



**NDIS Quality
and Safeguards
Commission**

ANNUAL REPORT

2021-2022

The NDIS Quality and Safeguards Commission is an independent agency established to improve the quality and safety of NDIS supports and services.



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WARNING: Aboriginal and Torres Strait Islander readers are warned that this document may contain images of deceased persons.

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www.facebook.com/ndiscommission



Acknowledgement of Country

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

We pay our respects to their Elders past and present and we believe that as Australians, we can all work together to make a meaningful difference to the lives of Aboriginal and Torres Strait Islanders with disability to create a more inclusive society.

Artwork by First Nations artist Natalie 'NJ' Mudford (Wallabalooa, Pajong tribes of the Ngunnawal and Wiradjuri country - NSW) and NDIS Commission staff. See page 73.

Letter of Transmittal



**NDIS Quality
and Safeguards
Commission**

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

Dear Minister

I am pleased to present the Annual Report of the NDIS Quality and Safeguards Commission (NDIS Commission) for the year ended 30 June 2022. This report has been prepared for the purposes of section 46 of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act), in accordance with all applicable obligations under that Act.

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

Tracy Mackey
NDIS Quality and Safeguards Commissioner

14 October 2022

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Table of Contents

Letter of Transmittal	3	Part 5. Our people	69
		Management of human resources	70
Our year in review	6	Our people	70
Important highlights from 2021–22	6	Work health and safety	73
Our commitment to delivering the NDIS through our people	8	Remuneration	75
Part 1. About us	9	Part 6. Financial Report	77
Who we are	10	Financial management	78
What we do	13	Financial performance	79
Where we are	16	Entity resource statement	80
Communication is a human right	17	Resources for outcomes	81
Our leadership	18	NDIS Quality and Safeguards Commission	82
Our organisational structure	24	Part 7. Appendices	119
Part 2. Our year	27	Appendix 1: The NDIS Commissioner's core functions	120
Key moments 2021–22	28	Appendix 2: NDIS Commission enduring activities	121
The year in numbers	30	Appendix 3: NDIS Commission operations – detail	122
Major projects and initiatives	32	Appendix 4: Our regulatory approach	127
Key compliance matters 2021–22	34	Appendix 5: Executive remuneration 2021–22	128
Stories from the Commission	36	Appendix 6: Compliance index – Annual Report list of requirements under the PGPA Rule	130
Part 3. Performance report	39	Appendix 7: Reports required by legislation other than the PGPA Act	135
NDIS Quality and Safeguards Commission	40	Appendix 8: Commonwealth Performance Framework Cycle NDIS Commission 2021–22	136
Annual Performance Statements	40	Glossary	137
Performance Objective 1	42	Alphabetical Index	139
Performance Objective 2	48		
Performance Objective 3	50		
Analysis of results	51		
Regulator performance	52		
Part 4. Responsibility and accountability	55		
Overview	56		
NDIS Commission functions and powers	57		
Corporate governance	58		
Law reform	60		
Social responsibility	61		
Audit and risk	64		
Fraud control	67		

Our year in review

It's been my honour to join the NDIS Commission in January 2022, during this reporting period. A particular highlight so far has been meeting with our many varied stakeholders across Australia – learning what's important to them and their expectations of our organisation. What's obvious to me is the significant responsibility the NDIS Commission carries to ensure people with disability receive quality and safe supports and services under the NDIS.

I would like to thank Sam Taylor for her important contribution and leadership as Acting Commissioner in the first half of the year. Sam has more than 15 years' experience in the public service, with much of that time dedicated to disability reform, so we have been very fortunate to have her skilled guidance and expertise during 2021–22 as well.

We have achieved so much since we began as a newly formed and independent entity in New South Wales and South Australia on 1 July 2018. During this formative phase, the NDIS Commission's focus was on establishing the essential systems and processes needed to meet its legislated responsibilities.

We were also gradually expanding to become nationally operational.

We learned a lot about how we work and how we need to evolve as we refine our purpose and mature as a regulator. It is these insights we took into one of our most significant projects to-date, our Future State program.

Designed to support the organisation in its transition from 'start-up' to the scale-up maturing of its operations, the program prioritised strategy, culture and structure as the main influencers of our vision for the NDIS Commission – a vision that at its core upholds the human rights of NDIS participants and all people with disability, keeping them at the centre of everything we do.

Insights gathered during the development of our Future State program underpin both our five-year Strategic Plan launching in the second half of 2022, and the Cultural Principles that define the behaviours we see as intrinsic to becoming an effective, approachable and transparent regulator.

Important highlights from 2021–22

In addition to our enduring activities related largely to registration, compliance, engagement and education, we undertake a number of bespoke activities to both explore the challenges faced by our participants or providers, and offer solutions designed to ease those pressures and improve their engagement with the NDIS.

In 2021–22, we started or delivered a number of projects designed to create more efficient regulatory practices and improve the quality and safety of the supports and services used by people with disability. They included:

- ◆ **Support for NDIS Providers Grants Program**
The Commission awarded five grants in this reporting period worth almost \$5 million, under four improvement categories, including Emergency and Disaster Management and Improving Supports for First Nations Australians in Rural and Remote Communities.
- ◆ **Make it known, Make it better campaign**
This important video resource series built on our 2019 'Speak up' project, and aimed to deepen people's understanding of the kinds of scenarios that warrant raising a concern or complaint with us.
- ◆ **Consultative Committees**
The NDIS Commission supported the function of our Industry and Disability Sector consultative committees to ensure the voices of participants and providers were reflected in our work.
- ◆ **Outreach and engagement**
Representatives from the NDIS Commission participated in more than 1,000 engagements, attended by at least 30,880 stakeholders.
- ◆ **Learning modules for workers**
A series of online learning modules were completed by at least 700,000 people, with 97% of participants surveyed indicating the courses were valuable.
- ◆ **Quality Assurance Frameworks**
We created two new frameworks aimed at supporting the implementation of new complaint and reportable incident handling systems.

- ◆ **Quarterly Activity Reports**

By increasing the frequency of our activity reporting, we've gained valuable insight into participants' experiences of NDIS supports and services, helping to improve our safeguarding and compliance activities.

- ◆ **Own Motion Inquiry**

The NDIS Commission commenced a targeted investigation into Aspects of Supported Accommodation in August 2021, following a series of reported incidents and complaints in assisted living arrangements.

- ◆ **Unauthorised restrictive practices**

The publication of the NDIS Commission's *Unauthorised uses of restrictive practices in the National Disability Insurance Scheme* report in January 2022 provided detailed analysis of the use of restrictive practices and behaviour support plan activity.

- ◆ **Future State work program**

This internal planning program, involving research and consultation into our operations and culture, informs our five-year Strategic Plan and Cultural Principles and outlines the action necessary to transform the NDIS Commission into a contemporary, purpose-led regulator.

In addition to these important programs, the NDIS Commission continued to support the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) throughout 2021–22. Representatives from the NDIS Commission provided witness statements and written responses, and participated in roundtable discussions, as required. Like all of our peers in the disability sector, we want to eradicate malpractice and, where appropriate, will cooperate with all inquiries working to achieve this goal.

Similarly, more than six significant amendments to the NDIS Act and NDIS rules were undertaken during 2021–22, including an expansion of the Commissioner's powers, banning order provisions, and the introduction of standards relating to emergency and disaster management.



Our commitment to delivering the NDIS through our people

Meeting our commitments to NDIS participants, providers and other stakeholders – as well as delivering the many important and significant pieces of work I have outlined – would not be possible without our people. More than 65 ongoing employees joined our organisation during the reporting period in critical operational and enabling support roles, bringing our workforce tally to 367 by 30 June 2022.

We continue to offer our employees flexible work arrangements, including part-time and working from home (WFH) opportunities. And, while our APS census employee engagement score of 71% indicates we need to keep looking for ways to help our employees do their job more efficiently, I'm encouraged by the commitment I've seen to getting the best possible outcomes for people with disability and, in turn, their families, providers and supporters.

More than four million people in Australia live with disability (including people over the age of 65, who are within the scope of the aged care sector),¹ and of those, more than 530,000² count on the NDIS to help them access the services and supports they need to live in the way they'd like. Based on self-reported survey data, an estimated 40% of people living with disability living in households need assistance from formal service providers, with most (86%) receiving some formal support.³

With almost a fifth of Australia's population living with disability, many of us have personal experiences of disability – directly or indirectly, in large or small ways. This means many of us see the challenges people with disability overcome to achieve independence, choice and control in their lives.

For us to do our best, we need to work closely with participants, their families, advocates, the disability sector and other government departments and agencies at both federal and state and territory levels. And, I look forward to building a Commission that is a contemporary, agile and purpose-centred regulator, guided by – and accountable to – people with disability, their families, carers and other stakeholders.

Tracy Mackey

NDIS Quality and Safeguards Commissioner

1 Australian Institute of Health and Welfare's *People with disability in Australia 2022* report

2 At 30 June 2022

3 Australian Institute of Health and Welfare's *People with disability in Australia 2022* report

Part 1.

About us

Who we are

Where we fit in the NDIS

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

The NDIS

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



NDIS participants

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



NDIS providers

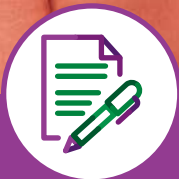
NDIS Providers are individuals or companies that provide supports and services to NDIS participants. The **NDIS Commission** registers providers and maintains the Provider Register, and monitors all disability support providers, registered or not, to ensure the quality and safety of services and supports



NDIS workers

NDIS workers are persons employed or engaged by an NDIS provider. State/territory worker screening programs operate to ensure workers don't pose a risk to participants, and the **NDIS Commission** maintains the Worker Screening Database





The NDIA

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



The NDIS Commission

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



Our Vision

Our vision is for people with disability to receive quality and safe supports and services under the NDIS

Our Purpose

Our purpose is to

- ◆ work with people with disability, providers and the community to deliver nationally consistent, responsive, and effective regulation of providers
- ◆ promote the provision of safe and quality supports and services to people with disability under the NDIS

In order to fulfil our purpose, we

- ◆ approach our responsibilities in a consultative and inclusive way
- ◆ are guided by the underpinning principles in the NDIS Act

Our Goals

Our principal goals are to

- ◆ support NDIS participants across Australia to have a stronger voice
- ◆ improve the quality and safety of NDIS supports and services
- ◆ investigate and resolve issues related to quality and safety
- ◆ strengthen the skills and knowledge of NDIS providers and workers

What we do

Our activities are defined under the NDIS Act, and guided by the NDIS Quality and Safeguarding Framework, which establishes our work with people with disability, workers and providers in terms of three types of responsibility:

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

Our enduring activities that address our responsibilities are:



Complaints

We receive, investigate, manage, mediate and resolve complaints about NDIS supports and services.



Reportable incidents

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



Registration

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



Regulating unregistered providers

We regulate all NDIS providers and workers. Even if NDIS providers aren't registered with us, we have a responsibility to act in response to complaints or concerns that come through to us about their supports and services, as they must still comply with the Code of Conduct.



Behaviour support and behaviour support plans

We developed and continue to maintain the Positive Behaviour Support Capability Framework, and we undertake research to inform better practice in services and supports. We monitor the use of restrictive practices, and provide best practice guidance and advice.



Teaching TasTAFE

This year our Hobart office welcomed the invitation to present to the support worker students of TasTAFE at campuses right across Tasmania.

We tailored presentations to align with the learning needs of the students, by initially offering an introduction to the work of the NDIS Commission and discussions on the Code of Conduct. The students met up with us again later during their course to discuss positive behaviour support and the rights of people with disabilities.

Our presentations were warmly received, and we have been asked to return to support the next cohort, which is a great opportunity. We are driven to support and develop the capacity of the sector in Tasmania – to be proactive and available, to influence the culture of the workforce, and to set expectations.



Education and communications

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



Engagement

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



Compliance and enforcement

We monitor provider and worker conduct via incident reports, complaints, registration processes, and information sharing with other regulators and bodies such as the NDIA. We have a range of compliance and enforcement powers, including banning providers and workers. Actions we take are responsive and proportionate, according to our regulatory approach (see Appendix 4).



Market and regulatory oversight and risk

We conduct market oversight and research, in order to support market development and diversification and the adequacy, safety and quality of NDIS supports and services.



Working together

The 'Joint Statement on the Inappropriate Use of Psychotropic Medicines to Manage the Behaviours of People with Disability and Older People' was published on 21 March 2022.

The Statement was a collaborative initiative between the Australian Commission on Safety and Quality in Health Care, the Aged Care Quality and Safety Commission and the NDIS Quality and Safeguards Commission. It was prepared in response to the misuse and overuse of psychotropic medicines, which were identified as safety and quality issues in health care – particularly for older people and people with disability – during both the Disability Royal Commission and the Aged Care Royal Commission.

Using psychotropic medicines to calm, soothe, sedate, or influence or control the behaviour of people who exhibit behaviours of concern is a restrictive practice, and is subject to regulatory oversight.

The Statement identified key issues relating to the use of psychotropic medicines in the two sectors, and outlined how the three organisations will work together to raise awareness of, and improvements in, their appropriate and safe use.



Delivering the NDIS together

We work together with others to deliver the NDIS through joint policy and operational responses, and we bring the voices of participants and industry into the work we do via our consultative committees.



Grants

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



Policy

We have a broad policy and insights team as well as broader operational policy across all our functions including compliance, registration and behaviour support. We identify and address issues in systems, including those that directly affect participants and providers.

For a detailed breakdown of our activities and operations, see [Appendix 3](#).

Where we are

NDIS Commission offices

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



Total Participants
534,655

Total NDISQSC staff
367



NSW

Participants	161,055
NDISQSC staff	169



Vic

Participants	142,240
NDISQSC staff	45



Tas

Participants	12,104
NDISQSC staff	14



SA

Participants	46,580
NDISQSC staff	39



WA

Participants	46,475
NDISQSC staff	27



NT

Participants	4,963
NDISQSC staff	6



ACT

Participants	9,349
NDISQSC staff	16 [^]



Qld

Participants	111,837
NDISQSC staff	51

Other jurisdictions/data not available 52**

* Participant numbers are from the NDIS Commission Quarter 4 Activity Report as at 30 June 2022

** These 52 with no 'assigned' jurisdiction are likely to be national office staff. Most national office staff are located in NSW and Canberra.

[^] NSW and the ACT are separated here to represent staffing, however are combined for state/territory operational purposes.

Contact us

Our Contact Centre is the first point of contact for the NDIS Commission and provides support to participants, participant's families and supporters, providers and workers so they can enquire about the NDIS Commission or make a complaint regarding NDIS services. Enquiries or complaints can be made by phone or email. Complaints can also be made via an online form.

To contact the NDIS Commission, please use the communications service at www.ndiscommission.gov.au/contact-us that best suits you:

Phone 1800 035 544 (free call from landlines)

National Relay Service and ask for 1800 035 544

Text telephone TTY 133 677

Submit an online complaint form www.ndiscommission.gov.au/about/making-complaint

Email contactcentre@ndiscommission.gov.au

Mail PO Box 210, Penrith NSW 2750

Translating and interpreting service 131 450

Communication is a human right

Communication is a fundamental human right. People with disability have the same right to communication as anyone.



Communication is fundamental to participation and being included in society.

It enables us all to create meaningful connections and interactions with each other, have access to our communities, and express our preferences and needs.



For more information, please see our [Supporting effective communication](#) modules on our website.

Our leadership



Tracy Mackey

Tracy Mackey

NDIS Quality and Safeguards Commissioner

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

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

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



Dr Jeffrey Chan

Dr Jeffrey Chan

Senior Practitioner

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

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



Sian Leathem
Complaints Commissioner

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

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

She holds degrees in Arts, Law and Public Administration and is a nationally accredited mediator. She 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 Sian was a recipient of the Young Public Sector Leader Award by the Institute of Public Administration Australia.



Samantha Taylor PSM
Registrar

Samantha Taylor has held senior executive roles for more than 15 years in the NSW public service working in human and social services portfolios. She has dedicated much of her career to reforming disability services to be inclusive, contemporary and focused on the rights, needs and preferences of people with disability. Before commencing in the role of Registrar in March 2018, Sam was Executive Director of NDIS Implementation in the NSW Department of Family and Community Services. In this role, she led NSW negotiations on the NSW NDIS agreement, and managed all facets of the NSW transition to the NDIS. She also advised on the transfer of NSW Government-operated specialist disability services to the non-government sector.

Sam has led the establishment of the registration, worker screening, national compliance and investigations functions, data and analytics functions for the Commission. As Registrar, she is also responsible for leading the Commission's national operations.

In 2017, Samantha Taylor was awarded a Public Service Medal for her leadership in disability reform in NSW.



Andrew Whitecross

General Manager Policy, Markets and Insights

Andrew Whitecross has been on secondment from the Department of Social Services (DSS) since May 2022. He leads a new division providing strategic policy development and advice, which focuses on the regulatory framework, the provider market and workforce quality, data and analysis activities, and other major projects and initiatives. At DSS, Andrew was responsible for policy surrounding the development of the NDIS provider market, specialist disability accommodation, and the implementation of the NDIS Quality and Safeguards Framework. This included the establishment of the NDIS Quality and Safeguards Commission and the public consultation process on the establishment of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability.

Andrew has more than three decades of social policy experience with DSS, and led policy development for the 2008–09 Pension Review. More recently, Mr Whitecross served as Acting Director of the Australian Institute of Family Studies from October 2020 to April 2022.



Lisa Pulko

Chief Operating Officer

Lisa Pulko commenced with the NDIS Commission in April 2022. Lisa previously worked in a number of roles across the Department of Defence, the Department of Home Affairs (and its previous iterations) and the National Capital Authority. She has been responsible for improving financial systems, policies and processes, has contributed to the design of prioritisation models and sustainable budgeting arrangements, and has led the re-set of risk and compliance approaches. Lisa has delivered the Commonwealth Budget for Home Affairs, designed prioritisation frameworks and business improvement approaches, negotiated large contracts and worked on high profile taskforces. She has extensive experience in delivering high quality and timely advice to support sound decision making by government.



Carolyn Strange

General Counsel, Legal Services and Internal Integrity

Carolyn Strange came to the NDIS Commission in 2018 with a long and varied career as a lawyer and regulator in the NSW and Commonwealth public sectors, most recently as General Counsel at the NSW Public Service Commission, after starting out as a commercial litigation solicitor. Her other public sector legal experience includes positions in the Commonwealth Office of General Counsel, the NSW Environment Protection Authority, NSW Parliamentary Counsel's Office and the Office of the NSW Solicitor General and Crown Advocate.

Carolyn has also held senior management roles in non-legal positions with regulatory dimension, including Director, Quality Assessment and Regulation in the Early Childhood Education and Care Directorate of the NSW Department of Education, and Director, Contaminated Sites in the NSW Environment Protection Authority.



Alisa Chambers

Branch Head Governance, Planning and Performance

Alisa Chambers commenced as Branch Head, Governance, Planning and Performance in February 2022. Her role supports the Commissioner, parliamentary process, communications and engagement, and the implementation of the NDIS Commission's strategy.

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



Melissa Clements
Deputy Registrar

Melissa Clements commenced in the role of Deputy Registrar with the NDIS Commission in January 2019, and has more than 25 years' experience in the disability sector. This includes leading policy and program delivery and reforms supporting more than 100,000 students with disability in NSW public schools, and work to support the transition to NDIS and its interface with education.

Melissa has also held a number of roles with the NSW Ombudsman and Community Services Commission overseeing community and disability service provision, as well as a range of direct service delivery roles supporting people with disability.



Philip Halton
Branch Head North Central West region

Philip Halton has more than 30 years' experience in public policy, administration and regulation, acquired as a public servant and advisor across the Commonwealth, New South Wales and Queensland governments, and as the head of a national industry association.

He has extensive experience in frontline regulation. As the Deputy Commissioner of the Queensland Building and Construction Commission, he led Queensland's response to the flammable cladding crisis and the enforcement of major new building safety and market fairness reforms. In prior roles, he was responsible for major prosecutions, led reforms in safety regulation and compliance programs, and worked under the scrutiny of Special Commissions of Inquiry.

Philip is an active member of the national advisory committee of the ANZ School of Government's National Regulators Community of Practice.



Mahashini Krishna

Branch Head South East region (acting)

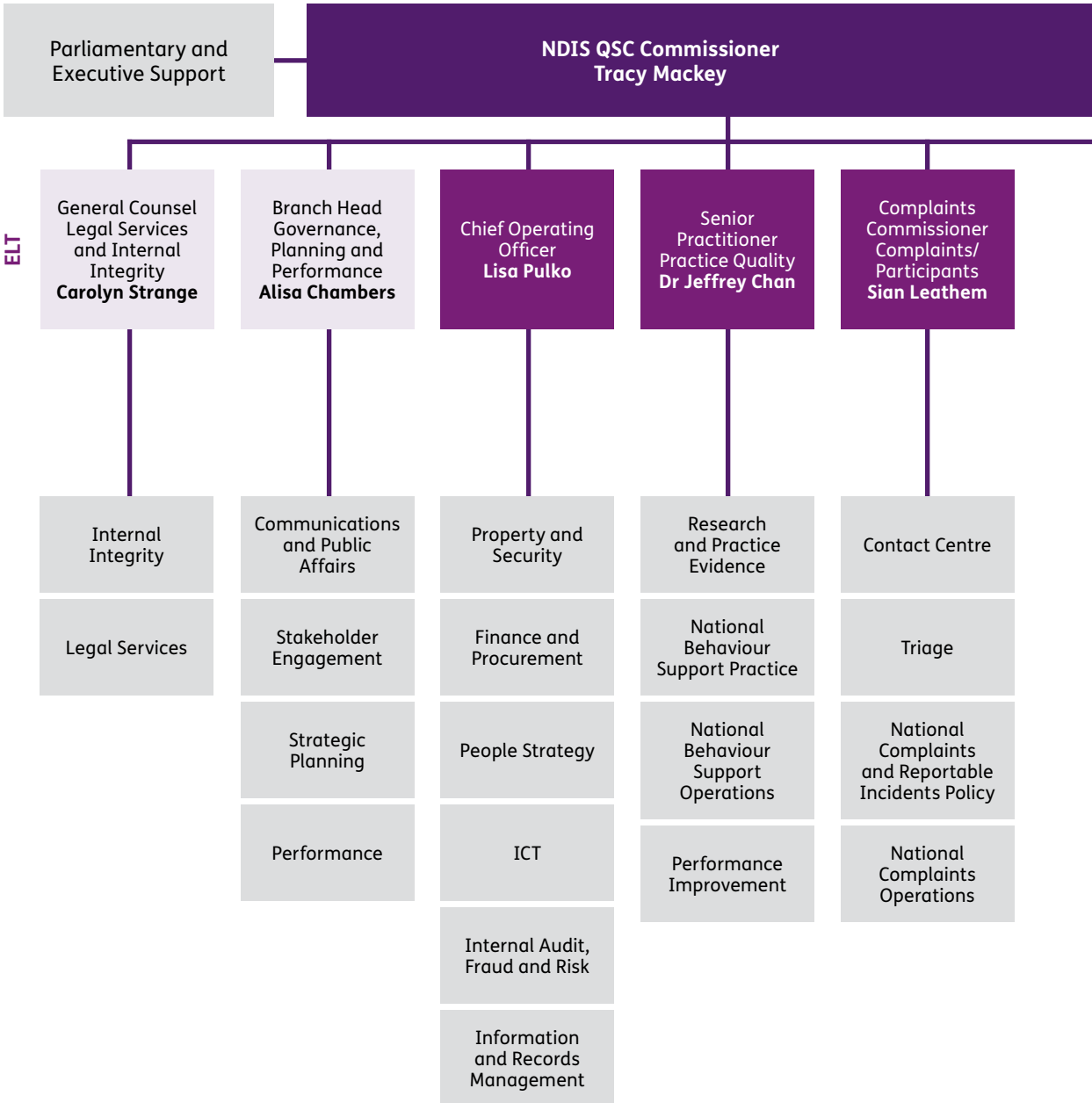
Mahashini Krishna has more than 10 years' experience working with vulnerable communities, particularly individuals who have endured significant trauma. She has led multidisciplinary teams and delivered numerous state-wide programs, and held senior roles in the NSW public service in legal and leadership capacities, including as the NSW Commissioner of Victims' Rights and the Registrar of the NSW Victims Compensation Tribunal. Her most recent role has been with NSW Health leading a range of projects in the Education Centre against Violence. Mahashini has a Bachelor of Laws and Bachelor of Arts degree.

