

NDIS Amendment (Securing the NDIS for Future Generations) Bill 2026

Summer Foundation submission

29 May 2026

Introduction

The Summer Foundation welcomes the opportunity to make this submission to inform the Community Affairs Legislation Committee's consideration of the National Disability Insurance Scheme (NDIS) Amendment (Securing the NDIS for Future Generations) Bill 2026 (the Bill).

The Government could have used this Bill to design a better Scheme that focuses on delivering better outcomes for participants for the significant investment, whilst also shoring up the Scheme's financial sustainability.

However, the proposed changes in this Bill will result in a fundamental rewrite of some of the core concepts underpinning the Scheme, putting at risk the Government's own goals of returning the NDIS to its original intent, reducing administrative complexity, and implementing the recommendations of the NDIS Review and the Disability Royal Commission (DRC).

The Bill provides the Minister with unfettered powers to alter funding for supports or particular groups of people, only partly fund supports and set prices for those supports.

The Summer Foundation acknowledges that changes are required to ensure the financial sustainability of the Scheme. However, we are concerned that some of the proposed changes may result in negative outcomes and unintended consequences, potentially placing people with high support needs at risk.

This submission focuses on the proposed changes that have the potential to have the greatest impact on participants with high support needs:

- Introduction of support determinations
- Limiting unscheduled plan reviews
- Plan renewal and one-off support roll-over
- Decision-making on pricing

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.

More information

The Summer Foundation would welcome the opportunity to provide more information to the Inquiry.

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Recommendations

Any reductions in support should be individualised, based on assessment of need

The Bill introduces capacity for the Minister of the day to reduce funding for groups of supports by legislative instrument (s34A) and to not fund the full cost of supports.

This section fundamentally changes the nature of the Scheme, effectively over-riding considerations of reasonable and necessary supports required by an individual with a blanket determination by the Minister to reduce funding for a specified group of supports.

As first use of this power, the Government has outlined an intent to reduce Social, Community and Civic Participation funding by 50 percent, with changes to occur at plan review.

Our understanding from the NDIA's data is that average payments for core – Social, Community and Civic Participation are highest for those with the highest support needs (or lowest level of function) with average payments ranging from approximately \$18,000 to \$28,000 in Q4 FY24/25. Average payments are higher when a person's plan includes Supported Independent Living (SIL) or Specialist Disability Accommodation (SDA) than when a person's plan does not have these supports.¹

In May, the Summer Foundation undertook a survey of participants with high support needs to understand the implications of a significant reduction in Social, Community and Civic Participation (SCCP). Fifty-three people from across the country told us that:

- 70% use their SCCP funding flexibly (as allowed) to meet their disability support needs.
- 80% use their SCCP funding in a variety of ways, including to attend medical appointments, for grocery shopping, paying bills and getting to work.

¹ The average payments for a 6 month period for Core - SCCP when a person's NDIS plan includes SIL or SDA was \$30,475 in Q4 FY24/25 compared to \$11,810 in the same period for participants whose support does not include SIL or SDA. For Capacity Building - SCCP this was \$2,388 and \$1,121 respectively. National Disability Insurance Agency (NDIA) May 2026, Explore data. <https://datasearch.ndis.gov.au/explore-data>.

*'I go to work, do volunteering. I go to the shops and do activities. Without going out my mental health is significantly worse, I end up in hospital more for both mental and physical health.'*²

The survey confirmed that people are using their plan flexibly to meet their disability support needs. The Government has stated that cuts will not impact critical supports, but when participants are using their plans flexibly (as many are), the Government has no way of ensuring this.

While we understand the government intends to use Ministerial determinations to minimise the risk of challenge through the Administrative Review Tribunal, we consider this amendment may have significant negative consequences and the safeguards are inadequate. In our view, it is not possible to accurately understand the impact of blanket cuts nor provide adequate safeguards without an understanding of individual circumstances.

*"The thought of losing access to community participation supports is incredibly heartbreaking and frightening. These supports are not just about social outings to me, they are about independence, inclusion, mental wellbeing, connection, and quality of life."*³

The cuts to participant plans may also increase the risk of isolation from community, heightening chances of segregation and increasing risks and violence, abuse, neglect and exploitation when ties to the community, and others beyond paid support, are diminished. This is in direct contravention of recommendations from the DRC.

In addition, it seems illogical for a participant to be assessed as needing a support, but then only to be granted part funding due to a Ministerial determination to control costs. Explaining this to participants and their families would be very complex for the National Disability Insurance Agency (NDIA) and has the potential to erode trust in government and create uncertainty and confusion for participants about what supports they will get based on their disability support needs.

At a minimum, we contend that considerations about the fiscal sustainability of supports should be considered on an individual basis. It could be incorporated within the purview of the criteria for Section 34, perhaps as an additional criteria becoming 34(1)(g). This would enable consideration of an individual participant's disability support needs, circumstances and safeguarding requirements before supports were reduced. It would also enable a participant to access their rights through review.

