

The Hon Mark Dreyfus KC MP
Attorney-General
PO Box 6022
Parliament House
Canberra ACT 2600

Dear Attorney-General

Subject: protection for AAT s42 agreements with the NDIA

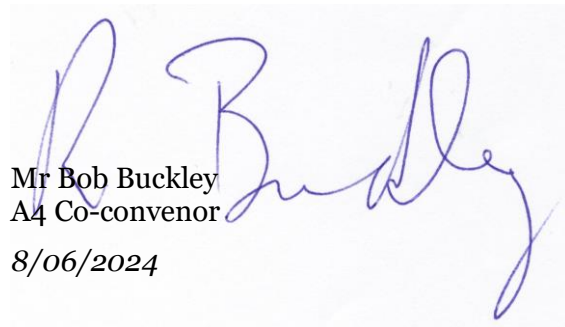
Increasingly, I see reports that the National Disability Insurance Agency (NDIA) is conducting early reviews of NDIS Plans and Statements of Participant Supports (SOPS) that were the result of a s42C agreement reached during a review before the Administrative Appeals Tribunal (AAT). Typically, these early reviews cut supports that were previously agreed in the purview of the Tribunal. The reports then go on to say that the AAT refuses to protect the agreements reached in its jurisdiction.

I write to ask for clarification.

1. Is the NDIA's practice of early review of SOPS that were agreed under s24C of the AAT Act legal?
2. If it is not legal, what practical action can the affected NDIS participant take to protect the terms of the agreement? Is there any protection for a s42 agreement with the NDIA?
3. If there is no effective protection, how would it be ethical for a lawyer to advise a client to accept any s42 agreement?

I look for to your timely response.

Yours sincerely


Mr Bob Buckley
A4 Co-convenor
8/06/2024