



Submission to the Senate Community Affairs
Legislation Committee

Inquiry into the National Disability Insurance
Scheme Amendment (Securing the NDIS for
Future Generations) Bill 2026



M: PO Box 126 PLUMPTON NSW 2761

E: hello@inclusiontree.com.au

W: www.inclusiontree.com.au

P: 1300 126 123

ABN: 586 234 17336

We commit to reconciliation and acknowledge Aboriginal and Torres Strait Islander peoples', their histories, cultures and communities. We acknowledge the lands of Australia were never ceded and we respect the Aboriginal and Torres Strait Islander peoples as the traditional custodians of the land.



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Submitted by Michaela Kennedy, Inclusion Tree Pty. Ltd.

Publication, I consent to this submission being published.

1. Introduction

Inclusion Tree welcomes the opportunity to make a submission to the Senate Community Affairs Legislation Committee on the National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 (the Bill). This submission responds directly to the Bill and the legislative powers it would create, consistent with the Committee's request that submissions address the provisions of the Bill itself.

We acknowledge and support the need for reform. We acknowledge the need for improved safeguards, better governance, stronger compliance and long-term sustainability planning. However reform cannot come at the expense of participant safety, dignity, choice and control.

Inclusion Tree is a participant-centred disability service provider with direct experience supporting people with disability to access, navigate and sustain NDIS supports in real-world settings. Our 60 staff work alongside over 1000 participants and many more nominees, families, workers, allied health professionals and other providers, and we see first-hand the impact that legislative and administrative change has on daily life, continuity of supports, and participant safety.

Our position is that the Bill should **not** pass in its current form. If Parliament decides to proceed, it must make substantial amendments to protect participants, uphold procedural fairness, preserve choice and control, and ensure any reform is phased, transparent, and genuinely co-designed with the disability community.

2. Overall position

The Bill is presented as a sustainability and reform measure, but in actuality it is a broad enabling bill that would give Government and the NDIA CEO expanded authority to reshape major parts of the NDIS through later developed rules, operational settings and administrative processes.

Inclusion Tree acknowledges that the NDIS must be sustainable, and that action to strengthen integrity, quality and consistency is appropriate. However, sustainability cannot be pursued by

creating broad powers first and leaving critical participant protections to future instruments that receive less scrutiny.

We support stronger safeguarding mechanisms, better fraud prevention, improved provider accountability, participant protections, and measures that ensure funding is used effectively and ethically. However, we are concerned that aspects of the Bill risk shifting the Scheme away from its foundational principles of participant choice, control and inclusion.

Our central concern with the Bill is what it allows to happen later. The Bill opens the way for significant changes to access, planning, budgeting, pricing, service models and market arrangements without embedding sufficient safeguards for people it is meant to protect, in the Act itself.

Due to the incredibly short timeframe to provide a submission, our response is a combination of our own words, what we know about the experiences of the people we serve and AI assistance. It is not as thorough as we would have liked, we are open to further consultation and collaboration to ensure these reforms achieve their intention of making the NDIS sustainable for future generations and not cause significant harm to people with disabilities, their families and those that support them.

3. Summary of the proposed changes

Based on the Bill materials, fact sheet and Government reform documentation, our understanding is the Bill would support or enable a series of substantial changes across the Scheme, including:

- tighter access pathways based more heavily on functional capacity and standardised evidence directly linked to the eligible disability, rather than existing diagnostic pathways and therapeutic evidence;
- implementation of New Framework Planning from 2027;
- resetting social, civic and community participation budgets from 1 October 2026;
- new commissioned arrangements or tighter controls for plan management, support coordination and some home-and-living supports;
- stronger provider registration, payment, information-gathering and compliance powers;
- more prescriptive claims and payment controls across the scheme;
- expanded regulatory and administrative powers intended to deliver lower growth and a more tightly targeted Scheme.

These are not minor technical changes. Together, they amount to a structural redesign of how people access the Scheme, what supports they can retain, and how participant choice and control may operate in practice.

The speed at which these changes are proposed have the potential to create significant harm to the people we support and their support networks, destabilise the sector and create irreparable damage to many lives.

