

Section 22

**From:** PULKO, Lisa  
**Sent:** Tuesday, 9 May 2023 1:36 PM  
**To:** LEATHEM, Sian  
**Subject:** FW: Comcare has issued NDIS QSC an Improvement Notice [SEC=OFFICIAL]

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**From:** COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Sent:** Tuesday, 9 May 2023 1:15 PM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** Section 22  
**Subject:** FW: Comcare has issued NDIS QSC an Improvement Notice [SEC=OFFICIAL]

FYI

Section 22

Section 22

# Section 22

# Section 22

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From: PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>

Sent: Monday, 1 May 2023 9:12 AM

To: LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>; Section 22

Cc: Section 22

Subject: RE: Comcare application for internal review [SEC=OFFICIAL]

Thanks Sian,

Updated version attached with your additional information included.

Lisa

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**From:** LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

**Sent:** Monday, 1 May 2023 8:48 AM

**To:** PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>; E [Section 22]

**Cc:** [Section 22] [Section 22]

**Subject:** Re: Comcare application for internal review [SEC=OFFICIAL]

Hi Lisa and [Section 22]

My only suggestion is we might almost raise (e)1, which references the changes to the complaints function but says there's no evidence it was implemented or how it would be monitored/evaluated.

This information could have been provided immediately if we'd been asked. (The new structure was implemented on 20 February 2023 and is being actively monitored through the newly developed complaints dashboard, fortnightly leadership group meetings and on an individual level by team leaders conducting weekly file reviews with staff).

Thanks

Sian

---

**From:** PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>

**Date:** 1 May 2023 at 12:34:26 am AEST

**To:** [Section 22]

**Cc:** [Section 22] [Section 22]

[Section 22], LEATHEM, Sian  
<[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

**Subject:** Comcare application for internal review [SEC=OFFICIAL]

Hi [Section 22],

Please find attached three documents, the first is the review application form, the second the attachment to that form setting out the reasons for seeking the review, and third the notice itself. I know you already have this but I thought it might be easier for you to have them all together.

Could you please, first thing Monday morning, review the application and the attachment to ensure that I have covered the appropriate components. Please feel free to track changes directly in the attachment as you see fit, and add anything you feel is relevant. If there is anything incorrect in the application form I will probably have to make the changes as it is a PDF document.

If possible, I would like to get this out the door by 10am. If you want to talk, call my mobile, I will make myself available.

[Section 22] for your info and review/feedback if you have time.

Regards,  
Lisa

**Lisa Pulko**  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.

# Section 22

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From: PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>

Sent: Monday, 1 May 2023 9:31 AM

To: Section 22 [REDACTED] LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>

Cc: Section 22 [REDACTED] Section 22 [REDACTED]

Subject: RE: Comcare application for internal review [SEC=OFFICIAL]

Section 22,

As discussed, please submit with the most recent version of the attachment saved as a PDF please.

Also, I note that you have advised that we do not need to display the notice until we have an outcome from the review, nor do we need to advise our staff of the notice.

Regards,

Lisa

Section 22

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From: PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>

Sent: Monday, 1 May 2023 9:12 AM

To: LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>; Section 22

Cc: Section 22

Subject: RE: Comcare application for internal review [SEC=OFFICIAL]

Thanks Sian,

Updated version attached with your additional information included.

Lisa

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From: LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

Sent: Monday, 1 May 2023 8:48 AM

To: PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>; Section 22

Cc: Section 22

Subject: Re: Comcare application for internal review [SEC=OFFICIAL]

Hi Lisa and Section 22

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This information could have been provided immediately if we'd been asked. (The new structure was implemented on 20 February 2023 and is being actively monitored through the newly developed complaints dashboard, fortnightly leadership group meetings and on an individual level by team leaders conducting weekly file reviews with staff).

Thanks

Sian

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add anything you feel is relevant. If there is anything incorrect in the application form I will probably have to make the changes as it is a PDF document.

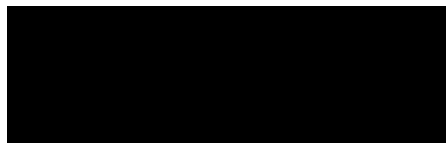
If possible, I would like to get this out the door by 10am. If you want to talk, call my mobile, I will make myself available.

**Section 22** for your info and review/feedback if you have time.

Regards,  
Lisa

**Lisa Pulko**  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



**Section 47F** | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



The NDIS Quality and Safeguards Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

Section 22

**From:** MACKEY, Tracy  
**Sent:** Friday, 12 May 2023 7:25 AM  
**To:** Section 22 LEATHEM, Sian; MYERS, Catherine; PULKO, Lisa; Section 22  
**Cc:** Section 22  
**Subject:** RE: Key Messages - Town Hall 2 - 2023 05 12 - FOR ELT ONLY [SEC=OFFICIAL]  
**Attachments:** Key Messages - Town Hall 2 - 2023 05 12 - Final.docx

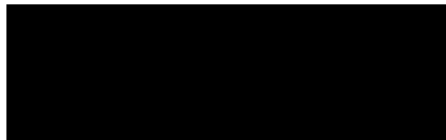
Morning, see attached final set of TPs – please use this version at our Town Hall session.

Big thanks to Section 22 for developing these at pace.

Looking forward to hearing how it goes in your respective Divisions.

Cheers  
Tracy

Tracy Mackey  
Commissioner



Section 22 | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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## Key Messages (TPs)

Town Hall 2: Divisional Town Halls  
Friday 12 May 2023

[Frequently Asked Questions](#) from the Wednesday 10 May 2023 All Staff Town Hall

1. **Section 22**

[Redacted content]

2. **Section 22**

[Redacted content]

3. **Section 22**

[Redacted content]

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▪ Section 22 [Redacted]

4. Section 22 [Redacted]

5. Section 22 [Redacted]

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Section 22

[Redacted text block]

6. Section 22

[Redacted text block]

7. Section 22

[Redacted text block]

- 
- **Section 22**  
[Redacted]

- 8. **Section 22**  
[Redacted]

- 9. **Section 22**  
[Redacted]

- 10. **Comcare (if asked)**
  - The Commission does not have an improvement notice that is in effect.
  - We will abide by any decision that is made by the regulator.
  - The Commission takes action on all WHS reports and incidents. If you are concerned about yourself or others in the Commission please report this to any Director or member of ELT so that we can act promptly.

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11. Section 22

[Redacted text block]



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# Section 22

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**From:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>

**Date:** 5 May 2023 at 11:40:02 am AEST

**To:** LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>, Section 22

**Cc:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>, Section 22

Section 22

**Subject:** RE: M354 - Canberra Times - ComCare Improvement Notice - Deadline Noon Friday 5 May [SEC=OFFICIAL]

I'm comfortable with the response.

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**From:** LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>

**Sent:** Friday, 5 May 2023 10:53 AM

**To:** Section 22; MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>

**Cc:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>, Section 22

**Subject:** RE: M354 - Canberra Times - ComCare Improvement Notice - Deadline Noon Friday 5 May [SEC=OFFICIAL]

Looks good to me, Section 22

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**From:** NDISCommissioner  
**Sent:** Friday, 5 May 2023 12:00 PM  
**To:** Section 22 NDISCommissioner  
**Cc:** Section 22; MYERS, Catherine; LEATHEM, Sian; Section 22; PULKO, Lisa  
**Subject:** RE: URGENT MEDIA ENQUIRY: M354 - Canberra Times - ComCare Improvement Notice - Deadline Noon Friday 5 May [SEC=OFFICIAL]

Section 22

Tracy has cleared a revised response to this enquiry Section 22. Please treat the other response as final clearance.

Kind regards,

Section 22

Section 22



NDIS Quality and Safeguards Commission

The NDIS Quality and Safeguards Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

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**From:** PULKO, Lisa  
**Sent:** Tuesday, 16 May 2023 5:52 PM  
**To:** MACKEY, Tracy; MYERS, Catherine; LEATHEM, Sian; Section 22; Section 22  
**Cc:** Section 22  
**Subject:** Updated FAQs for review [SEC=OFFICIAL]  
**Attachments:** Budget FAQs update 16 May.docx

Hi all,

Please find attached the updated FAQs taking into account the additional questions. If you would like to make changes, or add content, please do so in tracks. We will try to get this up on the intranet tomorrow prior to the all-staff email, so would appreciate a quick turnaround.


Regards,  
Lisa

**Lisa Pulko**  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

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**From:** MACKEY, Tracy  
**Sent:** Wednesday, 17 May 2023 4:28 PM  
**To:** PULKO, Lisa  
**Subject:** All staff emails - comcare [SEC=OFFICIAL]  
**Attachments:** Implementation arrangements to scale up the NDIS Commission [SEC=OFFICIAL];  
Commissioner Message - Federal Budget [SEC=OFFICIAL]

Hi, I suggest recent all staff emails be included in the pack back to Comcare (refer attached).

Cheers  
Tracy



**Section 22**

**From:** MACKEY, Tracy  
**Sent:** Monday, 5 June 2023 8:08 AM  
**To:** DL NDIS Commission Staff  
**Cc:** NDISCommissioner  
**Subject:** Commissioner update [SEC=OFFICIAL]

Morning colleagues,

Since the start of my term as Commissioner, I have been engaging with staff and carefully listening to ensure that we respond to the issues raised and work to improve both what we do and how we go about our work. In my very first all staff email I signalled my intention to focus on our workforce and ensuring the Commission is resourced appropriately, because these two elements are central for us to deliver our purpose for people with disability. Together with ELT, SLT and so many of you across the Commission we have made substantial headway achieving outcomes for our people, and for people with disability. We are changing things for the better.

This is why I was concerned and saddened to read the weekend media attributing a very different view. I am disappointed that any staff member would choose to use the media to express their views, my preference has always been for staff to share their feedback, questions, suggestions and experiences through one of the many channels that have been put in place over the last year. I have been very open with staff since early 2022 that there is much work for us to do, to scale up the Commission to achieve our future state, and that this importantly includes the way we support our staff.

Together, we have been on a journey of continuous improvements that has seen us transform our processes, ways of working and how we are organised. At each step of the way staff have been guiding this work for the benefit of people with disability. The budget uplift is critical and will allow us to accelerate and enhance these improvements. As outlined in our Implementation Plan a major stream of funding is for internal capability projects many of which further the implementation of the Workforce Plan.

Thanks to the efforts of so many people at the Commission, our scale up is well underway. A tremendous amount of excitement and positivity is apparent even though we know there's still a lot of work to do. When I travel to each of our offices, I continue to meet with staff to listen to their views and hear their feedback. The frank and engaging conversations with so many, including our new Change Facilitators provides a guiding voice across the organisation.

As part of our program of continuous improvements, we have a number of health, wellbeing and risk management initiatives underway and we are moving quickly to bring on board additional resources, now that we have secured the budget uplift. We have been engaging with Comcare for a number of months and working to respond within the resourcing that was available. Together the Executive Leadership Team recognise the criticality of managing psychosocial risks and have, and will continue to take action. Based on feedback from many staff we know that some of the initiatives already in place are making a difference.

Our people will always be our greatest asset in striving to meet our [vision](#) and purpose. For this reason, I will continue to invest in leadership and culture across the Commission, including living our Cultural Principles that we developed together last year. Our [Workforce Plan](#), that aligns with our Strategic Plan, outlines our approach to building "a highly capable and diverse workforce with a clear understanding of our organisation's purpose and the confidence to meaningfully engage with participants and providers".

Seizing the opportunities that the budget uplift brings will involve transitions. During these transitions, it is important that we all continue to engage in our wellbeing offerings, keep talking to each other, and 'Stay Connected'. As always if you have question or want to raise an issue please email me, an ELT member or [futurestate@ndiscommission.gov.au](mailto:futurestate@ndiscommission.gov.au).

Cheers

Tracy

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**Tracy Mackey**  
**Commissioner**



Section 22 | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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Section 22

**From:** PULKO, Lisa  
**Sent:** Tuesday, 9 May 2023 2:13 PM  
**To:** MACKEY, Tracy  
**Cc:** Section 22  
**Subject:** draft email for all staff [SEC=OFFICIAL:Sensitive]  
**Attachments:** email all staff 9 May draft.docx

Tracy,

Draft all-staff email should you wish to send something –I know that you will make changes, but this is a starting point for you.

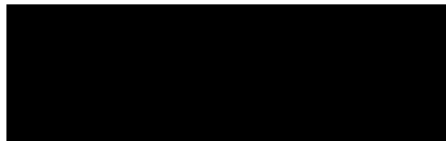
Still need to decide whether to go out at all today...

