14 May 2026

To: **Committee Secretary, Community Affairs Legislation Committee**

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

Dear Committee Secretary,

This preliminary submission primarily focuses on isolated provisions in the Bill which require urgent amendment and will be followed by a supplementary submission addressing others, capacity allowing.

The provisions addressed in this brief submission are:

- Repealing of Section 31
- Proposed subsections 34(1E) and (1F)

Beyond these provisions and my broader commentary relevant to the Bill as a whole, my position is that the *Securing the NDIS Bill* should be opposed.

There are many more provisions I oppose, and other amendments that need to be made. My limited capacity to address them in the time allowed will be a common story among my peers and reflects poorly on Government for imposing such a timeframe. I know most will be covered by others, in detail.

Multiple measures in the Bill also make a mockery of amendments achieved through advocacy by participants, advocates, legal experts and DROs in 2024; in particular, neutering the *Eastham* decision by repealing the PA112 amendments to consideration of impairments. Killing off these few small consultation wins is deeply disrespectful to the disability community.

Taken as a whole, the Bill does away with investment in disabled lives and transforms the last shreds of an individualised Scheme into a punitive, medicalised model the NDIS promised to leave behind.

This Bill will return Australians with disability to being shut in and shut out – whether by reassessing their disabilities as qualifying for Scheme supports which cease to recognise them as a person with equal rights to other Australians, or abandoning them to supports which will never provide equal opportunity for full inclusion and participation when their daily needs go unmet.

The question before Parliament is simple: **Do people with disabilities deserve a fair go, or not?**

You should already know the correct answer to that, and the answer worthy of the positions you hold.

Yours sincerely,

Cat Walker

Repealing Section 31 breaks the promise of individualised support and the obligations on the Agency to recognise the personhood of participants

Schedule 1, Item 66 should be opposed

1. The assertion in the explanatory memorandum that the "relevant" principles are included in Sections 4 and 17B betray the disrespect for the human rights of participants.

2. That is, the Bill and EM deem the following principles "irrelevant" considerations which should be repealed from the NDIS Act altogether, or twisted to shift the burden back onto informal supports or funnel them into block-funded group programs whilst cutting opportunities for real participation:

31 Principles relating to plans

> The preparation, variation, reassessment and replacement of a participant's plan, and the management of the funding for supports under a participant's plan, should so far as reasonably practicable:
>
> (a) be individualised; and
> (b) be directed by the participant; and
> (d) strengthen and build capacity of families and carers to support participants who are children; and
> (da) if the participant and the participant's carers agree—strengthen and build the capacity of families and carers to support the participant in adult life; and
> (e) consider the availability to the participant of informal support and other support services generally available to any person in the community; and
> (g) be underpinned by the right of the participant to exercise control over his or her own life; and
> (h) advance the inclusion and participation in the community of the participant with the aim of achieving his or her individual aspirations; and
> (i) maximise the choice and independence of the participant; and
> (j) facilitate tailored and flexible responses to the individual goals and needs of the participant;

3. These principles matter. They require NDIS plans to be centered on the simple fact that each participant is a person with a daily life that looks different to the next participant. There is no defensible justification for erasing these basic dignities from the Act, but doing so tells NDIS participants just how little regard the Federal Government has for their right to live – and exercise control over – their life on an equal basis with other Australians.

4. This is a bad faith provision and should be acknowledged as such by its immediate removal.

> ***Recommendation***
>
> ***All elements of Section 31 must remain in the NDIS Act in their current form, with direct application to the CEO's decision-making powers in relation to plans.***

Breaking the evidence bias in subsections 34(1E) and (1F)

Proposed subsections 34(1E) and (1F) bake the systemic ableism and power imbalances in the evidence base into Commonwealth legislation, *in the same Bill* that constrains our opportunities to lead such research

