

# Australia: Senate committee whitewashes Labor's assault on NDIS disability support

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1 July 2026

Last week, an Australian Senate committee handed down what it called an “interim report” on the Labor government’s bill to cut the National Disability Insurance Scheme (NDIS), the national disability support program.

The report, which recommended the bill be passed, is a whitewash of legislation designed to strip \$38 billion from services relied upon by more than 770,000 disabled people and their families, and a warning that Labor intends to ram the cuts through parliament.

The NDIS bill was introduced on May 14 as the largest single component of Labor’s austerity budget which cuts \$63.8 billion from essential social spending. It was referred to the Senate Community Affairs Legislation Committee the same day, with the initial order to report by June 16—barely a month later.

Such parliamentary inquiries are an exercise in political fraud, designed to providing a fig leaf of “consultation” to legislation. But in this case, even that pretence was largely dispensed with. The public was given just 11 days to make submissions and only three days of hearings were held. Yet more than 4,000 responses were sent to the committee, reflecting overwhelming opposition. Only a fraction of those have been published.

Amid this widespread opposition, the committee pushed back publication of its report twice, first to June 19 and then to June 23. At the eleventh hour, the Greens struck a rotten deal with Labor to pass tax measures in the budget that have been the focus of criticism by opposition parties and the financial press. In exchange, the Greens secured an eight-week extension of the NDIS inquiry, with a final report due August 14.

The deal is utterly cynical. It paves the way for the government to strike a separate deal with the Liberal-National Coalition, which supports the slashing of the NDIS, to pass the legislation while allowing the Greens to posture as outraged opponents.

The first third of the now-interim report begins with the

government’s own justifications for the cuts. It is frontloaded with cherry-picked quotes from select submissions endorsing the “need for reform,” “sustainability” and the claim that the NDIS must be brought back within its “original intent.” Only then does the report turn to a limited consideration of the concerns and criticisms raised in hearings and submissions.

But those concerns, quoted in the report itself, are damning. Central to the legislation is the narrow test of functional capacity—a person’s ability to undertake specific activities “without assistance from other people, assistive technology or modifications,” as far as possible excluding “environmental and personal circumstances.” In plain terms, poverty, housing, family circumstances, and access to services are to be discounted, leaving the door wide open to reducing or ending NDIS support.

The Sensational Kids submission warns that functional capacity is “fundamentally contingent” on a person’s environment and individual circumstances, and that disregarding these factors would produce “an artificial and misleading representation of disability and support needs.” Kyle Montgomery, a quadriplegic disability justice activist, warned that such a test would “exclude thousands of people with genuine need.”

The bill also tightens the meaning of permanent impairment, requiring applicants to have undertaken “all appropriate treatment” before being deemed eligible. The Occupational Therapy Society (OTSi) submission states that this could force disabled people through “exhausting interventions, treatments and medical pathways” simply to prove they are “stable” enough to qualify.

OTSi also cites concerns that people could be pressured into electroconvulsive therapy or antipsychotic medication as a condition of accessing support. These are drastic treatments, with serious and potentially fatal complications. The bill would turn the right to refuse such treatments into a potential barrier to disability support.

The bill also gives the minister power to impose financial caps on whole areas of NDIS support. OTSi described this as “one of the most extraordinary powers ever proposed within the NDIS legislative framework.” It added that reductions could occur “without individual reassessment, without consideration of actual support needs and without meaningful parliamentary scrutiny.”

The immediate government target is social, community and civic participation supports, which Labor has singled out as wasteful spending. Several submissions make the point that such supports are essential to daily life. People With Disability Australia warned that cutting participation would entrench isolation and expose the disabled to “preventable harm”—including mental disorientation and depression.

Women With Disabilities Australia cited the death of Ann Marie Smith, who had cerebral palsy and died at home in circumstances described as “likely preventable.” The lack of regular contact meant that she was largely left sitting in a chair, malnourished and in need of medical attention and treatment.

Completely absent from the majority report, only found in the dissenting sections, are the stark warnings that the government cutbacks to NDIS will cause death. Hannah Diviney told the inquiry, “when disabled people die as a direct result of this bill—and they will—their blood will be on your hands.”

The committee brushed all this aside. It acknowledged that the changes would cause “concern” for disabled people and their loved ones, but declared that they must be implemented because “change is... necessary” to ensure the NDIS remains “sustainable.” Its recommendations amounted to minor cosmetic changes, above all further “clarification” in the bill’s Explanatory Memorandum, while insisting it be passed.

The committee itself was stacked to produce the required result. Four Labor senators—Dorinda Cox and Karen Grogan as co-chairs, accompanied by Michelle Ananda-Rajah and Carol Brown—gave the government control over the inquiry.

The official “dissenting” voices did not alter the character of the process. Coalition senators complained that the inquiry was rushed, but reaffirmed their support for the NDIS on the basis of “sustainability”—that is, support for Labor’s agenda of massive cutbacks to the program at the expense of the disabled.

The Greens recommended the bill be withdrawn, then set out fallback amendments, including limits on ministerial powers, further scrutiny and co-design. After

documenting evidence of catastrophic consequences, they presented the assault as something that could be managed through parliamentary procedure.

Moreover, the new legislation does not begin this assault from scratch. Thousands of participants have already been removed from the NDIS or had supports reduced under the existing cost-cutting regime. The legislation would codify and vastly expand those processes.

Those forced from the NDIS are to be pushed into so-called “foundational supports,” state-based disability services that do not yet exist. State and territory disability ministers told the inquiry they were “not in a position” and had made “no agreement” to provide like-for-like services to people exited from the NDIS. They warned that people with disability could end up in hospitals, inappropriate settings, or with “no access to services at all.”

The interim report has already revealed the character of the process that will now continue until August. Thousands of submissions and evidence of devastating consequences changes nothing. Labor will pass this bill.

The interim report is a warning. The Greens’ eight-week extension is not a means of stopping the cuts, but of managing opposition to them. It gives Labor time to discuss cosmetic amendments and present an assault already endorsed by the committee as the outcome of “consultation.”



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