L

**Lisa Pulko**

Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



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Section 22

**From:** PULKO, Lisa  
**Sent:** Tuesday, 9 May 2023 1:47 PM  
**To:** MACKEY, Tracy  
**Subject:** FW: Comcare has issued NDIS QSC an Improvement Notice [SEC=OFFICIAL]

---

**From:** COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Sent:** Tuesday, 9 May 2023 1:15 PM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Subject:** FW: Comcare has issued NDIS QSC an Improvement Notice [SEC=OFFICIAL]

FYI

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# Section 22

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Section 22

**From:** MACKEY, Tracy  
**Sent:** Monday, 5 June 2023 5:03 PM  
**To:** PULKO, Lisa  
**Cc:** NDISCommissioner; Section 22  
**Subject:** FW: Comcare Improvement Notice - confirmed [SEC=OFFICIAL]

**Importance:** High

Lisa, as per pervious, can you pls respond to Section 22. I suggest that you indicate in the response that he should direct correspondence to ndiscommissioner email or your coo email

Thanks

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**Tracy Mackey**  
Commissioner



Section 22 | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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**Section 22**

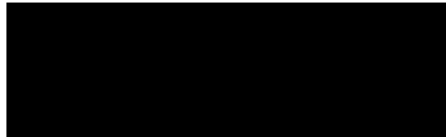
**From:** MACKEY, Tracy  
**Sent:** Thursday, 25 May 2023 12:05 PM  
**To:** PULKO, Lisa  
**Cc:** NDISCommissioner  
**Subject:** FW: Comcare Improvement Notice [SEC=OFFICIAL]

Lisa, can you please draft a brief **Section 22** as per request below. Please include reference to the work already completed and as well as underway as noted in our various staff comms.

Thanks  
Tracy

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**Tracy Mackey**  
Commissioner



Section 22 | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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**Section 22**

**Section 22**

# Section 22

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**From:** MACKEY, Tracy  
**Sent:** Wednesday, 24 May 2023 11:02 PM  
**To:** DL NDIS Commission Staff **Section 22**  
**Cc:** NDISCommissioner <[NDISCommissioner@ndiscommission.gov.au](mailto:NDISCommissioner@ndiscommission.gov.au)>  
**Subject:** Implementation & Commission update [SEC=UNOFFICIAL]

Evening all,

With the significant changes underway I will be continuing to bolster the communication channels with regular all staff updates.

On the implementation of our new funding, we have been communicating in variety of ways, to keep you informed as to what the budget uplift means in practical terms for the Commission and how the implementation is progressing. Last week I indicated that the priority task of the Delivery Office was to release the first tranche of roles to the market. As a result of the efforts of people right across the Commission, I am really pleased to report that 23 roles (relating to ~ 50 positions) have been posted on APSJobs and further 50 roles are in various stages of drafting and will be advertised in coming weeks. This includes roles from APS 3 through to EL2. This is a huge achievement and sets us up really well to onboard as many people as practically possible by 1 July. I hope those of you who are participating in this process as candidates were able to access the Commonwealth application and interview training. We are working with the provider to identify additional dates to run the training for those that were unable to attend.

This week the Delivery Office is focussing on the arrangements to support the selection process. Work has commenced on assembling selection panels, refining our templates, engaging scribes and creating a high level schedule. Support for, and lifting the capability of all involved in the section process is a high priority, including

training for panel members. While onboarding staff as quickly as possible is our priority, this is not without consideration of quality and a commitment to attract talented individuals to complement our existing teams across the Commission.

We are also moving forward on the appointment of the additional SES roles. An impressive candidate for the CIO role has been identified from an existing merit list and I intend to issue a letter of offer this week. I am hopeful that the candidate will accept the offer and join the Commission shortly.

With much of the recruitment of APS staff underway, the focus of the Delivery Office will soon shift to our capability building projects and ICT investments. These projects provide fantastic opportunities for staff to get involved in designing and implementing new capabilities, systems and processes. Securing the right expertise to support us with the projects is critically important, and for this reason, we need to take our time to get the procurement right. In the coming weeks you will see more procurement officers join the Commission, both in the Finance team and in the Delivery Office. This capability and capacity injection will provide essential support for the implementation of the NPP as well as improve the speed of current processes. Thank you to our current procurement team for their continued hard work to get us this far.

The Delivery Office has also been working to support the Regulatory Operations Division with the implementation of the new operating model. The Expression of Preference (EoP) process has kicked off with all substantive EL2s appointed to their 'first preference'. The EoP process will now be applied to positions across the division. We look forward to the transition of Directors and their teams into the new structure in the coming weeks. And, a short out to the Staff Working Group which has been providing helpful feedback through the implementation of the Regulatory Operations division changes.

On a similar note, we have 19 of our colleagues who have nominated to be Change Facilitators to help us shape how we deliver this important work. This group is meeting for the first time this Friday and you should expect to hear more from them as we invite your contributions on upcoming work.

The Commission has acknowledged that workload issues have existed across our workforce for some time. To address this, the Commission implemented a significant program of work in 2022, known as the Future State. This work has been the driving force behind the Commissions' priorities, and your staff voice has influenced and shaped our strategy, culture, system and processes, capability and structure. Structural realignment and improvement reviews have been especially important to streamline processes and in allocating work more appropriately to reduce workloads. This work is ongoing and will now be boosted thanks to a positive budget outcome. As a result, we will see our workforce substantially increase in the 2023-24 FY, and further the following year.

As you may be aware, the Commission continues to work closely with Comcare, as we have over an extended period, to ensure the safety and wellbeing of our staff. Comcare issued an Improvement Notice (MC00028632-NT03-C1) (the Notice) to the Commission, which was received on 28 April 2023, relating to the psychosocial risk of workload. It should be noted that the Commission has managed the process with Comcare and that external legal advisors were not engaged in relation to the Improvement Notice. The Commission made a request for an internal review of the Notice, and today Comcare notified the Commission that it has decided to uphold the Improvement Notice. The Notice has been displayed in all Commission offices as of Wednesday afternoon. It can also be accessed along with information on work that is occurring to deliver on going improvements via the Budget FAQs on the [Future State](#) page. As outlined in the FAQs the Commission will continue to implement the full range of strategies and tactics to improve the experience of all staff consistent with the Workforce Plan.

Over the past two weeks there have been communications circulated by some staff and external parties that are not always accurate. The FAQs will be updated again tomorrow so that staff can access accurate information. If you have any questions that are not addressed in the updated FAQs please send through your query and we will provide an answer, and if appropriate, it will be added to the FAQs.

## Section 22

# Section 22

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**Tracy Mackey**  
Commissioner



Section 22

| E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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**Section 22**

**From:** PULKO, Lisa  
**Sent:** Wednesday, 24 May 2023 2:06 PM  
**To:** MACKEY, Tracy  
**Subject:** FW: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]  
**Attachments:** Letter to applicant - decision - internal review.pdf; Reasons for decision record.pdf  
**Importance:** High

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**From:** COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Sent:** Wednesday, 24 May 2023 11:27 AM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Subject:** FW: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]  
**Importance:** High

**Section 22**

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**From:** **Section 22**  
**Sent:** Wednesday, 24 May 2023 11:25 AM  
**To:** COO (NDIS Commission) <[COO@ndiscommission.gov.au](mailto:COO@ndiscommission.gov.au)>  
**Subject:** FW: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

**Comcare**  
GPO Box 1993, Canberra, ACT 2601  
1300 366 979  
[www.comcare.gov.au](http://www.comcare.gov.au)



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**From:** **Section 22**  
24, 2023 11:22 AM  
**To:** [pulko.lisa@ndiscommission.gov.au](mailto:pulko.lisa@ndiscommission.gov.au); **Section 22**  
**Subject:** Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good morning Lisa,

The internal review regarding the above matter has been completed.

Please find attached letter to applicant and reasons for decision.

If you have any further questions please don't hesitate to make contact.

Regards,

Section 22



**Comcare**  
GPO Box 1993, Canberra, ACT 2601  
1300 366 979  
[www.comcare.gov.au](http://www.comcare.gov.au)



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Australian Government

Comcare

## ATTACHMENT 2

24 May, 2023

Internal review ref: IR05/2022-23

**By email only:** Lisa.PULKO@ndiscommission.gov.au

### **Internal Review Decision under the *Work Health and Safety Act 2011* (Cth)**

Dear Lisa,

I refer to your application for internal review of a reviewable decision under section 224(1) of the *Work Health and Safety Act 2011* (Cth), dated 1 May, 2023 (**the application**).

You requested a review of a decision made by Comcare Inspector **Section 22** on 21 April, 2023 to issue an improvement notice under section 191 of the WHS Act] (**the reviewable decision**). This decision is a reviewable decision listed at item 7 under section 223 of the WHS Act.

I conducted an internal review of the reviewable decision under Part 12 of the WHS Act. Under subsection 226(2) of the WHS Act, the options available to me are to:

- a) confirm or vary the reviewable decision; or
- b) set aside the reviewable decision and substitute another decision that I, as the internal reviewer consider appropriate.

#### **Decision on internal review**

After considering the available information and evidence, my decision is to confirm the reviewable decision to issue the improvement notice.

My reasons for making this decision are set out in the attached 'Reasons for Decision'.

If you are not satisfied with this decision, you have the right to request an external review of my decision under section 229 of the WHS Act. If you wish to seek an external review of my decision, the external review body is the Fair Work Commission. An application to the Fair Work Commission must be made within 14 days after the day on which you receive notice of my decision. Further information regarding applications for external review of decisions can be found on Comcare's website at: <https://www.comcare.gov.au/scheme-legislation/whs-act/review-whs-decision>.

If you have any questions about this letter, please contact me by telephone on **Section 22** or via email **Section 22**

Yours sincerely

**Section 22**

Internal Reviewer appointed under section 225 of the *Work Health and Safety Act 2011* (Cth)  
Regional Operations ACT

Encl. Reasons for Decision



## REASONS FOR DECISION

### APPLICATION FOR INTERNAL REVIEW OF INSPECTOR'S DECISION TO ISSUE AN IMPROVEMENT NOTICE UNDER SECTION 191 OF THE *WORK HEALTH AND SAFETY ACT 2011* (CTH)

#### INTERNAL REVIEW DECISION

Comcare reference: IR05/2022-23

Internal reviewer: **Section 22**

Date of decision: 24 May 2023

Nature of review: Internal Review of an Inspector's decision under section 191 of the *Work Health and Safety Act 2011* (Cth) (WHS Act) to issue an improvement notice.

#### REVIEWABLE DECISION

Decision: Issue an improvement notice.

Comcare Reference: MC00028634

Date of decision: 21 April 2023

Decision maker: Inspector **Section 22**

#### INTERNAL REVIEWER'S DECISION

1. Having conducted this internal review, I have made the decision under subsections 226(1) and 226(2) of the WHS Act to confirm the reviewable decision. My reasons for this decision are set out below.

#### REVIEWABLE DECISION

2. The decision under review is a decision of Inspector **Section 22** to issue an improvement notice MC00028634-NT01-C1 (the notice) to the National Disability Insurance Scheme Quality and Safeguards Commission (NQSC) under section 191 of the WHS Act dated 21 April, 2023. I note that the notice was re-issued on 28 April 2023 with an amended address

and dated 21 April, 2023. The notice required the NQSC to remedy the identified contraventions against sections 19(1), 19(3)(a) and 19(3)(c) of the WHS Act by 24 August 2023.

3. This internal review was conducted under Part 12 of the WHS Act following a request made by Lisa Pulko, Chief Operating Officer, on behalf of the NQSC (**the applicant**) for a review of the decision under s 224 of the WHS Act.
4. The internal reviewer may decide to:
  - a. confirm or vary the reviewable decision; or
  - b. set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.<sup>1</sup>

## **JURISDICTION**

5. I am satisfied the application is valid and capable of internal review because:
  - a. the decision of Inspector **Section 22** to issue an improvement notice is a reviewable decision under item 7, section 223 of the WHS Act;
  - b. the applicant is an eligible person within the meaning of section 223 of the WHS Act;
  - c. the application is in the manner and form prescribed by Comcare; and
  - d. the application for review was made on 1 May, 2023 which is within the 14 day prescribed time after the decision came to the applicant's notice.

Under section 226 of the WHS Act, I must review the reviewable decision and make a decision as soon as is reasonably practicable and within 14 days after the application for internal review is received or such extension of time as applies following my request for further information from the applicant under s 226(3) of the WHS Act. I note that I sought further information from the NDIS QSC on 12 May 2023. That information was provided to me on 22 May 2023.

