Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

29 May 2026

Dear Committee Members,

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

1. Who We Are

Tenant Voice is a NDIA funded project through Young People in Nursing Homes Alliance led by and for people who live in Specialist Disability Accommodation (SDA) to organise and amplify the voices of tenants across SDA policy and industry practice. Our reference group members are tenants - people with high support needs, including quadriplegia, acquired brain injury, and other permanent complex disability, who live in purpose-built SDA dwellings and rely on funded disability supports to live independently.

Our work is grounded in the experiences of SDA tenants across New South Wales, Queensland and Victoria, through reference groups that meet regularly throughout the year. Our 2025 National Forum - and especially our session on safety - was built directly from those conversations. The issues we raise in this submission are things our members live with every day.

We care deeply about the NDIS. It is, for many of our members, the difference between living in their own home and living in an institution. We want the scheme to be sustainable, well-governed, and capable of supporting the next generation of people with disability. That is precisely why we oppose key elements of this Bill.

2. Our Position

Tenant Voice opposes the Bill in its current form and calls for significant amendments. We support the goal of a financially sustainable and well-governed NDIS. We do not support

the means this Bill adopts to pursue that goal, specifically in relation to home and living supports and the new ministerial powers over funding and worker ratios. We are concerned that there is major overreach in this Bill and that more time and design effort is needed to achieve the government's stated goal. This bill does more than trim fat off the scheme, it cuts into muscle and bone.

Our specific concerns centre on two provisions that, together, put at direct risk the SIL and Onsite Shared Support (OSS) arrangements that make independent SDA living possible:

- The new Ministerial power to reduce funding for groups of supports by legislative instrument (new section 34A), which is exempt from sunsetting and not subject to merits review; and
- The new Ministerial power to set maximum worker-to-participant ratios for any support or class of supports by legislative instrument (new subsection 33(2EA)(c)), which will be used to shape the commissioning model for home and living supports commencing July 2026.

We also raise, as a matter of procedural justice, the inadequacy of fifteen days for community consultation on legislation of this scale and consequence.

3. The Issues

3.1 What OSS is, and what it makes possible

Onsite Shared Support is a form of funded disability support designed for SDA apartment settings. In the models most of our members live in, a shared support worker is onsite and available across a small number of apartments - often around ten - providing unplanned, as-needed assistance alongside each resident's individually funded core supports.

This model is what makes independent apartment living viable for people with very high support needs. It is not a group home. Each resident has their own front door, their own tenancy, their own life. The onsite support is a safety net - the person who can respond when a transfer goes wrong at 2am, who knows your equipment, who you have familiarity with and helped to choose and who you trust. OSS enables people with high support needs to live in the community and share the overnight and emergency support and provides the NDIS a significant structural saving, where the alternative is each person living with their own 24 hr support. Given that OSS already represents a permanent saving, the idea of cutting it further is anathema to the insurance principles that underpin the Scheme.

> *"Who decides where you live and who you live with? Who has the keys? Who can walk into your home? Who chooses your OSS provider? Who can say 'no' and*

> *have it stick? Safety is about power." - Tenant Voice, SDA and Safety: What We Heard, and Where We're Heading (2025)*

The continuity and trustworthiness of that service is not incidental to the model. It is the model. When our members describe what makes them feel safe in their homes, they consistently name two things: accessible design that actually works and being supported by people who know them.

3.2 The Minister's new power to cut funding: new section 34A

New section 34A gives the Minister the power, by legislative instrument, to reduce the funding component amount for any group of supports by a specified percentage. The provision is stated to be for the purposes of ensuring the financial sustainability of the scheme.

The government has announced that this power will first be used to reduce social, civic and community participation budgets by 50 per cent from 1 October 2026. But the power is not limited to that. It can be applied to any group of supports, at any time, in relation to any class of participants.

We have three concerns about this provision.

The sunsetting exemption. The Bill expressly states that Part 4 of Chapter 3 of the Legislation Act 2003 - the sunsetting provisions - does not apply to a determination under section 34A. This means that once a funding reduction is made, it does not expire. There is no mechanism requiring the Minister to review whether the reduction continues to be justified. A cut made today could still be in force in ten years, without any parliamentary process to renew or revisit it.

