

Reviewing our decisions

Quick summary: If you don't agree with a decision we make, please contact us. We can explain the decision and our reasons. You may also ask for an internal review of the decision. This means that one of our staff, who wasn't involved in the original decision, will have a look and decide if that decision was right. There are a number of decisions we can review. We call these reviewable decisions. If you still don't agree with our decision after the internal review, you can ask the Administrative Appeals Tribunal to review our decision. We call this an external review.

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What if you don't agree with a decision we make?

We're committed to helping you understand how and why we make decisions. We're also committed to helping you have a decision reviewed, if you believe the original decision we made was wrong.

You can ask us at any time about how we make decisions. We can explain our decision and answer your questions. We can also give you written reasons for our decision.

If you'd like more information about one of our decisions, get in touch. You can [contact us](#) by phone, email or at one of our offices. If you're a participant, you can also speak to your planner, local area coordinator or early childhood partner.

If you don't agree with our decision, you may be able to ask for a [review of the decision](#).

If you're not satisfied with our service, you can always [give us feedback or make a complaint](#).

If you're not satisfied with a service provider, you can contact them directly. You can also contact the [NDIS Quality and Safeguards Commission](#).

We're committed to improving our services, and making sure you get the reasonable and necessary disability supports you need. We encourage you to let us know if things aren't right.

What do we mean by reviewing a decision?

We make decisions under the law for the NDIS.¹

This law tells us how we should make decisions that affect you and your NDIS plan. We need to make all our decisions under this law.

We are committed to making the right decisions under the law. If you don't agree with our decision, you usually have a right to review that decision.

Having a decision reviewed means someone who wasn't involved with the original decision will have a look at our decision. They check if we made the right decision under the law, or if the decision needs to be made again.

This guideline has information on what decisions we can review, how you can ask for a review of a decision, and what happens during the review. If you want general information on reviewing our decisions, check out [our page on internal reviews](#).

What are internal and external reviews?

There are processes we have to follow to review our decisions. This is called doing an internal or an external review.

First, we need to make the decision. You can't ask for a review before we make the decision. We call this the **original decision**. For example, we could decide you're not eligible for the NDIS. Or if you're a participant, we could decide to approve your plan.

If you don't think our original decision is right, you may be able to ask for an **internal review**. This is where one of our staff, not involved in the original decision, checks if we made the right decision the first time.

If you don't agree with the internal review decision, you may then ask the Administrative Appeals Tribunal for an **external review**. This is where the Tribunal checks if the internal review decision was the right decision.

The Tribunal is separate to us, so external reviews are independent from our decisions. You can't have an external review until we've done the internal review.

What decisions can be reviewed?

The NDIS law tells us what decisions can be reviewed.

Many decisions are reviewable. Some of the common ones include when we decide:

- you're not eligible for the NDIS²
- you're no longer eligible for the NDIS³
- to approve your plan, which includes approving the supports we fund in your plan⁴
- we won't do a [participant-requested plan review](#)⁵
- if you need a [plan nominee or a different child representative](#).⁶

If you're a participant and don't agree with your plan, you can ask us to review some parts of your plan. We can review:⁷

- what NDIS-funded supports we include in your plan
- how we describe those supports
- how your funding is managed
- how long your plan goes for.

Learn more about how we [create and approve your plan](#).

For a list of all the decisions we can review, see [Appendix 1: What decisions can we review?](#)

If the original decision we make is reviewable, we'll let you know in writing.⁸ You'll see this in the letter we send you when we make our decision.

If you're not sure if our decision is reviewable, you can always [ask us](#).

What's the difference between a review of a decision and a plan review?

If you're a participant, asking for a review of a decision is different from asking for a plan review.

You can ask for an internal review if you don't agree with a decision we make, such as our decision to approve your plan. We look at your situation and disability support needs at the time of our original decision to approve your plan.

If your situation and support needs have changed since we approved your plan, you can ask for a plan review.⁹ If we do a plan review, you'll get a new plan. This means we'll consider your new situation and support needs, and decide what supports to include in your plan.

You can't ask for an internal review about your goals or the information about you in your plan. But you can change these at any time.

Learn more about [plan reviews](#).

