

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the
Administration of the NDIS

TO:

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**Submission to the Inquiry into the Administration
of the National Disability Insurance Scheme
(NDIS)**

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About the Author

The author is the founder and Chief Executive Officer of a registered consultancy business. For five years the venture has provided a bespoke management consultancy service to a range of NDIS, non-NDIS and government businesses.

The author is a former Senior Executive Service officer in the Australian Government (government) having worked across Defence, Immigration and NDIS.

The author is also a carer and is recognised for that role under the Social Security Act (Cth).

Purpose¹

This submission aims to present a case for enhanced oversight of NDIS government enterprises, address governance challenges, and provide supporting evidence to assist the Committee in developing recommendations to the government. The submission specifically focuses on issues concerning the management of financial sustainability risks related to the NDIS, as well as processes for monitoring, measuring, and reporting NDIA performance.

In addition, the submission also examines the regulatory performance of the NDIS Quality and Safeguards Commission (NDIS Commission or Commission), and the Department of Health, Disability and Ageing's (DHDA) policy advice to the government.

Context

When public institutions rely on discretionary decision processes without scrutiny and opaque expenditure practices, the issue isn't the individual decision – it's the governance structure that permits it.

Isolated but important examples as set out in this submission signal a broader gap in systems and governance and capabilities of statutory and senior officials resulting in the traditional oversight mechanisms that detect gaps, no longer preventing practice and integrity drift.

Accountability isn't achieved by naming a single incident – it's achieved by redesigning the conditions that allow these patterns to recur.

Public trust is a structural outcome, not an exercise in accepting the government narrative – indeed a bureaucracy's practice hints. If the government and the Australian Public Service (APS) as a whole want to restore confidence, the remedy is transparency, preventative controls, uplift in public service capabilities and decision-making that stands up to scrutiny (before a Parliamentary Inquiry).

¹ Pursuant to the Terms of Reference to Joint Committee of Public Accounts and Audit Inquiry into the Administration of the NDIS

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National Disability Insurance Agency (NDIA)

NDIA is responsible for the implementation of the National Disability Insurance Scheme (NDIS). Through financially sustainable delivery of the NDIS, the NDIA supports the independence of individuals with significant and permanent disability, enabling them to engage socially and economically.

NDIA Board Appointments²

The NDIA is a Corporate Commonwealth Entity. The Board of the NDIA (the Board) is the accountable authority of the NDIA.

The Board must comply with its enabling legislation — the NDIS Act, the PGPA Act and the PGPA Rule 2014. Under *section 124* of the NDIS Act, the Board is responsible for ensuring the proper, efficient and effective performance of the NDIA's functions and determining the objectives, strategies and policies of the NDIA.

Section 126 of the NDIS Act requires the Board to consist of a Chair and up to 11 members, with no minimum specified.

Section 127 of the NDIS Act prescribes how a Board member may be appointed. The legislative requirements include: appointments are to be by written instrument by the Commonwealth Minister (Minister), and state and territory disability ministers must be consulted over appointments with time periods for notices.

Section 129 of the NDIS Act outlines the provisions governing acting arrangements, which are generally implemented to address short-term vacancies requiring temporary appointments.

NDIA Board Appointments – Senate Order 15

Senate Order 15 requires Australian Government departments and agencies to table a list of all appointments made, and vacancies to be filled, by the government, for statutory authorities, executive agencies, advisory boards, government business enterprises and all other Commonwealth bodies. This is to occur by not later than seven days before the commencement of the budget estimates, supplementary budget estimates and additional estimates hearings.

It would appear the Department of Social Services (DSS) complies with this Order (**see Attachment 1**). However, Department of Health, Disability and Ageing (DHDA) has not complied with the Order. (**see Attachment 2 - both accessed 5 Dec 2025**)³. DHDA Senate Order 15 web page shows it was last updated on 25 February 2025 with appointments between 11 March 2025 and 31 August 2025. It is known that NDIA Board appointments were made by the Minister pursuant to the NDIS Act on 17 October 2025.

² Auditor-General Report No. 41 2024–25: Effectiveness of the Board of the NDIA

³ Senate Order 15: DHDA's policy compliance and advice to the government

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The Australian Government Directory (directory.gov.au) and the relevant public web page for the Board showed changes to the Board appointments with accompanying attachments at **Attachment 3**. The published changes were issued without any accompanying annotation or explanation regarding the acting arrangements.

NDIA Board Acting Appointments – October 2025

The Board appointments⁴, which were due to end in October 2025, were not handled in a timely manner, resulting in new appointments not being made under *section 127* of the NDIS Act. **Instead, these appointments were carried out under section 129 of the Act** with an acting period of 18 October 2025 to 17 January 2026.

FOI material⁵ shows briefing material provided **to Minister Butler on 13 October 2025**. The ministerial submission was requiring the Minister to act before the **Board appointment terms finished on 17 October 2025**. **Attachment 4** contains excerpts from this FOI material. The actions also required consulting with state and territory disability ministers as a matter of urgency.

The **Queensland Minister’s response on 17 October 2025 outlines the situation**. It is summarised by: *noting that the terms for the Board Chair and three other Board members are about to expire, and that having temporary arrangements in place would ensure continuity for the Board, it is supported. Longer term appointments should be done through an open and transparent recruitment process.*

Importantly, this Board oversees a key budgetary matter being the NDIS, and at the time of the process failure to meet legislative time requirements, **the Board required a quorum to decide on the CEO NDIA position**. Once this issue was identified, it required a resolution for the Board to operate within the legislation. Noting also the Prime Minister’s interest.

Furthermore, when DHDA prepared a response (**Figure 1**) regarding a media inquiry, the media outlet was provided with information that may have discouraged continued interest in the story.

Figure 1: MEDIA RESPONSE: *“The NDIA board is operating as normal. There are currently 11 NDIA board members, including the chair. The term of the Chair of the NDIA Board and the terms of the three board members have been extended.*

The Minister wrote to all state and territory Disability Ministers in October 2025 about these arrangements”.

New written instruments

created acting arrangements, so the Board Chair and three members did not get appointment extensions after their three-year terms—the maximum allowed under section 128 of the NDIS Act. New terms are held under acting arrangements. These were **temporary arrangements because of a serious procedural failing by DHDA**.

⁴ Board Chair K. Fearnley and three Board members G. Innes, M. Diamond, and D. Napthine

⁵ DHDA FOI 26-2372 (date of decision 22 December 2025)

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Based on the evidence contained within this submission, **it is more than likely that departmental performance contributed to the issue.** Additionally, earlier briefing material⁶, set out that four Board members terms were to expire in 2025. Therefore, this was about scheduling a ministerial (decision) submission more than 90 days (to meet legislative 90-day notice period to states and territories) before terms were to expire.

The Board also shares responsibility. Its charter stipulates that it must provide advice to the Minister six months before the conclusion of a director’s term. There have been instances where this advisory requirement has not been met (one in 2022, two in 2023).

Additionally, the available public information does not clarify the acting arrangements (see Attachment 3). For both transparency concerns and notable procedural problems, **the Committee should carry out a more thorough review of this situation.**

Performance Statements

The ANAO has previously issued a modified audit report with a qualified conclusion for the audit of annual performance statements for NDIA. The basis of the qualified conclusion, an Emphasis of Matter (below Participant Service Guarantee), and the significant/moderate findings from the ANAO⁷.

Performance issues as outlined in FY 2023/24⁸ have continued. In FY 2024/25 of the 12 performance measures in the NDIA Corporate Plan, only seven targets (58%) were achieved.

With respect to Participant Service Guarantee (PSG) timeframes, an Emphasis of Matter in FY 2023/24, the 2024/25 result for performance measure 2.3 (PSG timeframes met 95% of the time) was 10%. **This was a worse result than from FY 2023/24.**

Figure 2⁹ below:

Performance measure 2.3 – Participant Service Guarantee timeframes met 95% of the time

Performance measure	2024–25 target	2024–25 result	2024–25 outcome	2023–24 result
Participant Service Guarantee timeframes met 95% of the time (%)	80%	10.0%	Not achieved	32.9%

⁶ NDIA FOI 24/25-1973: Incoming Government Brief May 2025 (Pg 36)

⁷ Auditor-General Report No. 25 2024–25: Performance Statements Auditing in the Commonwealth — Outcomes from the 2023–24 Audit Program (pg 103-104)

⁸ Auditor-General Report No. 25 2024–25: Performance Statements Auditing in the Commonwealth — Outcomes from the 2023–24 Audit Program (pg 102)

⁹ NDIA Annual Report 2024/25 (pg 38)

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Performance Statements - Efficiency Measures¹⁰

The NDIA's overall maturity has been assessed as 'Baseline' by the ANAO.

The NDIA's leadership and culture, governance, data and systems associated with its performance reporting, and performance statements reporting processes are assessed as still 'Baseline', with capability assessed as 'Developing'.

Activity measures, on their own, are generally not helpful in reporting results that reflect the achievement of an entity's purposes. They may be appropriate in the early stages of a key activity or program where there is not any delivery to measure. The NDIA has now been in operation for over a decade with its delivery outcomes defined.

Good measures that provide meaningful information on performance may not be evident until after measurement has been underway for some time and entity performance data and systems have had time to mature. Therefore, reviewing and revising performance measures as the entity's performance reporting capability improves reflects good practice.

The NDIA's efficiency measure reported relates to 'NDIA spend (Program 1.2) as a proportion of NDIS spend'¹¹. The use of this measure is linked to the initial (nearly decade old) Productivity Commission work on the NDIS.

Efficiency Measures – Operating Expense Per Participant

In addition to the money spent through participant plans on supports for participants (NDIS appropriation), the NDIA receives funding for its operating expenses, including NDIS general supports and staff wages. **NDIA operating expenses (Program 1.2) for the year ending 30 June 2025 were \$2.54 billion.**

The NDIA Corporate Plan 2025/26 estimates that for Program 1.2, expenditure will increase to \$2.86 bn¹² in FY 2025/26. Interestingly, the NDIA Corporate Plan 2024/25 (the year earlier) estimated expenditure in FY 2025/26 to be \$1.74 bn¹³. **That is a difference (uplift) of \$1.12 bn in one year just for NDIA internal administration.**

The NDIA has been reporting 'operating expense per participant' as a voluntary efficiency measure for the majority of its existence (see **Figures 3 and 4 below**). This makes this measure a candidate for inclusion in the formal performance reporting of efficiency currently not included in the NDIA Corporate Plan 2025/26¹⁴.

