

North Queensland Community Skill Building Program

NDIS Appeals Toolkit



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Who is this Toolkit for?

- **People with disabilities**
- **Family members, carers and nominated support persons**
- **Advocates and individuals assisting people who wish to self-advocate**




This toolkit is designed to help you understand your rights, and to understand the review process when appealing an NDIS decision

Your Rights

The right to dignity and respect: You have the right to be treated with dignity and respect throughout the NDIS appeals process, regardless of your disability.

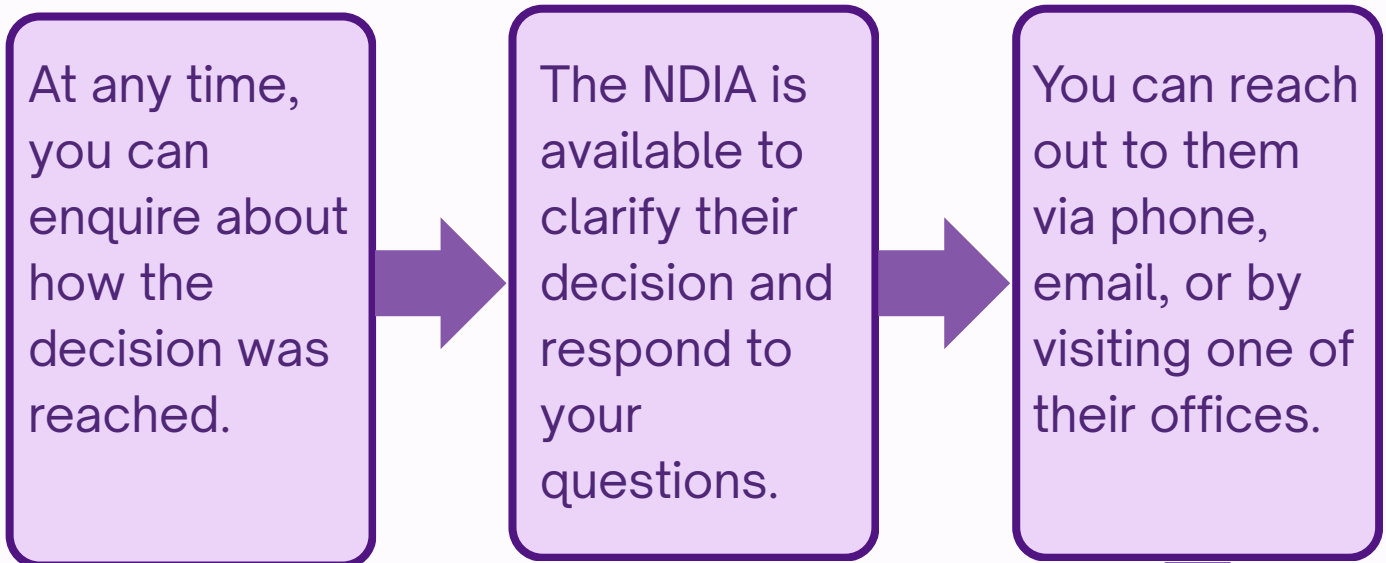
The right to appeal: You have the right to request a review of the decisions made by the NDIA

The right to a fair decision-making process: If the NDIA has made a decision that impacts your participation in the scheme, you generally have the right to request a review. Many participants accept decisions they are unhappy with because they do not realise challenging them is an option.



EMPOWER YOURSELF!