How can you ask for an internal review?

After we inform you of the original decision, you then have **3 months** to ask for an internal review.¹⁰ This is 3 months from the day after you receive our decision in writing.¹¹

We can't do an internal review if you ask us after more than 3 months. If you ask us after 3 months, we'll let you know what other options you have.

For example, if we decided you're not eligible for the NDIS, and it's been more than 3 months since we let you know about our decision, you can apply again. You can also apply again if you used to be a participant, and it's been more than 3 months since we let you know that you're not eligible anymore. Learn more about [access to the NDIS](#).

Or if you're a participant and want us to reconsider the supports in your plan, and it's been more than 3 months since we let you know about our decision to approve your plan, you can ask for a plan review. If we decide not to do a participant-requested plan review, we can always consider your situation at your next check-in. Learn more about [plan reviews](#).

Example

Amir is an NDIS participant and just received his first plan. He doesn't think we made the right decision on what supports we included in his plan. He wants to ask for an internal review.

He received his plan in the mail on 1 July. He has 3 months from 2 July – the day after he received our decision in writing – to ask for an internal review.

This means Amir will need to ask for an internal review on or before 2 October.

Amir can't ask for an **internal review** after 2 October. But if his situation changes significantly since we approved his plan, he can still ask for a **plan review** after 2 October.

Who can ask for an internal review?

You can ask for an internal review if you're **directly affected** by our decision.¹²

Who can ask for an internal review depends on the decision. We have a [list of who can usually ask for an internal review](#) for different types of decisions.

Example

Sharon is an NDIS participant. She had funding in her first plan for physiotherapy. Her new plan doesn't include funding for physiotherapy. We didn't have evidence that physiotherapy still meets the [NDIS funding criteria](#).

Sharon can ask for a review of our decision to approve her plan without funding for physiotherapy. She's directly affected by our decision, as it's about her and the supports we included in her plan.

But her physiotherapist can't ask us for a review, as they're not directly affected by the decision. Even though this might mean Sharon stops going to the physiotherapist, the link isn't direct. There's a step in between. It's Sharon's decision if she uses her own money to keep going to the physiotherapist.

Can other people help you ask for an internal review?

Yes. Other people can help you ask for an internal review, if you want them to. For example, you can ask your family or friends to help you make your own request.

Your local area coordinator, early childhood partner, planner, or an advocate can help you if you want them to. We can also help you book a [translator or interpreter](#) if you need one.

Can other people ask for an internal review on your behalf?

If someone else makes decisions for you, they can ask for an internal review on your behalf. This could be:

- a person appointed by a court or tribunal to make decisions for you
- a [nominee](#) if you're a participant aged 18 or older
- a [child representative](#) if you're a participant younger than 18.

Can you give someone consent to ask for an internal review for you?

Yes. If you're able to ask for an internal review, you can give someone else permission to ask for you.

You need to let us know they have your permission. We call this consent. This could be someone like a family member, friend, advocate, or a support coordinator.

We prefer you let us know in writing if you're giving someone consent. You can:

- send us a letter or [email](#) telling us that you give someone consent to ask for a review
- fill in the [Consent for a Third Party to Act on Behalf of a Participant](#) form
- [contact us](#) and we'll make a written note of this.

We check that your consent is for the internal review you're asking for, and your consent still applies. We may still contact you to check you're happy for us to do an internal review.

Learn more about [consent](#).

How do you ask for an internal review?

There are a few ways to ask us for an internal review. You can:

- [contact us](#) by phone or at one of our offices
- complete our [form](#)
- send us a letter or [email](#).

Remember, you need to ask for the internal review within **3 months** after we inform you of our original decision.

We need to know why you're asking for an internal review. This will help us understand your situation, and help us make the internal review decision. We'll contact you if we need more information to make our decision.

To help us do the internal review, let us know:

- what decision you were expecting
- why you think we should make a different decision
- if there is any information you've already given us that you'd like us to reconsider
- if you have any new evidence, such as medical or therapy reports, you'd like us to consider.

We'll note the day you ask us for an internal review. This will be either:

- the day you ask us in person or over the phone
- the day we receive your letter or email.

