2023 \$'000
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	11,453	(8,615)
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) ¹	4,259	3,850
Plus: depreciation of right-of-use assets ²	3,985	3,735
Less: lease principal repayments ²	(4,381)	(3,939)
Net Cash Operating Surplus/(Deficit)	15,316	(4,969)
Changes in asset revaluation reserve	478	(30)
Surplus/(Deficit) attributable to NDIS Quality and Safeguards Commission	15,794	(4,999)

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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

	2024 \$'000	2023 \$'000
Note 6.1A: Employee Provisions		
Leave	15,184	8,467
Total employee provisions	15,184	8,467

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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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, Deputy Commissioner (Complaints and Engagement), Deputy Commissioner (Regulatory Operations), Deputy Commissioner (Practice Quality), Chief Operating Officer and Deputy Commissioner (Regulatory Policy, Insights and Review) as key management personnel for financial year 2023-24.

Key management personnel remuneration is reported in the table below:

	2024	2023
	\$'000	\$'000
Short-term employee benefits	2,233	1,897
Post-employment benefits	277	238
Other long-term employee benefits	34	32
Termination benefits	149	-
Total key management personnel remuneration expenses¹	2,693	2,167

The total number of key management personnel that are included in the above table are ten (2023: six), being four substantive officers who held the position for the full year, three substantive officers who held the position for part of the year and three 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 \$5.39M (2023: \$3.70M)
- The entity received business services delivered by Department of Social Services (DSS) amounting to \$1.47M (2023: \$1.00M).
- The entity received business services delivered by Digital Transformation Agency (DTA) amounting to \$0.39M (2023: \$0.01M).
- The entity provided business services for the behaviour support training program to DSS amounting \$2.00M (2023: Nil) under a Memorandum of Understanding (MOU). The entity did not provide any business services to DSS in implementation of NDIS Workforce Capability Framework this year (2023: \$0.60M).

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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 2024, the entity did not have any material contingent assets or contingent liabilities (2023: 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

	2024 \$'000	2023 \$'000
Note 7.2A: Categories of Financial Instruments		
Financial Assets		
Financial assets at amortised cost		
Cash	1,734	1,077
Other	90	30
Total financial assets at amortised cost	1,824	1,107
Total financial assets	1,824	1,107
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	7,334	2,764
Total financial liabilities measured at amortised cost	7,334	2,764
Total financial liabilities	7,334	2,764

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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).

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

8. Other information

8.1 Current/non-current distinction for assets and liabilities

	2024 \$'000	2023 \$'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	1,734	1,077
Trade and other receivables	45,488	17,266
Prepayments	412	65
Total no more than 12 months	47,634	18,408
More than 12 months		
Leasehold improvements	8,323	11,355
Buildings	9,610	13,267
Plant and equipment	2,869	1,596
Other intangibles	1,698	-
Total more than 12 months	22,500	26,218
Total assets	70,134	44,626
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	7,334	2,764
Other payables	3,313	1,868
Leases	3,959	3,870
Employee provisions	8,078	4,407
Total no more than 12 months	22,684	12,909
More than 12 months		
Leases	8,004	12,011
Employee provisions	7,106	4,060
Other provisions	1,747	1,225
Total more than 12 months	16,857	17,296
Total liabilities	39,541	30,205

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

	2024 \$'000	2023 \$'000
<u>Note 8.1B: Administered - Current/non-current distinction for assets and liabilities</u>		
Assets expected to be recovered in:		
No more than 12 months		
Trade and other receivables	-	440
Total no more than 12 months	-	440
Total assets	-	440
Total liabilities	-	-

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

8.2 Explanation of Major Variances to Budget

Note 8.2A: Departmental Major Budget Variances for 2024

The following major variance explanations between the Original Budget as presented in the 2023-24 Portfolio Budget Statements and the 2023-2024 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

Reliance on labour hire, contracts for services and consultants was reduced during the year with a decision to transition this work to staff in the NDIS Commission. This saw a large drop in supplier expenses that was partially offset by an increase in employee benefits, payments for service delivery, purchases of equipment and depreciation.

Explanations of major variances in relation to management of resources	Affected line items
<p>Total net cost of services was \$10.50 million lower than budgeted with Expenses being \$8.17 million lower and Other Revenue being \$2.33 million higher. This was primarily due to:</p> <ul style="list-style-type: none"> ◆ \$25.54 million reduction in suppliers, including a reduction in labour hire, contracts for services and consultants due to better value for money through the use of APS employees. ◆ This was partially offset by the increase in employee benefits which were \$13.91 million higher than budget. ◆ The increase in employees resulted in additional services of \$1.21 million under the MoU for corporate shared services provided by Services Australia which is based on headcount. ◆ Additional ICT equipment, increased office spaces, and replacement of end-of life equipment. In addition, thirteen fleet cars were leased which increased assets and resulted in increased depreciation of \$2.19 million. ◆ Own-source income totalling \$2.33 million was earned, mainly due to the \$2.00 million provided for the behavior support training program from Department of Social Services which was not budgeted. 	<p>Suppliers</p> <p>Employee benefits</p> <p>Payments for service delivery</p> <p>Depreciation and amortisation</p> <p>Own source income</p>
<p>The entity surplus of \$11.93 million was \$14.19 million higher than budget. This was the result of the increase in Revenue from Government of \$3.70 million provided through Portfolio Additional Estimates and the \$10.49 million lower cost of services outlined above.</p>	<p>Revenue from Government and Entity Surplus</p>

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Explanations of major variances in relation to management of resources	Affected line items
<p>Total assets were \$32.04 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> ◆ Cash and cash equivalents increased by \$0.73 million. ◆ Trade and other receivables increasing by \$33.71 million primarily due to the unspent appropriations being higher in 2022-23 than originally budgeted, which accounted for \$5.49 million; an increase in the unspent appropriations in 2023-24 of \$11.93 million and an increase in provisions of \$12.40 million. ◆ Non-financial assets being lower by \$2.40 million due to higher accumulated depreciation. 	<p>Cash and cash equivalents Trade and other receivables Non-financial assets</p>
<p>Total liabilities were \$12.40 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> ◆ Payables being higher by \$4.22 million with an increased level of procurement activity and related accruals and an increase to salary and superannuation accruals. ◆ Employee provision is \$8.11 million higher due to the increase in staff and new employees transferring leave balances in. ◆ Make good provisions have increased by \$0.50 million due to higher cost of building materials. 	<p>Payables Employee Provisions Make Good Provisions</p>
<p>Total equity was \$19.64 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> ◆ The comprehensive surplus in the current year being \$14.29 million higher than the budgeted amount as the surplus was initially forecast to be much lower. ◆ An increase in transactions with owners with a reclassification of \$1.50 million from departmental to capital. ◆ The prior year \$4.33 million section 51 which was quarantined by Department of Finance. ◆ This was all offset by the \$0.48 million reduction in the asset revaluation reserve. 	<p>Equity Comprehensive surplus DCB reclassification Prior year Section 51 Asset Revaluation Reserve</p>
<p>Total Net Cash from Operating Activities was \$1.25 million higher than budgeted as the result of:</p> <ul style="list-style-type: none"> ◆ Lower appropriations by \$22.71 million drawn down. ◆ Lower than budgeted supplier expenses by \$26.36 million offset by the increase in employee benefits paid of \$5.75 million. ◆ Net GST received \$3.35 million higher. 	<p>Appropriations Suppliers and employee benefits GST</p>
<p>Total Net Cash used in investing activities was \$0.46 million higher than budgeted primarily as the result of:</p> <ul style="list-style-type: none"> ◆ A lower investment in property, plant and equipment of \$0.97 million. ◆ Increase in the purchases of new SaaS platform (\$0.64 million) and telephony system (\$0.72 million) totalling \$1.36 million. 	<p>Purchases of asset</p>
<p>Total Net Cash used in financing activities did not have a material variance</p> <ul style="list-style-type: none"> ◆ Payments of lease liabilities did not have a material variance. 	<p>Lease liabilities</p>