Our organisational structure

As at 30 June 2022



NDIS Quality and Safeguards Commission



SES 2

Commissioner

SES 1

Teams

**NDIS QSC Commissioner
Tracy Mackey**

**General Manager
Policy, Markets
and Insights
Andrew
Whitecross**

**Registrar
Samantha
Taylor PSM**

**South East
Region
Mahashini
Krishna**

**North Central
West Region
Philip Halton**

**Deputy Registrar
Melissa
Clements**

Regulatory
Framework

NSW/ACT Office

Queensland
Office

Provider
Registration

Data and
Insights

Victoria Office

Northern
Territory Office

National
Compliance and
Investigations
Strategy

Provider Market

Tasmania Office

Western
Australia Office

Participant
Rights

South Australia
Office

Worker Quality

National Compliance and
Investigations Operations

National Reportable
Incidents Operations

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Part 2.

Our year

Key moments 2021–22

2021



'Make it known, make it better'

We created and released our video and resource series '**Make it known, make it better**' to empower people with disability to raise concerns or complaints about their NDIS services or supports. The suite represents the next iteration of our 2019 'Speak up' project, and aims to deepen people's understanding of the kinds of scenarios that would warrant raising a concern or complaint, based on the NDIS Code of Conduct. The videos were co-designed, tested among, and feature people with disability, their families, and support workers.

August 2021

First Own Motion Inquiry initiated, into aspects of supported accommodation

October 2021

Rule amendments for new standards and worker screening

November 2021

Mandatory COVID-19 vaccination requirements for disability support workers introduced

December 2021

The NDIS Commission commences its first **civil penalty proceedings** in the Federal Court of Australia

July 2021

Phase 1 of the NDIS Workforce Capability Framework delivered

July 2021

Two new Quality Assurance Frameworks supporting the implementation of new complaint and reportable incident handling systems began development

July – October 2021

We focused on addressing the backlog across all functions, after receiving extra funding for needed resources

August 2021

Commenced targeted action on Unauthorised Restrictive Practices (URPs), deep dive analysis of URP trends undertaken

Late 2021

First NDIS Commission complainant feedback survey developed and trialled

October 2021

Inaugural meeting of the NDIS Commission Complaints Function Advisory Committee

October 2021

The National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021 (At Risk Bill) passed both Houses of Parliament

November 2021

Joint Standing Committee on the NDIS releases its report from inquiry into the NDIS Commission

December 2021

New standards for mealtime supports and emergency and disaster response introduced

2022



Recovery without restriction

The beautiful birdsong-filled Wildflower Pavilion in Kings Park, Perth, provided a tranquil background to the WA Association of Mental Health (WAAMH) NDIS Psychosocial Providers Sector Forum in April 2022. The event brought NDIS providers, participants and peer workers together to discuss positive behaviour support and recovery-oriented best practice in the psychosocial disability space.

The NDIS Commission's WA State Director gave the keynote address, highlighting the participant focus required of providers, and encouraging engagement with participants as key to a provider's journey of continuous improvement. These expressions were reinforced in a subsequent presentation given by a participant who is now a peer worker. They shared their recovery journey and spoke of how their support needs changed over time, requiring those supports to be flexible and for their providers to continue to listen to what they needed.

A panel discussing positive behaviour support and a shared aim to reduce restrictive practices in a mental health context attracted great questions about work in that area. The provider, family and practitioner experts on the panel gave examples of how positive behaviour support upheld the rights of people with psychosocial disability and improved their quality of life. Providers who attended the forum said they were grateful for the opportunity to engage with the NDIS Commission in such a positive, informative and inclusive way.

January 2022

Full suite of compliance and enforcement polices released

January 2022

Tracy Mackey appointed as the second NDIS Quality and Safeguards Commissioner

February 2022

Future State strategic project begins

March 2022

Registration Roundtable held

March 2022

Launch of the 'Joint Statement on the Inappropriate Use of Psychotropic Medicines to Manage the Behaviours of People with Disability and Older People'

March 2022

'Make it known, make it better' videos and resources released

March 2022

The NDIS Commission commenced its second **civil penalty proceedings** in the Federal Court of Australia

April 2022

NDIS Commissioner commences consultation on strategic plan

May 2022

Our Internal Integrity Unit is created, bringing together several key accountability functions: internal review of decisions made under the NDIS Act, Freedom of Information, Privacy, Public Interest Disclosure, and complaints against the Commission

June 2022

Launch of the updated beta (test) NDIS Commission website, which was co-designed through consultation with participants and other primary stakeholders

The year in numbers



5 grants totalling nearly
\$5 million*
awarded through our *Support for NDIS Providers* grants program



2,991
Provider Information packs distributed



12,164
Participant Information packs distributed:
5,948 in standard format
5,788 in Easy Read format
428 in Braille



Our staff presented at
1,029
engagements, attended by at least
30,880
stakeholders**



664,336
people
have completed the NDIS Code of Conduct Worker Orientation Module 'Quality, Safety and You' since its mid-2019 launch



\$1.7
million
of new contracts with Indigenous businesses



19,739
registered providers as at 30 June 2022



447,487
worker clearances granted (since 1 February 2021)

* (excl. GST)

** As some events were conducted virtually, exact attendance numbers cannot be reported.



'Supporting effective communication' e-learning module completed by **32,424** people from launch October 2021 to 30 June 2022



'Supporting safe and enjoyable meals' completed by **6,633** from April 2022 launch to 30 June 2022



96% of people who completed a feedback survey rated the modules as good/excellent



97% indicated the e-learning modules helped them learn how to better support people with disability



13,091 behaviour support plans lodged



2,754 providers subject to compliance and/or investigation activity



7,843 complaints received

143

corrective action requests

34

banning orders



National Disability Services COVID-19 and Emergency Preparedness CEO and Senior Leader Reflections and Discussion Meeting (Virtual)

1 February 2022

National Disability Services (NDS) organised a meeting for NDIS Provider CEOs in early 2022, and requested the NDIS Commission attend to present on provider obligations specifically relating to the new practice standards for Emergency and Disaster Management. Our New South Wales State Director spoke about the new practice standards and took questions from attendees on various points they raised relating to the practicalities of implementing the standards. The productive session enabled NDIS provider leaders to take information back to their staff for education and implementation, and was a great opportunity for us to move forward with them on the changes.

Major projects and initiatives

In 2021–22 the NDIS Commission:

- ♦ implemented two new NDIS Practice Standards, Mealtime Management and Dysphagia Management, responding to the findings and recommendations of Dr Carmela Salomon and Professor Julian Trollor's 2019 report 'Scoping review of causes and contributors to deaths of people with disability in Australia'
- ♦ implemented one new NDIS Practice Standard, Emergency and Disaster Management, in response to regulatory observations from the impacts on the sector in relation to the COVID-19 pandemic and natural disasters
- ♦ continued to implement recommendations in response to the 'Independent review into the circumstances relating to the death of Ms Ann-Marie Smith' (the Robertson Review). In October 2021 the related At Risk Bill passed both Houses of Parliament, amending the NDIS Act to expand the NDIS Commission's compliance and enforcement powers. The amendments enable information sharing between the Commission and the NDIA and information disclosure to relevant state and territory bodies, and clarify provider registration provisions
- ♦ was represented throughout the year on the Government's COVID-19 Advisory Committee overseeing implementation of the COVID-19 response plan for people with disability
- ♦ completed a major grant initiative project, led by the UTS consortium awarded the grant – a 'Co-creating Safe and Enjoyable Meals' resource for professionals supporting participants during mealtime. A masterclass was also organised to train nearly a 100 professionals in the use of the resource
- ♦ developed and delivered the NDIS Commissioner's Registration Roundtable, which was convened to gather insights into the Commissioner's function to register NDIS providers, particularly current registration practice and arrangements. The Roundtable contributed to the approach taken by the Commissioner to make improvements and changes to the function following the NDIS Commission's experience during its first three years of operation
- ♦ awarded five grants across four opportunities totalling nearly \$5 million (excl. GST), through the Support for NDIS Providers program
- ♦ commenced the Own Motion Inquiry into Aspects of Supported Accommodation in the NDIS, which will be completed in late 2022.* As part of this inquiry, we developed case vignettes of seven providers based on the analysis of more than 1,100 reportable incidents and complaints lodged with the NDIS Commission from 2018–2021
- ♦ delivered a new series of quarterly activity reports, having previously released reports every six months – the new format is intended to increase the value of activity reports for all stakeholders

* For more information on the Inquiry, see www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects

- ◆ published the ‘Unauthorised uses of restrictive practices in the National Disability Insurance Scheme’ report which provides a detailed analysis of the NDIS Commission’s data relating to the use of restrictive practices and behaviour support plan activity for the 2020–21 period,* as well as an explanation of activities undertaken in response
- ◆ developed and published practice guidance on Safe Transportation
- ◆ facilitated the SPECTROM: feasibility study led by Life Without Barriers and Western Sydney University
- ◆ developed two new Quality Assurance Frameworks, to support the implementation of new complaint and reportable incident handling systems. The implementation of the Frameworks will help monitor and assure the effectiveness and efficiency of activities through a structured, consistent, and multi-pronged approach. Importantly, it will also build on the experience and perspectives of NDIS Commission staff, NDIS providers, and NDIS participants, their supporters and advocates
- ◆ contributed research to reviews and studies, particularly in relation to psychotropic use in people with disability, and interventions for decreasing restrictive practices
- ◆ finalised a site visit policy to promote our activities.



NT Complaints Officers visit supported independent living (SIL) and day centres

During May and June of 2022, our NT Complaints Officers got out into the community to visit some NDIS services. They met with NDIS participants, support workers and team leaders/managers to talk about the role of the NDIS Quality and Safeguards Commission, and to let people know how they can make complaints if they are not happy with the NDIS services they receive. The officers visited with people in Nhulunbuy, Darwin and Alice Springs, at day centres and in supported independent living accommodation. They reported back that everyone they’d met and chatted with had been interested to learn more about what we do at the Commission, and happy to have a chat about how they think things are going.



Leading Through Inclusion – South Australia

On 9 and 10 June 2022, our South Australian office participated in the South Australian Council on Intellectual Disability’s (SACID) Leading Through Inclusion conference. The conference celebrates and champions SACID’s message: ‘Be Seen. Be Heard. Be Understood’. The two-day event included informative workshops led by people with intellectual disability, engaging guest speakers and stallholders, and lots of fun for the community including NDIS participants, their caregivers and families.

Two of our SA Complaint Handling Officers participated as stallholders, engaging with participants about our complaints processes and the role of the Commission more broadly. Senior executives from the Commission also presented. Our involvement helped raise awareness of the impact that ‘speaking up’ can have on improving services across the disability sector, and ensuring quality outcomes for participants.

* For more information on the report, see www.ndiscommission.gov.au/unauthorised-uses-restrictive-practices-ndis-report

Key compliance matters 2021–22

Our published **NDIS Commission Compliance and Enforcement priorities for 2021–22*** identified our compliance and enforcement focus areas for the year:

- ◆ Prevention of harm
- ◆ Incident management and response
- ◆ Unauthorised restrictive practices
- ◆ Safeguards for NDIS participants receiving assistance in their homes
- ◆ COVID-19 preparedness and response
- ◆ Quality and safety in mealtime supports
- ◆ Management of conflicts of interest.

In addressing these priorities, we focused our compliance and enforcement functions on issues that represent significant risks for NDIS participants, including:

- ◆ COVID-19 risks, including actions taken by NDIS providers to support NDIS participants to be vaccinated against COVID-19 if they choose to be, compliance with COVID-19 workforce vaccination mandates, and provider preparation and response to COVID-19 risks – including in respect of continuity of NDIS supports and services
- ◆ risk and quality management obligations within the context of delivering daily assistance with personal activities to NDIS participants who live alone and choose to be supported by a single worker
- ◆ obligations for registered NDIS providers implementing restrictive practices to take action to support the development of positive behaviour support plans and obtain authorisation (where required), and to ensure that the use of restrictive practices are reduced or eliminated, to the benefit of NDIS participants
- ◆ new practice standards on emergency management and mealtime supports, implementing additional safeguards for NDIS participants, where their continuity of supports and services may be impacted, as well as high-risks concerning choking and other mealtime risks

- ◆ consolidating actions across the Commission for providers with compliance attention across states and territories.

Throughout 2021–22, we engaged in a range of regulatory activities designed to deliver against these priorities, including:

- ◆ the targeted monitoring of more than 12,000 registered NDIS providers delivering intensive support services, concerning their compliance with COVID-19 vaccine mandates and associated risk management obligations
- ◆ the targeted monitoring of more than 550 registered NDIS providers, to assess their compliance within the context of supporting NDIS participants to be vaccinated against COVID-19, if they choose to be
- ◆ targeted compliance and enforcement action regarding NDIS providers implementing the unauthorised use of restrictive practices through the operations of an established taskforce
- ◆ the completion of compliance and enforcement action targeting registered NDIS providers with systemic non-compliance with reportable incident notification obligations, as well as those identified as being at high-risk of broader non-compliance with incident management and prevention obligations
- ◆ the development of an ongoing monitoring program to provide consistent and risk-informed monitoring of compliance with the 107 condition
- ◆ the introduction of amended NDIS Practice Standards and Quality Indicators for management of safe mealtimes and severe dysphagia and release of a new worker training module, Supporting Safe and Enjoyable Meals
- ◆ the development of a compliance strategy to address conflicts of interest for implementation, including a range of educational resources to support the disability sector in understanding and complying with their obligations.

* For our Priorities and other information about our compliance and enforcement activities and approach, see www.ndiscommission.gov.au/about/compliance-and-enforcement

Since 1 July 2021, 512 compliance matters and 122 investigations (634 total) have commenced that relate to one or more compliance priorities. Specifically:

- ◆ prevention of harm – 459
- ◆ COVID-19 – 140
- ◆ incident management – 148
- ◆ unauthorised use of restrictive practices – 93
- ◆ quality management – 36
- ◆ participants receiving personal supports – 69
- ◆ conflicts of interest – 18
- ◆ mealtime management – 12.

In addition and in relation to these matters linked to a compliance priority, 281 compliance or enforcement actions have been taken including:

- ◆ 180 educative outcomes
- ◆ 74 warning letters
- ◆ 27 corrective action requests
- ◆ 8 infringement notices
- ◆ 6 compliance notices
- ◆ 2 revocations of registration
- ◆ 1 banning order.

Civil proceedings

In December 2021, the NDIS Commission commenced its first civil penalty proceedings in the Federal Court of Australia.

The proceedings were against a registered NDIS provider, the Australian Foundation for Disability (Afford), in relation to the death of Ms Merna Aprem, an NDIS participant. Ms Aprem died in 2019 while living in a supported independent living home operated by the provider.

In March 2022, the NDIS Commission commenced civil penalty proceedings in the same Court against NDIS provider Integrity Care (SA) Ltd, in relation to the death of Ms Ann-Marie Smith, an NDIS participant. This followed the NDIS Commission fining the provider, revoking its registration and banning one of its Directors from involvement in disability services.

At the time of publication of this report, the proceedings against Afford remain ongoing, while the proceedings against Integrity Care are stayed given the criminal charges laid against Integrity Care by the South Australian Director of Public Prosecutions on 6 June 2022.

Stories from the Commission

Greg (Qld)



Greg* is 48 and is an independent NDIS participant who lives in his own home in Maroochydore. Greg's provider, CL3 Services*, has supported him for several years with daily tasks, such as attending activities and appointments, and bathing and dressing. Greg gets on well with his support team. Their support enables him to visit his family, pursue his woodworking hobby, and take part in activities at the local Men's Shed, which he enjoys.

Recently, on a trip to the Men's Shed with his support worker Jo*, Greg fell while being transferred from the car to his wheelchair. He cut his arm and was taken to hospital where he received stitches. An occupational therapist on Greg's clinical team, Abdullah*, was concerned about the injury, and worried that Jo may have caused the accident by not following workplace procedures while helping Greg out of his wheelchair. He contacted the NDIS Commission to raise his concerns.

Our Complaints team worked with CL3 Services, the National Disability Insurance Agency (NDIA) and Greg, to understand what had occurred, the supports provided to Greg, and the funding available to address his needs.

We visited Greg's home and spoke to him about the supports he receives, and what happened on the day of the injury.

Listening to the participant is the most important element of finding a resolution to complaints and ensuring the participant receives quality and safe supports and services.

Overall, Greg was happy with the supports CL3 Services provided. However, both Greg and his support worker Jo understood that some changes needed to be made to keep him safe and ensure he was not injured again. We worked with CL3 Services and Greg's support team, including Jo, to put these changes in place. These changes included using a sliding board to move Greg from his wheelchair to the car.

When we spoke to Greg he was concerned that the complaint would affect the support he received from Jo and other staff at CL3 Services. However, we explained to Greg that anyone – including a participant, family or carer, support worker or provider – can raise a concern, and that we work with participants, providers and workers to improve the quality and safety of supports. We also gave him information about his rights as a participant, and what he should expect of the services he receives. This information reassured Greg, who said NDIS funding had dramatically improved his life and boosted his independence.

Greg continues to visit the Men's Shed with his support worker Jo, and is confident that the changes we assisted CL3 Services to put in place help to keep him safe.

* All names have been changed for privacy.

Juanita (Vic)



NDIS participant Juanita* is 23 and lives with her parents in Geelong. Juanita has an acquired brain injury and needs support with daily activities including getting dressed, attending appointments, and meal times. She receives this support from her family and professionals, including her support co-ordinator Nicole*, support worker^ Mateo*, and her behaviour support provider GG1A Care*.

One day Mateo was supporting Juanita to shower and dress, as she had an appointment with the dentist. However, Juanita was upset. She did not want to get dressed and was refusing to cooperate with Mateo. Because of this behaviour, Mateo locked her in her bedroom. Under the NDIS Rules, this is an unauthorised restrictive practice.

When Juanita later met with Nicole to update her support plan, she communicated the incident. Concerned, Nicole lodged a complaint with the NDIS Commission. At the time, Nicole wasn't familiar with behaviour support plans or the use of authorised restrictive practices. She told us that she had very little contact with Juanita's behaviour support provider, GG1A Care, and didn't know if Juanita had a behaviour support plan in place.

Behaviour Support plans look to outline individualised strategies that manage behaviours of concern while also responding to a person with disability's needs. Over time, the Behaviour Support Plan should seek to reduce, and ultimately eliminate, the need for the use of regulated restrictive practices.

We called GG1A Care to discuss what had happened, and found they were not aware of their requirements and had not developed

or lodged a behaviour support plan for Juanita. We worked with them to build their awareness and understanding of positive behaviour support, and the benefits of having a behaviour support plan in place to help manage behaviours of concern. We also provided them with information and resources to share with their staff. Following this, we worked with GG1A Care to develop a behaviour support plan for Juanita. The plan identified ways to help make Juanita feel more comfortable, such as spending time drawing or listening to music and acknowledging her feelings. These activities provide a safe way to support Juanita when she's upset.

After speaking with Nicole and GG1A Care, Juanita and her family asked that she be supported by a suitable NDIS Behaviour Support Practitioner. This gave them confidence that Juanita's support worker was responsive to her needs and able to support her safely.

NDIS Behaviour Support Practitioners apply to the NDIS Quality and Safeguards Commissioner and undertake an assessment process, to be considered suitable to provide behaviour support.

While Mateo was no longer supporting Juanita, we contacted him to discuss his responsibilities so if he is ever faced with a similar situation, he's able to consider other strategies to provide support.

GG1A Care's willingness to understand how they could improve their practice and change their approach allowed a quick resolution to provide better quality supports for Juanita and other NDIS participants in the future.

* All names have been changed for privacy.

^ For information on these terms, please download [the factsheet on Behaviour support and restrictive practices](#).

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Part 3.

Performance report

NDIS Quality and Safeguards Commission

Annual Performance Statements

For the reporting period 1 July 2021 – 30 June 2022

Introductory statement

I, as the accountable authority of the NDIS Quality and Safeguards Commission, present the 2021–22 Annual Performance Statements (APS) of the NDIS Quality and Safeguards Commission, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity, and comply with subsection 39(2) of the PGPA Act.

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



Tracy Mackey

NDIS Quality and Safeguards Commissioner

4 October 2022

Entity Purpose

Our purpose is as listed in the *Portfolio Budget Statements 2021–22 Budget Related Paper No. 1.12 Social Services Portfolio* (the PBS) in Outcome 1 for the NDIS Quality and Safeguards Commission:

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

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

Program 1.1 – Support for National Disability Insurance Scheme providers in relation to registration – Support for NDIS providers in relation to registration to support service providers with the costs of obtaining NDIS registration and to support the provision of education and training for providers, workers and auditors.

Program 1.2 – Program Support for the NDIS Quality and Safeguards Commission – To provide departmental funding for the annual operating costs of the NDIS Commission to enable the NDIS Commission to achieve its outcomes.

All performance measures in the APS contribute to our entity's purpose. Our performance is measured in accordance with the PBS and the NDIS Commission's 2021–22 Corporate Plan.

Results against performance criteria

The tables in this APS document report against the performance measures presented in pages 19–21 of our Corporate Plan (pdf version),* which align with the two PBS programs as indicated below:

PBS Program	Relevant Performance Measure/Activity
1.1 Support for National Disability Insurance Scheme providers in relation to registration	2.1
1.2 Program Support for the NDIS Quality and Safeguards Commission	1.1.1, 1.1.2, 1.2.1, 1.2.2, 1.2.3, 1.3.1, 1.3.2, 1.4.1, 1.4.2, 2.2, 3.1, 3.2

Notes on performance reporting

The NDIS Commission has just completed its fourth financial year of operation. With national establishment completed in December 2020 when Western Australia transitioned to the Commission, 2021–22 was our first full year of national operations. As such, transitional activities in certain states were still being completed throughout the reporting period.