The removal of merits review. The Explanatory Memorandum states that support determinations under section 34A are not subject to merits review on the basis that they are "legislation-like decisions of broad application." We accept that a general funding determination is not the same as an individual plan decision. But the effect on individual participants - on their ability to leave their home, to maintain community connections, to participate in civic life - is entirely specific. A 50 per cent reduction to community participation funding for a wheelchair user in regional New South Wales, who already faces accessible transport shortages and venue access barriers, is not abstract. It is the difference between a connected life and a confined one and is diametrically opposed to the core design of the NDIS as an individualised Scheme. There is already sufficient rigour in s34 to ensure fit for purpose support without the need for this global funding reduction power. The key is better planning decisions and greater oversight of providers.

The compounding effect on SDA tenants specifically. SDA tenants have high support needs by definition. Many of our members' participation in community life depends not just on their participation budget but on the availability of skilled, trusted support workers to accompany them. When community participation funding is halved, and when the same Bill introduces powers that may change who those workers are, the compounding effect is severe.

> *"The anxiety of never knowing if your plan will be cut - whether or not people have informal supports - is a stress that people without disability couldn't possibly imagine." - Reference group member, Tenant Voice 2025*

3.3 The Minister's new power to set worker-to-participant ratios: new subsection 33(2EA)(c)

New subsection 33(2EA)(c) allows the Minister to determine, by legislative instrument, a maximum ratio of worker to participant for the provision of any support or class of supports. Like the section 34A power, this instrument is exempt from sunsetting.

This power will be directly relevant to OSS and SDA settings. The government has announced that from July 2026, it will begin designing a commissioned model for home and living supports - including the SIL and OSS arrangements that make SDA apartment living viable. The ratio power will be one of the levers available to influence that model and dictate outcomes for tenants.

We totally support and encourage quality oversight of SIL and OSS providers. The Royal Commission documented serious failures in congregate and group home settings that require a firm regulatory response. But the OSS apartment model is not simply a group home in the sky. It operates on a fundamentally different logic - a small number of independent tenants with a shared onsite resource - and a ministerial instrument that sets ratios appropriate to group home settings could inadvertently make the OSS apartment model financially unviable. We urge the NDIA to recognise the fundamentally different identity of SDA apartments with OSS and group homes.

Our concern is shaped by three features of the power as drafted:

- **No distinction by support type or living model.** The power applies to "a support or class of supports" without any requirement to distinguish between congregate settings and independent apartment living. A single ratio instrument could apply across both.
- **No requirement for consultation with SDA tenants before the instrument is made.** The Bill does not require the Minister to consult with affected participants before

making a ratio determination. Given the consequences for living arrangements, this is a significant omission.

- **No sunsetting.** Once set, a ratio remains in force indefinitely unless the Minister chooses to change it. Participants and providers cannot rely on any automatic review.

The same problem applies to the broader commissioning design. The government has announced a "commissioning approach" for home and living supports beginning July 2026. This process will determine who can deliver OSS, under what contractual arrangements, and at what ratios. If that model is designed without the active participation of SDA tenants who currently live in OSS apartment settings, the result may be a model that works for congregate care and destroys what works for us.

4. What This Means in People's Lives

In our reference groups and at our 2025 Tenant Voice National Forum, members described what safety in SDA looks like - and what threatens it.

One presenter, Greg described the ART battles that follow when supports are inadequate or incorrectly assessed - processes the participant he supported described as harder than the decision to have an amputation that gave rise to their disability. This resonated with the views of our members whose experience of the adversarial elements of the NDIS review system has been harmful.

Reference group members described the particular anxiety of living under permanent funding uncertainty: checking plan balances compulsively, dreading plan reviews, calibrating social participation against the fear of running out. The community participation cuts will not fall equally. They will fall hardest on people who already face the most barriers - wheelchair users, people with high communication support needs, people in regional areas with limited accessible options.

And they described what helps. Predictability. Workers who know them. Automation and design that works. Feeling like a home, not a workplace or an institution. The 50 per cent cut to community participation, and the uncertainty created by the ratio and commissioning powers, threatens all those things simultaneously. NDIS funding buys outcomes. If the funding is cut arbitrarily, these outcomes that the Scheme has invested in over its life will evaporate, wasting more millions of dollars than could be ever chased down with such cuts.

5. Recommendations

The following recommendations address the provisions of most direct concern to SDA tenants. Where our points align with that of other submissions - particularly Sam Paior (The

Growing Space, 25 May 2026), whose detailed reading of the Bill we hold in high regard - we have noted that alignment. We commend her consolidated suggestions to the Committee as complementary to our own.

On section 34A — the Ministerial funding cut power	
Recommendation 1	The power enabling a Minister to cut funding for any group of supports under section 34A, must be abandoned. Instead of such an overreach, the government needs to re-open co-design with Scheme participants and their organisations to monitor other changes and work on proposals to secure the NDIS that are consistent with the objectives of the NDIS Act 2013.