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 8.2B: Administered Major Budget Variances for 2024

Explanations of major variances in relation to management of resources	Affected line items
Total administered income was \$6.32 million more than the Budget due to: <ul style="list-style-type: none">◆ fines and penalties of \$3.92 million were not budgeted.◆ grant recoveries of \$2.40 million were not budgeted.◆ the additional resourcing in 2023-24 enabled the NDIS Commission to enhance its legal team that increased its capability in issuing fines and penalties.	Fines and penalties Grant recoveries
Total administered expense was \$4.80 million less than the Budget as the grants could not be disbursed due to delay in legislative and policy approvals.	Grants
Net Assets were lower than the Budget by \$1.10 million due to: <ul style="list-style-type: none">◆ budgeted grants not being disbursed in June, so there was no GST receivable.	Trade and other receivables

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Part 5

Management and accountability

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Corporate governance

The NDIS Commission's corporate structure 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 *National Disability Insurance Scheme Act 2013* (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 following:

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

- ◆ Reconciliation Action Plan Committee supports the establishment and implementation of the NDIS Commission's Reconciliation Action Plan
- ◆ Regulatory Coordination Committee provides oversight and overarching strategic guidance on regulatory matters across the NDIS Commission
- ◆ Regulatory Tasking and Allocation Committee – provides operational guidance and direction, and promotes a whole-of-Commission approach to the allocation and tasking of compliance monitoring and investigation and enforcement activities
- ◆ Strategic Investment Committee – provides strategic direction and oversight for business improvement initiatives and projects across the NDIS Commission, to realise the greatest value and align outcomes with organisational strategy. The committee commenced operating on 25 June 2024
- ◆ Work Health and Safety Committee – provides advice to the NDIS Commissioner and ELT on health and safety issues relevant to the workplace
- ◆ Workplace Consultative Committee – focuses on consulting with employees and their representatives about workplace issues, policies and changes
- ◆ Audit and Risk Committee – 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
- ◆ Research Steering Committee – provides the NDIS Commission with expert advice and stakeholder input to guide the content and prioritisation of research activities and support the conduct of high-quality, collaborative, participant-focused research

- ◆ Consultative Committee – provides 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
- ◆ provider advisory group – provides advice to the NDIS Commission from the perspective of providers, and opportunities to consult with them
- ◆ Complaints Function Advisory Committee – provides feedback to the Deputy Commissioner, Complaints and Engagement on all aspects of the Complaints function and act as an advisory group of the Consultative Committee.

Significant non-compliance issues with finance law

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 2023–24.

Audit and Risk Committee

The Audit and Risk Committee (ARC) plays an important role in providing oversight of the NDIS Commission governance, risk management, compliance and control practices. ARC also serves to provide confidence in the integrity of practices to enable achievement of the NDIS Commission’s strategic objectives. The [Audit and Risk Committee Charter](#)* provides a framework for ARC committee activities.

Further details on each member of the ARC committee during 2023–24, including name, qualifications, attendance and remuneration, are available in [“Table 22. Audit and Risk Committee” on page 156](#).

* <https://www.ndiscommission.gov.au/about/corporate-documents/audit-and-risk-committee-charter>

Fraud control

The NDIS Commission is committed to preventing, detecting and responding to the risk of fraud. Throughout 2023–24, our Fraud Control Policy and Fraud Control Plan guided us in preventing, detecting, deterring and dealing 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
- ◆ description of our fraud control responsibilities and strategies
- ◆ direction for fraud control, fraud response and fraud awareness
- ◆ description of fraud reporting obligations within the NDIS Commission.

From 1 July 2024, the National Anti-Corruption Commission’s requirements come into effect. They include the enforcement of the amendments to Fraud Rule 10 under the Public Governance Performance and Accountability Rule 2014. To encompass the changes, the NDIS Commission has reviewed and updated our Fraud and Corruption Control Framework to include an updated Fraud Control Policy, Fraud Control Plan and enterprise-level fraud risk reviews to consider corruption risk in the context of the legislative amendments.

The NDIS Commission’s fraud and corruption control strategy encompasses staff training to identify, address and report risks from an operational, internal and external threat context. Fraud awareness, integrity, public interest disclosures, information management and security training are mandatory for all NDIS Commission staff. This supports the NDIS Commission’s commitment to prevent, detect and respond to fraud.

External scrutiny

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

Judicial decisions

During 2023–24, there were no judicial decisions that had a significant effect on the NDIS Commission’s operations.

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

During 2023–24, there were no decisions made by the Administrative Appeals Tribunal that had a significant effect on the NDIS Commission’s operations.

Commonwealth Ombudsman

During 2023–24, there were no reports from the Ombudsman about the NDIS Commission’s operations.

National Anti-Corruption Commission

During 2023–24, there were no reports from the National Anti-Corruption Commission about the NDIS Commission’s operations.

Parliamentary Joint Standing Committee

The Parliamentary Joint Standing Committee on the NDIS is tasked with inquiring into the following:

- ◆ 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 Parliament.

After 30 June each year, the Parliamentary Joint Standing 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.

On 16 November 2023, the committee tabled its final report on the Capability and Culture of the National Disability Insurance Agency inquiry. Even though the Terms of Reference of this inquiry did not directly relate to the NDIS Commission and its core functions, the committee received submissions and evidence through its public hearings relating to the operations of the NDIS Commission. NDIS Commission representatives appeared before the committee on 28 August 2023 in relation to this inquiry. The government response to the Capability and Culture of the NDIA inquiry was tabled 30 March 2024.

The final report of this inquiry included a recommendation for the NDIS Commission relating to the Fraud Fusion Taskforce (FFT). The recommendation was supported, noting the NDIS Commission is already a key contributor to the FFT, being a permanent member on all related governance committees and driving the strategic direction of the FFT.

On 27 March 2024, the Senate referred the provisions of the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 to the Community Affairs Legislation Committee for inquiry and report by 20 June 2024. The NDIS Commission was called to give evidence on 21 May and 14 June.

Annual fraud census survey

The NDIS Commission completed the Commonwealth annual fraud census survey, initiated by the Australian Institute of Criminology (AIC) on 31 July 2023 regarding the 2022–23 financial year. It is a requirement of the

Commonwealth Fraud Control Framework 2017 for all non-corporate Commonwealth entities to collect data on fraud within their organisation and to report information annually to the AIC.

The AIC conducts this census each year to gather information on Commonwealth entities' experiences of fraud in the previous financial year. The findings are presented to the government in a report that is publicly available on the [AIC's website](#)^{*}.

