PEOPLE WITH DISABILITY AUSTRALIA

A voice of our own

Leading our Own Support's

PWDA Response to the Department of Social Services Consultation Paper on Category C: Service for One/Self Directed Support Registration

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About PWDA

We empower, champion and celebrate people with disability.

People with Disability Australia (PWDA) is a national peak disability rights and advocacy organisation made up of and led by people with disability. Founded in 1981, PWDA represents the interests of people with all kinds of disability. We're a not-for-profit community-based organisation and our members comprise a diverse range of individuals and organisations from across Australia.

Our vision is for a socially just, accessible and inclusive community, in which the human rights, belonging, contribution, potential and diversity of all people with disability are recognised, respected and celebrated with pride.

We work both nationally and internationally, and our work is grounded in a human rights framework that recognises the United Nations human rights conventions and related mechanisms as fundamental tools for advancing the rights of people with disability.

PWDA provides people with disability with a voice of our own. We have a cross-disability focus representing the interests of people with all kinds of disability. Our members are people with disability, and organisations made up of people with disability. They are actively involved in PWDA, electing a board of people with disability every year. Many of our staff members are also people with disability.

We're a founding member of Disabled People's Organisations Australia, with First Peoples Disability Network, National Ethnic Disability Alliance and Women with Disabilities Australia.

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Executive Summary

Following wide spread community concern about the NDIS Review Recommendation that all NDIS providers must be registered, PWDA welcomed the NDIS Provider and Worker Registration Taskforce (here in after referred to as 'the Taskforce') recommendation/s, to 'Develop and deliver a risk-proportionate model' of registration,[1] which includes a category whereby NDIS participants can continue to use unregistered supports by registering themselves with the NDIS Quality and Safeguards Commission (the NDIS Commission) under a separate 'Service for One/Self-Directed Support Registration' category.

As an organisation that is run by and for people with disability and works from a human rights-based approach, PWDA particularly commends the Taskforce for highlighting that the inclusion of Self-Directed supports as part of a mandatory registration model is essential to meet Australia's obligations under the UN CRPD and realising Article 19 of the CRPD.[2]

As the CRPD Committee itself has outlined:

> *All persons with disabilities should have equal access to, an equal choice of, and control over support services that respect the inherent dignity and individual autonomy and aim to achieve effective participation and inclusion in society.'[3]*

In regards to the present consultation,[4] PWDA welcomes the Australian Government Department of Social Services willingness to work with the disability community on the design and implementation of self-directed supports.

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[1] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, pp. 5-10.

[2] Ibid, p. 53; Article 19 of the UN CRPD enshrines the right for people with disability to live independently and be included in the community.

[3] General Comment 5, para 29.

[4] Department of Social Services (2024) 'Consultation on Self Directed Supports Registration,' Australian Government, Department of Social Services. Viewed 21 January 2025 < https://engage.dss.gov.au/selfdirect/>.

In this submission, PWDA outlines our response to the Consultation Paper on the Registration of NDIS participants who self-direct their supports. Drawing on evidence from previous inquiries such as the NDIS Review and Royal Commission into Violence Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) as well as feedback from the disability community, we highlight that the implementation of a self-directed supports category or equivalent provides is important to ensure that people with disability can maintain choice and control over their supports and maintain the flexibility to access the supports that meet their needs.

However, while these benefits are undeniable, PWDA also emphasises that In the implementation of a 'Service for One/Self-Directed Support Registration' category, attention must be paid to ensure that people with disability and/or their representatives are not unreasonably burdened with administrative obligations associated with self-directing their supports, nor that these obligations prohibit participants from Self-Direction. Additionally, PWDA highlights that regardless of registration category, it must be ensured the onus for monitoring and safeguarding must not be placed entirely on NDIS participants and/or their representatives.

Background

In February 2024, the Taskforce[5] was established to provide expert advice on the design and implementation of a new graduated risk-proportionate regulatory model proposed in Recommendation 17 of the NDIS Review Final Report[6] (the Report) in consultation with the disability community.

The regulatory model presented in the NDIS Review Recommendation 17 proposed that all NDIS providers must be registered or enrolled. It provided 4 proposed levels of registration, based on the level of risk associated with the supports provided:

1. Advanced registration for all high-risk supports

2. General registration for all medium-risk supports

3. Basic registration for all lower-risk supports

4. Enrolment of all providers of lowest-risk supports.

After consultation with the disability community, providers, workforce representatives and other relevant stakeholders, the Taskforce made 11 Recommendations and proposed 10 Implementation Actions in its report,[7] which outlined a revised registration model with the following four categories:

1. **Category B: General registration** - Graduated registration for medium-risk supports. This includes 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. high intensity supports (such as high intensity daily personal activities), supports that require

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[5] Australian Government (2024) 'NDIS Provider and Worker Registration Taskforce Terms of Reference,' Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2492.

[6] NDIS Review (2023) *Working together to deliver the NDIS. Independent Review into the National Disability Insurance Scheme Final Report*. Commonwealth of Australia, Department of the Prime Minister and Cabinet, ISBN 978-1-925365-34-4, p. 13.

[7] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice*. Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, pp. 5-9.

additional skill and training (such as complex bowel care or injections), and supports involving significant 1:1 contact with people with disability.

2. **Category C: Service for One/Self-Directed Support registration** – Registration of the participant/guardian or other person with legal authority for the direct contracting of all supports. This includes participants or representatives (such as parents of children under 18 years) who directly employ workers for supports or where a company or business structure is established for the purpose of providing disability support services to one person. When registered for self-directed supports, participants can self-direct any supports, unless they fall within the Advanced Registration category – in which case these supports would need to be separately registered.

3. **Category D: Basic registration** - Simple registration for lower-risk supports. This includes sole traders and supports such as social and community participation and supports involving more limited 1:1 contact with people with disability.

Notably, the inclusion of a Service for One/Self-Directed Support registration category[8] was added to the original model, to reflect the feedback that many NDIS participants have adopted models of self-directed support (whereby the participant or their representative directly employs workers for supports or where a company or business structure is established for the purpose of providing disability support services to one person), which may not work under the original proposed mandatory registration model.

In the present consultation, the Department of Social Services is seeking to gain feedback from the disability community on self-directed supports.[9]

In responding to the consultation paper,[10] PWDA has drawn on information from past inquiries, as well as the views of our members and the broader disability community.

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[8] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice*. Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, p. 35.

[9] Department of Social Services (2024) 'Consultation on Self Directed Supports Registration,' Australian Government, Department of Social Services. Viewed 21 January 2025 < https://engage.dss.gov.au/selfdirect/>.

