



CHRIS BOURKE MLA

Minister for Aboriginal and Torres Strait Islander Affairs
 Minister for Children and Young People
 Minister for Disability
 Minister for Small Business and the Arts
 Minister for Veterans and Seniors

Member for Ginninderra

Ms Vanessa Fanning
 8 Durville Crescent
 GRIFFITH ACT 2603

Dear Ms Fanning

I am writing to follow up on my March correspondence to you about your application to the National Disability Insurance Scheme (NDIS).

As I noted in that letter I had raised your situation in person with the Hon. Christian Porter MP, Minister for Social Services, and subsequently wrote to him in support of your application being considered.

On 9 May 2016 I received a reply to my letter to Mr Porter from the Hon. Jane Prentice MP Assistant Minister for Disability Services. While Ms Prentice advised that the *National Disability Insurance Scheme Act (2013)* is being reviewed she reiterated the position that there is currently no legal mechanism to enable the NDIA to admit participants over the age of 65 years into the NDIS.

When I met with the Chair of the National Disability Insurance Agency (NDIA) on 23 May 2016, I took the opportunity to raise my concern that the rigidity of the Act was not enabling the NDIS to operate consistently with the intended principles.

As you know, access to services for people over the age of 65 are now managed by the Commonwealth Government through its My Aged Care portal which is at:
<http://www.myagedcare.gov.au/>

An access request application has to be submitted to the NDIA and found ineligible before you can lodge an internal review of a decision. Please find enclosed information about complaints and the process for requesting an internal review of a decision.

You may benefit from the assistance of an advocacy service in considering and pursuing your preferred options at this point. I direct you to the ACT Disability, Aged and Carer Advocacy Service (ADACAS) which is an independent, not-for-profit, advocacy organisation funded to assist people with disability, older people and their carers.

ADACAS is also specifically funded by the Commonwealth Government to assist people to access the NDIS and to seek a review of certain decisions. Under the Act, a decision to deny access to the NDIS is considered to be a decision which may be reviewed. I believe this is likely to be untested in the case of a person, like you, who is outside of the legal age eligibility.

ADACAS is physically based in Watson but can be contacted via email address: adacas@adacas.org.au or telephone 6242 5060. You can also get more information about ADACAS from their website: www.adacas.org.au.

Thank you for taking the time to bring your circumstances to my attention.

Yours sincerely

Chris Bourke MLA

2 June 2016