

[Jerusha Mather](#) started this petition to the NDIA

Hi there,

Our names are Jerusha and Declan, and we were born with Cerebral Palsy. Jerusha is a PhD student at Victoria University, and Declan is a JD student at the University of New South Wales. We are both very passionate disability advocates.

Currently, the National Disability Insurance Scheme (NDIS) is broken. **Despite the more than 500,000 participants currently accessing the scheme, the NDIS no longer serves as a safety net to help people with disabilities participate as free agents within our communities (1).** If anything, it operates as a litigious, political spiderweb of empty and broken promises. The Administrative Appeals Tribunal also has a record number of appeals, increasing to over 300% from 2020 to 2021 (2). Unfortunately, many participants accessing the scheme feel like they are between a 'rock and a hard place' all because of some policy loophole or an NDIS delegate not believing that our supports are 'reasonable'. We have fought our entire lives to be treated with respect, dignity, and equality. We have a voice, and we will continue to fight for change.

Declan is currently self-managed and receives funding from the NDIS to achieve his goals. However, his experience in the past year with housing modifications has been difficult. NDIS has always selected the cheapest quotes for building a ramp in the backyard using low-cost materials. While this might seem fine short term, long term, these materials need replacing and therefore would require further funding. This does not seem like 'value for money.' The NDIA also selected the cheapest contractor without checking to see if the contractor was NDIS registered. Luckily, Declan's OT discovered that the NDIA planner made a mistake in selecting the contractor before work began and instructed the NDIA to double-check and select a local contractor who was registered. If this did not happen, Declan would have been held liable for costs.

Jerusha receives funding from the NDIS (plan managed) to assist her with daily activities. However, it has often been her experience that the delegates (the person who decides how much funding I receive) do not follow the therapists' recommendations. It is frustrating and disappointing. It means there is insufficient funding to work on her goals and enhance her independence and functioning. This does not feel like the 'choice' and 'control' that Jerusha was originally promised, and she, like many others, is not being provided with inclusive planning and the necessary but vital administrative support that comes with it (3).

Jerusha's NDIS planner usually gathers information from her about what support she requires and her therapy progress reports. She then sends

them to the delegate, who will decide the funding she receives. Unfortunately, however, Jerusha does not know the delegate, as they did not directly interact with her. As a result, they do not have a deep understanding of her needs. It makes common sense that a delegate is someone who has worked with the participant before and has a deep understanding of the participants' needs.

We are both disappointed by this process and would like to strongly encourage changes as we feel this is unfair and unjust (4). **It is downright shameful because it does not represent the social model of disability, and it does not represent a system that encourages people with a disability to access support when they need it.**

Both of us know that we are not alone in the many challenging experiences participants face when engaging in the NDIS.

Henceforth, we would like to request some changes to the system.

We strongly encourage that the NDIS authorises the delegates to get to know the participants and gain advice from the participant, their family, and their therapists and follow all the recommendations written by the therapists.

We also encourage that the Administrative Appeals Tribunal be removed from dealing with NDIS merit reviews and that a separate and informal independent review process be established to remove the legal barriers and hardships faced by NDIS participants and their families. We should not have to justify or engage in legal services to ensure that we receive appropriate support.

Or

The NDIS authorises one of the participant's primary therapists as the official delegate.

It is what is fair and just in our eyes. It is what represents a compassionate system.

If you believe the same, please sign and share this petition.

Please also consider writing to your local member of parliament or current NDIS Minister Bill Shorten requesting these changes.

In addition, if you are a journalist, please consider doing a story on this to raise more awareness and bring more people's power to the table.

Come on, world. Let's change things for the better.

Jerusha and Declan

References

1. National Disability Insurance Scheme, 'NDIS Quarterly Report to disability ministers', 30 June 2022, 6. Located at: <https://www.ndis.gov.au/about-us/publications/quarterly-reports>
2. Luke Henriques-Gomes, 'Legal challenges against NDIA decisions more than triple in five months' The Guardian (online), 11 December 2021 <<https://www.theguardian.com/australia-news/2021/dec/11/legal-challenges-against-ndia-decisions-more-than-triple-in-five-months>>
3. Carmel Laragy and Karen Fisher, 'Choice, Control and Individual Funding: The National Disability Insurance Scheme' in Roger J. Stancliffe et al (ed), Choice, Preference and Disability (Springer, 2020) 133.
4. Tom Shakespeare, 'The Social Model of Disability' in Lennard J. Davis (ed), The Disability Studies Reader, (Routledge, 2017) 196.