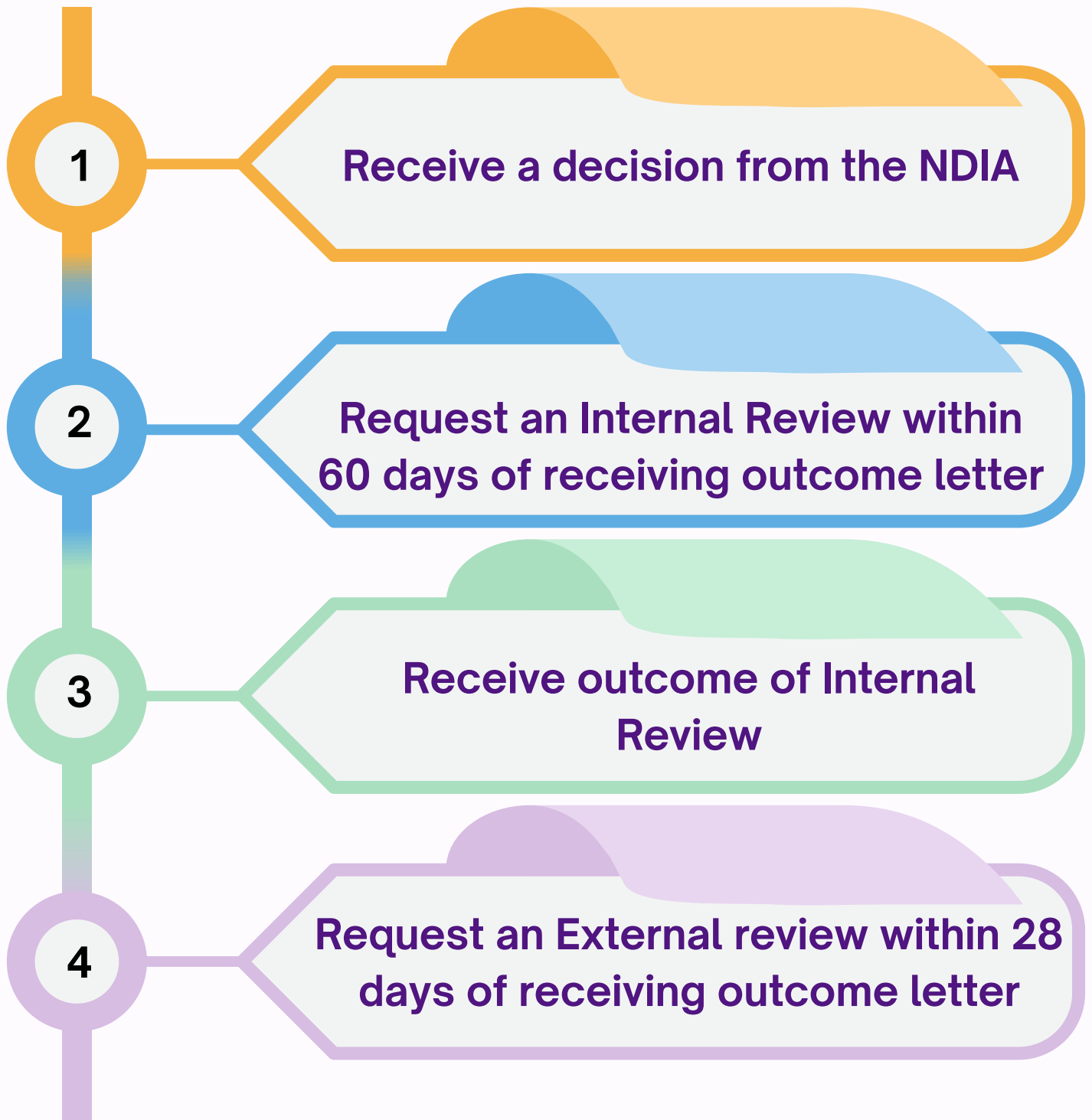
NDIS Appeals



If you are a participant, you can also speak to your My NDIS contact, local area coordinator, or early childhood partner.



NDIS Appeals Process



NDIS Appeals Process

Ensure you understand the decision:

When you receive the decision letter, review it carefully and ensure you fully understand why a decision was made

Request an Internal Review:

- Complete the “**Review of a Decision**” form available on the NDIS website.
- Write a letter outlining why you disagree with the decision and what outcome you are seeking.
- Contact the NDIS by phone and request a review.

