Law Council
OF AUSTRALIA

NDIS rules: public consultation on new framework

Department of Health, Disability and Aging

26 March 2026

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Acknowledgements

The Law Council of Australia thanks:

- the Law Society of New South Wales;
- the Law Institute of Victoria; and
- the Law Society of Western Australia

for their contribution to the preparation of this submission.

Introduction

1. The Law Council of Australia welcomes the opportunity to respond to the Department of Health, Disability and Ageing's consultation on the National Disability Insurance Scheme (**NDIS**) Rules and new framework planning.

2. In 2024, amendments were made to the *National Disability Insurance Scheme Act 2013* (Cth) (**NDIS Act**) by the *National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Act 2024* (Cth) (**Amendment Act**). Information about how the changes will work will be outlined in new NDIS Rules.

3. The amendments were in response to a 2023 Independent Review into the NDIS which found that the NDIS planning process was confusing, frustrating and even traumatic for participants,[1] and that there were particular issues arising from a lack of clarity around what supports should be considered as "reasonable and necessary", and consequently what could be funded under an NDIS plan.

4. While the criteria for "reasonable and necessary" supports had been intentionally broad to provide sufficient flexibility to tailor supports for the individual, this had the unintended consequence of creating inconsistent and inequitable decisions about funding.[2]

5. The proposed new framework planning process subject to the consultation is intended to implement certain recommendations from the 2023 Independent Review to enable fairer, more consistent, and person-centred budget determinations. The Law Council supports this intent. However, we hold concerns that the new framework planning process may not achieve this in practice.

6. Accordingly, the key issues raised in this submission relate to:

   Contestability and effective remedy: Review pathways may remain formally available, but the reforms risk undermining their practical utility unless participants can challenge the assessment, the tool output, and the budget method, including correction of errors and consideration of new evidence. The system must preserve robust merits review, including the ability for the Administrative Review Tribunal (**ART**) to consider new evidence and substitute the correct and preferable decision, not merely verify whether the tool and NDIS Rules were applied correctly.

   Procedural fairness and reasons: NDIS participants must receive intelligible reasons that explain not only the final budget, but the assessment inputs, tool outputs, and how those outputs were translated into funding outcomes, so review rights can be exercised meaningfully.

   No fully automated decisions: Any use of tools like Instrument for the Classification and Assessment of Support Needs (**I-CAN**) or budget method model should be decision support only. A genuine human decision maker must consider individual circumstances and evidence and must be able to depart from tool outputs where

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1 Department of the Prime Minister and Cabinet, *Working Together to deliver the NDIS - Independent Review into the National Disability Insurance Scheme* (Final Report, 2023) 26.

2 Ibid.

required. Government should be mindful that tool-based assessments can produce disparate impacts across disability cohorts and demographics. Independent validation and ongoing bias testing should be mandatory, with published results and corrective actions.

Assessor capability and safeguards: Concerns have been raised about use of the tool by trained assessors without an allied health background. Minimum competencies, disability specific capability, and access to allied health input where clinically indicated are essential to prevent misclassification and downstream funding inequities.

The United Nations Convention on the Rights of Persons with Disabilities: The new planning framework must be consistent with Australia's human rights obligations, including under the United Nations Convention on the Rights of Persons with Disabilities (**CRPD**).[3]

Consultation materials

7. We note that, while Explanatory Documents have been provided for some of the proposed NDIS Rules, the Rules themselves have not been provided for comment, and there is a disclaimer in the Explanatory Documents noting that, while they will inform the Explanatory Statements for the proposed instruments, they are likely to be revised.[4] This applies to all of the proposed rules forming part of this consultation, with the proposed *National Disability Insurance Scheme (Reasonable and Necessary Budget Method) Rule*[5] and the rules for Support Needs Assessments also not having an Explanatory Document to reference.

8. The Discussion Paper indicates that Operational Guidelines may provide further detail about how the NDIS works in practice;[6] drafts of these documents have also not been provided under the consultation.

