



Queensland Independent  
Disability Advocacy Network

# **Proposed Mandatory Registration: supported independent living (SIL) and support coordination**

To the NDIS Quality and Safeguards Commission

March 2025



## About the Queensland Independent Disability Advocacy Network

The Queensland Independent Disability Advocacy Network (QIDAN) is a group of organisations that provide individual advocacy services to Queenslanders living with disability. These organisations are funded under the Queensland Disability Advocacy Program (QDAP).

The member organisations include Aged and Disability Advocacy Australia; AMPARO Advocacy Inc; Capricorn Citizen Advocacy; Mackay Advocacy Inc; People with Disability Australia; Queensland Advocacy for Inclusion; Rights in Action; Speaking Up For You; TASC and Yarn2Action – Disability for Aboriginal & Torres Strait Islander Queenslanders run by Aged and Disability Advocacy Australia.

QIDAN has three aims:

- **Systemic advocacy:** coordinated action to address systemic issues experienced by people with disability,
- **Member support:** a collaborative space for the exchange of information, resources and issues affecting disability advocacy organisations, and
- **Sector advocacy:** to promote the importance and value of independent disability advocacy on a local, state, and national basis.

The members of QIDAN offer various independent disability advocacy services across Queensland, including general disability advocacy, specialised individual advocacy (including National Disability Insurance Scheme appeals), citizen advocacy and systemic advocacy. QAI coordinates the Disability Pathways Hub to provide information and referrals to people with disability, their families and supporters.<sup>1</sup>

QIDAN's understanding and recommendations are grounded in the collective experiences of independent advocates. We welcome the opportunity to provide our feedback to the NDIS regulatory reform.<sup>2</sup>

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<sup>1</sup> <https://disabilitypathways.org.au/>.

<sup>2</sup> <https://www.ndiscommission.gov.au/about-us/ndis-commission-reform-hub>

## A note on language

Language is a powerful tool for building inclusion. We use person-first language by using the term ‘people with disability’ but recognise that many people with disability prefer identity first language (i.e. a disabled person). The term ‘people with lived experience’ is used for people with disability, as well as their family members, carers and kin.

We use the term “disability community” to describe the collective of people with disability, their family members, carers and kin, allies and other stakeholders that we engage in our advocacy work.

We refer to the NDIS Quality and Safeguards Commission as the “NDIS Commission” and the National Disability Insurance Agency as the “NDIA”. Supported independent living providers are referred to as “SIL providers”.



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## QIDAN's recommendations

1. **Invest in funding for disability advocacy** to provide support and information to people with disability in preparation for, during and post the mandatory registration changes.
2. Ensure the following **principles** guide the mandatory registration of SIL providers and support coordinators process:
  - Realisation of the human rights of people with disability
  - Genuine inclusivity and accessibility
  - Dignity of risk and supported decision-making
  - Retain choice and control for people with disability
3. Immediately implement the following **Taskforce Advice recommendations**:
  - **Recommendation 5:** Group Homes should be subject to unannounced visits and the NDIS Commission should have a statutory right to enter premises.
  - **Recommendation 6:** Introduce Provider Obligations that include (a) Code of Conduct, (b) Worker Screening, subject to the differences faced by Aboriginal and Torres Strait Islander peoples, (c) Complaints that are accessible, (d) Incident Report, (e) Practice Standards, (f) Regular Check-Ins with the NDIS Commission, and (g) Performance Measurement.
  - **Recommendation 12:** Expand core functions of the NDIS Commission through co-design.
  - **Recommendation 15:** Redesign the Complaints function in collaboration with the disability community.
  - **Recommendation 17:** Create legislative change to audit processes that is co-designed with people with disability, their families and the disability sector.
  - **Recommendation 21:** Create a nationally consistent Community Visitor Scheme to provide independent oversight, as per the DRC recommendation 11.12.

