



NDIS Quality  
and Safeguards  
Commission

Registration ID: 4-GQRLD26

3 August 2022

HAPPYBILITY AUSTRALIA PTY LTD  
Trading as HAPPYBILITY  
Unit 28 12-20 Garnet St  
ROCKDALE NSW 2216

Attention: Nezire Yildirimer  
Email: nezyildirimer@yahoo.com.au

### Registration as a registered NDIS provider

Dear Nezire Yildirimer

Thank you for your application to be registered as a National Disability Insurance Scheme (NDIS) provider. I am pleased to advise that I have decided to register HAPPYBILITY AUSTRALIA PTY LTD (trading as: HAPPYBILITY) as a registered NDIS provider under section 73E of the *National Disability Insurance Scheme Act 2013* (NDIS Act).

**Your Registration ID:** 4-GQRLD26

You will need this Registration ID when contacting the NDIS Commission in relation to your registration.

### Registration Scope

HAPPYBILITY AUSTRALIA PTY LTD is registered to provide throughout Australia the supports and services for which it is approved as a registered NDIS provider. If HAPPYBILITY AUSTRALIA PTY LTD wish to provide additional supports or services, an application to vary registration may be made to the NDIS Commission.

### Certificate of registration

The details of HAPPYBILITY AUSTRALIA PTY LTD registration, including the classes of supports or services that you are registered to provide and the conditions which apply to HAPPYBILITY AUSTRALIA PTY LTD registration, are specified on the Certificate of Registration. The Certificate of Registration is attached and will apply from 29 June 2022.

It is important that you are familiar with the conditions of your registration and your responsibilities as a registered NDIS provider, including the requirement to notify the NDIS Commission of certain changes or events. Guidance is available on the NDIS Commission website at [NDIScommission.gov.au/notify-change-event](https://www.ndiscommission.gov.au/notify-change-event).

## Key Personnel

Under sections 13 and 13A of the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 you must notify the Commissioner of certain matters and events, including certain significant changes in your organisation or your governance arrangements. The Commissioner considers that the following to be examples of significant changes of this nature: a change in the membership of key personnel, including a change to the partners of a partnership, the directors of a corporation and changes to senior managers, such as Chief Executive Officers, who are responsible for your executive decisions. The National Disability Insurance Scheme (Registered NDIS Provider Notice of Changes and Events) Guidelines 2019 provide additional examples of changes which the Commissioner considers are significant.

## Additional Condition of Registration

Additional conditions have been imposed on HAPPYBILITY AUSTRALIA PTY LTD registration under section 73G of the NDIS Act. The additional conditions of registration are set out in your Certificate of Registration.

Condition 1. The decision to impose this condition recognises that the provider is required to undergo a full Certification audit against the NDIS Practice Standards and has currently undergone a provisional audit as the delivery of NDIS supports and services had not commenced at the time of the audit. The remaining elements of the Certification audit (a stage 2 audit) are to be completed within the period specified in the condition.

Condition 2. The decision to impose this condition recognises that any NDIS participant who is provided with personal support in their own home may experience a level of risk if those supports are provided by the same individual NDIS worker for any extended period of time. This risk is likely to be greater where the NDIS participant lives alone. The imposition of the additional condition seeks to strike a balance between addressing this risk and allowing an NDIS participant choice in relation to their personal support arrangements. The condition will help ensure that personal supports are provided with appropriate protections being put in place by their NDIS provider. The condition will help to ensure that NDIS providers that provide personal support to NDIS participants who live alone and are supported by the one individual worker have:

- worked with the NDIS participant to assess any risks to them, and
- established appropriate arrangements for monitoring the quality of those supports and to monitor the participant's satisfaction with them.

## Review under section 100 of the NDIS Act

HAPPYBILITY AUSTRALIA PTY LTD may request a review of my decision to refuse to register it as a registered NDIS provider. HAPPYBILITY AUSTRALIA PTY LTD may do so within three (3) months from the date this decision is served on it.

Any application for an internal review will be dealt with by someone who was not involved in the making of the decision.