5. In 2024, my co-author and I stated:[1]

> ***Passing this Bill will prevent us from aspiring to a life worth living by killing the golden thread to goals and aspirations***
>
> The weakening of the criteria connecting our goals and aspirations to our funding and spending will make it impossibly hard to defend supports solutions which might be unique to us: It makes the scope and relationship to our goals ambiguous where line-by-line planning had effectively pre-assessed many supports against our goals.
>
> The moment 'flexible' budgets are implemented, all spending will be harder to defend.
>
> If we are going to introduce the proposed Section 10 definition of NDIS supports, we must bring the golden thread that ties support to the purpose of the NDIS.
>
> We must bring the participant's lived experience evidence of which supports are most effective and beneficial for them.
>
> We must bring the freedom for tailored and flexible responses to their individual needs, goals and aspirations which enable them to live a life of their choosing.
>
> If our goals and aspirations are not brought into Section 10, our goals and aspirations are worthless and NDIS supports will not do their job in building the path to social and economic participation, and a life worth living.
>
> If the validity of lived experience evidence is not brought into Section 10, it will likely be deleted all together, and we will be stuck with "evidence-based" supports that neglect lived experience and the power imbalances inherent in scientific research that have historically maintained systemic ableism.
>
> If we narrow the operational definition of assistive technology from "equipment, technology and devices that help you do things you can't do because of your disability [or] things that help you do something more easily or safely", participants will be unable to access countless assistive items that fulfil this purpose.
>
> If recognition of the collective and compounding impacts of multiple impairments is not explicitly formalised in Section 24 and brought into Section 10, participants will be unable to identify which supports meet their needs without taking a scalpel to their

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[1] Cat Walker and Uli Cartwright, Submission 80 to Community Affairs Legislation Committee, *Inquiry into the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]* (May 2024).

> lived experience, and too frightened of debts being raised if they are unable to do so. If the principles of Section 31 – especially the freedom for tailored and flexible supports – are not brought into Section 10, participants will not be able to defend the tailored and flexible solutions they create for themselves as NDIS supports.
>
> If we are given a 'flexible' budget that will be restricted so heavily by other parameters, we must protect the golden thread to the original intent of the NDIS. If we fail to do so, what's the point? It will be a life sentence of administrative trauma, not support for a life worth living.
>
> ***"I don't know the exact words but all I know is your life stops. It's just – you may as well be – you may as well have your identity stripped really… You just – you can't do anything. It's – yeah. You just stop existing in an odd way because you can still live, you still have freedoms, but you don't have freedoms."[3]***
>
> [3] Uli Cartwright, Disability Royal Commission Final Report, Volume 3: Nature and extent of violence, abuse, neglect and exploitation, p. 207

6. We underestimated then how badly Section 10 rules would strip these basic rights and freedoms from participants. *(Fast-forward to 2026, and the Federal Court decision in Eastham brought some relief about multiple impairments and this debt risk. Naturally, the Government is now having a tantrum about judicial interpretation by trying to draw the harshest lines yet between impairments.)*
7. On International Day of People with Disability 2024, People with Disabilities Australia invited me to speak at the *Voice of Our Own* conference. The 'Breaking the Evidence Bias' themes I explored then are highly relevant to the deeply ableist assumptions being proposed as legislated definitions of effective and beneficial now:

> My role in the horse world was all about the same tailored and flexible responses to individual needs that we were promised in the NDIS Act.
>
> It is a way of being and doing in my life, because that's what the horses taught me to do when I listened to what they were trying to tell me. That's what my mentors did, and what they taught me to teach others to do as a systemic advocate bridging the gap between grassroots capacity-building and those writing the rulebook.
>
> That is my frame of reference when I look at NDIS reforms, and where we are heading when we consider what being disabled in Australia will mean for us moving forward.
>
> I wrote [much of this speech] months before we saw the draft NDIS supports lists. I was thinking about it as a research pathway, if I could ever resolve the disability tax problem of student debt inflation versus time out before disability support, and the time it would take to do a PhD part-time. But that's a breaking the evidence bias topic of its own for another day.
>
> Because we are at a turning point now, where we must fight for our human rights and to be considered the experts of our lived experience and our needs.

In recent weeks, we have seen a mockery made even of therapies with a very strong evidence base, let alone those that are getting outcomes for some people but don't yet have a pile of research behind them.

The NDIS Evidence Advisory Committee may be focused on NDIS participants, but it will influence wider policy and research funding priorities.

That Committee will fail people with disability and fail Australia if it is expected not to speak out against political interference or attempts to pub test human rights.

That Committee will fail us if it is siloed away from the people whose daily lives it will dictate. That Committee will fail us if it does not consult us on innovation led by people with disability, rather than providers.

But above all, that Committee will fail us if it privileges the kind of research better suited to studying new medicines than capturing what is effective and beneficial in breaking down the unique disability barriers faced by people who have nothing in common except a diagnosis, or if it privileges types of evidence that perpetuate decades of systemic ableism and other biases, over formalising pathways to capture our lived experience evidence when a person needs something different to get the right outcome for them – and to report on those outcomes.