4. Ensure that **nobody is left without supports or services** during the transition period, and that choice and control for people with disability is always exercised and prioritised. Penalties should apply where providers leave people with disability without support.
5. Invest in the development and implementation of a **cultural mapping** initiative in partnership with First Nations communities to ensure auditing processes are tailored to community needs and based on language, culture, law / lore and ethics.
6. Ensure the transition arrangements include demonstration of **compliance with the Core Module** (and specialist support coordination Module where applicable) within 12 months **for Groups 1, 2 and 3 for both SIL providers and support coordinators**.
7. Ensure that **support coordinators can continue delivering supports** during the registration process, as proposed for SIL providers.
8. **Engage in meaningful and genuine conversations and consultations** with people with disability, including First Nations people, those from culturally and linguistically diverse backgrounds, and those from LGBTIQ+ communities.<sup>3</sup> Auditors should be invited to some sessions to clarify information on auditing processes.
9. The NDIA and the NDIS Commission should collaborate to **proactively contact NDIS participants** who currently engage unregistered SIL providers and support coordinators, to ensure awareness of changes and to answer questions or concerns. Ways to distribute information may include automatic messages in the NDIA portal, communication via email and / or post, and delivery of both face-to-face and online informative sessions. This should include information of “where to find supports”.

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<sup>3</sup> For example, the DSS Foundational Supports consultation: <https://engage.dss.gov.au/foundational-supports/>.

## Background

Disability advocates often assist people with disability who receive support and services from SIL providers and support coordinators. The advocacy support include assistance navigating the NDIS legislation, rules and policies, including the use of supported decision making to ensure people with disability make their own choices. Disability advocates also assist with making complaints to the NDIS Commission in cases of abuse, neglect, violence and exploitation, as well as to the Office of the Public Guardian (where relevant).

As highlighted in the final report of both the Disability Royal Commission and the National Disability Insurance Scheme Review (the NDIS Review), disability advocacy is a crucial part of the disability ecosystem in Queensland and Australia.<sup>4</sup> The right to access an independent advocate is also reflected in the NDIS Practice Standards and Quality Indicators, ensuring that people with disability access supports free from violence, abuse, neglect, exploitation or discrimination, and receive supported decision-making free from conflict.

As advocates, QIDAN helps people with disability speak out and protect their rights, ensuring any identified risks are addressed. Often, without the support of advocates, people are unable to report incidents and make complaints about service providers.

During the 2023-24 financial year, QIDAN assisted 1,579 people with disability with 3,278 issues, delivering a total of 22,624 hours of assistance. The advocacy provided included:

- 53% of advocacy assistance was provided to people with NDIS access
- 39% of advocacy assistance addressed NDIS issues (or 1277 issues)
- A total of 49 advocacy issues addressed NDIS support decision making matters

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<sup>4</sup> Recommendations 6.21 to 6.23 of the DRC Report and Action 1.5 of the NDIS Review.

- A total of 289 advocacy issues were for NDIS service provision. Further data indicate:
  - A total of 1727 hours were spent providing advocacy around NDIS service delivery
  - The most common primary disability types were physical disability (20%), intellectual disability (8%), and autism spectrum disorder (6.6%)
  - 17% of advocacy assistance was delivered to Aboriginal and / or Torres Strait Islander peoples
  - 11% of advocacy assistance was delivered to people from a culturally and linguistically diverse background

In addition, during the 2023-24 financial year, our Disability Advocacy Pathways hotline received 988 enquiries from people across Queensland.<sup>5</sup> Of these, 60 enquiries related to NDIS service provision.

Our views and recommendations provided in this submission reflect our advocacy experience assisting Queenslanders with disability. In drafting this submission, QIDAN reviewed the NDIS Provider and Worker Registration Taskforce Advice ('the Taskforce Advice') and held a consultation with advocates, to seek input and feedback on questions included in the consultation paper.<sup>6</sup>

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<sup>5</sup> More information about our Disability Advocacy Pathways is available here: <https://disabilitypathways.org.au>.