Should HAPPYBILITY AUSTRALIA PTY LTD wish to request a review of my decision, it may make the request in writing and email it to [review@ndiscommission.gov.au](mailto:review@ndiscommission.gov.au) or send it by post, addressed to:

Director Provider Registration  
NDIS Quality and Safeguards Commission  
PO Box 210  
Penrith NSW 2751

Alternatively, you may telephone the Provider Registration team on 1800 035 544 to request a review of the decision or to arrange to make the request in person.

Once any review of the decision has been finalised by the reviewer, you may also seek a further review of that decision by the Administrative Appeals Tribunal under section 103 of the NDIS Act. If you have any questions about this condition, you can call us or send us an email. You can also find out more about your registration and conditions of registration at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au).

If you have any questions about your registration, please contact the NDIS Commission on 1800 035 544 or via email, [registration@NDIScommission.gov.au](mailto:registration@NDIScommission.gov.au).

### **The NDIS Provider Register**

Under section 73ZS of the NDIS Act, the Commissioner maintains a public register of registered NDIS providers. The NDIS Provider Register is published on the NDIS Commission's website at [NDIScommission.gov.au/provider-register](http://NDIScommission.gov.au/provider-register).

If you consider that the information about you on the NDIS Provider Register is inaccurate, amendments or updates to some of the information included on the NDIS Provider Register can be made through the [NDIS Commission Portal](#).

### **Next steps**

Now that you are a registered NDIS provider, the primary contact on your application will have a user account created to access the NDIS Commission Portal. This process can take up to 10 days. This will enable you to update and maintain your organisation's details, including key personnel, service outlets and registration groups. It is your responsibility to ensure that your details are correct and current. Additional staff can request access, if required, by following the steps in the quick reference guide on the NDIS Commission website

<https://www.ndiscommission.gov.au/document/1021>

If you have any questions about your registration, please contact the NDIS Commission on 1800 035 544 or via email, [registration@NDIScommission.gov.au](mailto:registration@NDIScommission.gov.au).

Yours sincerely,

**NDIS Quality and Safeguards Commission**

T 1800 035 544

[registration@NDIScommission.gov.au](mailto:registration@NDIScommission.gov.au)

Level 1, 121-125 Henry Street

Penrith NSW 2750

[NDIScommission.gov.au](http://NDIScommission.gov.au)



## Certificate of Registration

Issued pursuant to section 73E(4) of the *National Disability Insurance Scheme Act 2013* (NDIS Act)

As at 29 June 2022 HAPPYBILITY AUSTRALIA PTY LTD (29656826952) of Unit 28 12-20 Garnet St ROCKDALE NSW 2216 is a **registered NDIS provider**

Registration ID:	4-GQRLD26
Legal name:	HAPPYBILITY AUSTRALIA PTY LTD
Business/trading name:	HAPPYBILITY
ABN:	29656826952
ACN:	656826952
Primary address / head office:	Unit 28 12-20 Garnet St ROCKDALE NSW 2216
Registered provider in relation to:	The provision of the following classes of supports under participants' plans.
Classes of support:	0104 Assist Personal Activities High 0106 Assist-Life Stage, Transition 0107 Assist-Personal Activities 0108 Assist-Travel/Transport 0114 Community Nursing Care 0115 Daily Tasks/Shared Living 0116 Innov Community Participation 0117 Development-Life Skills 0120 Household Tasks 0125 Participate Community 0131 Specialised Disability Accommodation 0136 Group/Centre Activities
Period for which registration is in force:	From 29 June 2022, until 29 June 2025
Midterm audit scheduled start date	29 December 2023

Note: If you submit an application for further registration before the date identified above as the end of the period for which registration is in force, then by operation of section 73K of the NDIS Act, the registration will continue in force until the NDIS Commission makes a decision on the application under subsection 73E(1) of the NDIS Act.

**Registration ID:** 4-GQRLD26

### **High Intensity Daily Personal Activities**

Your registration to provide supports under Registration Group 0104 (High Intensity Daily Personal Activities) is limited to the following supports HAPPYBILITY AUSTRALIA PTY LTD registered to deliver the following High Intensity Support Types.

Registered to deliver:
Enteral (Naso-Gastric Tube – Jejunum or Duodenum) Feeding and Management
Tracheostomy Management
Urinary Catheter Management (In-dwelling Urinary Catheter, In-out Catheter, Suprapubic Catheter)
Subcutaneous Injections
Complex Wound Management
Severe Dysphagia Management

### **HAPPYBILITY AUSTRALIA PTY LTD is approved for the following:**

- Supporting participants with day to day management of medication
- Disposal of waste, infectious or hazardous substances
- Implement restrictive practices with the people you support.