## **MATERIAL EXAMINED DURING THE INTERNAL REVIEW**

6. In reaching my decision, I considered the following material and information:
  - a. The application for internal review received on 1 May 2023 (including attachments).
  - b. Electronic correspondence between Inspector **Section 22** and Lisa Pulko (as recorded within Comcare's file MC00028634).
  - c. Electronic correspondence between Lisa Pulko and **Section 22** as recorded within MC00028634.
  - d. Improvement Notice (MC00028634-NT03-C1) issued by Inspector **Section 22** dated 21 April 2023.
  - e. Documents provided by the NQSC in response to a Requirement to Provide information and/or Documents issued under section 155 of the WHS Act , 2011 by

---

<sup>1</sup> [Subsection 226(2) of the WHS Act]

Inspector **Section 22** to NQSC on 3 February 2023 (NT01) and 24 March, 2023 (NT02) including:

- i) NQSC Risk Management Policy – 1 August, 2018
  - ii) NQSC Risk Management Framework 1 August, 2018
  - iii) NQSC Strategic Plan 2022-2027
  - iv) NQSC High Level Regulatory Approach 30 January, 2023
  - v) NDISC Workforce Plan 2023-2028
  - vi) NDISC Health and Safety Intranet Page
  - vii) APS Census Working Group 2022 – December 2022
  - viii) NQSC Corporate Plan 2022-23
  - ix) 2021 Actions on a page – APS Census and Org Culture review
- f. Documents and information provided by NQSC in response to a request made by me for further information on 12 May, 2023 and provided on 22 May 2023.

## **BACKGROUND**

7. In November, 2022 Comcare received information about concerns regarding the NQSC management of risks to workers' health and safety arising from the psychosocial hazard of job demands – in particular high workloads – in NQSC workplaces. On 3 November, 2022 Comcare commenced a monitoring and compliance activity in response to the WHS concern. Between November, 2022 and 11 April, 2023 information and documents were provided by NQSC which were reviewed by Inspector **Section 22**. As a result of that review Inspector **Section 22** formed the reasonable belief that NQSC did not have a psychosocial risk management system in place that was compliant with the WHS Act. The basis of forming that belief is articulated in detail within the notice.
8. On 1 May, 2023, Chief Operating Officer, Lisa Pulko, on behalf of the NQSC made an application under section 224 of the WHS Act for an internal review of Inspector **Section 22**'s decision (**the application**). I am an internal reviewer appointed under section 225 of the WHS Act.

## **APPLICANT'S SUBMISSIONS**

9. In a document accompanying the application form, the applicant sets out the reasons why an internal review is sought. Those reasons can be summarised as follows:
- a. The notice does not provide information regarding actual specific incidents reported to Comcare and the NQSC does not receive ongoing or regular complaints regarding workload.
  - b. The NQSC provided evidence of the risk framework in place, the fact that those documents have not been updated for some time does not make them unfit for purpose. The absence of the words "psychosocial hazards" makes the framework no

less relevant.

- c. The NQSC implemented a new service model with manageable levels of workload on 20 February, 2023 which it was actively monitoring
- d. NQSC undertook an initial program of work based on the findings from the Reportable Incidents functions in March, 2023
- e. Working groups and management are currently undertaking actions which are necessary to ensure the NQSC's ability to manage workloads more effectively in the future.
- f. Manageable workload levels were set based on engagement with staff across the function.
- g. The Inspector did not consider any of the information provided regarding externally driven workloads experienced by the NQSC and the limited resourcing available.

## **DISCUSSION**

10. I have considered the reviewable decision of Inspector Section 22 to issue the notice alongside the documents requested of and provided by NQSC. I formed the belief that the notice was correctly issued based upon the information that I have reviewed, which in my view, demonstrates that NQSC lack a systematic approach to psychosocial risk management. I accept and rely on the following matters articulated in the notice:
- a. The NQSC has not demonstrated that they have implemented or are implementing an adequate systematic approach to the identification, elimination or minimisation, so far as is reasonably practicable, of the risks to health and safety to workers arising from psychosocial hazards, in particular the work demands hazard.
  - b. The NQSC does not demonstrate how it meets (or intends to meet) its duty to ensure, so far as is reasonably practicable, that workers are not exposed to risks to their health and safety arising from psychosocial hazards, in particular, the work demands hazard.
11. I have considered the applicant's submissions which are summarised at paragraph 10 and addressed below.
12. The applicant asserts that the notice does not provide information regarding specific incidents reported to Comcare and the NQSC does not receive ongoing or regular complaints regarding workload. Comcare commenced the monitoring and compliance activity in response to the WHS concern, not as a result of a 'specific incident'. I note that the WHS Act requires PCBUs to proactively manage risks, rather than awaiting incidents to occur. I am satisfied on my review of the relevant materials, that a risk to the health and safety of the NQSC's workers does exist, namely the risk to health and safety associated with the work

demands hazard. I note that the application itself identifies that ‘the Commission’s workload is consistently higher than the workload envisaged when budgets were set ...’. Further, the WHS concern raised issues relating to the management of the risks to workers’ health and safety arising from the psychosocial hazards of job demands. The potential risks to health and safety identified in the WHS concern were also reflected in NQSC employee surveys (APS Employee Census’ 2021 and 2022). The NQSC was aware of the surveys and hence was aware of the potential risk to workers. The NQSC has a duty to identify reasonably foreseeable hazards that could give rise to risks to health and safety (reg 34, Work Health and Safety Regulations 2011 (Cth) (**WHS Regulations**)). Having identified those risks, the NQSC must manage psychosocial risks in accordance with Part 3.1 of the WHS Regulations (reg 55C WHS Regulations).

13. The NQSC is required to do what is reasonably practicable to ensure health and safety having regard to a range of factors including the likelihood of the hazard or risk occurring, the degree of harm that might result, what is known or ought to be known about the risk and the availability and suitability of ways to eliminate or minimise the risk. On balance, I consider that there are suitable and available measures which the NQSC could take in order to address the immediate risks associated with psychosocial hazards including excessive workload. This includes a review of workload levels and the implementation of interim controls regarding the immediate risks arising from excessive workloads, until such time as additional resources are engaged or other control measures are implemented.
14. The applicant provided evidence of the NQSC’s Risk Management Framework dated 1 August 2018 and a Risk Management Policy dated 1 August 2018. The applicant asserts that the fact that those documents have not been updated for some time does not make them unfit for purpose. Also, it asserts that the absence of the words “psychosocial hazards” makes the framework no less relevant. It is possible for a document that is ‘not updated for some time’ to be fit for purpose. Where the PCBU becomes aware of a new or emerging hazard or risk, that duty holder must review and as necessary revise control measures so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health and safety. The NQSC did not provide information that demonstrates that the NQSC has taken reasonably practicable measures to identify and manage psychosocial hazards, such as reviewing the relevant policy and procedures in light of the specific issues/concerns highlighted through the surveys. Further, I did not identify in the documents or other information provided by the NQSC, an indication of how it would monitor the effectiveness of control measures implemented to manage psychosocial risks.
15. The NQSC asserts it implemented a new service model with manageable levels of workload on 20 February, 2023 which was being actively monitored. Information provided to Inspector Section 22 on 11 April, 2023 did not outline when the new service model would commence (or had commenced), how manageable workload levels were determined, and/or how the NQSC would monitor and maintain the operating model. The NQSC has demonstrated that it is reasonably practicable to monitor workload levels (job demands). An initial program of work based on the findings from the Reportable Incidents functions was undertaken in March, 2023. I have not however, been provided with any supporting evidence to show how this work will support managing the risks to health and safety associated with workload demands.

16. The applicant asserts that manageable workload levels were set based on engagement with staff across the function. I could not identify relevant documents or information that sufficiently outlined the results of the stated engagement or consultation, the risks, if any identified, controls implemented, or reviews conducted to assess the effectiveness of those controls. In the absence of such documents and information, I am not satisfied that the relevant risks were identified and managed as required by the WHS Act.
17. The applicant asserts that in issuing the notice, the Inspector failed to consider any of the information provided regarding externally driven workloads experienced by the NQSC or the limited resourcing available based on the budget. Despite this assertion, I am satisfied that the inspector did give thorough consideration to the issue raised by virtue of the ongoing recorded communications between Inspector Section 22 and the NQSC along with the timeframe afforded to the NQSC in the notice to remedy the contraventions identified. I have also reviewed the extra information provided by NQSC in relation to constraints derived from budgetary and externally driven workload demands as below.
18. I requested the following additional information from the NQSC on 12 May, 2023 to inform my considerations including with respect to the matters raised in the application:
  - a. Provide documents and information to demonstrate how the NDIS Quality and Safeguards Commission determine 'manageable' workload levels and how the new structure/operating model as implemented in CDD is monitored and maintained?
  - b. Provide documents and information to demonstrate how the "initial program of work" based on the findings from the Reportable Incidents functions review assists with managing psychosocial risk arising from the design of work including job demands and tasks?
  - c. Can the NDIS Quality and Safeguards Commission provide a timeframe for the completion of the Reportable Incidents Review?
  - d. Can the NDIS Quality and Safeguards Commission provide a timeframe for the completion of "consulting with staff on changes to structure" including "Creating multifunctional teams, implementing a comprehensive review of policies, procedures and work instructions, Developing a regulatory capability learning and development program, Implementing a whole of organisation Regulatory Risk framework" and provide documents and information to demonstrate how the Commission is monitoring/maintaining the achievement of these actions?
19. I have reviewed the information provided by NQSC in reply to my request for further information. From that review:
  - a. I was unable to identify how the NQSC determines 'manageable' workload levels (apart from through consultation) and how the new structure/operating model previously referred to by the NQSC is monitored and maintained.
  - b. I was unable to ascertain how the findings from the Reportable Incidents functions review assisted with managing psychosocial risks arising from the design of the work including job demands and tasks.
  - c. The NQSC demonstrated that the Reportable Incidents Review was completed on 15 May, 2023 and that recommendations were being reviewed.
  - d. The NQSC demonstrated that it has in place a timeframe for drafting workplace inspection documents and developing environmental scans. There is information to



support the assertion that NQSC consults with staff on changes to organisational structure. It does not appear to have developed a timeframe for implementing comprehensive review of policies, procedures and work instructions relating to psychosocial hazards arising from job demands including workload.

20. The NQSC indicated in the additional material provided that it is about to implement some actions to identify and manage work demands. These proposed actions were consultation with staff and environmental scans. However I am not satisfied based on the documents and information that I have reviewed, that the NQSC has implemented a systematic approach to manage the psychosocial risks associated with the work demands hazard, in accordance with the requirements of Parts 3.1 and 3.2 of the WHS Regulations and s 19(1) of the WHS Act.
21. Accordingly, and on the available information, I confirm the decision of the inspector to issue the notice.

## **DECISION**

22. The applicant seeks that the reviewable decision by Inspector **Section 22** to issue the notice be reviewed. The object of the internal review is to ensure the correct or preferable decision is made in the circumstances.
23. On the information before me, and for the reasons set out above, I am satisfied that the correct or preferable decision is to confirm the decision to issue the notice.
24. In making this decision I have considered all relevant information including the views of Inspector **Section 22**
25. This decision does not preclude or limit the ability for Comcare to make further enquiries into the health and safety of NQSC workers, nor does it detract from the NQSC's ongoing duty to ensure, so far as is reasonably practicable, the provision and maintenance of a work environment that is safe and without risks to health and safety of workers.

**Section 22**

Internal Reviewer appointed under section 225 of the *Work Health and Safety Act 2011* (Cth)  
Regional Operations ACT

Section 22

**From:** PULKO, Lisa  
**Sent:** Thursday, 27 April 2023 7:50 AM  
**To:** MACKEY, Tracy  
**Subject:** Fwd: Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]  
**Attachments:** Improvement Notice - MC00028634 -NT03 - NDIS Quality and Safeguards Commission (2).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Section 22  
**Date:** 26 April 2023 at 4:56:28 pm AEST  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** Section 22  
**Subject:** Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Lisa,

**RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03**

Thank you for your time on the phone earlier.

As discussed, please find the Improvement Notice attached (MC00028634-NT03). This notice is issued with directions and recommendations to assist NDIS QSC to manage the psychosocial risks of work demands.

In summary, the additional information that was provided by NDIS QSC, has not changed Senior Inspector Section 22's reasonable belief that NDIS QSC are failing to manage the risks to workers arising from the psychosocial hazards of work demands as per requirements of the WHS legislation.

An Improvement Notice is an administrative measure, taken on the basis of an Inspector's reasonable belief based on information available at a particular point in time. Its objectives are remedial and preventative.

*Please note that section 210 of the WHS Act requires that a person to whom an improvement notice is issued must, as soon as possible display a copy of the notice in a prominent place, at or near the workplace or part of the workplace, at which work is being carried out that is affected by the notice.*

I understand that you are currently at home and therefore intend to display the notice at the workplace when you attend tomorrow morning.

Please note that Section 22 has commenced leave for approximately 6 weeks, therefore in the interim I will be the point of contact for any questions or concerns.

Regards

Section 22

[Redacted]

Section 22

**Comcare**

GPO Box 1993, Canberra, ACT 2601

1300 366 979 | [www.comcare.gov.au](http://www.comcare.gov.au)

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**Section 22**

**From:** MACKEY, Tracy  
**Sent:** Wednesday, 24 May 2023 11:02 PM  
**To:** DL NDIS Commission Staff  
**Cc:** NDISCommissioner  
**Subject:** Implementation & Commission update [SEC=UNOFFICIAL]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Evening all,

With the significant changes underway I will be continuing to bolster the communication channels with regular all staff updates.

