



**NDIS Quality
and Safeguards
Commission**

Suitability assessment process guide

Information for NDIS Providers and
their 'key personnel'

July 2018

Version 1

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What is this guide about?

This guide forms part of the Registration Pack. It outlines the suitability assessment process for NDIS providers that are applying to register or renewing their registration with the NDIS Quality and Safeguards Commission (the NDIS Commission).

What is the suitability assessment?

As part of the NDIS Commission's registration requirements NDIS Providers and their key personnel are required to undergo an assessment to determine their suitability to deliver NDIS supports and services¹.

A summary of the criteria that the NDIS Commission uses to assess suitability for both the provider and the key personnel are described in this Guide.

Who will be assessed for suitability?

All providers (applicants) and their key personnel will be assessed for suitability as part of their registration application or registration renewal.

“Key Personnel” means individuals who hold key executive, management or operational positions in an organisation, such as directors, managers, board members, chief executive officer or chairperson. You must disclose the requested information for all key personnel.

How will the NDIS Commission assess suitability?

There are a number of questions on the NDIS Provider registration application and registration renewal application that cover the suitability criteria. The NDIS Commission will consider the information provided in your application or renewal to conduct a suitability assessment.

All suitability assessments are on a case-by-case basis. The outcome of the suitability assessment will be taken into account by the NDIS Commission when making their registration decision to register or renew a registration of a NDIS Provider.

You will not be advised of the outcome of the suitability assessment, however if there are issues of concern identified by the NDIS Commission, you will be afforded a right of response before a registration decision is made.

When the NDIS Commission makes a final determination about the whole of your registration application, that determination will include reasons for the decision.

¹ *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018.*

More information

Other guides forming part of the Registration Pack can be found on the NDIS Commission's website at www.ndiscommission.gov.au.

What are the suitability criteria for providers?

There are a number of criteria which the NDIS Commission must consider when assessing the suitability of a provider².

Suitability Criteria
1) whether the applicant has previously been registered as a registered NDIS provider or a registered provider of supports
2) whether a banning order has ever been in force in relation to the applicant
3) whether the applicant has been convicted of an indictable offence against a law of the Commonwealth or of a State or Territory
4) whether the applicant is or has been an insolvent under administration
5) whether the applicant has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people or children
6) whether the applicant has been the subject of adverse findings or enforcement action by any of the following: <ul style="list-style-type: none">(i) the Australian Securities and Investment Commission;(ii) the Australian Charities and Not-for-profits Commission;(iii) the Australian Competition and Consumer Commission;(iv) the Australian Prudential Regulation Authority;(v) the Australian Crime Commission;(vi) AUSTRAC;(vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);(viii) a work health and safety authority of a State or Territory

² Clause 9 of the [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#)

Suitability Criteria

- 7) whether the applicant has been the subject of any findings or judgment in relation to **fraud, misrepresentation or dishonesty** in any administrative, civil or criminal proceedings, or is currently party to any proceedings that may result in the applicant being the subject of such findings or judgment;
- 8) whether the applicant has ever been **disqualified from managing corporations** under Part 2D.6 of the *Corporations Act 2001*;
- 9) any other matter the Commissioner considers relevant

What are the suitability criteria for key personnel?

There are a number of criteria that the NDIS Commission must consider when assessing the suitability of a provider's key personnel³.

Suitability criteria

- 1) whether a **banning order** has ever been in force in relation to the member
- 2) whether the member has been convicted of an **indictable offence** against a law of the Commonwealth or of a State or Territory
- 3) whether the member is or has been an **insolvent under administration**
- 4) whether the member has been the subject of **adverse findings or enforcement** action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people and children
- 5) whether the member has been the subject of **adverse findings or enforcement** action following an investigation by any of the following:
 - (i) the Australian Securities and Investment Commission;
 - (ii) the Australian Charities and Not-for-profits Commission;
 - (iii) the Australian Competition and Consumer Commission;
 - (iv) the Australian Prudential Regulation Authority;
 - (v) the Australian Crime Commission;
 - (vi) AUSTRAC;
 - (vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);

³ Clause 10 of the [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](#).

Suitability criteria

(viii) a work health and safety authority of a State or Territory

6) whether the member has been the subject of any findings or judgment in relation to **fraud, misrepresentation or dishonesty** in any administrative, civil or criminal proceedings, or is currently party to any proceedings that may result in the member being the subject of such findings or judgment

7) whether the member has ever been **disqualified from managing corporations** under Part 2D.6 of the *Corporations Act 2001*

8) **any other matter** the Commissioner considers relevant

Worker Screening

1) From 1 July 2019, the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and Victoria will implement nationally consistent worker screening arrangements and Western Australia from 1 July 2020. Until then, providers will need to comply with their state and territory worker screening arrangements.

2) New South Wales and South Australian providers have interim arrangements in place for worker screening based on their existing worker screening arrangements until the new NDIS Worker Screening Check commences on 1 July 2019.

3) Registered NDIS providers are required to ensure that workers in New South Wales and South Australia have a state-based check if they are in a risk assessed role.

Risk assessed roles are:

- Key personnel roles
- Roles for which the normal duties are likely to require more than incidental contact with people with disability
- Roles for which the normal duties are likely to require more than incidental contact with people with a disability

4) More information about Worker Screening and the transitional arrangements can be found at <https://www.ndiscommission.gov.au/providers/worker-screening>

Providing true and accurate information

It is important that all statements and information supplied by the provider is accurate and correct, the NDIS Commission will rely on this information when making decision to register providers. Where false or misleading information is provided within an application the NDIS Commission may revoke the providers' registration.