<sup>6</sup> Supported independent living (SIL) and support coordination registration – [consultation paper](#).



## Initial commentary

Before addressing the consultation questions, we turn to the recommendations of the Taskforce Advice, which offer a starting point for an effective and safe introduction of mandatory registration of SIL providers and support coordinators for people with disability. At the end of this section, we address additional points of concerns linked to SIL operations and we propose solutions to minimise risks.

## The Taskforce Advice

QIDAN welcomes and supports the 21 recommendations made in the Taskforce Advice.<sup>7</sup> We note that the Australian Government has not (at the time this submission was prepared) provided a response to the Taskforce Advice nor to the NDIS Review Report. We acknowledge that the current NDIS regulatory reform is not directly implementing the recommendations made in the Taskforce Advice. However, it is our view that the findings and recommendations made by the Taskforce must be considered during this consultation and subsequent reform process.

In addition to outlining the concerns expressed by the disability community regarding mandatory registration of providers, the Taskforce Advice reinforces that the rights of people with disability must be at the centre of disability reform. We support this approach. We also **recommend** that the following principles, also identified in the Taskforce Advice, underpin the mandatory registration of SIL providers and support coordinators:

- Human Rights driven
- Inclusivity and accessibility
- Supported decision-making
- Choice and control

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<sup>7</sup> <https://www.dss.gov.au/panels-and-other-groups/ndis-provider-and-worker-registration-taskforce>

Furthermore, **we endorse recommendations 5, 6, 12, 15, 17 and 21 of the Taskforce Advice** and call for their immediate implementation.

QIDAN agrees with the Taskforce Advice's position that registration and screening alone do not guarantee safety for people with disability. Advocates across Queensland have extensive experience advocating for people with disability who have endured abuse, neglect, violence and exploitation from registered service providers. We believe that the immediate implementation of the recommendations above will provide important safeguarding that will improve the outcomes proposed by the mandatory registration of SIL providers and support coordinators. Furthermore, these recommendations align with the principle of choice and control and ensure that people with disability have more of a say in issues that impact them.

### **Additional protections for people with disability accessing SIL**

QIDAN notes that SIL providers deliver supports such as personal care, cooking, cleaning and community access, and any rent paid to SIL providers is not funded by the NDIS. Often, people with disability have a combined arrangement with SIL providers that include daily supports (funded by the NDIS) and housing (privately funded in form of rent). QIDAN finds this arrangement concerning, which is echoed by the Taskforce who acknowledge the risks that arise from that arrangement, further recommending that the NDIS Commission should have a statutory right to enter SIL premises.<sup>8</sup> As previously mentioned, we welcome this recommendation, but we understand this provision would go as far as ensuring compliance with supports standards (not tenancy standards). It is imperative that in cases where SIL providers are the service provider for supports as well as the housing provider, they are held accountable for their obligations as landlords as dictated by the relevant tenancy legislation (in Queensland, the *Residential Tenancies and Rooming Accommodation Act 2008*). In QIDAN's experience, SIL providers often do not comply with

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<sup>8</sup> Taskforce Advice, section 6.2.

their statutory obligation as landlords, and people with disability have limited-to-no access to information about their rights as tenants. We also note existing recommendations to mandate the separation of housing supports and living supports.<sup>9</sup> In the interim period before the separation of service provision, we suggest that mandatory training on tenancy legislation should be part of the registration process for SIL providers to address that power imbalance between service providers and people with disability when accommodation is also provided. Only then, the NDIS Commission can address any breach and take action against the provider, including referring tenancy issues to a relevant body, if necessary.

QIDAN Advocates have also been made aware of instances of potential misuse workplace health and safety requirements to evict or isolate people with disability who live in SIL residences. For example, the escalation of behaviours when the strategies in a person's positive behaviour support and communications plans are not adequately utilised. The impacts on people with disability include loss of services and, as a result, risk of homelessness. This has been identified by the Taskforce as unethical and illegal and considered a breach of the Code of Conduct.<sup>10</sup> We reinforce the importance of regulatory action being taken against providers who take advantage of the power imbalance inherent between service provider and person with disability, to avoid onerous obligation being imposed on the person with disability to meet obligations otherwise needing to be met by SIL providers, the employers.