What if we need more information to do the internal review?

In some situations, we may need more information to make our decision. If so, we'll contact you to confirm what information we need and why we need it.

You might also want to give us more information to help with the internal review. If you want to, you can also give us consent to discuss your situation with your doctor or treating health professional.

If we ask you for additional information or you want to provide more information, we'll wait for up to **28 days**. This means you'll have time to give us the information we need.

If you give us the information we need earlier than 28 days, we can sometimes make the internal review decision sooner.

If we don't get the information within 28 days, we need to make our decision based on the information we have. In some situations we can give you more time, so let us know if you need it.

You might give us information that's different to what you're asking for in the internal review. If so, we'll work with you to decide what we should do.

For example, you may be a participant and need different supports in your plan because your support needs have changed. This may mean you need a [plan review](#).

What if you don't want an internal review anymore?

You can withdraw your request for an internal review any time before we make our internal review decision.¹³

To withdraw your request for an internal review, you can:

- [contact us](#) by phone or in person at one of our offices
- send us a letter or [email](#).

If you tell us in person or over the phone that you withdraw your request, we'll make a note of this. This will include the date you let us know.¹⁴

When do we do an internal review without you asking?

There are some situations where you don't need to ask us to do an internal review. This is because under the NDIS law, we must do an internal review if we didn't make our original decision on time. We call this an automatic internal review.

This could happen if you ask for a [plan review](#), and we don't decide within 14 days if we'll do the plan review.¹⁵

There are also two situations where this could happen when you [apply to the NDIS](#):

- We don't decide if you're eligible for the NDIS, or ask you to give us more information, within 21 days of you applying to the NDIS.¹⁶

- You gave us more information after we asked, but we don't decide if you're eligible or ask for more information again within 14 days.¹⁷

We'll let you know in writing if we'll do an automatic internal review.¹⁸ You don't need to do anything.

What happens during an internal review?

After you ask for an internal review, our original decision will stand until we finish the review.¹⁹

For example, you might be a participant and ask for an internal review of your current plan. If so, you can keep using the same NDIS-funded supports in your plan.

Or, you might ask for an internal review because we decided you're not eligible for the NDIS. A local area coordinator or early childhood partner can help you link in with other supports.

Who does the internal review?

The person who does the internal review will be one of our staff. They can only do the internal review if they weren't involved in making the original decision.²⁰ We call this person the internal reviewer.

Your internal reviewer will look at:

- your situation – if you're a participant and we're reviewing your plan, we consider your situation and disability support needs at the time we made the original decision
- the law
- [Our Guidelines](#)
- the [principles we follow to create your plan](#) – if you're asking for a review of the supports in your plan
- reasons for the original decision, and the information we used to make the original decision
- any new information you give us.

How long will your internal review take?

We must make the internal review decision as soon as we reasonably can.²¹

We aim to complete all internal reviews within **90 days** after you ask for one. This is 90 days from the day after we receive your request for an internal review. Find out more about our [Participant Service Guarantee](#).

If this isn't possible, we will contact you or the person who asked for the internal review. They'll explain why we need more time, and let you know when we'll make a decision.

What if you need your internal review done sooner?

We can sometimes do urgent internal reviews sooner. We may do this if:

- there's a risk of harm to your health or wellbeing, or for someone you care for
- you're at risk of homelessness or have unstable accommodation
- your care arrangements are at risk - for example, if your primary carer can't care for you while we make our review decision
- there's a risk relating to your disability - for example, if your disability is rapidly changing or becoming more serious
- you're in hospital waiting for discharge
- you're waiting for urgent [assistive technology](#), home modifications or [supported independent living](#) supports.

If you're in one of the above situations, let us know when you ask for a review. We'll contact you, or the person who asked for the internal review, within 48 hours to talk about your situation. We will then complete the internal review as soon as we reasonably can.

What if your situation changes while we complete the internal review?

If you're a participant, and your situation changes while waiting for an internal review, [contact us](#).

An internal review checks if we made the right decision under the law.

If we're reviewing a decision about your plan, we look at your situation and disability support needs at the time of our original decision to approve your plan. This means we don't consider your new support needs and situation as part of the internal review.