### **Conditions of Registration**

Your registration as a registered NDIS provider is subject to conditions set out in the NDIS Act and in the National Disability Insurance Scheme Rules, including additional conditions imposed under section 73G of the NDIS Act. The conditions which apply to your registration, are set out in the attachment to this Certificate of Registration.

**NDIS Quality and Safeguards Commission**

T 1800 035 544

[registration@NDIScommission.gov.au](mailto:registration@NDIScommission.gov.au)

Level 1, 121-125 Henry Street

Penrith NSW 2750

[NDIScommission.gov.au](http://NDIScommission.gov.au)

## CONDITIONS OF REGISTRATION

**Under section 73F(2), section 73G, section 73H and section 209 of the *National Disability Insurance Scheme Act 2013* (NDIS Act)**

The registration of your organisation as a registered NDIS provider is subject to the following conditions:

### **Standard conditions under section 73F(2) of the NDIS Act**

There are standard conditions which apply to all registered NDIS providers under section 73F(2) of the Act. These are:

- a. a condition that you comply with all applicable requirements imposed by a law of the Commonwealth or a law of the State or Territory in which the person or entity operates as a registered NDIS provider;
- b. a condition that you comply with all applicable requirements of the NDIS Code of Conduct;
- c. a condition that you comply with all applicable standards and other requirements of the NDIS Practice Standards;
- d. a condition that you comply with all applicable requirements relating to record keeping prescribed by the National Disability Insurance Scheme rules for the purposes of section 73Q;
- e. a condition that you implement and maintain the applicable complaints management and resolution system in accordance with section 73W;
- f. a condition that you comply with all applicable requirements relating to complaints prescribed by the National Disability Insurance Scheme rules for the purposes of section 73X;
- g. a condition that you implement and maintain the applicable incident management system in accordance with section 73Y;
- h. a condition that you comply with all applicable requirements relating to reportable incidents prescribed by the National Disability Insurance Scheme rules for the purposes of section 73Z;
- i. a condition that you give to the Commissioner, on request, information specified in the request within the period specified in the request (which must not be less than 14 days).

**Additional Conditions imposed under section 73G of the NDIS Act****Condition 1**

A condition imposed under section 73G of the NDIS Act requiring assessment of the remaining elements of the Certification audit by an approved quality auditor to be conducted as part of the mid-term audit, required to commence no later than 18 months after registration.

**Condition 2**

For providers of assistance with daily personal activities to participants who live alone

- (1) This condition applies to the provider only if the provider is registered to provide personal support.
- (2) This condition takes effect on 29 July 2022.
- (3) In this condition:

**appropriate** means appropriate having regard to the participant's risk factors.

**face-to-face communication** or **face-to-face contact** means communication or contact in person and directly with the participant and does not include online or virtual communication or contact.

**participant** means a participant who lives alone.

**personal support** means the class of support referred to as assistance with daily personal activities in the National Disability Insurance Scheme.

**risk factors** means factors that may have a significant detrimental impact on a participant's capacity to engage in the community, being the factors listed in clause (7) and **the participant's risk factors** means the risk factors (if any) assessed under clause (4) as existing in relation to the participant.

**service agreement** means a service agreement with respect to the provision of personal support.

**support worker** means, in relation to a participant, an individual who provides the participant with personal support.

- (4) Subject to clause (5), the provider must not allow personal support to be provided by a sole support worker to a participant unless the provider:
  - (a) Firstly, has assessed whether any of the risk factors exist in relation to the participant; and
  - (b) Secondly:
    - (i) has entered into a written service agreement with the participant; or

- (ii) has prepared a proposed written service agreement to enter into with the participant, made all reasonable efforts to enter it with the participant and provided a copy of it to the participant.