Disability Royal Commission

The final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC) was tabled and published on 29 September 2023. Since its establishment in April 2019, the NDIS Commission has made a significant contribution to the Disability Royal Commission's work, including:

- ◆ 13 detailed primary witness statements
- ◆ five supplementary witness statements
- ◆ nine oral appearances at public hearings.

The final [report](#)[†] contained 222 recommendations, a few of which are directed at the NDIS Commission.

Some of these recommend that the NDIS Commission take further actions to build providers' capacity to prevent and respond to violence, abuse, neglect and exploitation, including by amending NDIS Practice Standards and Quality Indicators and providing additional guidance and training.

Some of the recommendations are directed at the NDIS Commission's own performance. They focus on strengthening complaints handling and reportable incidents oversight; increasing compliance and enforcement activities; improving data, intelligence and information sharing; and improving access to behaviour

support practitioners.

Since April 2023, the NDIS Commission has taken action to improve complaints responses and prioritisation of matters relating to people with disability through its new national complaints handling model. This includes the introduction of a new Contact and Early Resolution system, the introduction of a Complex Safeguarding team, and a Safeguarding Complaints team. Additionally, the NDIS Commission is establishing an NDIS Commission-wide prioritisation model to ensure NDIS participants at the highest risk of abuse and neglect are the focus of all NDIS Commission regulatory activity. The NDIS Commission is also developing new compliance and enforcement priorities for 2024–25.

NDIS Review

The Minister for the National Disability Insurance Scheme, the Hon Bill Shorten MP, announced a review of the National Disability Insurance Scheme (NDIS) in October 2022.

The NDIS Review would look at the design, operations and sustainability of the NDIS and ways to make the market and workforce more responsive, supportive and sustainable.

Minister Shorten appointed Professor Bruce Bonyhady AM and Ms Lisa Paul AO PSM as co-chairs of the Independent Review Panel.

The NDIS Review's Report, [Working to Deliver the NDIS](#)[‡], was released on 7 December 2023. The Report contains 26 recommendations with 139 actions.

Some of the actions relate directly to the NDIS Commission. These include the expansion of the role of the NDIS Commission; the development and implementation of a new risk-proportionate regulatory model; the expansion of coverage of worker screening requirements; and strengthening of compliance activities.

* aic.gov.au

† The Government's response to report was published on 30 July 2024. dss.gov.au/disability-and-carers-australian-government-response-to-the-disability-royal-commission/australian-government-response-to-the-disability-royal-commission-and-supporting-documents

‡ ndisreview.gov.au/resources/reports/working-together-deliver-ndis

NDIS Provider and Worker Registration Taskforce

The NDIS Provider and Worker Registration Taskforce^{*} was established in February 2024 to provide advice on the design and implementation of a new regulatory model proposed in Recommendation 17 of the [NDIS Review](#)[†].

Recommendation 17 called for the development and delivery of a risk-proportionate model to ensure the visibility and regulation of all providers and workers. It included Action 12.3: design, test and implement an approach to measure and publish metrics of registered provider performance.

The NDIS Commission contributed to elements of the NDIS Review recommendations – for example, the development of a proposed package of legislative reforms in partnership with DSS and the NDIA.

Several defined policy and design activities will also be undertaken in relation to NDIS Review recommendations, such as the review of Practice Standards, and preparatory design work on regulatory intersections with the navigator's function. The NDIS Commission also commenced scoping transition planning for the NDIS sector, applying the graduated risk-proportionate registration approach.

Capability review

Review into services provided by Irabina Autism Services

On 27 September 2023, the NDIS Commissioner determined that an independent review should be conducted in relation to Irabina Autism Services (Irabina) and the handling of matters relating to reportable incidents, complaints, and restrictive and prohibited practices that have come to the attention of the NDIS Commission since 1 July 2019.

The independent review was conducted by former judge, the Hon Jennifer Boland AM (Boland Review).

The NDIS Commission released a 9-page [Overview Report](#)[‡] from the Boland Review on 10 April 2024. The full Boland Report was not publicly released as it contains protected information, the disclosure of which is a criminal offence under provisions of the NDIS Act.

The NDIS Commission accepted the findings of the Independent Report and acknowledge that its handling of matters did not always meet community expectations. Its immature system, processes and under-resourcing during its establishment years led to a fragmented approach to regulating providers that adversely impacted people with disability, their families and their carers who accessed NDIS-funded services through Irabina from 2019 to 2022.

* The final advice was published on 2 August 2024.

† dss.gov.au/disability-and-carers-standards-and-quality-assurance/ndis-provider-and-worker-registration-taskforce

‡ ndiscommission.gov.au/review-services-provided-irabina-autism-services

Procurement

Purchasing

During 2023–24, the NDIS Commission’s approach to procuring goods and services, including consultancies, was consistent with the Commonwealth Resource Management Framework, including the *Public Governance, Performance and Accountability Act 2013* and the Commonwealth Procurement Rules.

The NDIS Commission applied the framework by mandating a purchase order for all procurements valued at more than \$10,000. This process allows the NDIS Commission to track commitments, fulfil reporting obligations and other accountability requirements.

The central Procurement team oversees the creation of purchase orders, ensuring compliance with the framework.

Consultancy and non-consultancy contract expenditure reporting

During the financial year 2023-24, 14 new reportable consultancy contracts were entered into involving total actual expenditure of \$2,258,270. There was one ongoing consultancy contracts from previous financial years

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](#)*

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](#)*

Table 7. Expenditure on Reportable Consultancy Contracts (2023-24)

	Number	Expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	14	2,349
Ongoing contracts entered into during a previous reporting period	1	173
Total	15	2,521

* tenders.gov.au

Table 8. Organisations Receiving a Share of Reportable Consultancy Contract Expenditure (2023-24)

Name of organisation	Organisation ABN	Expenditure \$'000 (GST inc.)	Proportion of 2023-24 total spend (%)
Proximity Advisory Services Pty Ltd	92 147 937 844	781	2.31
Ernst & Young	75 288 172 749	482	1.42
La Trobe University	64 804 735 113	469	1.39
Nous Group Pty Ltd	66 086 210 344	318	0.94
The Quantum Group Pty Ltd	45 102 444 253	298	0.88
Total of the Largest Shares		2,348	6.96

Table 9. Expenditure on Reportable Non-Consultancy Contracts (2023-24)

	Number	Expenditure \$'000 (GST inc.)
New contracts entered into during the reporting period	186	12,834
Ongoing contracts entered into during a previous reporting period	226	18,373
Total	412	31,207

Top Organisations Receiving a Share of Reportable Non-Consultancy Contract Expenditure (2023-24)

Table 10. Expenditure on Reportable Consultancy Contracts (2023-24)

Name of organisation	Organisation ABN	Expenditure \$'000 (GST inc.)	Proportion of 2023-24 total spend (%)
Reason Group Pty Ltd	34 128 711 348	4,371	14.35
Dell Australia Pty Limited	46 003 855 561	3,000	9.85
Hays Specialist Recruitment (Australia)	47 001 407 281	2,971	9.82
DFP Recruitment Services	66 394 749 447	2,291	7.52
Randstad Pty Ltd	28 080 275 378	1,715	5.91
Total of Largest Shares		15,902	47.45

Australian National Audit Office access clauses

The NDIS Commission has no contracts over \$100,000 that do not include a clause that provides Auditor-General access to the contractor's premises. Of the NDIS Commission's procurements over \$100,000, only five were not through a standing offer or coordinated procurement. All five of the procurements used a Commonwealth Contracting Suite contract, which included the clause. All other procurements over \$100,000 were through standing offers or procurements coordinated by the Department of Finance.