This year's non-financial performance results reflect this establishment phase, before we move into our scale-up operations in 2022–23. While we are able to produce more quantitative reporting, a large amount of our measures will still contain predominantly qualitative analysis, in order to most accurately describe our performance across our service and activities remit.

Performance measure scoring scale

Included against each measure in our Annual Performance Statement is a visual scale indicating how well we have achieved the targets we set for the 2021–22 reporting period. There are often multiple targets within each measure (eg measure 1.1.1 contains three targets). In these instances, the scale applied is a single cumulative score of how well all targets within that measure have been achieved.

The scoring scale is:

 Did not meet  Challenging  Partially met/On track  Met  Exceeding

The marker on the scale indicates how well we have achieved our set targets, based on the following criteria:

- ◆ whether the specific target(s) within the measure have been achieved
- ◆ year-on-year improvement against the targets within the measure (if previous data available)
- ◆ qualitative assessments of the measure indicating continuous improvement.

* The NDIS Commission's Corporate Plans are available at <https://www.ndiscommission.gov.au/about/corporate-documents>.



Results

Performance Objective 1

Positively influence the disability support system through effective quality and safeguarding activities, including but not limited to:

- ♦ management of complaints and reportable incidents
- ♦ oversight of and leadership in behaviour support
- ♦ registration of NDIS service providers.


1.1 Management of complaints and reportable incidents

Activity/Measure	Target/s	2021–22 Results
<p>1.1.1</p> <p>The NDIS Commission receives and responds to complaints</p> <p>The NDIS Commission educates complainants and prospective complainants to increase confidence to complain and increase the proportion of in-scope complaints, while dealing with complaints efficiently</p>	 <ul style="list-style-type: none"> ♦ 90% of complaints received are in-scope ♦ The proportion of complaints received directly from people with disability increases ♦ 75% of complaints are dealt with within 90 days 	<ul style="list-style-type: none"> ♦ 74.9% of complaints received in 2021–22 were in-scope. ♦ 23.9% of complaints received during the reporting period, including in-scope and out-of-scope complaints, were received from persons with a disability. ♦ 44.1% of complaints received and closed in 2021–22 were closed within 90 days. This is attributable to a 15% increase in complaints received over 2021–22 without a corresponding increase in staff capacity. <p>Significant work commenced at the end of the financial year to review the Commission’s complaint function, with the objective of increasing timeliness, consistency and efficacy.</p>
<p>1.1.2</p> <p>The NDIS Commission receives reports of reportable incidents and takes action where appropriate</p> <p>The NDIS Commission regulates the industry to ensure compliant reporting, and takes appropriate action when receiving reports, particularly with respect to unauthorised restrictive practices (URPs)</p>	 <ul style="list-style-type: none"> ♦ Incidents are reported within statutory timeframes ♦ 80% of participants subject to repeat URPs are covered by a comprehensive behaviour support plan within six months 	<ul style="list-style-type: none"> ♦ In 2021–22, 54.5% of reportable incidents were reported within statutory timeframes (i.e. within a 1-day period). NB: reports of unauthorised restrictive practices (URPs) are excluded from this figure. ♦ Data is not currently collected to report the percentage of participants subject to repeat URPs covered by a comprehensive behaviour support plan within six months. Work commenced at the end of the financial year to consider how the Commission can collect and report on more meaningful URP data, including metrics relevant to participants and providers.

1.2 Oversight of, and leadership in, behaviour support


Activity/Measure	Target/s	2021–22 Results
<p>1.2.1</p> <p>The NDIS Commission assesses and oversees behaviour support practitioners</p> <p>The NDIS Commission's oversight improves the proportion of practitioners whose capability is assessed, and the NDIS Commission assesses practitioners in a timely fashion</p>	 <ul style="list-style-type: none"> ◆ Increase the proportion of behaviour support practitioners with completed capability assessments ◆ 100% of behaviour support practitioners that apply to be assessed are assessed, with 95% being assessed within 10 weeks 	<ul style="list-style-type: none"> ◆ 2,529 behaviour support practitioners were considered suitable after reviewing capability assessments during the reporting period. This included 1,539 capability assessments that were completed from 31 December 2021 to 30 June 2022, meaning there was a 60% increase in the second half of the year on the number of practitioners reported as suitable. ◆ In 2021–22, 5.8% of practitioners were assessed within 10 weeks, and 50% were assessed within 20 weeks, with a range between 2 and 47 weeks. These numbers reflect the transition of all provisionally suitable practitioners applying to be considered suitable up to 30 June 2022. Going forward, it is expected that entry-level practitioners will be assessed in a shorter timeframe.
<p>1.2.2</p> <p>The NDIS Commission monitors the use of restrictive practices</p> <p>The NDIS Commission ensures practitioners comply with requirements, and educates the industry to improve behaviour support plan quality</p>	 <ul style="list-style-type: none"> ◆ Comprehensive behaviour support plans lodged within statutory timeframes ◆ Increase in quality of behaviour support plans lodged with the NDIS Commission 	<ul style="list-style-type: none"> ◆ 13,091 behaviour support plans were lodged with the NDIS Commission during the reporting period. The NDIS Commission's current data system does not allow for analysis of lodgement of behaviour support plans within specific timeframes, however work has commenced on systems enhancements to support the collection of this data. ◆ The NDIS Commission undertook a baseline quality review to understand and address overall concerns about the quality of behaviour support plans. A summary report of the results on Behaviour Support Plan Quality has been written and recommendations have been incorporated into a sector communications plan. The Commission has instigated several initiatives to lift the capability of behaviour support providers and to improve the overall quality of behaviour support plans.
<p>1.2.3</p> <p>The NDIS Commission provides leadership and guidance in the field of behaviour support</p> <p>The NDIS Commission contributes to effective jurisdictional co-operation, including nationally consistent authorisation of restrictive practices</p>	 <ul style="list-style-type: none"> ◆ Nationally consistent authorisation of restrictive practices is implemented as agreed by Ministers ◆ Effective network of behaviour support regulatory bodies operating across Australia 	<ul style="list-style-type: none"> ◆ Disability Ministers agreed in December 2019 to work towards national consistency in state and territory authorisation processes of restrictive practices. Victoria, the Northern Territory and the Australian Capital Territory align with the nationally consistent authorisation principles, and the NDIS Commission continues to monitor and support South Australia, Western Australia, Queensland, Tasmania and New South Wales (who partially align to the principles) to progress in their alignment work. ◆ The NDIS Commission meets quarterly with representatives from the state and territory authorising bodies at the Senior Practitioner's Practice Leadership Group meeting. Two meetings were held in the reporting period (August and November 2021).

1.3 Registration of NDIS service providers


Activity/Measure	Target/s	2021–22 Results
<p>1.3.1</p> <p>The NDIS Commission receives and assesses applications for registration from NDIS providers</p> <p>The NDIS Commission progresses registration applications in a timely fashion.</p>	 <ul style="list-style-type: none"> 80% of registration applications determined within 90 days of receiving a complete application 	<p>For the 2021–22 financial year, 50% of registration applications were determined within 90 days.</p> <p>During the first half of 2021–22, we worked to resolve backlogs in registration applications following significantly higher volumes of new applications in 2020–21 than were expected. These backlogs did not affect applications in WA where the percentage completed within the target was closer to expected levels.</p> <p>The measure of ‘complete’ is the date on which the NDIS Commission received an application and audit report from a registering provider. The figures do not take into account additional time taken by the Commission to obtain further information from an auditor or a provider, for example where issues were identified in the undertaking of suitability assessments of the provider or their key personnel. The figures also do not take into account time taken by an applicant to make submissions in response to a notice of the Commissioner’s proposal to refuse an application for registration, prior to determining the application.</p> <p>During the period, we introduced a new process using section 73C provisions of the NDIS Act to require additional information from applicants who did not have demonstrated experience in disability services or other relevant service delivery experience.⁴ This process is not reflected within the 90-day target.</p> <p>We refused 58 applications within the reporting period. The requirements for refusing an application under the NDIS Act involve the issuing of an intent, the provisions of submission in reply and the assessment of those submissions. This process is not reflected within the 90-day target.</p> <ul style="list-style-type: none"> 80% of applications for renewing provider registration approved by the Commission during 2021–22 were determined within 119 days. 80% of applications for new provider registration approved by the Commission during 2021–22 were determined within 202 days. 80% of applications for registration that were refused during 2021–22 were determined as refused within 314 days. <p>Applications by physical address – % determined within 90 days:⁵</p> <ul style="list-style-type: none"> ACT 46.5% NSW 45.9% NT 41.6% Qld 51.4% SA 53.1% Tas 47.6% Vic 46.8% WA 72.4%

⁴ Section 73C of the NDIS Act describes how an NDIS provider may apply to the NDIS Commission to become a registered provider.


⁵ Note: percentage of applications determined within 90 days (applications could be received at any time but were approved/refused in the period 1 July 2021 to 30 June 2022).

Activity/Measure	Target/s	2021–22 Results
<p>1.3.2</p> <p>NDIS providers are assessed against NDIS Practice Standards that relate to services and supports they deliver</p> <p>The NDIS Commission regulates the system such that providers are audited effectively and in a timely fashion</p>	 <ul style="list-style-type: none"> Providers undertake mid-term and renewal audit activity within required timeframes 	<p>All applicants for registration, as well as registered NDIS providers seeking to renew their registration, are assessed against the relevant NDIS Practice Standards by an approved quality auditor prior to their registration being approved.</p> <p>In 2021–22, 41.7% of providers commenced a mid-term audit by the 18-month mark of their registration cycle. We introduced automated reminders from June 2022 to providers who had not commenced their mid-term audit by the required date. A compliance program is in place to manage providers who have not complied with this requirement.</p> <p>During the period, providers who were registered prior to the commencement of the NDIS Commission in their jurisdiction progressively transitioned to the NDIS Commission. These providers had a condition imposed on their registration requiring an approved quality auditor to be engaged and submit the completed quality audit to the NDIS Commission within nine months of their registration renewal date (noting there were some extensions due to COVID impacts). There were approximately 5,900 transitioned providers, of a total of 22,436, that had not completed their renewal application within time as at 30 June 2022. A compliance program is in place to manage providers who have not complied with this requirement.</p>

1.4 Other quality and safeguarding activities

Activity/Measure	Target/s	2021–22 Results
<p>1.4.1</p> <p>The NDIS Commission communicates openly and effectively with participants and regulated entities</p> <p>The NDIS Commission maintains an appropriate level of engagement and education activity</p>	 <ul style="list-style-type: none"> Stakeholders are satisfied with the NDIS Commission's engagement and education activities Engagement and education is delivered in a range of formats that meet stakeholder communication needs 	<p>Education, engagement and communication activities are integral to the implementation and maintenance of the NDIS Commission's remit.</p> <p>The NDIS Commission website is the public face of our organisation and is used to educate and build the knowledge and awareness of NDIS participants, providers, and behaviour support practitioners. There were 7,353,781 pageviews in relation to the website in 2021–22, and 5,906,219 unique pageviews. There were, on average, 108,218 visits each month.</p> <p>We use Facebook to reach participants, their support families and friends, and social networks and advocates; and LinkedIn to share up-to-date information and link to employment opportunities. As at 30 June 2022, we had 7,942 Facebook followers and 32,325 LinkedIn followers.</p> <p>SAFEGuard, our quarterly newsletter for people with disability who receive NDIS supports and services, aims to explain what the NDIS Commission and others are doing to make sure those services are safe and of good quality. SAFEGuard is available in standard, Easy Read and Auslan formats, and in 11 community languages. We also issue a bi-monthly newsletter to all registered NDIS providers and subscribers, as well as a newsletter for behaviour support providers and practitioners, explaining provider obligations.</p>


Activity/Measure	Target/s	2021–22 Results
<p>1.4.1</p> <p><i>continued</i></p>		<p>In 2021–22 we released our First Nations Participant information pack, designed specifically for First Nations people with disability. The pack was developed by an Aboriginal-owned company in consultation with First Nations people with disability and NDIS workers. They include designs by an Aboriginal artist and images of First Nations people with disability.</p> <p>The NDIS Commission is focused on educating and advising NDIS providers and their workers on areas of practice that have a significant impact on the quality and safety of supports and services that people with disability experience in the NDIS.</p> <p>As at 30 June 2022, the NDIS Code of Conduct Worker Orientation Module ‘Quality, Safety and You’ had been completed by 664,336 people since its launch in mid-2019.</p> <p>In 2021–22 we released two new e-learning modules for NDIS workers, ‘Supporting effective communication’ and ‘Supporting safe and enjoyable meals’, designed to support providers and workers to meet their obligations under the NDIS Code of Conduct, and support registered NDIS providers to meet their registration conditions including complying with applicable NDIS Practice Standards. The modules were co-designed by the sector, and developed in response to recommendations from the 2019 report ‘Scoping review of causes and contributors to deaths of people with disability in Australia’ (Scoping review).</p> <p>At 30 June 2022, the ‘Supporting effective communication’ module had been completed by 32,424 people since its launch in October 2021, and ‘Supporting Safe and Enjoyable Meals’ had been completed by 6,633 since its April 2022 launch. So far, 96% of people who completed a feedback survey rated the modules as good/excellent, and 97% indicated the modules helped them learn how to better support people with disability.</p> <p>Also in response to the Scoping review, we released new resources in 2021–22 to help providers and workers deliver best-practice support and services to participants most at risk of preventable harm and death, as part of our Practice Alert series.</p> <p>We released our video and resource series ‘Make it known, make it better’, created to empower people with disability to raise concerns or complaints about their NDIS services or supports. The videos were co-designed, tested among, and feature people with disability, their families, and support workers.</p> <p>The modules, resources and videos described above are available in a variety of alternative and/or accessible formats, including screen-reader friendly, audio described, Auslan, offline, animation, quick reference guides, 17 different languages, and Easy Read.</p> <p>We also communicate openly with participants and regulated entities via our engagement activities. In 2021–22, NDIS Commission staff presented at 1,029 engagement activities, attended by at least 30,880 stakeholders (as some events were conducted virtually, exact attendance numbers cannot be reported).</p> <p>On 21 March 2022, the NDIS Commission held a Registration Roundtable with 22 attendees comprising registered providers, peak and advocacy organisations, and other significant stakeholders.</p>

Activity/Measure	Target/s	2021–22 Results
<p>1.4.1 <i>continued</i></p>		<p>Throughout the year, the Engagement Team met with 641 stakeholders, of whom 196 were participants, 151 providers, 294 other advocacy groups and government agencies. Our state and territory branches held and attended 877 engagements in 2021–22, reaching more than 26,222 stakeholders. 635 engagements were provider and participant focused, and 242 involved advocacy groups and government agencies.</p>
<p>1.4.2 The NDIS Commission undertakes appropriate compliance and enforcement actions</p> <p>Compliance and enforcement actions are risk-based, streamlined and proportionate</p>	 <ul style="list-style-type: none"> ◆ Compliance and enforcement activity is aligned to areas of risk ◆ Regulatory action is proportionate 	<p>We continue to undertake a wide range of compliance and enforcement activities, proportionate to risk.</p> <p>From 1 July 2021 to 30 June 2022, the NDIS Commission had 1,901 compliance activities underway where a provider and/or person's compliance with a legislative obligation was monitored. There were also 462 investigations underway considering circumstances where an alleged breach of legislation had occurred. This included proactive national compliance programs targeting significant areas of risk for NDIS participants, and reactive compliance and investigation activities commenced following information received from a range of stakeholders, including via our complaints and reportable incidents function.</p> <p>Compliance and enforcement activity by outcome type for the period was as follows:</p> <ul style="list-style-type: none"> ◆ 2 civil proceedings commenced ◆ 34 banning orders ◆ 6 suspensions of registration ◆ 64 refused applications for registration ◆ 9 infringement notices ◆ 17 compliance notices ◆ 99 warning letters ◆ 143 corrective action requests ◆ 303 education* ◆ 2,754 providers were the subject of compliance and/or investigation activity. <p>In addition to the above compliance activities and outcomes, the NDIS Commission commenced targeted compliance action involving:</p> <ul style="list-style-type: none"> ◆ 12,037 registered NDIS providers, pertaining to the COVID-19 vaccination status of their workers, in the context of their obligations to comply with state and territory public health orders ◆ 626 registered NDIS providers, pertaining to actions taken to support NDIS participants to be vaccinated against COVID-19 if they choose to be, in the context of their obligations under the NDIS Code of Conduct and NDIS Practice Standards.

* Education is provided where a knowledge gap or opportunity exists to improve a provider or person's understanding of broad or specific obligations.

Performance Objective 2

Work with stakeholders, including grant recipients and other partners, to positively impact the quality and safety of disability supports

Activity/Measure	Target/s	2021–22 Results
<p>2.1</p> <p>The NDIS Commission's grant program funds recipients to deliver positive outcomes</p> <p>Grant programs provide resources that have a positive impact on provider capability, thereby easing registration and improving services</p>	 <ul style="list-style-type: none"> Grants allocated have a positive effect on provider capability to an extent that could reasonably be expected to ease registration 	<p>Four grant opportunities were released in 2021–22 under the Support for NDIS Providers Grants Program:</p> <ul style="list-style-type: none"> Emergency and Disaster Management: Tools and resources to support NDIS providers Training and Support for Consumer Technical Experts Support for Allied Health Professionals to undertake registration with the NDIS – Stage 2 Improving Supports for First Nations Australians in Rural and Remote Communities <p>Five grants were awarded from the four grant opportunities, totalling \$5.5 million (GST incl.). The grants focus on supporting NDIS providers to: plan, respond and recover from emergencies; improve NDIS providers' and allied health professionals' understanding of the requirements for registration, quality and safeguarding in NDIS supports; and increase the capacity and cultural responsiveness of NDIS providers to support First Nations Australians with disability in rural and remote communities.</p> <p>The Grants Program has supported 23 grants since its inception. Some of the completed grant activities for 2021–22 were:</p> <ul style="list-style-type: none"> an extensive program of bespoke assistance to newly registered residential aged care providers to assist them in meeting their obligations to the NDIS participants they support support for intermediaries (plan managers and support coordinators) to engage with the NDIS registration process and maximise successful registration webinars and a forum for organisations that provide services and supports to people with psychosocial disability. <p>The grants continue to provide targeted ongoing activities such as webinars, forums and resources, to educate and inform providers to address identified service gaps. Expanded promulgation and the increased quality assurance of these resources into the new financial year will further improve the reach and impact of the ongoing investment into the Grant Program.</p>

Activity/Measure	Target/s	2021–22 Results
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2.2

The NDIS Commission maintains an appropriate level of consultation with key stakeholders

The NDIS Commission’s consultation includes relevant stakeholders, including industry stakeholders advocacy groups, and people with disability



- ◆ Stakeholder groups are appropriately consulted
- ◆ People with disability are directly consulted on issues that affect them



The NDIS Commissioner convenes the Disability Sector Consultative Committee and the Industry Consultative Committee. The committees comprise senior leaders and key stakeholders from the disability sector brought together to represent the interests and different perspectives of NDIS providers, NDIS participants, and participants’ support networks. The Committees’ key purpose is to provide high-level evidence-based advice to the NDIS Quality and Safeguards Commissioner on national issues which influence the delivery of quality and safe NDIS supports and services.

Each Consultative Committee meets three times per year, or more frequently if required. Within the reporting period 1 July 2021 – 30 June 2022, the Disability Consultative Committee and the Industry Consultative Committee met four times each, including one ad hoc meeting for each Consultative Committee, for the Commission to gain their feedback on our draft Strategic Plan 2022–27. Members are requested to provide feedback on various projects and resources in development, and are also regularly in contact with the Commission to provide feedback and information in between committee meetings.

We also utilised a co-design approach when developing some of our larger education and communications projects during 2021–22, including the ‘Make it Known, Make it Better’ campaign and our e-learning modules. We aimed to ensure participants were consulted about and featured in these educational materials that involve them and aim to have a positive effect in their lives. Further, Commission staff visited participants in supported independent living accommodations and attended engagements to speak directly with people with disability throughout the year, to discuss their experiences with the NDIS and to encourage them to contact the Commission if they have concerns about the quality and safety of their supports.

Performance Objective 3

Maximise our performance and efficiency as a regulator

Activity/Measure	Target/s	2021–22 Results
<p>3.1</p> <p>The NDIS Commission engages in continuous improvement</p> <p>The NDIS Commission's continuous improvement is appropriate to its situation and context</p>	 <ul style="list-style-type: none"> The NDIS Commission engages in an appropriate level of improvement activity 	<p>A review of the NDIS Commission's operating model was implemented in 2021–22. The review will consider the suitability of our current model for the work it will need to undertake over the next three to five years to deliver on our 2022–27 Strategic Plan. Additionally, a Regulatory Capability review was commissioned to assess and benchmark the NDIS Commission's regulatory approach against other regulators and best practice. This approach will support the identification of continuous improvement opportunities.</p> <p>To ensure that the Commission's operating model is fit-for-purpose, the Commission requires support to review and document its operating model end-to-end. From 1 January – 30 June 2022, the NDIS Commission reviewed its Internal Audit and Assurance Plan to ensure it continued to align with the organisation's strategic priorities, including the Future State program of work. This resulted in an internal audit program that is more targeted, improves stakeholder engagement and action in relation to audit findings, and delivers better value for money.</p> <p>During the period, the Internal Audit function finalised three Management Initiated Reviews and progressed a number of other internal audit activities, all of which assist the NDIS Commission to evolve its maturity level as a Commonwealth regulatory entity.</p> <p>The function continues to share lessons from all audit activity with the Executive, to build the organisation's understanding and awareness of its risk environment, and to further strengthen our assurance arrangements.</p> <p>During the reporting period the Commission commenced a review of the complaints function, with the objective of increasing timeliness, consistency and efficacy.</p>
<p>3.2</p> <p>The NDIS Commission monitors the regulatory burden on regulated entities</p> <p>The NDIS Commission ensures its regulation is not excessively onerous when viewed in light of the risks of any particular type of support</p>	 <ul style="list-style-type: none"> Obligations on regulated entities are proportionate and commensurate to the risks associated with the support provided 	<p>Registration arrangements for NDIS Providers are proportionate to risk for people with disability. Providers applying to deliver high-risk supports undergo a full certification audit, comprising a review of their policies and systems and direct engagement with participants' experience of the service against a comprehensive set of standards.</p> <p>Providers applying to deliver only lower risk supports, including those who come from industries with established professional practice standards or regulation, undergo a lighter touch audit comprising verification of professional qualifications, where relevant, and assessment of their policies against standards for managing risks, complaints and incidents.</p> <p>Guidelines for approved quality auditors who undertake NDIS audits set out how an audit must be conducted, and expectations for a level of evidence of compliance with relevant standards that is proportionate to the size and scope of the provider.</p> <p>The NDIS Commission's Compliance and Enforcement Policy sets out how it applies a proportionate approach to the compliance and enforcement action that it takes.</p> <p>Information regarding regulatory actions taken during the year, and our regulatory performance in general over the period, can be found in our results against APS measures 1.3.1, 1.3.2 and 1.4.2 in this report.</p>

Analysis of results

The year 2021–22 was the NDIS Commission's first full reporting year of operation across all states and territories. As such, qualitative and quantitative representations in our Annual Performance Statements will continue to evolve and stabilise over coming years as NDIS implementation progresses to maturity.