On the implementation of our new funding, we have been communicating in variety of ways, to keep you informed as to what the budget uplift means in practical terms for the Commission and how the implementation is progressing. Last week I indicated that the priority task of the Delivery Office was to release the first tranche of roles to the market. As a result of the efforts of people right across the Commission, I am really pleased to report that 23 roles (relating to ~ 50 positions) have been posted on APSJobs and further 50 roles are in various stages of drafting and will be advertised in coming weeks. This includes roles from APS 3 through to EL2. This is a huge achievement and sets us up really well to onboard as many people as practically possible by 1 July. I hope those of you who are participating in this process as candidates were able to access the Commonwealth application and interview training. We are working with the provider to identify additional dates to run the training for those that were unable to attend.

This week the Delivery Office is focussing on the arrangements to support the selection process. Work has commenced on assembling selection panels, refining our templates, engaging scribes and creating a high level schedule. Support for, and lifting the capability of all involved in the section process is a high priority, including training for panel members. While onboarding staff as quickly as possible is our priority, this is not without consideration of quality and a commitment to attract talented individuals to complement our existing teams across the Commission.

We are also moving forward on the appointment of the additional SES roles. An impressive candidate for the CIO role has been identified from an existing merit list and I intend to issue a letter of offer this week. I am hopeful that the candidate will accept the offer and join the Commission shortly.

With much of the recruitment of APS staff underway, the focus of the Delivery Office will soon shift to our capability building projects and ICT investments. These projects provide fantastic opportunities for staff to get involved in designing and implementing new capabilities, systems and processes. Securing the right expertise to support us with the projects is critically important, and for this reason, we need to take our time to get the procurement right. In the coming weeks you will see more procurement officers join the Commission, both in the Finance team and in the Delivery Office. This capability and capacity injection will provide essential support for the implementation of the NPP as well as improve the speed of current processes. Thank you to our current procurement team for their continued hard work to get us this far.

The Delivery Office has also been working to support the Regulatory Operations Division with the implementation of the new operating model. The Expression of Preference (EoP) process has kicked off with all substantive EL2s appointed to their 'first preference'. The EoP process will now be applied to positions across the division. We look forward to the transition of Directors and their teams into the new structure in the coming weeks. And, a short out to the Staff Working Group which has been providing helpful feedback through the implementation of the Regulatory Operations division changes.

On a similar note, we have 19 of our colleagues who have nominated to be Change Facilitators to help us shape how we deliver this important work. This group is meeting for the first time this Friday and you should expect to hear more from them as we invite your contributions on upcoming work.

The Commission has acknowledged that workload issues have existed across our workforce for some time. To address this, the Commission implemented a significant program of work in 2022, known as the Future State. This work has been the driving force behind the Commissions' priorities, and your staff voice has influenced and shaped our strategy, culture, system and processes, capability and structure. Structural realignment and improvement reviews have been especially important to streamline processes and in allocating work more appropriately to reduce workloads. This work is ongoing and will now be boosted thanks to a positive budget outcome. As a result, we will see our workforce substantially increase in the 2023-24 FY, and further the following year.

As you may be aware, the Commission continues to work closely with Comcare, as we have over an extended period, to ensure the safety and wellbeing of our staff. Comcare issued an Improvement Notice (MC00028632-NT03-C1) (the Notice) to the Commission, which was received on 28 April 2023, relating to the psychosocial risk of workload. It should be noted that the Commission has managed the process with Comcare and that external legal advisors were not engaged in relation to the Improvement Notice. The Commission made a request for an internal review of the Notice, and today Comcare notified the Commission that it has decided to uphold the Improvement Notice. The Notice has been displayed in all Commission offices as of Wednesday afternoon. It can also be accessed along with information on work that is occurring to deliver on going improvements via the Budget FAQs on the [Future State](#) page. As outlined in the FAQs the Commission will continue to implement the full range of strategies and tactics to improve the experience of all staff consistent with the Workforce Plan.

Over the past two weeks there have been communications circulated by some staff and external parties that are not always accurate. The FAQs will be updated again tomorrow so that staff can access accurate information. If you have any questions that are not addressed in the updated FAQs please send through your query and we will provide an answer, and if appropriate, it will be added to the FAQs.

**Section 22**

[Redacted content]

[Redacted content]

Cheers  
Tracy

---

**Tracy Mackey**  
Commissioner

[Redacted content]

[Redacted content] | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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Note: This email (including any attachments) is a confidential communication containing legal advice relating to a specific matter. It is subject to legal professional privilege that, if this email was sent to you by mistake, is not waived. If you are not the intended recipient of the email, please let me know by reply email and then delete this email from your system and do not retain any copy. Recipients within the NDIS Commission should seek assistance from a lawyer in the General Counsel and Investigations Branch before disseminating this email or disclosing its contents to third parties or using this advice for a different matter.

**Section 22**

**From:** PULKO, Lisa  
**Sent:** Thursday, 25 May 2023 10:17 AM  
**To:** MACKEY, Tracy  
**Subject:** Notice and Summary that has been displayed alongside [SEC=OFFICIAL]  
**Attachments:** Improvement Notice - MC00028634 -NT03 - NDIS Quality and Safeguards Commission (2).pdf; Comcare Notice to Improve - Summary.pdf

**Importance:** High

Tracy,

This is the email that went to people to have the notice hung. We had confirmation last night that it has been displayed in all offices.

Lisa

---

**From:** COO (NDIS Commission) <COO@ndiscommission.gov.au>

**Sent:** Wednesday, 24 May 2023 4:27 PM

**To:** **Section 22**

**Cc:** COO (NDIS Commission) <COO@ndiscommission.gov.au>; **Section 22**

; PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>

**Subject:** For Action: Notice to be displayed in NDIS Commission offices [SEC=OFFICIAL]

**Importance:** High

Hi all

As flagged earlier today, could you please print the two attached documents and display them in your office in a central area that is accessible by all staff (but not shared with other agencies if you are in a shared tenancy) at **4.30pm AEST today** (or as soon after as is possible). Note there is a legislative requirement to physically display the notice **as soon as practicable**.

If possible, could you please staple the 5-page improvement notice and display the summary (one pager) next to it.

Could you please:

- confirm via MS Teams or email to me once this is completed; and
- take a photo of the documents on the wall / notice board and email that to me (this can be done tomorrow).

Thank you for your help – please let me know if you have any questions. Note that in addition to the physical notices in each office, there will also be some all staff messaging circulated shortly.

Kind regards

**Section 22**







## Comcare Notice to Improve

Improvement Notice MC00028634 -NT03-C1 (the Notice) is included with this summary.

1. The NDIS Commission is working closely with Comcare to ensure staff safety and well-being. Improvement Notice MC00028634-NT03-C1 was issued by Comcare on April 28, 2023, regarding the psychosocial hazard of job demands.
2. The Commission requested that Comcare undertake an internal review of the Notice. The Commission felt the reasoning contained in the Notice did not accurately reflect the changes made and underway in relation to workloads, and it did not consider the Commission's budgetary constraints.
3. Health and Safety Representatives (HSRs) were informed about the Notice and the request for internal review. During the review process, the Notice was not considered 'in effect'.
4. On May 24, 2023, Comcare communicated its decision to confirm the Improvement Notice and recommended strengthening work health and safety (WHS) risk frameworks.
5. The Commission acknowledges long-standing workload issues and has been actively working to streamline processes and allocate work more appropriately, including staff-led initiatives and changes in the Regulatory Operations Division.
6. The Commission has acknowledged that workloads have increased over time consistent with the growth of the NDIS. The Commission presented Government with a persuasive and evidenced based proposal and in response, Government has provided funding for significant growth the Commission's workforce.
7. The Commission is committed to making sensible changes to WHS frameworks and procedures. Ongoing review and improvement processes are taking place in consultation with HSRs, which will result in improved training, instruction, and supervision for WHS.
8. Additional guidance for staff on applying the Commission's risk framework to WHS risks will be published following a workshop at the SLT meeting on 30 May 2023.
9. The Commission will continue to liaise with Comcare to improve our frameworks, as we have done over an extended period. We look forward to continuing our collaborative approach with staff to workplace improvements.
10. For questions or ideas regarding further work related to WHS, please email xxx@xxxxxxxxxxxxxxxx.xxx.xx.

# Disability regulator put on notice by Comcare

**Miriam Webber**

THE workplace health and safety regulator has issued a notice to the NDIS Quality and Safeguards Commission to address unsafe workloads and demands on the government agency's staff.

Comcare issued an improvement notice to the agency charged with monitoring the safety of National Disability Insurance Scheme recipients on April 21.

The notice would mean the commission must act to rectify safety issues identified, understood to be caused by understaffing and intense workloads, but the agency has requested an internal review of the notice.

A Comcare spokesperson confirmed the notice had been issued, adding: "The notice is currently under internal review at the request of the commission. This is an ongoing inquiry and we can't comment further," they said.

The Community and Public Sector Union urged the Albanese government to lift staffing levels at the commission which has been constricted by a cap tying it to 2006 employment levels.

The measure introduced by the Coalition government in the 2015-16 federal budget has kept the agency reliant on temporary labour. The commission employed 367 APS staff at the end of

the 2022 financial year, and 163 contractors, spending \$17.5 million.

"Workloads are unmanageable, there is a huge overreliance on labour-hire staff including a large recent intake, and the NDIS commission has fallen severely behind on doing the job it is there to do," CPSU deputy secretary Beth Vincent-Pietsch said in a statement.

"CPSU members have very real concerns about the delays to investigations into serious incidents that exist because of their out-of-control workloads."

Ms Vincent-Pietsch said staff "care deeply" about the work of the commission, which fields complaints and regulates disability providers.

The union has highlighted issues hindering the agency, and raised it with NDIS Minister Bill Shorten, she said.

"But the time for conversations is now over, it is time for action."

The NDIS commission was contacted for comment, but did not respond by time of publication.

Section 47E(c)

**From:** MYERS, Catherine  
**Sent:** Monday, 8 May 2023 10:50 AM  
**To:** PULKO, Lisa  
**Subject:** FW: Comcare article [SEC=OFFICIAL]  
**Attachments:** Image.jpg

Hi Lisa

My concern is that we need to have consistent messaging around this matter.

Please see what [REDACTED] sent and yes, there are some good messages.

Catherine

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Section 22

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Section 22

Section 22

Section 22

# Section 22

**Section 22**

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**From:** PULKO, Lisa  
**Sent:** Tuesday, 9 May 2023 10:05 AM  
**To:** MYERS, Catherine  
**Subject:** RE: Comcare Notice. [SEC=OFFICIAL]

Thanks Catherine,  
Working on it now.  
Lisa

---

**From:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Sent:** Tuesday, 9 May 2023 9:44 AM  
**To:** NDISCommissioner <NDISCommissioner@ndiscommission.gov.au>; PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Subject:** FW: Comcare Notice. [SEC=OFFICIAL]

**Section 22** Lisa

Just keeping the Commissioner's office in the loop as I raised this at the ELT meeting yesterday.

We need some internal communication or key messages that we can cascade.

Thanks

Catherine

---

**Section 22**

Section 22

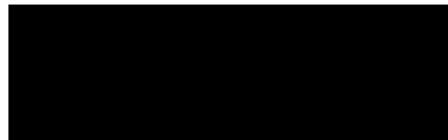
Section 22

Section 22

**From:** PULKO, Lisa  
**Sent:** Sunday, 21 May 2023 8:34 PM  
**To:** Section 22  
; MYERS, Catherine; LEATHEM, Sian  
**Cc:** MACKEY, Tracy; Section 22  
**Subject:** Documents now available on QSCnet [SEC=OFFICIAL]  
**Attachments:** QSC Net Narrative 21 May FINAL.docx

Lisa Pulko  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

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## ATTACHMENT 5

A number of Commission employees have flagged an interest in the detail of the Improvement Notice issued by Comcare to the Commission (which is not currently in effect), and the Internal Review Request.

It is important to note that the Commission advised Health and Safety Representatives (HSRs) about the Improvement Notice and the application for Internal Review promptly. While there is no requirement (confirmed by Comcare) to display the Improvement Notice, as it is not in effect, the Commission has decided to make both documents available. The documents have been redacted to remove names of Comcare officers. The Commission has fully cooperated with Comcare throughout the process.