[10] Australian Government (2024) Consultation Paper: *Registration of NDIS participants who self-direct their supports*, Australian Government, Department of Social Services.

Summary of Recommendations

Recommendation 1: That the National Disability Insurance Agency (NDIA) and NDIS Commission implement a model of Self-Directed Supports Registration, that is distinct from the Self-Management of NDIS plans, which refers to circumstances whereby participants manage their own NDIS plan, but do not directly employ workers and would therefore, not be required to register with the NDIS Commission.

Recommendation 2: In designing the registration framework for self-directed participants, the NDIS Commission should strike a balance between ensuring quality and safety monitoring while respecting the rights of participants to maintain their autonomy and right to self-direction.

Recommendation 3: Noting that the administrative burden on participants who self-direct their supports is already significant, the NDIS Commission must ensure that obligations associated with self-directed supports registration are simple, quick, and easy for participants and their representatives to manage. The processes should be designed to minimise complexity, ensuring they are accessible to all participants, including those with disabilities that affect executive functioning or who have limited support systems.

Recommendation 4: To mitigate the administrative and financial impact of adhering to the requirements of self-directed supports registration, the Australian Government and NDIA should amend the Section 10 NDIS Inclusion list to include costs associated with business administration such as bookkeeping, accounting software, should also be funded through participants' NDIS plans**.** This is especially important in cases where participants may struggle to meet compliance obligations due to disability related executive functioning difficulties.

Recommendation 5: The proposed self-directed supports registration portal must be fully accessible and co-designed with people with disability to ensure it meets the needs of all

participants. It should also be integrated with existing NDIS online systems to prevent duplication and reduce administrative burden.

Recommendation 6: The NDIS Commission must establish independent, accessible reporting and complaint mechanisms for providers, separate from the participant-employer, to address issues such as workplace safety concerns or breaches of employment conditions while maintaining the integrity of participants' self-directed supports.

Recommendation 7: Acknowledging that people with disability who are members of multiply marginalised communities such as those who are First Nations or from rural, regional and remote areas often face barriers to accessing the documentation and ICT equipment required to meet regular reporting obligations, the Australian Government and NDIS Commission should make arrangements and or exceptions for individuals in these communities, relative to their specific situation. In order to ensure that First Nations people with disability and those living in rural, regional and remote locations can meet compliance obligations that are essential, the Australian Government and NDIS Commission should work in co-design with these communities to design culturally and contextually appropriate supports that can assist with managing administrative requirements.

Recommendation 8: Acknowledging the fact that increasing compliance obligations may risk the loss of vital providers in rural, regional and remote areas, the NDIS Commission should, when necessary, simplify the compliance pathways for providers in rural, regional, and remote areas to ensure that administrative burdens do not exacerbate existing market challenges or disrupt access to vital supports.

Recommendation 9: The NDIS Commission should provide clear, accessible guidance on the actions participants can take when quality and safeguarding measures fail, such as when a worker breaches the NDIS Code of Conduct or is found to be unsuitable despite passing screenings. This guidance should include practical steps for participants and clear escalation pathways for addressing such issues.

Recommendation 10: The NDIS Commission should establish processes to identify self-directed participants who may be at risk of financial abuse or coercion, including situations involving family members or carers. These processes should include pausing compliance obligations and providing referrals to specialist domestic and family violence services or other relevant supports to ensure participants' safety and autonomy are upheld.

Recommendation 11: The NDIS Commission should provide clear, accessible guidance on the scope of participant and provider obligations, including whether requirements such as worker screening and suitability assessments apply to all workers, including those delivering low-risk supports like gardening or cleaning. Additionally, the NDIS Commission should develop practical tools and resources to support participants and providers in understanding and implementing these obligations effectively, ensuring compliance is both achievable and proportionate to the level of risk associated with different types of supports.

Recommendation 12: In order to avoid disrupting existing or ongoing supports, the NDIS Commission must ensure that the process for registering for self-directed supports is simple and quick. Denial or revocation of registration should only occur as a last resort after all reasonable efforts have been made to support the participant to meet obligations.

Recommendation 13: When requesting information from participants or their representatives for the purpose of determining or reviewing self-direction registration status, the NDIS Commission must allow participants a minimum of 90 days to respond, in line with existing NDIS policies.

Recommendation 14: That the NDIS Commission design and plan the timing and format of check-ins with Self-Directed participants to be flexible, accommodating for participants' preferences, support and accessibility needs.

Recommendation 15: Working self-directed participants on an individual basis, the NDIS Commission should schedule check-ins at regular intervals, such as quarterly or annually, so that there is no 'surprise' element and participants' have the predictability needed to plan and prepare effectively.

Recommendation 16: Acknowledging the vital role that natural safeguards play in preventing violence, abuse and neglect of people with disability, the NDIS Commission should implement systematic assessments of participants' natural safeguards during check-ins, focusing on their connections with family, friends, and community, as well as their understanding of their rights. This should be complemented by capacity-building supports that support participants to build natural safeguards, such as community engagement initiatives and skills development for self-advocacy and decision-making.

Recommendation 17: Recognising that certain types of supports, such as intimate personal care and 24/7 support, increase risk to participants, the NDIS Commission should utilise check-ins with self-directed participants to identify the types of supports they are receiving and the duration for which these supports are provided.

Recommendation 18: The NDIS Commission should establish clear processes to identify who is making decisions about a participant's supports during check-ins, ensuring participants' rights and preferences are respected and substitute decision-making is minimised in alignment with CRPD principles.

Recommendation 19: To prevent the denial of decision-making rights, the NDIS Commission should establish clear processes to identify who is making decisions about a participant's supports during check-ins, ensuring participants' rights and preferences are respected and substitute decision-making is minimised in alignment with CRPD principles.

Recommendation 20: In line with the Disability Royal Commission Recommendation, the NDIA should reform NDIS nominee provisions to reflect a principled approach to supported decision-making and ensure that decisions made by a participant's nominated decision-maker are in accordance with the will and preferences of the participant.

Recommendation 21: Consistent with the recommendations from the NDIS Review, the Australian Government, in partnership with state and territory governments, should, through the implementation of Foundational Supports, provide training and resources that

support the family, carers and kin of people with disability to empower people with disability to advocate for themselves and make their own decisions.

Recommendation 22: To ensure participants who self-direct their supports have the skills they need, the NDIS and / or NDIS Commission should provide capacity-building programs that foster peer support and knowledge-sharing among self-directed participants. These programs should be designed to harness the skills and business expertise of participants who self-direct their supports, enabling them to share their experiences and develop innovative, scalable solutions for meeting support needs.