What is clear is that we did not meet the goals and the targets we set across a number of performance measures, particularly in relation to many of our enduring activities. For example, incident and complaint management, behaviour support, and registration processing (Performance Objective 1), where we were deliberately ambitious with our targets because we believe all people with disability have the right to a high quality, safe and effective NDIS.

Our analysis suggests this was largely because both our targets and resourcing levels did not consider the significant demand from participants and providers for our support. We believe this is, to an extent, a consequence of being a newly formed organisation having to predict demand and subsequent resourcing requirements, without the historical and trending data to make better-informed calculations.

Comparatively, we have made great progress in our education and engagement practices, with in-scope complaints one of our most successful tracked performance measures at almost 75% of complaints received (target 90%). This indicates to us that the initiatives we've launched to increase awareness of both participants' rights and providers' obligations are having an impact.

For example, our new e-learning modules attracted high participation rates and excellent feedback, while our 'Make it known, make it better' campaign improved participants' and carers' knowledge of when and how to register concerns with the NDIS Commission about the supports and services they receive.

We're similarly encouraged by our stakeholder consultation initiatives, especially the creation of two new consultative committees and the co-design process we followed for both our Strategic Plan 2022-2027 and the 'Make it known, make it better' campaign. This reinforces the importance of placing people with disability at the heart of our decision-making, and the value of diverse perspectives in all research and planning processes.

Importantly, a significant COVID-19 response continued to be required of the NDIS Commission during the reporting period. As the only provider of data on infection rates of people with disability, we regularly provided comprehensive guidance to stakeholders through outbreaks and the continued vaccination rollout, covering important updates and changes in relation to safety and work practices as they occurred by state and territory.

Of further importance is the insight we've gained from our APS results, that elements of the Commission's mandate are not adequately resourced. The Commission has evolved beyond the capacity and capability of the localised state- or territory-based systems and processes established during the start-up phase. Now in the scale-up phase, the Commission is focused on designing a future state operating model and understanding the investments that will be required to shift to the future state in a stable and sustainable manner.

Through our Future State strategic work, undertaken in the second half of the reporting period, we have established a five-year strategy and targeted performance metric foundation for coming years that will reflect the maturing nature of the Commission, and be vital in providing information we can use for the continuous improvement of our operations and activities.

Regulator performance

For information about our active regulatory approach, see **Appendix 4**.

Regulator guidance was streamlined in 2021, with the new Regulator Performance Guide* taking effect from 1 July, replacing the previous guidelines, the Regulator Performance Framework. The Framework required a standalone yearly self-assessment report on six targeted regulatory matters, and our reports are available on our website at www.ndiscommission.gov.au/about/corporate-documents.

From 2021–22 onwards, performance in relation to our regulatory posture and practice was and will be reflected in our Corporate Plan as discrete measures and targets, reported against in the Commission’s Annual Performance Statements. Our Strategic Plan 2022–27 describes our vision for a contemporary, purpose-centred regulator that keeps people with disability at the heart of what we do and every decision we make, and our Corporate Plan 2022–23 will provide metrics that speak to this purpose.

The Regulator Performance Guide also requires a dialogue between our responsible Minister and the NDIS Commissioner in relation to our regulatory objectives, in the form of a Ministerial Statement of Expectations and the Commissioner’s responsive Regulator Statement of Intent. These will soon be available on our website.



Source Kids Disability Expo, ICC Sydney, March 2022

The Source Kids Disability Expo is for kids, teens and young adults up to the age of 35, and runs in Sydney, Melbourne, Brisbane and Perth. In 2023 it will run in Adelaide as well.

Our New South Wales team attended the Source Kids Expo at the International Convention Centre in Sydney on the weekend of 26–27 March 2022. NDIS providers as well as NDIS participants and their family and advocates attended the Expo.

The team were able to speak with people about the disability sector and learn first-hand about some of the difficulties being faced by participants. They shared information about the Commission’s role as a regulator and were also able to offer specialist assistance for a number of enquiries.

Having the opportunity to educate and to speak about our purpose and role with people who are affected and assisted by our work was a privilege, and the New South Wales team are grateful to everyone they met and spoke with at the Expo.

* Available at <https://deregulation.pmc.gov.au/priorities/regulator-best-practice-and-performance/regulator-performance-guide>



‘What good looks like’

Phase 1 of the NDIS Workforce Capability Framework (Framework) was delivered on 31 July 2021. The Framework describes the attitudes, skills and knowledge expected of all workers funded under the NDIS, presenting a vision of ‘what good looks like’ from the perspective of the NDIS participant. The **Framework website** contains the interactive PDF and accessible Word versions of the Framework, and explanatory material.

After intensive stakeholder engagement, Phase 2 saw a range of tools and resources for providers, workers and participants developed and published on the website in beta form for public use and feedback. These interactive tools support workforce planning and management, and include a position description builder, recruitment and career resources, and a self-assessment tool for prospective workers.

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Part 4.

Responsibility and accountability

Overview

NDIS Commission's role and responsibilities

Our role is to promote the provision of safe and quality supports and services to people with disability under the National Disability Insurance Scheme (NDIS). We are responsible for delivering nationally consistent and responsive regulation of all NDIS supports and services.

Responsible minister

From 1 July 2021 to 23 May 2022, Senator the Hon Linda Reynolds CSC was Minister for the National Disability Insurance Scheme and had ministerial responsibility for the NDIS Commission, including the exercise of specific powers under the *National Disability Insurance Scheme Act 2013* (the NDIS Act).

Following the 2022 federal election, the Hon Bill Shorten MP was appointed the Minister for the National Disability Insurance Scheme. Mr Shorten assumed office on 1 June 2022 and was the responsible minister from then until 30 June 2022, the end of the reporting period.

The Accountable Authority

As the Acting NDIS Commissioner, Ms Samantha Taylor PSM was the Accountable Authority for the NDIS Commission from 1 July 2021 to 9 January 2022.

Ms Tracy Mackey began her role as NDIS Commissioner on 10 January 2022 and as such was the Accountable Authority from 10 January 2022 to the end of the reporting period on 30 June 2022.

NDIS Commission accountabilities

As a non-corporate Commonwealth entity within the Social Services portfolio, the NDIS Commission is accountable under the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and the *Public Service Act 1999* (Public Service Act).

Jurisdiction of the NDIS Commission

We regulate quality and safeguarding in the delivery of all NDIS-funded supports and services to NDIS participants.

The NDIS Commission Corporate Plan 2021–22

This Annual Report, including the Annual Performance Statements, was prepared in the context of, and with reference to, the NDIS Quality and Safeguards Commission Corporate Plan 2021–2022.

Strategic planning – future state

In early 2022, and in alignment with the commencement of the new NDIS Commissioner, the NDIS Commission commenced a significant program of work known as the ‘Future State’, to support the organisation moving from its establishment start-up phase, to the scale-up maturing of its operations. The major initiative prioritised three key elements – Strategy, Culture and Structure – as the drivers for the Future State vision for the NDIS Commission.

We realigned the NDIS Commission’s existing organisational structure to create efficiency and enhance workflow in all of our functions, and to support a more collaborative, ‘One Commission’ approach to our work.

We developed the NDIS Commission Strategic Plan 2022–2027 (the Strategy) over the first half of 2022, as an aspirational plan and guide for the Commission for the next five years.

We started with an ideation phase, and then entered a co-design phase via consultation and inviting feedback from focus groups. During the consultation phase, we provided 14 engagement opportunities, and received responses from nearly 50 internal team and individual staff members, and feedback from consultations involving more than 80 external stakeholders.

We also co-designed our new Cultural Principles through a series of focus groups held during the first half of 2022. The Principles do not replace our commitment to our APS values. Rather, they build on them, supporting an organisation that strives to keep people with disability at the centre of everything we do, and positioning the Commission as a contemporary, purpose-centred regulator.

The Strategy and our Principles will be launched at an all staff event in the first quarter of 2022–23, and will then be publicly available at www.ndiscommission.gov.au.

NDIS Commission functions and powers

Functions of the NDIS Commissioner

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

The NDIS Commissioner has core functions as set out in section 181E of the NDIS Act (see [Appendix 1](#)). The NDIS Commissioner also has functions set out in the NDIS Act related to:

- ◆ registration and reportable incidents
- ◆ complaints
- ◆ behaviour support.

In addition to powers set out in the NDIS Act, a number of the NDIS Commission’s activities are prescribed through a series of Rules.

Powers of the NDIS Commissioner

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

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

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

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

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

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

The NDIS Commissioner is required to maintain an NDIS Provider Register, which includes (among other matters) information about the registration arrangements for providers. The NDIS Act requires that this include information such as the period for which the registration of the person is in force, and the classes of supports or services the NDIS provider is registered to provide. If a compliance notice is in force in relation to the NDIS provider, it's required that information about the compliance notice is placed on the register. The register must also include information about banning orders made against NDIS providers or workers, whether or not that banning order is currently in force.

Corporate governance

The governance of the NDIS Commission is in accordance with normal practices for non-corporate Commonwealth entities. The NDIS Commissioner is the Accountable Authority of the NDIS Commission for the purposes of the PGPA Act. They are the sole statutory officer overseeing all functions of the NDIS Commission and the sole officer of the 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 and other relevant legislation
- ♦ the NDIS Commissioner's functions and powers under the NDIS Act and related Rules
- ♦ matters relating to functions and powers under the *Freedom of Information Act 1982* (FOI Act)
- ♦ matters relating to functions and powers under the *Public Interest Disclosure Act 2013*.

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

Internal committees

Key committees providing internal governance for the NDIS Commission include:

- ♦ the Executive Leadership Team, which focuses on strategic organisational decisions
- ♦ the Compliance and Enforcement Committee, which focuses on operational compliance and enforcement strategy and activity monitoring
- ♦ the Operational Policy Board, which oversees the Commission Operating Model (COM) to optimise regulatory performance and effectiveness, and develop and agree on practice strategies and guidance to Commission staff
- ♦ the ICT Investment Board, which focuses on key decisions relating to the ongoing development of the Commission Operating System (COS): a purpose-built ICT system which is used for business processing requirements.

A newly established committee, the NDIS Commission Complaints Function Advisory Committee, held its inaugural meeting in October 2021. The Committee meets quarterly to provide feedback to the Complaints Commissioner on all aspects of the Complaints function, with the aim of improving experiences and outcomes for complainants, and all people with disability and their support networks. It also assists the Commission to address the recommendations of the Joint Standing Committee on the NDIS.

Freedom of Information

We provide access to information under the FOI Act as required. During 2021–22, the NDIS Commission received 31 access requests under the FOI Act. Documents released under the FOI Act are listed publicly on the FOI Disclosure Log on our website, other than documents that are exempt from this requirement.

Entities subject to the FOI Act are required to publish information to the public as part of the Information Publication Scheme (IPS). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish

a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements. Our new Internal Integrity Unit has been established to review and support compliance with these responsibilities. Updated information will be available at www.ndiscommission.gov.au/information-publication-scheme-agency-plan.

Integrity unit

In May 2022, as part of the NDIS Commission's Future State program of work, a new Internal Integrity Unit was created within what is now called the Legal Services and Internal Integrity Division. The unit is responsible for certain functions of the NDIS Commission, including internal reviews of decisions made by the Commissioner or delegates under the NDIS Act, and dealing with FOI requests, complaints against the Commission and privacy issues. The effectiveness of its operations will help to build confidence and trust in the Commission, key elements to fulfilling the Commission's obligations as an Australian Government agency.



Law reform

The NDIS Commission is an active contributor to the passage of amendments to the NDIS Act and the making of amendments to the NDIS Rules – amendments that go towards clarifying and reducing inconsistencies in provisions in those statutes. We are active in proposing these recommendations to the DSS and then active in their development and supporting their way through parliament, where necessary. The amendments help to make the administration of legislation more efficient and timely.

Legislative and regulatory changes 2021–22

During the reporting period the NDIS Act was amended by the *National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Act 2021*, which implemented a number of recommendations of the **Robertson Review**.^{*} This included:

- ♦ new provisions giving the NDIS Commission greater scope to disclose information, for example to persons or bodies prescribed in the Rules for prescribed purposes and to any person where the reason for disclosing the information is to prevent or lessen a current or future threat to a person's life, health or safety
- ♦ new provisions that expressly allow banning orders to be made against current or previous key personnel of an NDIS provider and allow prescribing of factors to consider when deciding whether to make a banning order against a person on the basis of their unsuitability
- ♦ expansion of the Commissioner's powers in relation to approval of a person as an approved quality auditor under the NDIS Act.

The NDIS Act was also amended by the *National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Act 2022* to set a 90-day deadline for a reviewer of an internally reviewable decision under the NDIS Act to make their decision. This amendment applied to decisions made by both the NDIS Commission and the NDIA.

There were also amendments to NDIS Rules and Guidelines:

- ♦ An amendment to the National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines 2018 established that consumer technical experts (CTEs), or people with disability, would be part of the NDIS Commission's provider auditing process
- ♦ The *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* were amended to allow additional time for the recognition of transitional and special screening arrangements in Victoria
- ♦ The *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* were amended to establish new NDIS Practice Standards that relate to emergency and disaster management, mealtime management and severe dysphagia management.
- ♦ The National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018 (previously called the National Disability Insurance Scheme (Quality Indicators) Guidelines) were amended to include indicators for the new NDIS Practice Standards and revise some indicators for some existing standards.

^{*} For more information and/or to view a copy of the 'Independent review into circumstances relating to the death of Ann-Marie Smith' (the Robertson Review), please go to: www.ndiscommission.gov.au/media-centre/former-federal-court-judge-head-independent-review-circumstances-relating-death-ann#paragraph-id-3694

Social responsibility

Human rights

The existence and work of the NDIS Commission is underpinned by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to prevent the exploitation, violence and abuse of people with disability. Our intention is to uphold the rights of people with disability in all aspects of their lives.

To support a rights-based approach, we include NDIS participants in our consultative processes. We ensure we are examining all aspects of their lived experience when carrying out our regulatory duties, including monitoring their supports and services and seeking to enhance their consumer rights – especially their right to choice and control regarding the services they seek and receive.

As mentioned previously in this report, in November 2021, an amendment to the National Disability Insurance Scheme (Approved Quality Auditors Scheme) Guidelines 2018 established that consumer technical experts (CTEs), or people with disability, would be part of the NDIS Commission's provider auditing process. This ensures the experiences and rights of people with disability are at the forefront when decisions are being made about the appropriateness, safety and quality of their services and supports.

Disability reporting

Australia's Disability Strategy 2021–2031 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, and acts to ensure the principles underpinning the UNCRPD are incorporated into Australia's policies and programs that affect people with disability, their families and carers.

Recognising that we are responsible for supporting people with disability to reach their full potential, as equal members of the community, all levels of government have committed to deliver more comprehensive and visible reporting under the strategy. Information and a range of reports on progress of the Strategy's actions and outcome areas are published at [Australia's Disability Strategy Hub / Disability Gateway](#).

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

Carers Act

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

Ecologically sustainable development and environmental responsibility

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

Environmental performance indicators

As a new agency, the NDIS Commission has been establishing permanent offices over the last few years. In light of this, we do not yet hold a suite of consistent data that accurately represents our impact across all of our national locations. Any data collected in 2021–22 will serve as a baseline for future reporting years.

Waste

The following measures are employed in our offices to reduce waste:

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

Building

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

During 2021–22, all of the NDIS Commission’s tenancies consumed on average 3,751 MegaJoules (MJ) per FTE – half of the maximum allowance of 7,500MJ/FTE set by the Energy Efficiency in Government Operations (EEGO) policy.

The following provides quantitative information on indicators that assist with measuring the baseline impact of some of the buildings within which the NDIS Commission leases an office. Both the NABERS and Green Star rating scales range from 1–6 stars, with 1 star equalling *making a start* compared to 6 stars being *market/world leading*.



Parramatta, NSW

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



Melbourne, Vic

NABERS Energy	5
NABERS Interior	6
NABERS Water	5.5
Green Star As Built	6



Hobart, Tas

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



Adelaide, SA

NABERS Energy	5*
NABERS Interior	n/a
NABERS Water	4
Green Star As Built	n/a

Penrith, NSW

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

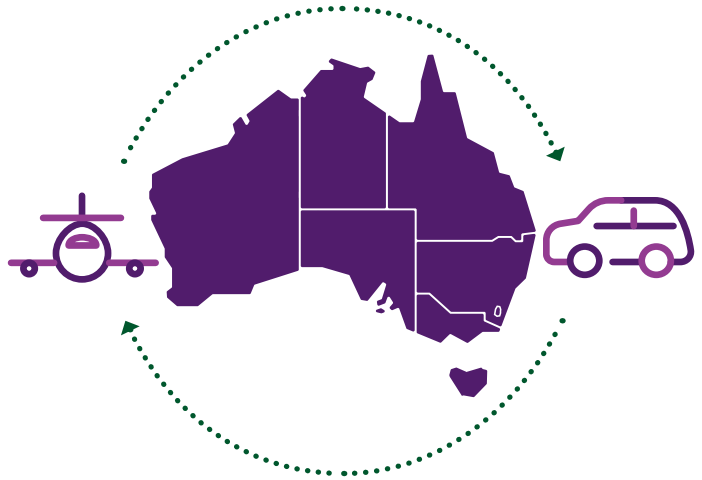
* With GreenPower. 4.5 star rating without GreenPower

Travel

The NDIS Commission maintains offices in all states and territories to allow easy access to regulatory services for NDIS participants and reduce interstate travel demands. Air travel is only undertaken where required to support NDIS Commission business objectives. All employees are encouraged to use video conferencing wherever possible to manage meetings remotely. The NDIS Commission does not operate its own vehicle fleet.

During 2021-22, when business-related travel was required, NDIS Commission staff travelled primarily by air and hire car:

Air travel
492,393 (km travelled) **40.9** CO² emissions (t)



Car hire
36,560 (km travelled) **5.6** CO² emissions (t)



Perth, WA

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



Darwin, NT

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



Canberra, ACT

NABERS Energy	4.5
NABERS Interior	n/a
NABERS Water	5
Green Star As Built	n/a



Brisbane, Qld

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



Audit and risk

Audit Committee

We have an Audit Committee to provide appropriate assurance and oversight. Our Audit Committee's charter is available on our website at www.ndiscommission.gov.au/about/corporate-documents/audit-and-risk-committee-charter. The below table shows the Committee's membership during 2021-22, the number of meetings attended by each member during the year, and the total remuneration each member received.

Member	No. meetings attended / total no. of meetings	Qualifications, knowledge, skills or experience	Total annual remuneration
Mr Nick Baker (Chair)	3/3	<ul style="list-style-type: none">• Bachelor of Arts in Computing Studies• Graduate Diploma in Professional Accounting• Certificate IV Commonwealth Fraud Investigations• Fellow Certified Practising Accountant Australia• Member Australian Computer Society	\$10,500 (excl. GST)
Ms Jenny Morison (External member)	3/3	<ul style="list-style-type: none">• Bachelor of Economics• Fellow – Chartered Accountants Australia and New Zealand• Fellow – Australian Institute of Management• Specialist in government financial reforms, governance, and consulting• Independent member and Chair of Commonwealth audit and risk committees and financial statement sub-committees for large and small government entities	\$10,680 (incl. GST)
Ms Donna Rygate (External member)	3/3	<ul style="list-style-type: none">• Bachelor of Economics (Hons)• Master of Planning• Graduate – Australian Institute of Company Directors Course• Chair or member of boards, statutory bodies, planning panels, and audit and risk committees, and experienced state and local government chief executive	\$6,600 (incl. GST)

Risk management

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

Internal audit

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

We continued to mature this function during 2021–22, and engaged a professional services firm to conduct internal audits. Internal auditors undertook reviews of systems and operations to ensure they were in place and working efficiently and effectively, and to satisfy the compliance requirements of the PGPA Act and associated regulations. They report their findings and recommendations to the Audit Committee, and provide internal advice and assurance to the Accountable Authority.

External scrutiny

The Parliamentary Joint Standing Committee on the National Disability Insurance Scheme (NDIS) (the Committee) 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 the Parliament.

The Committee tabled reports on the following inquiries in 2021–22, which contained recommendations relevant to the NDIS Quality and Safeguards Commission. Reports included:

- ◆ **NDIS Quality and Safeguards Commission – 30 November 2021:** The 30 recommendations from the report broadly cover the following topics of information sharing and publication, registration audits, the complaints process, behaviour support arrangements, as well as NDIS Commission staffing and systems. The NDIS Commission provided a supplementary submission to this inquiry on 8 September 2021 in response to evidence the Committee had received through the public hearing process.
- ◆ **NDIS Workforce – 15 February 2022:** The report contained eight recommendations with the NDIS Commission contributing input on data and training and upskilling initiatives for disability support workers.

On 21 October 2021, the *National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021* (the Bill) passed both Houses of the Australian Parliament. The Bill implements certain recommendations of the ‘Independent review into circumstances relating to the death of Ann-Marie Smith’, by amending the NDIS Act to:

- ◆ expand the compliance and enforcement powers of the Commissioner of the NDIS Quality and Safeguards Commission
- ◆ clarify provider registration provisions
- ◆ enable information sharing between the NDIA and the NDIS Commission
- ◆ enable the disclosure of information to relevant state and territory bodies.

There were no judicial decisions, decisions by administrative tribunals or decisions by the Australian Information Commissioner issued that had a significant effect on our operations in 2021–22. No reports on our operations were issued by the Commonwealth Ombudsman.

Other than mentioned above, there were no reports issued by Parliamentary Committees on our operations. There were no capability reviews of the NDIS Commission released during 2021–22.

The Auditor-General has not tabled any Performance Audits relating to the NDIS Commission’s operations; however, the NDIS Commission actively considers tabled reports of other entities for lessons learned to adopt in our operations.

NDIA and NSW Health Local Health Districts Meetings: Virtual – throughout 2021–22

The NDIA and NSW Health Local Health Districts meetings began as a way for the NDIA and NSW Health to meet and discuss significant issues related to the developing COVID-19 situation. The NDIS Commission became involved to assist with information on outbreaks, reporting under section 13A, and provider obligations. Section 13A of the NDIS (Provider Registration and Practice Standards) Rules 2018 sets out the requirement for registered NDIS providers to notify the NDIS Commissioner of certain changes and events, especially those which substantially affect their ability to provide the supports and services they're registered to provide.