If your situation or support needs have changed since our original decision to approve your plan, you may need a [plan review](#).

Depending on your situation, we may decide to do a plan review, which we call an agency-initiated plan review.²² You can also ask for a plan review, which we call a participant-requested plan review.²³

We'll let you know what options are available for your situation, and how this might affect your plan and your internal review.

If we decide to do a plan review, we'll consider your new situation and new support needs, and decide what supports to include in a new plan. In some situations, we may approve the same supports as your previous plan.

Learn more about [plan reviews](#).

What internal review decisions can we make?

When we complete the internal review, there are 3 different types of decisions we can make. We can:²⁴

- **confirm** the original decision – we don't make any changes
- **vary** the original decision – we make some changes to the original decision
- **set aside** the original decision and make a new decision.

We review all the information we have when we make the internal review decision. For example, we can look at new information you give us after we made our original decision.

When would we confirm the original decision?

We may confirm the original decision.²⁵ This means there's no change to the original decision.

We confirm the original decision if we decide it was the correct or preferable decision.²⁶ This means, out of the decisions we could make, the internal reviewer decides the original decision is the one that fits best with the law for the NDIS.

For example, we might decide you're not eligible for the NDIS, and the internal reviewer confirms the original decision. This means you're still not eligible for the NDIS.

Example

Jasmine asked for an internal review of our decision to approve her NDIS plan. Her plan includes \$3000 funding for therapy, but she believes she needs more.

Jasmine's internal reviewer looks at all the information we have about Jasmine and her support needs. Her internal reviewer decides the original plan was the correct or preferable decision under the law. This means her plan does not change. She still has \$3000 funding for therapy.

When would we vary the original decision?

We may also vary the original decision.²⁷ This means we decide to change part of the original decision.

For example, we could decide to include a different amount of funding, or a different number of hours, for a particular NDIS-funded support. If so, you'll get a new plan with a revised amount of funding or hours for that support. The rest of the plan will stay the same.

Example

Sam asks for an internal review of our decision to approve her plan. Her plan includes \$3000 for therapy.

Sam's internal reviewer looks at all the information we have, including a new report from her occupational therapist.

Sam's internal reviewer decides to vary the original plan, and include \$4000 for therapy in a new plan. All the other supports in Sam's plan stay the same.

When would we set aside the original decision, and make a new decision?

Finally, we may set aside the decision and make a new decision.²⁸ This means the original decision no longer applies. The internal reviewer will now make a new decision.

We do this if we decide the original decision wasn't correct or preferable. Out of the decisions we could make, there's one that fits better with the NDIS law.

For example, if we originally decided you're not eligible for the NDIS, the internal reviewer could decide you are eligible.

Example

Jamal asks for an internal review of our decision to approve his plan. His plan did not include funding for occupational therapy. We didn't have enough evidence that it met the [NDIS funding criteria](#). After asking for an internal review, Jamal gives us more evidence on why he needs occupational therapy.

Jamal's internal reviewer looks at all the information, and decides the original plan wasn't the correct or preferable decision.

His internal reviewer decides to set aside the original decision. His internal reviewer makes a new decision to approve a plan that includes funding for occupational therapy.

What happens after we make the internal review decision?

We'll let you know in writing about what decision we made and why.

Your letter or email will explain:

- our internal review decision
- the reasons for our decision
- what evidence we looked at, if we decided to confirm or vary the original decision
- what you can do if you don't agree with the internal review decision.

If we vary or set aside the decision, your internal reviewer will make the changes to your NDIS record or NDIS plan to reflect their new decision.

What happens to your plan after an internal review decision?

If you're a participant, your plan may need to change depending on our internal review decision.

If we confirm the original decision to approve your plan, your plan will stay the same. You'll have the same supports, the same plan management, and your plan review date will stay the same.

If we vary or set aside the original decision, we'll then [create your new plan](#). This means your new plan will have any changes we decided to make about:²⁹

- the reasonable and necessary supports in your plan
- how we describe the supports in your plan
- how the funding in your plan is managed
- when we'll next review your plan.

What if you're still not happy after the internal review decision?