4. Key concerns – not necessarily in priority order

4.1 Excessive reliance on delegated powers

A major concern is that too much of the reform architecture is left to later rules or subordinate instruments rather than being stated clearly in the Act. This weakens parliamentary scrutiny, reduces certainty for participants and providers, and makes it harder to assess the full impact of the reforms at the time Parliament is asked to legislate.

For participants, that uncertainty is not abstract. It means they may not know what supports will remain available, how future eligibility tests will operate, how budgets will be recalculated, or how their existing supports may be affected until after the legal powers have already been granted.

For providers, it destabilises the ability to strategise, plan, invest and support our workforce during this unknown period. The risks to ensure compliance with Industry Relations laws becomes intangible, we are already seeing many providers decide to leave, which then puts greater strain on those who put people first and are dedicated to best practice.

4.2 Risk of reduced access before alternatives exist

The Bill sits within a broader reform package intended to reduce NDIS growth and more tightly target who receives support. Inclusion Tree is deeply concerned that people may lose access to the NDIS, or parts of their supports, before equivalent alternatives are genuinely available through health, mental health, education, housing or foundational support systems.

In practice, unmet need does not disappear when an NDIS support is removed. It is transferred onto families, unpaid carers, hospital systems, crisis responses, and already overstretched community organisations.

4.3 Functional capacity definition may unfairly exclude key cohorts

Another major concern is the Bill's move to define access and eligibility more heavily through functional capacity rather than allowing diagnosis and clinical evidence to remain central parts of the assessment process. In principle, understanding functional impact is important. In practice, however, a narrow or overly standardised model of functional assessment risks disproportionately disadvantaging people whose disability is not always visible, linear or easily measured in a single assessment setting.

This is particularly concerning for people with autism, intellectual disability, psychosocial disability, neurological conditions, developmental disability, and other invisible or fluctuating conditions. These cohorts may have support needs that are profound in daily life but variable across settings, masked in formal assessments, or only fully understood when diagnosis, history, environment, fatigue, sensory load, executive functioning, communication barriers and cumulative impairments are considered together.

Inclusion Tree is especially concerned that diagnosis appears to be treated as less relevant to access, despite diagnosis often being critical to understanding the nature, permanence, presentation and likely impact of an impairment. Functional assessment should not be used as a substitute for diagnosis. Rather, diagnosis and functional impact should be considered together, as complementary forms of evidence. A whole of life approach is essential to understanding someone's actual support needs.

The public material around the reforms indicates that children aged 8 and under with developmental delay and/or autism and low to moderate support needs will no longer be eligible for the NDIS under the new settings. This raises a serious concern that the legislative changes, while framed as neutral, may in practice target autistic children and other cohorts whose support needs are significant but may not fit narrow assumptions about impairment severity or visibility.

4.4 Review rights appear weakened at the same time as discretion increases

Inclusion Tree is concerned that the Bill expands administrative discretion and system control while failing to strengthen review rights in equal measure. If access, planning and funding decisions are increasingly driven by functional thresholds, standardised evidence and centrally determined rules; participants must retain strong rights to reasons, reconsideration and external, independent review.

Without robust review rights, errors in functional assessment may become entrenched. This is particularly dangerous for people with autism, intellectual disability, psychosocial disability and fluctuating conditions, whose support needs may be misunderstood, minimised or assessed out of context. A participant who presents well in an assessment, masks disability in unfamiliar environments, or has variable function across days and environments should not lose access to support simply because the assessment model fails to capture the full reality of their life.

4.5 Weak protection of choice and control

The Bill creates a pathway for greater commissioning and tighter market controls in areas such as support coordination, plan management and some home-and-living supports. Inclusion Tree is concerned that these changes will reduce participant choice and control by narrowing provider options, standardising service responses, and shifting decision-making power away from participants and toward centrally controlled systems.

Choice and control is not a secondary design feature of the NDIS. It is one of its foundational principles. Legislative reform that narrows participant autonomy must be approached with extreme caution and justified by evidence of better participant outcomes, not only administrative efficiency or cost saving outcomes.

4.6 Social and community participation supports at risk

The proposed reset of social, civic and community participation budgets is particularly concerning. These supports are often treated in policy debate as discretionary or peripheral, however our experience is that they are frequently essential to routine, safety, connection, confidence, emotional wellbeing, skill development and prevention of isolation.