Make sure to provide as much detail as possible and include any supporting evidence that may help your case.

Await the outcome of the Internal Review:

This process can take up to 60 days. The NDIA will contact you if they require more information

Requesting an Internal Review

When you request an internal review of a decision, you can let the NDIA know:

- What decision you were expecting and why you think they should make a different decision
- If there is any information you have already given that you would like to be reconsidered.
- If you have any new evidence, such as medical or therapy reports, you would like the NDIA to consider.
- Information to support your request may include reports or letters that detail your disability and how it impacts you on a day-to-day basis.
- Any new evidence can be provided as part of your request for a review of a decision.

Internal Review Process

01

Review the NDIA decision and decide if you want to request a review

02

Request a review

03

Explain what you disagree with in your request

04

Provide the NDIA with any new evidence you may have which supports your request

05

You will receive a decision in writing regarding your internal review within 60 days

Requesting an External Review

If you are not satisfied with the outcome of the internal review, you can request an external review by the **Administrative Review Tribunal**. You must do this within 28 days of receiving the internal review decision.

To apply for an Administrative Review Tribunal review, you can:

- Complete the application form available on the **Administrative Review Tribunal** website.
- Write a letter to the **Administrative Review Tribunal** outlining your case.
- Contact the **Administrative Review Tribunal** by phone for assistance with your application.

The **Administrative Review Tribunal** will review the decision independently and may hold a hearing to gather more information. You can represent yourself or have someone represent you, such as a lawyer or advocate.

Requesting an External Review

- There is a time limit to apply for a review by the Tribunal.
- You have 28 days from the time you received the decision from the NDIA to lodge your application for review.



Requesting an extension

- You can apply to the NDIA to extend the time limit to lodge your application.
- You must apply in writing and include reasons why the application is late.

You can do this:

- When you lodge your application for review online, by writing an email or letter.

Requesting an External Review

If you apply for an extension of time

- If you do ask the NDIA for more time, the Tribunal will send a copy of your request to the NDIA. The NDIA has **14 days** to decide whether they will give you more time.
- If the NDIA do not get back to the Tribunal or if they say you can have more time, the Tribunal will usually decide without holding a hearing.
- If the NDIA does not want to give you more time, the Tribunal will usually organise a hearing.
- If you need an interpreter or have other accessibility needs, please let the Tribunal know as soon as possible.
- The Tribunal will decide about whether to extend your application time after hearing what you and the NDIA have to say.
- The Tribunal will only start the review if they decide to extend the time limit.

External Review Process

Preparing for the Administrative Review Tribunal Hearing:

To ensure a smooth hearing process, follow these steps:

- Confirm the **date, time, and location** of the hearing.
- Plan to **arrive early** on the day or be prepared to receive a call at the scheduled start time.
- Inform the Tribunal if you wish to have a **witness** present or if you require an **interpreter**.
- Submit any **new information** no later than **14 days prior** to the hearing.
- Carefully review all the documents you have received and **note down** the points you wish to discuss.
- Ensure you have all necessary documents with you at the hearing.

If you prefer, you may send a **written summary** of your arguments before the hearing, but it must be submitted **at least 7 days** in advance.

Administrative Review Tribunal

When you apply for a review, you will need to provide:

- Your name, postal address, telephone number and email address
- Contact details for your representative if you decide to have one
- The date you received the NDIA 's decision
- A copy of the NDIA's decision
- Brief reasons why you think the decision is wrong
- A copy of your internal review request to the NDIA, where you asked them to review their decision.
- Any new information that is relevant to your case, that you got after the NDIA made its decision.
- You can keep on providing information that is relevant to your case throughout the review process.