¹⁰Auditor-General Report No. 25 2024–25: Performance Statements Auditing in the Cth — Outcomes from the 2023–24 Audit Program

¹¹ Source: NDIS Quarterly Reports

¹² NDIA Corporate Plan 2025/26 (pg 28)

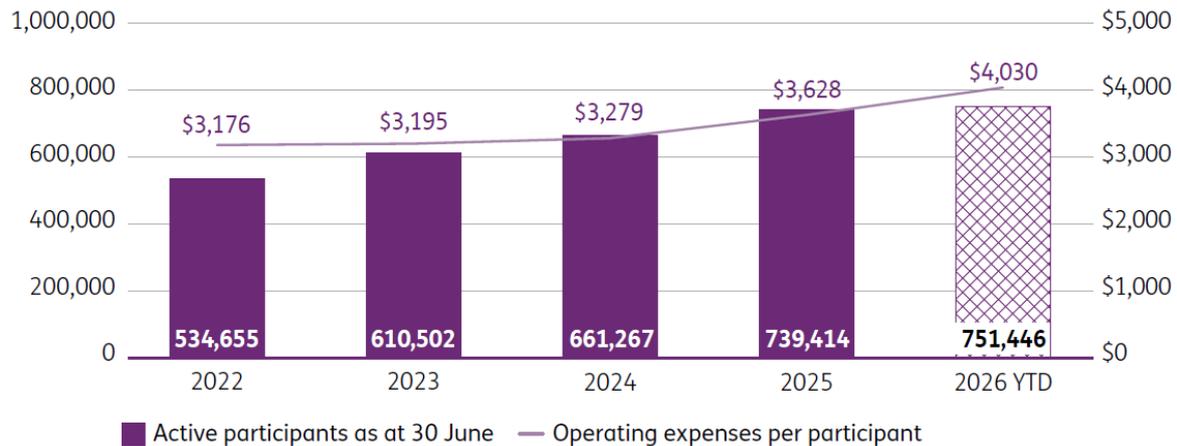
¹³ NDIA Corporate Plan 2024/25 (Pg 31)

¹⁴ NDIA Corporate Plan 2025/26 (Key Activity 2 - Develop a high-performing NDIA for participants)

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Given it has been reported since establishment of the NDIA, it meets the PGPA Act Rule 2014 pertaining to providing a basis for assessment of the entity’s performance over time.

Figure 3, below, shows the NDIA’s annual operating cost per participant from FY 2021/22 to 2025/26 YTD¹⁵.



The annual operating cost per participant has remained relatively stable between 21/22 and 23/24, with an uplift in cost in 24/25. This uplift equates to \$258 million p.a. for the number of participants recorded on 30 June 2025. The forecast uplift to \$4030 per participant would add a further \$300 million p.a.

From a base date of 30 Jun 2024, at \$3279 per participant to the forecast of \$4030 per participant to 30 June 2026, this equates to an uplift in operating expense for the NDIA of \$564 million or \$751 per participant. Noting this uses the participant number of 751,446 of 30 Sep 2025. By forecasts, we know this number will increase by at least another 50,000 before June 2026, potentially adding a further ~\$40 million. This is after subsequent years of additional investment, and a significant increase in funding for workforce consolidation, IT and system upgrades.

Historically, in the early years of the NDIA, following workforce consolidation, as well as system and process refinements, moving to an economy of scale dividend, the cost per participant decreased overtime. The NDIA has previously stated that it has become more efficient¹⁶. **The reverse is being shown in recent reporting.**

If the cost per participant does not moderate in the short term, the additional cost burden per annum will amount to over \$1 billion just to administer participants. As previously mentioned, above, this has already occurred between publication of NDIA Corporate Plans for FY 24/2025 and FY 2025/26.

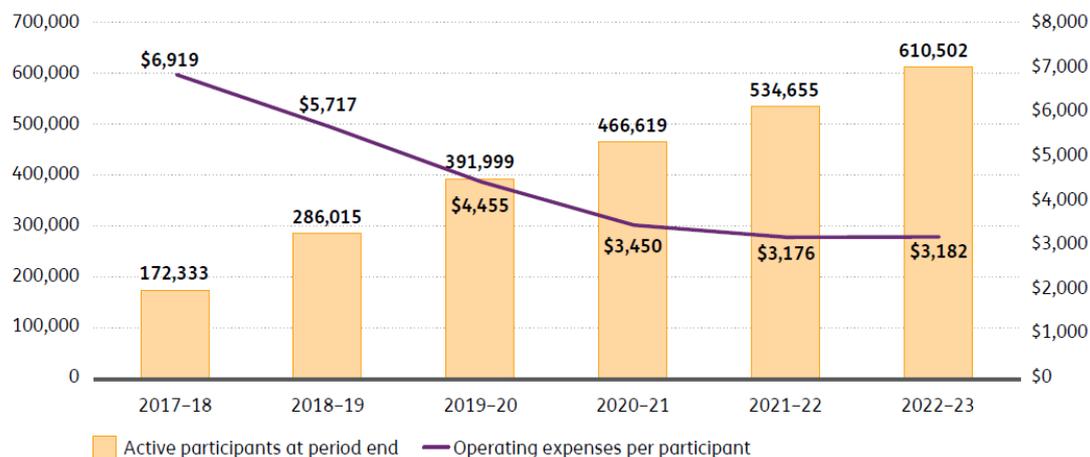
¹⁵ Source: NDIS Quarterly Report Q1 2025/26

¹⁶ Source: NDIS Quarterly Report Q4 2021/22 (Pg 134)

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And if it returns to its highest at \$6919 per participant (**Figure 4, below**), this **will add around \$3 billion per annum** to the administration, operating expenses of the NDIA. **This is not sustainable.**

Figure 4, below, shows the annual operating cost per participant 2017/18 to 2022/23¹⁷.



Strategic Commissioning Framework (the Framework)

The Framework was released in October 2023. The Framework is part of the Government’s commitment to reduce outsourcing and strengthen the capability of the APS.

NDIA reported¹⁸ the target for 24/25 was to bring 1032 externally sourced roles inhouse as APS positions. It stated that it exceeded the target with 1034 labour hire roles, valued at \$70m replaced with APS positions.

To better understand the outsourced landscape for the NDIA over the last five years, the following has been reproduced from NDIA reporting¹⁹.

- On 30 June 2021 there were 1555 outsourced positions (labour hire and contractors)
- On 30 June 2022 there were 1893 outsourced positions (labour hire and contractors)
- On 30 June 2023 there were 2004 outsourced positions (labour hire and contractors)
- On 30 June 2024 there were 2143 outsourced positions (labour hire and contractors)
- On 30 June 2025 there were 1780 outsourced positions (labour hire and contractors)

¹⁷ Source: NDIS Quarterly Report Q4 2022/23

¹⁸ NDIA Annual Report 2024/25

¹⁹ NDIA Annual Reports and NDIS Quarterly Reports

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- On 30 September 2025 there were 1820 outsourced positions (labour hire and contractors)

Using 30 June 2024 as the base date for the commencement of the Framework, where **2143 positions were outsourced**, accounting for the **1034 labour hire roles replaced with APS positions in 2024/25**, the NDIA **continued to use outsourcing for 671 roles** resulting in the **end position of 1780 outsourced positions** on 30 June 2025.

The end position for outsourced roles on 30 September 2025, was 1820²⁰ (a further increase of 40 from 30 June 2025).

NDIA has committed in its Corporate Plan 2025/26²¹ to rebalance its workforce to meet community expectations of government and deliver better outcomes for people with disability. Over the 2025–26 reporting period, NDIA stated it would continue to **work to its target of transitioning 75% of labour hire (outsourced) roles to APS positions**.

It is difficult to reconcile this statement with the facts where NDIA has continued to add outsourced roles (as per above for September 2025 quarter) and outsourced roles continue to be a considerable workforce segment.

NDIA Corporate Plan 2025/26: Quote below

As part of the Australian Public Service (APS) Strategic Commissioning Framework, we have committed to rebalancing our workforce to meet community expectations of government and deliver better outcomes for people with disability. Over the 2025–26 reporting period, we will continue to work towards our target of transitioning 75% of labour hire roles to public service roles.

Is there double dipping happening in the NDIA where both APS and outsourced positions are being created against the purposes of the Framework? Is this one of the reasons why there has been increased internal costs without the corresponding exponential increase in participant plan expenses?

As a percentage of net cost of services, **the main cost expense drivers²² in the NDIA are employee benefits (40%) and suppliers (30%) combining to be around 70%**. The other main cost driver is the community partnership costs at around 25%.

After a reduction in cost per participant from FY 2018/19 to relative stability in cost between 2021 to 2023, and relatively mild increases between 2023 and 2024, **Figure 2** (above) shows the cost per participant expense increasing sharply upward from FY

²⁰ NDIS Quarterly Report Q1 2025/26 (Pg 84)

²¹ NDIA Corporate Plan 2025/26 (Pg 20)

²² NDIA Annual Report 2024/25 (pg 97)

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2024/25. The rise becomes steep, accelerating into the 2025/26 YTD figure. The shape of the curve is unmistakably non-linear. It reflects exponential escalation, not natural administrative growth – at a time where previous investments in capability²³ should be in place, together with realisation of benefits of economies of scale and technology advancements, as well as moderation of participant growth and expense.

Why is the NDIA operating expense per participant increasing? As previously stated, is double dipping happening and/or is it just poor workforce design, management and allocation? Noting, the recent trend in higher costs per participant, commencing in FY 2024/25, looks nothing like the participant growth and where in FY 2024/25 the participant plan expenses were as budgeted without the normal higher variance due to unplanned participant growth (in fact, actuals were less than budgeted)?²⁴

Furthermore, FOI material regarding the NDIA workforce, released by the **NDIA**,²⁵ **shows by extrapolation that around 35% of the workforce was classified ‘corporate’**. The FOI material also included benchmarking undertaken with **Services Australia, being a national large delivery agency, where its ‘corporate’ was around 19% of its workforce**. Noting also that the NDIA has an arrangement in place for Services Australia to provide ‘shared services’ to the NDIA with a value of \$47m p.a.²⁶ The State of the **Service Report 2024/25**²⁷ **further supports a corporate overhead of around 20%**. Moreover, a 2014 benchmarking study of Commonwealth and State entities²⁸ found that the proportion of corporate services was between 7-14% of the workforce. **Is the NDIA’s workforce out of balance (corporate heavy)** and is this another reason why the cost per participant is increasing?

Competence of NDIA and NDIA Board

The Board is responsible for ensuring the proper, efficient and effective performance of the NDIA’s functions and determining the objectives, strategies and policies of the NDIA. It provides the oversight and governance into NDIA administration and operations. The ANAO found²⁹ the governance of the Board of the NDIA was largely effective.

ANAO commentary of note was that the Board has not directed strategic reporting on reforms to assure itself that the NDIA will fulfil the Australian Government’s

²³ 2023–24 Federal Budget: Capability investment of \$429.5 million over four years in the NDIA's workforce capability and systems

²⁴ NDIA Annual Report 2024/25 (pg 97): plan expenses budgeted at \$46,381,067; with actuals at \$46,352,178

²⁵ NDIA FOI 23/24-0400 (Pg 50) (date of decision 5 June 2024)

²⁶ NDIA Annual Report 2024/25 (Pg 108): shared services for ICT, finance, HR incl payroll costing \$46.5m p.a.