Exempt contracts

During 2023–24, no contracts of \$10,000 or more (inclusive of GST) or standing offers were exempted by the NDIS Commissioner from being published on AusTender on the basis that it would disclose exempt matters under the *Freedom of Information Act 1982*.

Small business

The NDIS Commission 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.

NDIS Commission supported small and medium enterprises through the following initiatives or practices:

- ◆ when an SME is included on a panel, ensuring at least one SME is included in the approach to market;

- ◆ utilising the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000;
- ◆ electronic systems or other processes used to facilitate on-time payment performance, including the use of payment cards.

The NDIS Commission 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.

Legal Services Expenditure Reporting

Commonwealth agencies are required to report to the Office of Legal Services Coordination about their legal services expenditure within 60 days after the end of the financial year. The NDIS Commission's Legal Services Expenditure Reports including for the period from 1 July 2023 to 30 June 2024 are available on the NDIS Commission's [website](#)^{*}.

Advertising and market research

The NDIS Commission did not conduct any advertising campaigns during 2023–24.

Grants

As the NDIS sector prepares for significant reform, no new grants were awarded in 2023–24. Information on grants awarded by the NDIS Commission in previous reporting periods is available on the NDIS Commission's [website](#)[†].

* ndiscommission.gov.au/about/corporate-documents

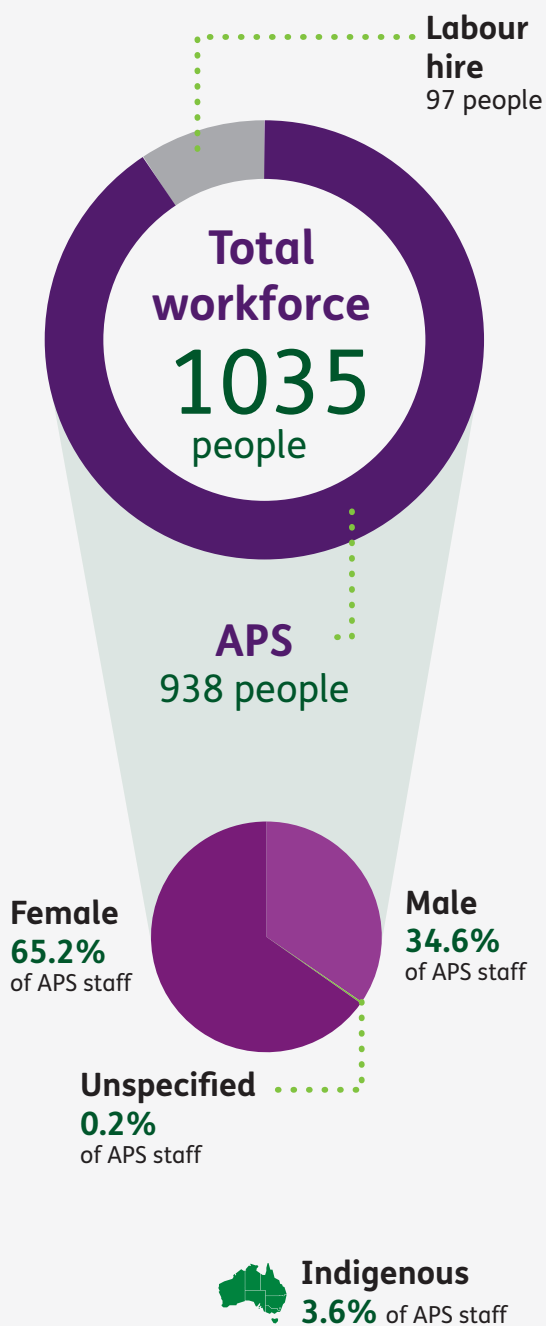
† ndiscommission.gov.au/grants

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Part 6

Our people

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According to 2024 APS Census*



16%
of staff have self-reported of having a disability



45%
of staff are self-reported as having caring responsibilities



13%
have self-identified as LGBTIQ+



22%
are from culturally and linguistically diverse background (CALD)

* 2024 APS Employee Census for 2024 includes both APS employees and labour hire resources

Management of human resources

The NDIS Commission delivered a significant workforce uplift throughout 2023–24. This influx of new staff created an opportunity to improve management practices and increase development opportunities. The NDIS Commission has continued to implement and make progress on its Workforce Plan 2023–28, with a range of actions completed.

The NDIS Commission has invested heavily in leadership programs to uplift manager capability, drive performance and deliver better outcomes for the community. The leadership program, designed specifically for the NDIS Commission, is available for staff at all managing levels. In addition, the NDIS Commission has continued work on a set of wellbeing learning opportunities, which supports our response to the Comcare Improvement Notice.

In 2023–24, each staff member had a budgeted spending allocation for personal learning, which aligned with their delivery and development objectives. This drove the personalisation of learning opportunities, which were closely linked with a staff member's Performance Development Agreement.

Work health and safety

In consultation with staff and Comcare, the NDIS Commission made significant efforts in 2023–24 to strengthen its Work Health and Safety Management System (WHSMS). The 2023–24 period also saw the implementation of a combination of mandatory and optional initiatives to ensure management and staff felt confident and empowered to protect their health and wellbeing at work. These included the following.

Employee Assistance Program

The NDIS Commission staff and their immediate families continued to have access to free and confidential counselling support services via our Employee Assistance Program. Our service partner continues 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. Additional services are available, including manager supports, reflective supervision and team dynamic assessments. The embedding of these services into the operational environment creates a mechanism for staff to discuss issues, problems and new ways of thinking in a safe and supportive environment.

Influenza and COVID-19 vaccination program

The NDIS Commission has expanded its important annual influenza vaccination program to include COVID-19 vaccinations for interested staff. Arranged through a central provider and delivered locally, the vaccination program provided 272 influenza vaccinations and 169 COVID-19 vaccinations across the workforce.

Continuation of early intervention

Recognising the importance of early intervention in reducing the impact of psychosocial hazards, we implemented work across all aspects of WHS hazard and risk management. Our approach has made our staff aware of hazards beyond 'slips, trips and falls' to include psychosocial hazards. The work completed included the following.

Prevention and 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 (HSRs).
- ◆ Reflective Supervision approaches.
- ◆ Review and updating of the Health and Safety Committee (HSC) Terms of Reference and WHS Policies.
- ◆ Quarterly WHS reporting, including data from quarterly workplace inspections (geographical) and Environmental Scans (psychosocial hazard indicators identifiable by supervisors and managers).

Response

- ◆ Increased first aid officer support
- ◆ Introduced 'Compassionate Foundations' e-learning for empathy training
- ◆ Reviewed emergency evacuation signage.

Management:

- ◆ Included intervention metrics for managers to report on a quarterly basis
- ◆ Increased injury management intervention to build management capability in this important area
- ◆ Increased WHS and injury management team resourcing.

Health and safety outcomes

The structured quarterly WHS reporting implemented in previous years continued and matured in 2023-24. This reporting includes lag/lead data to measure initiatives' effectiveness. The NDIS Commission's HSC will govern this performance data and report to the NDIS Commission's leadership quarterly.