The Commission requested that Comcare undertake an internal review as it felt that the Notice did not accurately reflect the current situation within the Commission, or the information provided to Comcare. The Commission was concerned with a number of the assumptions made and the apparent lack of consideration given to information provided. This included:

- work done by staff in the Complaints Division to determine appropriate workloads and implement processes to manage these;
- work undertaken across the Commission to streamline and improve processes in order to reduce workloads, and improve services to people with disability (multiple examples);
- staff-led work to develop the Operating Model and the subsequent changes underway in the Regulatory Operations Division;
- significant investment made by the Commission to:
  - enhance the focus on our workforce, initially through the Workforce Plan and now the delivery and planned implementation of a broad range of initiatives,
  - determine the digital and data arrangements required to ensure staff can do their work efficiently and with ease,
  - develop detailed modelling and future funding proposal for government to enhance our budget envelope and importantly, increase staff numbers across the Commission.
- consideration of the funding situation faced by the Commission in the 2022-23 year (an expected operating loss for the third consecutive year) in the context of increasing, externally driven workloads – noting the demand for the NDIS has far exceeded the forecasts and resulted in increased demand for the Commission's functions.

Comcare has recommended that we strengthen our WHS risk frameworks, specifically in relation to the psychosocial risk of workload. The Commission has acknowledged that workload issues have existed across our workforce for some time. We have all worked together over the past year in order to streamline our processes and more appropriately allocate work. This is ongoing and will continue to be refined as the shape of our workforce and the levels of demand shift. We have recently secured the funding required to increase our capacity and capability to a more appropriate level. Additional funding was secured through the recent Budget process, which had input from many people across the Commission, and will see the Commission's workforce substantially increase in the 2023-24 FY, and further the following year.

The Comcare investigation process did not identify any specific incident of injury or harm to our people. Pleasingly, the number of reports of bullying/harassment are now at a much lower level than they were 18 months ago, our rate of unscheduled absence remains low, we have introduced

induction, management and wellbeing training and we have implemented a number of initiatives designed and led by our people in response to the 2022 staff census. We have also updated the published Risk Framework documents to reflect those approved in 2021.

The Commission acknowledges that our WHS approaches can be improved and began focused work on this in late 2022, bolstered with the engagement of a dedicated WHS resource in January 2023. The Commission is committed to making sensible changes to our WHS frameworks and procedures to best support our people –this work had been underway prior to the Comcare investigation and will continue despite the fact that the Improvement Notice is not currently in effect.

We have a review and ongoing improvement process underway with regard to our WHS arrangements, supported by your HSRs, which will result in improved training, instruction and supervision in relation to WHS. This will include publishing additional guidance for staff about the application of the Commission’s risk framework to WHS risks, to be informed by a workshop at the SLT meeting at the end of May 2023.

Improvement Notice MC00028634-NT03-C1, which is not currently in effect can be accessed here. The request for Internal Review can be accessed here, the attachment to the Internal Review request can be accessed here.

If you have questions or ideas about further work you would like to the Commission to do around WHS please email [Section 22](#)

Section 22

**From:** PULKO, Lisa  
**Sent:** Wednesday, 17 May 2023 2:18 PM  
**To:** MACKEY, Tracy; Section 22; LEATHEM, Sian; Section 22 MYERS, Catherine  
**Cc:** Section 22  
**Subject:** FAQs -again [SEC=OFFICIAL]  
**Attachments:** Budget FAQs update 17 May Clean FINAL1.docx; Budget FAQs update 17 May.pdf

Hi all,

New CLEAN version of FAQs, now incorporating additional info that was prepared by the Delivery Office in response to questions that they have received or are anticipating.

Tracy, these can be published if you are comfortable, I have attached a PDF version in anticipation.

Lisa

**Lisa Pulko**  
 Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



NDIS Quality and Safeguards Commission

Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



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## Section 22

### Section 22

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## Section 22

## Section 22

### **Does the Commission have an Improvement Notice from Comcare?**

The Commission is working closely with Comcare, as we have over an extended period.

Comcare issued an Improvement Notice to the Commission on 26 April 2023. This notice was incorrectly addressed and was re-issued by Comcare late on 28 April 2023. Health and Safety Representatives (HSRs) were notified about the improvement notice on 27 April 2023. On 1 May (the first working day after the amended notice was issued), the Commission sought an internal review of the Improvement Notice, which was notified to HSRs on the same day. Comcare has advised, in writing, the Commission that while the Improvement Notice is under review, it is not considered 'in effect' and the Commission is not required to display it.

The Commission sought internal review as it felt that the Improvement Notice did not accurately reflect the information provided to Comcare. In particular, it did not acknowledge the changes made, and those underway, within the Commission in relation to workloads; for example in the Complaints Division and underway in the Regulatory Operations Division –which have and are being extensively consulted and in some cases, are staff led. We also felt that there was a lack of consideration with regard to the current (2022-23) constrained budget position of the Commission, despite significant information provided to Comcare, CPSU and staff that the Commission was preparing a budget proposal to address these particular matters as a part of the Government's Budget process. The Commission has acknowledged that workload issues have existed across our workforce for some time. We have all worked together over the past year in order to streamline our processes and more fairly allocate work. We have also recently secured the funding required to increase our capacity and capability to a more appropriate level. Additional funding was achieved through the recent Budget process, which had input from many people across the Commission, and will see the Commission's workforce substantially increase in the 2023-24 FY, and further the following year. We have a review and ongoing improvement process underway with regard to our WHS arrangements, which has been discussed with HSRs, and which HSRs have been encouraged to be involved in. The Commission is committed to making sensible changes to our WHS frameworks and procedures to best support our people –this has continued despite the fact that the Improvement Notice is not currently in effect.

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The Commission will continue to take action and do all that is required related to Comcare as the Commonwealth regulator for work health and safety, including providing information as requested. Comcare, as a regulator, is required to make decisions without undue outside influence. It is not appropriate for us, or any other party to seek to lobby (or otherwise influence) Comcare in order to gain a particular outcome.

**Did the Commission block the CPSU from attending a Commission office?**

The Commission received a Notice of Entry from the CPSU on the afternoon of Thursday 11 May, the basis for which was not clearly relevant to the WHS legislation and lacked basic information that is required in a Notice of Entry. The Commission sought advice from an expert to ensure that our actions remain appropriate. Based on advice, the Commission has also proactively engaged with Comcare in relation to the Notice of Entry.

**Did the Improvement Notice influence the budget outcome?**

The Commonwealth budget process relies on agencies like the Commission taking forward persuasive and well-evidenced proposals. The Commission worked closely with a number of other Commonwealth agencies and with the Minister’s Office in order to gain agreement to the additional funding.

The Commission is not aware of any involvement of Comcare related to our budget proposal and consideration, and the Improvement Notice was issued after budget decisions were made.

**Section 22**

[Redacted]

**Section 22**

[Redacted]

**Section 22**

[Redacted]

**Section 22**

[Redacted]

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Section 22

[Redacted]

[Redacted]

Section 22

**From:** PULKO, Lisa  
**Sent:** Sunday, 21 May 2023 8:43 PM  
**To:** Section 22; LEATHEN, Sian; MYERS, Catherine  
**Cc:** MACKEY, Tracy; Section 22  
**Subject:** FW: Documents now available on QSCnet [SEC=OFFICIAL]  
**Attachments:** QSC Net Narrative 21 May FINAL.docx; Comcare request for internal review attachment \_Redacted.pdf; Improvement\_Notice-MC00028634 -NT03-C1 - NDIS Quality and Safeguards Commission Amended Address (1)\_Redacted.pdf; internal-review-work-health-decision-application redacted.pdf

Sorry everyone,

I hit send instead of 'insert' to attach the additional documents.

As per Tracy's message, the budget FAQs have been updated to include a link to the 'narrative' document, which provides access to the three other documents. I forgot to update the date at the bottom of the FAQs document, Section 22

The narrative provides our workforce with information regarding the Commission's approach, the content of the Improvement Notice, and why we sought an Internal Review. There are links at the end of the narrative which go to the improvement notice and the Internal Review documents.

Have a nice evening,  
Lisa

---

**From:** PULKO, Lisa  
**Sent:** Sunday, 21 May 2023 8:34 PM  
**To:** Section 22  
 Section 22  
 MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>;  
 LEATHEN, Sian <Sian.LEATHEN@ndiscommission.gov.au>  
**Cc:** MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; Section 22  
**Subject:** Documents now available on QSCnet [SEC=OFFICIAL]

Lisa Pulko  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



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Section 22

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**From:** PULKO, Lisa  
**Sent:** Wednesday, 17 May 2023 7:35 AM  
**To:** MACKEY, Tracy; Section 22 MYERS, Catherine;  
LEATHEM, Sian; Section 22  
**Cc:** Section 22

Good morning,  
Updated FAQs with all changes showing and responses/changes based on comments included.  
I will clean up this version ready for publishing this morning, but if you have any further edits please let me know ASAP.  
Regards,  
Lisa

---

**From:** MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>  
**Sent:** Tuesday, 16 May 2023 8:29 PM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>; Section 22  
MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>; LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>; Section 22  
**Cc:** Section 22  
**Subject:** Budget FAQs update 16 May Combined Edits [SEC=OFFICIAL]

See my edits added to those of others.

Section 22

**From:** MYERS, Catherine  
**Sent:** Thursday, 25 May 2023 5:04 PM  
**To:** NDISCommissioner  
**Cc:** PULKO, Lisa  
**Subject:** FW: Urgent request: data for Senate Estimates [SEC=OFFICIAL]  
**Attachments:** Complaints and grievance figures.docx; RE: MC00028634 - NDISQSC - CPSU WHS Concerns - Psychosocial hazard of Job Demands [SEC=OFFICIAL:Sensitive]

Section 22/Section 47E(c)

[Redacted]

[Redacted]

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**From:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 4:59 PM  
**To:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Cc:** Section 22  
**Subject:** RE: Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Hi Catherine,

Section 22/Section 47E(c)  
[Redacted]

Please find attached also an email sent to Comcare which provides info on work undertaken to reduce workloads in particular parts of the Commission. The below may also be of assistance.

Regards,  
Lisa

The Commission has acknowledged that workload issues have existed across our workforce for some time. The Future State work commenced in 2022 and included co-design with stakeholders including you. Our future state model considers Strategy, Culture, Systems and Processes and Capability. Through structural realignments across the Commission we have been actively working together to streamline processes and allocate work more appropriately. This is ongoing and will continue to be refined as the shape of our workforce and the levels of demand shift. Additional funding was secured through the recent Budget process, which had input from many people across the Commission, and will see the Commission’s workforce substantially increase in the 2023-24 FY, and further the following year.

---

**From:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 8:15 AM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Subject:** Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Hi Lisa



Section 22/Section 47E(c)

**Catherine Myers**

**Deputy Commissioner, Regulatory Operations (Registrar)**

E: [catherine.myers@ndiscommission.gov.au](mailto:catherine.myers@ndiscommission.gov.au)

[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

Section 47F



NDIS Quality  
and Safeguards  
Commission

EA contact *Lucie Jones* 0418 409 801 | [lucie.jones-calvert@ndiscommission.gov.au](mailto:lucie.jones-calvert@ndiscommission.gov.au)

NQSC acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

Section 22

# Section 22

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**From:** LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

**Date:** 4 June 2023 at 9:52:22 am AEST

**To:** MYERS, Catherine <[Catherine.MYERS@ndiscommission.gov.au](mailto:Catherine.MYERS@ndiscommission.gov.au)>, Section 22

**Subject:** RE: Draft email [SEC=OFFICIAL:Sensitive]

I think Catherine's tone and content are spot on.

---

**From:** MYERS, Catherine <[Catherine.MYERS@ndiscommission.gov.au](mailto:Catherine.MYERS@ndiscommission.gov.au)>

**Date:** 4 June 2023 at 9:39:03 am AEST

**To:** Section 22

LEATHEM, Sian  
<[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

**Subject:** RE: Draft email [SEC=OFFICIAL:Sensitive]

Hi everyone

I have thrown the text into a word documents so I could write comments as well.

Hope my changes are helpful but also happy for them to be removed.

Thanks

Catherine

# Section 22

---

**From:** MYERS, Catherine <[Catherine.MYERS@ndiscommission.gov.au](mailto:Catherine.MYERS@ndiscommission.gov.au)>

**Sent:** Sunday, 4 June 2023 8:56 AM

To: Section 22

LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>

Subject: Re: Draft email [SEC=OFFICIAL:Sensitive]

Section 22

I'll log on shortly and send through some suggested edits.

Catherine

---

# Section 22

Section 22 - draft

Section 22 - draft

Section 22 - draft

Section 22 - draft

Section 22

Section 22 - draft

Section 22

**From:** LEATHEM, Sian  
**Sent:** Sunday, 4 June 2023 9:18 AM  
**To:** Section 22 - draft; MYERS, Catherine  
**Subject:** RE: Draft email [SEC=OFFICIAL:Sensitive]

Section 22 - draft

Some suggested edits below.