²⁷ State of the Service Report 2024/25 (Pg 41): job families cohort ‘corporate’ being Accounting & Finance (5%), ICT & Digital (5%), HR (4%), Legal (3%), Communications and Marketing (2%)

²⁸ PwC Benchmarking of Commonwealth and State Government Corporate Services 2014 issued January 2015

²⁹ Auditor-General Report No. 41 2024–25: Effectiveness of the Board of the NDIA

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commitments to moderate growth in NDIS expenses. Indeed, meet responsibilities for ensuring the proper, efficient and effective performance of the NDIA's functions and determining the objectives, strategies and policies of the NDIA.

An example relates to the NDIA Corporate Plan 2025/26 which was prepared in accordance with relevant Commonwealth legislation and issued by the Board³⁰. As previously mentioned, the plan set out, under the Framework, to rebalance the NDIA workforce to meet community expectations of government and deliver better outcomes for people with disability. Over the 2025–26 reporting period, NDIA stated it would continue to **work to its target of transitioning 75% of labour hire (outsourced) roles to APS positions**. How can the Board sign off the corporate plan, then as subsequent reporting³¹ is prepared and signed off by the Board, not reconcile the workforce (outsourcing) numbers with the stated objective in the NDIA Corporate Plan 2025/26? **There is no explanation in the workforce section for deviation from the Corporate Plan.**

Taking into consideration the discussion points in this submission, the evidence available, the NDIA and the Board must make a renewed focus on its governance with disciplined, long-lasting action to improve, including tighter controls paired with accountable, public-facing actions to regain trust that it has a functioning Board and is a well governed public sector organisation.

NDIS Quality and Safeguards Commission (NDIS Commission)

The NDIS Commission began operating on 1 July 2018. The powers and functions of the NDIS Quality and Safeguards Commissioner (NDIS Commissioner, or Commissioner), as regulator of the NDIS are set out in the NDIS Act 2013. The NDIS Commission regulates registered and unregistered NDIS providers (as defined in section 9 of the NDIS Act) and workers to improve the quality and safety of NDIS services and advance the human rights of people with disability.

The **NDIS Commissioner's core functions (set out in section 181E of the NDIS Act)** include:

- To uphold the rights of, and promote the health, safety and wellbeing of people with disability receiving supports or services, including those received under the NDIS
- To develop a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the NDIS

³⁰ NDIA Corporate Plan 2025/26 (Pg 3)

³¹ NDIS Quarterly Report Q1 2025/26 (Pg 84) and also Performance Measure 2.5 to disclose information to Disability Ministers within legislative timeframes

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- To promote the provision of advice, information, education and training to NDIS providers and people with disability
- To secure compliance with the NDIS Act through effective compliance and enforcement arrangements
- To promote continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability
- To develop and oversee the broad policy design for a nationally consistent framework relating to screening of workers involved in the provision of supports and services to people with disability
- To provide advice or recommendations to the NDIA or its Board in relation to the performance of the NDIA's functions
- To engage in, promote and coordinate information sharing to achieve the objects of the NDIS Act
- To provide NDIS market oversight, including by monitoring changes in the NDIS market which may indicate emerging risks, and monitoring and mitigating the risks of unplanned service withdrawal

The NDIS Act also sets out the NDIS Commissioner's functions relating to provider registration and reportable incidents (section 181F); complaints management (section 181G); behaviour support oversight (section 181H); and establishing, operating and maintaining a worker screening database (section 181Y).

NDIS Commission Annual Report

On 15 October 2025, Ms Louise Glanville, the NDIS Commissioner signed the letter of transmittal to the Minister. Ms Glanville is the accountable authority of the NDIS Commission.

NDIS Commission Annual Report - Accountable Authority Review

Section 17AD(a) of the PGPA Rule mandates that Commonwealth entity annual reports must include a "Review by the entity's accountable authority," (Review) which is a mandatory, **written assessment by the head of the entity** on its operations, performance, and finances for the reporting period, ensuring transparency and accountability under the PGPA Act framework.

The Review in the Commission's 2024/25 Annual Report³² is a Review by the NDIS Commissioner and the Associate Commissioner. **The latter position is not a statutory official nor the accountable authority.**

A review of 80% of Commonwealth annual reports has found no other Review is a shared Review with a Senior Executive Service officer reporting to a statutory official being the accountable authority.

³² NDIS Commission Annual Report 2024/25 (pg 9-12)

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The decision to publish a joint Review rendered it non-compliant with the requirements established by the Rule.

NDIS Commission Annual Report - Chief Financial Officer Signature

As the accountable authority, Ms Glanville, the NDIS Commissioner is responsible under the PGPA 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 ANAO issued an unmodified auditor’s report in 2025/26 and assessed the audit risk rating as low³³. The auditor’s considerations were based on a number of statements and material presented, including the statements by the acting NDIS Commissioner³⁴ (accountable authority) and Chief Financial Officer (CFO).

Pursuant to subsection 42(2) of the PGPA Act, and subsection 41(2) of the PGPA Act, an opinion is given by the accountable authority and CFO with regard to compliance with the PGPA Act and at the date of the statement, there are reasonable grounds to believe that the NDIS Commission will be able to pay its debts as and when they fall due.

On 23 September 2025, Anne Fleischer signed the statement, giving an opinion (per above) as the CFO³⁵. According to FOI releases³⁶ and **Attachment 5, Anne Fleischer was not the CFO**. On this date Anne Fleischer was the Assistant Commissioner, Enabling Services³⁷.

FOI material³⁸ confirms that the position description for **Assistant Commissioner: Enabling Services could not be found or does not exist**. The position description document is the essential instrument that is used to comply with legal obligations set out in the Public Service Act (PS Act) (Cth) and associated subordinate legislation³⁹.

FOI material⁴⁰ confirms that the position description for CFO only found Assistant Commissioner, Finance and People – Candidate Information Pack inclusive of position description with dates in June 2023. Significant organisational and structural changes have taken place since 2023 making this position description invalid. Therefore, **no position description for CFO, for on or around 23 September 2025, was found** as part of the NDIS Commission’s FOI search processes.

³³ Auditor-General Report No. 17 2025–26: Audits of the Financial Statements of Australian Government Entities for the Period Ended 30 June 2025 (Pg 286)

³⁴ NDIS Commission FOI Release FOI(82) 2025-26(2) (date of decision 18 December 2025), contained material approving annual leave for Ms Glanville between 11 September to 6 October 2025 incl

³⁵ NDIS Commission Annual Report 2024/25 (pg 97)

³⁶ NDIS Commission FOI Release FOI(81) 2025-26(2) (date of decision 19 December 2025)

³⁷ NDIS Commission FOI Release FOI(81) 2025-26(2) (date of decision 19 December 2025) and Attachment 5

³⁸ NDIS Commission FOI Release FOI(68) 2025-26(2) (date of decision 18 December 2025)

³⁹ APS Classification Rules to allocate an approved classification with this allocation based on work level standards, PS Act section 10A(1)(d) for performance, PS Act section 10A(2) relating to engagement or promotion (merit), and details: job purpose, duties, capabilities, skills/experience/qualifications etc

⁴⁰ NDIS Commission FOI Release FOI(68) 2025-26(2) (date of decision 18 December 2025)

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Nevertheless, further investigation has discovered that the NDIS Commission's CFO as stated in the 2024/25 Annual Report⁴¹, on (and before) 30 June 2025, was Ms Rebecca Tyler. **Ms Tyler remained in the CFO position to a date on or around 24 August 2025.** On 25 August 2025, an organisational structure update disestablished the position of CFO, along with the Chief Operating Officer position and reporting line (**see Attachment 5**).

Following organisational restructures in the first quarter of FY 2025/26 (post 25 August 2025), the position of CFO was not identified. The position of CFO was only re-established on 17 November 2025 following another organisational structure update (**see Attachment 6**).

Further to this, on 8 December 2025, following a further organisational structure update, the subject position was again re-titled Assistant Commissioner, Enabling Services but with CFO included in brackets (**see Attachment 7**).

On 23 September 2025, the NDIS Commission did not have a CFO position. Consequently, Anne Fleischer's action in signing the statement and providing an opinion as CFO was not compliant with established protocols. **Furthermore, its acceptance by the accountable authority warrants further examination.**

NDIS Commissioner Core Functions and Performance⁴²

Section 5 of the PGPA Act sets out the objects of the Act, which include requiring Commonwealth entities to provide meaningful performance information to the Parliament and the public.

Between 1 July 2022 and 30 June 2024, the NDIS Commission published quarterly reports containing information relating to its regulatory activities, including compliance outcomes. The 2023–24 Annual Performance Statements, tabled in the Parliament, included compliance outcome data reported under Performance Measure 3.1 for 2022–23 and 2023–24. Data in the Annual Performance Statements did not reconcile to the data in the quarterly reports. There was no record of the data sources or methodology used to determine the figures published in the Annual Performance Statements. Variances within compliance action data reported between quarterly reports also do not reconcile. Assurance over the completeness and accuracy of the NDIS Commission's publicly reported performance data for 2023–24 could not be obtained⁴³.

The NDIS Commission does not have oversight of all the NDIS providers delivering services in the market as there is no requirement for all providers to be registered. In the

⁴¹ NDIS Commission Annual Report 2024/25 (pg 21)

⁴² Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions and Auditor-General Report No. 25 2024–25: Performance Statements Auditing in the Cth — Outcomes from the 2023–24 Audit Program

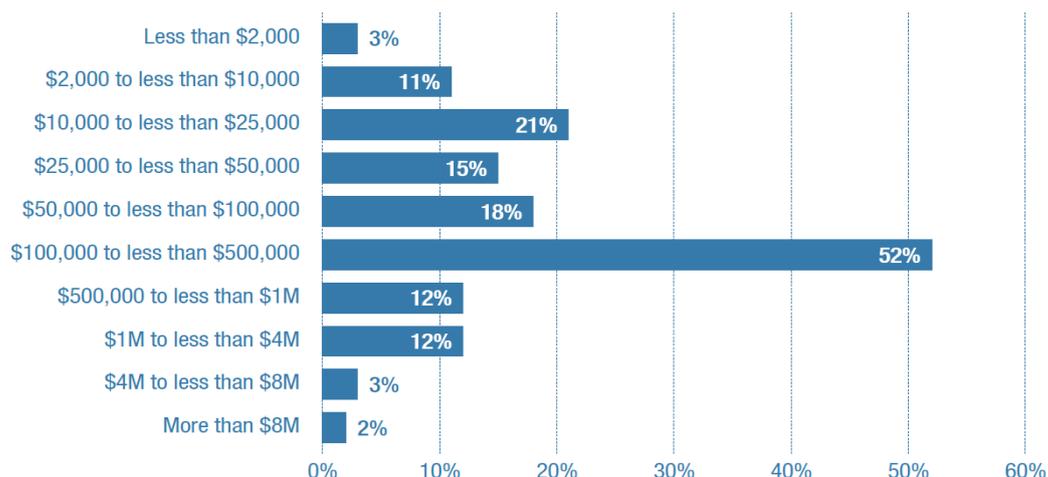
⁴³ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions (Pg 78)

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fourth quarter of 2024–25, 94 per cent of active providers were unregistered and received 42 per cent of plan managed NDIS payments. The NDIS Commission’s arrangements to monitor the market and provider compliance did not include arrangements to monitor and mitigate the risks of unplanned service withdrawal — **a core function⁴⁴ of the NDIS Commissioner** under the NDIS Act⁴⁵. The ‘Cocoon SDA Care’ provider service withdrawal is but one of the examples where it could be argued that the NDIS Commission did not suitably mitigate the risks of service withdrawal, leaving 438 vulnerable participants scrambling to find new providers.

