

# Getting it right: A new definition for NDIS providers

Summer Foundation submission

27 February 2026

## Introduction

The Summer Foundation welcomes the opportunity to make this submission to inform the Department of Health, Disability and Ageing's (DHDA/the Department) work on what constitutes a National Disability Insurance Scheme (NDIS) provider under the *National Disability Insurance Scheme Act 2013* (NDIS Act).

The Summer Foundation's position is that the definition of what constitutes a provider is key to the design of the regulation system for NDIS supports and to enabling NDIS participants to access services and supports that realise the intent of the Scheme.

The definition of a provider must:

- Maintain and encourage flexibility and innovation in the supports, services and types of providers NDIS participants can choose
- Balance dignity of risk, while ensuring strong safeguards when required

This submission provides general comment and also responds to some of the questions in the Department's consultation paper, [Getting It Right: A New Definition for NDIS Providers](#), particularly in relation to supporting more contemporary housing and living options.

## The Summer Foundation

The Summer Foundation turns evidence into action by creating bold, practical and affordable solutions in housing and support that empower people with disability with high support needs to live with dignity, choice and connection. We share what works, so everyone can help build a more inclusive future.

**Better homes, better lives for people with disability.**

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The Summer Foundation acknowledges the Traditional Owners and Custodians of the lands on which we live and work and pay our respect to Elders past and present.

## Key recommendations

1. Define 'provider' in a way that allows innovation and appropriate regulation
2. Enable NDIS participants to self direct their supports through the adoption of a Self-Directed Supports registration category

## General comments

The Summer Foundation's interest is in supporting the growth of housing and support options that enable people with disability with high support needs to live with dignity, choice and connection to community. The definition of a 'provider' can impact this if it restricts the capacity for people with disability to choose supports from mainstream and community organisations and businesses.

### Define 'provider' in a way that allows innovation and appropriate regulation

At present, the definition of an NDIS provider is set out in the *NDIS Act* and further defined in the *NDIS Provider Definition Rule 2018*.<sup>1</sup> These definitions focus on capturing:

- the recipients of NDIS funds/amounts (other than as a participant); or
- the provision of supports or services to people with disability outside the NDIS and prescribed under the rules as a provider

The Summer Foundation want to see a definition of provider and a registration model that:

- Is proportionate, and requires mandatory registration for organisations that deliver housing and in-home supports, and participants who self-manage these arrangements
- Upholds the ability of people with disability to self manage their plans and self direct their supports (through the adoption of a Self Directed Supports registration category)
- Supports the growth of Individualised Living Arrangements (e.g. Hosts and Housemates), with visibility of these arrangements through registered providers or the Self Directed Supports registration category.
- Allows NDIS participants to maximise the value of their plans and an ordinary life through the ability to purchase items that meet their disability support needs through mainstream and community organisations/businesses, without these organisations having to register to be a provider. We support purchase visibility for these types of purchases.

### 2. Are there any supports or services that you would exclude from the definition in Table 2?

'Provision of housing or home and living support' is listed in the draft list of support types to be captured in the regulation system recommended by the Provider and Worker Registration

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<sup>1</sup> The NDIS provider Definition Rule 2018 specifically covers continuity of support and recipients of funding under the Information, Linkages and Capacity Building (ILC) program. Commonwealth Government (2018), NDIS Provider Definition Rule 2018. <https://www.legislation.gov.au/F2018L00628/latest/text>

Taskforce.<sup>2</sup> As currently drafted, the definition has the potential to capture any house rented to any person with disability, including through the private rental market. We are concerned that the current drafting may stifle innovation and create an environment that has the potential to segregate NDIS participants, rather than promote greater social inclusion in local communities.

As an illustration, there are currently NDIS participants who share their lives in private homes with live-in supporters (such as Hosts and Housemates). These arrangements often involve a range of supports, where, for example, the Host has accommodation and provides that and some support and companionship in sharing their life with the NDIS participant (in return for a stipend). The Summer Foundation would not want a situation where the Host's residence would need to be listed as a provider. Rather, our view is that the role of the Host - and the visibility of the arrangement - should be captured through the registration of the provider who sets up, manages and monitors the arrangement or the NDIS participant who self-directs their support.