Thanks,

Sian

Section 22 - draft

Section 22 - draft

Section 22 - draft

Section 22 - draft

Section 22

# Section 22

Section 22 - draft



Section 22 - draft



Section 22 - draft



Section 22 - draft



Section 22

# Section 22

Section 22

# Section 22

From: LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>

Sent: Tuesday, 16 May 2023 6:59 PM

To: Section 22 PULKO, Lisa  
<Lisa.PULKO@ndiscommission.gov.au>; MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>; Section 22

Subject: RE: Section 22 [SEC=OFFICIAL]

Great job Lisa and Section 22. I've added a few tracked changes and comments to the version Section 22

Thanks,

Sian

# Section 22



# Section 22

# Section 22

**From:** \_\_\_\_\_

**Sent:** Tuesday, 16 May 2023 5:52 PM

**To:** MACKEY, Tracy <\_\_\_\_@\_\_\_\_>; MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>; LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>;

Section 22

**Subject:** Updated FAQs for review [SEC=OFFICIAL]

Hi all,

Please find attached the updated FAQs taking into account the additional questions. If you would like to make changes, or add content, please do so in tracks. We will try to get this up on the intranet tomorrow prior to the all-staff email, so would appreciate a quick turnaround.

Regards,  
Lisa

**Lisa Pulko**  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.

Section 22 | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



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Section 22

**From:** MYERS, Catherine  
**Sent:** Thursday, 25 May 2023 5:03 PM  
**To:** PULKO, Lisa  
**Cc:** Section 22  
**Subject:** RE: Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Thanks Lisa

I will forward to the Commissioner's office for her consideration.

Section 22/Section 47E(c)

Catherine

---

**From:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 4:59 PM  
**To:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Cc:** Section 22  
**Subject:** RE: Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Hi Catherine,

Section 22/Section 47E(c)

Please find attached also an email sent to Comcare which provides info on work undertaken to reduce workloads in particular parts of the Commission. The below may also be of assistance.

Regards,  
Lisa

The Commission has acknowledged that workload issues have existed across our workforce for some time. The Future State work commenced in 2022 and included co-design with stakeholders including you. Our future state model considers Strategy, Culture, Systems and Processes and Capability. Through structural realignments across the Commission we have been actively working together to streamline processes and allocate work more appropriately. This is ongoing and will continue to be refined as the shape of our workforce and the levels of demand shift. Additional funding was secured through the recent Budget process, which had input from many people across the Commission, and will see the Commission's workforce substantially increase in the 2023-24 FY, and further the following year.

---

**From:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 8:15 AM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Subject:** Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Hi Lisa

Section 22/Section 47E(c)

**Catherine Myers**

**Deputy Commissioner, Regulatory Operations (Registrar)**

E: [catherine.myers@ndiscommission.gov.au](mailto:catherine.myers@ndiscommission.gov.au)

[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

Section 47F



NDIS Quality  
and Safeguards  
Commission

Section 22

NQSC acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

**Section 22**

**From:** PULKO, Lisa  
**Sent:** Thursday, 25 May 2023 5:14 PM  
**To:** MYERS, Catherine; NDISCommissioner  
**Subject:** RE: Urgent request: data for Senate Estimates [SEC=OFFICIAL]  
**Attachments:** Complaints and grievance figures.docx

Now with Comcare claims information included.  
Lisa

---

**From:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 5:04 PM  
**To:** NDISCommissioner <NDISCommissioner@ndiscommission.gov.au>  
**Cc:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Subject:** FW: Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Colleagues

As per Tracy’s request this morning, Lisa’s team is working on data. Thought I would send through for Tracy to consider and provide feedback if she wants the additional work completed.

Catherine

---

**From:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Sent:** Thursday, 25 May 2023 4:59 PM  
**To:** MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>  
**Cc:** **Section 22** >  
**Subject:** RE: Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Hi Catherine,

**Section 22/Section 47E(c)**  
[Redacted content]

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Regards,  
Lisa

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**From:** MYERS, Catherine <[Catherine.MYERS@ndiscommission.gov.au](mailto:Catherine.MYERS@ndiscommission.gov.au)>  
**Sent:** Thursday, 25 May 2023 8:15 AM  
**To:** PULKO, Lisa <[xxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx) >  
**Subject:** Urgent request: data for Senate Estimates [SEC=OFFICIAL]

Section 22

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**Catherine Myers**  
Deputy Commissioner, Regulatory Operations (Registrar)  
E: [catherine.myers@ndiscommission.gov.au](mailto:catherine.myers@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

Section 47F



NDIS Quality  
and Safeguards  
Commission

Section 22

NQSC acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

Section 22

---

**From:** MYERS, Catherine  
**Sent:** Sunday, 4 June 2023 9:20 PM  
**To:** Section 22; MACKEY, Tracy; Section 22 PULKO, Lisa;  
LEATHEM, Sian; Section 22  
**Subject:** RE: URGENT for ELT review [SEC=OFFICIAL]

Hi Tracy

My edits Section 22 earlier today are incorporated in your updated version. No further changes from me.

Thanks

Catherine

---

Section 22

Section 22

Section 22

# Section 22

**From:** MACKEY, Tracy <[Tracy.MACKEY@ndiscommission.gov.au](mailto:Tracy.MACKEY@ndiscommission.gov.au)>

**Sent:** Sunday, 4 June 2023 7:00 PM

**To:** Section 22

[REDACTED] PULKO, Lisa <[xxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx)>; LEATHEM, Sian <[Sian.LEATHEM@ndiscommission.gov.au](mailto:Sian.LEATHEM@ndiscommission.gov.au)>; MYERS, Catherine <[xxxxxxxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx)>; Section 22

Section 22

**Subject:** URGENT for ELT review [SEC=OFFICIAL]

Evening – thanks to those of you who’ve already had a hand in drafting the all staff email today. I have now added in my own voice to personalise and it does change the tenor of the email.

**Can I ask each of you to critically review and provide any feedback directly to me tonight.** I intend to send the email around 7:30am tomorrow morning.

Section 47E(c)

Thanks  
Tracy

Section 22 - draft

[REDACTED]

Section 22 - draft

[REDACTED]

Section 22 - draft

[REDACTED]



Section 22 - draft



Section 22 - draft



Section 22 - draft

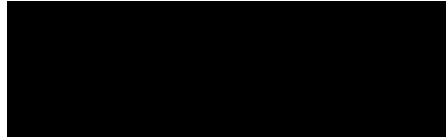


Section 22 - draft



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**Tracy Mackey**  
**Commissioner**



Section 22 - draft | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

---

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Section 22

From: LEATHEM, Sian  
Sent: Sunday, 4 June 2023 7:31 PM  
To: MACKEY, Tracy; Section 22; PULKO, Lisa; MYERS, Catherine; Section 22  
Subject: Re: URGENT for ELT review [SEC=OFFICIAL]

Hi Tracy,

Unfortunately I haven't got my laptop on me at the moment so can't track changes in the conventional way. I have identified a few typos (in bold), a couple of suggested deletions (in brackets), and a couple of possible amendments (in italics). Otherwise, no further comments from me.

Cheers,

Sian

Section 22 - draft

[Redacted content]

Section 22 - draft

[Redacted content]

Section 22 - draft

[Redacted content]

Section 22 - draft

[Redacted content]

Section 22 - draft

[Redacted content]

Section 22 - draft

Section 22 - draft

Section 22 - draft

**From:** MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>

**Date:** 4 June 2023 at 6:59:32 pm AEST

**To:** Section 22

[REDACTED] PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>, LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>, MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>, Section 22

**Subject:** URGENT for ELT review [SEC=OFFICIAL]

Section 47E(c)

Section 22 - draft

Section 22 - draft



Section 22 - draft



Section 22 - draft



Section 22 - draft



Section 22 - draft

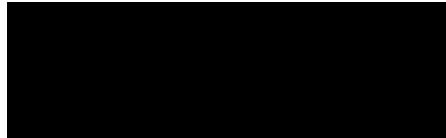


Section 22 - draft



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**Tracy Mackey**  
**Commissioner**



Section 22 - draft | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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**Section 22**

---

**From:** COO (NDIS Commission)  
**Sent:** Friday, 12 May 2023 2:48 PM  
**To:** PULKO, Lisa  
**Cc:** COO (NDIS Commission)  
**Subject:** FW: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]  
**Attachments:** (04) Letter to applicant - request further information - internal review.pdf

Section 22

---

**From:** Section 22  
**Sent:** Friday, 12 May 2023 2:17 PM  
**To:** Section 22; COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Subject:** RE: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Section 22

Please find attached a request for further information in relation to the Application for Internal Review made by Lisa Pulko on 1 May, 2023.

(This request is also emailed to Lisa as the applicant).

Regards,

**Section 22**



**Comcare**  
GPO Box 1993, Canberra, ACT 2601  
1300 366 979  
[www.comcare.gov.au](http://www.comcare.gov.au)



---

**From:** Section 22  
**Sent:** Thursday, 4 May 2023 2:01 PM  
**To:** Section 22

Cc: PULKO, Lisa <[REDACTED]>

Subject: RE: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]

Hello [REDACTED]

Thank you for your correspondence. Please don't hesitate in contacting me if I can provide any assistance during the process.

Kind regards

[REDACTED]

# Section 22

---

From: [REDACTED]

Sent: Thursday, 4 May 2023 1:27 PM

To: [REDACTED]

Subject: Comcare Internal Review Ref. IR05/2022-23 (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon [REDACTED],

I have been appointed to conduct an internal review of Inspector [REDACTED] decision to issue an Improvement Notice to NDIS Quality and Safeguards Commission.

Please find attached a copy of my letter of acknowledgement of receipt of the Application for Internal Review.

Regards,

# Section 22



**Comcare**  
GPO Box 1993, Canberra, ACT 2601  
1300 366 979  
[www.comcare.gov.au](http://www.comcare.gov.au)



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**OFFICIAL**

**ATTACHMENT 7**

12 May, 2023

Internal review ref: IR05/2022-23

Lisa Pulko  
GPO Box 1465  
Canberra  
ACT 2601

By email only: [COO@ndiscommission.gov.au](mailto:COO@ndiscommission.gov.au) **Section 22**

### Internal Review under the *Work Health and Safety Act 2011* (WHS Act) (Cth)

Dear Lisa,

I refer to your application for internal review of a reviewable decision under section 224(1) of the WHS Act, dated 1 May, 2023 (**the application**).

You requested a review of a decision made by Comcare Inspector **Section 22** on 21 April, 2023 to issue an improvement notice under section 191 of the WHS Act (**the reviewable decision**).

In conducting my review, I would be assisted by further information from you. Section 226 of the WHS Act allows me, the Internal Reviewer, to seek further information from you, the applicant, to conduct the review.

I request the following information by 22 May, 2023:

- a. Provide documents and information to demonstrate how the NDIS Quality and Safeguards Commission determine 'manageable' workload levels and how the new structure/operating model as implemented in CDD is monitored and maintained?
- b. Provide documents and information to demonstrate how the "initial program of work" based on the findings from the Reportable Incidents functions review assists with managing psychosocial risk arising from the design of work including job demands and tasks?
- c. Can the NDIS Quality and Safeguards Commission provide a timeframe for the completion of the Reportable Incidents Review?
- d. Can the NDIS Quality and Safeguards Commission provide a timeframe for the completion of "consulting with staff on changes to structure" including "Creating multifunctional teams, implementing a comprehensive review of policies, procedures and work instructions, Developing a regulatory capability learning and development program, Implementing a whole of organisation Regulatory Risk framework" and provide documents and information to demonstrate how the Commission is monitoring/maintaining the achievement of these actions?

GPO BOX 1993  
CANBERRA ACT 2601  
P 1300 366 979

[COMCARE.GOV.AU](http://COMCARE.GOV.AU)

**OFFICIAL**

**PAGE105**

## OFFICIAL

The 14-day period for me to conduct this internal review pauses until you provide me with the additional information.

Please note that if you do not provide the information by the date requested, the decision of Inspector **Section 22** to issue the improvement notice is taken to have been confirmed under section 226(5) of the WHS Act.

If you are unable to provide the information by the date requested, you should write to me before the due date, requesting an extension of time and stating the reasons for your request.

If you have any questions about this letter, please contact me by telephone on **Section 22** or via email **Section 22**

Yours sincerely

**Section 22**

Internal Reviewer appointed under section 225 of the *Work Health and Safety Act 2011* (Cth)  
Regional Operations ACT

Section 22

From: PULKO, Lisa  
Sent: Saturday, 20 May 2023 3:27 PM  
To: MACKEY, Tracy  
Cc: NDISCommissioner; COO (NDIS Commission)  
Subject: RE: Next steps [SEC=OFFICIAL]

Section 47C

[Redacted content]

L

From: MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>  
Sent: Saturday, 20 May 2023 3:20 PM  
To: PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
Cc: NDISCommissioner <NDISCommissioner@ndiscommission.gov.au>  
Subject: Next steps [SEC=OFFICIAL]

Hi Lisa,

Just following up on our various conversations yesterday....a few thoughts:

- Section 47C [Redacted content]

Separately, I think we need to get up a dashboard of our progress against the Workfroce Plan sooner rather than later – I'll let s22 know as well as it will involve graphics and publishing on the internet

Enjoy your weekend, I'll give you a call Monday.