## **Response to consultation paper questions**

We have addressed the relevant questions from the consultation paper based on QIDAN's expertise and experience, as outlined below:

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<sup>9</sup> NDIS Review Report, Action 9.7, and [Next steps – regulation for in-home and housing supports, Discussion paper, August 2024](#).

<sup>10</sup> The Taskforce Advice, page 89.

**1. Do you think the proposed mandatory registration changes for SIL and support coordination will impact the ways people with disability access and receive these supports?**

QIDAN Advocates support mandatory registration of SIL providers and support coordinators, although we have concerns about the potential impacts on people currently accessing these services, particularly support coordination.

In relation to the proposed mandatory registration of SIL providers, people may be required to find a registered provider if their current provider does not apply for registration. This could result in the loss of long-term supports and housing for some participants which must be prevented.

Whilst there is a general support for the registration of SIL providers, it is essential that changes are implemented gradually and with sufficient notice to both people with disability and service providers. People with disability must be at the centre of the process and no one should be left without supports or services during this transition. Furthermore, penalties should be introduced for providers that cease operations and leave participants without necessary supports or housing during the transition period. In relation to the registration of support coordinators, in addition to the points above, QIDAN Advocates have concerns that people with disability may lose access to high-quality support coordinators who are unable to afford the cost of the registration process. QIDAN has observed independent support coordinators who provide an exceptional and person-centred services, and the cost of registration could greatly impact their ability to continue operating. An exit of these support coordinators could limit access to services and inhibit choice and control of people with disability. In acknowledgement of these concerns and noting that the current registration model is not fit for purpose and fails to encourage better quality from providers, the Taskforce recommend an improved registration system, to be designed in consultation with the

disability community.<sup>11</sup> We note this recommendation is not part of the current consultation process, but we reiterate the importance of reviewing the current registration process as a matter of urgency.

We share the Taskforce position that the registration system must reflect competence and recognise excellence in service providers. We suggest that, where possible, the NDIS Commission should encourage small and independent support coordination providers, who have demonstrated competence and excellence in their services, to become registered providers rather than leave the market. This could include offering financial subsidies, support, and payment flexibility.<sup>12</sup>

The impacts discussed above will be greater to people with disability who live in rural and remote areas, and to Aboriginal and/or Torres Strait Islander NDIS participants. QIDAN Advocates raised concerns that many current services and auditing processes are not culturally responsive or safe, resulting in inappropriate services being delivered to Aboriginal and Torres Strait Islander people with disability and to rural and remote communities. QIDAN has made numerous recommendations to both the Queensland and the Australian Governments to invest in cultural mapping, where each and every local culture is understood, acknowledged and taken into consideration. Kinship and “informal supports” are concepts that need careful consideration. Whilst both the NDIS’ First Nations strategy and the Rural and Remote strategy offer a starting point to address some of the unique needs of these communities, further conversations are needed.<sup>13</sup> We reiterate cultural brokers and remote community connectors can assist with these specific situations. It is crucial that auditing processes consider the unique needs of those communities, to ensure registered providers deliver safe and secure services. Otherwise, even with mandatory registration, services will continue to be unsafe for Aboriginal and/or Torres Strait Islander participants and their families.

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<sup>11</sup> Taskforce Advice, page 37.

<sup>12</sup> Similar to the Taskforce Advice point on travel costs, pages 83-84.

<sup>13</sup> <https://www.ndis.gov.au/about-us/strategies>

Skilled and trusted community-led providers should be encouraged and supported to become registered providers.