Reducing these supports may produce short-term budget savings on paper while causing long-term increases in crisis presentations, family strain, mental health deterioration and withdrawal from community life. Increases in these outcomes will cause greater cost in the future.

4.7 Increased compliance powers without matched procedural safeguards

The Bill would support stronger enforcement, payment and information-gathering powers. While stronger integrity measures may be appropriate, they must be balanced by equally strong participant protections, including notice, reasons, review rights, reasonable timeframes, accessible communication and limits on how powers are exercised.

Without those safeguards, the effect of reform may be to increase administrative control while reducing participants' ability to understand, challenge and remedy decisions that materially affect their daily lives. We do not want a repeat of the Robodebt situation.

4.8 Compressed consultation and legislative pace

The Bill is being considered on a short inquiry timeline. A compressed inquiry is not a substitute for genuine co-design, particularly where the changes are structural and will affect hundreds of thousands of Australians with disability, their families and the organisations that support them.

4.9 Commissioning of Support Coordination

Inclusion Tree holds serious concerns about reforms that may move Support Coordination toward commissioned provider models and increasingly outcome-based or time-limited approaches. Support Coordination is not an optional administrative service. It is one of the most important safeguarding and stabilising functions within the NDIS, particularly for participants with complex disability, trauma, psychosocial disability, unstable housing, family breakdown, behavioural complexity or significant health-related challenges.

Our 50+ Support Coordinators collectively support more than 1,000 participants. In practice, this work involves daily responses to crisis situations, provider collapse, abuse and neglect concerns, safeguarding incidents, housing emergencies, mental health deterioration, carer burnout, failed hospital discharges, family violence, service withdrawal, and situations where a participant is at immediate risk of homelessness, institutionalisation or harm. In many of these circumstances, Support Coordinators are the only professionals holding fragmented systems together and preventing complete breakdown.

These realities are fundamentally inconsistent with a policy assumption that Support Coordination can be delivered as a short-term, standardised or “set and forget” service. Disability is not static, and participants do not simply become stable and no longer require coordination. Needs can escalate suddenly because of illness, trauma, provider withdrawal, housing instability, exploitation, psychiatric crisis, or the death of a parent or carer. In those moments, Support Coordination becomes the critical intervention that prevents system collapse. The most important outcomes are often not easily measured in short-term output frameworks: preventing homelessness, avoiding hospitalisation, reducing the risk of abuse, maintaining fragile support networks, and ensuring a participant remains safe and connected to community.

For this reason, cuts to Support Coordination are not genuine savings; they are cost shifting into health, emergency, mental health, housing, child protection and justice systems. We are equally concerned that the proposed commissioning approach has not been explained with sufficient clarity. It remains unclear how providers would be selected, how participant choice would be preserved, how continuity of care would be managed, how conflicts of interest would be prevented, and how workforce shortages and regional service gaps would be addressed.

Participants often build trusted relationships with Support Coordinators over many years, and those relationships are frequently central to wellbeing, trust and safety. Any reform that destabilises them risks significant harm. Support Coordination must remain participant-led, flexible, relationship-based and responsive to changing circumstances. Without strong Support Coordination, the broader NDIS system risks destabilisation.

Legislation of this scale should not proceed on the assumption that detail can be fixed later. Participant protections should be designed before powers are granted, not after.

5. Recommendations

Inclusion Tree recommends that the Committee either recommend that the Bill not be passed, or that it only be passed subject to substantial amendment. At minimum, the following changes are needed.

Recommendation 1: Put key protections in the Act

The Act itself should set out core participant protections, including continuity of support, minimum procedural fairness standards, rights to reasons and reviews, consultation duties, and boundaries on delegated rule-making powers.

Recommendation 2: No reduction or removal of support without equivalent alternatives

The Bill should expressly prevent participants from losing NDIS access or funded supports unless alternative and / or foundational supports are already funded, available, accessible and appropriate to the person's needs.

Recommendation 3: Preserve review rights and statement-of-reasons obligations

Any decision affecting access, budgets, plan structure, eligibility pathways, commissioning allocations, or reduction of support should attract clear notice, a written statement of reasons, and accessible internal and external review pathways.

