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# THEY’VE ENGAGED A BARRISTER!’ PARENTS OF HIGH-NEEDS CHILDREN SAY LABOR IS WAGING LAWFARE OVER DISABILITY SUPPORT

**By Kate Lyons**

Originally published online on *The Guardian Australia*, Wednesday 24 September 2025 at: https://www.theguardian.com/australia-news/2025/sep/24/federal-government-waging-lawfare-against-disability-support-daunting-process-families-represent-themselves

**The federal government paid big law firms more than $60m in 2024-25 to fight NDIS participants appealing decisions about their care packages. Most families represent themselves.**

The National Disability Insurance Agency paid $60.7m to six external law firms in 2024-25 to represent it at the administrative review tribunal (ART), figures released under freedom of information show.

This was up from the $37m it spent on external law firms for tribunal representation the previous year.

The fees paid for lawyers, including barristers and partners from some of Australia’s largest law firms, to represent the NDIA against people with a disability and their families, who are appealing funding cuts they have received to their NDIS packages.

Most NDIS participants are self-represented, the latest figures from the tribunal show

NDIS participants and lawyers representing them have told the Guardian about the exhausting, time-consuming and intimidating process of facing questioning from barristers and filing legal submissions.

> The executive director of National Legal Aid, Katherine McKernan, said: “The process is complicated and daunting for people with disability and their carers to navigate without legal assistance.
>
> “Burdensome requirements for the amount and type of evidence, and the extent to which the NDIA is represented by lawyers, means that NDIS applicants often need legal support to level the playing field.”

Tina and Ben* have spent the last nine months locked in a legal fight with the NDIA, contesting the package of support it approved for their two-year-old daughter, Anna*. Their real names cannot be used for legal reasons.

Anna has a rare genetic condition, and although she is almost three, she cannot stand or walk unassisted, tires easily and is behind in her speech and other milestones.

“Because there’s so few people with the condition, it’s very difficult to know what the clinical outcome [will be],” Tina says.

But among children with the condition who have been studied, all have speech delay, none could walk unassisted and some had intellectual impairment.

Anna’s doctors told Tina and Ben that, given how severe and clearly defined her condition was, it would be straightforward for her to get support through the NDIS.

But when her package was approved, the support was barely more than half that recommended by their medical team – about $25,000 compared with the $45,000 they were requesting (which has since gone up to $55,000).

Recommendations by Anna’s medical team – seen by Guardian Australia – for the child to have weekly hour-long physiotherapy, speech therapy and occupational therapy sessions, as well as intensive therapy, and for her to receive funding to buy some mobility aids, were rejected, and a smaller number of hours for treatment, as well as cheaper aids, were approved.

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