If you disagree with our internal review decision, you can ask for an external review of the decision. You have **28 days** after you receive our internal review decision to ask the Administrative Appeals Tribunal for an external review.

Learn more in [How can you ask for an external review?](#)

How can you ask for an external review?

Once we make the internal review decision, we can't do another internal review on the same decision.

If you don't agree with the internal review decision, you can ask the Administrative Appeals Tribunal to review it.³⁰ We call this an external review. You can't ask for an external review until after we make the internal review decision.

The Administrative Appeals Tribunal reviews decisions made by Australian Government ministers, departments and agencies. This includes our decisions, as well as decisions from other parts of government like Centrelink.

We'll call the Administrative Appeals Tribunal 'the Tribunal' in this guideline. It is also called the AAT.

The Tribunal is separate from us. It has different processes on how it makes decisions, and it has different staff and its own laws. The reviews it does are independent of our decisions.

For more information about asking for an external review of an NDIS decision, check out the [Tribunal website](#).

Who can ask for an external review?

You can ask for an external review if you're affected by the internal review decision.³¹

If you were able to ask for an internal review, you should be able to ask for an external review. But the Tribunal will decide if you can ask for an external review.

You can also ask a friend, family member, advocate, or lawyer to help you ask for an external review.

How long do you have to ask for an external review?

After we make the internal review decision, you then have **28 days** to ask for an external review. This is 28 days from the day after you receive our internal review decision in writing.

In some situations, you can get more than 28 days to ask for an external review. The Tribunal may give you more time if it thinks it's reasonable, based on your circumstances.³²

If you need more time, you'll need to fill out an [application for extension form](#) on the Tribunal's website, or write to the Tribunal. Learn more about [how the Tribunal can help you](#).

How do you ask for an external review?

You can apply for a Tribunal review [online](#), or you can fill out an [application form](#). Lodge the form directly with the Tribunal in person, email, by fax, or by post.

You can also [give the Tribunal new information](#), if you think it will help them with the external review.

If you need help asking for an external review, you can [contact the Tribunal](#).

What if you don't want an external review anymore?

You can write to the Tribunal at any time to withdraw your application.³³ You can also ask the Tribunal to send you a [withdrawal form](#) to sign and return if you prefer.

What happens during an external review?

When you ask the Tribunal for an external review, it'll go through a few steps before making a decision.

You can find information about the steps in the external review process on the [Tribunal website](#).

You can provide more information to the Tribunal to help them make a decision. We may also ask you, or other people, for more information to help us resolve the issue or help the Tribunal decide. If you're a participant or applying to the NDIS, we may ask you to get an assessment.

If you're a participant, you can still use the supports in your plan during the Tribunal process.

What support can you get at the Tribunal?

If you want an advocate or legal support at the Tribunal, you may be eligible for [NDIS Appeals Supports](#). For example, someone could represent you at the Tribunal and help you explain your situation.

If you're a participant, you can use your NDIS funding for disability related supports during the hearings. For example, you might need support for personal care or communication supports to help you participate in discussions.

But you can't use your NDIS funding for someone to represent you at the Tribunal. For example, you can't use your NDIS funding for a lawyer, support coordinator or other provider. We also can't fund any legal advice or legal support when you go to the Tribunal.³⁴

Learn more about the [support you can get at the Tribunal](#).

What's our role and how can we support you at the Tribunal?

We are committed to the principles of our [Participant Service Charter](#). We want a fair outcome and to support you through the Tribunal process.

We'll let you know in writing which of our staff will represent us at the Tribunal. We call them a case manager.

You can contact your case manager if you have any questions about the process. They can also answer any questions you might have on how the process could affect you.

We will also have a lawyer if we are not able to resolve your issues quickly. They will help you and the Tribunal with the legal aspects of the review. For example, they prepare documents that explain the issues.

We need to have lawyers to meet our legal obligations at the Tribunal. We need to [help the Tribunal make its decision](#), and act as a model litigant at the Tribunal.³⁵

For example, this means we must act honestly and fairly at the Tribunal by:³⁶

- dealing with matters quickly and without unnecessary delay
- acting consistently, and working with you the same way we work with all other people at the Tribunal
- avoiding or limiting Tribunal hearings where possible, and trying to [reach an agreement together](#) where this is the best outcome for everyone
- not taking advantage of people who don't have resources for legal representation at the Tribunal.