Furthermore, only 17% of National Disability Services respondents support the role of the NDIS Commission with confidence in the NDIS Quality and Safeguarding Framework considered weak, and only 28% believing it supports the quality of services and outcomes. Survey results show the sector is under significant strain. Nearly half of providers reported a financial loss in 2024/25, while others broke even or managed only a small surplus. 81% of respondents delivering NDIS supports report that they cannot continue to provide services at current prices. Dissatisfaction with NDIS systems and processes was near-universal, with only 3% considering them to be working well. Many large, medium and small providers are considering their position of staying in the NDIS marketplace. Moreover, it was reported that a defining feature of the 2025 report was the ongoing burden of unfunded supports. 77% of organisations delivered unfunded services last year, at an average cost of almost \$500,000 per provider (**see Figure 5 below**). **This is not an abstract situation. These are risk indicators of further unplanned service withdrawal (potentially at a scale not seen before)⁴⁶.**

Figure 5 below – Number of organisations reporting amount of expenditure related to unfunded services



⁴⁴ Section 181E sets out the core functions of the NDIS Commissioner

⁴⁵ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission’s Regulatory Functions (pg 8)

⁴⁶ National Disability Services: State of the Disability Sector Report 2025

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Case Study

An Allied Health NDIS provider with seven stand-alone sites has been operating as a registered provider under the NDIS for eight years. Throughout this period, the provider has consistently delivered services to a client base of 500 NDIS participants and has maintained compliance, as evidenced by passing its NDIS Commission audit in December 2024.

In June 2025, the provider experienced a payment lock, resulting in fourteen (14) manual payment reviews over a six month period; and over 3270 service claims being withheld, totalling over \$600,000. This action significantly impacted the organisation's cash flow and created an immediate financial strain. In response, the provider attempted to engage with the NDIA Integrity Unit and the NDIA senior executives on multiple occasions and sought legal assistance to help navigate the situation.

Actions Taken

- Multiple meetings with NDIA Integrity to clarify and resolve the payment issues.
- Engagement of a legal representative to advocate and assist in discussions with the NDIA.
- Direct communication with the NDIS Commissioner in early July 2025, highlighting the risk of unplanned service withdrawal and the potential adverse impact on clients. The provider was referred to NDIA.
- Ongoing advocacy resulted in the partial release of some payments, demonstrating some success in negotiations.

Outcomes

Despite these interventions, the prolonged cash flow difficulties led to insolvency concerns. Ultimately, the provider was compelled to close operations in December 2025, directly affecting the continuity of care for its NDIS clients. This case underscores the critical importance of timely payment processes and effective communication between providers, the NDIA, and the regulatory body to safeguard essential services for vulnerable participants.

The remaining payment locks have yet to be released. No notices of fraudulent activity have been raised by the NDIA. No infringement or other notices have been issued by the NDIS Commission.

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In response to the ANAO recommendation 7 (unplanned service withdrawal)⁴⁷, the NDIS Commission stated it would address this by developing a strategy or plan that sets out the Commission's approach to market oversight, and through activities that include contributing with the NDIA to the Provider Registrations and Exits Schedule Oversight Group (**The Group**), which the NDIS Commission says considers how to monitor and mitigate the risks of unplanned service withdrawal and contributes to informing market oversight activities. **In the NDIS Commission's response, it is not clear what the risk-based planned approach to market oversight will be.**

With respect to the operation of the Group, it appears to be an unofficial or internal reference term, as no specific, documented group is publicly available, nor does it form part of the NDIS Commission governance structure, either by itself or as an identified intelligence input to other governance bodies⁴⁸.

How can these arrangements be an effective mechanism to monitor and mitigate the risks of unplanned service withdrawal if they do not feed into the NDIS Commission's governance (and decision) structure? **Importantly, this aspect is a core function of the NDIS Commissioner.** As previously mentioned, there are material risk indicators of further unplanned service withdrawal (potentially at a scale not seen before) currently present in the marketplace.

A further **core function of the NDIS Commissioner under the NDIS Act is to provide advice or recommendations to the NDIA or its Board in relation to the performance of the NDIA's functions.** Decision from FOI release⁴⁹ covering the period 1 July 2024 to 8 September 2025 determined there were no documents or other written advice with respect to the NDIS Commissioner exercising the power for this core function. During this period, the NDIA has reported the worst results in its history for compliance with PSG timeframes and the cost to administer a participant increasing exponentially yet the participant outcomes have declined. **Participant safety has been undermined by NDIA's performance.**

And with respect to a further **core function of the NDIS Commissioner under the NDIS Act to engage in, promote and coordinate information sharing to achieve the objects of the NDIS Act**, this has been subject of a recommendation from an Inquiry on the Operation of the NDIS Commission and in operation of information sharing protocols in place, the ANAO found the Commission was partly effective⁵⁰.

⁴⁷ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions (Pg 62)

⁴⁸ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions (Pg 24)

⁴⁹ NDIS Commission FOI Release (39) 25/26-1 (date of decision 7 October 2025)

⁵⁰ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions

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Previous Joint Standing Committee NDIS Inquiry⁵¹

The 2020 Inquiry made 30 recommendations. The Australian Government supported 21 recommendations with the remaining being referred to the then independent review of the NDIS.

Recommendation 2 from the 2020 Inquiry (**see Attachment 8**) set out an action to develop information sharing protocols with states and territories, and, as appropriate, publish these protocols on the NDIS Commission's website.

In the Australian Government's April 2023 response, it supported the action with the response outlining that more than 75 state and territory agencies had sharing protocols in place with these directly relating to the functions of the NDIS Commissioner. Further in this response, **it stated that information sharing protocols will be revised to reflect new or amended NDIS Rules related to information disclosure.**

The ANAO 2025 audit: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions, found in addition to being partly effective in exercising its regulatory functions, **it also had partly effective intelligence gathering and information sharing arrangements in place.**

Specifically, the audit found the Commission has arrangements to share information with Australian Government entities, including the NDIA, and state and territory government entities but **the documentation supporting these arrangements is not complete. The disclosure record for information shared does not meet the requirements of the NDIS Rules 2018⁵².**

The ANAO found the arrangements incomplete and under review. The Commission lacks processes to ensure disclosures comply with legislation.

The lack of evident progress on this topic between the 2020 Inquiry and the 2025 ANAO audit raises legitimate concerns.

Competence of Regulator

After the ANAO's assessment of **partly effective**, it is important to clarify the mandates, roles, and functions outlined in the legislation. This involves defining performance measures and determining how these goals are met. Currently, many of the performance measures for the NDIS Commission do not clearly align with the legislative functions of the NDIS Commissioner or the NDIS Commission.

⁵¹ Inquire and Report on the Operation of the NDIS Quality and Safeguards Commission 2020 (Report 2021)

⁵² Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions (Pg 39 and 40) (Disclosures in the Information Disclosure Record were inconsistent with the requirements of s13 of the Disclosure Rules with one example: 183 records captured decisions not to de-identify personal information and not to consult affected individuals before disclosing NDIS information under an exception in subsections 10(3), 11(6) or 11(7) of the Disclosure Rules)

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For example:

Number 1. A core function of the NDIA Commissioner is to provide advice or recommendations to the NDIA or its Board in relation to the performance of the NDIA's functions. As previously mentioned, FOI releases from 1 July 2024 to 8 September 2025 determined the current Commissioner has never enabled this legislation. Has there been reason to? There are many documented examples of harm, at scale, to participants from senate estimates testimony, Commonwealth Ombudsman's reports including on PSGs⁵³, to other available government reports, including both NDIS Quarterly Reports and NDIA Annual Reports. NDIA's planning function is of mention in many of the reporting events, as well as the appalling adherence to PSGs. **There is no performance measure publicly reported for the NDIS Commissioner's performance for this core function.**

Number 2. A core function of the NDIS Commissioner is to provide NDIS market oversight, including by monitoring changes in the NDIS market which may indicate emerging risks, and monitoring and mitigating the risks of unplanned service withdrawal. As previously mentioned, including in the ANAO's audit findings, the Commission's arrangements to monitor the market and provider compliance did not include arrangements to monitor and mitigate the risks of unplanned service withdrawal. Moreover, the Commission's 2025/26 risk oversight and treatments do not include unplanned service withdrawal and the impact to quality of services provided to, and safeguarding of, participants. **There is no performance measure publicly reported for the NDIS Commissioner's performance for this core function.**

Independence is generally upheld through statutory provisions governing the entity, which encompass appointment processes, conflict of interest management, and the establishment and maintenance of accountability frameworks. Furthermore, organisational culture plays a crucial role in ensuring the competence of the regulator.

Independent regulators, like the NDIS Commission, are accountable to Parliament (ie. senate estimates, ANAO scrutiny). Additionally, Statements of Intent in response to ministerial Statements of Expectations are accountability mechanisms. **It is noted that the latter was a failing in the recent ANAO audit⁵⁴.**

Before the audit, the Minister for the NDIS issued a Statement of Expectations to the then NDIS Commissioner on 20 December 2022, and the NDIS Commissioner responded with a Statement of Intent dated March 2023. It was not until after receipt of the ANAO audit report⁵⁵ that this government expectation of regulators was met under

⁵³ Commonwealth Ombudsman: Investigation into the National Disability Insurance Agency's preparation to meet the Participant Service Guarantee (June 2022), Actions Speak (October 2025)

⁵⁴ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions

⁵⁵ Auditor-General Report No. 2 2025–26: Effectiveness of the NDIS Quality and Safeguards Commission's Regulatory Functions

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the current NDIS Commissioner. The current NDIS Commissioner signed the Statement of Intent on 16 October 2025 (more than a year after commencing as Commissioner).