I know formalising it can be done, because the mentor who inspired my title today did exactly that… In the years I knew [Dr. Kerry Ridgway], he did this with terminal cancer, refining it with the help of the horses and teaching people like me until he died. My own horses give me consistent evidence for his approach to this day, always reminding me who should be defining what works.

So I'm sorry, Government of today and tomorrow, but I'm just not willing to settle for evidence-biased practice when it's time to give the disability community the opportunity to redefine best practice for ourselves, based on the outcomes that actually matter to those of us living it and the human rights you promised to uphold.

Because if the Evidence Advisory Committee and its terms of reference are not led by people with disability who have lived the impacts of systemic evidence biases, we will not see these assumptions challenged.

Because the Government is unwilling to challenge them.

DSS and the NDIA are unwilling to challenge them.

And despite the efforts of some of the best researchers the disability community can proudly call our own, too much of academia is still unwilling to challenge them.

You know who can challenge those systemic biases and assumptions? You and me.

And there are two ways that we can go about this.

> Government can stop telling us they know better and give power to people with disability. They can get out of our way and charge us with defining which supports lead to outcomes, and how to leave space for innovation, individual needs, and emerging research by us, for us. They can fund us to do the research we say matters – and make sure everybody who wants to lead research that impacts them has sufficient disability support outside of education and employment for it to be an option.
>
> Or: Those politicising and dictating our lives can keep going the way they are.
>
> And inspire a whole new generation of disability rights lawyers to hold them accountable for the decisions they are making now.

8. It is somewhat ironic that I highlighted these issues on IDPwD 2024 to fit the theme of *Amplifying the leadership of people with disabilities*, and bring them to Parliament's attention because Parliament is being asked to place the lowest – or **no** weight – on our leadership and lived experience in defining beneficial outcomes and effective means of achieving them, whilst Parliament is simultaneously asked to annihilate the last shreds of the pathways the original intent promised, through the supports for eliminating the practical, daily life barriers to our ability to pursue such leadership opportunities.

9. Because investment in disability-informed or -led research does not assist those of us who are nonetheless unable to pursue funded research opportunities if our support needs are unmet – which is all the more likely if proposed subsections 34(1E) and (1F) prevent our lived experience evidence from satisfying the effective and beneficial test, exclude our broader lived experience, or override it altogether if the evidence base does not yet exist or focuses on outcomes people with disability object to or deem harmful:

> *Effective and beneficial considerations*
>
> (1E) For the purposes of paragraph (1)(d), in deciding whether a support will be, or is likely to be, effective and beneficial for the participant, the CEO must, if considering 2 or more of the following matters, consider them in the following order of importance:
>
> (a) research and evidence in relation to the support that is published, peer reviewed and generalisable;
> (b) evidence as to the effectiveness of the support, having regard to the participant's circumstances (including age and impairment);
> (c) evidence as to outcomes for the participant, arising from their use of the support in their previous plan, in improving, maintaining, or reducing a decline in, the participant's functional capacity in relation to an activity covered by paragraph 24(1)(c) or subparagraph 25(1)(c)(i), or capacity for social and economic participation;
> (d) other matters the CEO considers appropriate.
>
> Note: For ***functional capacity***, in relation to an activity, see section 9B.
>
> (1F) To avoid doubt, the CEO may decide that the CEO is not satisfied as required by paragraph (1)(d) if:
>
> (a) there is limited or no research or evidence of the kind mentioned in paragraph (1E)(a) (even if there is evidence of the kind mentioned in paragraph (1E)(b) or (c), or both); or
> (b) there is limited or no evidence of the kind mentioned in paragraph (1E)(b) (even if there is research or evidence of the kind mentioned in paragraph (1E)(a) or (c), or both).
>
> This subsection does not limit the circumstances in which the CEO may decide that the CEO is not satisfied as required by paragraph (1)(d).

10. As a participant, I am furious that the reforms passed in 2024 have already consumed two years of my life in a manner that has taken **me** further away from pathways which might otherwise have included pursuing such a PhD contributing to long-term positive outcomes for my cohorts.

11. So, it offends me to my core that, should the 2026 Bill pass, the systemic barriers compounded by the 2024 amendments will now be used to inflict this evidence bias and all its predictable adverse consequences on my life, while ensuring the disability barriers to my participation in advancing that evidence base – including research which could genuinely influence positive outcomes of early intervention for the physical impairments likely to be missed in those children referred to Thriving Kids, and which could change the story for my younger peers – are instead upheld by the Act of Parliament which promised to break them down and ensure my equal opportunity for meaningful economic participation, including as a researcher.