Recommendation 23: The NDIS and/or NDIS Commission should establish information hubs and communities of practice (COPs) to facilitate peer support and knowledge exchange. These platforms should be accessible, flexible, and inclusive, allowing for diverse communication and learning styles. Online hubs, discussion forums, and COPs should provide participants with templates, best practice examples, and a safe, moderated space to connect and share experiences.

Recommendation 24: The NDIA and NDIS Commission should ensure that information hubs and COPs should specifically address the needs of multiply marginalised groups, such as First Nations, women, transgender and gender-diverse individuals with disabilities. This could for example include providing support and funding for community led yarning circles for First Nations participants and gender-specific peer support groups for women and trans/gender-diverse individuals.

Recommendation 25: The NDIA and NDIS Commission should ensure that information hubs and COPs should specifically address the needs of multiply marginalised groups, such as First Nations participants and women, and gender-diverse individuals with disabilities. This could for example include providing support and funding for community led yarning circles for First Nations participants and gender-specific peer support groups for women and trans/gender-diverse individuals.

Recommendation 26: Moving forward, the Australian Government, NDIA and NDIS Commission should work closely with people with disability and representative organisations to co-design the framework for the registration of self-directed supports. This process should give careful consideration to the potential for the registration of self-directed supports to exclude some groups of participants and / or limit support options for individuals.

Recommendation 27: In designing the framework for the mandatory registration of self-directed supports, the Australian Government, NDIA and NDIS Commission should ensure harmonisation with other proposed NDIS reforms, particularly the proposals to implement mandatory registration for providers of certain types of supports. In particular, attention should be given to ensure that these reforms do not purpose of self-directed supports, such as participants' ability to choose providers that best meet their specific needs.

Response to Consultation Questions

a. Definition

   i.   Do you agree with the definition of Self-Directed Supports ?

In the consultation paper, Self-Directed Supports are defined as:

- 'A way of managing supports, where the participant directly employs workers providing support; or

- service-for-one arrangements, where a company or business structure is established for the purpose of providing disability support services to one individual.' [11]

Broadly, PWDA supports this proposed definition, noting that under current arrangements, there are many participants who rely on support workers and other staff who are directly employed, including and especially when there are a lack of suitable services in the broader support landscape that can support their specific needs.[12]

PWDA also emphasises that in line with the recommendations of the NDIS Registration Taskforce,[13] Self-Directed Supports must remain distinct from Self-Management of NDIS plans,[14] which refers to circumstances whereby participants manage their own NDIS plan, but do not directly employ workers and would therefore, not be required to register with the NDIS Commission.

Recommendation 1: That the National Disability Insurance Agency (NDIA) and NDIS Commission implement a model of Self-Directed Supports Registration, that is distinct from the Self-Management of NDIS plans, which refers to circumstances whereby

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[11] Ibid, p. 5.

[12] See. e.g. NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, pp. 53-55; The Social Deck (2024) *Final consultation report: NDIS Provider and Worker Registration Taskforce –June 2024*, Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2230, p. 33

[13] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, pp. 56-58.

[14] National Disability Insurance Scheme (2025) 'Self-Management,' *National Disability Insurance Agency*, Viewed 23 January 2025 < https://www.ndis.gov.au/participants/using-your-plan/self-management#the-benefits-of-self-managing>.

participants manage their own NDIS plan, but do not directly employ workers and would therefore, not be required to register with the NDIS Commission.

b. Proposed Obligations

i.   *Do you agree with the proposed obligations for registered self-directed participants?*
ii. *Are there any barriers to compliance with these requirements?*

The Taskforce advice recommended self-directed participants (or their representative) would apply for registration via a portal. Once registration is granted, the participant would be able to directly engage their supports.

In these arrangements, the participant or nominee takes on the responsibilities of an employer. This includes mandatory responsibilities such as occupational health and safety, insurance, and compliance with the terms set out in industrial awards.

Taking this into account, the following obligations have been proposed for the self-directed supports category, for participants, nominees and the workers who support them:

- Adherence to the NDIS Code of Conduct

- Worker screening

- Complaints process

- Incident reporting

- Audits

- Ongoing monitoring

- Participant undertaking their own assessment for practice and quality according to self-defined standards.

- Suitability assessment – undertaken by participant

- Regular check-ins with the NDIS Commission.[15]

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[15] Department of Social Services (2024) 'Consultation on Self Directed Supports Registration,' Australian Government, Department of Social Services. Viewed 21 January 2025 < https://engage.dss.gov.au/selfdirect/>, p. 6.

Taking into account the significant evidence that there is a need for increased safeguarding of NDIS participants, PWDA believes that the proposed obligations for registered self-directed participants broadly align with the principles of safeguarding whilst maintaining the rights of participants to exercise choice and control over their supports. For the purpose of safeguarding and quality assurance, PWDA supports requirements for self-directed participants and their supports to adhere to the NDIS Code of Conduct, undergo worker screenings, do incident reporting and regular check-ins with the NDIS Commission. However, PWDA cautions that the administrative and regulatory tasks involved in these requirements must not be so onerous that they prohibit or deter NDIS participants from self-directing supports, nor providers from providing supports to these individuals.

As highlighted in the NDIS Registration Taskforce consultations, the administrative burden placed on participants acting as employers is already significant,[16] encompassing responsibilities such as occupational health and safety compliance, insurance, managing payroll, and ensuring adherence to industrial awards.

Recommendation 2: In designing the registration framework for self-directed participants, the NDIS Commission should strike a balance between ensuring quality and safety monitoring while respecting the rights of participants to maintain their autonomy and right to self-direction.

Administrative Burden

These tasks are often complex, time-consuming, and resource-intensive, requiring participants to navigate intricate legal and regulatory frameworks. For many participants, particularly those with disabilities that impact their executive functioning[17] or those with limited support systems, these existing responsibilities may be already challenging to manage. In order to ensure that further administrative requirements, such as detailed reporting, mandatory audits, or additional compliance checks, do not inadvertently create

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[16] The Social Deck (2024) *Final consultation report: NDIS Provider and Worker Registration Taskforce –June 2024*, Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2230, p. 18.

[17] See e.g. Guastella, A & Boulston, K (2024) 'What are executive function delays? Research shows they're similar in ADHD and autism, ' *The Conversation*. Viewed 21 January 2025 < https://theconversation.com/what-are-executive-function-delays-research-shows-theyre-similar-in-adhd-and-autism-238760>.

barriers to continuing with self-direction, obligations must be made simple, quick and easy for participants and their representatives; and support should be made available where it is needed.