9. The proposed NDIS Rules will be central to how disability support needs are assessed, and budgets are developed. We acknowledge that the Discussion Paper states that responses to the consultation will inform the development of the NDIS Rules and Operational Guidelines.[7] However, not having access to draft text substantially limits stakeholder ability to assess and comment on legality, fairness and human rights compatibility of any proposed NDIS rule.

10. More information is required to assist stakeholders to understand how the proposed new framework planning process will affect participants. In particular, further information is required about I-CAN testing, piloting and functionality, specific instrument text and budget methodology as these are central to funding determinations. The Law Council therefore asks that the Government release the

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3 Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) (**CRPD**).

4 See for example Department of Health, *Draft National Disability Insurance Scheme (Getting the NDIS Back on Track No. 1) (Notice of Impairments) Rules* (Explanatory Document, Undated) 2.

5 Rreferenced in Department of Health, *Draft National Disability Insurance Scheme (Getting the NDIS Back on Track No. 1) (New Framework Plan Spending) Rules* (Explanatory Document, Undated) 2.

6 Department of Health, Disability and Ageing, *NDIS rules: public consultation on new framework planning* (Discussion Paper, January 2026) 1 (**Discussion Paper**).

7 Ibid 2.

budget method and draft NDIS Rules for consultation before proceeding to introduce any instruments. We also emphasise the importance of any assessment tool and supporting NDIS Rules respecting Australia's obligations under the CRPD.[8]

Context

Changes to the NDIS planning process

Pre-amendment processes

11. To join the NDIS, an individual must first apply to access the scheme and satisfy the eligibility requirements. If these requirements are met, the individual then becomes an NDIS participant and the planning process commences. Prior to the Amendment Act, as part of this planning process, an NDIS plan would include a statement of participant supports, which would specify "*the reasonable and necessary supports … that will be funded under the [NDIS]*",[9] which consequently influenced the available funding.

12. If a participant disagreed with a decision of the National Disability Insurance Agency (**NDIA**) about their NDIS plan, they could seek an internal review, and then a full merits review, where the ART[10] had the power to affirm, vary, set-aside and substitute a decision, or remit to the decision maker in accordance with any orders or recommendations made by the Tribunal Member.

13. In practice, this meant that the Tribunal could determine whether specific supports were reasonable and necessary and should be included in an NDIS plan, varying the participant's budget accordingly.

New framework plan process

14. Following the commencement of the Amendment Act in 2024, participants participate in a new planning process with the introduction of "new framework plans".[11] These plans also include a statement of participant supports,[12] however, these specify the participant's "*reasonable and necessary budget in accordance with sections 32E to 32K"*[13] of the NDIS Act, with section 32L directed to the assessment of participant's need for supports.

15. This process involves participants meeting with an NDIA Assessor for a Support Needs Assessment to enable understanding of the participants daily life, disability support needs and preferences, and consists of:

    - a comprehensive core needs assessment tool (I-CAN v6);
    - a personal and environmental circumstances questionnaire; and

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8 CRPD (n 3) Art 4(1)(a).
9 National Disability Insurance Scheme Act 2013 (Cth) (**NDIS Act**) s 33(2)(b), with the requirements for reasonable and necessary supports outlined at s 34.
10 Formerly, the Administrative Appeals Tribunal.
11 In accordance the NDIS Act (n 11) s 32B, with Subdivision B of Part 2, Division 2 governing "new framework plans".
12 NDIS Act (n 9) s 32D(2).
13 NDIS Act (n 9) s 32D(2)(a).

- targeted assessment processes.[14]

16. The NDIA Assessor will use the Support Needs Assessment to identify an individual's disability support needs and create a Support Needs Assessment report. The Support Needs Assessment report will be used to inform the budget in a participants NDIS plan in accordance with calculations in the new budget method rules.[15]

17. Under the new process, participants will be able to seek an internal and then external review of decisions about their NDIS plan including the statement of participant supports, plan variation and plan reassessments.[16] Under these reviews, the ART will be able to act as the delegate, stand in the shoes of the original decision maker and apply the same rules and powers available to the delegate under the Act.[17]

18. NDIA delegates, and therefore ART Members undertaking a review, will be able to consider:

    - whether the Support Needs Assessment accurately captured the participant's disability support needs;
    - whether the delegate applied the budget method rules correctly; and
    - decisions about funding periods, plan management type, and rules about how flexible funding can be used.[18]