We can still act firmly and properly at the Tribunal to pursue our interests as a government agency.³⁷ For example, we can still defend our decision at the Tribunal if we think we made the right decision.

In some situations, we may need the Tribunal to make a decision, instead of us making an agreement together. This might be if there's a complex and unclear area of law we need to resolve at the Tribunal.

You can read more about our legal obligations in the [Legal Services Directions](#) on the Federal Register of Legislation website.

What if your situation changes while waiting for the external review?

An external review means the Tribunal decides if we made the right decision, or if it needs to make the decision again.

If you're a participant and your situation changes during the external review process, contact your [case manager](#). If the Tribunal is reviewing a decision about your plan, you may need a [plan review](#) so we can separately consider your new situation and new support needs.

Your case manager will explain the options available to you. We may also need to let the Tribunal know what we think we should do, if it might affect your external review.

You can still use the supports in your plan while the Tribunal considers your external review.

Can we make an agreement together instead of waiting for a Tribunal decision?

Yes. We can make an agreement together at any time during the external review. This means we come to an agreement about the decision, instead of the Tribunal making a decision.

This often means you can get the decision faster, and avoid some of the Tribunal process.

Any agreement we make needs to follow the law for the NDIS. The Tribunal also needs to approve the agreement, to make sure it's fair and you're happy with it. This is called a [consent decision](#).

If we don't come to an agreement, the Tribunal will make a decision after the hearing.

What external review decisions can the Tribunal make?

The Tribunal will take an independent look at:

- your situation
- the law
- [Our Guidelines](#)
- the [principles we follow to create your plan](#) – if you're asking for a review of the supports in your plan
- the reasons for our internal review decision, and the information we used to make the internal review decision
- any new information you give the Tribunal.

It will then make the 'correct or preferable' decision.³⁸ This means, out of the decisions they can make, it will make the decision it thinks is best under the law.

After the hearing, the Tribunal can make one of 4 types of decisions. It can either:

- **affirm** the internal review decision³⁹ – the Tribunal doesn't make any changes
- **vary** the internal review decision⁴⁰ – the Tribunal makes some changes to the internal review decision
- **set aside** the internal review decision and **make a new decision**⁴¹
- **set aside** the internal review decision, and **send it back to us** for further consideration.⁴²

If the Tribunal sends the decision back to us, it often gives us instructions on how to make the new decision.

The Tribunal will give reasons for its decision. Most of the time, it will publish those reasons on the [AustLII website](#).

Learn more about the [types of decisions the Tribunal can make](#).

Learn more about the [steps in the external review process](#).

What happens after the Tribunal makes its decision?

Once the Tribunal makes the external review decision, it will let both you and us know.

If the Tribunal changes our decision, we'll then apply its decision. This means we may need to make changes so your NDIS record or NDIS plan reflects the Tribunal's decision. We're committed to doing this within 28 days of the Tribunal's decision.

What if you don't agree with the Tribunal's decision?

You can't ask for an internal review or an external review of the Tribunal's decision.

The Tribunal's decision can only be [appealed to a federal court](#). It's a good idea to get legal advice if you're thinking of appealing to a federal court.

A lawyer can tell you if you can appeal the decision. If so, they can help you lodge an appeal if that's what you want to do.

Appendix 1: What decisions can we review?

This list has all the decisions we can review under the law. It also has a list of the common groups of people who can ask for a review of those decisions.

If this list says you can ask for a review, you can also give someone else [consent to ask for you](#).

If you're not on this list, you may still be able to ask for a review. But you'll need to show us that you're [directly affected by our decision](#).

If you're not sure if you can ask for a review, [ask us](#) and we'll help you work it out.

The [NDIS Quality and Safeguards Commission](#) handles all internal reviews relating to provider registration.

[Access to the NDIS](#)

- If we decide you're not eligible to become an NDIS participant.⁴³
- If we decide not to give you more than 28 days to give us information or a report for your NDIS application.⁴⁴

Who can usually ask for a review?