To mitigate the administrative and financial impact of compliance obligations on participants, the Australian Government and the NDIA should also ensure that supports associated with these tasks, such as bookkeeping and accounting software, can be funded through participants' NDIS plans**.** Since the introduction of the new Section 10 list,[18] which outlines eligible and ineligible NDIS supports, tools like accounting software have been excluded from funding. If the NDIS Commission intends to introduce add additional administrative burden to self-directed participants, it must ensure that the costs associated with these tasks are covered.

Noting that a key element of the framework is the proposed use of a portal for self-directed supports registration, it is also essential that this portal is fully accessible and co-designed with people with disability to ensure it meets the needs of all participants. Furthermore, clarity is needed on how this portal will interact with the existing NDIA portal and whether participants will be required to navigate both systems. Ensuring a seamless and user-friendly experience is essential to prevent unnecessary complexity and administrative burden.

Another critical issue relates to Work Health and Safety and human resources (HR) requirements. Noting that the number of participants acting as the employers may increase with the implementation of self-directed support registration, it needs to be considered how the creates a potential conflict when workers need to report issues, such as workplace safety concerns or breaches of employment conditions. For example, it is unclear how a worker could raise a complaint about the participant-employer directly to the participant. The framework must address these gaps by providing an independent, accessible reporting mechanism to ensure workers' rights are upheld while maintaining the integrity of the participant's self-directed supports.

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[18] National Disability Insurance Agency (2024) 'What does NDIS fund?,' National Disability Insurance Agency. Viewed 22 January 2025 < https://ourguidelines.ndis.gov.au/would-we-fund-it/what-does-ndis-fund#what-is-ndis-support>.

Recommendation 3: Noting that the administrative burden on participants who self-direct their supports is already significant, the NDIS Commission must ensure that obligations associated with self-directed supports registration are simple, quick, and easy for participants and their representatives to manage. The processes should be designed to minimise complexity, ensuring they are accessible to all participants, including those with disabilities that affect executive functioning or who have limited support systems.

Recommendation 4: To mitigate the administrative and financial impact of adhering to the requirements of self-directed supports registration, the Australian Government and NDIA should amend the Section 10 NDIS Inclusion list to include costs associated with business administration such as bookkeeping, accounting software, should also be funded through participants' NDIS plans. This is especially important in cases where participants may struggle to meet compliance obligations due to disability related executive functioning difficulties.

Recommendation 5: The proposed self-directed supports registration portal must be fully accessible and co-designed with people with disability to ensure it meets the needs of all participants. It should also be integrated with existing NDIS online systems to prevent duplication and reduce administrative burden.

Recommendation 6: The NDIS Commission must establish independent, accessible reporting and complaint mechanisms for providers, separate from the participant-employer, to address issues such as workplace safety concerns or breaches of employment conditions while maintaining the integrity of participants' self-directed supports.

Market Issues in Rural, Regional and Remote Areas and First Nations Communities

In designing obligations for self-directed supports, arrangements or exceptions should also be made for both participants and individual providers from multiply marginalised groups, who may face additional barriers to meeting compliance obligations. For some people who are First Nations and/or from rural, regional and remote locations for example, it can be

common to have limited access to identification or other key legal forms of documentation[19] as well as access to at home internet and Information, Communication and Technology (ICT) equipment,[20] all of which are often essential for passing screening checks and meeting reporting obligations. In these cases, it may be essential to work with these communities to determine what appropriate obligations would look like and to design specific supports that can assist with managing administrative requirements.

The unique situation of these groups of participants and how the registration of self-directed supports will impact market viability also need to be considered In the implementation. As it stands, First Nations and rural, regional and remote communities already face significant barriers to accessing supports, with traditional registered providers often being unavailable or unsuitable due to geographic isolation or a lack of culturally safe services.[21] In these contexts, self-directed support models are often critical, allowing individuals to engage workers from their local communities or kin networks, who are often best placed to provide culturally appropriate, trusted, and responsive care tailored to the participant's specific needs. However, the implementation of self-directed supports risks of undermining these arrangements and increasing market availability issues if administrative requirements are too burdensome for participants and their support people. To address these market challenges, the registration and compliance processes must be tailored to account for the unique circumstances of participants in these regions. Simplified processes, exemptions, or alternative pathways for compliance should be explored, alongside targeted capacity-building programs for both participants and local providers.

Recommendation 7: Acknowledging that people with disability who are members of multiply marginalised communities such as those who are First Nations or from rural, regional and remote areas often face barriers to accessing the documentation and ICT

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[19] The Social Deck (2024) *Final consultation report: NDIS Provider and Worker Registration Taskforce –June 2024*, Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2230, pp. 21, 32; Chandran, R (2024) 'Indigenous Australians fear exclusion by digital ID,' *Context,* Viewed 21 January 2025 < https://www.context.news/digital-divides/indigenous-australians-fear-exclusion-by-digital-id>.

[20] Ratcliffe, A (2024) 'Internet use grows in remote First Nations communities, but cost still a barrier,' *RMIT University*, Viewed 23 January 2025 <https://www.rmit.edu.au/news/all-news/2024/dec/digital-inclusion>.

[21] See e.g. Independent Review of the National Disability Insurance Scheme, *Working together to deliver the NDIS: Final Report*, 27 October 2023, 186-197; Lathouris, O (2024) 'The power of the NDIS and the fight to keep it in remote Australia,' *ABC News Online*, Viewed 24 January 2024 < https://www.abc.net.au/news/2024-09-06/ndis-remote-regional-nt-services-access-struggles/104301124>.

equipment required to meet regular reporting obligations, the Australian Government and NDIS Commission should make arrangements and or exceptions for individuals in these communities, relative to their specific situation. In order to ensure that First Nations people with disability and those living in rural, regional and remote locations can meet compliance obligations that are essential, the Australian Government and NDIS Commission should work in co-design with these communities to design culturally and contextually appropriate supports that can assist with managing administrative requirements.

Recommendation 8: Acknowledging the fact that increasing compliance obligations may risk the loss of vital providers in rural, regional and remote areas, the NDIS Commission should, when necessary, simplify the compliance pathways for providers in rural, regional, and remote areas to ensure that administrative burdens do not exacerbate existing market challenges or disrupt access to vital supports.