19. The Support Needs Assessment, and consequently the supports to be funded under the NDIS plan and therefore the overall budget, will not in and of itself be a reviewable decision; it will be considered "an input into the decision to approve a plan", with reviews limited to ordering a partial or full replacement of a Support Needs Assessment.[19]

Issues of concern

Reviews and appeals

20. The consultation materials state that "*the ART's role under the law does not change*" and that, under the proposed NDIS Rules, the ART would continue to act as the delegate, stand in the shoes of the original decision maker, and apply the same rules applicable—and exercise the same powers available—to the delegate.[20]

21. While this may be the case, the Amendment Act changed the way planning decisions are made, as outlined above. This approach appears to have the effect of constraining reviews to only examining the decision to accept the Support Needs Assessment as the basis for calculating the reasonable and necessary budget. This

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[14] Discussion Paper (n 6) 5.
[15] Ibid 2.
[16] Australian Government, 'Reviews and appeals under the new ways of planning (from mid-2026)' (Fact Sheet, Department of Health, Disability and Ageing, January 2026) 1.
[17] Ibid 2.
[18] Ibid.
[19] Ibid.
[20] Australian Government, 'Reviews and appeals under the new ways of planning (from mid-2026)' (Fact Sheet, Department of Health, Disability and Ageing, January 2026) 2.

appears to prevent the ART from reviewing individual supports or the total budget of a plan.

22. The consultation materials state that the Supports Needs Assessment is not a separate decision that can be reviewed but an input into the decision to approve a plan, and that the internal reviewer and ART will be able to consider whether the Support Needs Assessment accurately captures the participants disability support needs and whether the budget rules were applied correctly.[21] However, it appears that neither the delegate undertaking the internal review nor the ART can vary the Supports Needs Assessment (and therefore the supports to be funded under the plan); they can merely *arrange* a replacement Supports Needs Assessment, in whole or in part.[22]

23. The Law Council is therefore concerned that the consultation materials understate the effect of the proposed NDIS Rules on NDIS participants' rights of review. If the NDIA Delegate is unable to contest or have appropriate visibility of the I-CAN process beyond its output, which feeds into a Support Needs Assessment report, and if they do not retain discretion to alter the final budget amount, then the ART will be similarly disempowered from scrutinising the assessment process and considering whether the participant has funding proportionate to their support needs.

24. Reports suggests that a significant number of NDIS decisions are changed on external review.[23] This indicates that the current review pathway at the ART serves as a critical safeguard, which we fear will be curtailed by the new framework planning rules as currently proposed.

25. The Law Council has concerns that, in combination, I-CAN and the budget method rules may obfuscate the reasoning behind funding decisions. We recognise that the NDIA may have legitimate reasons for not releasing the actuarial methodology underpinning budget calculations. However, if participants are unable to understand why they are denied or given reduced support amounts, it will undermine their ability to exercise their review rights.

26. Effective merits review is an essential part of the legal framework that protects the rights and interests of individuals; it also promotes government accountability and plays a broader important role in improving the quality and consistency of government decisions.[24] It is particularly important that reviews involve a human decision maker with the power to override algorithmic decisions.[25]

27. The Law Council therefore recommends that external review rights are not unduly curtailed. We proposed that the ART be empowered to amend supports and final

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21 Ibid.

22 Ibid, see also NDIS Act (n 9) s 32L(7).

23 For example, Kate Lyons, '[NDIS plans will be computer-generated with human involvement dramatically cut under sweeping overhaul]', The Guardian (online, 03 December 2025) states that NDIA decisions are changed in 73 per cent of cases.

24 Royal Commission into the Robodebt Scheme, *Report – Volume 1* (2022) 553.

25 We note the statutory protections under Article 22 of the General Data Protection Regulation, which are international best practice, include the right to obtain human intervention and to contest an automated decision. See Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, [206] OJ L119 <https://gdpr-info.eu/art-22-gdpr/>.

budget amounts and that the NDIS Rules by drafted to address any ambiguity as to the role of the ART under the new planning framework.