QIDAN note that many NDIS participants from culturally and linguistically diverse (CALD) backgrounds are fearful of, moving to a SIL and away from family or significant others whom they trust. Although we acknowledge the NDIS Practice Standards (which are mandatory for registration) provides that culture and diversity should be respected, mandatory registration should ensure that higher standards are implemented and monitored as part of the registration framework that recognise the linguistic and cultural needs of people from CALD backgrounds. QIDAN recommend that part of the registration should be a requirement to identify and develop skills, competencies, and community connections to foster culturally appropriate services to people from CALD backgrounds.

Similarly, it is currently not mandated that registered providers must comply with LGBTIQASB+ specific training, which may result in unintended impacts on people once the mandatory registration starts. This creates an environment where LGBTIQASB+ participants often have limited options for truly inclusive services, especially because smaller or grassroots organisations (for which registration costs can be prohibitively expensive) may struggle to gain or maintain NDIS registration. To address these barriers, mandatory NDIS registration requirements could consider tiered or subsidised auditing models and include explicit supports (e.g., funding, capacity-building) for diverse-run organisations. By doing so, the NDIS can more effectively ensure that LGBTIQASB+ participants have genuine, safe choices in the marketplace.

## **2. Do you think the proposed transition arrangements will help manage these impacts?**

It is QIDAN's understanding the date for implementation of these changes is yet to be determined, but they will not start before 1 July 2025. It is also our understanding that

SIL providers and support coordinators will have three months to submit a registration application from the implementation date and 12 months to complete full certification audit. In our view, this is sufficient time for providers to prepare for the registration process.

The transition arrangements will help manage the impacts on people with disability, however, it is essential that transparent and clear communication regularly occurs. We provide suggestions about what information and support could look like in the next question.

We note the transition arrangements indicate different approaches for compliance with the Core Modules if you are currently an unregistered provider (Group 1), a registered provider (but not for support coordination) (Group 2) or a support coordinator already registered (Group 3). We recommend that all three groups are required to demonstrate compliance with the Core Modules within 12 months, as well as with supplementary specialist support coordination, if required and applicable. We also recommend that support coordinators can continue delivering supports during the registration process, as with SIL providers.

It is important that more time is given to service providers if auditing is taking longer than expected, especially with an anticipated increase in demand because of the mandatory registration. This will ensure continuity of supports to people with disability who wish to keep the existing services with providers who are going through the registration process.

### **3. What support or information would be helpful to assist people with disability prepare for these changes?**

QIDAN strongly advocates for a NDIS regulatory reform that deeply engages with people with disability in a meaningful co-design process to ensure the changes are



truly informed by people with disability, their families, carers and kin. This aligns with the Taskforce Advice.

There are two important steps that must be taken: the **first** is to engage in meaningful consultations **to discuss solutions** with people with disability, building on existing reforms (eg. The NDIS Review Report and the Taskforce Advice), before the changes occur, and the **second**, is providing accessible information and supports to people with disability during and after the changes take place.

The disability community is feeling fatigued from the past and ongoing disability inquiries, reforms and consultations which heard their stories and experiences. People should now be involved in the design of solutions and be invited to share what changes look like for them, to ensure continuity of community engagement.

We acknowledge the NDIS regulatory reform was announced in September 2024 and the consultation papers were released in late November 2024. Information on the NDIS Commission's engagement and consultation with people with disability in these processes is difficult to find. We are aware that engagement has included one virtual town hall meeting in November and online surveys currently open. In QIDAN 's opinion, this is not sufficient consultation with people with disability, and the limited time allocated for the consultations have not allowed for some NDIS participants to receive the types of support and information they may need to understand and prepare for these changes, nor have there been adequate opportunities to hear the concerns of NDIS participants which should inform this consultation. Additionally, limiting consultation processes to virtual and digital formats is inaccessible to many people with disability who will be inadvertently affected by the proposed changes. This is even more concerning for people with disability who live in SILs and may be more isolated without easy access to computers or internet.