Onus on Participant for their Own Safety

PWDA holds some concern that the proposed registration model for self-directed participants places a significant onus on participants to manage their own safeguarding measures, including through conducting worker screenings and suitability assessments, maintaining quality standards and reporting incidents. While these obligations aim to uphold safety and accountability, they transfer a substantial portion of responsibility of the NDIS Commission onto participants themselves. This shift raises concerns, particularly as there is limited guidance on how participants should undertake these safeguarding duties or what options are available when these measures fail. For example, if a worker breaches the NDIS Code of Conduct or is found to be unsuitable despite passing screenings.

Additionally, while PWDA emphasises that participants must retain the right to control their own supports through self-direction, consideration must be given to situations where participants may be receiving assistance or support with self-direction from family members who may be violent, abusive, or coercive. While The Taskforce outlined that participants who self-direct their supports often have natural safeguards in place such as

ability to stop and start supports as needed,[22] there is significant evidence that some cohorts, including women and girls with disabilities and those with intellectual disabilities, face increased risk of financial abuse and coercion from intimate partners, family members, or carers.[23] While PWDA strongly warns against mitigating risk by denying participants' the opportunity to for self-direction, obligations should be designed in a way that ensures participants at risk can be identified and provided support, such as through specialist domestic and family violence services where needed.

Recommendation 9: The NDIS Commission should provide clear, accessible guidance on the actions participants can take when quality and safeguarding measures fail, such as when a worker breaches the NDIS Code of Conduct or is found to be unsuitable despite passing screenings. This guidance should include practical steps for participants and clear escalation pathways for addressing such issues.

Recommendation 10: The NDIS Commission should establish processes to identify self-directed participants who may be at risk of financial abuse or coercion, including situations involving family members or carers. These processes should include pausing compliance obligations and providing referrals to specialist domestic and family violence services or other relevant supports to ensure participants' safety and autonomy are upheld.

Ambiguity in Obligations

One final issue with the proposed obligation for self-direction of supports is that there is a lack clarity regarding the scope of certain obligations, such as worker screening and suitability assessments and whether they apply to all workers, including those undertaking low risks supports like gardening or cleaning.

Moreover, there appears to be an absence of clear, practical guidance on how participants should implement obligations, such as assessing suitability. To address this, the NDIS

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[22] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, p. 41.
[23] Australian Bureau of Statistics (2021) 'Women with disability at increased risk of violence.' Viewed 21 January 2024 <https://www.abs.gov.au/media-centre/media-releases/women-disability-increased-risk-violence>.

Commission should provide specific, accessible guidance and tools for participants and providers in regards to obligations and how they relate to different types of workers.

Recommendation 11: The NDIS Commission should provide clear, accessible guidance on the scope of participant and provider obligations, including whether requirements such as worker screening and suitability assessments apply to all workers, including those delivering low-risk supports like gardening or cleaning. Additionally, the NDIS Commission should develop practical tools and resources to support participants and providers in understanding and implementing these obligations effectively, ensuring compliance is both achievable and proportionate to the level of risk associated with different types of supports.

c. NDIS Commission Powers

   i.   *What features are important for the regulator to have when registering self-directed supports?*

Support and Capacity Building for Participants

When registering self-directed supports, the NDIS Commission must adopt features that strike a balance between safeguarding participants and preserving their right to choice and control. A critical role for the regulator is to support participants in upskilling for self-direction, ensuring they have access to training, resources, and guidance to manage their responsibilities effectively. This is particularly important for participants who may be new to self-direction or face additional barriers, such as those from marginalised communities or who face barriers to meeting their obligations due to executive functioning or other disability related difficulties.

Fair Processes for Information Gathering

The NDIS Commission's processes for gathering information from participants must be fair, transparent, and in line with existing NDIS policies. For example, when requesting information from participants or their representatives for the purpose of determining or

reviewing self-direction registration status, participants must be allowed a minimum of 90 days to respond, in line with existing NDIS policies.

Additionally, PWDA asserts that processes for registering for self-directed supports must be simple and quick, so as not to disrupt existing supports. Denial or revocation of registration should only occur as a last resort after all reasonable efforts have been made to support the participant, as it otherwise could lead to significant disruption in supports for participants.

Recommendation 12: In order to avoid disrupting existing or ongoing supports, the NDIS Commission must ensure that the process for registering for self-directed supports is simple and quick. Denial or revocation of registration should only occur as a last resort after all reasonable efforts have been made to support the participant to meet obligations.

Recommendation 13: When requesting information from participants or their representatives for the purpose of determining or reviewing self-direction registration status, the NDIS Commission must allow participants a minimum of 90 days to respond, in line with existing NDIS policies.

d. Check-Ins

i.   *How often should participants who self-direct their supports check-in?*
ii. *What form should these check-ins take?*

The frequency of check-ins for participants who self-direct their supports should be flexible and based on individual needs. These check-ins should occur as often as necessary and be based on the needs and preferences of individuals. For example, a participant that is new to self-direction and requires additional support may want to meet with the NDIS Commission more frequently, than someone who has been self-directing their supports for years.

The format of check-ins should be accessible, considering the participant's preferences, support and accessibility needs. They may take place online, through digital platforms like

video calls or secure messaging, or in person for those who need more direct interaction. They should also account for different communication styles, such as offering verbal options to communicate as well in options in writing for those who may be non-speaking or experience difficulty with verbal interactions.

Acknowledging that the key purposes of self-directed support arrangements is to allow participants to maintain choice, control and independence,[24] It is also critical to ensure that check-ins are not used as 'surprise' inspections or unannounced interrogations by the NDIS Commission. Instead, check-ins must be scheduled, regular, and predictable, such as an annual review. This approach aligns with regulatory requirements in other jurisdictions for running a business, providing consistency and clarity for participants while respecting their autonomy and planning needs.

Recommendation 14: That the NDIS Commission design and plan the timing and format of check-ins with Self-Directed participants to be flexible, accommodating for participants' preferences, support and accessibility needs.

Recommendation 15: Working self-directed participants on an individual basis, the NDIS Commission should schedule check-ins at regular intervals, such as quarterly or annually, so that there is no 'surprise' element and participants' have the predictability needed to plan and prepare effectively.

i. *What types of information could assist with checking in?*

Natural Safeguards

During check-ins, it may be useful gather information about the participant's natural safeguards. In both the NDIS Review[25] report and Taskforce advice,[26] it was emphasised that the existence of natural safeguards such as such the connections an individual has

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[24] Department of Social Services (2024) 'Consultation on Self Directed Supports Registration,' Australian Government, Department of Social Services. Viewed 21 January 2025 < https://engage.dss.gov.au/selfdirect/>, p. 1.

