

# Statement of Expectations

## NDIS Quality and Safeguards Commission

### Purpose of the Statement of Expectations

I am writing to outline my expectations about how the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission (the NDIS Commission) will achieve its regulatory objectives, carry out its regulatory functions, and exercise its powers.

This Statement of Expectations supports the Australian Government's commitment to effective governance and regulatory performance, as guided by the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). It is part of the Government's commitment to good corporate governance of regulatory bodies and the administration of the *National Disability Insurance Scheme Act 2013* (NDIS Act) and the National Disability Insurance Scheme (NDIS) Rules.

As the responsible Commonwealth Minister for the NDIS, this Statement of Expectations reflects the Government's commitment to ensuring that people with disability receive safe, high quality, and rights-based supports through the NDIS.

This Statement is provided following a substantial uplift in the Commission's resources in recent years and anticipates the maturation of the Commission's capabilities and regulatory functions in the coming years. It sets out current challenges, immediate priorities, and general expectations that support high quality regulation of the NDIS.

The NDIS Commission is an independent statutory agency pursuant to the NDIS Act and the PGPA Act. The Government recognises and respects the independence and responsibilities of the Commissioner as outlined in the NDIS Act.

This Statement of Expectation is to be read in conjunction with the Statements of Expectation provided by the Minister for Health and Ageing and Minister for Disability and the NDIS, the Hon Mark Butler to the Department of Health, Disability and Ageing (the department) to ensure alignment with broader portfolio policy and service delivery.

### Context and current challenges

The NDIS Commission operates within a complex regulatory environment that includes various laws, policies, and standards that ensure the safety and wellbeing of people with disability.

In operationalising these obligations, it is essential that the NDIS Commission address the key risks and challenges within the system. I expect the NDIS Commission to focus on:

- **Safety:** Ensuring the safety of people with disability is paramount. Safeguards and regulations must be effectively implemented to uphold the rights of people with disability and to prevent incidents of violence, abuse, neglect, and exploitation.
- **Quality:** The quality of services provided to people with disability must meet established standards and benchmarks. Inconsistent service quality and lack of access to services in remote areas are ongoing challenges.
- **Fraud:** Potentially fraudulent activities within the NDIS system pose significant risks. Measures to detect and prevent fraud committed by providers and workers are crucial to maintaining the integrity of the system.

These three domains inform the immediate priorities which are set out below.

More generally, the Government has embarked upon a reform agenda in which the NDIS Commission has a significant role to play. I expect the NDIS Commission to help achieve the Government's goals to deliver a sustainable future for the NDIS that restores it to its original intent; and use its powers to prevent harm so that people with disability experience greater safety, dignity and inclusion.

In doing this, I expect the NDIS Commission to promote the sound operation of the NDIS disability services sector to lift performance for the benefit of people with disability and their families. This will ensure participants have choice, control and dignity when accessing supports and services under the NDIS.

## Your Immediate priorities

The coming years offer the opportunity to establish the NDIS Commission as a mature regulator, with the resources, capabilities and strategy necessary to secure the interests of participants in the context of the relevant statutory arrangements.

Over the next two years, it is expected that the NDIS Commission will remain adaptable and responsive to emerging challenges and opportunities in the sector. The NDIS Commission should continue to identify and prioritise areas of risk, giving priority to those classified as the highest risks. In addressing these risks, I expect the NDIS Commission to use its statutory powers and a range of tools and levers, including but not limited to market monitoring, auditing, investigations, regulatory campaigns, enforcement, and where appropriate prosecution.

I expect the NDIS Commission to appropriately document its approach to regulation, maintaining clear regulatory protocols and operational guidelines. The NDIS Commission should regularly review its public facing information and establish clear guidance on how it assesses and manages complaints and reportable incidents. Policies and procedures should be in place to enable staff to take timely, proportionate, and appropriate compliance action against providers who breach requirements under the NDIS Act and/or the NDIS Code of Conduct. Compliance and enforcement activities should be supported by a quality assurance program to help evaluate the effectiveness of those activities and ensure continuous improvements. These policies and procedures must be published on the NDIS Commission's website to support accountability and transparency.

The NDIS Commission should continue to prioritise safety and create a secure and supportive environment where individuals with disability can receive the supports they need without fear of harm. In fulfilling these obligations, I expect the NDIS Commission to use all the available powers under the NDIS Act and to assess and respond appropriately to complaints and reportable incidents and conduct timely and appropriate investigations. This should include appropriate use of the monitoring and investigation functions conferred on the Commissioner by Division 8 of Part 3A of Chapter 4 of the NDIS Act.

By focusing on quality, the NDIS Commission can ensure that all participants receive high-quality services that meet their needs and improve their quality of life. I expect the NDIS Commission to identify and promote innovative provider models, promote continuous improvement, offer targeted education, and strengthen workforce capability across the sector, so there is an uplift in quality and safety of support and service delivery.