Recommendation 4: Require diagnosis and functional impact to be considered together

The Bill should be amended so that diagnosis, clinical evidence, longitudinal history and functional impact must all be considered together when determining eligibility and support needs. Functional assessments should not operate as a narrow gateway that discounts autism, intellectual disability, psychosocial disability, invisible disability or fluctuating conditions.

Recommendation 5: Protect review rights for access and planning decisions

The Bill should expressly preserve strong internal and external review rights for any decision based on functional capacity, including rights to reasons, access to the evidence relied on, and the opportunity to submit further clinical and functional evidence.

Recommendation 6: Protect participant choice and control in commissioned models

The Bill should not permit commissioning of support coordination, plan management, home-and-living supports or other key functions unless Parliament is satisfied that participant choice and control will be preserved, conflict of interest risks are managed, and thinning markets will not worsen.

Recommendation 7: Protect social and community participation supports

The Bill should be amended to prevent blunt resets or formula-driven reductions to social, civic and community participation supports without individualised assessment, consultation, and review rights.

Recommendation 8: Limit compliance powers with safeguards

Any expanded information-gathering, payment, claims or enforcement powers should be subject to statutory limits, privacy protections, proportionality requirements, and rights of review where those powers have the potential for adverse affects.

Recommendation 9: Require genuine co-design and public consultation

The Act should require meaningful consultation and co-design with people with disability, families, advocates and providers before major rules or framework settings are made under the Bill.

Recommendation 10: Strengthen parliamentary oversight

Key rules made under the Bill should be subject to enhanced parliamentary scrutiny, including disallowance and transparent publication of impact analysis, consultation outcomes and participant safeguards.

Recommendation 11: Transitional protections must be explicit

The Bill should include explicit transitional protections so that current participants are not exposed to abrupt service reductions, reassessment shocks, or loss of intermediary supports while new systems are being developed and tested.

Recommendation 12: Monitor impacts on participants and markets

Any implementation of the Bill should be accompanied by mandatory public reporting on participant outcomes, review rates, service gaps, provider exits, thin-market impacts, and cost-shifting into health and other systems.

Recommendation 13: Protect Support Coordination as a safeguarding function

The Bill should not permit reforms to Support Coordination that reduce it to a commissioned, time-limited or narrowly outcome-based service. Support Coordination must remain participant-led, flexible, relationship-based and responsive to changing needs, particularly for participants facing crisis, complexity or safeguarding risks. Any future model must preserve participant choice and continuity of trusted relationships, prevent conflicts of interest, protect access in regional and thinning markets, and recognise Support Coordination as a critical safeguarding and system-stabilising function rather than an optional administrative support.

6. Additional observations from practice

Inclusion Tree supports participants who rely on supports not as optional extras, but as essential elements of daily living, safety, regulation, participation and stability. When legislation enables support reductions without strong safeguards, the consequences are rarely neat or contained. Participants do not simply “transition” in an orderly fashion because a policy model assumes they will. Many instead experience confusion, distress, service disruption, disengagement, and increased dependence on family or crisis systems.

Similarly, provider systems do not absorb these changes without cost. Frontline organisations carry the burden of explaining unclear reforms, managing disrupted supports, supporting through administrative barriers, and trying to prevent harm when the legal framework becomes more restrictive or uncertain.

7. Conclusion

The National Disability Insurance Scheme is one of Australia's most important social reforms. It should be strengthened with care, evidence and genuine accountability. The Bill, in its current form, gives too much power with too few protections.

Inclusion Tree urges the Committee to recommend that the Bill not be passed unless it is substantially amended to embed participant safeguards, preserve review rights, protect continuity of support, maintain choice and control, and ensure that no person loses essential support before safe and appropriate alternatives are in place.

Reform must not be judged only by whether it reduces projected expenditure. It must be judged by whether people with disability remain supported, safe, included and able to live ordinary lives with dignity and autonomy.

Inclusion Tree is committed to supporting people with disabilities and their families through this reform as well as engagement with Government to ensure sustainability of the scheme.

Michaela Kennedy

Managing Director

michaela@inclusiontree.com.au

0409 646 665