*Note: The service agreement need not be limited to the provision of personal support. It may also relate to other supports or services provided to the participant. The service agreement must comply with clause (8).*

- (5) If, when this condition takes effect, a provider is already allowing personal support to be provided by a sole support worker to a participant, the provider has until the date that is 30 days after this condition takes effect to comply with the requirements of clause (4) in relation to that participant.
- (6) If the provider has provided a copy of a proposed service agreement to the participant (as referred to in clause (4)(b)(ii)) the provider must provide the personal support to the participant in accordance with the terms of the proposed agreement.
- (7) The risk factors are as follows:
  - (a) The participant is not receiving, from any other NDIS provider, supports or services that involve regular, face-to-face contact with the participant.
  - (b) One or more of the following applies:
    - (i) The participant or the participant's plan indicates that the participant has limited or no regular, face-to-face contact with relatives, friends or other people with whom the participant is well-acquainted.
    - (ii) Without the assistance of another person the participant has limited or no physical mobility.
    - (iii) The participant uses equipment to enable them to be physically mobile or to facilitate their physical mobility.
    - (iv) Without the assistance of another person the participant has limited or no ability to communicate with others.
    - (v) The participant uses equipment to enable or facilitate communication with others, including to enable or facilitate the use of a phone or other device.
- (8) The provider must:
  - (a) document its assessment of the participant's risk factors;
  - (b) as soon as reasonably practicable after completing the assessment, provide a copy of the assessment to the participant;
  - (c) place a copy of the assessment in the provider's file relating to the participant; and
  - (d) as soon as practicable after the provider becomes aware of any change in circumstances that may have a significant impact on the provision of personal support to the participant:



- (i) update the assessment to take account of the change;
  - (ii) provide a copy of the updated assessment to the participant; and
  - (iii) place a copy of the updated assessment in the provider's file relating to the participant.
- (9) The service agreement or (where clause (4)(b)(ii) applies) the proposed service agreement between the provider and the participant must take into account the participant's risk factors and must specify:
  - (a) the rights and obligations of the participant and the provider, respectively, under the agreement;
  - (b) the means by which the participant's support worker will be selected, including the participant's role in the selection;
  - (c) a procedure that will be used to review implementation of the agreement, which must include someone other than the support worker checking directly with the participant, and with appropriate frequency, the participant's level of satisfaction with the type, quality and frequency of personal support being provided;
  - (d) the means by which the provider will supervise and monitor the performance of the support worker to ensure the performance is consistent with the agreement and the participant's safety and well-being, which must include (as far as practicable) visits by a supervisor to the participant's home, at a specified and appropriate frequency, to undertake in-person supervision of the support worker;
  - (e) the means by which the provider will communicate with the participant, which must include (as far as practicable) face-to-face communication with the participant in the participant's home at an appropriate frequency;
  - (f) the means by which the provider will engage with other providers who may be involved in providing supports or services to the participant in the participant's home or in supporting the participant to access community based activities.
- (10) If any risk factor has been identified as existing in relation to the participant the provider must ensure that:
  - (a) there is a documented plan for supervision of the participant's support worker that is appropriate having regard to the participant's risk factors and the plan is implemented;
  - (b) all of the provider's key personnel receive regular reports in relation to the care and skill with which personal support is being provided to the participant by the support worker, with the regularity of the reports being appropriate having regard to the participant's risk factors; and
  - (c) appropriate action is taken by the provider, without any unreasonable delay, to address any concerns identified in those reports.

- (11) The provider must keep an up-to-date record of all participants to whom the provider allows personal support to be provided by a sole support worker.

**Conditions imposed by NDIS rules made under sections 73H and 209 of the NDIS Act**

In accordance with sections 73H and 209 of the NDIS Act, you must comply with:

- (a) Part 4 of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*; and
- (b) Parts 2 – 4 (as applicable) of the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*; and
- (c) if you are registered to provide specialist disability accommodation, Parts 2 and 5 of the *National Disability Insurance Scheme (Specialist Disability Accommodation Condition) Rules 2018*.

Links to and information about these conditions are available on the NDIS Commission website at [NDIScommission.gov.au/legislation-rules-policies](https://www.ndiscommission.gov.au/legislation-rules-policies).

Failure to comply with the Conditions of Registration could result in compliance or enforcement action being taken, which may include the registration being suspended or revoked.

## KEY PERSONNEL

You have reported the following people as being your Key Personnel. As at 29 June 2022 they have been determined to be suitable to be involved in the provision of supports or services which you are registered to provide.

### Key Personnel

NEZIRE YILDIRIMER