Support Needs Assessment

Automated and algorithmic decision-making tools

28. Subsection 32L(2) of the NDIS Act mandates that Support Needs Assessments "*be undertaken using the assessment tool*". However, this does not mandate or authorise the use of automated or algorithmic decision-making tools as part of this process. We note in our previous submissions to Government in relation to automated decision making, we have recommended that where a statutory power is intended to be exercised by using automated decision-making, it is expressly authorised in the statute.[26]

29. While the Law Council acknowledges that the use of automated decision making can be beneficial in some circumstances, the Law Council has several concerns in relation to the use of automated and algorithmic decision-making tools for sensitive decisions such as the assessment of, and resulting budget for, an individual's disability supports. These concerns are exacerbated where it appears that there is no capacity for human oversight and ability to vary outputs.

30. The Commonwealth Ombudsman's Better Practice Guide on Automated Decision Making provides that:

> *… decisions that could have a significantly detrimental impact on individuals will require more scrutiny and a pre-determined plan for remediation of errors compared to a decision with short term impact that is more easily reversible.*[27]

In the NDIS context, where budget decisions are vital, the framework planning rules should provide more robust safeguards and protections.

31. We note further concerns in relation to the potential for algorithmic bias and that the use of prescriptive assessments and algorithmic calculation creates "algorithmic grey holes" that obfuscate the reasoning and basis for decisions.[28]

32. Wherever possible, the I-CAN process, Budget Model and relevant NDIS Rules should be as transparent and accessible as possible. Accordingly, the Support Needs Assessment Report may benefit from supporting material which explains how I-CAN produces its output, and how that information is accounted for by the delegate in making their decision.[29] This should be presented in such a way that an affected NDIS participant is able to easily interrogate the results and identify errors to assist

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[26] See Law Council of Australia, *Use of automated decision making by government: consultation paper*, (Submission, 24 January 2025) 3 [16(b)] citing Law Council of Australia, *Positioning Australia as a leader in digital economy regulation—Automated decision making and AI regulation* (Submission, 3 June 2022).

[27] Commonwealth Ombudsman, *Better Practice Guide: Automated Decision Making* (Practice Guide, December 2025) 12.

[28] See Julie Falck, "The NDIS Transformation from Discretion to Rules: Legislative Rebuttal and Administrative Justice" (2025) 53(2) *University of Western Australia Law Review* 304, 306.

[29] Commonwealth Ombudsman, *Better Practice Guide: Automated Decision Making* (Practice Guide, December 2025) 6.

them with seeking review of a decision.[30] Participants should also be explicitly notified where there is a significant use of automated decision-making involved in making a decision.

33. Further, and in the interests of transparency and accessibility, while acknowledging it was flagged that the Budget Method Rules will be 'technical',[31] it is important that they are also explained in a manner that is readily understood by NDIS participants. The Law Council suggests that there should be bespoke approaches for specific vulnerable cohorts to assist them in understanding the decision-making process and their rights in relation to it; for instance, referral to an online portal for such information is likely to be insufficient for many participants. As such, we propose that the Budget Method Rules are accompanied by a detailed explanatory document, as well as an 'easy read' factsheet for NDIS participants.

Ensuring I-CAN is fit for purpose

34. While the consultation materials originally stated that I-CAN has been refined over 20 years,[32] they do not provide information about whether the NDIA has undertaken a comprehensive pilot[33] using the tool specifically for NDIS participants and how the use of the tool and new Support Needs Assessment and Budget Model process compares to "old framework plans" calculated on "reasonable and necessary supports". Further, the materials do not explicitly explain how the I-CAN report translates or is used to identify the specific supports that can be funded under the NDIS.

35. We further note that concerns have been raised regarding the capacity of I-CAN to properly evaluate the needs of certain psychosocial disabilities or acquired brain injuries[34] and emphasise the importance of ensuring that the I-CAN can accurately capture the circumstances and functional impairments of all NDIS participants before roll-out to ensure that participants receive appropriate funding and support for their needs under new framework plans.

Assessor capability and safeguards

36. NDIA Assessors must be appropriately qualified and experienced[35] to meet with participants and translate their needs into inputs to ensure participants are confident that I-CAN accurately reflects their circumstances.