- The person who applied to the NDIS.
- A person appointed by a court or tribunal to make decisions for the person who applied to the NDIS.
- A parent or legal guardian for a child younger than 18 applying to the NDIS.

[Leaving the NDIS](#)

- If we decide you're no longer eligible for the NDIS.⁴⁵

Who can usually ask for a review?

- The person who used to be a participant.
- A person appointed by a court or tribunal to make decisions for the person who used to be a participant.
- A [nominee or child representative](#) of the person who used to be a participant.

Creating your plan

- Approving your plan.⁴⁶ This includes what supports we include, how we describe those supports, how long your plan goes for, and who manages the funding in your plan.

Who can usually ask for a review?

- The participant.
- A [plan nominee or child representative](#) for the participant.
- A person appointed by a court or tribunal to make decisions for the participant.

Your plan

- If we decide not to extend a grace period for your temporary absence from Australia.⁴⁷ The grace period is 6 weeks unless we decide to extend it. Your plan is suspended from the end of the grace period, until you return to Australia.

Who can usually ask for a review?

- The participant.
- A [plan nominee or child representative](#).
- A person appointed by a court or tribunal to make decisions for the participant.

Plan reviews

- If we decide not to do a participant-requested plan review.⁴⁸

Who can usually ask for a review?

- The participant.
- A [plan nominee or child representative](#).
- A person appointed by a court or tribunal to make decisions for the participant.

Child representatives

- If we decide that someone, who doesn't have parental responsibility, is a child representative for a participant younger than 18. Or, if we don't decide they're the child's representative.⁴⁹
- If we decide that a child cannot represent themselves.⁵⁰

- If we decide that someone with parental responsibility for a child is the child's representative, instead of the child's guardian.⁵¹ Or, if we don't decide they're the child's representative.
- If we decide that only some of the people with parental responsibility are child representatives.⁵² For example, if we decide one parent is a child representative, and another parent is not.

Who can usually ask for a review?

- A participant younger than 18.
- A person who has parental responsibility for someone younger than 18, including a parent or guardian.
- A State or Territory Minister, or the head of a State or Territory government department.

Nominees

- If we decide whether we appoint a plan nominee.⁵³
- If we decide whether we appoint a correspondence nominee.⁵⁴
- If we decide whether we cancel or suspend the appointment of a nominee.⁵⁵

Who can usually ask for a review?

- The participant.
- A person appointed by a court or tribunal to make decisions for the participant.
- A nominee, someone who wants to be appointed as a nominee, or someone who used to be a nominee.

Compensation

- If we decide that a participant must take reasonable action to claim or obtain compensation.⁵⁶
- If we refuse to extend how much time a participant has to take reasonable action to claim or obtain compensation.⁵⁷
- If we decide to take action to claim or obtain compensation.⁵⁸
- If we decide to take over the conduct of a compensation claim.⁵⁹
- If we give notice that we propose to recover an amount of compensation.⁶⁰ We call this a 'recovery notice'.

- If we decide that not all or part of a compensation payment was fixed by a judgment or settlement, for the purposes of calculating how much we can recover.⁶¹

Who can usually ask for a review?

- The participant.
- A [plan nominee or child representative](#).
- A person appointed by a court or tribunal to make decisions for the participant.

Debt recovery

- If we decide not to write off a debt.⁶² That is, we decide we'll still try to recover a debt.
- If we decide not to waive a debt, or we don't need to waive a debt.⁶³ That is, we decide a person still owes us money.

Who can usually ask for a review?

- The person who owes us money.

Specialist Disability Accommodation – dwelling enrolment

- If we decide not to enrol a dwelling.⁶⁴
- If we decide to cancel a dwelling enrolment.⁶⁵

Who can usually ask for a review?

- The service provider who wants to enrol the dwelling, or had enrolled it, as Specialist Disability Accommodation.