By attending and providing information first-hand, we were able to form a strong relationship with the NDIA and NSW Health in facing the challenges of the pandemic. Our continued strong tie has been invaluable, not just in crisis but through the ongoing benefits of agency information sharing and collaboration.

Disability Royal Commission

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) was in operation during the reporting period, and the NDIS Commission continued to support its important work throughout 2021–22.

Our main activities were as follows:

- ◆ In relation to two case studies surrounding the experiences of people with disability who received accommodation and support services from Life Without Barriers, the Acting NDIS Commissioner provided a witness statement to the Disability Royal Commission in response to a notice in November 2021, and gave evidence on 8 and 9 December 2021 at Public hearing 20: Preventing and responding to violence, abuse, neglect and exploitation in disability services.
- ◆ In relation to a case study on the experiences of people with disability (and their families) who received services from the NDIS registered service provider Australian Foundation for Disability (Afford), the Registrar provided a witness statement in response to a notice in April 2022, and gave evidence on 17 and 18 May 2022 at Public hearing 23: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study).
- ◆ The Senior Practitioner participated in two policy roundtables convened by the Disability Royal Commission on a supported decision-making framework and best practice models of guardianship, held on 31 May 2022 and 1 June 2022.
- ◆ We provided information and documents in response to a number of notices during 2021–22, and contributed to the Australian Government's submissions in reply to Counsel Assisting the Disability Royal Commission's submissions in Public hearings 13, 14 and 20.

Fraud control

Fraud control

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

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

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

The Fraud Control Policy and Fraud Control Plan were last updated in 2021 and will be reviewed every two years to ensure they continue to meet the needs of the Commission.

Fraud certification

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

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



Tracy Mackey

NDIS Quality and Safeguards Commissioner

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Part 5.

Our people

Management of human resources

In the past year, we continued to increase our workforce to deliver quality services, bringing more than 65 ongoing employees into critical operational and enabling support roles. We also continued to focus on supporting our employees by offering flexible work arrangements, including part-time arrangements and enabling employees to work from home. Our policy design ensured the safety of our workforce through the COVID-19 pandemic, and we refined reporting lines, roles and responsibilities for staff clarity.

The NDIS Commission's performance expectations are consistent with the APS Employment Principles in the Public Service Act and the Australian Public Service Commissioner's (APSC) Directions 2022. In particular, the Principles require effective performance of each employee, support the concept of managers and employees having regular and honest discussions about performance, and provide for two formal reviews during an annual performance cycle.

APS Employee Census 2021

The NDIS Commission's employee census results recorded an employee engagement score of 71%. The NDIS Commission uses the feedback in the annual census to celebrate successes, identify areas for improvement, and inform our People programs and activities.

We are taking a number of actions to address the areas identified for improvement from the 2021 census. For example, we are seeking to better align our internal communications with staff needs, and to develop and refine talent acquisition strategies to ensure the right people with the right skills are placed in the right roles.

Our people

In 2021–22 we continued to on-board staff across Australia to support our operations in all jurisdictions.

Workforce by location

NDIS Quality and Safeguards Commission Staff as at 30 June 2022, APS staff only

Location	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Total
APS Staff	16	169	6	51	39	14	45	27	367

Workforce by Location and Employment Type — as at 30 June 2022			
State/territory	Ongoing	Non-Ongoing	Total
SA	37	2	39
Qld	49	2	51
ACT	12	4	16
NT	6	0	6
Tas	14	0	14
Vic	40	5	45
WA	27	0	27
NSW	159	10	169
TOTAL	344	23	367

Our workforce mix

Our workforce comprises ongoing APS, non-ongoing APS, and labour hire (contractor) employees. As at 30 June 2022, our total APS employee headcount was 367.

The Average Staffing Level (ASL) cap in the Portfolio Budget Statements (PBS) for 2021–22 was 352. As at 30 June 2022, the NDIS Commission's ASL was 352, and our Full-Time Equivalent (FTE) employee count was 359.7.

Of our 367 APS employees, 94% were ongoing employees, and 6% were engaged on a nonongoing basis. Approximately 70% of our workforce is female.

All Ongoing Employees — as at 30 June 2022					
State/territory	Female Full time	Female Part time	Male Full time	Male Part time	Total
NSW	95	22	41	1	159
Qld	28	1	20	0	49
SA	26	5	6	0	37
Tas	2	4	7	1	14
Vic	23	3	13	1	40
WA	18	2	7	0	27
ACT	5	1	6	0	12
NT	5	0	1	0	6
Total	202	38	101	3	344

All Non-Ongoing Employees — as at 30 June 2022					
State/territory	Female Full time	Female Part time	Male Full time	Male Part time	Total
NSW	6	1	3	0	10
Qld	2	0	0	0	2
SA	1	0	0	1	2
Vic	4	0	1	0	5
WA	0	0	0	0	0
ACT	2	0	2	0	4
NT	0	0	0	0	0
Total	15	1	6	1	23

APS Ongoing Employees by Classification — as at 30 June 2022

APS Classification	Female Full time	Female Part time	Male Full time	Male Part time	Total
APS1	1	0	0	0	1
APS2	0	0	0	0	0
APS3	2	0	0	0	2
APS4	13	1	8	0	22
APS5	30	12	15	1	58
APS6	67	13	33	0	113
EL1	55	10	27	2	94
EL2	28	1	16	0	45
SES BAND 1	3	0	1	0	4
SES BAND 2	3	0	1	0	4
NDIS Quality and Safeguards Commissioner	1	0	0	0	1
Total	203	37	101	3	344

APS Non-ongoing Employees by Classification — as at 30 June 2021

APS Classification	Female Full time	Female Part time	Male Full time	Male Part time	Total
APS3	1	0	0	0	1
APS4	1	0	1	0	2
APS5	4	0	1	0	5
APS6	4	0	1	1	6
EL1	2	1	2	0	5
EL2	3	0	0	0	3
Total	15	1	5	1	22

Diversity

The NDIS Commission is committed to diversity and inclusion, and we leverage the Australian Public Service Commission (APSC) Action Plans to implement diversity strategies in our workplaces.

Disability

We strive to have a workforce that includes those who have lived experience of disability, and the Commission has been a member of the Australian Network on Disability (AND) for a number of years. As at 30 June 2022, 7.1% of our employees had shared their disability status with us.

Employees with Disability who have shared that status — for the period ending 30 June 2022

Ongoing	26
Total	26

First Nations

We are also committed to developing staff awareness around Indigenous culture and community. NDIS Commission employees are supported to undertake cultural awareness training on the Commission's e-learning platform, and in partnership with Career-Trackers, we are participating in an internship program that places Indigenous students with the Commission during their university breaks. We placed four students during 2021–22.

In addition, the Commission participated in the Indigenous Graduate Pathway (IGP) program in partnership with Defence Graduates and other APS Entry Level Programs, and the APSC Jawun secondment program, with one staff member taking part in 2021–22.

The NDIS Commission celebrated NAIDOC week, which ran from 4 to 10 July 2021, including a guest speaker who belongs to both the Indigenous and disability communities.

Employees who identified as Aboriginal and / or Torres Strait Islander — as at 30 June 2022

Ongoing	8
Total	8



In 2022, NDIS Commission officers in Brisbane took part in painting their commitment to inclusion, and acknowledgement of our First Nations people, onto this canvas.

Local artist Natalie 'NJ' Mudford led the art activity. Commission staff were invited to place their handprints on a canvas before NJ finalised the painting by using the NDIS Commission's colours of purple and green. Symbols throughout the art work and around the canvas edges represent community and connections, from NDIS officers through to all 'communities' and the people that they serve. The swirls are the life forces sweeping across the painting and renewing energies and connections. The crisscross patterns represent the strong ties we have as workers and community members.

"I was very honoured to be asked to contribute to the finalisation of this painting. I see the unique and amazing work of the NDIS Quality and Safeguards Commission that it contributes to and understand the complexities...The NDIS community journey will continue to grow and be better than yesterday."
 - First Nation Artist Natalie 'NJ' Mudford (Wallabalooa, Pajong tribes of the Ngunnawal and Wiradjuri country - NSW)

Work health and safety

Oversight

The NDIS Commission maintains two internal consultative committees responsible for monitoring and maintaining the health and safety of employees while they are at work. They are:

- ♦ the Health and Safety Committee (HSC)
- ♦ the Workplace Consultative Committee (WCC).

Under the stewardship of these committees, the NDIS Commission has continued to prioritise the management of its COVID-19 response in 2021–22, in addition to a number of other activities designed to improve the health, wellbeing and safety of employees.

COVID-19

COVID-19 safe working practices included:

- ♦ developing a COVID-19 Safe plan for all Commission workplaces
- ♦ providing masks and hand sanitiser
- ♦ providing guidance on physical distancing and density limits
- ♦ encouraging staff to practice good hygiene
- ♦ outlining working from home arrangements during COVID-19 outbreaks
- ♦ the publication of additional COVID-19 information on QSCnet (the NDIS Commission intranet) with fact sheets, posters, checklists and other COVID-19 artefacts, as well as emails from the Chief Operating Officer (COO) advising staff on working arrangements and COVID-19 Safe working practices
- ♦ actively engaging and consulting with the WHS Representatives on the NDIS Commission's response to COVID-19 and other WHS matters
- ♦ paid leave for staff and contractors to have COVID-19 vaccinations and boosters including leave for travel time to and from vaccination appointments
- ♦ implementing an NDIS Commission COVID-19 Vaccination Policy and a COVID-19 Tailored Work Settings policy to provide managers and employees with guidance about managing the impacts of COVID-19 including returning employees to the workplace.

WHS initiatives

A combination of mandatory and optional initiatives were also launched during the 2021–22 financial year to ensure management and staff felt confident and empowered to protect their health and wellbeing at work. These included:

WHS initiative	Take up*
Pilot program through Comcare that built employees capability in managing psychosocial risks.	75
Implementation of WHS Due Diligence training for management (EL2 and SES) to understand their responsibilities under the WHS Act.	46
Implementation of mandatory training in appropriate workplace behaviours and bullying and harassment for both employees and managers.	All
Annual flu vaccinations provided to staff (including contractors) at no cost.	280
Free counselling available to all staff (including contractors) through the NDIS Commission's Employee Assistance Provider, including critical incident support.	16.2%**

* Attendance numbers are approximate.

** 16.2% of the workforce (numbers taken as at 30 June 2022) accessed the Employee Assistance Program in some form.

The NDIS Commission managed a number of WHS incidents during 2021–22, though none required reporting to Comcare. Outlined below is an overview of the Commission's management of WHS incidents and investigations.

Activity	Reporting response
Health and safety outcomes achieved out of WHS initiatives conducted during 2021–22.	Baseline data is being collected to define future reporting standards.
WHS incidents during the conduct of businesses or undertakings by the entity.	14 incidents reported on the Commission's WHS Register. None of these incidents were notifiable to Comcare.
Investigations conducted relating to businesses or undertakings conducted by the entity, including any notices given to the entity	Nil.
Other matters required by guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit.	Nil.
Comcare Premium	The Comcare premium and associated regulatory charges for 2021–22 came to \$205,523 (including GST).

Remuneration

Enterprise agreement

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

The NDIS Commission is currently evaluating its Enterprise Agreement strategy in line with the APSC’s *Public Sector Workplace Relations Policy 2020*, which is currently under review.

Remuneration

Senior Executive Service (SES) Remuneration

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

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

In 2021–22, the salary ranges for SES employees were:

- ♦ SES Band 1: \$177,680 to \$206,493 – plus \$26,000 EVA
- ♦ SES Band 2: \$229,305 to \$255,717 – plus \$27,000 EVA

No SES staff received performance pay in 2021–22.

Non-Senior Executive Service remuneration

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

No non-SES staff received performance pay in 2021–22.

Non-salary benefits

Non-salary benefits provided to employees include leave options, flexible working arrangements (which include part-time work and home-based work) and employer superannuation contributions paid to both defined benefits schemes and accumulation funds. Employees also have access to salary packaging, in particular to novated leasing arrangements and salary packaging of superannuation.

SES entitlements are specified in a determination made by the NDIS Commissioner under section 24(1) of the Public Service Act. SES benefits other than salary include parking, and payment of an Executive Vehicle Allowance.

Australian Public Service Act employment salary ranges by classification level as at 30 June 2022

APS Classification	Minimum Salary	Maximum Salary
SES 2	\$229,305	\$390,441.81
SES 1	\$177,680	\$231,684.87
EL 2	\$127,529	\$165,500
EL 1	\$108,199	\$131,000
APS 6	\$86,840	\$97,609
APS 5	\$79,283	\$84,668
APS 4	\$72,191	\$77,596
APS 3	\$63,719	\$69,137
APS 2	\$55,136	\$61,354
APS 1	\$47,176	\$52,792
Other – Legal Broadband		
APS 4 Level 4 Lawyer	\$76,459	\$77,596
APS 5 Level 5 Lawyer	\$83,713	\$84,668
APS Level 6 Lawyer	\$86,840	\$98,928
Executive level 1 Senior Lawyer	\$114,030	\$137,105
Executive Level 2 Principal Lawyer	\$138,516	\$156,800
Public Affairs Officers Broadband		
APS Level 4 (PAO 1)	\$72,191	\$77,596
APS Level 5 (PAO1)	\$79,283	\$84,668
APS Level 6 (PAO2)	\$86,840	\$98,928
Executive Level 1 (PAO3)	\$108,199	\$130,506
Executive Level 2 (SPA0)	\$134,511	\$150,358
Minimum/Maximum range	\$47,176	\$390,441.81

Part 6.

Financial Report

Financial management

Purchasing

The NDIS Commission's Accountable Authority Instructions and internal procurement guidelines provide the framework for our purchasing activities, in accordance with the Commonwealth Procurement Rules 2020.

Purchasing is made in an accountable and transparent manner, complying with Australian Government policies.

In 2021–22, we contributed to the Portfolio's Indigenous procurement target with 46 new and ongoing contracts awarded to Indigenous suppliers, with \$1.7 million of new contracts with Indigenous businesses.

Assets management

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

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

Consultancy contracts

During 2021–22, one new consultancy contract was entered into involving total actual expenditure of \$0.01 million. There were no consultancy contracts entered into during a previous reporting period that were active during the period.

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

Annual Reports contain information about actual expenditure on contracts for consultancies. Further information on the value of contracts and consultancies is available on the [AusTender website](#).

Reportable non-consultancy contracts

During 2021–22, 293 new reportable non-consultancy contracts were entered into involving total expenditure of \$40.36 million. There were 207 non-consultancy contracts entered into during a previous period that were active during the period involving total expenditure of \$63.3 million.

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

Annual Reports contain information about actual expenditure on reportable non-consultancy contracts. Information on reportable non-consultancy contracts' value is available on the [AusTender website](#).

Australian National Audit Office access clauses

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

Exempt contracts

In 2021–22, no contracts were exempted from reporting on the [AusTender website](#).

Small business

We support small business participation in the Commonwealth Government procurement market. Further information on Small and Medium Enterprises (SMEs) and Small Enterprise participation statistics is available on the Department of Finance's [website](#).

Executive remuneration

Executive remuneration information is provided at Appendix 5.

Other mandatory information

We did not conduct advertising campaigns during 2021–22.

Information on grants awarded by the NDIS Commission during 2021–22 is available on our [Departmental Contract Listing](#).

Financial performance

Our financial statements are presented in Part 6 of this report. The Australian National Audit Office (ANAO) issued an unqualified audit opinion for the financial statements on 29 September 2022. A summary of our financial performance for departmental activities and activities administered on behalf of the Australian Government in our fourth year of operation is provided below.

Departmental activities

We recorded an operating loss of \$5.1 million in 2021–22, due to the cost of supporting increased levels of activity to service volumes that were higher than was anticipated when funding levels were set.

Activities administered on behalf of the Australian Government

In 2021–22, we administered one program on behalf of the Australian Government with expenses of \$5.0 million: grants of \$5.0 million were awarded to assist providers in meeting the requirements set out under the NDIS Act and Rules.

Finance Law compliance

No significant issues relating to non-compliance with the finance law were reported to the Minister under paragraph 19(1)(e) of the PGPA Act in 2021–22.

Entity resource statement

This entity resource statement supplements the **Financial Statements** in the Annual Report by providing an integrated table summarising the total resources of, and payments made by, the NDIS Commission in 2021–22.

	Actual Available appropriation – current year (a) \$'000	Payments made (b) \$'000	Balance remaining (a)-(b) \$'000
Departmental			
Annual appropriations – ordinary annual services ^{1,2}	119,970	93,403	26,567
Total departmental annual appropriations	119,970	93,403	26,567
Total departmental resourcing (A)	119,970	93,403	26,567
Administered			
Annual appropriations – ordinary annual services ¹	6,683	5,039	1,644
Total administered annual appropriations	6,683	5,039	1,644
Total administered resourcing (B)	6,683	5,039	1,644
Total resourcing and payments for entity X (A + B)	126,653	98,442	28,211

1 Appropriation Act (No. 1) 2020–21 and Supply Act (No. 1) 2020–21. This also includes prior-year administered and departmental appropriation and section 74 external revenue.

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

Resources for outcomes

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

Expenses for outcome 1	Budget* 2021–22 \$'000	Actual Expenses 2021–22 \$'000	Variance 2021–22 \$'000
	(a)	(b)	(a) – (b)
Program 1.1: Support for National Disability Insurance Scheme provider in relation to registration			
Administered expenses			
Ordinary annual services (Appropriation Act No. 1)	5,452	4,998	454
Administered total	5,452	4,998	454
Total expenses for Program 1.1	5,452	4,998	454
Program 1.2: Program support for NDIS Quality and Safeguards Commission			
Departmental expenses			
Departmental appropriation	79,904	82,224	(2,320)
s74 External Revenue ¹	1,690	7,911	(6,221)
Expenses not requiring appropriation in the Budget year ²	2,864	2,826	38
Departmental total	84,458	92,961	(8,503)
Total expenses for Program 1.2	84,458	92,961	(8,503)
Outcome 1 totals by appropriation type			
Administered expenses			
Ordinary annual services (Appropriation Act Nos. 1, 3 and 5)	5,452	4,998	454
Administered total	5,452	4,998	454
Departmental expenses			
Departmental appropriation	79,904	82,224	(2,320)
s74 External Revenue ¹	1,690	7,911	(6,221)
Expenses not requiring appropriation in the budget year ²	2,864	2,826	38
Departmental total	84,458	92,961	(8,503)
Total expenses for Outcome 1	89,910	97,959	(8,049)
Average staffing level (number)	2021–22 352	2021–22 340	

* Full-year budget, including any subsequent adjustment made to the 2021–22 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, and audit fees.

NDIS Quality and Safeguards Commission
FINANCIAL STATEMENTS

for the year ended 30 June 2022

Contents

Certification

Statement by the NDIS Commissioner and Chief Financial Officer	84
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Primary financial statements

Statement of Comprehensive Income	87
Statement of Financial Position	88
Statement of Changes in Equity	89
Cash Flow Statement	90
Administered Schedule of Comprehensive Income	91
Administered Schedule of Assets and Liabilities	92
Administered Reconciliation Schedule	93
Administered Cash Flow Statement	94

Overview

Notes to the financial statements

1. Financial Performance	96
1.1 Expenses	96
1.2 Own-Source Revenue and Gains	98
2. Income and Expenses Administered on Behalf of Government	99
2.1 Administered – Expenses	99
2.2 Administered – Income	99
3. Financial Position	100
3.1 Financial Assets	100
3.2 Non-Financial Assets	101
3.3 Payables	103
3.4 Interest Bearing Liabilities	104
3.5 Provisions	105
4. Assets and Liabilities Administered on Behalf of Government	106
4.1 Administered – Financial Assets	106
4.2 Administered – Payables	106
5. Funding	107
5.1 Appropriations	107
5.2 Net Cash Appropriations Arrangements	109
6. People and Relationships	110
6.1 Employee Provisions	110
6.2 Key Management Personnel Remuneration	111
6.3 Related Party Disclosures	111
7. Managing Uncertainties	112
7.1 Contingent Assets and Liabilities	112
7.2 Financial Instruments	112
8. Other Information	114
8.1 Current/non-current distinction for assets and liabilities	114
8.2 Explanation of Major Variances to Budget	116

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 2022 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

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

Signed..........

Tracy Mackey

NDIS Quality and Safeguards Commissioner

5 October 2022

Signed..........

Catherine Davey

Chief Financial Officer

5 October 2022



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 2022:

- (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 2022 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 2022 and for the year then ended:

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

Basis for opinion

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

Accountable Authority's responsibility for the financial statements

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

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Phone (02) 6203 7300

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

Auditor's responsibilities for the audit of the financial statements

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

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

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

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

Australian National Audit Office



Peter Kerr

Executive Director

Delegate of the Auditor-General

Canberra

5 October 2022

NDIS Quality and Safeguards Commission

Statement of Comprehensive Income

for the year ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	43,516	32,927	43,505
Suppliers	1.1B	28,875	25,363	15,317
Depreciation and amortisation	3.2A	6,350	4,709	5,244
Finance costs	1.1C	186	178	149
Payments for service delivery	1.1D	14,031	13,132	11,500
Write-down and impairment of other assets		2	128	-
Total expenses		92,960	76,437	75,715
Own-Source Income				
Own-source revenue				
Other revenue	1.2A	7,580	920	1,690
Total own-source revenue		7,580	920	1,690
Gains				
Other Gains	1.2B	331	15	-
Total gains		331	15	-
Total own-source Income		7,911	935	1,690
Net cost of services		(85,049)	(75,502)	(74,025)
Revenue from Government	1.2C	79,904	82,428	71,161
Surplus/(Deficit)		(5,145)	6,926	(2,864)
OTHER COMPREHENSIVE Income				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve		1,676	-	-
Total other comprehensive income		1,676	-	-
Total comprehensive Income / (Loss)		(3,469)	6,926	(2,864)

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 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	3.1A	1,002	145	2,962
Trade and other receivables	3.1B	26,357	27,821	11,444
Total financial assets		27,359	27,966	14,406
Non-Financial Assets¹				
Leasehold improvements	3.2A	13,943	8,409	12,042
Buildings	3.2A	16,980	16,984	10,965
Plant and equipment	3.2A	1,665	1,729	1,337
Prepayments	3.2B	118	222	-
Total non-financial assets		32,706	27,344	24,344
Total assets		60,065	55,310	38,750
LIABILITIES				
Payables				
Suppliers	3.3A	4,731	5,223	970
Other payables	3.3B	1,701	859	386
Total payables		6,432	6,082	1,356
Interest Bearing Liabilities				
Leases	3.4A	19,797	17,474	11,860
Total interest bearing liabilities		19,797	17,474	11,860
Provisions				
Employee provisions	6.1A	7,067	6,199	5,495
Other provisions	3.5A	1,245	1,076	821
Total provisions		8,312	7,275	6,316
Total liabilities		34,541	30,831	19,532
Net assets		25,524	24,479	19,218
EQUITY				
Contributed equity		16,561	12,047	20,062
Asset revaluation reserve		1,676	-	29
Retained surplus		7,287	12,432	(873)
Total equity		25,524	24,479	19,218

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

1. Right-of-use assets are included in Buildings and represent the total balance.

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 2022

Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY			
Opening balance	12,047	11,667	15,548
Transactions with owners			
Contributions by owners			
Departmental capital budget	4,514	3,880	4,514
Section 51 Withholding ¹	–	(3,500)	–
Total transactions with owners	4,514	380	4,514
Closing balance as at 30 June	16,561	12,047	20,062
RETAINED EARNINGS			
Opening balance	12,432	5,506	1,991
Comprehensive income			
Surplus / (Deficit) for the period	(5,145)	6,926	(2,864)
Total comprehensive income	(5,145)	6,926	(2,864)
Closing balance as at 30 June	7,287	12,432	(873)
ASSET REVALUATION RESERVE			
Opening balance	–	–	29
Comprehensive income			
Other comprehensive income	1,676	–	–
Total comprehensive income	1,676	–	–
Closing balance as at 30 June	1,676	–	29
TOTAL EQUITY			
Opening balance	24,479	17,173	17,568
Section 51 Withholding	–	(3,500)	–
Comprehensive income			
Income / (Loss) for the period	(5,145)	6,926	(2,864)
Other comprehensive income	1,676	–	–
Total comprehensive income	(3,469)	6,926	(2,864)
Transactions with owners			
Contributions by owners			
Departmental capital budget	4,514	3,880	4,514
Total transactions with owners	4,514	3,880	4,514
Closing balance as at 30 June	25,524	24,479	19,218

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.