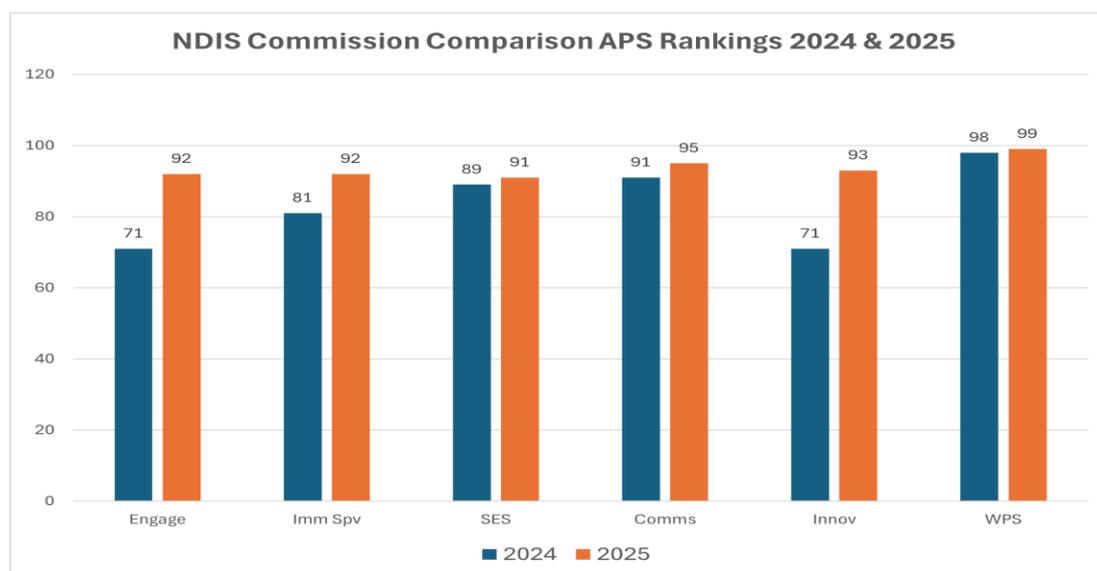
This reflects the standard of regulator competence where current guidance⁵⁶ suggests these statements should be refreshed every two years, or earlier where there is a change in Minister, or change in regulator leadership. During this time, there was also a Federal Election, a number of ministerial appointment changes and subsequent machinery of government implementation. **These major changes should have raised a flag to any competent regulator.**

As a result of the delayed change to the statements, new reporting reflecting the statements will not commence until Quarter 2, 2025/26.

With respect to culture of the organisation, the recent APS 2025 Census provided a lens into the Commission. 73% of staff or 744 out of 1015, participated in the census with the Commission’s APS ranking showing a loss of standing across all six survey indices of:

- Employee Engagement
- Immediate Supervisor
- SES Manager
- Communication
- Enabling Innovation
- Wellbeing Policies and Support

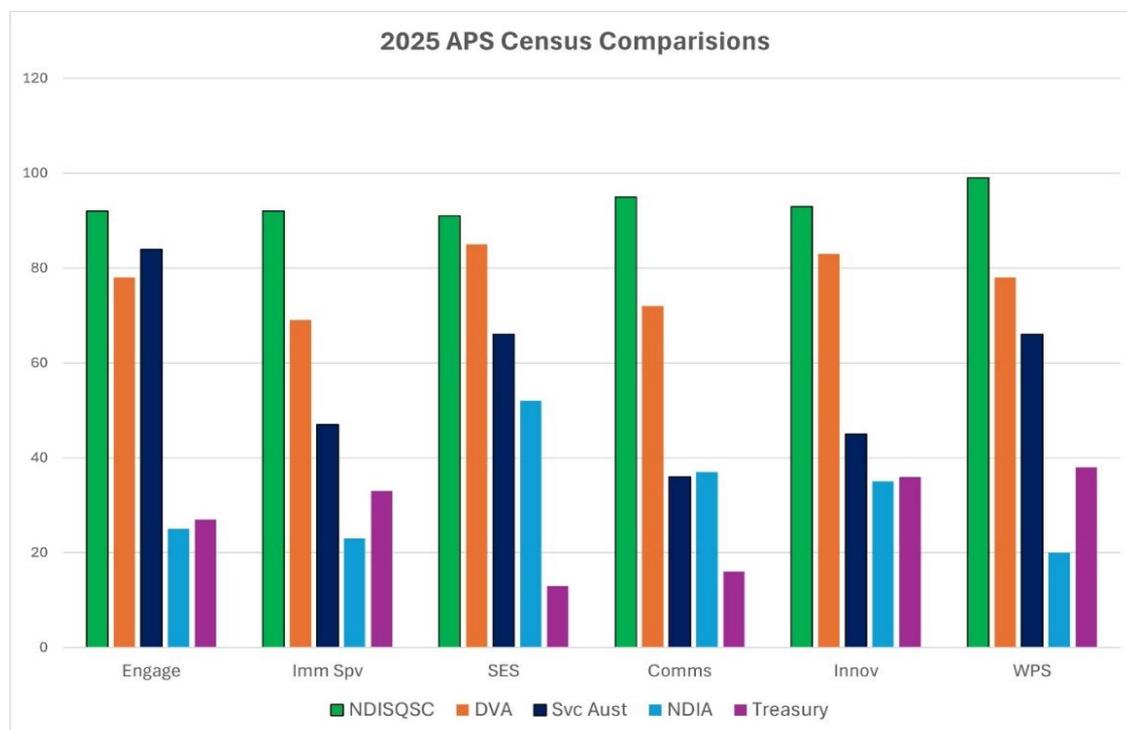
The Commission’s census ranking results for 2024 and 2025, as a comparison, is shown below in **Figure 6**.



⁵⁶ Regulator Performance (RMG 128), <https://www.finance.gov.au/government/managing-commonwealth-resources/regulator-performance-rmg-128>, accessed on 18 December 2025

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As a comparison to other APS organisations, **Figure 7 below**, shows the ranking results against Department of Veteran Affairs (DVA), Services Australia (Svc Aust), NDIA and as a recognised top APS performer, Department of Treasury (Treasury).



Taking into consideration the discussion points in this submission, the evidence available and the ANAO’s findings of **partly effective for exercising regulatory functions and information sharing**, the Commission needs to take disciplined, long-lasting action to improve, including tighter governance controls paired with accountable, public-facing actions to regain trust both within the organisation with its staff, and more broadly with the community that it is a functioning regulator and a well governed public service organisation.

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List of Recommendations

DHDA

1. DHDA Legislative Compliance and NDIA Board Appointments.

- a. To record matters of timeliness and compliance with legislative obligations, including those set forth by Senate Order 15, **it is recommended that the Committee issue an adverse finding** concerning NDIA Board appointments and the observed non-compliance with Senate Order 15.
- b. To address transparency and procedural issues, **the Committee should more thoroughly review the NDIA Board appointment processes.**

NDIA

1. **NDIA Board Appointments.** In order to record matters of timeliness and compliance with legislative obligations, **it is recommended that the Committee issue an adverse finding** concerning NDIA Board appointments.

2. **Financial Sustainability – NDIA Internal Operating Costs.** To enhance the monitoring of financial sustainability risks and NDIA performance, **the Committee recommends additional performance measures within the appropriate section of the NDIA Corporate Plan.** The proposed design outline is as follows:

- a. **Part A. Performance measure– NDIA Operating Expense as a Percentage of Participant Costs** (<=5.5% largely efficient, =>5.5% partly efficient, >6.5% not efficient).
- b. **Part B. Performance measure – NDIA Operating Expense per Participant** (<=\$3,500 largely efficient, => \$3,500 partly efficient, > \$4,000 not efficient).

3. Strategic Commissioning Framework (the Framework) - NDIA Workforce.

- a. **Part A. The Committee recommends that the NDIA immediately suspend any further increases in outsourcing numbers and temporarily pause APS recruitment** until workforce validation activities, as outlined in **Part B**, are completed.
- b. **Part B.** To support the new Needs Assessment Model (NAM) starting mid-2026, **the Committee recommends the ANAO (with the assistance of the APS Commissioner) urgently analyse NDIA’s workforce and capability to ensure proper Framework execution and prevent double-dipping.** This should include rebalancing roles to streamline layers, widen control spans, eliminate duplication (APS vs outsourced), remove non-standard and non-

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core roles, audit corporate functions to a benchmarked percentage of staff, and set professional standards for administering decisions under NAM.

NDIS Commission

1. **Legislative Compliance.** The Committee regards the legislative and compliance matters described in this submission as issues of considerable public importance. Given their relevance to regulatory operations and the delivery of public services, **the Committee recommends that the NDIS Commissioner provide written clarification and disclosure concerning any identified irregularities, updates, or inaccuracies in publicly reported information.** This measure is intended to enhance transparency and uphold public trust in statutory reporting.
2. **CFO Signature Matter.** Recognising the importance of presenting a statutory report to Parliament and upholding public trust in the APS, the Committee:
 - a. **Recommend to the Minister for NDIS that the NDIS Commissioner invest in ongoing capability development for senior executives and relevant staff at the NDIS Commission,** including targeted training in ethical decision-making, financial management, and statutory reporting requirements.
 - b. **Agree** that acceptance by the accountable authority warrants further examination and **recommend further evidence from the NDIS Commissioner** regarding this matter.
 - c. To record matters of compliance with legislative obligations, **it is recommended that the Committee issue an adverse finding** regarding this matter.
3. **Disregard for Parliamentary Inquiries and follow up.** Considering the ongoing administrative challenges and concerns regarding the standard of public service delivery, and considering the audit priorities of the Parliament of Australia as set by the JCPAA, **it is recommended that the NDIS Commission's FY 2025/26 annual report be scheduled for audit in FY 2026/27.**
4. **NDIS Commissioner's Core Functions.** The **Committee recommends the NDIS Commissioner, on an annual basis, publicly report and explain performance in relation to the core functions**⁵⁷.

⁵⁷ Section 181E sets out the core functions of the NDIS Commissioner

Department of Health, Disability & Ageing (DHDA) Non-compliance with Senate Order 15

The screenshot shows the website header with the Australian Government logo and the Department of Health, Disability & Ageing name. Navigation links include 'About us', 'Ministers', 'News', and 'Contact us'. A search bar is present with the text 'Search this website'. The main navigation bar includes 'Home', 'Topics', 'Our work', 'Resources', and 'Translations'. The breadcrumb trail reads: 'Home > About us > Corporate reporting > Our reporting obligations'. The main heading is 'Appointments and vacancies (Senate Order 15)' with a sub-heading: 'All appointments made and existing vacancies to be filled by Government appointment.' There are icons for 'Listen', 'Print', and 'Share'. The main content area features a blue box with the heading 'Departmental and agency appointments and vacancies (Senate Order 15 Listing)' and a sub-heading: 'Our appointments and vacancies listings as required by Senate Order 15 – Departmental and agency appointments and vacancies.' Below this, it says 'Date last updated: 25 February 2025' and 'Tags: About the department'. At the bottom, there is a link: 'Is there anything wrong with this page?'. On the right side, there is an 'About us' section with a list of links: 'The Australian health system', 'What we do', 'Who we are', 'Work with us', '100 years of Health', 'Art in the Yaradhang building', and 'Corporate reporting'.