Recommendation 1: Remove proposed s34A and consider integrating financial sustainability into section 34 as an additional clause s34(1)(g) to ensure any reductions are targeted and appropriate

² Respondent to the Summer Foundation's survey on social and community participation funding, April 2026.

³ Ibid.

Supports should be funded in full and the link between assessment and funding made clear

The Bill proposes introducing clauses which provide the Minister with the powers to provide funding which is less than the cost of the acquisition or provision of supports for both old framework (34A(5)) and new framework plans (32K(3C)). To date, supports from the NDIS have been fully funded, as was the promise of the Scheme from its design.

This provision introduces an element of uncertainty for participants about whether their disability support needs – as assessed through the Support Needs Assessment in future – will be fully funded. Participants deserve more surety than this.

We recommend these powers be removed. If not removed, we recommend they be heavily qualified such that a participant will not be placed at risk of violence, abuse, neglect, exploitation, mental and physical ill health or isolation, homelessness or inappropriate entry into other systems such as aged care.

Recommendation 2: Remove the powers that enable the Minister to provide funding for less than the acquisition or provision (cost) of a support

Conditions for conducting plan reassessments should be broadened

Clause 48(A) proposes to limit the circumstances in which a participant may request a plan reassessment to significant changes in a participant's ongoing support needs. This scope raises concerns about the lack of definition of what constitutes a 'significant change'.

Moreover, the requirement for an 'ongoing' change in functional capacity overlooks the fact that short-term changes in disability support needs or personal and environmental circumstances can have significant impact on budget utilisation. For example, unavailability of informal supports requiring a participant to use paid supports for a period of time means that utilisation will surpass what was anticipated for that period in the plan. If this proposed amendment is made, the community needs assurance that short-term changes in disability support needs can be addressed through 47A.

The Explanatory Memorandum cites cases such as Liam's where a reassessment may be denied if core supports are exhausted earlier than anticipated. There are several reasons why this could occur. The legislation must have the ability for participants to access funding for critical supports if they have over-utilised their plans in circumstances other than willful over-spend, particularly in the context where there is no sufficient way for the NDIA to track utilisation and actively support participants to manage their plan budgets. Without this power, participants with high support needs could be placed at significant risk.

Recommendation 3: Remove the requirement for a change in functional capacity to be ongoing for a participant to be able to request a plan reassessment under s48(A)

Recommendation 4: Ensure the Bill includes powers for a participant with high support needs to access critical supports in cases where funds have been exhausted prior to the plan's end date

One-off items should be able to roll-over on renewal of a participant's old framework plan and discretion for other changes qualified

The Bill includes provisions for unspent funds to be removed on the expiry of an old framework plan, including the expiration of one-off funding for supports (50A).

There are a variety of reasons participants may not have received supports under their plan in the time before a plan expires. Lack of roll-over may cause people to expedite spending ('use it or lose it') or forgo supports that they have not been able to access in the time period for reasons beyond their control, such as provider unavailability etc. The need for one-off items, such as home modifications or assistive technology, does not disappear because a plan has expired. Rather, the fact funding has not been expended should be a flag for the NDIA to understand whether a participant is facing any barriers in accessing a support.

We recommend that the power to remove one-off funding on renewal of a plan (50A(2)(b)) be removed or qualified to recognise circumstances beyond a participant's control. For example, 50A(2)(b) could be: (b) the new plan does not include any one-off funding for a support that was included under the old plan, *except where the support remains R&N and is currently under-utilised due to circumstances beyond the participant's control.*

Recommendation 5: Enable one-off items to roll-over on plan renewal for old framework plans when under utilisation is due to circumstances beyond the participant's control

Ensure pricing upholds quality and sustainability of supports and is informed by independent advice

The Bill provides the Minister with powers to set maximum amounts payable for the acquisition or provision of supports where plans are Agency or plan managed (45(C)), make different provisions for pricing in Ministerial determinations for supports or classes of support, kinds of providers, kinds of participants (including those who self manage) and any other circumstances (45(C)(9)). These powers also include capacity to set the indexation factor (34B) by which funding will be increased under old framework plans. These are very broad powers and should be qualified with pricing decisions being informed by independent advice.

Experience to date with home and living supports under the Individualised Living Options funding (ILO) stream, which has not been indexed since its introduction in 2019, indicates pricing structures and inadequate indexation can stifle growth in innovative supports. The

ILO funding stream was designed to support participants to pursue contemporary living arrangements designed around their needs, such as living with a housemate who provides support and companionship in exchange for free rent. The lack of indexation of this funding stream means providers have used a range of options to continue providing these supports, including using different funding lines, or having to renegotiate arrangements or reconsider the level of monitoring and support. Ministerial determinations on pricing must uphold the quality and sustainability of supports and be informed by independent input.

Recommendation 6: Ensure pricing upholds quality and sustainability of supports and is informed by independent advice