

Dear Minister Butler,

I was alarmed by your comment in your [speech to the Press Club yesterday](#) where you said:

Decisions in the Federal Court and Administrative Review Tribunal have restricted the Agency's ability to implement scheme changes to ensure the Scheme serves and supports those it was built for.

While officials in the NDIS have sought from the outset to ignore law that governs their operations, it is extremely disappointing that your words like this encouraging NDIS officials to act illegally. You really need to justify claims that the Court and Tribunal "have restricted the Agency's ability" when all those bodies do is enact the law that politicians created. The restriction are due to the law - not Court or Tribunal decisions.

The issue of NDIS decisions that are contrary to the law is a growing issue: increasingly, NDIS participants are contesting NDIS planning decision in the ART because increasingly they feel the NDIS is making wrong decisions. Mostly, the NDIS is found to have been wrong and the Tribunal varies the original NDIS decision to meet legal requirements ... and usually the "correct and preferable decision" benefits the participant. And the NDIS seem unable to learn from these experiences; the NDIS keeps making poor decisions and the ART's object to improve NDIS decision making is unrealised.

There are massive issues with recent and coming changes to NDIS law that deny participants fair and just access to proper review of NDIS decisions that seriously impact their lives.

As we have indicated previously, the whole ART process is unnecessarily adversarial and contrary to the right of people with disability - see for example <https://a4.org.au/node/2567> and our previous communications about the ART. We have suggested better ways to tackle hard or expensive clinical decisions - but our suggestions are ignored.

People expect better from a Minister in a Labor government.

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Bob Buckley  
*Volunteer Autism Advocate*

Bob recognises and respects the traditional owners, elders past, present and emerging, of Ngunnawal and Ngambri country, the lands on which he lives and works. Sovereignty was never ceded.

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