[25] NDIS Review (2023) *Working Together to Deliver the NDIS Independent Review into the National Disability Insurance Scheme Final Report Supporting Analysis*, Commonwealth of Australia, Department of Prime Minister and Cabinet, pp. 555, 1179.

[26] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, p. 41.

with family, friends and their community, as well the knowledge they have about their rights, play a significant role in reducing risk of violence and abuse.

If for example, a person is living in a segregated or isolated environment, has no family and spends little time in the community, they are at much greater risk of all forms of violence, abuse, neglect and exploitation, compared to someone that lives in the community, has family and friends actively involved in their life and is a member of multiple social groups.

In acknowledging the importance of natural safeguards, the NDIS Review recommended that any efforts to improve safeguarding, should include an investment in supports that strengthen the capacity of participants to safeguard themselves and develop their natural safeguards; which is important when considering what role the NDIS Commission should play in checking in with self-directed participants.

While the Taskforce, in its recommendations, made it clear that participants who self-direct their supports generally have more natural safeguards due to the control they maintain over their supports,[27] it needs to be recognised that there is always a risk of losing natural safeguards, especially in cases where for example, a participants main informal supports are elderly parents or where a participant relies on supports to access the community.

Recommendation 16: Acknowledging the vital role that natural safeguards play in preventing violence, abuse and neglect of people with disability, the NDIS Commission should implement systematic assessments of participants' natural safeguards during check-ins, focusing on their connections with family, friends, and community, as well as their understanding of their rights. This should be complemented by capacity-building supports that support participants to build natural safeguards, such as community engagement initiatives and skills development for self-advocacy and decision-making.

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[27] Ibid.

Providers and Types of Supports

Information should also be gathered about the providers involved in an individual's supports, including details on the types of supports they are providing, the participant's experiences with these providers, and any concerns that they have. The NDIS Registration Taskforce, in its advice, noted that risk can increase depending on the type of supports being provided and the length of time they are being provided for, giving the example that participants receiving personal and intimate care 24 hours a day is much more at risk than someone receiving the same care for 2 hours a day.[28] While participants who self-direct their supports are generally less likely to be receiving supports that are higher risk, such as Supported Independent Living (SIL) or personal and intimate care for long periods,[29] there are some instances, such as in rural and regional areas, where participants or their representatives, choose to or need to use self-directed supports or service for one arrangements for these type of supports due to a lack of ability to access other appropriate or available service provision.[30]

In measuring risk, the Taskforce did recommend that when providers are delivering what it considered to be very high-risk supports—such as behaviour support or early childhood support—they must be registered under 'Advanced Registration,' irrespective of whether the participant is registered for self-direction.[31] However, in the current proposal, it remains unclear whether this 'Advanced Registration' requirement will apply to all high-risk supports or how it will be identified when self-directed participants are receiving them. It therefore is essential for this to be considered when determining what check-ins with self-directed participants may look like.

Recommendation 17: Recognising that certain types of supports, such as intimate personal care and 24/7 support, increase risk to participants, the NDIS Commission should

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[28] Ibid, p. 32.
[29] Ibid, p. 42.
[30] See. e.g. Ibid, pp. 53-55; The Social Deck (2024) *Final consultation report: NDIS Provider and Worker Registration Taskforce –June 2024*, Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2230, p. 33
[31] Ibid, p. 41.

utilise check-ins with self-directed participants to identify the types of supports they are receiving and the duration for which these supports are provided.

Information on Decision-Making

Additionally, in the check-ins it may be useful to determine who is making decisions about the participant's supports. Whether the participant themselves, a parent, guardian, or another representative is involved in these decisions should be clearly identified. While it is likely that participants who self-direct their supports are heavily involved in decision-making about them, there may be situations where parents or carers are dominating the self-direction process and making decisions against the will of the participant.

From the perspective of the NDIS Commission, this is important to identify through information gathering in order to prioritise the rights of participants and mitigate risk to individuals.

As has been identified in extensive research[32] and previous PWDA submissions,[33] where a person with disability is not in charge of their own decisions, due to ableist attitudes from care-givers and/or legal substitute decision making arrangements, the individual faces higher risk of being subject to violence and abuse, including in the form of authorised and unauthorised restrictive practices, as determined by the substitute decision-maker.[34]

In order to ensure that the rights of people with disability under CRPD are upheld and to safeguard participants, the NDIA and the NDIS Commission must ensure that, in the implementation of any NDIS registration model, participants are supported and empowered to, as far as reasonably possible, make their own decisions about the supports they access.

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[32] Bigby, C., Carney, T., Then, S-N., Wiesel, I., Sinclair, C., Douglas, J., & Duffy, J., (2023).*Diversity, dignity, equity and best practice: a framework for supported decision-making*. Prepared by the The Living with Disability Research Centre at La Trobe University for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability <https://disability.royalcommission.gov.au/policy-and-research/research-program>, p. 283; Converse, S (2018)'Guardianship reform: supported decision-making and Maine's new probate code', *Maine Bar Journal,* Vol 33(4), pp 25-8.

[33] See e.g: People with Disability Australia (2019) *Authorisation of Restrictive Practices in NSW*, People with Disability Australia. <https://pwd.org.au/wp-content/uploads/2019/09/SB-300819-Restrictive-Practices-Authorisation-PWDA.docx>.

[34] Ibid.

As has been highlighted by the CRPD Committee in its General Comment on Article 12 of the CRPD:

> *Article 12, paragraph 3, recognizes that States parties have an obligation to provide persons with disabilities with access to support in the exercise of their legal capacity. States parties must refrain from denying persons with disabilities their legal capacity and must, rather, provide persons with disabilities access to the support necessary to enable them to make decisions that have legal effect. Support in the exercise of legal capacity must respect the rights, will and preferences of persons with disabilities and should never amount to substitute decision-making. Article 12, paragraph 3, does not specify what form the support should take. "Support" is a broad term that encompasses both informal and formal support arrangements, of varying types and intensity.*[35]

While the CRPD does not specify how people with disability should be supported to make their own decisions, the NDIS Commission can draw on the CRPD committee explanation of support as a broad term which encompasses both informal supports, in the form of assistance from family, friends and kin, as well as formal supports such as peer support, advocacy access to accessible information.[36] Additionally, the Australian Government, the NDIA and the NDIS Commission should consider the recommendations from the NDIS Review and Disability Royal Commission which related to safeguarding the decision-making rights of NDIS participants.