Notifiable incidents

Nil workplace incidents occurred that required notification to Comcare as the WHS regulator.

Investigation conducted

The NDIS Commission worked closely with Comcare over the reporting period, seeking their support and assistance in developing a compliant WHSMS. The NDIS Commission will continue to do everything it needs to meet Comcare's requirements.

Notices issued to the NDIS Commission are as follows:

- ◆ Inspector Notices
 - » MC0031458 – Inspection notice – Brisbane HSR election – closed 6 October 2023
 - » MC00031917 – Inspection Notice – HSR/deputy HSR elections – closed 31 October 2023
 - » MC00031923 – Proactive inspection – Canberra – closed 25 June 2024.
- ◆ Improvement Notice
 - » MC00020714-VR03-NT01 – Worker Consultation Mechanisms – ongoing
 - » MC00028634 -NT03 – Improvement Notice – ongoing.

Improvement notice

In response to a Comcare Performance Improvement Notice, the NDIS Commission submitted a response on 28 June 2024 detailing the significant work that has been completed, commenced or planned to address psychosocial risks in the workplace. In response to the Improvement Notice, we developed a WHS Action Plan to address the various recommendations and improve WHS systems and culture across the NDIS Commission, with an overall aim of working towards PIN closure.

We:

- ◆ committed to 38 activities
- ◆ completed 20 activities
- ◆ are continuing work on 18 activities throughout 2024-25

Completed actions to address WHSMS risks, and particularly psychosocial risks, include the following.

- ◆ Conducted focus groups to analyse and dig into the People at Work outcomes
- ◆ Undertook a workload review across the NDIS Commission workforce to further understand pressures and concerns
- ◆ Compiled an NDIS Commission– wide psychosocial hazard assessment to inform a psychosocial risk register, and developed a template risk assessment.
- ◆ Delivered tailored training on newly approved WHS Hazard Identification and Risk Management Procedure (which included psychosocial hazard identification).
- ◆ Finalised and published a Mental Health and Wellbeing Plan for all NDIS Commission staff.
- ◆ Reviewed and updated the NDIS Commission’s incident and hazard reporting form, and improved the incident response process.
- ◆ Arranged for WHS to become a standing agenda item at key governance and leadership meetings.
- ◆ Reviewed WHS Policy, WHS Hazard Identification and Risk Management Procedure (WHSIRMP) and Issue Resolution Procedure to ensure the following elements are included:
 - » roles and responsibilities for all persons under the WHS Act
 - » consultation mechanisms and pathways
 - » standardised WHS reporting, including a defined menu of lead and lag indicators
 - » causal factors and control mechanisms for fatigue (for example, mechanisms for workload reviews, regular breaks and rotation of emotionally demanding work)
 - » issue resolution pathways and contacts
 - » hazard identification and risk management processes
- ◆ Revised and agreed on updated Terms of Reference for both the HSC and the Workplace Consultative Committee.



Employee statistics

As at 30 June 2024, the NDIS Commission has a total workforce of 1,035; this includes 938 Australian Public Service (APS) staff and 97 labour hire resources. The tables below provide a breakdown of our APS staff by engagement type, location, gender and classification. Following the breakdown, are tables to provide the remuneration details for our key management personnel, senior executives, and the Audit and Risk Committee members during 2023–24. The NDIS Commission does not have any other highly paid staff in 2023–24. No staff received performance pay in 2023–24.

Table 11. All ongoing employees (2023–24)

	Men			Women			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	
NSW	73	2	75	155	21	176	0	0	0	0	0	0	0	0	0	251
Qld	48	0	48	86	7	93	0	0	0	0	0	0	0	0	0	141
SA	29	0	29	68	6	74	0	0	0	0	0	0	0	1	1	104
Tas	14	1	15	14	4	18	0	0	0	0	0	0	0	0	0	33
Vic	47	1	48	69	5	74	0	0	0	0	0	0	1	0	1	123
WA	14	1	15	40	7	47	0	0	0	0	0	0	0	0	0	62
ACT	38	0	38	39	5	44	0	0	0	0	0	0	0	0	0	82
NT	6	0	6	7	0	7	0	0	0	0	0	0	0	0	0	13
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	269	5	274	478	55	533	0	0	0	0	0	0	1	1	2	809

Table 12. All non-ongoing employees (2023-24)

	Men			Women			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	
NSW	11	2	13	24	7	31	0	0	0	0	0	0	0	0	0	44
Qld	9	1	10	6	3	9	0	0	0	0	0	0	0	0	0	19
SA	7	0	7	8	1	9	0	0	0	0	0	0	0	0	0	16
Tas	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0	2
Vic	13	1	14	11	3	14	0	0	0	0	0	0	0	0	0	28
WA	1	0	1	2	0	2	0	0	0	0	0	0	0	0	0	3
ACT	3	1	4	10	0	10	0	0	0	0	0	0	0	0	0	14
NT	1	0	1	2	0	2	0	0	0	0	0	0	0	0	0	3
External territories	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	45	5	50	65	14	79	0	0	0	0	0	0	0	0	0	129

APS employee statistics

Table 13. Australian Public Service Act ongoing employees (2023–24)

	Men			Women			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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 2	1	0	1	4	0	4	0	0	0	0	0	0	0	0	0	5
SES 1	5	0	5	8	0	8	0	0	0	0	0	0	0	0	0	13
EL 2	27	0	27	41	3	44	0	0	0	0	0	0	1	0	1	72
EL 1	55	0	55	123	10	133	0	0	0	0	0	0	0	0	0	188
APS 6	76	2	78	142	21	163	0	0	0	0	0	0	0	0	0	241
APS 5	73	2	75	114	17	131	0	0	0	0	0	0	0	0	0	206
APS 4	24	1	25	36	3	39	0	0	0	0	0	0	0	1	1	65
APS 3	8	0	8	10	1	11	0	0	0	0	0	0	0	0	0	19
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	269	5	274	478	55	533	0	0	0	0	0	0	1	1	2	809

Table 14. Australian Public Service Act non-ongoing employees (2023–24)

	Men			Women			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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EL 2	5	0	5	3	1	4	0	0	0	0	0	0	0	0	0	9
EL 1	8	4	12	15	4	19	0	0	0	0	0	0	0	0	0	31
APS 6	13	0	13	16	1	17	0	0	0	0	0	0	0	0	0	30
APS 5	15	0	15	23	3	26	0	0	0	0	0	0	0	0	0	41
APS 4	3	1	4	7	0	7	0	0	0	0	0	0	0	0	0	11
APS 3	1	0	1	1	5	6	0	0	0	0	0	0	0	0	0	7
APS 2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	45	5	50	65	14	79	0	0	0	0	0	0	0	0	0	129

Table 15. Australian Public Service Act employees by full-time and part-time status (2023–24)

	Ongoing			Non-Ongoing			Total
	Full Time	Part Time	Total ongoing	Full Time	Part Time	Total non-ongoing	
SES 3	0	0	0	0	0	0	0
SES 2	5	0	5	0	0	0	5
SES 1	13	0	13	0	0	0	13
EL 2	69	3	72	8	1	9	81
EL 1	178	10	188	23	8	31	219
APS 6	218	23	241	29	1	30	271
APS 5	187	9	196	38	3	41	247
APS 4	60	5	65	10	1	11	76
APS 3	18	1	19	2	5	7	26
APS 2	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	748	61	809	110	19	129	938