The NDIS regulatory reform website indicates that from December 2024, regulatory forums and focus groups with people with disability would start.<sup>14</sup> However, it is our understanding this has not occurred. There is also information available that “platform provider industry forums” will occur in February, March and April 2025.<sup>15</sup> But again, there is no information about forums focussed on discussing the consultations and the proposed changes with people with disability.

Overall, QIDAN has repeatedly had difficulties finding any information about the events that have happened or will happen.

We have concerns about the lack of opportunities for accessible consultation in different formats as we approach 1 July 2025 (being the possible date for changes to start).

We suggest the Department of Social Services Foundational Supports consultation as a model to learn from,<sup>16</sup> where multiple consultation formats occurred including online and face-to-face events in multiple locations across Australia, although more rural and remote locations could have been considered then. In addition, the “Ideas Wall” facilitated in that consultation provided an accessible way for people to share inarticulate ideas and thoughts, which can be extremely valuable.

When consultation events and information sessions take place, auditors responsible for assessing service providers could be invited to join part of the sessions to provide information and answer questions the disability community might have. It is essential that NDIS participants have a basic understanding of the auditing process, given that it is the quality of supports and services of a provider that will determine whether their rights as a NDIS participant are met. NDIS participants should be encouraged to be

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<sup>14</sup> <https://www.ndiscommission.gov.au/about-us/ndis-commission-reform-hub/mandatory-registration>

<sup>15</sup> <https://www.ndiscommission.gov.au/about-us/ndis-commission-reform-hub/mandatory-registration>

<sup>16</sup> <https://engage.dss.gov.au/foundational-supports/>

part of the auditing process, but this should not be mandatory, as noted by the Taskforce.<sup>17</sup>

Information sessions during the transition period can offer a great opportunity for myth-busting and for information to be shared with people with disability about supports they can access during these changes.

We also recommend investment in funding for the provision of information and supports to people with disability beyond virtual formats and free from conflict.

Disability advocates can provide support and information to help people with disability prepare for the mandatory registration of SIL providers and support coordinators.

Although disability advocates already perform some of those functions in the course of their work, the benefits of funding disability advocacy to provide support and information include:

- Independence, free from conflict of interests
- Effective way of using the skills and expertise already in the sector
- Promotion and advancement of the human rights of people with disability, which is the purpose of disability advocacy

People with disability impacted by the mandatory registration of SIL providers and support coordinators should be able to easily access and understand information that is relevant to them. This includes Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically backgrounds. Existing community connections and supports can help delivering sessions on information and supporting people's unique needs.

In addition, perhaps creating a NDIS Commission dedicated telephone line, email and / or website channel during the transition period could assist reduce these impacts.

Further to the above, we suggest the NDIA and the NDIS Commission proactively contact NDIS participants who currently engage unregistered SIL providers and

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<sup>17</sup> Taskforce Advice, page 85.

support coordinators, to ensure awareness of changes and to answer questions or concerns. This would promote consistency of information and avoid NDIS participants receiving unreliable information from different sources. As the Taskforce acknowledged, there are genuine concerns, fears and distress in the disability community about the introduction of mandatory registration. This can be reduced with deep and active listening, and genuine engagement with all involved – which takes time, investment and dedication.

We reiterate the importance of providing support and information to people in rural and remote areas, as well as to Aboriginal and Torres Strait Islander peoples, where the community needs are unique, and where relationship building should come before talking business.

In conclusion, we reiterate the importance of enforcing service providers to provide information about the use of an independent advocate and to facilitate access to an advocate, as part of their obligations under the NDIS Practice Standards and Quality Indicators.<sup>18</sup>

## Conclusion

QIDAN would like to thank the NDIS Quality and Safeguards Commission for the opportunity to collaborate with the advocacy sector in Queensland in shaping the NDIS regulatory reform. We are happy to provide further information or clarification of any of the aspects covered in this report upon request.

We look forward to seeing QIDAN's recommendations embedded in the implementation of the mandatory registration of SIL providers and support coordinators.

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<sup>18</sup> NDIS Practice Standards and Quality Indicators, November 2021, pages 5-6.