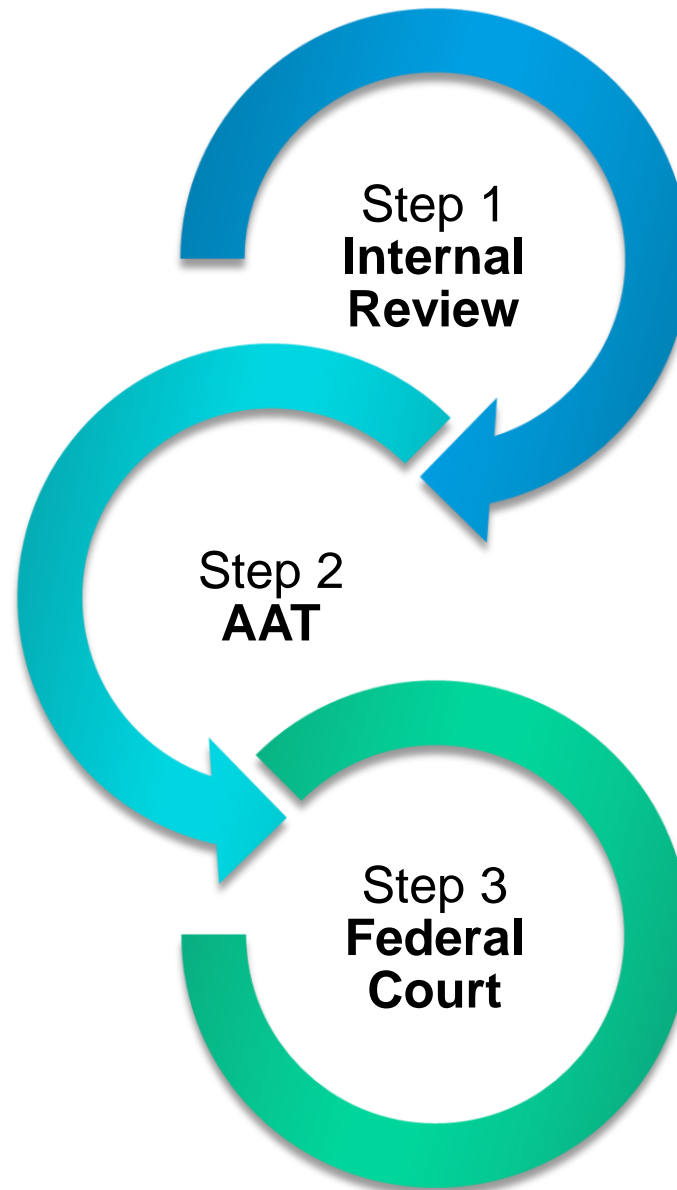


Review of NDIA Decisions



- **Internal Review** – Any person directly affected by a NDIA decision can request an internal review of the decision.
- A request for a review must be made within three months of receiving notice of the original decision from the NDIA.
- An internal review is undertaken by the NDIA. The NDIA member who works on the internal review will not have been involved in the original decision.
- This person will decide whether to confirm, vary or set aside and substitute the original decision.

- **AAT (Administrative and Appeals Tribunal)** is separate from the NDIA. An internal review decision can be appealed through the AAT.
- An application must be made with 28 days of receiving written notification of the internal review decision.
- **NDIS Appeals Officer** is available to provide a range of supports to the applicant throughout the AAT process. Legal support may also be available if your case is deemed complex and novel.

- An AAT decision can be appealed in the Federal Court of Australia on a question of law only.
- No specific government funded support is available for this process.

* **Note Steps of Review must be done in sequence.**

What are reviewable decisions?

Decisions under the NDIS Act which can be reviewed are known as **reviewable decisions**.
The **majority of decisions** made by the NDIA under the NDIS Act (section 99) are reviewable decisions.

Each of the following decisions are reviewable decisions.

Access: A decision that a person does not meet the access criteria.

Plan Decision: A decision to approve the statement of participant supports in a participants plan.

Plan Reviews: A decision not to review a participants plan following a request.

Revocation: A decision to revoke a person's status as a participant.

Participant going overseas: A decision not to extend a grace period for the temporary absence of a participant from Australia.

Registered Providers: A decision to refuse to approve a person or organisation as a registered provider of supports.

Children: A decision in relation to the determination that a person other than a person with parental responsibility should be a child's representative.

Nominees: A decision to appoint a plan or correspondence nominee.

Compensation: Decisions relating to compensation and a person taking reasonable action to claim or obtain compensation.