



Villamanta
DISABILITY RIGHTS LEGAL SERVICE

**Easy Read Submissions to the
Joint Standing Committee on the NDIS
on**

The Integrity of the National Disability Insurance Scheme

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About this document

This document is an Easy Read version of a submission by Villamanta.

We help people with disability understand and protect their rights.

This submission was sent to the Joint Standing Committee on the NDIS.

The Committee is looking at problems in the NDIS and how to stop fraud, poor practice, and harm to participants.

What is this submission about?

This submission is about people who live in disability housing.

Some people receive housing and disability supports from the same organisation.

We say this can create problems.

Some people are treated unfairly.

Some people do not know their rights.

Some people are at risk of losing their home.

Main messages

We found 5 important problems.

1. Some providers do not follow tenancy laws.
2. Some people are told they must use a certain provider to keep their home.
3. Some providers misuse NDIS funding.
4. The NDIS Commission does not always respond effectively.
5. Some people are too afraid to complain because they might lose their housing.

Problem 1

SOME PROVIDERS DO NOT FOLLOW TENANCY LAWS

Tenancy laws are rules about renting a home.

These laws help protect renters.

People living in disability accommodation should have the same legal protections as other renters.

We say many providers do not follow these rules.

Wrong housing agreements

Some providers use the wrong type of agreement.

Some people are given support agreements instead of tenancy agreements.

Some people are told they are living in temporary housing when they have actually lived there for a long time.

This can make people think they have fewer rights than they really do.

Unlawful sub-letting

Some providers rent a property and then rent it to participants without the owner's permission.

This is called **sub-letting**.

If the arrangement breaks down, the participant may lose their home.

The participant may not know this risk exists.

Unlawful evictions

Some providers try to evict people without following the law.

For example:

- giving invalid notices
- threatening residents
- turning up at a property and demanding someone leave

These actions can cause fear and stress.

Wrong information about rights

We found examples where providers gave incorrect information.

Some providers told people:

- they cannot leave when they want
- they must accept workers entering their home
- they do not need a key to their house
- they cannot choose another provider

This information is often wrong.

CASE STUDY

Louise

Louise lived in accommodation arranged by her provider.

The provider used an unlawful sub-letting arrangement.

Later the provider stopped paying rent.

The landlord applied for possession of the property.

Louise was evicted.

She became very stressed and her mental health got worse.

She had to move into temporary accommodation.

Problem 2

HOUSING LINKED TO ONE PROVIDER

Housing and support are different things.

A person should be able to stay in their home even if they change support providers.

We say this does not always happen.

Losing choice and control

Some participants are told:

"If you stop using us, you may lose your accommodation."

This can make people feel trapped.

They may continue using a provider even when they are unhappy with the service.

Higher rent penalties

Some agreements say rent will increase if the participant changes providers.

This can stop people from exercising choice and control.

Choice and control are important NDIS principles.

CASE STUDY

John

John rented a property.

His lease said his rent would stay low if he bought at least 25 hours of support each week from a specific provider.

If he stopped using that provider, his rent would increase.

John felt pressured to accept the arrangement.

The increase was later found to be unfair.

The experience made him feel insecure about his housing.

Problem 3

MISUSE OF NDIS FUNDING

Some providers may use participant funding inappropriately.

Examples include:

- claiming supports that were not provided
- using support funding to cover housing costs
- offering free rent to encourage participants to stay
- threatening participants if they do not approve payments

These practices can be harmful

Why people do not report problems

Some participants rely on providers for:

- support
- housing
- daily needs

Because of this, they may be afraid to complain.

Some people worry they will:

- lose their home
- lose services
- owe money to the NDIA

This fear can stop people reporting misconduct.

CASE STUDY

Jack

Jack experienced homelessness.

A provider offered accommodation and supports together.

Jack later became concerned about the provider's conduct.

The provider then gave him an unlawful notice to leave.

Eventually Jack lost his accommodation and became homeless again.

After this experience, he was afraid to enter another similar arrangement.

Problem 4

NOT ENOUGH OVERSIGHT

The NDIS Quality and Safeguards Commission helps protect participants.

Villamanta says the Commission does not always respond effectively when housing problems are reported.

Housing complaints can be missed

Sometimes complaints are treated only as tenancy issues.

This can mean provider misconduct is not properly investigated.

Participants may not get the protection they need.

Information is not shared well

Consumer Affairs Victoria collects information about disability housing agreements.

Villamanta says there should be better information sharing between:

- Consumer Affairs Victoria and
- the NDIS Commission

This would help identify providers who repeatedly break the rules.

Problem 5

FEAR OF HOMELESSNESS

Many participants fear losing their home.

Because of this fear they may:

- stay with providers they do not trust
- avoid complaints
- avoid seeking legal help
- accept unfair treatment

This means problems can continue for a long time.

What Villamanta Recommends

Villamanta has 7 recommendations

1. Providers must follow tenancy laws. The NDIS Commission should make sure this happens.
2. Providers should meet tenancy requirements before registration and during approval reviews.
3. The NDIS Commission should monitor providers more closely. Problems should be identified early.
4. Participants who report fraud should be protected. People should not fear losing housing or receiving debts because they report wrongdoing.
5. NDIS Commission staff should receive more training about tenancy laws and housing issues.
6. Government agencies should share information about providers who repeatedly break rules.
7. Participants should have access to legal advice, advocacy, and information about their rights. Information should be available in Easy Read and other accessible formats.

Conclusion

People with disability deserve:

- safe housing
- fair treatment
- clear information
- choice and control
- protection from exploitation

Villamanta believes stronger regulation, better oversight, and increased legal support will help protect people living in disability accommodation.