- Section 51 withholding of \$3.5M was confirmed on 23 June 2021. The amount had previously been quarantined in 2019–20 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 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		83,340	67,370	71,157
GST received		3,573	2,534	1,690
Section 74 cash received		8,224	1,701	-
Total cash received		95,137	71,605	72,847
Cash used				
Employees		41,924	31,591	43,501
Suppliers		37,755	35,964	26,838
Interest payments on lease liabilities		180	168	149
Section 74 receipts transferred to OPA		8,224	1,701	-
Total cash used		88,083	69,424	70,488
Net cash from operating activities		7,054	2,181	2,359
INVESTING ACTIVITIES				
Cash used				
Purchase of leasehold improvements		4,848	944	4,012
Purchase of property, plant and equipment		521	1,118	502
Total cash used		5,369	2,062	4,514
Net cash used by investing activities		(5,369)	(2,062)	(4,514)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		2,696	2,062	4,514
Total cash received		2,696	2,062	4,514
Cash used				
Principal payments of lease liabilities		3,524	2,365	2,380
Total cash used		(3,524)	(2,365)	(2,380)
Net cash (used by) / from financing activities		(828)	(303)	2,134
Net increase/(decrease) in cash held		857	(184)	(21)
Cash and cash equivalents at the beginning of the reporting period		145	329	2,983
Cash and cash equivalents at the end of the reporting period	3.1A	1,002	145	2,962

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 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Suppliers		–	13	–
Grants	2.1A	4,998	3,498	5,452
Total expenses		4,998	3,511	5,452
Income				
Fines and penalties	2.2A	83	145	–
Grant recoveries	2.2B	600	–	–
Total Income		683	145	
Net cost of services		(4,315)	(3,366)	(5,452)
Surplus/(Deficit)		(4,315)	(3,366)	(5,452)
Total comprehensive loss		(4,315)	(3,366)	(5,452)

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 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
Assets				
Financial assets				
Trade and other receivables	4.1A	<u>1,100</u>	<u>350</u>	<u>211</u>
Total financial assets		<u>1,100</u>	<u>350</u>	<u>211</u>
Total assets administered on behalf of government		<u>1,100</u>	<u>350</u>	<u>211</u>
LIABILITIES				
Payables				
Suppliers payable	4.2A	<u>-</u>	<u>41</u>	<u>96</u>
Grants payable		<u>-</u>	<u>-</u>	<u>21</u>
Total payables		<u>-</u>	<u>41</u>	<u>117</u>
Total liabilities administered on behalf of government		<u>-</u>	<u>41</u>	<u>117</u>
Net Assets		<u>1,100</u>	<u>309</u>	<u>94</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 Reconciliation Schedule

for the year ended 30 June 2022

Notes	2022 \$'000	2021 \$'000
Opening assets less liabilities as at 1 July	309	114
Adjusted opening assets less liabilities	309	114
Net cost of services		
Income	683	145
Expenses	(4,998)	(3,511)
Transfers (to)/from the Australian Government		
Appropriation transfers from the Official Public Account		
Annual appropriations		
Payments to entities other than corporate Commonwealth entities	5,539	3,923
Appropriation transfers to the Official Public Account		
GST receipts transferred to the Official Public Account	(350)	(217)
Administered receipts transferred to the Official Public Account	(83)	(145)
Closing assets less liabilities as at 30 June	1,100	309

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 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
GST Received		350	217	-
Fines and penalties		83	145	-
Total cash received		<u>433</u>	<u>362</u>	<u>-</u>
Cash used				
Suppliers		41	75	-
Grants		5,498	3,848	5,441
Total cash used		<u>5,539</u>	<u>3,923</u>	<u>5,441</u>
Net cash used by operating activities		<u>(5,106)</u>	<u>(3,561)</u>	<u>(5,441)</u>
Net decrease in cash held		<u>(5,106)</u>	<u>(3,561)</u>	<u>(5,441)</u>
Cash and cash equivalents at the beginning of the reporting period		-	-	-
Cash from Official Public Account				
Appropriations		5,539	3,923	5,441
Total cash from Official Public Account		<u>5,539</u>	<u>3,923</u>	<u>5,441</u>
Cash to the Official Public Account for				
Appropriations		433	362	-
Total cash to official public account		<u>433</u>	<u>362</u>	<u>-</u>
Cash and cash equivalents at the end of the reporting period		<u>-</u>	<u>-</u>	<u>-</u>
The above statement should be read in conjunction with the accompanying notes.				
Refer to Note 8.2B for explanations of major variances to the Original Budget.				

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Overview

Objectives of the NDIS Quality and Safeguards Commission

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

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

The 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

AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework. The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the entity.

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 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 2022.

1.1 Expenses

	2022 \$'000	2021 \$'000
Note 1.1A: Employee Benefits		
Wages and salaries	32,332	24,368
Superannuation		
Defined contribution plans	4,574	3,450
Defined benefit plans	1,033	829
Leave and other entitlements	5,577	4,109
Separation and redundancies	–	171
Total employee benefits	43,516	32,927

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	17,504	15,400
Contractual services	4,276	3,177
Printing & publications	1,319	1,200
Property	1,127	674
Other	949	779
Legal fees	528	535
IT services	424	285
Training	329	578
Travel	316	277
Communications	311	223
Police and Security Clearances	155	198
Workplace Health and Safety Costs	117	76
Audit fees	113	294
Stakeholder engagement	32	12
Consultants	8	75
Total goods and services supplied or rendered	27,508	23,783

Goods supplied	1,543	1,628
Services rendered	25,965	22,155
Total goods and services supplied or rendered	27,508	23,783

Other suppliers

Workers compensation expenses	189	160
Short-term leases	1,178	1,420
Total other suppliers	1,367	1,580
Total suppliers	28,875	25,363

The entity has contractual commitments for short-term leases for its temporary office locations. The short-term lease commitment as at 30 June 2022 was \$0.05M including GST (2021: \$0.5M). 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. 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 11 (2021: 11) short term leases during the year. One remains at 30 June 2022 following the completion of the fit outs for the new permanent offices.

	2022	2021
	\$'000	\$'000
Note 1.1C: Finance Costs		
Interest on lease liabilities	174	171
Unwinding of discount	12	7
Total finance costs	186	178

Accounting Policy

All borrowing costs are expensed as incurred.

Note 1.1D: Payment for Service Delivery

Payment for service delivery	14,031	13,132
Total payment for service delivery	14,031	13,132

The above service delivery disclosures should be read in conjunction with the accompanying note 6.3.

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

	2022 \$'000	2021 \$'000
Note 1.2A: Other Revenue		
Resources received free of charge		
Remuneration of auditors	113	110
Leasehold assets received free of charge ¹	1,121	-
Other ²	6,346	810
Total other revenue	7,580	920

- The entity received \$1.1M worth of leasehold assets free of charge from the landlord.
- The entity received \$5.0M (2021: Nil) in financial assistance and \$1.3M (2021:\$0.8M) for business services delivery to Department of Social Services.

Accounting Policy

Resources Received Free of Charge

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

Other Revenue

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

Note 1.2B: Other Gains

Other gains	331	15
Total other gains	331	15

The entity disposed its ROU assets at Box Hill. The gain is due to the termination of lease was \$0.3M.

Accounting Policy

Termination of Lease

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

Note 1.2C: Revenue from Government

Appropriations		
Departmental appropriations	79,904	82,428
Total revenue from Government	79,904	82,428

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.

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

	2022	2021
	\$'000	\$'000
Note 2.1A: Grants		
Goods and services supplied or rendered		
External parties	1,082	–
Not-for-profit organisations	3,916	3,498
Total grants	<u>4,998</u>	<u>3,498</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	83	145
Total fines and penalties	<u>83</u>	<u>145</u>

Accounting Policy

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

Note 2.2B: Other Revenue

Grant recoveries	600	–
Total other revenue	<u>600</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

	2022	2021
	\$'000	\$'000
Note 3.1A: Cash and Cash Equivalents		
Cash on hand	<u>1,002</u>	145
Total cash and cash equivalents	<u>1,002</u>	<u>145</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

Appropriation receivables

Appropriations receivables	<u>25,565</u>	27,184
Total appropriation receivables	<u>25,565</u>	<u>27,184</u>

Other receivables

GST receivable from the Australian Taxation Office	278	509
Employee benefits receivable	489	67
Other	<u>25</u>	<u>61</u>
Total other receivables	<u>792</u>	<u>637</u>
Total trade and other receivables (gross)	<u>26,357</u>	<u>27,821</u>
Total trade and other receivables (net)	<u>26,357</u>	<u>27,821</u>

Credit terms for goods and services were within 30 days (2020–21: 30 days).

Accounting Policy

Financial assets

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

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.2 Non-Financial Assets

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

	Leasehold improvements \$'000	Buildings \$'000	Plant and Equipment \$'000	Total \$'000
As at 1 July 2021				
Gross book value	11,751	21,142	2,990	35,883
Accumulated depreciation, amortisation and impairment	(3,342)	(4,158)	(1,261)	(8,761)
Total as at 1 July 2021	8,409	16,984	1,729	27,122
Additions				
Purchase or internally developed	5,054	-	521	5,575
Assets received free of charge	1,121	-	-	1,121
Right-of-use assets	-	7,930	-	7,930
Revaluations recognised in other comprehensive income	1,521	-	304	1,825
Write off of make good assets	(63)	-	-	(63)
Retirement of Right-of-use assets (netted off against the lease liability)	-	(4,437)	-	(4,437)
Depreciation and amortisation	(1,965)	-	(888)	(2,853)
Depreciation on right-of-use assets	-	(3,497)	-	(3,497)
Disposals				
Disposals without proceeds	(134)	-	(1)	(135)
Total as at 30 June 2022	13,943	16,980	1,665	32,588
Total as at 30 June 2022 represented by				
Gross book value	14,094	23,028	1,667	38,789
Accumulated depreciation, impairment, and amortisation	(151)	(6,048)	(2)	(6,201)
Total as at 30 June 2022	13,943	16,980	1,665	32,588
Carrying amount of right-of-use assets	-	16,980	-	16,980

There were no material indicators of impairment found for property, plant and equipment during the 2021-22 year. Leasehold improvements at its Box Hill old office and the temporary site office at Brisbane were disposed when moving to the new offices. Make good assets for Adelaide and Box Hill offices also were written off during 2021-22 year. It is not anticipated that any property, plant and equipment will be sold or disposed of within the next 12 months.

Revaluations of non-financial assets

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

Contractual commitments inclusive of GST for the acquisition of leasehold improvements

The entity has contractual commitments for the acquisition of leasehold improvements. The leasehold improvement commitment as at 30 June 2022 was \$0.4M including GST (2021: \$2.0M).

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.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Asset recognition threshold

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

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

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 was 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 Commonwealth agency, GGS and Whole of Government 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
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-or-use asset or the end of the lease term.

Impairment

All assets were assessed for impairment at 30 June 2022. 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

	2022 \$'000	2021 \$'000
Note 3.2B: Other Non-Financial Assets		
Prepayments	118	222
Total other non-financial assets	<u>118</u>	<u>222</u>

No indicators of impairment were found for other non-financial assets.

Accounting Policy

Other non-financial assets are measured at fair value.

3.3 Payables

	2022 \$'000	2021 \$'000
Note 3.3A: Suppliers		
Trade creditors and accruals	3,870	5,101
Other suppliers	861	122
Total suppliers	<u>4,731</u>	<u>5,223</u>

Settlement is usually made for suppliers within 20 days (2020–21: 20 days).

Note 3.3B: Other Payables

Salaries and wages	796	609
Leave Transfers	768	146
Superannuation	133	101
Other	4	3
Total other payables	<u>1,701</u>	<u>859</u>

Accounting Policy

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

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

3.4 Interest Bearing Liabilities

	2022	2021
	\$'000	\$'000
Note 3.4A: Leases		
Lease Liabilities		
Buildings	19,797	17,474
Total leases	19,797	17,474

Total cash outflow for leases for the year ended 30 June 2022 was \$4.9M (2021: \$4.1M) which includes principle, interest and short-term lease payments. The movement in lease liability was the result of termination of lease at Box Hill (\$4.8M) and signing of new leases for Melbourne office (\$2.5M) and Parramatta office (\$6M). The entity also extended it's lease for Adelaide office (\$1.1M).

Maturity analysis – contractual undiscounted cash flows

Within 1 year	3,836	2,805
Between 1 to 5 years	14,360	13,048
More than 5 years	1,928	2,152
Total leases	20,124	18,005

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

Accounting Policy

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

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

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

3.5 Provisions

Note 3.5A: Other Provisions

	Make Good Provisions
	\$'000
As at 1 July 2021	1,076
Provision for Make Good	206
Amounts reversed (in the cost of service)	(197)
Additional provisions made (in the comprehensive income)	148
Unwinding of discount	12
Total as at 30 June 2022	1,245

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

	2022	2021
	\$'000	\$'000
<u>Note 4.1A: Trade and Other Receivables</u>		
Goods and services receivables	660	-
Other receivables		
GST receivable from the Australian Taxation Office	440	350
Total other receivables	440	350
Total trade and other receivables	1,100	350

Credit terms for goods and services were within 30 days (2020–21: 30 days).

4.2 Administered – Payables

	2022	2021
	\$'000	\$'000
<u>Note 4.2A: Suppliers Payable</u>		
Suppliers payable	-	41
Total suppliers payable	-	41

Settlement is usually made for suppliers within 20 days (2020–21: 20 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')

	2022	2021
	\$'000	\$'000
Departmental		
Annual Appropriation		
Ordinary annual services	79,904	82,428
Departmental Capital Budget ¹	4,514	3,880
PGPA Act		
Section 74 receipts ²	8,224	1,701
Total annual appropriation	92,642	88,009
Appropriation applied (current and prior years) ³	93,403	70,625
Variance	(761)	17,384
Opening unspent appropriation balance	30,828	13,444
Appropriations repealed		
Appropriation Act (No.1) 2019–20	(3,500)	–
Variance	26,567	30,828
Balance comprises appropriations as follows:		
Cash (Appropriation Act (No.1) 2020–21)	–	145
Cash (Appropriation Act (No.1) 2021–22)	1,002	–
Appropriation Act (No.1) 2019–20 ⁴	–	3,500
Appropriation Act (No.1) 2020–21	–	22,397
Appropriation Act (No.1) 2021–22	12,493	–
Appropriation Act (No.3) 2021–22	8,743	–
Appropriation Supply Act (No.1) 2020–21	–	2,276
Appropriation Act (No.1) 2020–21 DCB	–	2,511
Appropriation Act (No.1) 2021–22 DCB	4,329	–
Total unspent appropriation – Ordinary annual services	26,567	30,829
Other services		
Annual Appropriation		
Appropriation applied (current and prior years)	–	692
Variance	–	(692)
Opening unspent appropriation balance	–	–
Opening unspent appropriation balance	–	692
Closing unspent appropriation balance	–	–

1. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1, 3, 5). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts
2. The departmental appropriation section 74 receipts are largely receipts from Department of Social Services and receipt of lease incentives and employee leave transfers.
3. The Department of Social Services draws down money from the Consolidated Revenue Fund (CRF) in order to make payments on behalf of the entity under a shared service arrangement.
4. Section 51 withholding of \$3.5M was confirmed on 23 June 2021. The amount had previously been quarantined in 2019–20 by Department of Finance for administrative purposes. The Act was repealed on 1 July 2022.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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

	2022	2021
	\$'000	\$'000
Administered		
Annual appropriation		
Ordinary annual services	4,507	4,945
Total annual appropriation	4,507	4,945
Appropriation applied (current and prior years) ¹	5,039	3,566
Variance²	(532)	1,379
Opening unspent appropriation balance	3,909	2,530
Prior year section 75 transfers	-	-
Appropriations repealed		
<i>Appropriation Act (No.2) 2018-19 New Administered Outcomes</i>	(1,733)	-
Closing unspent appropriation balance	1,644	3,909
Balance comprises appropriations as follows:		
Appropriation Act (No.2) 2018-19 New Administered Outcomes	-	1,733
Appropriation Act (No.3) 2019-20	791	791
Supply Act (No.1) 2019-20	6	6
Appropriation Act (No.1) 2020-21	821	1,312
Supply Act (No.1) 2020-21	26	67
Appropriation Act (No.1) 2021-22	-	-
Total unspent appropriation – Ordinary annual services	1,644	3,909

1. 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.
2. Appropriations applied were lower due to a delay in establishing education and training resources for providers.

NDIS Quality and Safeguards Commission

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

5.2 Net Cash Appropriations Arrangements

	2022	2021
	\$'000	\$'000
Total comprehensive income/(loss) – as per the Statement of Comprehensive Income	(3,469)	6,926
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) ¹	2,853	2,060
Plus: depreciation of right-of-use assets ²	3,497	2,649
Less: lease principal repayments ²	(3,524)	(2,365)
Net Cash Operating Surplus/(Deficit)	(643)	9,270
Changes in asset revaluation reserve	(1,676)	–
Surplus / (Deficit) attributable to NDIS Quality and Safeguards Commission	(2,319)	9,270

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

	2022	2021
	\$'000	\$'000
Note 6.1A: Employee Provisions		
Leave	<u>7,067</u>	6,199
Total employee provisions	<u>7,067</u>	6,199

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) of that entity. The entity has determined the key management personnel to be the members of the Executive Leadership Team (ELT). These included the Accountable Authority (Commissioner), Registrar, Complaints Commissioner, Senior Practitioner and Chief Operating Officer.

Key management personnel remuneration is reported in the table below:

	2022 \$'000	2021 \$'000
Short-term employee benefits	1,632	1,678
Post-employment benefits	194	242
Other long-term employee benefits	31	34
Total key management personnel remuneration expenses¹	1,857	1,954

The total number of key management personnel that are included in the above table are nine (2021: five), being two substantive officers who held the position for the full year, five substantive officers who held the position for part of the year and two officers acting in a KMP position for part of the year.

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

6.3 Related Party Disclosures

Related party relationships:

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

Transactions with related parties:

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

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

- ♦ The entity received ICT services delivered by Services Australia amounting to \$13M (2021: \$12.2M)
- ♦ The entity received business services delivered by Department of Social Services (DSS) amounting to \$0.8M (2021: \$0.7M).
- ♦ DSS contributed \$5.0M (2021: Nil) in financial assistance to the entity in May 2022.
- ♦ The entity provided business services to DSS amounting \$1.3M (2021:\$0.8M) under a MOU.

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 2022, the entity did not have any material contingent assets or contingent liabilities (2021: 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

	2022	2021
	\$'000	\$'000
Note 7.2A: Categories of Financial Instruments		
Financial Assets		
Financial assets at amortised cost		
Cash	1,002	145
Other	25	61
Total financial assets at amortised cost	1,027	206
Total financial assets	1,027	206
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers	4,731	5,223
Total financial liabilities measured at amortised cost	4,731	5,223
Total financial liabilities	4,731	5,223

	2022	2021
	\$'000	\$'000
Note 7.2B: Administered – Categories of Financial Instruments		
Financial Assets		
Financial assets at amortised cost		
Goods and services receivables	660	350
Total financial assets at amortised cost	660	350
Total financial assets	660	350
Financial Liabilities		
Financial liabilities measured at amortised cost		
Suppliers payable	-	41
Total financial liabilities measured at amortised cost	-	41
Total financial liabilities	-	41

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

	2022	2021
	\$'000	\$'000
<u>Note 8.1A: Current/non-current distinction for assets and liabilities</u>		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	1,002	145
Trade and other receivables	26,357	27,821
Prepayments	118	222
Total no more than 12 months	27,477	28,188
More than 12 months		
Leasehold improvements	13,943	8,409
Buildings	16,980	16,984
Plant and equipment	1,665	1,729
Total more than 12 months	32,588	27,122
Total assets	60,065	55,310
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	4,731	5,223
Other payables	1,701	859
Leases	3,687	2,423
Employee provisions	3,767	3,041
Total no more than 12 months	13,886	11,546
More than 12 months		
Leases	16,110	15,051
Employee provisions	3,300	3,157
Other provisions	1,245	1,076
Total more than 12 months	20,655	19,284
Total liabilities	34,541	30,830

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

	2022 \$'000	2021 \$'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	1,100	350
Total no more than 12 months	1,100	350
Total assets	1,100	350
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	-	41
Total no more than 12 months	-	41
Total liabilities	-	41

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 2022

The following major variance explanations between the Original Budget as presented in the 2021–22 Portfolio Budget Statements and the 2021–22 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

An increase in the inbound volume of work that directly impacted frontline operations, increased the volume of labour hire contractors. The increased workforce resulted in other expenditure being impacted such as the shared services delivery costs under the MOU agreements that are based on head count.