Table 16. Australian Public Service Act Employment type by location (2023-24)

	Ongoing	Non-Ongoing	Total
NSW	251	44	295
Qld	141	19	160
SA	104	16	120
Tas	33	2	35
Vic	128	28	151
WA	62	3	65
ACT	82	14	96
NT	13	3	16
External territories	0	0	0
Overseas	0	0	0
Total	809	129	938

Table 17. Australian Public Service Act Indigenous employment (2023–24)

	Total
Ongoing	29
Non-Ongoing	5
Total	34

Workplace agreements

Table 18. Australian Public Service Act employment arrangements (2023–24)

	SES	Non-SES	Total
2019-22 Enterprise Agreement* 2024-27 Enterprise Agreement (as of April 2024)	0	920	920
Determinations under Section 24(1) of the Public Service Act	18	0	18
Total	18	920	938

Table 19. Australian Public Service Act employment salary ranges by classification level (minimum/maximum) (2023–24)

	Minimum salary	Maximum salary
SES 3	0	0
SES 2	\$252,000	\$360,772
SES 1	\$161,064	\$252,000
EL 2	\$115,903	\$195,000
EL 1	\$97,288	\$155,000
APS 6	\$83,121	\$120,000
APS 5	\$74,059	\$90,696
APS 4	\$77,331	\$83,121
APS 3	\$68,256	\$74,059
APS 2	0	0
APS 1	0	0
Other	0	0
Minimum/maximum range	\$68,256	\$360,772

* The 2023-24 financial year was covered off by the 2019-22 and 2024-27 Enterprise Agreements.

Remuneration

Table 20. Information about remuneration 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 contributions	Long service leave	Other long-term benefits			
Alisa Bianca Chambers	Deputy Commissioner (Regulatory Policy, Insights and Review)	\$268,247	0	\$26,914	\$39,671	\$3,182	0	0	0	\$338,014
Catherine Anne Myers	Deputy Commissioner (Regulatory Operations)	\$259,007	0	\$25,879	\$39,846	\$3,196	0	0	0	\$327,928
Jeffrey Beng-Choon Chan	Deputy Commissioner (Practice Quality)	\$117,693	0	\$13,605	\$20,683	\$1,348	0	\$149,009	0	\$302,338
Kenneth Teoh	A/g Deputy Commissioner (Practice Quality)	\$86,143	0	\$9,004	\$12,861	\$2,244	0	0	0	\$110,252
Lisa Claire Pulko	Chief Operating Officer	\$270,948	0	\$26,913	\$50,284	\$7,548	0	0	0	\$355,729
Michael Phelan	A/g Commissioner	\$139,627	0	0	\$12,551	\$1,194	0	0	0	\$153,372
Rodney Paul Carracher	Deputy Commissioner (Practice Quality)	\$102,400	0	\$10,328	\$14,616	\$928	0	0	0	\$128,272
Sian Mary Leathem	Deputy Commissioner (Complaints and Engagement)	\$368,499	0	0	\$65,223	\$10,112	0	0	0	\$443,834
Tracy Anne Mackey	Commissioner	\$462,126	0	0	\$21,754	\$4,491	0	0	0	\$488,371
Simon Edwards*	A/g Chief Operating Officer	\$45,649	0	0	0	0	0	0	0	\$45,649
Total		\$2,120,375	0	\$112,643	\$277,487	\$34,244	0	\$149,009	0	\$2,693,759

* Secondment arrangement with another agency and therefore reimbursement was through invoice.

Table 21. Information about remuneration for senior executives

Total remuneration bands	Number of senior executives	Short-term benefits			Post-employment benefits			Termination benefits			Total remuneration
		Average base salary	Average bonuses	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average other long-term benefits	Average termination benefits	Average total remuneration		
\$0- \$220,000	11	\$67,649	0	\$5,532	\$9,951	\$1,260	0	0	0	\$84,392	
\$220,001- \$245,000	3	\$182,467	0	\$20,814	\$30,038	\$2,479	0	0	0	\$235,798	
\$245,001- \$270,000	3	\$202,822	0	\$22,096	\$32,206	\$3,246	0	0	0	\$260,370	
\$270,001- \$295,000	2	\$210,326	0	\$25,526	\$34,432	\$4,425	0	0	0	\$274,709.	
\$295,001- \$320,000	0	0	0	0	0	0	0	0	0	0	

Other highly paid staff

The NDIS Commission does not have any other highly paid staff in 2023-24

Performance pay

No staff received performance pay in 2023-24

Table 22. Audit and Risk Committee

Member name	Qualifications, knowledge, skills or experience
Ms Carolyn Walsh	<ul style="list-style-type: none"> ◆ Bachelor of Economics ◆ Graduate – Australian Institute of Company Directors ◆ Chair or Member of State and Commonwealth boards, statutory bodies, and audit committees
Ms Helen Vickers	<ul style="list-style-type: none"> ◆ Bachelor of Arts ◆ Bachelor of Laws ◆ Graduate Diploma in Legal Practice ◆ Member of the Australian Institute of Company Directors ◆ Member of the Law Society of New South Wales ◆ Member of Audit & Risk Management Committee for e-Health (NSW) ◆ Lawyer for over 30 years and adviser to Government agencies, specialising in public sector law, governance and risk ◆ Former Chair of Twilight Aged Care
Ms Donna Rygate	<ul style="list-style-type: none"> ◆ Bachelor of Economics ◆ Master of Planning ◆ Graduate – Australian Institute of Company Directors course ◆ Diploma of Governance ◆ Juris Doctor ◆ Fellow – Institute of Public Administration Australia ◆ Chair or member of boards, statutory bodies, planning panels, audit and risk committees, and experienced State and Local Government Chief Executive
Mr Michael Manthorpe	<ul style="list-style-type: none"> ◆ Bachelor of Arts ◆ Fellow – Institute of Public Administration Australia ◆ Commonwealth Ombudsman from 2017-2021, and extensive senior executive experience in the Commonwealth public service ◆ Advisor to multiple Commonwealth Public Service entities and academia
Ms Maria Storti	<ul style="list-style-type: none"> ◆ Bachelor of Economics ◆ Master of Business Administration ◆ Chair or Member of various Commonwealth audit committees ◆ Fellow – Institute of Chartered Accountants ◆ Fellow – Institute of Company Directors ◆ Member – Institute of Internal Auditors ◆ Specialist in corporate governance, financial reporting, Commonwealth performance reporting, audit and risk management

Meetings attended	Total meetings held	Remuneration (GST inc.)	Other information
4	4	\$15,840	◆ Chair
3	4	\$7,425	◆ Member ◆ Commenced on 01 December 2023.
4	4	\$9,350	◆ Member
1	4	\$3,058	◆ Member ◆ Commenced on 04 March 2024.
1	4	\$3,300	◆ Member ◆ Finished on 30 September 2023.

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Part 7

Information required by other legislation

Freedom of information

The NDIS Commission provides access to information as required by the Freedom of Information Act 1982 (FOI Act). During 2023–24, we received 134 FOI requests, a 152% increase from the previous financial year. 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.

We also saw an increase in requests from affected individuals for documents that the NDIS Commission relies on in issuing regulatory action notices. We increased efforts to streamline processes for information requests where appropriate. Requests for information that could be resolved informally (for example, by administrative release outside the FOI process) or under the Privacy Act 1988 have been actioned promptly.