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

Australian Government
Department of Health, Disability and Ageing

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Departmental and agency appointments and vacancies (Senate Order 15 Listing)

Our appointments and vacancies listings as required by Senate Order 15 – Departmental and agency appointments and vacancies.

We publish listings of:

- all appointments made by the government to Commonwealth bodies in [our portfolio](#)
- all existing vacancies in our portfolio to be filled by government appointment.

Commonwealth bodies include statutory authorities, executive agencies, advisory boards and government business enterprises.

We are required to do this by [Senate Order 15 — Departmental and agency appointments and vacancies](#).

Older reports are available on the [National Library of Australia's web archive](#).

Appointments and vacancies – 11 March 2025 to 31 August 2025

NDIA Board Appointments to 17 October 2025

Australia

Current board appointments

Position	Appointee	Start Date	End Date
<u>Chair</u>	<u>Mr. Kurt Fearnley AO</u>	18 October 2022	17 October 2025
<u>Member</u>	<u>Ms. Joan McKenna-Kerr AM</u>	1 April 2023	31 March 2026
<u>Member</u>	<u>The Hon Dr. Denis Napthine</u>	18 October 2022	17 October 2025
<u>Member</u>	<u>Ms. Estelle Pearson</u>	11 October 2023	10 October 2026
<u>Member</u>	<u>Mr. Mark Darras</u>	24 November 2023	23 November 2026
<u>Member</u>	<u>Dr Graeme Innes AM</u>	18 October 2022	17 October 2025
<u>Member</u>	<u>Dr. Ian Watt AC</u>	28 August 2024	27 August 2027
<u>Member</u>	VACANT		
<u>Member</u>	<u>Dr. Richard Fejo</u>	1 April 2023	31 March 2026
<u>Member</u>	<u>Ms. Leah van Poppel</u>	1 January 2025	31 December 2027
<u>Member</u>	<u>Dr. Rhonda Galbally AC</u>	1 January 2025	31 December 2027
<u>Member</u>	<u>Ms. Maryanne Diamond AO</u>	18 October 2022	17 October 2025

Last updated: 16 May 2025

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

NDIA Board Appointments Changed on 18 October 2025

Current board appointments

Position	Appointee	Start Date	End Date
<u>Chair</u>	VACANT		
<u>Member</u>	<u>Ms. Joan McKenna-Kerr AM</u>	1 April 2023	31 March 2026
<u>Member</u>	VACANT		
<u>Member</u>	<u>Ms. Estelle Pearson</u>	11 October 2023	10 October 2026
<u>Member</u>	<u>Mr. Mark Darras</u>	24 November 2023	23 November 2026
<u>Member</u>	VACANT		
<u>Member</u>	<u>Dr. Ian Watt AC</u>	28 August 2024	27 August 2027
<u>Member</u>	VACANT		
<u>Member</u>	<u>Dr. Richard Fejo</u>	1 April 2023	31 March 2026
<u>Member</u>	<u>Ms. Leah van Poppel</u>	1 January 2025	31 December 2027
<u>Member</u>	<u>Dr. Rhonda Galbally AC</u>	1 January 2025	31 December 2027
<u>Member</u>	VACANT		

Last updated: 16 May 2025

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

NDIA Board Appointments Changed on 24 October 2025

Current board appointments

<u>Position</u>	<u>Appointee</u>	<u>Start Date</u>	<u>End Date</u>
<u>Chair</u>	<u>Mr. Kurt Fearnley AO</u>	18 October 2025	17 January 2026
<u>Member</u>	<u>Ms. Joan McKenna-Kerr AM</u>	1 April 2023	31 March 2026
<u>Member</u>	<u>The Hon Dr. Denis Napthine</u>	18 October 2025	17 January 2026
<u>Member</u>	<u>Ms. Estelle Pearson</u>	11 October 2023	10 October 2026
<u>Member</u>	<u>Mr. Mark Darras</u>	24 November 2023	23 November 2026
<u>Member</u>	<u>Dr Graeme Innes AM</u>	18 October 2025	17 January 2026
<u>Member</u>	<u>Dr. Ian Watt AC</u>	28 August 2024	27 August 2027
<u>Member</u>	VACANT		
<u>Member</u>	<u>Dr. Richard Fejo</u>	1 April 2023	31 March 2026
<u>Member</u>	<u>Ms. Leah van Poppel</u>	1 January 2025	31 December 2027
<u>Member</u>	<u>Dr. Rhonda Galbally AC</u>	1 January 2025	31 December 2027
<u>Member</u>	<u>Ms. Maryanne Diamond AO</u>	18 October 2025	17 January 2026

Last updated: 16 May 2025

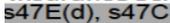
DHDA Ministerial Submission and associated documentation – NDIA Board Appointments

The Hon Amanda Camm MP
Minister for Families, Seniors and Disability Services
GPO Box 2031
BRISBANE QLD 4000

Dear Minister 

I am writing to consult with you on  and acting arrangements of three members of the National Disability Insurance Agency (NDIA) Board.

As you would be aware, the NDIA Board plays a critical role in overseeing the strategic direction, governance, and performance of the National Disability Insurance Scheme (NDIS). Its members provide expert leadership and guidance to ensure the Scheme delivers on its objectives and continues to improve outcomes for participants across Australia.

In this context, and in accordance with subsection 127(3) of the *National Disability Insurance Scheme Act 2013* (NDIS Act), 


In addition, NDIA Board members Ms Maryanne Diamond AO, Dr Graeme Innes AM, and Dr Denis Naphine AO, current terms are also set to expire on 17 October 2025. In accordance with section 129 of the NDIS Act, I wish to advise you of my intention to act Ms Diamond, Dr Innes, and Dr Naphine as members of the NDIA Board for a period of three months commencing 18 October 2025, while longer term arrangements are considered.

If you have any comments on these acting arrangements, I would appreciate your feedback as soon as possible.

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

The Honourable Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme
Minister.Butler@health.gov.au

Dear Minister



Thank you for your letter on 13 October 2025 regarding the proposed appointment arrangements for the Chair of the National Disability Insurance Agency (NDIA) Board and three Board members.

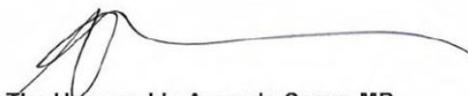
Noting the imminent expiry of the NDIA Board Chair and three Board member positions, I confirm my support for the proposed three-month acting arrangements for Mr Kurt Fearnley AO, Ms Maryanne Diamond AO, Dr Graeme Innes AM and Dr Denis Naphine AO. I note the proposed short-term arrangements will ensure continuity for the NDIA Board while longer-term arrangements are considered.

Queensland's position for the longer-term appointments to the NDIA Board is that appointments should be done through a transparent and open recruitment process. As joint shareholders in the scheme, it is important that, in addition to the right mix of skills and experience, there is adequate representation of members from each state and territory on the Board. This would ensure shared governance of the scheme at every level and provide the Australian community with confidence the NDIA Board includes diverse representation.

In this regard, there is a need for clarity and certainty about the process that will be established for recruitment and appointment of individuals for future appointments to the NDIA Board. I request this matter be addressed as an agenda item at a Disability Reform Ministerial Council meeting. This would ensure there is a solid plan within the current reform context regarding how Board appointments will be managed to ensure appropriate constitution of the Board.

If you require any further information or assistance in relation to this matter, please contact s47F, Chief of Staff in my office on s47F who will be happy to assist.

Yours sincerely



The Honourable Amanda Camm MP
Minister for Families, Seniors and Disability Services and
Minister for Child Safety and the Prevention of Domestic and Family Violence

17, 10, 2025

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

~~PROTECTED//CABINET~~

FOI 26-2372 - Document 12



Australian Government
Department of Health,
Disability and Ageing

Ministerial Submission
Appointments Three - Appoint
MS25-902908
Version (3)
Date sent to MO: 13/10/25

To: Minister Butler

cc: Minister McAllister

Subject: ~~s47C, s47E(d)~~ Chair of the National
Disability Insurance Agency (NDIA) Board, and acting appointments to Board
Chair and other Board positions

Critical date: 16 October 2025, noting Mr Fearnley's current term expires on 17 October 2025.

Recommendations:

1. Note the legislative requirements relating to the appointment of the Board Chair, and acting appointments of Board members. 1. Noted/Please discuss
2. Agree to ~~s47E~~ as NDIA Board Chair (Board Chair) for a period of 3 years. 2. Agreed/Not agreed/Please discuss
3. Agree to appoint Mr Kurt Fearnley as acting Board Chair from 18 October 2025 to 17 January 2025. 3. Agreed/Not agreed/Please discuss
 - a. Sign the Instrument of Acting Appointment at Attachment D to give effect to this acting arrangement. 4. Signed/Not Signed
4. Agree to appoint acting Board members whose terms expire on 17 October 2025 for 3 months, pending a decision on longer term Board appointments. 4. Agreed/Not agreed/Please discuss
5. Sign the letters to the state and territory disability ministers at Attachment B, as per the legislative requirement to consult with them on the Chair appointment and acting appointments of Board members. 5. Signed/Not Signed
6. Sign the Instruments of Acting Appointment at Attachments E1 to E3 to give effect to these acting appointments, once the state and territory consultation requirements referred to in Recommendation 5 have been satisfied. 6. Signed/Not Signed
7. Sign the Letter to the Prime Minister at Attachment C ~~s47C, s47E(d)~~. 7. Signed/Not Signed

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Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

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~~PROTECTED//CABINET~~

8. Note that a separate brief will be provided to you regarding options for filling an existing Board vacancy, and the 3 upcoming vacancies. 8. Noted/Please discuss

Signature  Date: 13/10/2025

Comments: Please provide Min MCA and me with a brief about upcoming board vacancies before the end of October

Contact Officer:	James MacIsaac	First Assistant Secretary, NDIS Participants and Performance, Disability and Carers	Mobile: s47E
Clearance Officer:	Luke Mansfield	A/g Deputy Secretary, Disability and Carers Group	Mobile: s47E

Submission summary:
s47C, s47E(d)
s47C, s47E(d) it seeks your approval to appoint Mr Fearnley as acting Board Chair for a period of 3 months. It also seeks your agreement to appoint 3 acting Board members, pending decision on longer term appointments.