Thanks  
Tracy

---

**Tracy Mackey**  
**Commissioner**



Section 477

| E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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Section 22

From: Section 22  
Sent: Thursday, 11 May 2023 4:07 PM  
To: PULKO, Lisa  
Subject: Update - NDIS QSC queries [SEC=OFFICIAL]

**OFFICIAL**

Hi Lisa

Many thanks for your time today. Further to our conversations I am writing to confirm that:

- Section 47E(c)
- The application for an internal review stays the operation of the decision to issue the notice (see s 228(1) WHS Act), there is therefore no current requirement to display the notice.

Please reach out if I can assist further.

Kind regards

Section 22

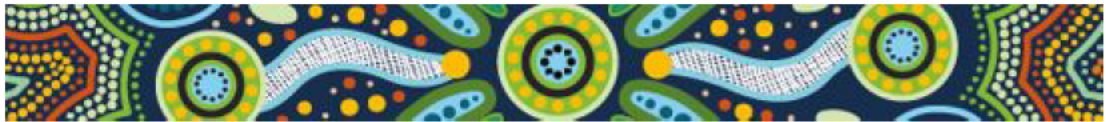
[Redacted signature block]



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1300 366 979  
[www.comcare.gov.au](http://www.comcare.gov.au)



Comcare acknowledges the Traditional Owners and Custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elders past, present and emerging.

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Section 22

# Section 22

# Section 22

From: PULKO, Lisa

Sent: Sunday, 21 May 2023 8:43 PM

To: Section 22

[REDACTED] LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>; MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>

Cc: MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; Section 22

Subject: FW: Documents now available on QSCnet [SEC=OFFICIAL]

Sorry everyone,

I hit send instead of 'insert' to attach the additional documents.

As per Tracy's message, the budget FAQs have been updated to include a link to the 'narrative' document, which provides access to the three other documents. I forgot to update the date at the bottom of the FAQs document, Section 22.

The narrative provides our workforce with information regarding the Commission's approach, the content of the Improvement Notice, and why we sought an Internal Review. There are links at the end of the narrative which go to the improvement notice and the Internal Review documents.

Have a nice evening,  
Lisa

From: PULKO, Lisa

Sent: Sunday, 21 May 2023 8:34 PM

To: Section 22

[REDACTED] MYERS, Catherine <Catherine.MYERS@ndiscommission.gov.au>; LEATHEM, Sian <Sian.LEATHEM@ndiscommission.gov.au>

Cc: MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; Section 22

Subject: Documents now available on QSCnet [SEC=OFFICIAL]

## Lisa Pulko

Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



**Section 47F** | M: 0403 455 410 | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



The NDIS Quality and Safeguards Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

**Section 22**

---

**From:** MACKEY, Tracy  
**Sent:** Sunday, 21 May 2023 3:16 PM  
**To:** PULKO, Lisa  
**Cc:** **Section 22**  
**Subject:** QSC Net Narrative 21 May [SEC=OFFICIAL]  
**Attachments:** QSC Net Narrative 21 May.docx

Hi Lisa, thanks for pulling of this together. It reads well and is easy to step-through. I've made a few minor edits – see attached version.

I'm comfortable with the other docs being published.

Assume you'll provide a copy to **Section 47F** as well.

Cheers  
Tracy



**Section 22**

**From:** **Section 22**  
**Sent:** Friday, 28 April 2023 4:31 PM  
**To:** PULKO, Lisa  
**Cc:** **Section 22**; COO (NDIS Commission); **Section 22**  
**Subject:** RE: Comcare Improvement Notice - NDIS QSC (MC00028634-NT03-C1)  
[SEC=OFFICIAL]  
**Attachments:** Improvement\_Notice-MC00028634 -NT03-C1 - NDIS Quality and Safeguards Commission Amended Address (1).pdf

**OFFICIAL**

Good afternoon Lisa,

RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03-C1

Thank you for your time on the phone yesterday and your brief call just now.

I acknowledge your agreement with the overall intent of Improvement Notice MC00028634-NT03. I also note your request to amend the Address Line for Service and to remove paragraph 4e(i) from the brief description section.

Please find Improvement Notice (MC00028634-NT03-C1) attached which has been amended to reflect the appropriate address change to the previously issued Improvement Notice in address lines 1 and 2. The notice remains the same in all other respects.

As outlined during our call, paragraph 4e(i) has not been removed as this is relevant to the Inspectors reasonable belief at a specific time.

Inspector **Section 22** determined there was a sufficient basis to reasonably form a belief of a contravention of the WHS Act and a decision was made to issue an Improvement Notice. Inspectors are required to (in writing), briefly state, how the provision is being, or has been, contravened. Paragraph 4e(i) of the Improvement Notice is based on information that was provided by NQSC on 11 April 2023. The decision was made at a point in time on the information provided.

I acknowledge your concerns around the delay from date of issue to delivery. Please note that the WHS Act, s194 allows for the extension of time for compliance with improvement notices. An improvement notice is a mechanism to require a person to do something, therefore Comcare expects NQSC to have an action plan / timeline before considering any extension to the current compliance date.

The inspector's decision to issue an improvement is reviewable under the WHS Act, Part 12. For further details please refer to the Internal Review of Decision section on the last page of the Improvement Notice.

Finally, in response to your concerns around the difference between the issue date on the original Notice and today's date when the Notice address has been changed, you could consider an all staff message to provide context to the issue.

Regards

**Section 22**

**Section 22**

Section 22  
[Redacted]

**Comcare**  
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1300 366 979 | [www.comcare.gov.au](http://www.comcare.gov.au)

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---

**From:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Sent:** Thursday, 27 April 2023 2:04 PM  
**To:** Section 22  
**Cc:** BERRY, John <John.BERRY@ndiscommission.gov.au>; Simone.Ilett <simone.ilett@ndiscommission.gov.au>; COO (NDIS Commission) <COO@ndiscommission.gov.au>  
**Subject:** RE: Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

Hi Section 22

[Redacted] the Improvement Notice is addressed C/o Department of Social Services. We are a completely separate entity and as such, the notice needs to be addressed to us. The address to use (our head office) is:

PO Box 210, Penrith NSW 2750

Section 47C/47E(d)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Section 47C/47E(d) [Redacted]

Section 47C/47E(d) [Redacted]

Section 47C/47E(d) [Redacted]

Section 47C/47E(d) [Redacted]

I am happy to discuss if any part of this is confusing or unclear. I also apologise, but I didn't catch Fiona's last name so I haven't been able to copy her in.


Regards,  
Lisa

**Lisa Pulko**  
Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.

[Redacted]

Section 47F [Redacted] | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

 The NDIS Quality and Safeguards Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

---

**From:** Section 22 [Redacted]  
**Sent:** Wednesday, 26 April 2023 4:56 PM  
**To:** PULKO, Lisa <xxxx.xxxxx@xxxxxxxxxxxxxxxx.xxx.xx >  
**Cc:** Section 22 [Redacted]  
**Subject:** Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Lisa,

RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03

Thank you for your time on the phone earlier.

As discussed, please find the Improvement Notice attached (MC00028634-NT03). This notice is issued with directions and recommendations to assist NDIS QSC to manage the psychosocial risks of work demands.

In summary, the additional information that was provided by NDIS QSC, has not changed Senior Inspector Section 22 [REDACTED]'s reasonable belief that NDIS QSC are failing to manage the risks to workers arising from the psychosocial hazards of work demands as per requirements of the WHS legislation.

An Improvement Notice is an administrative measure, taken on the basis of an Inspector's reasonable belief based on information available at a particular point in time. Its objectives are remedial and preventative.

*Please note that section 210 of the WHS Act requires that a person to whom an improvement notice is issued must, as soon as possible display a copy of the notice in a prominent place, at or near the workplace or part of the workplace, at which work is being carried out that is affected by the notice.*

I understand that you are currently at home and therefore intend to display the notice at the workplace when you attend tomorrow morning.

Please note that Section 22 [REDACTED] has commenced leave for approximately 6 weeks, therefore in the interim I will be the point of contact for any questions or concerns.

Regards

Section 22 [REDACTED]

Section 22 [REDACTED]

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Section 22

Section 22

Section 22

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From: PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
Sent: Monday, 8 May 2023 6:51 PM  
To: MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; Section 22  
Cc: NDISCommissioner <NDISCommissioner@ndiscommission.gov.au>  
Subject: RE: EC23-000794 [SEC=OFFICIAL]

With my edits in tracks

---

From: MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>  
Sent: Monday, 8 May 2023 5:47 PM  
To: PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>; Section 22  
Cc: NDISCommissioner <NDISCommissioner@ndiscommission.gov.au>  
Subject: EC23-000794 [SEC=OFFICIAL]

Thoughts??

**Section 22**

**From:** PULKO, Lisa  
**Sent:** Monday, 8 May 2023 7:45 PM  
**To:** MACKEY, Tracy; **Section 22**  
**Subject:** FW: Comcare Improvement Notice - NDIS QSC (MC00028634-NT03-C1) [SEC=OFFICIAL]  
**Attachments:** Improvement\_Notice-MC00028634 -NT03-C1 - NDIS Quality and Safeguards Commission Amended Address (1).pdf

Hi Ladies,

For clarity, this is the timeline for the Improvement Notice:

- Notice signed and dated 21 April 2023, not delivered to the Commission on this day.
- Notice issued to the Commission on 26 April 2023 via email. Had the wrong address (DSS address).
- COO spoke to and emailed Comcare on 27 April noting that the notice needed to be re-issued due to address issue and pointing out other inconsistencies between the information provided by the Commission and the Investigator's notice.
- Notice re-issued to Commission with address corrected on Friday 28 May 2023. This is in accordance with s194 of the WHS Act as noted by **Section 22** in the email below. No other changes made.
- Internal Review sought by Commission, email dated 1 May 2023.
- Internal Review request acknowledged by Comcare on 4 May 2023.

Regards,  
Lisa

---

**From:** **Section 22**  
**Sent:** Friday, 28 April 2023 4:31 PM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** **Section 22**  
**Section 22**  
**Subject:** RE: Comcare Improvement Notice - NDIS QSC (MC00028634-NT03-C1) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Lisa,

**RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03-C1**

Thank you for your time on the phone yesterday and your brief call just now.

I acknowledge your agreement with the overall intent of Improvement Notice MC00028634-NT03. I also note your request to amend the Address Line for Service and to remove paragraph 4e(i) from the brief description section.

Please find Improvement Notice (MC00028634-NT03-C1) attached which has been amended to reflect the appropriate address change to the previously issued Improvement Notice in address lines 1 and 2. The notice remains the same in all other respects.

As outlined during our call, paragraph 4e(i) has not been removed as this is relevant to the Inspectors reasonable belief at a specific time.

Inspector **Section 22** determined there was a sufficient basis to reasonably form a belief of a contravention of the WHS Act and a decision was made to issue an Improvement Notice. Inspectors are required to (in writing), briefly state, how the provision is being, or has been, contravened. Paragraph 4e(i) of the Improvement Notice is based on information that was provided by NQSC on 11 April 2023. The decision was made at a point in time on the information provided.

I acknowledge your concerns around the delay from date of issue to delivery. Please note that the WHS Act, s194 allows for the extension of time for compliance with improvement notices. An improvement notice is a mechanism to require a person to do something, therefore Comcare expects NQSC to have an action plan / timeline before considering any extension to the current compliance date.

The inspector's decision to issue an improvement is reviewable under the WHS Act, Part 12. For further details please refer to the Internal Review of Decision section on the last page of the Improvement Notice.

Finally, in response to your concerns around the difference between the issue date on the original Notice and today's date when the Notice address has been changed, you could consider an all staff message to provide context to the issue.

Regards



**Comcare**  
GPO Box 1993, Canberra, ACT 2601  
1300 366 979 | [www.comcare.gov.au](http://www.comcare.gov.au)

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**From:** PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>  
**Sent:** Thursday, 27 April 2023 2:04 PM  
**To:** **Section 22**  
**Cc:** **Section 22**  
**Subject:** RE: Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

**Section 22**

As discussed, the Improvement Notice is addressed C/o Department of Social Services. We are a completely separate entity and as such, the notice needs to be addressed to us. The address to use (our head office) is:

PO Box 210, Penrith NSW 2750

Additionally, could you please have a look at the following:



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I am happy to discuss if any part of this is confusing or unclear. I also apologise, but I didn't catch Fiona's last name so I haven't been able to copy her in.

