



**Villamanta**  
DISABILITY RIGHTS LEGAL SERVICE

**Submissions to the  
Department of Health, Disability and Ageing  
on**

**Getting it right: A New Definition for NDIS Providers**

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**About Villamanta Disability Rights Legal Service Inc.**

Villamanta Disability Rights Legal Service Inc. (**Villamanta**) has been providing advocacy and legal services to people with disability since 1990.

We want an equal Victorian community for people with disability. We promote laws and systems that protect human rights. We work alongside people with disability to advocate on legal problems.

We want to see these outcomes.

- More people with disability, especially those with cognitive impairment, get legal advocacy.
- People with disability feel more confident to self-advocate.
- Legal services get better at being easy to use.
- Laws and systems do a better job at making the community equal for people with disability.

We are funded to provide advocacy under the National Disability Advocacy Program; NDIS Appeals and the National Legal Assistance Partnership Agreement.

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## Executive Summary

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*The Taskforce proposes that not all providers as defined in the NDIS Act should be registered. But to determine the best way to achieve that and avoid unintended consequences requires further consideration, including consultation with the disability community and sector. We anticipate that those who would not be registered would include, but not be limited to ... unregistered providers who provide support to participants who are registered as having self-directed support.<sup>1</sup>*

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This is the first recommendation from the NDIS Provider and Worker Registration Taskforce Advice to the Minister for the NDIS.

The very first recommendation.

It is not dealt with in the consultation paper from the Department of Health, Disability and Ageing.

Without the detail of this important carve-out, there is little utility in consulting on the remaining registration questions.

We provide some feedback on the consultation paper but urge the Department to approach this design cumulatively and not compartmentally.

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<sup>1</sup> [NDIS Provider and Workforce Registration Taskforce Advice](#) page 5

## Introduction

We thank the Department for the opportunity to provide feedback on the consultation paper “Getting it right: A New Definition for NDIS Providers.”

However, we have serious concerns about the manner in which the consultation has been implemented, given the significant time the disability community has contributed to both the NDIS Registration and Worker Registration Taskforce and the Consultation on Self Directed Supports Registration.

The government has not responded to the Consultation on Self Directed Supports Registration, but the Department now seeks to consult on other registration questions.

We do not consider this a fair process, nor a reasonable impost on the time of the disability community.

We urge the Department to rethink the way they consult on proposed changes to provider registration and to conduct each phase on the basis of decisions made from prior phases. This process conducted cumulatively rather than compartmentally would elicit more useful and constructive feedback and be more respectful of the time of the disability community.

## Absence of Clarification on Self-Direction

The first recommendation of the NDIS Provider and Workforce Registration Taskforce was that proposes that participants would be able to register to self-direct, thereby retaining their rights to use unregistered providers.<sup>2</sup>

The consultation paper does not address this, stating only:

“The Taskforce also recommended a category of registration for participants who self-direct their supports. Participants who register to self-direct would continue to use unregistered NDIS providers, as their arrangements would be visible to the NDIS Commission under their own registration. From 29 November 2024 to 7 February 2025 the Department of Social Services conducted a public consultation on self-directed supports, and **the Government is carefully considering the submissions to this consultation** alongside the Taskforce Advice.” (emphasis added)

It is extraordinary that the Department then seeks community feedback about the consultation paper without having the government response to the self-direction consultation.

Without clarity about this first recommendation, how can the community possibly know:

- Which participants will be directly affected by the NDIS Provider definition, and who will be exempt because they are self-directed?
- Which providers will be directly affected by the NDIS Provider definition, and who will be exempt due to their clients being self-directed?

Without having answers to these questions, how can the community possibly understand:

- What are the risks to participants of any provider registration definition?
- How important is support type definition in relation to reducing risk to participants?
- How much information about the different levels of registration is needed to understand the impacts of changing the definition of NDIS Provider?

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<sup>2</sup> [NDIS Provider and Workforce Registration Taskforce Advice](#) page 5

## Absence of Clarification about Registration Levels

The consultation paper does not provide any information about the difference between the four levels of registration proposed:

- Advanced registration
- General registration
- Basic registration
- Purchase viability

We note, again the absence of the Self-Directed Support Registration level recommended by the Taskforce, and which leaves many questions unanswered and increases the confusion about the remaining categories.

In order to understand the impact of a provider or support type falling into one of these categories, the disability community needs to have a better understanding of:

- What are the obligations of providers at each level?
- What costs are involved in complying with these obligations?
- What infrastructure is required to comply with these obligations?
- How does a higher level of registration provide a better outcome for participants?

### INCONSISTENCY WITH TASKFORCE RECOMMENDATIONS

The category descriptors used by the Department are similar to those recommended by the Taskforce but with some important changes.

Category	Taskforce descriptor	Consultation paper descriptor	Significance
Advanced registration	Providers who offer high-risk supports and services such as supports delivered in high-risk settings, such as daily living supports delivered in formal closed settings like group homes.	In-depth registration of providers of high-risk supports, such as daily living support delivered in formal closed settings like group homes.	Minimal change
General registration	Providers who offer medium-risk supports such as high intensity supports (such as high intensity daily personal activities), supports that require additional skill and training (such as complex bowel care or injections) and supports involving significant 1:1 contact with people with disability.	Registration of providers for medium-risk supports, for example high intensity supports such as high intensity daily personal activities or activities that require additional skills and training (such as complex bowel care or injections) and supports with significant 1:1 contact with people with disability provided in the community or private settings.	Brings community supports into the medium risk category, despite the additional visibility of the community in delivery of these supports.  Also potentially brings private homes (as distinct from group homes) into medium-risk.

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Category	Taskforce descriptor	Consultation paper descriptor	Significance
			The expansion of this definition potentially includes supports which were specifically considered for basic registration by the Taskforce.
Self-Directed Support registration	Participants, their guardian or legal representative who direct contract all of their supports, including through direct employment, Services for One and independent contractors.		Failure to acknowledge this category implies these supports would be automatically included in General registration.
Basic registration	Providers who offer lower-risk supports such as some sole traders and supports such as social and community participation and supports involving more limited 1:1 contact with people with disability.	Light-touch registration of providers for low-risk supports. Supports in this category would involve limited 1:1 contact with people with disability.	Some sole traders and Social and community participations appear to have been moved from basic registration to General registration.

The shift in definitions has the potential to eliminate a whole segment of the support sector, namely the small businesses and sole traders who:

- Are predominantly female owned small businesses.
- Provide flexibility that large providers fail to deliver.
- Provide flexible employment for women with caring and parental responsibilities.
- Are highly valued by participants.
- Can be more cost effective than the large providers due to reduced overheads.

This would be a significant reduction in choice and control for participants and would result in poorer outcomes.