Appointment Details:

- The requirements for managing appointments to the NDIA Board are outlined in the *National Disability Insurance Scheme Act 2013* (NDIS Act) and the *Cabinet Handbook 15th Edition*.
- As outlined in the NDIS Act, the NDIA Board is comprised of the Board Chair and up to 11 members. A full list of Board members and their term expiry dates is at **Attachment A**.
- The term of the current Board Chair, Mr Fearnley, is due to expire on 17 October 2025. Mr Fearnley was appointed Board Chair on 18 October 2022 for a period of 3 years.
- s47C, s47E(d)
- Section 127(3) of the NDIS Act outlines the legislative requirement to consult with jurisdictions about the appointment of the Board Chair. The Act does not specify what form this consultation must take. States and territories do not have to agree to the appointment.
- To fulfill this requirement, a letter to the state and territory disability Ministers advising them of your intention s47C, s47E(d) is provided at **Attachment B** for your signature.
- The appointment of the Board Chair is considered a significant appointment, requiring the approval of the Prime Minister or, at his discretion, Cabinet. A letter to the Prime Minister seeking this approval is provided at **Attachment C** for your signature.

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

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8. ~~s47C, s47E(d)~~ we seek your agreement to appoint Mr Fearnley as acting Chair for a period of 3 months. You are not required to consult the states and territories for acting arrangements for the Board Chair. Since no acting arrangement is already in place, approval of the Prime Minister or, at his discretion Cabinet, does not need to be sought.
- a. To facilitate the timely implementation of the acting appointment, an Instrument of Appointment is included at **Attachment D** for your signature, should you agree.
9. The terms of 3 Board members, Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Napthine AO, are also due to expire on 17 October 2025. There is also one Board vacancy. The department will provide a separate brief outlining options for filling these 4 Board positions.
10. In the interim we seek your agreement to appoint Ms Diamond, Mr Innes and Dr Napthine as acting Board members for a period of 3 months commencing from 18 October 2025. This will provide continuity for the Board while longer term arrangements are being considered.
- a. To facilitate the timely implementation of these acting appointments, Instruments of Appointment are included at **Attachments E1-E3** for your signature, should you agree.
11. Section 129 of the NDIS Act outlines the legislative requirement to consult with jurisdictions on the acting appointments of Board members. To fulfil this requirement the letter at **Attachment B** advises state and territory disability ministers of your intention to appoint Ms Diamond, Mr Innes and Dr Napthine as acting Board members.

12. ~~s47C, s47E(d)~~

Background:

13. The NDIA Board is established under the NDIS Act. Its functions are to ensure the proper, efficient and effective performance of the NDIA's functions; determine objectives, strategies and policies to be followed by the NDIA; and any other functions conferred on the Board by or under the NDIS Act, the associated regulations or instruments made under the NDIS Act, or any other law of the Commonwealth.

Gender Diversity on Australian Government Boards:

14. From 1 July 2016, the Australian Government stipulated a gender diversity target whereby women are to hold at least 50% of positions on Government boards and committees, and at least 40% of positions on individual boards and committees.
15. The composition of the NDIA Board (including the Chair) has been 45.5% female and 54.5% male representation.

Sensitivities:

16. The NDIS Act requires consultation with, not agreement from, the states and territories for a Board Chair appointment, and acting appointments for other (non-Chair) Board members. It is important that consultation with state and territory ministers takes place before the letter to the Prime Minister is sent, and the Instruments of Acting Appointment of other Board members is signed, despite the tight timeframes involved.

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Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

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Remuneration/Financial Implications:

17. The remuneration of Board Members is set by the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-Time Public Office) Determination 2025* (determination). Under this determination, the Board Chair is entitled to \$159,500 per annum and Tier 1 travel allowance, and \$79,760 per annum and Tier 1 travel allowance for other Board members.
18. The determination notes a member (other than the Chair) who is also appointed to the Sustainability Committee is entitled to additional fees as follows:
 - a. for the Chair of the Sustainability Committee—\$13,850 per year.
 - b. for a member of the Sustainability Committee—\$6,940 per year.
19. s47F

Timing/Handling:

20. Reappointments can take considerable time to formalise. This is particularly so in this case due to the need to have the Prime Minister or, at his discretion, Cabinet, approve all NDIA Board appointments.
21. Timely consideration is requested to support preparation of appointment documentation, as well as to give effect to acting arrangements before the expiry of the term of the Chair and 3 other board members on 17 October 2025.

Consultations:

22. Consultation has occurred with your office regarding the proposed approach. The department's Ministerial Appointments Reporting and Committee Support (MARCS) team and Legal Division have also been consulted.

Communication Activities:

23. A communication strategy will be developed to announce the reappointment once agreement from the Prime Minister or Cabinet has been finalised.

Attachments:

- A: List of current Board Members
- B: Letter to State and Territory Disability Ministers
- C: Letter to the Prime Minister
- D: Instrument of Acting Appointment to appoint Mr Kurt Fearnley AO
- E1-E3: Instruments of Acting Appointment to appoint Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Napthine AO
- F1: s47F
- F2: s47F
- F3: s47F
- G: s47C, s47E(d)

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

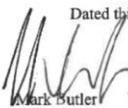
INSTRUMENT OF ACTING APPOINTMENT

Acting Chair of the Board of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Mr Kurt Fearnley AO** under section 129(1) of the *National Disability Insurance Scheme Act 2013* as the acting Chair of the Board of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this day of 2025


Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

This document was released under the Freedom of Information Act 1992 (Cth) by the Department of Health, Disability and Ageing

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OFFICIAL

INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

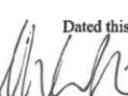
INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Ms Maryanne Diamond AO** under section 12(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this 19th day of October 2025


Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

This document is released under the Freedom of Information Act 1997 (Cth) by the Department of Health, Disability and Ageing

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

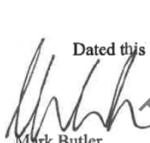
INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Mr Graeme Innes AM** under section 129(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this day of 2025


Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

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INSTRUMENT OF ACTING APPOINTMENT



COMMONWEALTH OF AUSTRALIA

DEPARTMENT OF HEALTH, DISABILITY AND AGEING

National Disability Insurance Scheme Act 2013

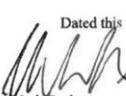
INSTRUMENT OF ACTING APPOINTMENT

Acting Board member (other than the Chair) of the National Disability Insurance Agency

I, Mark Butler, Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme:

- (a) appoint **Dr Dennis Napthine AO** under section 129(2) of the *National Disability Insurance Scheme Act 2013* as an acting Board member of the National Disability Insurance Agency for a period of three months beginning on 18 October 2025 and ending on 17 January 2026.

Dated this day of 2025


Mark Butler

Minister for Health and Ageing, Minister for Disability and the National Disability Insurance Scheme

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Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS



Australian Government
Department of Health,
Disability and Ageing

Ministerial Submission
Appointments Three - Appoint
MS25-902908
Version (1)
Date sent to MO: 1/10/25

To: Minister Butler

cc: Minister McAllister

Subject: [redacted] as Chair of the National
Disability Insurance Agency (NDIA) Board and acting arrangements of other
Board members

Critical date: 16 October 2025, noting Mr Fearnley's current term expires on 17 October 2025.

Recommendation/s:	
1. Agree to [redacted] as NDIA Board Chair for a period up to 3 years.	1. Agreed/Not agreed/ Please discuss
a. Sign the letter to the Prime Minister at Attachment C seeking his or at his discretion, [redacted]	a. Signed/Not Signed
b. Agree to appoint Mr Kurt Fearnley AO for a short term acting period from 18 October 2025 to 18 January 2026 [redacted]	b. Agreed/Not agreed/ Please discuss
2. Sign the letters to the state and territory disability ministers at Attachment B, as per the requirement to consult with them on the Chair appointment.	2. Signed/Not Signed
3. Note the legislative requirements relating to the appointment of the Board Chair.	3. Noted/Please discuss
4. Agree to act 3 Board members whose terms expire on 17 October 2025 for 3 months, pending a decision on longer term Board arrangements.	4. Agreed/Not agreed/ Please discuss
5. Note that a separate brief will be provided to you regarding options for filling an existing Board vacancy, and the 3 upcoming vacancies.	5. Noted/Please discuss

Noted.

Signature:

Date: 13/10/2025

Comments:

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS



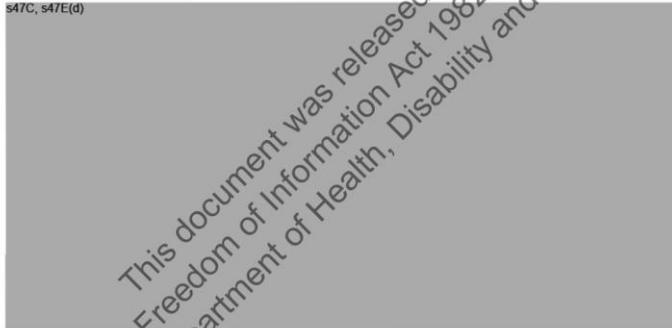
The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability and the National Disability Insurance Scheme

Ref No: MS25-902908

The Hon Anthony Albanese MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

s47C, s47E(d)



The NDIA Board is established under the *National Disability Insurance Scheme Act 2013* (NDIS Act). Its functions are to ensure the proper, efficient and effective performance of the NDIA's functions; determine objectives, strategies and policies to be followed by the NDIA; and any other functions conferred on the Board by or under the NDIS Act, the associated regulations or instruments made under the NDIS Act, or any other law of the Commonwealth.

Section 127(3) of the NDIS Act requires me to consult with the states and territories about the appointment of the Board Chair. Their agreement is not required. In that context, I have written to state and territory disability ministers about s47C, s47E(d)

s47C, s47E(d)

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

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s47C, s47E(d)

s47C, s47E(d)

in accordance with subsection 129(1) of the NDIS Act, I intend to appoint Mr Fearnley as acting Board Chair for a three-month period commencing 18 October 2025. This will ensure minimum disruption to the Board. I note that under section 129 of the NDIS Act, I am not required to consult with states and territories on the appointment of an acting Chair.

The terms of 3 other Board members, Ms Maryanne Diamond AO, Mr Graeme Innes AM and Dr Dennis Napthine AO, are also due to expire on 17 October 2025. I intend to appoint Ms Diamond, Mr Innes and Dr Napthine as acting Board members for a period of 3 months commencing from 18 October 2025. This will provide continuity for the Board while longer term arrangements are being considered.

The remuneration of Board Members is set by the *Remuneration Tribunal (Remuneration and Allowances for Holders of Part-Time Public Office) Determination 2025*. Under this determination, the Board Chair is entitled to \$159,500 per annum and Tier 1 travel allowance. Other Board members are entitled to \$79,760 per annum and Tier 1 travel allowance.

