

LEGISLATIVE ASSEMBLY OF THE NT
TABLED DOCUMENTS

Committee: Estimates
Paper No: 4.4 Date: 11 / 5 / 26
Tabled By: Charls
Signed: [Signature]



MINISTER FOR DISABILITY

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The Hon Mark Butler MP
Minister for Health and Ageing
Minister for Disability
Parliament House
CANBERRA ACT 2600

Senator the Hon Jenny McAllister
Minister for the National Disability Insurance Scheme

Dear Ministers

Re: National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 – Impacts on Territorians

I write to express serious concern regarding aspects of the proposed *National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026* and the potential unintended consequences for Territorians, particularly those living in regional, remote and very remote communities.

The Northern Territory supports the objective of ensuring the long-term sustainability and integrity of the National Disability Insurance Scheme and acknowledges the importance of measures that strengthen accountability by tackling sharp practice, reducing fraud and through increased provider registration. However, sustainability must not come at the cost of reduced access to essential disability supports for those who already face the greatest barriers.

The Territory's concern is that several proposed reforms, when considered collectively, risk creating structural disadvantage for Territorians living remotely, particularly Aboriginal participants with disability. Aboriginal Territorians continue to experience poorer access to healthcare, specialist assessment pathways and disability services, with these challenges compounded by geography, workforce shortages, language barriers, cultural considerations and limited service availability in remote communities.

Of particular concern are the proposed changes relating to:

- The definition of permanence.
- The introduction of a new functional capacity framework.
- The requirement for participants to undertake all "appropriate treatment" before access to the Scheme may be granted or maintained.
- Reassessment rules – proof of major and ongoing change – presents significant barriers where access to medical services and documentation is limited.

Under the proposed settings, there is risk that functional capacity may be determined without considering environmental or cultural contexts resulting in support needs being underestimated. Appropriate treatment assumes that services exist and not take into account where it is not available, affordable or culturally safe - e.g. real access not theoretical availability. This creates a significant equity concern for regional, remote and very remote Northern Territory communities where treatment pathways may not exist locally or may require extensive travel and waiting periods.

The Territory is also concerned that tighter access thresholds and narrower definitions of support eligibility may reduce participation in the Scheme and shift responsibility for unmet need onto already stretched Territory systems including health, housing, education and community services. For Aboriginal communities, where services are already operating under considerable pressure, this may result in increased unmet need rather than reduced demand.

Additional concerns arise from proposed changes to plan renewals, restrictions on reassessments, shortened claims timeframes and plan suspension provisions. These measures may disproportionately affect participants in remote communities where provider shortages, connectivity limitations and delays in communication already impact people's ability to navigate the Scheme and utilise approved supports.

The proposed expansion of ministerial powers through legislative instruments, including powers relating to support determinations, funding categories and pricing decisions, also raises concerns regarding transparency, consultation and shared accountability across jurisdictions. States and territories will carry the operational consequences of these reforms and should have a stronger role in shaping implementation settings where impacts are significant.

Accordingly, I ask that the Commonwealth consider:

1. Establishing explicit protections and exemptions for remote and very remote participants, particularly Aboriginal participants experiencing service access constraints; proof of alternative supports being available and accessible before NDIS access is denied.
2. Amending the "appropriate treatment" provisions to recognise practical accessibility and local service availability.
3. Ensuring any functional capacity assessment process is culturally safe and does not disadvantage participants due to environmental or geographic factors, including those government and non-government workers and their families living in remote communities.
4. Providing stronger consultation and co-design mechanisms with states and territories before major operational changes are implemented; and
5. Undertaking an impact assessment of the Bill in specific regard to a Northern Territory remote and very context, prior to final passage.

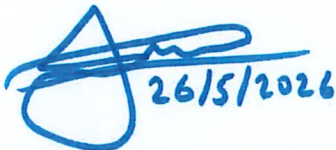
The Northern Territory cannot be treated as if it operates like other parts of Australia. A total of 53 per cent of our NDIS participants are Aboriginal. The assumptions in this Bill rely on systems, services, and infrastructure that are often not present in the Northern Territory, especially in remote communities.

This reform must take into account the real conditions in which people live in the Northern Territory. Without that, the risk is that well-intentioned national policy will produce serious and predictable harm for some of the most vulnerable participants in Australia.

The Northern Territory remains committed to working constructively with the Commonwealth to ensure the NDIS remains sustainable while continuing to uphold its original purpose: delivering equitable access to disability supports regardless of where a person lives.

I welcome continued engagement as this legislation progresses through Parliament and Senate scrutiny.

Yours sincerely



JINSON CHARLS

cc Senator for the Northern Territory the Hon Malandirri McCarthy, Minister for Indigenous Australians
Senator for the Northern Territory Jacinta Nampijinpa Price
Member for Solomon Luke Gosling MP
Member for Lingjari Marion Scrymgour MP