Subject to the FOI Act, the NDIS Commission is required to publish information to the public as part of the Information Publication Scheme (IPS). We have information on our website relating to the IPS. This includes the NDIS Commission's [IPS plan](#)^{*}, outlining the information we publish in accordance with IPS requirements. Documents released under the FOI Act are listed publicly on the FOI Disclosure Log on our website, excluding those exempt from this requirement.

Disability reporting mechanism

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 in Australia. 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 and available [online](#)[†].

Disability reporting is included the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available [online](#)[‡].

Emission reporting

Climate Action in Government Operations

APS Net Zero 2030 is the Government's policy for the Australian Public Service (APS) to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of the [Net Zero in Government Operations Strategy](#)[§], non-corporate Commonwealth entities, corporate Commonwealth entities and Commonwealth companies are required to report on their operational greenhouse gas emissions.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2023–24 period. Results are presented on the basis of Carbon Dioxide Equivalent (CO₂-e) emissions. Greenhouse gas emissions have been calculated in line with the Australian Public Service Emissions Reporting Framework, 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 amendments to data may be required in future reports.

* ndiscommission.gov.au/information-publication-scheme-agency-plan

† disabilitygateway.gov.au/ads

‡ apsc.gov.au

§ finance.gov.au/sites/default/files/2023-11/Net_Zero_Government_Operations_Strategy.pdf

Table 23. Greenhouse gas emissions inventory – location-based method, 2023–24

Emission Source	Scope 1 t CO ₂ -e	Scope 2 t CO ₂ -e	Scope 3 t CO ₂ -e	Total t CO ₂ -e
Electricity (Location-Based Approach)	n/a	183.787	19.696	203.483
Natural Gas	0.000	n/a	0.000	0.000
Solid Waste*	n/a	n/a	1.386	1.386
Refrigerants*†	0.000	n/a	n/a	0.000
Fleet and Other Vehicles	3.990	n/a	1.015	5.005
Domestic Commercial Flights	n/a	n/a	651.000	651.000
Domestic Hire Car*	n/a	n/a	6.906	6.906
Domestic Travel Accommodation*	n/a	n/a	217.959	217.959
Other Energy	0.000	n/a	0.000	0.000
Total t CO₂-e	3.990	183.787	897.962	1,085.739

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

* indicates emission sources collected for the first time in 2023-24. The quality of data is expected to improve over time as emissions reporting matures.

† indicates optional emission source for 2023-24 emissions reporting.

Table 24. 2023–24 Electricity greenhouse gas emissions

	Scope 2 t CO ₂ -e	Scope 3 t CO ₂ -e	Total t CO ₂ -e	Percentage of electricity use
Location-based electricity emissions	183.787	19.696	203.483	100%
Market-based electricity emissions	48.378	5.973	54.351	20.93%
Total renewable electricity	—	—	—	79.07%
Mandatory renewables⁽¹⁾	—	—	—	18.72%
Voluntary renewables⁽²⁾	—	—	—	60.35%

Note: The table above presents emissions related to electricity usage using both the location-based and the market-based accounting methods. CO₂-e = Carbon Dioxide Equivalent.

(1) Mandatory renewables are the portion of electricity consumed from the grid that is generated by renewable sources. This includes the renewable power percentage.

(2) Voluntary renewables reflect the eligible carbon credit units surrendered by the entity. This may include purchased large-scale generation certificates, power purchasing agreements, GreenPower and the jurisdictional renewable power percentage (ACT only).

Commonwealth Electoral Act 1918

The NDIS Commission did not conduct any advertising campaigns during 2023–24.

Carer Recognition Act 2010

The NDIS Commission acknowledges the Statement for Australia’s Carers and reflects this in human resources policies, such as for:

- ◆ leave
- ◆ reasonable adjustments
- ◆ flexible work arrangements

All policies were developed by consulting with employees who have caring responsibilities. Their inputs ensure our policies support and honour those who dedicate their time and energy to supporting their loved ones.

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Appendices

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1. NDIS Commissioner's core functions

The NDIS Commissioner's core legislative functions under the NDIS Act are to:

- ◆ uphold the rights of, and promote the health, safety and wellbeing of, people with disability receiving supports or services, including those received under the National Disability Insurance Scheme
- ◆ develop a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the National Disability Insurance Scheme
- ◆ promote the provision of advice, information, education and training to NDIS providers and people with disability
- ◆ secure compliance with relevant legislation through effective compliance and enforcement arrangements, including through the monitoring and investigation functions conferred on the NDIS Commissioner by legislation
- ◆ promote continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability
- ◆ develop and oversee 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
- ◆ provide advice or recommendations to the NDIA or the Board in relation to the performance of the NDIA's function
- ◆ engage in, promote and coordinate the sharing of information to achieve the objects of the relevant legislation, and
- ◆ provide NDIS market oversight, including:
 - » by monitoring changes in the NDIS market which may indicate emerging risk; and
 - » by monitoring and mitigating the risks of unplanned service withdrawal.

2. Regulator performance



Minister's statement of expectations – December 2022
ndiscommission.gov.au/ministerstatementofexpectations



NDIS Commission's statement of intent – March 2023
ndiscommission.gov.au/statementofintent



Direction to the NDIS Quality and Safeguards Commissioner under section 181K of the National Disability Insurance Scheme Act 2023 – No. 1/2023 – October 2023
legislation.gov.au/F2023L01383/latest/text

3. Glossary

Term	Definition
the Agency	National Disability Insurance Agency (NDIA)
behaviour support plan (BSP)	<p>A document providing evidence-based strategies to help improve the wellbeing of the person with disability who has "complex behaviours of concern".</p> <p>It should be prepared in consultation with the person, their supporters and others who may assist to address their needs. (NDIS Review Final Report, 2023)[*]</p>
NDIS Commissioner	NDIS Quality and Safeguards Commissioner
Department of Social Services (DSS)	<p>The Department Social Services (DSS) is the Australian Government's main source of advice on social policy and manages about one fifth of the federal budget.</p> <p>DSS works in partnership with other government and non-government organisations managing a diverse range of programs and services designed to support and improve the lives of Australians.</p> <p>DSS's mission is to improve the economic and social wellbeing of individuals, families and vulnerable members of Australian communities.</p>
the government	Australian Government (Style Manual, 2024) [†]
NDIS Act	National Disability Insurance Scheme Act 2013
NDIS Commission	NDIS Quality and Safeguards Commission
NDIS Provider Register	The register maintained under section 73ZS of the NDIS Act NDIS Worker Screening Check.
NDIS Worker Screening Check	The NDIS Worker Screening Check is 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 conduct the checks under state/territory law. The units are contained within state or territory government departments/authorities.
NDIS Worker Screening Database	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
Own Motion Inquiry (OMI)	An investigation that is initiated by a regulatory body, often in response to serious or systemic issues identified in one or more complaints or reportable incidents.
Parliament	Parliament of Australia (Parliament of Australia, 2024) [‡]
Participant or NDIS participant	A person who is a participant in the NDIS, as defined in the NDIS Act, section 28-30
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>

* ndisreview.gov.au/sites/default/files/resource/download/working-together-ndis-review-final-report.pdf

† stylemanual.gov.au/grammar-punctuation-and-conventions/names-and-terms/government-terms

‡ aph.gov.au

Term	Definition
Provider or NDIS provider	A person or legal entity who is a NDIS provider as defined in section 9 of the NDIS Act
Registered NDIS provider	A person or entity who is registered with the NDIS Quality and Safeguards Commission under section 73E of the NDIS Act.
Regulator Performance	Regulators are required to report against three principles of regulator best practice through their corporate plans and annual reports.
Reportable incidents	Serious, or alleged, incidents which result in harm to an NDIS participant and have occurred in connection with NDIS supports and services.
Restrictive practices	Practices that have the effect of restricting rights or freedom of movement of a person with disability. There are five categories of regulated restrictive practices the NDIS Commission monitors – chemical, environmental, mechanical, physical and seclusion.
Supports and services	A range of products and services which may include education, employment, social participation, independence, living arrangements, and health and wellbeing.
Worker or NDIS worker	A person employed or engaged by an NDIS provider.