Reference list

- ¹ NDIS Act 2013 and delegated legislation made under the NDIS Act.
- ² NDIS Act s 99(1) item 1.
- ³ NDIS Act s 99(1) item 3.
- ⁴ NDIS Act s 99(1) item 4.
- ⁵ NDIS Act s 99(1) item 6.
- ⁶ NDIS Act s 99(1) items 17-22.
- ⁷ NDIS Act s 33(2).
- ⁸ NDIS Act s 100(1).
- ⁹ NDIS Act s 48.
- ¹⁰ NDIS Act s 100(2).
- ¹¹ Acts Interpretation Act s 36.
- ¹² NDIS Act s 100(2).
- ¹³ NDIS Act s 102.
- ¹⁴ NDIS Act s 102(2).
- ¹⁵ NDIS Act ss 48(2), 100(5).
- ¹⁶ NDIS Act ss 20, 21(3), 100(5).
- ¹⁷ NDIS Act ss 21(3), 26(3), 100(5).
- ¹⁸ NDIS Act ss 21(3), 48(3), 100(1).
- ¹⁹ NDIS Act s 100(7).
- ²⁰ NDIS Act s 100(5)(d).
- ²¹ NDIS Act s 100(6).
- ²² NDIS Act s 48(4).
- ²³ NDIS Act s 48(1).
- ²⁴ NDIS Act s 100(6).
- ²⁵ NDIS Act s 100(6)(a).
- ²⁶ Drake v Minister for Immigration and Ethnic Affairs (1979) 24 ALR 577 at 591 (Bowen CJ and Deane J).
- ²⁷ NDIS Act s 100(6)(b).
- ²⁸ NDIS Act s 100(6)(c).
- ²⁹ NDIS Act s 33(2).
- ³⁰ NDIS Act s 103.
- ³¹ NDIS Act s 103; AAT Act s 27(1).
- ³² AAT Act ss 29(7)-(8).
- ³³ AAT Act s 42A(1A).
- ³⁴ NDIS Act s 200A.
- ³⁵ Legal Services Directions; see also AAT Act ss 2A, 33(1AA), 33(1AB).
- ³⁶ Legal Services Directions app B paras 2-3.
- ³⁷ Legal Services Directions app B para 2 Note 4.
- ³⁸ Drake v Minister for Immigration and Ethnic Affairs (1979) 24 ALR 577 at 591 (Bowen CJ and Deane J).
- ³⁹ AAT Act s 43(1)(a).
- ⁴⁰ AAT Act s 43(1)(b).
- ⁴¹ AAT Act s 43(1)(c)(i).
- ⁴² AAT Act s 43(1)(c)(ii).
- ⁴³ NDIS Act ss 20(a), 21(3), 99(1) item 1.
- ⁴⁴ NDIS Act ss 26(2)(b), 99(1) item 2.
- ⁴⁵ NDIS Act ss 30, 99(1) item 3.
- ⁴⁶ NDIS Act ss 33(2), 99(1) item 4.
- ⁴⁷ NDIS Act ss 40(2)(b), 99(1) item 5.
- ⁴⁸ NDIS Act ss 48(2), 99(1) item 6.
- ⁴⁹ NDIS Act ss 74(1)(b), 99(1) item 17.
- ⁵⁰ NDIS Act ss 74(5)(c), 99(1) item 18.
- ⁵¹ NDIS Act ss 75(2), 99(1) item 19.
- ⁵² NDIS Act ss 75(3), 99(1) item 19.
- ⁵³ NDIS Act ss 86, 99(1) item 20.

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- ⁵⁴ NDIS Act ss 87, 99(1) item 21.
⁵⁵ NDIS Act ss 89-91, 99(1) item 22.
⁵⁶ NDIS Act ss 99(1) item 23, 104.
⁵⁷ NDIS Act ss 99(1) item 24, 104(5A).
⁵⁸ NDIS Act ss 99(1) item 25, 105(4)(a).
⁵⁹ NDIS Act ss 99(1) item 25, 105(4)(b).
⁶⁰ NDIS Act ss 99(1) item 26, 111.
⁶¹ NDIS Act ss 99(1) item 27, 116.
⁶² NDIS Act ss 99(1) item 29, 190.
⁶³ NDIS Act ss 99(1) items 30-33, 193, 195.
⁶⁴ NDIS Act s 99(2); NDIS (SDA) Rules r 26(3).
⁶⁵ NDIS Act s 99(2); NDIS (SDA) Rules r 27(4).