Explanations of major variances in relation to management of resources	Affected line items
<p>Total own source income was \$6.2 million higher than the budget as a result of:</p> <ul style="list-style-type: none"> Department of Social Services providing \$5.0 million in financial assistance. Leasehold assets received free of charge of \$1.1 million from the landlord in the new Melbourne office. 	Own source income
<p>Total revenue from government was higher than budget by \$8.7 million as a result of:</p> <p>2021-22 Portfolio Additional Estimates included two additional measures for vaccination monitoring and compliance for disability support workers and an NDIS-payment compliance and fraud integrity pilot.</p>	Revenue from Government
<p>Total net cost of services was \$11 million higher than the Budget as a result of:</p> <ul style="list-style-type: none"> An increase in inbound volume that directly impacted frontline operations resulting in a significant increase in labour hire contractors. 2021–22 Portfolio Additional Estimates included two additional measures for vaccination monitoring and compliance for disability support workers and an NDIS-payment compliance and fraud integrity pilot. Increased payment for services delivery resulting from ICT implementations for new sites, ICT shared services delivery costs resulting from additional labour hire and further enhancements of the Commission operating system (COS) by Services Australia. 	<p>Net cost of Services</p> <p>Suppliers</p> <p>Payments for Service Delivery</p>
<p>Total assets were \$21.3 million higher than the Budget as a result of:</p> <p>The appropriation receivable was substantially higher due to the prior year reported surplus (\$6.9 million) and the receipt of lease incentives for Parramatta and Adelaide (\$2.7 million) and financial assistance from Department of Social Services (\$5 million) that resulted in higher Section 74 receipts.</p>	Trade and other receivables

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
Non-financial assets were higher due to three newly expanded offices, Parramatta, Adelaide and Melbourne, that increased the right of use assets reported under buildings as well as the leasehold improvements.	Non-financial assets
Total liabilities were higher than Budget by \$15 million as a result of:	
The supplier invoices including service delivery payments to Services Australia and DSS for ICT and other shared services remaining as payable at the end of year.	Total Payables
Employee provisions were higher due to the increase in staff.	Provisions
Increase in the right of use assets reporting under buildings resulting from increased number of leases and office spaces for the additional staff.	Leases
Equity was higher than Budget by \$6.3 million in line with the reported retained surplus and reserves.	Equity

Note 8.2B: Administered Major Budget Variances for 2022

Explanations of major variances in relation to management of resources	Affected line items
Total administered expenses were \$0.4 million lower than Budget due to: Delays in the approval processes for grants	Grants
Total administered income were \$0.7 million more than Budget due to: Infringement notices issued that were not budgeted Acquittal of previously issued grants leading to some grant recoveries.	Fines and penalties Grant recoveries
Net Assets were higher than Budget by \$1.0 million due to: GST receivable from the ATO in relation to the grants paid in June. Acquittal of previously issued grants leading to some grant recoveries.	Trade and other receivables Grant recoveries

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Part 7.

Appendices

Appendix 1: The NDIS Commissioner's core functions

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

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

- ◆ upholding the rights, and promoting the health, safety, and wellbeing, of people with disability receiving supports or services, including those received under the NDIS
- ◆ developing a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the NDIS
- ◆ promoting the provision of advice, information, education, and training to NDIS providers and people with disability
- ◆ securing compliance with the NDIS Act through effective compliance and enforcement arrangements, including through monitoring and investigation functions
- ◆ promoting continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability
- ◆ developing and overseeing the broad policy design for a nationally consistent framework relating to the screening of workers involved in the provision of supports and services to people with disability
- ◆ providing advice or recommendations to the NDIA or the NDIA Board in relation to the performance of the NDIA's functions
- ◆ engaging in, promoting, and coordinating the sharing of information to achieve the objectives of the NDIS Act
- ◆ providing NDIS market oversight, including by:
 - monitoring changes in the NDIS market that may indicate emerging risk
 - monitoring and mitigating the risks of unplanned service withdrawal.

In addition, the NDIS Commissioner has functions set out in the NDIS Act related to:

- ◆ registration and reportable incidents
- ◆ complaints
- ◆ behaviour support.

Appendix 2: NDIS Commission enduring activities

Our enduring activities to protect and manage the safety and quality of NDIS supports and services are guided by the NDIS Quality and Safeguarding Framework, which outlines our responsibilities in terms of **Developmental**, **Preventative** and **Corrective** work. It ensures this approach is distributed across our primary stakeholders – people with disability, workers and providers:

NDIS Quality and Safeguarding Framework	DEVELOPMENTAL building capability and support systems	PREVENTATIVE preventing harm and promoting quality	CORRECTIVE responding if things go wrong
INDIVIDUALS supporting and empowering people with disability	<ul style="list-style-type: none"> Education and information on the NDIS, participant rights, and complaints processes Engagement processes to support participants to strengthen networks and community ties 	<ul style="list-style-type: none"> Working with the NDIA and other stakeholders to ensure safeguards in NDIS processes Providing funding via the Grants Program to create educational and supportive resources for NDIS providers Engagement with participants to elicit feedback and work together to enhance support and services 	<ul style="list-style-type: none"> The triage, investigation, management, conciliation and resolution of complaints Receipt and handling of reportable incidents Investigation of serious and alleged incidents
WORKFORCE promoting a safe and competent workforce	<ul style="list-style-type: none"> Supporting NDIS workforce development via the creation and execution of information development and capacity building programs 	<ul style="list-style-type: none"> Ensuring workers do not pose a risk to participants via state/territory worker screening programs and through the maintenance of the Worker Screening Database 	<ul style="list-style-type: none"> Monitoring worker conduct via incident reports, complaints and notifications of breaches of the Code of Conduct
PROVIDERS encouraging safe, innovative, high-quality support provision	<ul style="list-style-type: none"> Registering NDIS providers and maintenance of the NDIS Provider Register Market oversight and research in order to support market development, safety, quality and diversification Development and maintenance of the Positive Behaviour Support Capability Framework Research to inform better practice 	<ul style="list-style-type: none"> Providing consistent quality and reporting requirements for behaviour support practitioners resulting in a culture of continuous improvement, and reduced and eliminated restrictive practices Provision of best practice guidance and advice to those providing supports 	<ul style="list-style-type: none"> Compliance and enforcement action that is responsive and proportionate, according to our regulatory approach (see Appendix 4) De-registering and barring NDIS providers where appropriate

Appendix 3: NDIS Commission operations – detail

Complaints

The NDIS Commission takes complaints about whether an NDIS funded service has been provided in a safe way and to an appropriate standard. Anyone can make a complaint about a provider.

We support complainants to resolve their issues through a range of methods including the provision of advice and guidance, conciliation processes and the enforcement of the NDIS Practice Standards and the Code of Conduct.

We also:

- ♦ provide complaints-handling advice, education and training to people with disability and NDIS providers
- ♦ support people with disability and other complainants to go to other bodies where their complaint is not in scope of the NDIS Commission's remit, and refer matters to other relevant authorities when appropriate
- ♦ work to educate providers about delivering quality and safe supports, and effectively responding to complaints. If a complaint raises a serious compliance issue, the NDIS Commission has powers to take action.

Reportable incidents

We receive reports from registered NDIS providers about serious incidents and allegations involving NDIS participants that occur in connection with the delivery of NDIS supports and services.

We monitor registered NDIS providers' compliance with their obligations to identify, report and respond to incidents, and we identify and act on incidents requiring a regulatory response.

This involves:

- ♦ overseeing NDIS providers' management of reportable incidents, and where incidents identify potential or actual breaches of the NDIS Act and Rules, investigating and managing any necessary action
- ♦ requiring providers to take a variety of actions to respond to the incident, if we are not satisfied that appropriate actions have already been taken

- ♦ referring matters to other relevant authorities when appropriate
- ♦ reviewing and sharing reportable incident data to identify systemic issues to be addressed, and driving improvement actions through registered NDIS provider education and compliance activities.

Registration

We register NDIS providers to deliver safe, quality supports and services to NDIS participants. Some NDIS providers must be registered. Participants whose plan is managed by the NDIA can only receive supports from a registered NDIS provider. Plan managers must be registered to manage the funding of supports under NDIS participants' plans. Providers must also be registered to deliver certain higher risk support types to any participant: specialist disability accommodation; development of behaviour support plans; and for the implementation of regulated restrictive practices.

The registration process has a number of steps:

1. An application is lodged with the NDIS Commission through the online **Applications Portal**, which includes a self-assessment by the applicant.
2. The applicant engages an approved quality auditor and undergoes an audit against the NDIS Practice Standards.
3. We undertake an assessment of the applicant and their key personnel to establish their suitability to provide services and supports.
4. We assess the application including the outcome of the audit, the suitability assessment, and any other relevant information, and advise the applicant of the outcome.
5. Where the decision is to register the applicant, we issue a certificate of registration that specifies the period of registration and conditions that apply to the registration. The details of the registered NDIS provider are published on the **NDIS Provider Register**.

Our NDIS Approved Quality Auditor Scheme established third-party audit arrangements that providers must use to undertake a review of their practice against relevant NDIS Practice Standards. Auditing firms approved by the NDIS Commission under the scheme are accredited with JAS-ANZ, an internationally recognised accreditor of auditing firms. Individual auditors complete training provided by the NDIS Commission.

NDIS providers registered with the NDIS Commission must:

- ◆ comply with the conditions of registration prescribed through various Rules and those stated on their certificate of registration
- ◆ comply with the NDIS Practice Standards applicable to the types of services and supports they are registered to deliver
- ◆ comply with the NDIS Code of Conduct
- ◆ have a complaints management and resolution system
- ◆ have an incident management system
- ◆ report certain incidents (including allegations) to the NDIS Commission
- ◆ fulfil national worker screening requirements
- ◆ meet behaviour support requirements, including reporting the use of restrictive practices to the NDIS Commission if applicable.

We monitor registered NDIS providers' compliance with these obligations. This activity helps provide assurance to the NDIS Commission that the NDIS providers we register are suitable and competent to provide safe, quality supports and services to NDIS participants, and supports us in undertaking our NDIS market oversight responsibilities.

Regulating unregistered providers

We regulate providers that deliver NDIS supports and services and are not required to be registered.

We regulate unregistered providers through:

- ◆ the requirement that all NDIS providers comply with the NDIS Code of Conduct
- ◆ supporting participants who wish to complain directly to an unregistered provider

- ◆ receiving and acting on complaints made about an unregistered provider, or a person employed or otherwise engaged by the provider, including taking further action where a complaint raises a compliance issue.

In addition, from 1 February 2021, NDIS worker screening arrangements became available to self-managing participants, enabling them to screen their own direct employees, or to require unregistered NDIS providers that they may select to screen the workers that will provide supports and services to them.

This plays an important role in giving all NDIS participants the ability to make complaints about the NDIS supports and services they receive, and allows for action to be taken if those supports and services do not meet the expectations of quality and safety set out in the NDIS Code of Conduct.

Behaviour support and research and practice evidence

The Senior Practitioner Division consists of a number of teams including:

- ◆ State and Territory Behaviour Support Operations
- ◆ National Behaviour Support Practice
- ◆ Research and Practice Evidence
- ◆ Performance Improvement

The teams provide leadership and oversee the use of behaviour support strategies and restrictive practices. This involves:

- ◆ developing and maintaining the Positive Behaviour Support Capability Framework to help ensure practitioners deliver high quality behaviour supports
- ◆ assessing the suitability of behaviour support practitioners against the framework
- ◆ undertaking reviews on the quality of behaviour support plans that are lodged with the NDIS Commission
- ◆ providing best practice guidance and advice to practitioners, providers, participants, families, and carers

- ◆ receiving, reviewing and analysing provider reports on the use of restrictive practices
- ◆ monitoring provider compliance with registration obligations related to behaviour support and the use of restrictive practices
- ◆ responding to the ongoing use of unauthorised restrictive practices
- ◆ undertaking and commissioning research to inform better practice
- ◆ working with states and territories to achieve national consistency in regulatory arrangements for restrictive practice authorisation.

The teams work with providers and practitioners to implement strategies designed to help reduce the occurrence and impact of behaviours of concern, and reduce and eliminate the use of restrictive practices. In addition, the teams help to improve the capability of the sector through research and education to share best-practice advice with providers, practitioners, participants, their families and their carers.

Education, communication, engagement

We build the capacity and capability of providers, workers and participants through a variety of communication activities. This includes:

- ◆ providing best-practice guides and training, including publishing guidance materials with examples of good and poor practice
- ◆ delivering targeted education campaigns designed to build the capability of providers and behaviour support practitioners in identified focus areas
- ◆ delivering targeted engagement and communications campaigns to build the knowledge and awareness of participants, NDIS providers and behaviour support practitioners
- ◆ building provider capability to prevent and respond to serious incidents and complaints through education and engagement
- ◆ undertaking all communications in a manner that maximises accessibility and is mindful of the different communication needs and preferences of stakeholders
- ◆ ensuring providers have access to specialist expertise, guidance, and educational resources to support best-practice approaches to positive behaviour support.

We work to ensure providers are well-informed about their obligations and about any changes in policy or practice, that participants understand their rights and ability to complain, and that the role, regulatory function, and powers of the NDIS Commission are understood.

The Engagement Team became a separate team as of 1 March 2022. The team supports the Consultative Committees, of which there are two – the Industry and Disability Sector. In 2022, these met in March (regular meeting), May 2022 (extraordinary meeting to discuss Strategic Plan), and in August 2022 (regular meeting). The terms of both the Industry and Disability Sector Consultative Committees expire in November 2022. At that time, both committees will be reviewed to include more stakeholders.

Compliance and enforcement

We undertake compliance and enforcement activities. This involves:

- ◆ accelerating our compliance activity around issues that present high-risk and systemic issues for people with disability, including the unauthorised use of restrictive practices
- ◆ applying appropriate regulatory responses to non-compliance and/or emerging issues that require compliance monitoring
- ◆ determining registered NDIS provider compliance with conditions of registration, NDIS Practice Standards, the NDIS Code of Conduct and other applicable requirements and, where necessary, using influence or statutory tools to compel compliance
- ◆ establishing compliance programs that address areas of risk for various types, classes of supports or services, or certain obligations
- ◆ using information-gathering and other powers in response to apparent non-compliance
- ◆ taking protective action in serious cases of persistent and high-risk non-compliance. If compliance cannot be secured through the above actions, we can prohibit or restrict an NDIS provider or individual from delivering disability supports and services.

We have a comprehensive range of compliance and enforcement powers, tools, and methods. These include the following actions:

- ♦ educating NDIS providers to understand their obligations and achieving ongoing compliance
- ♦ monitoring and investigating compliance with the NDIS Code of Conduct, the NDIS Practice Standards and other quality and safeguard requirements where they apply
- ♦ issuing compliance notices directing a provider to do, or refrain from doing, certain things
- ♦ entering into enforceable undertakings that commit a provider to specific action
- ♦ seeking injunctions from a court to compel a person to take, or refrain from taking, certain action
- ♦ issuing infringement notices
- ♦ seeking civil penalties through a court
- ♦ varying, suspending or revoking a provider's registration
- ♦ making banning orders that prohibit or restrict specified activities by a provider, or a person employed or otherwise engaged by a provider.

Actions to be taken are determined on a case-by-case basis, taking into consideration factors outlined in the NDIS Commission's Compliance and Enforcement Policy, including the seriousness of the issue, the appropriateness of the provider's or other person's response, and the likelihood of further harm to NDIS participants.

Our compliance and enforcement activities help to prevent poor service delivery and to protect participants from harm. It also helps ensure public confidence in the NDIS and in services delivered by NDIS providers.

Market and regulatory oversight and risk

We identify, categorise, assess and manage systemic risks to protect people with disability from harm that arises from poor-quality or unsafe supports or services provided under the NDIS. This involves:

- ♦ identifying, monitoring and responding to intelligence on emerging risks based on a range of data sources, including compliance data, data collected through complaints, reportable incidents and restrictive practices reporting, and data collected through external stakeholders such as the NDIA, other regulators, and state and territory governments
- ♦ determining appropriate regulatory responses that are proportionate to the level of risk identified across the NDIS system – see **Appendix 4** for our regulatory approach
- ♦ monitoring changes in the NDIS market which may indicate emerging risk and service shortfalls in relation to the NDIS Commissioner's functions.

This activity reduces regulatory risk that might lead to non-compliance, helps to ensure effective regulatory activities, and helps monitor the adequacy of supports available in the marketplace.

Partnering with external stakeholders and regulatory bodies – delivering the Scheme together

We work together with others to deliver the Scheme through joint policy and operational responses, and we bring the voices of participants and industry into the work we do. This involves:

- ◆ building links between systems and stakeholders to support effective and coordinated responses to issues
- ◆ sharing information with other bodies (such as child protection agencies and industry complaints bodies) to help support the coordination of regulatory and other responses
- ◆ maintaining effective information sharing arrangements with other government agencies, such as the NDIA, the Australian Health Practitioner Regulation Agency, the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission and the Department of Health, to support us in improving the quality of supports
- ◆ working with the Aged Care Quality and Safety Commission, Department of Veterans' Affairs, Department of Health, and Department of Social Services to consider reform options for regulatory alignment that strengthen protections through consistency in quality and safety for participants and consumers, and reduce the regulatory burden on providers.
- ◆ convening the Disability Sector Consultative Committee and the Industry Consultative Committee.

The committees comprise senior sector and industry leaders brought together to provide advice to the NDIS Commission. They represent, respectively: the interests and perspectives of NDIS participants and their support networks; and industry perspectives surrounding the ability of NDIS providers to deliver quality and safe supports and services in a regulated NDIS market.

We continue to work with partners through the **Support for NDIS Providers Grants program**, who are delivering tools and resources that are informed by people with disability, and will assist providers to meet NDIS quality and safeguarding responsibilities.

This activity supports responses to issues being well coordinated and thoroughly informed by all relevant information, and enables us to interface seamlessly with broader protections and safeguards, such as state and territory worker screening units.

Appendix 4: Our regulatory approach

Our regulatory model is a product of the NDIS Quality and Safeguarding Framework, which sets out a nationally consistent approach to regulation of NDIS supports and services.

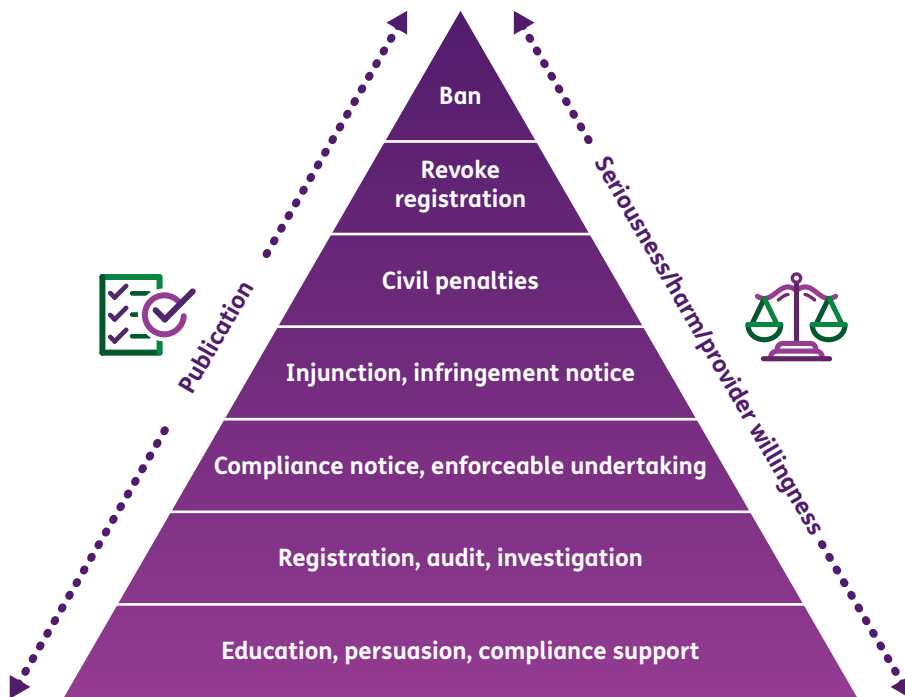
We take a responsive and proportionate approach to regulation, with the ability to escalate actions if an initial response does not achieve the intended outcome. While it is open to the NDIS Commission to proceed directly with the strongest actions should the case require, the primary approach to achieving ongoing compliance and building the capacity of the sector is to educate, advise and encourage NDIS providers and workers to identify and understand their obligations and improve their practice.

Measures may include targeted education and outreach activities, engaging with the regulated community at the earliest possible stage, and providing timely information and advice through the NDIS Commission website, social media, and information sessions.

Such measures help to:

- ♦ raise awareness of the benefits of compliance, and the various measures that will be taken to address non-compliance
- ♦ remove barriers to compliance, such as lack of awareness about obligations, confusion with other regulators, or particular accessibility needs
- ♦ promote the objects of the NDIS Act, Practice Standards and NDIS Code of Conduct
- ♦ support a reduction in restrictive practices
- ♦ reduce the risk that people will inadvertently take action that constitutes a breach.

If we've provided guidance to a provider to achieve compliance and we're satisfied they've taken timely and satisfactory steps to remedy a breach, we may decide to take no further action. If they are not making timely progress, we will consider additional action to ensure the provider meets their responsibilities.



Appendix 5: Executive remuneration 2021–22

Accounting Standard AASB 124: **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) of that entity

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				
Jason Gary STOTT	COO	\$182,015	-	\$19,963	\$33,038	\$4,887	-	-	-	\$239,903	
Lisa Claire PULKO	COO	\$67,134	-	\$5,915	\$10,938	\$1,516	-	-	-	\$85,503	
Samantha Jane TAYLOR	Registrar and Acting Commissioner	\$397,809	-	\$10,277	\$37,339	\$10,132	-	-	-	\$455,557	
Jeffrey/Beng-Choon CHAN	Senior Practitioner	\$267,892	-	\$26,914	\$39,393	\$4,211	-	-	-	\$338,410	
Melissa Jane CLEMENTS	Acting Registrar	\$131,474	-	\$15,833	\$19,867	\$2,132	-	-	-	\$169,306	
Robert William GRIEW	Complaints Commissioner	\$14,940	-	\$3,475	3,158	\$393	-	-	-	\$21,966	
Lynne Maree COULSON BARR	Acting Complaints Commissioner	\$86,454	-	\$9,422	\$11,950	\$2,122	-	-	-	\$109,948	
Sian Mary LEATHAM	Complaints Commissioner	\$146,844	-	\$0	\$25,437	\$3,545	-	-	-	\$175,826	
Tracy Anne MACKEY	Commissioner	\$245,976	-	\$0	\$12,586	\$2,074	-	-	-	\$260,636	

Information about remuneration for senior executives

Total remuneration bands	Number of senior executives	Short-term benefits			Average other benefits and allowances	Post-employment benefits	Other long-term benefits		Termination benefits	Total remuneration
		Average base salary	Average bonuses	Average other benefits and allowances			Average long service leave	Average other long term benefits		
\$0–\$220,000	5	\$81,274	-	\$8,148	\$16,351	\$2,149	-	-	\$107,922	
\$220,001–\$245,000	1	\$182,015	-	\$19,963	\$33,038	\$4,887	-	-	\$239,903	
\$245,001–\$270,000	1	\$245,976	-	-	\$12,586	\$2,074	-	-	\$260,636	
\$270,001–\$295,000	1	\$218,912	-	\$26,270	\$33,082	\$3,537	-	-	\$281,801	
\$295,001–\$320,000	2	\$242,744	-	\$25,917	\$38,496	\$2,912	-	-	\$310,069	
\$320,001–\$345,000	1	\$267,892	-	\$26,914	\$39,393	\$4,211	-	-	\$338,410	
\$445,001–\$470,000	1	\$397,809	-	\$10,277	\$37,339	\$10,132	-	-	\$455,557	

Information about remuneration for other highly paid staff

There were no other highly paid staff in 2021–22.