I expect the NDIS Commission to address fraud committed by providers and workers by undertaking disruption activity against fraud-related conduct that is in breach of worker and provider obligations under the NDIS Act.

Compliance and enforcement operations must be strengthened through proactive proportionate, risk-based approaches, supported by data analysis and reporting improvements delivered through the Data and Regulatory Transformation program. A comprehensive Regulatory Risk Framework should be implemented to guide decision-making and prioritise compliance activities, including mechanisms to assess, monitor and mitigate risks of provider non-compliance and unplanned service withdrawal. I expect the NDIS Commission to monitor the conduct and suitability of providers and workers and use its regulatory levers to prevent unsuitable providers and workers from operating in the NDIS. I expect the NDIS Commission to identify and respond to fraud allegations and sharp practices in collaboration with the National Disability Insurance Agency (NDIA), other agencies and the Fraud Fusion Taskforce.

Additionally, I expect the NDIS Commission to play an essential role in advancing the disability reform agenda. The NDIS Commission must respond to and be accountable for recommendations and directions agreed by the Government arising from reforms, including those from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the Independent Review of the NDIS and the Joint Standing Committee on the NDIS Commission.

I expect the NDIS Commission to provide leadership when implementing key elements of the Disability Reform Ministerial Council: Disability Reform Roadmap. The NDIS Commission should have a central role in delivering the Government's vision for a more integrated, efficient, and person-centred care system and seek opportunities to align with broader reform activities, including productivity-enhancing reforms.

I expect timely information about emerging trends, issues or risks relevant to the NDIS Commission's operations, particularly those that may impact on Government priorities or policies. Further, I expect a quarterly performance report containing a summary of all compliance and enforcement actions taken, as well as policies and procedures implemented concerning the use of restrictive practices in relation to people with disability.

## General Expectations

As the regulator of the NDIS market, I expect the NDIS Commission to observe the principles of regulatory best practice including continuous improvement, building public trust, and proactively monitoring providers and investigating issues. I expect the NDIS Commission to embed and act in accordance with the Government's principles of regulatory best practice<sup>1</sup> when conducting its operations.

I expect the NDIS Commission to recognise and map how it operates as part of broader Government effort to enhance regulatory performance and governance. The NDIS Commission should be a leader in the care and support economy, working in a connected and collaborative way with the department, with other agencies and the NDIA. By fostering these partnerships, the NDIS Commission can enhance the effectiveness of its regulatory efforts to protect participants.

The NDIS Commission is expected to provide accurate and timely operational and administrative advice to Government through the department. This includes supporting the department's policy responsibilities and corporate operations, as well as managing its budgetary relationship with Government and the Department of Finance.

The NDIS Commission should work in conjunction with the department and the NDIA to support market stewardship, ensuring accountability and transparency across the service

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<sup>1</sup> Australian Government, Department of Finance, [Principles of Regulator Best Practice](#).

provision market. I expect the NDIS Commission to proactively share information and develop mechanisms to collaborate with other Commonwealth and state or territory regulators. This should ensure that adverse information about providers and workers is mutually known and used to inform regulatory actions. Additionally, the NDIS Commission is expected to work with states and territories to reasonably enhance two-way information sharing with states and territories to support their safeguarding roles and enable the proactive identification, mitigation, and prevention of risks to participants. The NDIS Commission is expected to foster strong, productive relationships with stakeholders, maintaining open communication with participants and their families, providers, advocates, and officials across Commonwealth, state, and territory governments. This approach builds trust and confidence in the NDIS Commission's work.

I expect the NDIS Commission will provide participants with clear, easy-to-understand information to make informed choices, helping them meet their needs and support a safe, diverse and sustainable NDIS market. This approach serves individual needs and promotes a diverse, sustainable, and safe market environment. Engagement efforts must prioritise the provision of safe, high-quality NDIS supports and services for all participants.

It is my expectation the NDIS Commission will build a highly capable and diverse workforce that has a clear understanding of its purpose to work effectively as a national regulator. The NDIS Commission's workforce should have the confidence to meaningfully engage with NDIS participants, providers and workers. I expect the NDIS Commission to provide a safe and supportive work environment, including to action the recommendations made in the *Cultural Review of the NDIS Quality and Safeguards Commission*, which have been accepted in full by the Commissioner.

The NDIS Commission will operate as part of the Government and is accountable to the Parliament of Australia, and the public. This accountability will be ensured through me as the Minister for the NDIS, the Parliamentary Committee process, and the tabling of the NDIS Commission's Annual Report.

In accordance with the PGPA Act and the NDIS Act, I expect that the NDIS Commission will integrate performance measures into its Corporate Plan and subsequently report on outcomes against each measure in the NDIS Commission's Annual Report. As the Minister for the NDIS, I will assess the NDIS Commission's performance against these measures as part of its oversight function in determining whether the NDIS Commission is successfully achieving its objectives.

To enable greater transparency and accountability, I expect the NDIS Commission to publish its Statement of Intent in response to this Statement of Expectations on its website and subsequently incorporate both in its Corporate Plan.