37. We note that I-CAN training, and therefore the ability to administer the I-CAN, is currently limited to allied health clinicians, registered and enrolled nurses, clinicians

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30 Law Society of NSW, Automated Decision Making and AI Regulation – Issues Paper (Submission, 14 April 2022).
31 Discussion Paper (n 6) 7.
32 NDIS rules: public consultation on new framework planning (n 4) 6.
33 We understand pilot testing with NDIS participants has since commenced, see Senate Community Affairs Legislation Committee, *Proof Committee Hansard: Estimates* (12 February 2026) 50.
34 See Kate Lyons, 'NDIS tool to determine support not tested on variety of disability types – including diversity autism, experts warn', The Guardian (online, 21 January 2026) quoting Dr Kelly Gough, President of the Australian Psychological Society.
35 See CRPD (n 3) Art 4(1)(i), Art 8(2)(d), and Art 13(2).

with an education degree and NDIS Behaviour Support Practitioners.[36] Although the NDIA is reported stating that it prioritises recruiting individuals with experience in allied health, the Law Council notes that an allied health background is not a mandatory requirement to become an NDIA Assessor.[37]

38. This raises a number of concerns. A lack of appropriate health knowledge may result in a failure to properly recognise potential comorbidities, undermine the ability to properly test/challenge a participants self-reporting due to a lack of understanding of conditions, impairments and functional limitations. This could lead to underfunded plans and the potential for inequitable outcomes. It may also undermine trust in the assessment process and has the potential to erode trust in the NDIS more generally.

39. For example, concerns have been raised with the Law Council that the information to be provided under the Support Needs Assessment will be self-reported and obtained through interview. Examples were provided that, anecdotally clients with intellectual disabilities or cognitive impairments may overstate their abilities which would impact the I-CAN inputs and outputs with the likely outcome of significantly affecting the overall budget. An appropriately trained allied health professional is more likely to identify and correct such an occurrence.

40. In addition to capacity to correctly administer the I-CAN tool, there should be consideration of upskilling staff and supporting provision of trauma-informed and appropriately tailored human services to support individuals who may face compounded difficulties in understanding the decision-making process, particularly where there is an automated or algorithmic decision-making component. It is critical that NDIA Assessors and Delegates can scrutinise I-CAN outputs and retain discretion to alter budgetary information and plan inputs where there is a question over whether the final report reflects the reality of a participant's situation.

41. The Law Council also understands that a participant will have the option for their nominee, family member or advocate to attend when they complete a Support Needs Assessment. Concerns have been raised that some individuals may not have adequate existing formal or informal supports to engage with the Supports Needs Assessment and that it is unclear whether the new framework planning process is prepared for such situations, and whether funding can be allocated for this purpose if requested by the participant.

42. Conversely, others have raised the potential risk for exploitation of participants arising from this process. Either through exploitation for financial gain through nefarious persons offering services as NDIS advocates or nominees, drawing parallels to some of the challenges experienced in the National Redress Scheme,[38] or the risk of financial abuse from family members. It is therefore essential that NDIA Assessors receive adequate training to identify signs of financial abuse and exploitation.

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[36] See Centre for Disability Studies, About the I-CAN (website) noting applicants with other experience may be considered.

[37] See Kate Lyons, '*NDIS tool to determine support not tested on variety of disability types – including diversity autism, experts warn'*, The Guardian (online, 21 January 2026); Senate Community Affairs Legislation Committee, *Proof Committee Hansard: Estimates* (4 December 2025) 39.

[38] See for example, National Redress Scheme, *Safeguarding the Scheme*, (Website, 13 September 2024).

43. Training should also be provided to NDIS Assessors to address cultural or language barriers to mitigate risk that the information being collated does not accurately reflect participant needs and circumstances, particularly for First Nations people and individuals from culturally and linguistically diverse backgrounds.