Appendix 6: Compliance index – Annual Report list of requirements under the PGPA Rule

PGPA Rule Reference	Part of Report	Description	Requirement
17AD(g)		Letter of transmittal	
17AI	Page 3	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 PGPA Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory
17 AD(h)		Aids to access	
17AJ(a)	Page 5	Table of contents.	Mandatory
17AJ(b)	Page 139	Alphabetical index.	Mandatory
17AJ(c)	Page 137	Glossary of abbreviations and acronyms.	Mandatory
17AJ(d)	Page 130	List of requirements.	Mandatory
17AJ(e)		Details of contact officer: To discuss this Report, please contact the Assistant Commissioner, Planning Performance and Engagement Email – contactcentre@ndiscommission.gov.au Phone – 1800 035 544	Mandatory
17AJ(f)		Entity's website address: www.ndiscommission.gov.au	Mandatory
17AJ(g)		Electronic address of report: www.ndiscommission.gov.au/about/corporate-documents	Mandatory
17AD(a)		Review by accountable authority	
17AD(a)	Page 6	A review by the accountable authority of the entity.	Mandatory
17AD(b)		Overview of the entity	
17AE(1)(a)(i)	Page s 10, 13, 120, 121, 122	A description of the role and functions of the entity.	Mandatory
17AE(1)(a)(ii)	Page 24	A description of the organisational structure of the entity.	Mandatory
17AE(1)(a)(iii)	Page 40	A description of the outcomes and programmes administered by the entity.	Mandatory
17AE(1)(a)(iv)	Page 12	A description of the purposes of the entity as included in corporate plan.	Mandatory
17AE(1)(aa)(i)	Page 56	Name of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(ii)	Page 56	Position title of the accountable authority or each member of the accountable authority.	Mandatory
17AE(1)(aa)(iii)	Page 56	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 and reasons for variation.	If applicable, Mandatory
17AD(c)		Report on the performance of the entity	
		Annual Performance Statements	
17AD(c)(i); 16F	Page 40	Annual performance statements in accordance with paragraph 39(1) (b) of the Act and section 16F of the Rule.	Mandatory
		Report on financial performance	
17AF(1)(a)	Page s 79, 82-117	A discussion and analysis of the entity's financial performance.	Mandatory
17AF(1)(b)	Page 80	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 67	Information on compliance with section 10 (fraud systems).	Mandatory
17AG(2) (b)(i)	Page 67	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory
17AG(2) (b)(ii)	Page 67	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 67	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 58	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 79	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the PGPA Act that relates to non-compliance with Finance law, and action taken to remedy non-compliance.	If applicable, Mandatory
		Audit Committee	
17AG(2A)(a)	Page 64	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory
17AG(2A)(b)	Page 64	The name of each member of the entity's audit committee.	Mandatory
17AG(2A)(c)	Page 64	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory
17AG(2A) (d)	Page 64	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory
17AG(2A)(e)	Page 64	The remuneration of each member of the entity's audit committee.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
External scrutiny			
17AG(3)	Page 65	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory
17AG(3)(a)	Page 65	Information on judicial decisions, and decisions of administrative tribunals and the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory
17AG(3)(b)	Page 65	Information on any reports on operations of the entity by the Auditor-General (other than reports under section 43 of the PGPA Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory
17AG(3)(c)	Page 65	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 70	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory
17AG(4)(aa)	Page 71	Statistics on the entity's employees on an ongoing and non-ongoing basis, in relation to the following: <ul style="list-style-type: none"> (i.) full-time employees (ii.) part-time employees (iii.) gender (iv.) staff location. 	Mandatory
17AG(4)(b)	Pages s 71, 72	Statistics on the entity's APS employees on an ongoing and non-ongoing basis, in relation to the following: <ul style="list-style-type: none"> (i.) each classification level of the entity (ii.) full-time employees (iii.) part-time employees (iv.) gender (v.) staff location (vi.) employees who identify as Indigenous. 	Mandatory
17AG(4)(c)	Page s 8, 75	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 71	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 76	The salary ranges available for APS employees by classification level.	Mandatory
17AG(4)(c)(iii)	Page 75	A description of non-salary benefits provided to employees.	Mandatory
17AG(4)(d)(i)	Page 75	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

PGPA Rule Reference	Part of Report	Description	Requirement
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 for the entity.	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 78	An assessment of entity performance against the Commonwealth Procurement Rules.	Mandatory
Reportable consultancy contracts			
17AG(7)(a)	Page 78	A summary statement detailing: <ul style="list-style-type: none"> (i.) the number of new consultancy contracts entered into during the period (ii.) total actual expenditure on all such contracts (inc. GST) (iii.) the number of ongoing consultancy contracts entered into in a previous reporting period (iv.) total actual expenditure on those ongoing contracts (incl GST). 	Mandatory
17AG(7)(b)	Page 78	A statement that <i>“During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].”</i>	Mandatory
17AG(7)(c)	Page 78	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory
17AG(7)(d)	Page 78	A statement that <i>“Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website.”</i>	Mandatory
Reportable non-consultancy contracts			
17AG(7A)(a)	Page 78	A summary statement detailing: <ul style="list-style-type: none"> (i.) the number of new reportable non-consultancy contracts entered into during the period (ii.) total actual expenditure on all such contracts (inc. GST) (iii.) the number of ongoing reportable non-consultancy contracts entered into in a previous reporting period (iv.) total actual expenditure on those ongoing contracts (inc. GST). 	Mandatory
17AG(7A)(b)	Page 78	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)	Page 78	Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts	
17AGA	Page 78	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
Australian National Audit Office access clauses			
17AG(8)	Page 78	If an entity entered into a contract with a value of more than \$100,000 (inc. 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 78	If an entity entered into a contract or there is a standing offer with a value greater than \$10,000 (inc. 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
Procurement initiatives to support small business			
17AG(10)(a)	Page 79	A statement that "[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website."	Mandatory
17AG(10)(b)	Page 79	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory
17AG(10)(c)	Not Applicable	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that "[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website."	If applicable, Mandatory
17AD(e) Financial Statements			
17AD(e)	Page 82	Inclusion of the annual financial statements in accordance with subsection 43(4) of the PGPA Act.	Mandatory
17AD(da) Executive remuneration			
17AD(da)	Page s 128-9	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 79	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, Mandatory
17AH(1)(b)	Page 79	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 61	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory

PGPA Rule Reference	Part of Report	Description	Requirement
17AH(1)(d)	Page 59	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 135	Information required by other legislation.	Mandatory

Appendix 7: Reports required by legislation other than the PGPA Act

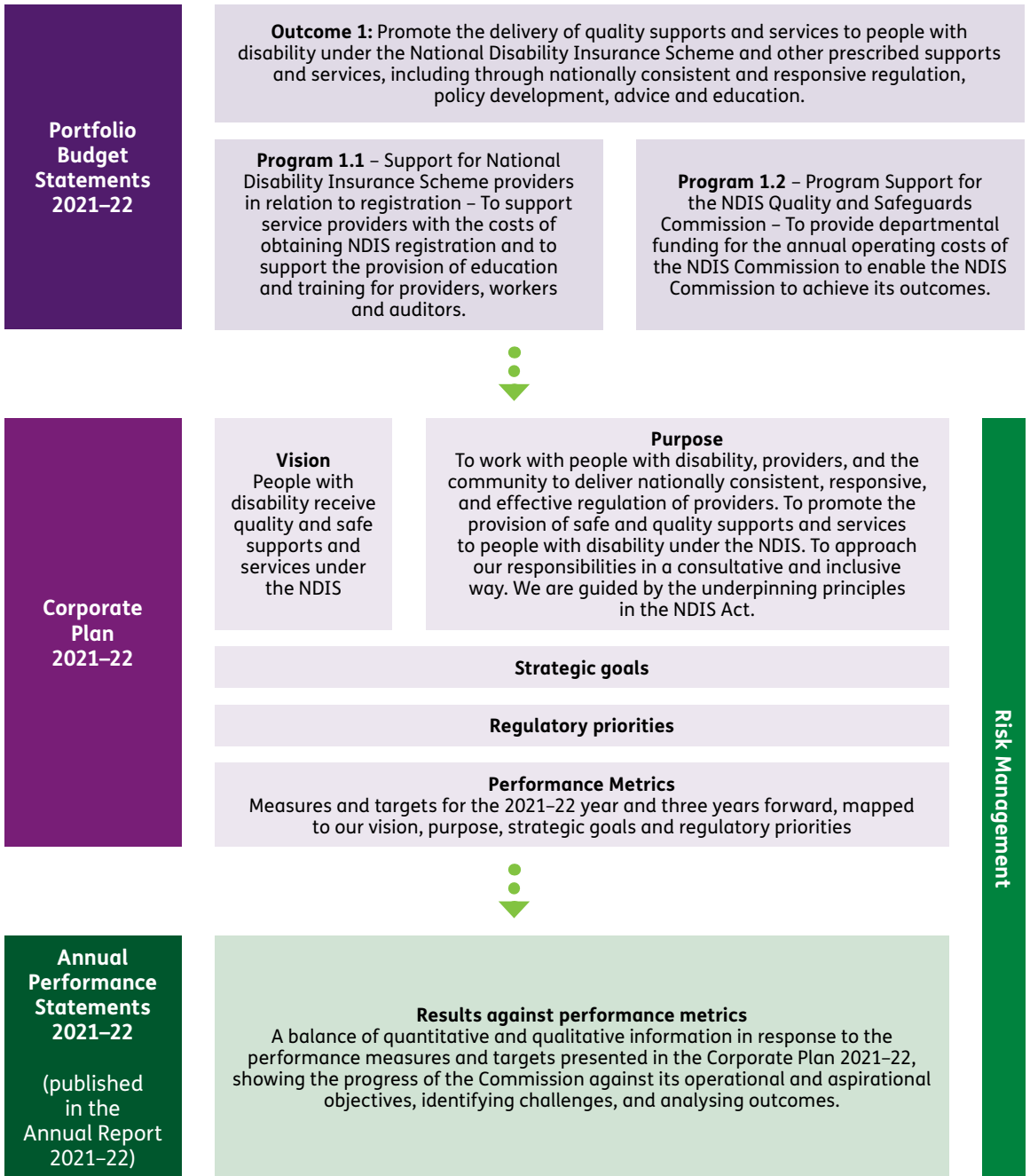
For information about, and reporting against:

- ♦ the *Environment Protection and Biodiversity Conservation Act 1999*, please see Environmental performance
- ♦ the *Carer Recognition Act 2010*, please see Carers Act
- ♦ the *Work Health and Safety Act 2011*, please see Work health and safety
- ♦ the *Freedom of Information Act 1982*, see Freedom of Information
- ♦ the *Public Service Act 1999*, see pages 70, 75
- ♦ the *Commonwealth Electoral Act 1918*, please see Other mandatory information.

Other than the information set out at the links provided above, relevant financial Acts (see Financial Report) ,and the information provided throughout this report that fulfils the requirements of the PGPA Act and its associated Rule (see Compliance index), no other information is required by other legislation.

Appendix 8: Commonwealth Performance Framework Cycle NDIS Commission 2021–22

The Commonwealth Performance Framework requires that entities’ performance planning and reporting should provide meaningful performance information with a clear line of sight between planned and actual performance.



Glossary

Term	Definition
APS Values	The APS Values articulate Parliament's expectations of public servants in terms of performance and standards of behaviour. The principles of good public administration are embodied in the APS Values. They are: Impartial, Committed, Accountable, Respectful and Ethical
NDIS Commissioner, or Commissioner	The NDIS Quality and Safeguards Commissioner
Compliance and Enforcement Policy	Provides a broad overview of our compliance and enforcement functions, strategies and tools
consumer technical expert	A person with disability who has the training, experience and skills to be involved in audit processes, as defined in the NDIS (Approved Quality Auditor Scheme) Guidelines 2018
Disability Sector Consultative Committee	Brings together key stakeholders from the disability sector to represent the interests, and encompass the different perspectives, of NDIS participants and their support networks where they exist
Future State program of work	A comprehensive strategic review of the NDIS Commission, commenced in early 2022
Industry Consultative Committee	Brings together key provider stakeholders from the disability sector to represent the interests, and encompass the different perspectives, of the ability of NDIS providers to deliver quality and safe supports and services in a regulated NDIS market.
NDIS Act	The <i>National Disability Insurance Scheme Act 2013 (Cwth)</i> . This Act is the legislation which establishes the National Disability Insurance Scheme
NDIS Code of Conduct	Promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers
NDIS Commission or Commission	The NDIS Quality and Safeguards Commission
NDIS Provider Register	The register maintained under section 73ZS of the NDIS Act
NDIS Worker Screening Check	An assessment that determines whether a person who works, or seeks to work, with people with disability poses a risk to them. Workers are either cleared or excluded from working in certain roles with people with disability. Worker screening units contained within state/territory government departments or authorities conduct the checks under state/territory law
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
NDIS participant, or participant	A person who is a participant in the NDIS as defined in the NDIS Act, sections 28-30
NDIS Practice Standards	Specify the quality standards registered NDIS providers must meet to provide supports and services to NDIS participants. They also build NDIS participants' awareness of what quality service provision they should expect from registered NDIS providers
NDIS provider, or provider	A person or legal entity who is an NDIS provider as defined in the NDIS Act
NDIS worker, or worker	A person employed or engaged by an NDIS provider
NDIS Workforce Capability Framework	Outlines the attitudes, skills and knowledge expected of all workers funded under the NDIS
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 Framework	Aimed to improve regulator performance and assist an efficient, accountable and effective regulatory environment. Superseded by the Regulator Performance Guide 2021
Regulator Performance Guide	Sets out the Australian Government's expectations for regulator performance and reporting

Term	Definition
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
supports, or supports and services	A range of products and services which may include education, employment, social participation, independence, living arrangements, and health and wellbeing
At-Risk Bill	National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021
Disability Royal Commission	The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
PGPA Act	The <i>Public Governance, Performance and Accountability Act 2013</i> applies to all officials of Commonwealth entities and establishes rules for financial management as well as the broader governance, performance and accountability for the Commonwealth public sector

Acronyms and initialisms

Term	Definition
AND	Australian Network on Disability
APS	Australian Public Service
APS	Annual Performance Statements
APSC	Australian Public Service Commissioner, or Australian Public Service Commission
ASL	Average Staffing Level
COM	Commission Operating Model
COS	Commission Operating System
CTE	Consumer Technical Experts
DSS	Department of Social Services
EL1/2	Executive Level 1/2
ELT	Executive Leadership Team
EVA	Executive Vehicle Allowance
FTE	Full-Time Equivalent (employees)
ICT	Information and Communication Technology
IGP	Indigenous Graduate Pathway
IPS	Information Publication Scheme
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
PBS	Portfolio Budget Statements
SES	Senior Executive Service
SME	Small and Medium Enterprises
WFH	Working From Home

Alphabetical Index

A

Aboriginal 1, 2, 46, 72
accountability 3, 5, 29, 40, 55–68, 85, 95, 131, 138
Accountable Authority 40, 56, 58, 64, 65, 78, 85, 86, 111, 130, 131
activity reports 7, 16, 32
advertising 79, 134
Annual Performance Statements 3, 5, 40–52, 56, 131, 136, 138
assets management 78, 132
audit (Australian National Audit Office (ANAO)) 79, 85
audit (internal) 50, 64
audit (provider registration) 44, 45, 50, 60, 61, 122–3, 137
Audit Committee 64, 65, 121, 64–65
AusTender 78, 133, 134
At Risk Bill 28, 32, 138
Australian Human Rights Award 18
Australian Information Commissioner 65, 131
Australian National Audit Office 78, 79, 85, 86, 133
Australia's Disability Strategy 2021–2031 61

B

behaviour support 7, 13, 14, 15, 24, 29, 31, 33, 34, 37, 42, 43, 45, 51, 57, 65, 120, 121, 122, 123, 124
budget *see* Financial Statements, Entity Resource Statements, Expenses for Outcomes
Budget 2021–22 81 *see also* Portfolio Budget Statements

C

Carer Recognition Act 2010 61, 135
carers 8, 11, 51, 61, 123, 124, 135
case studies 36, 37, 66
Chief Financial Officer 83, 84, 85
Chief Operating Officer 20, 24, 73, 111
civil penalties / proceedings 35, 47, 58, 125, 127

Commission Operating System (COS) 58, 116, 138
Commonwealth Ombudsman 65, 132
Commonwealth Performance Framework 136, 5
Commonwealth Procurement Rules 2020 78
communication 1, 5, 14, 17, 21, 24, 31, 43, 45, 46, 49, 70, 96, 124
complaints 120–123
Complaints Commissioner 19, 24, 59, 111, 128
compliance and enforcement 11, 14, 29, 32, 34, 47, 50, 57, 58, 65, 120, 121, 124, 125, 137
Compliance and Enforcement Committee 58
compliance index 130–34
consultancies 78, 133
contact details 17, 130
contracts 20, 30, 78, 104, 132–4
Corporate Plan 40, 41, 52, 56, 130, 136
corporate governance 58, 131
COVID-19 28, 32, 34–5, 47, 51, 66, 70, 73
cultural principles 6, 7, 57

D

delegation 58
Department of Finance 78, 79, 93, 107, 110, 134
see also Financial Statements
Department of Health 126
Department of Social Services (DSS) 10, 20, 60, 111, 117, 138
Deputy Registrar 22, 25
Disability Ministers 43
Disability Royal Commission 7, 15, 66, 138
diversity 72

E

education 6, 11, 14, 18, 21–2, 32, 40, 45, 47, 49, 51, 57, 81, 95, 108, 120–22, 124, 127, 136, 138
enforcement 11, 14, 22, 29, 32, 34–5, 47, 50, 57–8, 65, 120–22, 124, 125, 137

engagement 6, 8, 11, 14, 21, 24, 29, 30, 45–7, 49, 50, 51, 53, 57, 70, 78, 96, 121, 124

Enterprise Agreement 75, 132

Entity resource statement 80

environment 18, 21, 50, 61, 112, 135, 137

events 30, 46, 66, 86, 96

Executive Leadership Team 18–23, 58, 64, 111

executive remuneration 79, 128, 134

exempt contracts 78, 134

expenditure 78, 109, 116, 133

external scrutiny 65, 131

F

feedback 28, 31, 46, 49, 51, 53, 57, 59, 70, 121

finance law 79, 131

Financial Report 77

Financial Statements 3, 79, 80, 82–117, 134

fraud control 67, 131

freedom of information 29, 58, 59, 135

Freedom of Information Act 1982

functions 11, 15, 19, 28, 29, 34, 57, 58, 59, 120, 125, 130, 131, 137

future state 6, 7, 29, 40, 50, 51, 57, 59, 137

G

General Counsel 21, 24

grants 6, 15, 30, 32, 48, 79, 91–2, 94–5, 99, 117, 121, 126, 134 *see also* Financial Statements

H

human resources 58, 61, 69–74, 132

I

ICT Investment Board 58

Independent Auditor's Report 85

Indigenous 30, 72, 78, 132, 138

inquiries 7, 28, 32, 65

Investigations 19, 25, 35, 47, 64, 74

J

Joint Standing Committee on the NDIS 28, 59

judicial decisions 65, 131

jurisdiction 45, 56

L

Letter of Transmittal 3, 130

location 16, 62, 70, 97

M

mandatory reporting *see* Performance Report, Financial Report and compliance index

market oversight 11, 14, 120, 121, 123

N

National Disability Insurance Agency (NDIA) 10, 11, 13, 14, 32, 36, 60, 65–6, 120–22, 125–6

National Disability Insurance Scheme Act 2013 56, 137

NDIS Approved Quality Auditors Scheme 50, 60–1, 123, 137

NDIS Code of Conduct 28, 30, 46, 47, 58, 123, 124, 125, 127, 137

NDIS Commissioner (including Acting Commissioner) 29, 32, 49, 52, 56, 57, 58, 60, 64–7, 71, 75, 84–6, 111, 120, 125, 128, 137

NDIS Practice Standards 122, 123, 124, 125, 137

NDIS Provider Register 13, 58, 121, 122, 137

NDIS participants 6–8, 10, 12–17, 28–29, 32–37, 42, 45–53, 56–8, 60, 61, 63, 65, 121–26, 137

NDIS providers 6, 8, 10–15, 17, 29, 30–4, 36, 40–53, 57–8, 66, 95, 120–27, 136–7

NDIS Quality and Safeguarding Framework 13, 121, 127

non-salary benefits 75, 132

O

offices 16, 62, 63, 97, 101, 117

Own Motion Inquiry 7, 28, 32

P

partnering 15, 48, 61, 72, 126
performance measures 40–50
Performance Report 39
Portfolio Budget Statements 40, 71, 116, 136
Positive Behaviour Support Capability Framework 13, 121, 123
practice alerts 46
procedural fairness 58
procurement 78–9
Public Governance, Performance and Accountability Act 2013 (PGPA Act) 3, 40, 56, 58, 65, 78–9, 81, 135, 138
Public Governance, Performance and Accountability Rule 2014 (PGPA Rule) 67, 130–34
Public Interest Disclosure Act 2013 58
Public Service Act 1999 56, 58, 70, 75
purchasing 78

R

Registrar 19, 25, 66, 112, 128
registration 6, 13–15, 29, 32, 35, 40–2, 44–8, 51, 57, 58, 60, 65, 66, 81, 95, 120, 122–25, 127, 136
Registration Roundtable 29, 32, 46
regulatory approach 14, 50, 52, 121, 127
regulatory oversight 14, 15, 125
Regulator Performance Framework 52, 137
Regulator Performance Guide 52, 137
remuneration 64, 75, 98, 110–11, 128–29
reportable incidents 13, 32, 42, 47, 57, 120–22, 125, 138
Resources for outcomes 81
resourcing 28, 51, 58, 78, 80
restrictive practices 7, 13, 28–9, 33–5, 37, 42–3, 121–25, 138
risk management 34, 64, 136
Robertson Review 32, 60

S

Senior Practitioner 18, 24, 43, 66, 111, 123, 128
Senior Practitioner’s Practice Leadership Group 43
Small and Medium Enterprises 79
specialist disability accommodation 122
strategy 6, 34, 51, 57, 58, 67, 75
superannuation 75, 128–9 *see also* Financial Statements
sustainability 62

T

Torres Strait Islander 1, 72
transition 6, 41, 43, 45, 60

U

unauthorised use of restrictive practices 7, 28, 34, 37, 42, 124

W

Worker Orientation Module 30, 46
worker screening 10, 28, 60, 121, 123, 126, 137
work health and safety 73–4

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NDIS Quality and Safeguards Commission

Annual Report 2021–2022

To contact the NDIS Commission

Phone **1800 035 544** (free call from landlines)

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Translating and Interpreting Service **131 450**

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