18 December 2018

The National Disability Insurance Agency (NDIA) has made changes to its Review of Decisions Operational Guidelines, in response to recommendations made by the Commonwealth Ombudsman.

The changes make the process used by the NDIA to handle the internal review of decisions clearer:

- participants or their representative can approach the Administrative Appeals Tribunal if they don't agree with the outcome of an internal review conducted by the NDIA.
- the NDIA will undertake a priority internal review if a participant's circumstances require it.

The NDIA is committed to informing participants, their families and carers about any changes to the Operational Guidelines.

The updated NDIS Operational Guideline for Review of Decisions is available on the Operational Guidelines page of the NDIS website.

The NDIA will provide notice about any further changes to the Operational Guidelines via the NDIS website.

Your questions answered

Q: What are the key impacts of the changes?

A: The changes make the process used by the NDIA to handle the internal review of decisions clearer:

- The first of the changes clearly outlines that participants and others can approach the Administrative Appeals Tribunal if they don't agree with the outcome of an internal review conducted by the NDIA (paragraph 6).
- The second change makes it clear that the NDIA will undertake a priority internal review if a participant's circumstances require it (paragraph 5.7.1).

Q: I am unhappy with the results of an internal review decision. What are my next steps?

A: If your NDIS plan changes as a direct result of an internal review decision and you are unhappy with that decision, the next step is to request a review by the Administrative Appeals Tribunal (AAT).

The AAT sits outside of the NDIA and you must make an application to the AAT directly.

You do not need to request another internal review.

More information on how to lodge a review request with the AAT can be found on the AAT website: www.aat.gov.au or by calling the AAT on 1800 228 333.

Q.I have lodged an internal review request and would like to make sure the NDIA reviews it as a priority. What do I do?

A. If you make a request for an internal review and feel the review needs to be made a priority, you should tell the NDIA about your circumstances.

The Agency will consider your circumstances and decide whether to conduct a priority review based on the principles set out in the Review of Decisions Operational Guideline. These principles are:

- risk of harm;
- risk to stability of care arrangements;
- risk to stability of accommodation arrangements; or
- risk of progression or deterioration of disability.

If you want a priority review you will need to provide information and evidence to support your request. You can provide this information on the Request for Review of Reviewable Decision form.

Related articles

New operational guidelines

Date
15 November 2021
Category

- News

Updated Supported Independent Living operational guideline

Date
1 October 2026

New Operational Guidelines

Date
30 June 2020
Read more news