

It is important that the NDIS scheme does not reduce in any way the responsibility of medical practitioners for their actions.

There is a risk that implementation of the NDIS will be attempted to be linked to legislative changes that remove the right of victims of medical negligence to pursue litigation against medical practitioners who were negligent and through their malpractice caused disability.

There are a few good reasons to ensure that not only NDIS is not linked to any degree of diminished responsibility by medical practitioners:

1. There is real evidence that application of a NDIS scheme promotes medical negligence: In New Zealand the incidence of Cerebral Palsy cases increased after a few years of their NDIS scheme.
2. Removal of victims' right of litigation is contrary to the principle of natural justice.
3. Removal of litigation risk from medical practitioners will remove the only barrier to negligence, while the practitioners' financial interests are direct promoters of negligence.
4. When a large sum of public money is spent on NDIS, the public has a right to ensure that it is spent well, by actually benefiting disabled people rather than promoting an increase in the ranks of disability due to contribution by medical negligence. It therefore makes sense that a coronial investigation is carried out whenever a case of medical negligence is suspected, and the public prosecution rather than the individual victim supports the litigation against negligent medical practitioners and institutions.
5. NDIS should include greater supervision and stricter standards of medical practice, so that the public money allocated for support of persons with disability can be put to optimal use rather than diluted by inflation of the ranks of disabled due to removal of a barrier that promotes medical practice responsibility.