In the Disability Royal Commission final report for example, it was recommended that 'NDIS nominee provisions should be reformed to reflect a principled approach to supported decision-making and ensure that decisions made by the substitute decision-maker are in accordance with the will and preferences of the person.'[37]

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[35] Committee on the Rights of Persons with Disabilities, *General Comment No. 1 Article 12: Equal Recognition Before the Law* UN Doc CRPD/C/GC/1.
[36] Ibid.
[37] Bigby, C., Carney, T., Then, S-N., Wiesel, I., Sinclair, C., Douglas, J., & Duffy, J., (2023).*Diversity, dignity, equity and best practice: a framework for supported decision-making*. Prepared by the The Living with Disability Research Centre at La Trobe University for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability <https://disability.royalcommission.gov.au/policy-and-research/research-program>.

Additionally, in the NDIS Review Supporting Analysis, it was noted that while NDIS supports are focussed on NDIS participants, it may be beneficial to consider mitigating the risk of people with disability being denied the right to decision making by informal supports such as family and carers, by investing in the provision of training and resources for these individuals through more general support streams such as Foundational Supports.[38]

Recommendation 18: The NDIS Commission should establish clear processes to identify who is making decisions about a participant's supports during check-ins, ensuring participants' rights and preferences are respected and substitute decision-making is minimised in alignment with CRPD principles.

Recommendation 19: To prevent the denial of decision-making rights, the NDIS Commission should establish clear processes to identify who is making decisions about a participant's supports during check-ins, ensuring participants' rights and preferences are respected and substitute decision-making is minimised in alignment with CRPD principles.

Recommendation 20: In line with the Disability Royal Commission Recommendation, the NDIA should reform NDIS nominee provisions to reflect a principled approach to supported decision-making and ensure that decisions made by a participant's nominated decision-maker are in accordance with the will and preferences of the participant.

Recommendation 21: Consistent with the recommendations from the NDIS Review, the Australian Government, in partnership with state and territory governments, should, through the implementation of Foundational Supports, provide training and resources that support the family, carers and kin of people with disability to empower people with disability to advocate for themselves and make their own decisions.

e. Peer Support

i. *What types of support structures could help participants share innovative practices? (for example, via a knowledge base, templates, or community of practice)?*

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[38] NDIS Review (2023) *Working Together to Deliver the NDIS Independent Review into the National Disability Insurance Scheme Final Report Supporting Analysis*, Commonwealth of Australia, Department of Prime Minister and Cabinet, pp. 894.

In its report, the Taskforce recommended that the Australian Government invest in self-directed supports by offering programs and supports for capacity building and peer supports among self-directed participants.[39]

Past inquiries have found that participants who self-direct their supports, whether through direct employment or service-for-one arrangements, often employ innovative and creative approaches to meet their support needs.[40] In doing so, they develop a range of business skills that could be shared with others. Additionally, existing evidence shows that people with disabilities are more likely than their non-disabled counterparts to be self-employed as business owners, sole traders, and entrepreneurs, demonstrating strong skills in business management;[41] which are highly transferable to the requirements of self-directing supports.

Recommendation 22: To ensure participants who self-direct their supports have the skills they need, the NDIS and / or NDIS Commission should provide capacity-building programs that foster peer support and knowledge-sharing among self-directed participants. These programs should be designed to harness the skills and business expertise of participants who self-direct their supports, enabling them to share their experiences and develop innovative, scalable solutions for meeting support needs.

Information Hubs and Communities of Practice

To support participants in self-directing their supports, the Australian Government, NDIA, and NDIS Commission could draw upon the existing skills of participants and the broader community of people with disabilities. This could be achieved through the establishment of structures that enable peer support and knowledge sharing. While peer support and information sharing should be flexible to accommodate diverse communication, learning

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[39] NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, p. 14.

[40] The Social Deck (2024) *Final consultation report: NDIS Provider and Worker Registration Taskforce –June 2024*, Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2230, p. 13.

[41] Darcy, S, Collins, J & Stronach, M (2021) *Entrepreneurs with Disability in Australia: Experiences of People with Disability with microenterprises, self-employment and entrepreneurship. Report 2: Policy and Organisational Level Initiatives*, UTS Business School, University of Technology Sydney 2020, p. iv.

styles, and accessibility needs, practical examples include online or virtual information hubs and communities of practice (COPs) that promote learning and collaboration.

For example, a knowledge base could feature templates for business policies, employment checks, and examples of past and best practices. Discussion forums or COPs could provide participants with safe, moderated spaces to connect and share experiences. These platforms must ensure accessibility and create environments where participants can engage openly and confidently.

Recommendation 23: The NDIS and/or NDIS Commission should establish information hubs and communities of practice (COPs) to facilitate peer support and knowledge exchange. These platforms should be accessible, flexible, and inclusive, allowing for diverse communication and learning styles. Online hubs, discussion forums, and COPs should provide participants with templates, best practice examples, and a safe, moderated space to connect and share experiences.

An Intersectional Approach

Furthermore, these resources and COPs should specifically account for the needs of multiply marginalised groups to promote inclusivity. First Nations participants, for instance, may benefit from culturally appropriate peer support structures, such as community-led yarning circles, which provide safe spaces to share and learn in culturally respectful ways.[42] Similarly, women, transgender and gender-diverse participants may value peer support groups led by and for women and gender-diverse people with disabilities.[43] Such groups could focus on critical issues, including safeguarding against gender-based violence, which disproportionately affects women, girls, and gender-diverse individuals with disabilities.[44]

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[42] Queensland Curriculum & Assessment Authority (2020) 'Yarning Cirlces,' Queensland Government. Viewed 22 January 2025
<https://www.qcaa.qld.edu.au/about/k-12-policies/aboriginal-torres-strait-islander-perspectives/resources/yarning-circles>.
[43] See e.g. Lewis, R et al. (2015) ''Safe Spaces': Experiences of Feminist Women-Only Space,' *Sociological Research Online*,
20 (4), 9 <http://www.socresonline.org.uk/20/4/9.html> .
[44] Australian Bureau of Statistics (2021) 'Women with disability at increased risk of violence.' Viewed 21 January 2024
<https://www.abs.gov.au/media-centre/media-releases/women-disability-increased-risk-violence>.

Recommendation 24: The NDIA and NDIS Commission should ensure that information hubs and COPs should specifically address the needs of multiply marginalised groups, such as First Nations, transgender, women, and gender-diverse individuals with disabilities. This could for example include providing support and funding for community led yarning circles for First Nations participants and gender-specific peer support groups for women and gender-diverse individuals.

