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April 2025

Mr Bob Buckley  
Volunteer Autism Advocate

*By email:*  bobbadvocate@gmail.com

Dear Mr Buckley

I refer to your email of 19 March 2025 about the Administrative Review Tribunal’s handling of National Disability Insurance Scheme (NDIS) matters. The CEO and Principal Registrar has asked me to respond to you on his behalf. I apologise for the delay in responding.

Firstly, I appreciate your observation that there has been an improvement in the Tribunal’s approach to the timely handling of reviews relating to supports for young autistic children. Further, I acknowledge that you are concerned to ensure the best outcomes for NDIS participants, and in particular children with autism.

My response focuses on matters relating to the operation of the Tribunal, excluding orders and decisions made by members of the Tribunal, as these are made by independent statutory position holders and it would not be appropriate to comment on them.

**Initiatives to progress matters in the NDIS jurisdictional area**

I would like to share with you some key initiatives the Tribunal is progressing to improve the experience of parties in the NDIS jurisdictional area as well as more generally and draw your attention to some new features of the Tribunal.

*Case Management Solution Program*

A single case management solution will progressively replace the systems of the former Administrative Appeals Tribunal that we continue to use. The new case management solution (known as IRIS) will provide secure and accessible services to our users and support efficient and consistent case management processes and decision making.

A significant recent milestone for the Tribunal is that, from 28 March 2025, all new NDIS applications are being processed in IRIS. The NDIS caseload is the first of our caseloads to be placed on the new caseload management system. The following processes are in place for new NDIS applications:

* a new online NDIS application accessible from the [ART website](https://www.art.gov.au/applying-review/national-disability-insurance-scheme);
* a new inbox ([artreviews@art.gov.au](mailto:artreviews@art.gov.au)) for submitting NDIS documentation; and
* use of SIGBOX for submitting any documents over 30mb.

*Alternative dispute resolution exit directions*

In circumstances where the NDIS jurisdictional area has over four thousand matters on hand, including matters dating back to 2019, work was performed in late 2024 to identify opportunities to progress the caseload more quickly.

Analysis of the caseload indicated that matters are held in alternative dispute resolution (ADR) for significant periods of time, with multiple ADR events, and that there was an opportunity to move constituted matters listed for substantive hearing quicker, thus reducing the time from lodgement to finalisation.

Accordingly, in late 2024, the Tribunal consulted with key stakeholders on a process whereby registrars will issue programming directions at the conclusion of ADR. The response to this consultation was generally positive and the Tribunal has proceeded with amending its processes in this respect. In general, proceedings are now fixed for a hearing to be held within three months of the date of constitution post-ADR.

*New features of the Tribunal and other initiatives*

I am aware that you provided a submission to the Senate Legal and Constitutional Affairs Legislation Committee inquiry into the Administrative Review Tribunal (Miscellaneous Measures) Bill 2024. I trust that you have had the benefit of reading the Principal Registrar’s response to your submission, which was dated 21 October 2024, and is publicly available on the [Committee’s Submissions page](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/ARTMiscMeasures24/Submissions). I note that this response canvases some of the new features and initiatives of the Tribunal as well the vision for the Tribunal.

**Independent medical evidence**

You have summarised a number of concerns you hold with respect to the outcome of certain applications for orders for independent medical examinations.

While not in a position to comment on decisions made by Tribunal members, I observe that paragraphs 6.9 to 6.10 of the [*Administrative Review Tribunal (Common Procedures) Practice Direction 2024*](https://www.art.gov.au/sites/default/files/2024-10/Administrative%20Review%20Tribunal%20%28Common%20Procedures%29%20Practice%20Direction.pdf) (CPPD) provide guidance about the process for reliance on expert medical evidence:

**Expert evidence**

6.9 Parties who wish to rely upon expert medical or other expert evidence must have regard to the [*Administrative Review Tribunal (Expert Evidence) Practice Direction 2024*](https://www.art.gov.au/sites/default/files/2024-12/Administrative%20Review%20Tribunal%20%28Expert%20Evidence%29%20Practice%20Direction.pdf). Compliance with that practice direction may be relevant to determining the weight which may be given to the evidence.

6.10 A party who asks an expert to prepare a report or give evidence at the Tribunal must ensure that the expert:

(a) is given a copy of the Guideline; or

(b) confirms that they already have a copy of the Guideline.

**Notification to applicants of the Tribunal’s power to dismiss applications**

You have stated that the Tribunal threatens applicants in its directions by informing them that applications can be dismissed if they fail to comply with an order in a reasonable time.

Sections 96 to 101 of the *Administrative Review Tribunal Act 2024* set out a series of circumstances in which the Tribunal may dismiss applications. Relevantly, section 100 provides that the Tribunal may dismiss an application if an applicant fails to comply with orders. Accordingly, the caution to which you refer is not intended to be threatening to an applicant, but rather to inform them of the applicable law and minimise the risk that they overlook the need for them to take action where required by a direction or order of the Tribunal.

Notwithstanding the above, paragraph 4.29 of the CPPD provides that all parties must comply with orders and directions made by the Tribunal.

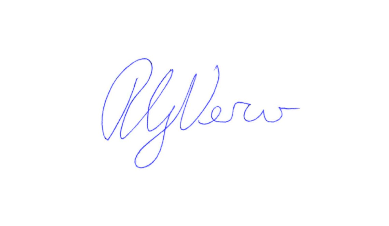
**Your views about the conduct of the NDIA**

In your email, you have expressed your views about the obligations and the conduct of the NDIA you have observed. It would not be appropriate to comment on the conduct of a party to Tribunal proceedings.

Should you wish to raise the concerns you have expressed about the NDIA with them, details of how to do so are available on their website at [www.ndis.gov.au/about-us/legal-matters/our-model-litigant-guidelines](http://www.ndis.gov.au/about-us/legal-matters/our-model-litigant-guidelines) and [www.ndis.gov.au/contact/feedback-and-complaints](http://www.ndis.gov.au/contact/feedback-and-complaints).

The Tribunal welcomes feedback and I trust this response assists with your understanding of matters relevant to the concerns you raised in your email.

Yours sincerely



**Rohan Verco**

Executive Advisor to the CEO and Principal Registrar