Should your office wish to discuss the above arrangements further, the relevant contact is Mr James Maclsaac, First Assistant Secretary of the Participants and Performance Division at the Department of Health, Disability and Ageing, who can be contacted on s47F

s47C, s47E(d)

Yours sincerely



Mark Butler

17/10/2025

cc: Senator the Hon Jenny McAllister, Minister for the National Disability Insurance Scheme

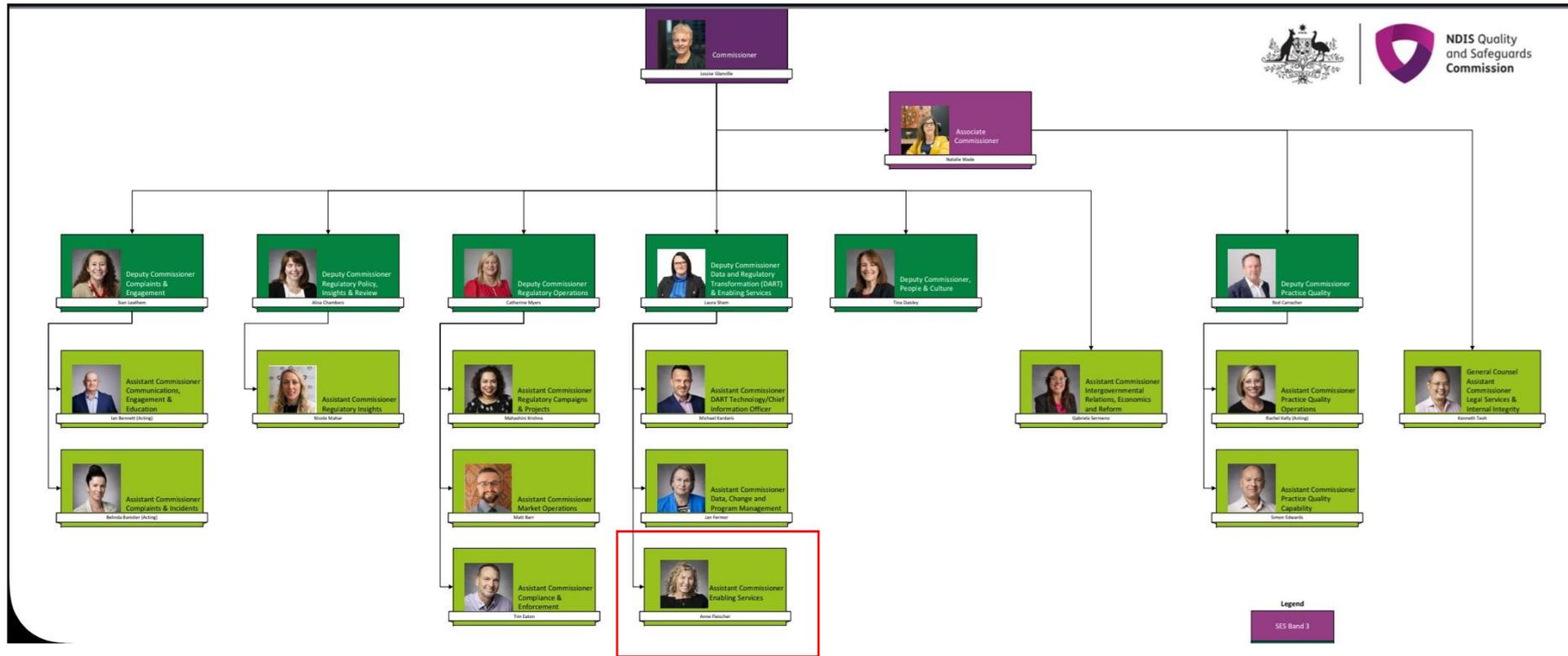
Encl (4)

- s47F - Appointment Details
- Curriculum Vitae
- Private Interests Declaration

4. Membership list of the NDIA Board as at 25 September 2025

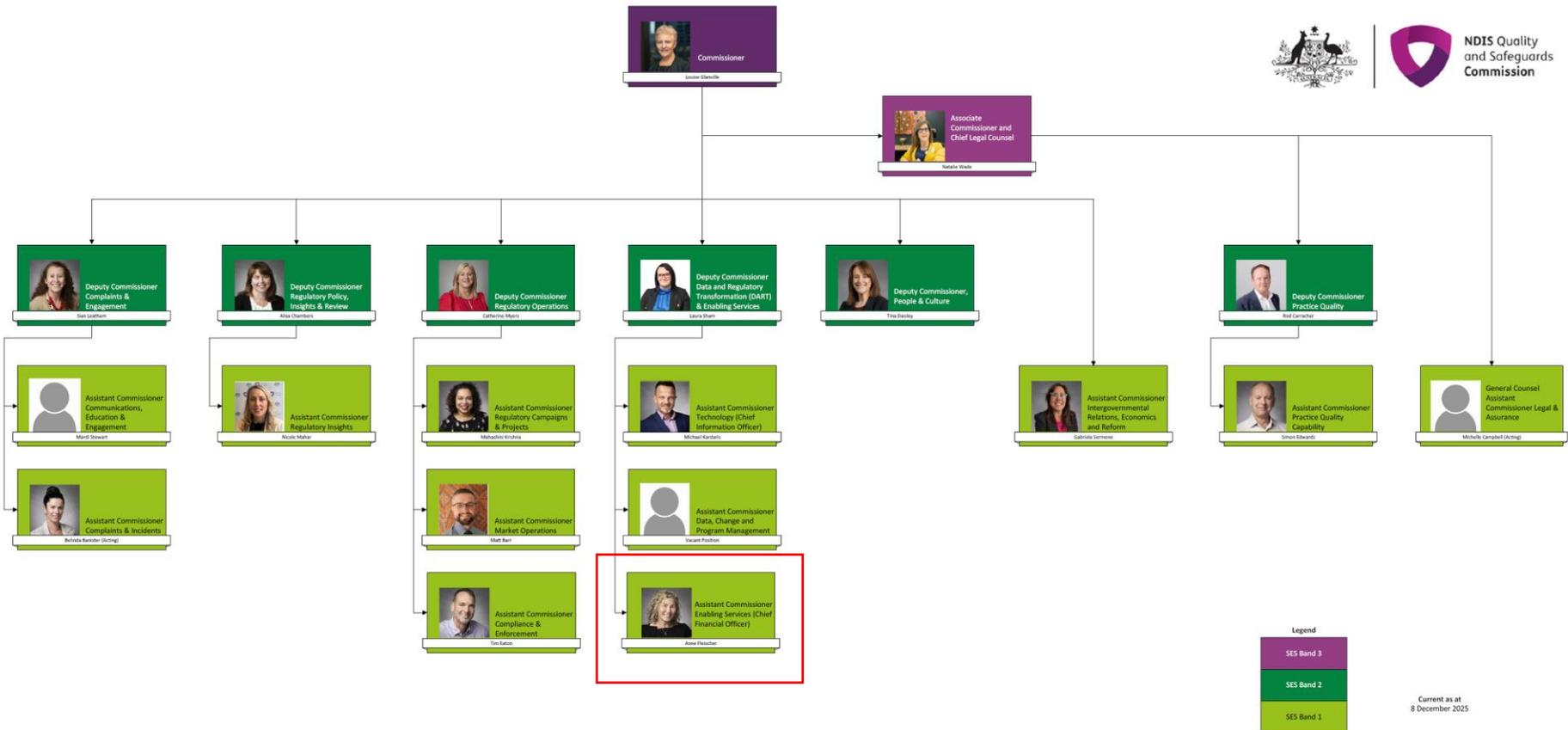
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NDIS Commission Organisational Structure 25 August 2025 – Subject Position in Red Box



Attachment 7

NDIS Commission Organisational Structure 8 December 2025 – Subject Position in Red Box



Attachment 8

Joint Committee of Public Accounts and Audit: Submission to the Inquiry into the Administration of the NDIS

**Australian Government’s April 2023 Response - Inquire and Report on the Operation of the NDIS Quality and Safeguards Commission
2020**

Australian Government response to the Joint Standing Committee report on the National Disability Insurance Scheme (NDIS): NDIS Quality and Safeguards Commission

The Australian Government welcomes the report from the Joint Standing Committee on the NDIS Quality and Safeguards Commission. The Government is committed to continually improving all aspects of the NDIS and is currently progressing an independent review of the NDIS design, operations and sustainability. Quality and safeguarding arrangements will form part of this review.

Action has been taken in response to many of the recommendations of the Committee. The Government supports 21 recommendations, with recommendations 5, 6, 7, 8, 9, 17, 28, 29 and 30 being referred to the independent review of the NDIS to inform further consideration.

Rec No.	Recommendation	Australian Government Position	Australian Government Response
1	The committee recommends that the NDIS Quality and Safeguards Commission develop an overarching communications and engagement strategy for building visibility of its work among providers and people with disabilities and engaging in capacity-building activities with participants and providers. The strategy should specifically include: children and young people, Aboriginal and Torres Strait Islander people with a disability, and NDIS participants living in residential aged care.	Supported	<p>The NDIS Quality and Safeguards Commission (NDIS Commission) put in place a Communications and Engagement Strategy (the Strategy) in May 2021, which covers all stakeholders. The Strategy includes state and territory based engagement plans. A specific strategy for Aboriginal and Torres Strait Islander participants is also in development.</p> <p>The NDIS Commission is continually reviewing and updating the Strategy to ensure the NDIS Commission is engaging with its stakeholders in the most effective way and that the result of its engagement has a positive impact on the quality of services and safeguards for NDIS participants.</p>
2	The committee recommends that the NDIS Quality and Safeguards Commission develop information sharing protocols with states and territories, and, as appropriate, publish these protocols on its website. Information sharing protocols should cover general information sharing and information sharing in relation to specific areas such as worker screening, restrictive practices and residential settings. Where arrangements are already in place, the committee recommends the Commission review these agreements to ensure appropriate clarity around two-way information sharing and to ensure that privacy safeguards are in place.	Supported	<p>The NDIS Commission has information sharing protocols in place with more than 75 state and territory agencies, for the purposes of information sharing relevant to the functions of the NDIS Commissioner, or the state or territory bodies, as this relates to safeguards for people with disability. This includes specific protocols directly relating to the functions of the NDIS Commissioner.</p> <p>Provisions in the <i>National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Act 2021</i> came into effect on 29 October 2021, which includes greater protection for NDIS participants through more effective information sharing arrangements. This will include making or amending of Rules that prescribe additional persons or bodies with whom the NDIS Commissioner may share information for the purposes of the <i>National Disability Insurance Scheme Act 2013</i> (NDIS Act). Information sharing protocols will be revised to reflect new or amended Rules related to information disclosure.</p>