

Senate Community Affairs Legislation Committee
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2 June 2026

To the Committee Secretary,

Re: Senate Community Affairs Legislation Committee inquiry into the *National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026*

We are writing to express our deep concern about the lack of meaningful consultation on this bill that enables drastic change to social supports and the largest cut to a social program in this country's history.

The government is not rushing this bill because there is any urgency aside from its own desire to avoid political blowback from disabled people as we scramble to defend ourselves and our communities from \$36 billion in cuts to our support.

This move to slash NDIS support will kill disabled people, both through neglect and suicide. Future generations will suffer. It contradicts evidence and findings at the Disability Royal Commission.

The federal budget should not be balanced off the backs of disabled people.

We are disturbed by the significant changes this bill makes to the NDIS and the anticipated impact on the lives of the people who rely on it. The extremely short consultation period is itself causing distress, and will actively exclude the voices of disabled people who want to speak on legislation that affects many aspects of their lives.



We condemn the government's actions in portraying disabled people as a burden, especially autistic people, and implying there is significant fraud being perpetrated by us to build support for cuts. They have caused enormous harm, shifting community attitudes against disabled people. It is a stain on Labor's legacy, destroying the landmark generational achievement of establishing NDIS.

The NDIS is imperfect, and disabled people know what needs to change. We have been telling the government for years the ways in which it fails to truly support choice and control over our own lives, and price gouging by careless registered NDIS providers. Yet with each change to the scheme, we see policy moving in the wrong direction, further restricting access to supports, reducing choice while embedding rent-seeking, protecting provider profits and perpetuating bad conditions for workers in insecure jobs.

One of the biggest problems with the NDIS has always been the high barriers to access for people who are marginalised in other ways, particularly First Nations people, who experience far higher rates of disability than the rest of the community but are under-represented on the scheme.

People in poverty are also disproportionately excluded – and less able to use the funding we have if we are on the scheme – due to cost barriers, such as the cost of medical reports to prove eligibility and the requirement to outlay funds to be reimbursed when we do not have the money in the first place.

The changes in their current form will only further exclude and marginalise disabled people who live in poverty, and amplify barriers for First Nations people who need support. They will see the scheme oriented towards bare minimum supports that leave us able to survive but not thrive. They will see the continuation of profiteering from disability, fuelled by the full reliance on private market operators and a lack of public options or improved access to healthcare through Medicare.

One of the great achievements of the NDIS is that it is a universal program. In seeking to uphold the Convention on the Rights of Persons with Disabilities and the social model of disability, it is intended to provide people with the same level of support regardless of their income – though due to current policy settings and gaps in Medicare, access remains inequitable.

We fear that this precedent of stripping back the NDIS on the grounds of addressing a confected “financial sustainability” problem lays a foundation for further restrictions on access and opens up the potential for future means testing.

If the government wanted to make changes that genuinely help us they would consult in good faith and listen to the concerns we have raised for so long, rather than opportunistically using us for budget savings.



The NDIS should be returned to its original purpose envisioned by disabled people: to enable to us to participate fully in society on an equal basis with others, and to give us choice and control over the supports we need to achieve independence and live a fulfilling life.

The Antipoverty Centre has had the benefit of reviewing Women with Disability Australia's and Inclusion Australia's submissions and we endorse their recommendations. Please find our specific comments on this bill enclosed below. For enquiries contact team@antipovertycentre.org.

Regards,

Kristin O'Connell
Co-coordinator
Antipoverty Centre

We thank Liam Thatcher for assistance in the preparation of this submission.

Acknowledgement of Country

The Antipoverty Centre acknowledges the original peoples of this unceded continent, who have been custodians of Country for thousands of generations. First Peoples have connections to place, land, water and community that have been unbroken for 120,000 years. We recognise Indigenous sovereignty and the cultural significance inherent in these connections, historical and contemporary. We pay respect to Elders past and present and stand with all First Peoples in the quest for self-determination, justice and truth-telling in the face of ongoing colonial violence, including that inflicted through racism in the social security system.

Statement on artificial intelligence

No artificial intelligence tools were used to generate or analyse information in the process of creating this submission. The Antipoverty Centre opposes the use of these tools on the grounds of concerns related to ethical implications, costs to communities, environmental impacts and accuracy.