Peer Support Should not Replace Formal Training

However, while peer support is invaluable in fostering community connections and sharing lived experiences, it should not replace formal training for participants managing self-directed supports. We know from anecdotal evidence that in the past, that whilst engaging with informal peer supports through forums such as Facebook groups and other online forums have been invaluable for some NDIS participants, they can also foster the sharing of inaccurate information,[45] which can be a risk for participants.

In order to safeguard against this, it is important that the NDIA and / or NDIS Commission combine any peer support initiatives with formal training. Ensuring that participants are equipped with accurate information is particularly critical for areas where there is a high level of legal or financial risk, such as managing finances, employment laws.

Peer support can complement formal training by providing real-world insights and practical advice, but structured and accredited training remains crucial to ensure participants have the confidence and competence to meet their obligations effectively and safely.

Recommendation 25: The NDIA and NDIS Commission should ensure that information hubs and COPs should specifically address the needs of multiply marginalised groups, such as First Nations participants and women, and gender-diverse individuals with disabilities. This could for example include providing support and funding for community led yarning circles for First Nations participants and gender-specific peer support groups for women and gender-diverse individuals.

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[45] See e.g. Red Bridge (2024) *NDIA - Policy Proposal Testing Focus Group Research Report March 2023*, Report prepared for the National Disability Insurance Scheme (NDIS). < https://dataresearch.ndis.gov.au/media/3961/download?attachment>.

Moving forward

To ensure that self-directed supports are implemented in a way that does not create numerous unintended consequences, it is essential that the obligations of self-directed participants and providers and the powers of the NDIS Commission to regulate them, be not just done in consultation with, but co-designed with people with disability and representative organisations.

As the proposal currently stands, there is a critical need to consider how the registration obligations may deter or prohibit participants and providers from self-directed supports, and in turn, reduce the support options available to participants.

Additionally, it is important that consideration is given to how the framework for self-directed supports will interact with other proposed reforms to the NDIS, in particular, the proposals that relate to mandatory registration.

As it currently stands, there are a number of elements of mandatory registration being proposed that appear to sit in conflict with the principles of self-directed supports. For example, the recommendation to mandate registration for all Supported Independent Living (SIL) and Support Coordination providers[46] conflicts with the purpose of self-directed supports, which allow participants to choose providers that suit their specific needs. While it is understood that many NDIS participants who receive SIL and support coordination do so in the context of group homes or high dependency situations,[47] where there is high risk,[48] the proposal for mandatory registration seems to fail to make a distinction between these environments and situations where individuals are accessing SIL

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[46] NDIS Quality and Safeguards Commission (2024) *Consultation Paper: Mandatory Registration: supported independent living (SIL) and support coordination*, Australian Government.

[47] See e.g; Ibid, p. 9. NDIS Quality and Safeguards Commission (2023) *Inquiry Report: Own Motion Inquiry Into Aspects of Supported Accommodation*, Australian Government, pp. 27-28.

[48] NDIS Quality and Safeguards Commission (2023) *Inquiry Report: Own Motion Inquiry Into Aspects of Supported Accommodation*, Australian Government, p. 46; NDIS Provider and Worker Registration Taskforce (2024) *NDIS Provider and Worker Registration Taskforce Advice.* Australian Government, Department of Social Services. Permalink: www.dss.gov.au/node/2232, p. 49.

and / or Support Coordination supports to assist them with fully independent living, directed by themselves.

Finally, the framework must be co-design with and account for the unique needs of multiply marginalised populations, such as First Nations participants, those from culturally and linguistically diverse communities, and participants living in rural or remote areas. Tailored approaches, including culturally safe practices, flexible compliance pathways, and exemptions where appropriate, will ensure that self-directed supports are inclusive and equitable for all.

Recommendation 26: Moving forward, the Australian Government, NDIA and NDIS Commission should work closely with people with disability and representative organisations to co-design the framework for the registration of self-directed supports. This process should give careful consideration to the potential for the registration of self-directed supports to exclude some groups of participants and / or limit support options for individuals.

Recommendation 27: In designing the framework for the mandatory registration of self-directed supports, the Australian Government, NDIA and NDIS Commission should ensure harmonisation with other proposed NDIS reforms, particularly the proposals to implement mandatory registration for providers of certain types of supports. In particular, attention should be given to ensure that these reforms do not purpose of self-directed supports, such as participants' ability to choose providers that best meet their specific needs.

Conclusion

PWDA welcomes the introduction of self-directed supports as a significant step forward in enabling NDIS participants to exercise greater choice, control, and independence over their lives and commends the Australian Government for proposing self-directed supports registration in response to the Taskforce report and community concerns about mandatory registration.

However, while it is critical that NDIS participants' retaining the right to self-direct their supports for the purpose of maintaining or accessing supports that meet their needs, PWDA asserts that there are a number of potential issues with the proposed framework which must be addressed before the registration of self-directed supports is implemented.

Firstly, while some oversight by the NDIS Commission is important, it is crucial to ensure that the administrative and compliance obligations associated with self-directed supports do not become so burdensome for participants or providers that they deterred or prohibited from participation. Streamlined processes, combined with adequate resources and funding for administrative tools, are necessary to ensure participants and providers can navigate these responsibilities effectively.

Particular attention must also be given to the needs of marginalised groups, including First Nations participants, those from culturally and linguistically diverse backgrounds, and people living in rural and remote areas. Tailored approaches that account for these groups' unique circumstances—such as flexible compliance pathways, culturally safe practices, and targeted capacity-building programs—will be essential to ensuring equity and accessibility in the self-directed supports framework.

Capacity building must be a central component of this framework. Comprehensive training, peer support networks, and knowledge-sharing initiatives will equip participants with the skills and confidence needed to manage their supports. These measures must also be

complemented by formal safeguards to ensure that participants are not only empowered to make decisions but are also protected from exploitation or harm.

The NDIS Commission must strike a careful balance between its responsibility to safeguard participants and its obligation to respect their independence. Safeguarding mechanisms should be designed to enhance, rather than undermine, participants' natural supports and decision-making capacity. A rights-based approach, focused on building the confidence and resilience of participants, will ensure that the framework aligns with the principles of dignity and inclusion enshrined in the CRPD.

PEOPLE WITH DISABILITY AUSTRALIA

People with Disability Australia (PWDA) is a national disability rights and advocacy organisation made up of, and led by, people with disability.

For individual advocacy support contact PWDA between 9 am and 5 pm *(AEST/AEDT)* Monday to Friday via phone (toll free) on **1800 422 015** or via email at pwd@pwd.org.au

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