4. Abbreviations and Acronyms

Term	Definition
AAT	Administrative Appeals Tribunal
ACCC	Australian Competition and Consumer Commission
ACIC	Australian Criminal Intelligence Commission
ACNC	Australian Charities and Not-for-profits Commission
AFP	Australian Federal Police
AHRC	Australian Human Rights Commission
AIC	Australian Institute of Criminology
ANACAD	Australian National Advisory Council on Alcohol and Drugs
APY	Anangu Pitjantjatjara Yankunytjatjara
ARC	Audit and Risk Committee
ASIC	Australian Securities and Investments Commission
ATO	Australian Tax Office
BSP	behaviour support plan
CALD	Culturally and Linguistically Diverse
CEO	Chief Executive Officer
CPR	Commonwealth Procurements Rules
DART	Data and Regulatory Transformation Program
DRC	Disability Royal Commission
DSS	Department of Social Services
ELT	Executive Leadership Team
the Entity	NDIS Quality and Safeguards Commission (for financial statements only)
FFT	Fraud Fusion Taskforce

Term	Definition
FOI	Freedom Of Information
IA	Information Architecture
ICT	Information and Communications technology
IPS	Information Publication Scheme
IRO	Indigenous and Remote Operations
IPAA	Institute of Public Administration Australia
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual and Others
NCAT	New South Wales Civil and Administrative Tribunal
NDIA	National Disability Insurance Agency
NDIS Commissioner	NDIS Quality and Safeguards Commissioner
NDIS	National Disability Insurance Scheme
OMI	Own Motion Inquiry
OPPO	Operational Policy and Practice Optimisation Project
PBS	Portfolio Budget Statement
PGPA	Public Governance, Performance and Accountability
SDA	Specialist Disability Accommodation
SIL	Supported Independent Living
SME	Small and Medium Enterprise
TTY	Teletypewriter
WHS	Work Health and Safety
WHSIRMP	WHS Hazard Identification and Risk Management Procedure

5. 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 entities' annual reports as an aid of access.

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)		Letter of transmittal	
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
17AD(h)		Aids to access	
17AJ(a)	Page 7	Table of contents (print only).	Mandatory
17AJ(b)	Page 176	Alphabetical index (print only).	Mandatory
17AJ(c)	Page 167	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Page 169	List of requirements.	Mandatory
17AJ(e)	Page 6	Details of contact officer.	Mandatory
17AJ(f)	Page 6	Entity's website address.	Mandatory
17AJ(g)	Page 6	Electronic address of report.	Mandatory
17AD(a)		Review by Accountable Authority	
17AD(a)	Page 10	A review by the Accountable Authority of the entity.	Mandatory
17AD(b)		Overview of the entity	
17AE(1)(a)(i)	Page 18, 22	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Page 22-27, 36, 37	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Page 42	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Page 22, 71	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Page 29, 30	Name of the Accountable Authority or each member of the Accountable Authority	Mandatory
17AE(1)(aa)(ii)	Page 29, 30	Position title of the Accountable Authority or each member of the Accountable Authority	Mandatory
17AE(1)(aa)(iii)	Page 29	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

PGPA Rule Reference	Part of Report	Description	Requirement
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
17AD(c)		Report on the Performance of the entity	
		Annual performance Statements	
17AD(c)(i); 16F	Page 75	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule.	Mandatory
17AD(c)(ii)		Report on Financial Performance	
17AF(1)(a)	Page 90-131	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Page 91	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.
17AD(d)		Management and Accountability	
		Corporate Governance	
17AG(2)(a)	Page 135	Information on compliance with section 10 (fraud systems)	Mandatory
17AG(2)(b)(i)	Page 5	A certification by Accountable Authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2)(b)(ii)	Page 5	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 5	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 134	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 135	A statement of significant issues reported to 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

PGPA Rule Reference	Part of Report	Description	Requirement
Audit Committee			
17AG(2A)(a)	Page 135	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Page 156, 157	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Page 156, 157	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A)(d)	Page 156, 157	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Page 156, 157	The remuneration of each member of the entity's audit committee.	Mandatory
External Scrutiny			
17AG(3)	Page 136-138	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Page 136	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)	Not Applicable	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 137	Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory
Management of Human Resources			
17AG(4)(a)	Page 145-147	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Page 148, 149	Statistics on the entity's employees on an ongoing and non ongoing basis, including the following: <ul style="list-style-type: none"> a) statistics on full-time employees b) statistics on part-time employees c) statistics on gender d) statistics on staff location. 	Mandatory
17AG(4)(b)	Page 150-153	Statistics on the entity's APS employees on an ongoing and non ongoing basis; including the following: <ul style="list-style-type: none"> a) Statistics on staffing classification level b) Statistics on full-time employees c) Statistics on part-time employees d) Statistics on gender e) Statistics on staff location f) Statistics on employees who identify as Indigenous. 	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(4)(c)	Page 153	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i> .	Mandatory
17AG(4)(c)(i)	Page 153-155	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 153	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Page 154-155	A description of non salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Page 156	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
Assets Management			
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
Purchasing			
17AG(6)	Page 139	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Page 139	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 139	A statement that “ <i>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]</i> ”.	Mandatory
17AG(7)(c)	Page 139	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

PGPA Rule Reference	Part of Report	Description	Requirement
17AG(7)(d)	Page 139	A statement that “ <i>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.</i> ”	Mandatory
Reportable non-consultancy contracts			
17AG(7A)(a)	Page 139	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
17AG(7A)(b)	Page 139	A statement that “ <i>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.</i> ”	Mandatory
17AD(daa)		Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts	
17AGA	Page 139-140	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory
Australian National Audit Office access clauses			
17AG(8)	Page 141	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
Exempt contracts			
17AG(9)	Page 141	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
Small business			
17AG(10)(a)	Page 141	A statement that “[<i>Name of entity</i>] 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 141	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Page 141	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
Financial Statements			
17AD(e)	Page 95-131	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory
Executive Remuneration			
17AD(da)	Page 154-155	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2–3 of the Rule.	Mandatory
17AD(f) Other Mandatory Information			
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 161	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Page 141	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 160	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory
17AH(1)(d)	Page 160	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory
17AH(1)(e)	Not Applicable	Correction of material errors in previous annual report	If applicable, mandatory
17AH(2)	Page 160-161	Information required by other legislation	Mandatory

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