Regards,  
Lisa

Lisa Pulko

Chief Operating Officer (COO)

I sometimes send emails after hours as it works well for me. There is no expectation that people receiving emails will respond out of hours.



Section 47F | E: [Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



The NDIS Quality and Safeguards Commission acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

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From: Section 22  
Sent: Wednesday, 26 April 2023 4:56 PM  
To: PULKO, Lisa <[Lisa.PULKO@ndiscommission.gov.au](mailto:Lisa.PULKO@ndiscommission.gov.au)>  
Cc: Section 22  
Subject: Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Lisa,

RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03

Thank you for your time on the phone earlier.

As discussed, please find the Improvement Notice attached (MC00028634-NT03). This notice is issued with directions and recommendations to assist NDIS QSC to manage the psychosocial risks of work demands.

In summary, the additional information that was provided by NDIS QSC, has not changed Senior Inspector Section 22 reasonable belief that NDIS QSC are failing to manage the risks to workers arising from the psychosocial hazards of work demands as per requirements of the WHS legislation.

An Improvement Notice is an administrative measure, taken on the basis of an Inspector's reasonable belief based on information available at a particular point in time. Its objectives are remedial and preventative.

*Please note that section 210 of the WHS Act requires that a person to whom an improvement notice is issued must, as soon as possible display a copy of the notice in a prominent place, at or near the workplace or part of the workplace, at which work is being carried out that is affected by the notice.*

I understand that you are currently at home and therefore intend to display the notice at the workplace when you attend tomorrow morning.

Please note that Section 22 has commenced leave for approximately 6 weeks, therefore in the interim I will be the point of contact for any questions or concerns.

Regards

Section 22

# Section 22

## Comcare

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Section 22

**From:** PULKO, Lisa  
**Sent:** Thursday, 27 April 2023 10:28 AM  
**To:** Section 22  
**Cc:** Section 22  
**Subject:** RE: Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

H Section 22

I am stuck in meetings for another little while, but am keen to speak with you about the PIN. I will call your mobile as soon as I am free.

Regards,  
Lisa

---

**From:** Section 22  
**Sent:** Wednesday, 26 April 2023 4:56 PM  
**To:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>  
**Cc:** Section 22  
**Subject:** Comcare Improvement Notice - NDIS QSC (MC00028634) [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Lisa,

**RE: Comcare Improvement Notice – NDIS QSC – MC00028634-NT03**

Thank you for your time on the phone earlier.

As discussed, please find the Improvement Notice attached (MC00028634-NT03). This notice is issued with directions and recommendations to assist NDIS QSC to manage the psychosocial risks of work demands.

In summary, the additional information that was provided by NDIS QSC, has not changed Senior Inspector Section 22's reasonable belief that NDIS QSC are failing to manage the risks to workers arising from the psychosocial hazards of work demands as per requirements of the WHS legislation.

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I understand that you are currently at home and therefore intend to display the notice at the workplace when you attend tomorrow morning.

Please note that Section 22 has commenced leave for approximately 6 weeks, therefore in the interim I will be the point of contact for any questions or concerns.

Regards

Section 22

Section 22

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Section 22

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**From:** PULKO, Lisa  
**Sent:** Thursday, 25 May 2023 12:03 PM  
**To:** MACKEY, Tracy  
**Subject:** FW: Comcare upholds Improvement Notice in NDIS QSC [SEC=OFFICIAL]

Section 22

Section 22

Section 22

# Section 22

Section 22

# Section 42

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**From:** PULKO, Lisa <Lisa.PULKO@ndiscommission.gov.au>

**Sent:** Monday, 29 May 2023 10:55 AM

**To:** Section 22

**Cc:** MACKEY, Tracy <Tracy.MACKEY@ndiscommission.gov.au>; COO (NDIS Commission) <COO@ndiscommission.gov.au>

**Subject:** FW: Comcare Improvement Notice - confirmed [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

**Importance:** High



Section 22

For advice please. My understanding from the last time that [Section 22] asked for the provision of information under the WHS Act, was that there was nothing compelling the Commission to provide it to him. Tracy may decide to provide it to him regardless, but I thought it good to know the legal basis.

Section 22

Regards,  
Lisa

# Section 22

# Section 22

Section 22

From: MACKEY, Tracy  
Sent: Friday, 5 May 2023 6:15 PM  
To: DL INT NDIS Commission Staff  
Cc: NDISCommissioner  
Subject: Commissioner Message - 5 May 2023 [SEC=OFFICIAL]



Hi all,

There has been a lot of activity across the Commission since my last email to you all. We are really hitting our stride as One Commission and I am hearing great examples of cross-team and function work from our staff. What I have noticed when I hear these stories, is the satisfaction that people are showing in working together to achieve things that are of benefit to Participants and the emergence of a true sense of who we are in becoming a contemporary purpose-led regulator.

Last week, **Section 22** [redacted]. Our visit was informative and reinforced our existing view that, whilst we strive for quality and consistency in our regulatory practices, we need to recognise where we need to tailor our approach and responses in safeguarding Participants. This is especially evident in communities like Maningrida where there are thirteen languages spoken with three main dialects. We will be partnering with the community to develop targeted education in their languages, in ways that will resonate with them and increase their understanding of their rights, the Commission’s role, and the NDIS more broadly. It’s an exciting new initiative from which we will be able to take learnings on agile regulation and how we deliver outcomes for all Participants regardless of location or background.

I also continue to meet regularly with a variety of stakeholders, **Section 22** [redacted]. It is always a wonderful opportunity for rich discussion and deeper thinking on complex Scheme issues. This includes how we all work within the NDIS ecosystem and the importance of partnering to generate solutions that respond to the voice of Participants and their lived experience of the NDIS. The NDIS Review will soon be releasing a paper on Participant Safeguarding – I encourage you to take time to read the paper once it is available. The Commission will be making a submission to this paper, and we intend to for all NDIS Review papers that may have an impact on our functions in the future.

**Section 22** [redacted]

We are now focussed on how we share the insights we've gained with NDIS Participants and the NDIS market more broadly. Our intention is to keep up the energetic pace of this Inquiry, so watch this space.

Also up on our website is the EOI for the [new Consultative Committee](#). This new Committee combines the two previous consultative committees into one powerhouse. The Consultative Committee is another way by which we connect with people with lived disability experience, their families, and thought leaders from across the sector. The Committee members generously allow us to learn from them and together dig into ways to drive quality and safety improvements.

In staffing updates, **Section 22**. There has also been a review of the Commissioner's office which has followed the same process other divisions have undertaken as part of our future state work. Work over the coming months will focus on refining the 'front door' of the Commission, by providing clear process, protocols, channels of communication and setting quality standards. There will be an increased focus on the strategic positioning of the Commission and our forward agenda that considers the strategic oversight of key relationships, strategic engagement and communications positioning. To support this, EOIs will be advertised on Monday 8 May 2023 for an Assistant Director, Strategic Positioning and an Engagement Officer role. We'll also be energising the EA and EO networks – so watch this space.

As you may know, the 2023 APS Employees Census will take place from 8 May to the 9 June 2023, more information is available on [QSCnet](#). In 2022, one of our approaches to responding to what we heard from you was to implement a staff led approach through a Working Group that focused on three key areas:

- Leadership
- Communication and
- Wellbeing.

A summary of the work that has been done across the Commission which aligns with the focus and intent of the Working Group recommendations will be available on the [APS Working Group](#) page on QSCNet early next week. Once again, a big shout out to all of you who have been members of the Working Group and involved in delivering the many initiatives.

Finally, a reminder that the Federal Budget will be released on Tuesday May 9. I encourage you to join our all-staff update on Wednesday 10 May for a post-budget update on initiatives across government and what this means for the Commission.

In the meantime I hope you all have a great weekend.

Cheers  
Tracy

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**Tracy Mackey**  
Commissioner



NDIS Quality  
and Safeguards  
Commission

**Section 22** | E: [Tracy.Mackey@ndiscommission.gov.au](mailto:Tracy.Mackey@ndiscommission.gov.au)

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## Section 22

**From:** MACKEY, Tracy  
**Sent:** Wednesday, 17 May 2023 4:24 PM  
**To:** DL NDIS Commission Staff  
**Cc:** NDISCommissioner  
**Subject:** Implementation arrangements to scale up the NDIS Commission [SEC=OFFICIAL]



Afternoon,

I was so pleased that we were able to come together as One Commission last Wednesday and in divisional groups on Friday to share the positive outcome of the budget and the plans for how we will progress with scaling up our operations. This is an exciting time for the NDIS Commission and is the culmination of all the exceptional work that has occurred over the last 18 months, where collectively we have defined our strategic focus and refined our operating model in preparation to move from the start-up phase, (building on the foundations of the NDIS Commission established over the last five years), through to scaling up operations.



More than ever, this funding injection to progress the scale up, positions us to deliver our ambition to be a contemporary, purpose – centred regulator, with the rights of participants at the heart of everything we do.

As we have been designing the Future State arrangements with you we have been guided by a model of organisational change to facilitate the scale-up. Over the last 18 months we have progressed a range of projects and initiatives including:

- **Strategy** with the release of our Strategic Plan and Regulatory Approach
- **Culture** by developing and bringing to life our cultural principles
- **Capability** uplift through the establishment of our Learning & Development team and training and learning opportunities
- **Systems and processes** completing our Data and Digital Roadmap and undertaking reviews across divisions and functions to improve our approaches
- **Structure** applying a One Commission approach to teams and divisions reflected in our organisational design
- **People** landing our first Workforce Plan has provided the foundation to progress initiatives across the employee lifecycle

You will now start to see all of these pieces of work come together as we implement the extra resourcing to allow us to evolve and keep pace with NDIS market and ensure our regulatory breadth allows us to not only respond to but anticipate changes (a hallmark of a truly contemporary regulator).

Through the future state consultations, the complaints review and the regulatory operations change work, ELT has been guided by your input and contribution to what the future of the NDIS Commission could look like. We will continue with this approach as we work through the planning for implementation and **I am seeking a couple of volunteers from each division who would like to play a role as change facilitators**. If you are interested, please email [xxxxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx.xx) by **Monday 22 May 2023**.

## **Establishment of a Delivery Office and Implementation Plan**

Last Wednesday at the All Staff briefing, I let you know that a Delivery Office would be established in the Planning, Performance and Engagement team to drive the implementation of a range of change initiatives that are underway or planned. We have already moved forward on this and the Delivery Office came to life on Monday. The establishment of the Delivery Office was a desire by ELT to bring all the change management into one area to ensure consistency in delivery and most importantly to have a joined up One Commission focus. The Delivery Office has already 'hit the ground running' and has been working with each of the divisions to plan for the recruitment of additional staff, in order for us to have additional resources on board by 1 July 2023. The first tranche of roles are being released tomorrow (Thursday 18 May 2023) and will be available at <https://www.apsjobs.gov.au/s/>.

A high level implementation plan will be shared shortly and will outline the other activities the Delivery Office will be supporting. The plan will include the change activities already underway such as the Reportable Incidents Review, and the Regulatory Operations changes. The staff advisory group that has established to shape the Regulatory Operations change plan will continue to operate to support the Regulatory Operations changes. The Workforce Consultative Committee (WCC) will continue to be convened regularly through-out implementation and beyond and I encourage you all to think about joining the WCC to drive positive change and a One Commission view for our organisation and for NDIS Participants. Additionally, SLT are coming together at the end of May and will explore any emerging risks and opportunities that need to be considered to guide implementation.

## **Where you can get more information**

Over the last week, many of you have had lots of questions and have been talking with your Managers and ELT members, which I strongly encourage you to keep doing. Your ELT and SLT members will be able to provide you with further detail and bust any myths. In addition to this, we will continue to publish FAQs each week and they will continue to be updated with the questions received by ELT and through the future state inbox [futurestate@ndiscommission.gov.au](mailto:futurestate@ndiscommission.gov.au). Updated budget FAQs have been released today, reflecting the questions you've been raising and are now available on [QSCNet](#). Regulatory Operations Future State FAQs will be updated and published on Monday.

## **More support**

I acknowledge that change is not easy for everyone. If you require support or want to talk a little more about what this change means for you, please speak to your ELT member. We will shortly be offering change management training for interested staff. We also have support available through our free confidential counselling service provided by Converge International, which is available until 11pm Monday to Friday and on weekends from 9am to 5pm and can be contacted on 1300 687 327. Employees can also access EAP if required by calling 1300 687 327.

Finally, it has been amazing to see the excitement – online, in person and via email - that so many of you have shared, it is an important moment for the Commission as we continue to grow as an organization and fulfil our purpose and priorities for people with disabilities. I thought I'd leave you with an a quote from one Commission staff member that I think sums up a lot of the feedback: *"a fabulous outcome for people with disabilities, families, the commission, providers and the market, and frankly for all Australians. Woo hoo!!!!!!"*

Cheers  
Tracy