About the Antipoverty Centre

The Antipoverty Centre was established to counter problems with academics, think tanks and others in the political class making harmful decisions on behalf of people they purport to represent. We are activists, advocates and researchers with direct experience of poverty. We defend and fight for the rights of people like ourselves who experience violence at the hands of an economic system designed to oppress us. Our goal is to help ensure the voices and rights of people living in poverty are at the centre of social policy development and discourse. We believe there should be no decision made about us without us.



Comments on bill provisions

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Given the short period for consultation and the scale of changes proposed this submission does not cover the each of the proposed amendments. We have focused on three particularly worrying elements of this bill:

1. Broad Ministerial powers regulating the lives of disabled people
2. Significantly tightened access criteria
3. Significantly more difficult tests for what the NDIS will fund

Instead of fixing the significant issues of the NDIS – like private provider profiteering and misconduct, huge appeals waiting times and costs, and extensive administrative hurdles that get between the people and the support that they deserve by right – this bill attacks the core benefits it provides to those who should be on the scheme by cutting \$36 billion dollars brutally and indiscriminately.

Alternative systems do not and will not exist in time for the 300,000 people who will not be able to access the scheme before 2029. They also will not be there for the 600,000 still on the scheme that will see cuts and caps placed on their support. The \$200 million allocated for the Inclusive Communities Fund in response to the harm this will cause is an insult.

Lead recommendation

The committee should recommend this bill not pass, that more time be given for consultation with the disability community, and that the government start over with a reform approach that actually addresses the huge difficulties in accessing support for those who use the NDIS and the many thousands of disabled people who cannot access support at all. The scheme must be made easier to access and more equitable for the people it services.

Ministerial powers

This bill lets the minister unilaterally cut and cap the supports people receive, even when they establish those supports are necessary. This can apply to particular support categories as well as target people with specific disabilities under the scheme (*see sections 34A, 33(2EA) and 33(2EB)*). These powers give the minister huge control over people's lives with very little to stop them.

The only barrier for the minister in implementing these determinations is a requirement to “have regard” to the safety impacts of any order. This merely requires the minister to review and acknowledge risks but will not ultimately stop them from issuing determinations if they believe the budget savings are worthwhile – there is no minimum threshold, proportionality or consultation required. There is also a broader provision which gives the minister the ability to produce rules that can change the way the scheme is administered for the 12 months after the bill is passed (*see sections 34A, 33(2EA), 33(2EB) and Schedule 5*). There can be no “safety” for disabled people with these powers.

The government has said this power will be used to cut Community and Social Participation budgets in people's NDIS plans. They propose to cut these budgets to 2023 levels (modelled at 50 per cent)¹ or by about \$3.4 billion across the scheme each year at an average reduction of \$8,750 per participant.² These changes disproportionately impact people with intellectual disability, down syndrome, psychosocial disability and visual impairments. The cuts will be even larger than the average for people in these cohorts.

Any honest assessment about what these services mean to the people who use them would show how important they are to ensuring people have the right to participate in the community on equal terms with those who do not have a disability. Taking away these supports will mean people

¹ Department of Health, Disability and Ageing (DHDA), *National Disability Insurance Scheme Impact Analysis*, May 2026, page 56: [oia.pmc.gov.au/published-impact-analyses-and-reports/national-disability-insurance-scheme-reforms](https://www.pmc.gov.au/published-impact-analyses-and-reports/national-disability-insurance-scheme-reforms)

² Ibid, page 61.



lead lives of seclusion and isolation, not only immiserating tens of thousands, but also actively contributing to the abuse, neglect and exploitation that disabled people experience at vastly higher rates than the general population.³

These same tools can easily be turned on other categories of support. It is uncomfortable but easy to imagine circumstances in which disabled people will have their plan cut to balance other areas of the federal budget – the government has also modelled a 10 per cent reduction in the therapy people can access in addition to community participation cuts.⁴ Similar efforts could seek to clamp down on the amount and quality of assistive technology available to people or place limits on the daily living support someone can receive, for example, a blanket restriction of 4 hours a week regardless of need.

These policies will compound the marginalisation of those who rely on the NDIS. It drastically narrows the initial ambition of the scheme – that disabled people have every right to live on equal terms across all aspects of our society – to something that only aims for the bare minimum level of “safety” that the government thinks it can get away with.

Instead of designing a system that upholds everyone's rights, the bill effectively gives the government a blank cheque to draw from whenever they want more money for war, submarines, subsidising landlords, or paying for privatised (un)employment services to unlawfully penalise welfare recipients. Instead of implementing policies that would make for a more equal society, the government can simply cut from the NDIS without restriction or meaningful parliamentary oversight. This follows a worrying trend of overreach under the Albanese government, such as the rushed introduction of rules enabling a minister to cancel someone's welfare payment before conviction if they are suspected of committing a violent offence.⁵

Recommendation

Remove ministerial powers that give politicians extraordinary control over the lives and livelihoods of NDIS participants.