First Nations consultation

44. Aboriginal or Torres Strait Islander people make up eight per cent of NDIS participants,[39] but are under-represented[40] when compared with the number of Indigenous people with disability.[41] A report commissioned by the Royal Commission into the Violence, Abuse, Neglect and Exploitation of People with Disability (**Disability Royal Commission**) found:

    - The number of Aboriginal and Torres Strait Islander people participating in the NDIS is expected to grow twice as fast as the number of non-Indigenous participants over the next decade.
    - Approximately 13,000 NDIS workers are needed in the First Nations disability sector by 2031 to meet growth in demand.
    - There is an urgent need for the whole disability workforce to better deliver and understand culturally safe and trauma-informed approach to care.
    - First Nations people are underrepresented in the care workforce across the country, and particularly in remote communities.[42]

45. We also note that the Disability Royal Commission found that the proportion of Aboriginal and Torres Strait Islander people with cognitive disability in custody, particularly in youth detention, is a "hidden national crisis."[43] In light of these findings, it is critical that the Aboriginal and Torres Strait Islander disability community are meaningfully consulted on the NDIS Rules to ensure that there is access to culturally safe and appropriate support and the systemic barriers preventing access by Aboriginal and Torres Strait Islander people to the NDIS are addressed.

46. Additionally, we recommend that additional funding be provided to legal assistance providers that specialise in providing legal services to Aboriginal and Torres Strait Islander peoples and systemic policy advocacy to support their engagement with the NDIS. It is our understanding that Aboriginal and Torres Strait Islander Legal Services (**ATSILS**) are not sufficiently funded for NDIS work, and not funded for any NDIS appeal work in the ART. We support sufficient funding for specialist legal assistance providers to ensure that Aboriginal and Torres Strait Islander people are

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39 National Disability Insurance Scheme, *Delivering more First Nations support within the NDIS* (Web Page, 27 October 2025).

40 In September 2022, the NDIS was providing disability support to 40,842 Aboriginal and Torres Strait Islander participants: see National Disability Insurance Scheme, 'More First Nations Australians receiving NDIS support' (Media Release, 18 November 2022).

41 In 2022, 183,700 Aboriginal and Torres Strait Islander people had a disability: Australian Bureau of Statistics, 'Aboriginal and Torres Strait Islander peoples with disability, 2022' (25 February 2025).

42 Deloitte, Options to Improve Service Availability and Accessibility for First Nations People with Disability (Research Report, June 2023) 4.

43 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Final Report: Volume 9, (2023), 139. See also Youth Justice NSW, 2022 Young People in Custody Health Survey Report (2025) at 138. This Report found that a high proportion of Aboriginal participants in the study, who were young people in custody, may have had a disability, with almost half reporting difficulty with learning and applying knowledge.

able to access culturally safe legal service, and in doing so, enhancing access to the NDIS.

47. The under-representation of Aboriginal and Torres Strait Islander peoples as NDIS participants and in NDIS appeals reflects, among other factors, the lack of resources for legal assistance providers and other Aboriginal Community Controlled Organisations (**ACCO**s) to be able to reach these communities. In order to be effective, legal and non-legal therapeutic support should be provided by culturally safe assistance providers.[44]

48. Additionally, consistent with the National Agreement on Closing the Gap, specifically, Priority Reform 2 on building capacity of ACCOs, and Priority Reform 3 on transforming Government organisations, mainstream services providing NDIS-related services to Aboriginal and Torres Strait Islander peoples should transition those services to ACCOs, and any new funding should go to ACCOs.[45] It is reported that ACCOs and Aboriginal Community Controlled Health Organisations frequently deliver disability services with inadequate funding and resourcing.[46]

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[44] Access to disability support by ATSILS is explored in NATSILS submission to the Independent Review of the National Legal Assistance Partnership 2020-25.

[45] Clause 43, National Agreement on Closing the Gap: "The Parties acknowledge that Aboriginal and Torres Strait Islander community-controlled services are better for Aboriginal and Torres Strait Islander people, achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services. Priority Reform Two received the strongest support in the 2019 engagements.

[46] Deloitte, Options to Improve Service Availability and Accessibility for First Nations People with Disability (Research Report, June 2023) 2.

About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 110,000 Australian lawyers.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2026, the Law Council Executive comprises:

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- Mr Lachlan Molesworth, Treasurer
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- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is www.lawcouncil.au.