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We are working with participants to improve our early dispute resolution processes and to improve their external review experience.

We know we can do better to engage with participants who have asked for an external review.

We are committed to improving the way we work with you to resolve disputes early.

We have already begun making improvements and have:

- introduced early assessments for new matters lodged with the AAT. When matters are lodged with the AAT for review, we will contact the participant or potential participant to better understand their circumstances and the disputed issues so that we can talk about accessible and informal options to resolve the case before it goes to a formal hearing.
- trialled a voluntary process for a non-binding and confidential review by an Independent Expert, which assists participants to resolve their matter prior to an AAT hearing, particularly those that have been in the AAT for extended periods of time. A trial of this Independent Expert Review trial commenced on 4 October 2022 and concluded on 30 June 2023.

Since June 2022, more than 7,000 NDIS AAT cases have been resolved due to these initiatives.

We are consulting with participants and the sector on how to improve our engagement with you, if you decide to appeal an NDIA decision to the AAT.

We want to understand your experiences and your expectations of us when a matter does proceed to the AAT.

A significant number of matters should be resolved prior to AAT hearings in a quicker, fairer and easier way because of these changes.

We will regularly update this page as the improvements we are making to our AAT processes are introduced and progress.

What was the Independent Expert Review trial?

The NDIA Independent Expert Review (IER) trial was an initiative that was funded until 30 June 2023 to help reduce the number of cases needing to go through to an Administrative Appeals Tribunal hearing.

The Independent Expert Review trial involved an Independent Expert reviewing a matter that a participant had already sought to have reviewed externally (an external review of an NDIA decision).

The Independent Experts made a non-binding recommendation as to the appropriate outcome of the matter.

The Department of Social Services (DSS) funded advocacy and legal support through the 'NDIS Appeals Program' for participants who had their AAT application considered through the IER trial prior to 30 June 2023.

Who were the Independent Experts?

The Independent Experts were independent from both the NDIA and the participant. They are people with experience of the disability sector and the NDIS, and have experience in mediation and conciliation processes.

The Independent Experts provide an independent, informed and unbiased opinion on an appropriate outcome to resolve the matter. Importantly, they have not been involved in matters referred to them.

The selection criteria used to appoint the Independent Experts was endorsed by the Oversight Committee and noted in their [November 2022 communique](#).

The panel of Independent Experts was endorsed by the Oversight Committee and appointed by the Agency.

What was the Oversight Committee?

The Agency convened an Oversight Committee, chaired by Mr Graeme Innes AM.

The Oversight Committee included 8 independent members and 3 ex-officio members representing the NDIA and the Department of Social Services (ex-officio members only observe meetings).

The Oversight Committee members represented a wide range of disability and advocacy sectors, bringing their own lived experience, experience of disability and/or experience of going through the AAT process.

The Oversight Committee was established to monitor the implementation, processes and outcomes of the Independent Expert Review trial to ensure:

- independent expert reviews were conducted independently of the NDIA
- perspectives of the disability sector were embedded in the Independent Expert Review process
- transparency on progress and outcomes of the Independent Expert Review trial.

The Agency reported to the Oversight Committee on the progress of the Independent Expert Review trial and outcomes.

The Oversight Committee provided updates via a meeting communique. The communiques, including Easy Read versions, are available on the [Oversight Committee](#) web page.

Conclusion of the Independent Expert Review (IER) trial

The IER trial was an initiative funded until 30 June 2023 to help reduce the backlog of NDIS matters in the Administrative Appeals Tribunal (AAT).

The IER trial was one of the Alternative Dispute Resolution (ADR) initiatives we introduced to reduce our AAT case backlog and improve our dispute resolution processes. Other initiatives include improved case review processes and introduction of an early assessment team.

As a result of these ADR initiatives, over 7,000 NDIS AAT cases have been resolved since 1 June 2022.

Along with the other initiatives, the IER trial has achieved its key goal of resolving most of the legacy cases.

Additionally, learnings from this trial will further improve our dispute resolution processes.

We will continue looking for ways to improve our dispute resolution processes and provide a better experience for participants.

Evaluation of the IER trial

The Agency's Research and Evaluation branch has evaluated the IER trial to assess its effectiveness.

Read the report here:

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- [Independent Expert Review trial – Evaluation report \(DOCX 1MB\)](#)
 - [Independent Expert Review trial – Evaluation report \(PDF 1.3MB\)](#)

The report includes feedback from various stakeholders including survey responses from participants, their representatives and Independent Experts and interview responses from key stakeholders from inside and external to the Agency.

The report includes data around timeliness, costs and outcomes to help assess the IER trial.

The report will help inform future dispute resolution models.

Our IER trial learnings are already informing our people-centric approach to dispute resolution, our engagement with the disability community and our response to the NDIS Review and the Administrative Review Taskforce to establish a new Federal Administrative Review Body.

We will continue to communicate and engage with stakeholders to identify ways to improve our dispute resolution processes.

This page current as of
30 October 2023