12. The original promise of the NDIS, if faithfully upheld, could have seen me writing research about such supports rather than parliamentary submissions. It would have been my preference.

13. As I told the Joint Standing Committee in 2022, I never wanted to become a disability advocate. I just wanted reasonable and necessary supports, in a reasonable timeframe, so I could get on with all the things the NDIS was meant to eliminate my individual disability barriers to pursuing on an equal basis with others. This Government made me an advocate by forcing me to navigate legislation, instead of supporting my own capacity to pursue research which would have contributed to Scheme sustainability in the long run.

14. I therefore reject, in the strongest terms, these provisions which deem that failure of Government and administration of the NDIS a reason to deny participants the supports people like me could be building the evidence-base for if our lives were not perpetually consumed by the fight against the destruction of our human rights and dismantling of the supports which were intended to make our meaningful, equitable participation a reality: **The genuine, meaningful contribution to *"our shared future"* we were all promised, and the reasonable and necessary support facilitating the contributions we were asked to aspire to. The future the NDIS Act asked us to dream of, where disability did not make our worlds smaller – or limit our opportunities to contribute to it.**

> *Recommendation*
>
> ***Proposed subsections 34(1E) and (1F) should be opposed. The lived experience evidence of the participant must be deemed of equal or greater weight to other evidence and must not be constrained to their experience using supports in the previous plan but include all their relevant lived experience.***

Conclusion (for now)

If Parliament thinks we sound like broken records, imagine how we feel.

15. Doing NDIS reform to us, rather than with us, isn't working. No spin can change that.

16. As we said back in May 2024:[2]

> ***Would it be such a bad thing to let us into 'the room where it happens' if it meant we could help fix the NDIS and ensure its sustainability?***
>
> *Because the same powers that be who keep talking reform and systemic change seem to be the most resistant to letting us help them create the change we need. This resistance comes from an attachment to outdated perspectives that the Government knows better than people with disability.* ***This Bill is evidence that they do not.***
>
> *When the Government admits that the first step in solving any problem is to admit that you have one, people with disability will be ready to partner with the Government to do the hard work of change. It is beyond time that the Government, DSS and the NDIA did that hard work with us, by dismantling the systemic ableism and bias that has kept us out of the most important conversations, and by enabling us to be stakeholders in a meaningful way.*
>
> *The fact we are having trouble articulating our insights around the type of co-design we need into a framework that can be digested into a bureaucratic enough form to insert into legislation is part of the problem: This is, first and foremost, an ethics and human rights problem.*
>
> *It is a problem rooted in the Government being unwilling to share power with people with disability, and unwilling to acknowledge both the value of our lived experience and our capacity to take part in the drafting of legislation that impacts the most intimate parts of our daily lives.*
>
> *The Government would rather try to digest their view of how our daily lives should look into bureaucratic rules on their own, than listen to us about how it will impact our daily lives and their bottom line.*
>
> ***The irony is that this Bill misses the mark by so much that it will likely cost Australia a great deal more in the coming decades, as a result of unmet needs…***
>
> *Our strong impression is that the Government knew people with disability might tell them how many mistakes they had made or disagree with major changes, and that the Government cared too much about minimising that embarrassment and controlling the narrative to let us see a draft of this Bill…*

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[2] Cat Walker and Uli Cartwright, Submission 80 to Community Affairs Legislation Committee, *Inquiry into the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]* (May 2024).

> *If the Government were not so defensive, they would discover that we can disagree productively. That we can use conflict as a valuable tool to find our way to the best outcomes. That we know how to do so respectfully, with our focus firmly on the end goal: Not to convince or persuade people with disability to accept their stories being written for them, but to build the legislative and policy architecture we need for them to write their own, and for the NDIS to survive for future generations to do the same.*
>
> *Conflict has been a deliberate part of our process in writing this submission and pushing each other to consider different perspectives.*
>
> *We know it not only works but is essential.*
>
> *We know it is the key to finding common ground.*
>
> ***The Government need not be afraid of negative feedback given fearlessly and in good faith. It means we are ready to get to work, together.***

17. Too much of the above applies to this 2026 Bill tenfold. The approach to and timeframe for this Bill shows the level of disrespect towards the disability community has only escalated.

18. And yet: We are organising. Absorbing. Preparing responses. Again. And we are strategising.

19. Is Parliament ready to work **with** us yet, or will we be forced to test the validity of systemically harmful legislation inflicted on us? You’re not leaving us much choice if you choose wrong.