On subsection 33(2EA)(c) — the Ministerial ratio power	
Recommendation 2	Any instrument setting a maximum worker-to-participant ratio must treat SDA apartment OSS as a separate model from congregate group home SIL. They are not the same thing. A ratio designed for a group home - where multiple people live together in a shared setting - does not work for an apartment building where tenants have their own front doors and OSS provides onsite availability across independent households. A single ratio applied across both will make the apartment OSS model unviable.
Recommendation 3	Ratio instruments under subsection 33(2EA)(c) must expire after three years. Tthree years is long enough to give providers and participants stability, but short enough to require Parliament to consider whether the ratio is still appropriate given what has actually happened in practice. There must be co-design and impact assessment requirements that govern to ratio instruments. The ratio values themselves must sit in the disallowable instrument - not in a separate agency document that can be updated in the background without Parliament seeing it.

On the commissioned home and living model	
Recommendation 4	Require, in primary legislation, that the design of any commissioned model for home and living supports be co-designed with SDA tenants currently living in OSS and SIL arrangements - not as a consultation category, but as active design participants. The commissioned model must include an explicit model for SDA apartment OSS that is designed to preserve tenant choice of provider. Any model that does not distinguish independent apartment living from congregate care should not proceed.

Recommendation 5	Before any commissioned home and living model is finalised, there must be a dedicated consultation process - at least 90 days - with SDA tenants and SIL recipients. It must be genuinely accessible: Easy Read, Auslan, video and in-person options. Tenants' contributions must be publicly recorded. The government must publish a written response to what tenants said, and that response must come before the model is locked in, not after.

Additional recommendations aligned with the Sam Paior submission	
Recommendation 6	The Bill rewrites section 3(1)(d) so supports are funded only "so far as is consistent with the financial sustainability of the scheme," and deletes section 31, which anchored planning in individual choice and participant direction. Financial sustainability should be one of several things the CEO must consider - not a condition that overrides everything else. Section 31's principles should be kept in a modified form. A scheme that funds disability supports only when the budget allows is not the scheme Parliament created in 2013.
Recommendation 7	Remove the word "directly" from section 34(1)(aa). The 2024 amendments established that support needs should be assessed as a whole - recognising that for people with multiple interacting impairments, needs cannot always be traced to a single qualifying cause. Adding "directly" undoes that. For SDA tenants with complex disability, it will mean supports for the knock-on effects of their condition are no longer funded, even where those effects are real and documented.
Recommendation 8	The Bill allows a participant's plan to be suspended if the Agency cannot contact them and revoked if the suspension runs for 90 days. "Reasonable attempts to contact" is not defined. The law must specify what counts - attempts across every contact channel provided, spread over at least 60 days, including contact with any listed emergency contact, nominee, support coordinator, or OSS provider. Certain circumstances - hospitalisation, mental health admission, bereavement, short-term overseas travel - must pause the clock automatically.
Recommendation 9	The combined effect of this Bill's changes on participants cannot be fully predicted in advance. The law should require an independent review, to begin no later than two years after the Bill passes, examining what has actually happened to participant safety, unmet need, plan suspensions, and harm. SDA tenants and SIL recipients should be a named cohort in that review. The government must respond to the findings publicly within six months, and if the review identifies serious harm, the Minister should be required to introduce remedial legislation.

6. A Note the extremely limited time for consultation and engagement

We note with concern that the submission window for this Bill opened on 15 May 2026 and closes on 29 May 2026 - a period of fifteen days, across which many of our members must also manage complex health and support needs, plan reviews, and the daily admin burden of living with high disability in a system under reform.

The people most affected by this legislation, those with the highest support needs, in the most complex and precarious housing and support arrangements, are also the people with the least capacity to respond to compressed consultation timelines. A fifteen-day window for primary legislation of this consequence is not adequate. We urge the Committee to note this in its report and to recommend that the Government adopt meaningful minimum consultation periods for any subordinate legislation made under the powers this Bill creates.

Tenant Voice is willing to appear before the Committee to give evidence. We can arrange for members to speak to their experiences directly, in accessible formats including video, Auslan interpretation, or alternative communication methods. We ask that the Committee make this possible.

Submitted on behalf of Tenant Voice reference group members

Stacey Copas
NSW Facilitator, Tenant Voice
Young People in Nursing Homes Alliance

www.ypinh.org.au/tenant-voice