3 Dan Jervis-Bardy, 23 May 2026, 'Labor's NDIS overhaul will leave participants more "isolated" and "segregated", former royal commissioner warns', *Guardian Australia*: theguardian.com/australia-news/2026/may/23/albanese-government-ndis-legislation-cuts-changes-reform-australians-more-isolated

4 DHDA, *National Disability Insurance Scheme Impact Analysis*, page 61.

5 Antipoverty Centre, 26 November 2025, 'Shame Labor shame: New powers to cancel Centrelink payments before conviction pass the senate' [media release]: apcentre.substack.com/p/shame-labor-shame-new-powers-to-cancel

Access

This bill makes changes to several parts of the access test that make it significantly harder to qualify for the NDIS. Accessing the NDIS requires a person to establish eligibility under multiple tests, but the most difficult to establish usually are 1) that a disability is permanent and 2) that it causes a substantial reduction in functional capacity.

A concerning new requirement in this bill is that someone must attempt “all appropriate” treatment that could materially improve, reverse or alleviate their disability to establish it is permanent (*see sections 24(5)(a), 25(1B)(a) and 25A*). This change overturns a case decided at Federal Court which established that people do not need to endlessly explore new treatments or services systems just to get assistance via the NDIS.⁶ Once again this builds on a concerning trend of the Albanese government legislating away inconvenient outcomes in the courts, such as its move to quickly retroactively validate unlawfully calculated Centrelink debts⁷ following a decision in the *Chaplin v Department of Social Services* case.⁸

My condition cannot be fully “diagnosed, treated and stabilised” but still prevents me from being able to work more than about 8 hours a week. They wanted me to do graded exercise therapy and cognitive behavioural therapy which are known to be harmful / ineffective treatments for ME/CFS. – name withheld⁹

The requirement to attempt “all appropriate” treatment is reminiscent of the “diagnosed, reasonably treated, and stabilised” criteria that excludes many from accessing the Disability Support Pension. These definitions do little other than to exclude people who experience variations in the intensity of their disability and people on low incomes from accessing services that would help them.

This NDIS bill goes a step further by specifically preventing assessment about whether a person can afford or access such a treatment (*see section 25A(2)*). The *NDIA v Davis* Federal Court ruling established a reasonable approach; the NDIA was obliged to consider the individual circumstances of the person applying.¹⁰ These could include, as it did in the case, where treatments were out of reach because they were too expensive. By contrast, the language in the bill is more reminiscent of the DSP test prior to changes made in 2023, which was even more restrictive than it is now.¹¹

6 *National Disability Insurance Agency v Davis* [2022] FCA 1002: judgments.fedcourt.gov.au/judgments/Judgments/fca/single/2022/2022fca1002

7 Department of Parliamentary Services (Cth), *Bills Digest*, Digest No 16. 2025–26, 31 October 2025: aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd2526/26bd016

8 *Chaplin v Secretary, Department of Social Services & Anor* [2025] FCAFC 89: judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2025/2025fcafc0089

9 Antipoverty Centre and People with Disability Australia, *In our own words* [submission], August 2021, page 155: pwd.org.au/in-our-own-words-submission-to-the-senate-community-affairs-references-committee-inquiry

10 *NDIA v Davis*.

11 Linda Forbes, 3 October 2023, ‘One word can make all the difference: Revised Disability Support Pension Assessment Tables’, *Economic Justice Australia*: ejaustralia.org.au/one-word-can-make-all-the-difference-revised-disability-support-pension-assessment-tables

I applied at 18/19, was rejected for not being “fully treated and stabilised” despite having been undergoing treatment since 16yo. Was on unemployment, first with Disability Employment Services (DES) and then sneakily transferred to jobactive until 26yo when I applied again, was rejected again. – name withheld¹²

Applying for the NDIS already requires extensive documentation from doctors and often a functional capacity assessment. Being able to obtain sufficient documentation from doctors depends on whether you can access a GP and/or specialist who bulk bills. It is almost always the case that a functional capacity assessment is undertaken privately. This bill will only expand the scope of information and treatments one must undertake – and be able to pay for – to prove that they are deserving of assistance. Given the vastly higher levels of poverty and unemployment experienced by disabled people, this is a crude tool that will deny the most marginalised access to support.