### **3. What issues should Government consider when amending the definition of NDIS provider to maintain flexibility and responsiveness to NDIS participants' needs?**

The Taskforce's proposed definition of the services and supports that must be included in the registration model begins with the following definition:

A support or service **offered** by a person or entity **to** people with disability, including a participant or prospective participant.<sup>3</sup>

The scope of this definition is very broad - the breadth is in both the act which is proposed to be regulated ('offered') and in the target (all people with disability). Regulating 'offering' can include promotion of a support or service and may have unintended consequences that any services or support marketed to any person with disability (regardless of whether the person is an NDIS participant) comes under the regulation of the NDIS Commission. The Summer Foundation understands that Government wants to crack down on misleading and deceptive conduct towards NDIS participants - this can be achieved by using the word 'offered' but should be targeted towards NDIS participants.

### **4. Are there factors, other than the type of support delivered, which should be considered in a new definition of "an NDIS provider"? and 5. Are there supports you currently access which may be disrupted or result in secondary impacts if they are included or excluded in a new definition of "an NDIS provider"?**

#### **Factors to consider**

Along with the above, government should also consider the extent to which the definition of 'provider' will encourage or hinder innovation, positive new market entrants, or create an

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<sup>2</sup> Cited in Department of Health, Disability and Ageing (2026). *Getting It Right: A New Definition for NDIS Providers*. [https://consultations.health.gov.au/disability-and-carers-group/ndis-provider-definition-consultation/user\\_uploads/ndis-provider-definition-consultation-paper---pdf-version-1.pdf](https://consultations.health.gov.au/disability-and-carers-group/ndis-provider-definition-consultation/user_uploads/ndis-provider-definition-consultation-paper---pdf-version-1.pdf)

<sup>3</sup> Wade, N., et al. (2024). NDIS provider and worker registration taskforce: Final report, p. 24. Department of Social Services. <https://www.dss.gov.au/national-disability-insurance-scheme-review-and-reforms/resource/ndis-provider-and-worker-registration-taskforce-advice>

administrative burden on existing supports or services, particularly those which are led and directed by people with disability.

Requirement for registration may result in a disproportionate administrative burden, particularly for organisations run by small groups or led by people with disability. This may include organisations that provide information provision or peer support or small, typically volunteer-run community organisations such as neighbourhood houses.

### **Supports that could be disrupted**

The definition of a provider also needs to consider how existing housing and living supports, such as those provided by Hosts or Housemates, are considered. In our view:

- Organisations that facilitate these arrangements should be covered in the definition of a provider through the provision of housing and in-home supports
- People who self-direct their housing and living arrangements should be able to do so under a Self Directed Supports registration category (and live-in supporters - eg. Hosts or Housemates - should not be required to register directly with the Commission but should be visible through the NDIS participant's registration)
- Hosts who provide accommodation as part of an Individualised Living Arrangement should be visible through the organisation's registration for housing and in-home supports or NDIS participant's registration in the Self Directed Supports category, rather than having to register themselves.

## **6. Are there opportunities to ensure a new definition of "an NDIS provider" supports productivity and sustainability across the care and support economy?**

Housing and living arrangements where support and companionship are provided by a live-in supporter (for example, Hosts and Housemates) are relevant for many people, including NDIS participants and people who are ageing who may wish to remain in their own home.

For NDIS participants, these arrangements are more cost effective than 1:3 shared support and can provide better outcomes than traditional models of support, such as group homes.<sup>4</sup>

An approach to regulation which is lighter touch but provides visibility and confidence would enable more of these arrangements for NDIS participants and potentially other cohorts, including older Australians who would like to remain in their own home.

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<sup>4</sup> Burke, A., et al. (2025). Moving out, moving on: Beyond group homes for NDIS participants. Summer Foundation. Melbourne, Australia.  
<https://assets.summerfoundation.org.au/app/uploads/2025/06/02134913/Summer-Foundation-Moving-Out-Moving-On-Report.pdf>