This system is erratic and set up so that only those who have expensive help ... can manage to jump the hoops. People who are in the most desperate need are the least able to get it. – Jade¹³

The bill also proposes to make further changes to the second major hurdle experienced by many: establishing a substantial reduction in functional capacity. These will be detailed in further rules to be developed by an external committee, but appear likely to operate in a standardised way. The importance of this definition should be something that is detailed in primary legislation so that it can be assessed and reviewed, instead of being shipped off outside of parliamentary and community scrutiny.

Recommendations

Remove changes to the permanency test in the legislation and codify the consideration of financial and environmental factors when considering permanency in legislation.

Remove the definition of functional capacity and the rule-making power to further define functional capacity outside legislation. Instead, the government should put forward any amendments to primary legislation after thorough consultation with disabled people on appropriate methods to assess this criteria.

¹² Antipoverty Centre and People with Disability Australia, *In our own words*, page 148.

¹³ Ibid.

Additional supports tests

The bill places further restrictions on items and services funded under the scheme. People will now be asked to establish that supports they need are “value for money” (*see section 34(1A)-(1C)*), and for children a presumption that parents and carers are responsible for “substantial care and support” in lieu of some NDIS supports (*see section 34(1G)-(1J)*).

This is another move that will fuel inequality and put far greater strain on families living in poverty, which will introduce higher barriers to paid work for parents seeking a job, and make it harder for their children to receive support that will enable them to have a fulfilling life due to financial barriers. Versions of these tests were previously in NDIS rules, but now gain extra importance due to being inserted in primary legislation. The changes remove elements that have been more favourable to participants and that allow the NDIA to consider the long-term benefits that more expensive services may provide.¹⁴

The bill also reverses changes made in the NDIS bill in 2022, which broadly said that a person need not establish that each support they request be related to an impairment for which they've been given access to the scheme (*see section 34(1)(aa)*).

Under the new amended legislation, an NDIS user with multiple disabilities that compound or interact with one another will be asked to prove both that each of their impairments meet the eligibility criteria and that each support they need has a connection to at least one of those disabilities.

These changes will accelerate a dynamic people already see in the current NDIS: where people are asked to clear endless hurdles that are more expensive to administer than simply delivering the support they need. But the sheer amount of work required to navigate the scheme means that the outcome is similar. Many needing support miss out. The impact of these further roadblocks for support in this bill will privilege people with the money, time and other resources to figure out and complete the maze the NDIA sets out for them and compound the marginalisation experienced by disabled people in poverty and their families.

The bill adds additional principles for the NDIA to consider when deciding on how to fund plans. This includes, most notably, a direction to decide what is funded to “ensure the financial sustainability of the scheme” (*see sections 24(5)(a), 25(1B)(a), 3(1)(d), 17A and 17B*).

¹⁴ Justice and Equity Centre, 21 May 2026, ‘Explainer: National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026’, page 9: jec.org.au/publication/explainer-national-disability-insurance-scheme-amendment-securing-the-ndis-for-future-generations-bill-2026



This will give NDIA staff greater power to implement cuts when designing each plan – not just through ministerial direction. Forcing each individual user of the scheme to carry the water for balancing the federal budget merely allows discriminatory and harmful policy to be cloaked in the language of financial responsibility and restraint.

Again, this is in stark contrast to the government's approach to spending on harmful activities such as war, prisons and "mutual" obligations, for which there seems to be limitless funding available for immiserating lives – activities that, perversely, create and exacerbate disabilities.

The government is eager to stress that many supports that will no longer be available on the NDIS will be available through "foundational supports" provided by states and territories. The only such program currently announced is Thriving Kids – which is targeted at children under 8 with autism or developmental delay. Not only do the changes in this bill go far beyond that age group, Thriving Kids is not even up and running yet and has not secured agreement from all states.¹⁵

If and when an agreement is reached, whether those services will be fit-for-purpose will be an entirely separate matter. The quality of those services, whether they will be free at the point of service, and whether supports are available in rural and remote areas are all open questions and cannot form the basis for the mass removal and cuts this bill proposes.

Recommendation

Remove the amendments from the Reasonable and Necessary test and new framework.

¹⁵ Nathan Schmidt, 26 April 2026, "They'll be answerable": Showdown over NDIS, *Yahoo News*: au.news.yahoo.com/ll-answerable-showdown-over-ndis-235438085.html