Administrative Review Tribunal

If you cannot send a copy of the decision, then include:

- The name of the department that made the decision
- A brief description of the decision
- The date the decision was made

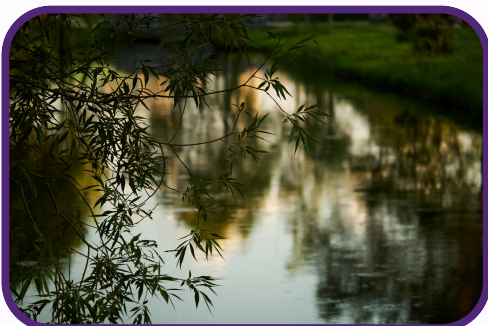


Attending the hearing

Attend the Administrative Review Tribunal hearing:

On the day of your hearing, it is important to remember the following-

- If you're sick or running late, contact the Tribunal to let them know.
- The Tribunal member might continue the session by phone or video, or they could postpone it.
- On the day of your hearing, check which room you are in.
- Arrive early so you have enough time to find your room.



Hearings

Understanding Directions Hearings

- Directions hearings are brief hearings to handle procedural issues and move your review forward.
- They are usually managed by registrars but can be conducted by Tribunal members.
- Each session usually lasts about an hour.



Purpose of Directions Hearings

During these sessions, the Tribunal helps parties to:

- Discuss the decision under review and identify the issues involved
- Determine any additional evidence needed (like issuing summons)
- Consider if dispute resolution is a good option
- Decide the next step in the case, if necessary

Hearings

After the Directions Hearing

After the first directions hearing, the Tribunal will:

- Hold another directions hearing if there are still procedural issues
- In some cases, arrange a conference or conciliation
- Schedule the review for a hearing



When Additional Directions Hearings Are Needed

Another directions hearing might be needed if:

- You, the decision-maker, or another party requests it
- The Tribunal decides it is necessary to move forward when a party has not followed a legal requirement or direction given by the Tribunal.

Hearing Certificate

Purpose of the hearing certificate is:

- To assist Tribunal to schedule hearing
- Not always required

The Tribunal might ask unrepresented parties to submit a hearing certificate. If a party doesn't provide it on time, the Tribunal might set the hearing date without further consultation.

To prepare certificate the information which is required is:

- Who the witnesses will be, what their availability is and how they want to give evidence
- Mode of hearing
- Length of hearing

Please **scan QR code** to access Hearing Certificate



T-Documents

The original decision-maker will send the NDIA the decision and all relevant review documents **within 28 days** after being told the application has been received.

These are called '**T documents**'.



T documents will also be sent to you and any other party. If you have a representative, the NDIA will usually send the **T documents** to that person.



T documents are required to be provided by law.

Statement of Facts, Issues and Contentions

A Statement of Facts, Issues and Contentions (also known as a SFIC) is a document that sets out:

- the issues that are still in dispute.
- the essential facts that are relevant to those issues; and
- the legal arguments that you want to make based on those facts.



A Statement of Facts, Issues and Contentions must be divided into three parts, entitled, ‘Facts’, ‘Issues’ and ‘Contentions’.

Useful Links and Resources



1800 887 688

Cairns: 2/192 Mulgrave Road,
Westcourt, QLD

Townsville: 1/ 1-3 Barlow Street,
South Townsville, QLD

[Email: info@rightsinaction.org.au](mailto:info@rightsinaction.org.au)



1300130582

Email: qai@qai.org.au

Useful Links and Resources

Administrative
Review Tribunal



1800 228 333

Email:
reviews@art.gov.au



Legal Information
Line:

1300 65 11 88

Aboriginal and Torres
Strait Islander Information

Line:

1300 65 01 43

Other Available Toolkits

North Queensland Community Skill Building Program

Disability Support Pension Toolkit



www.rightsinaction.org.au
1800 887 688

North Queensland Community Skill Building Program

Inclusive Education Toolkit



www.rightsinaction.org.au


North Queensland Community Skill Building Program

QCAT

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

Guardianship and Administration Toolkit

A simple guide to guardianship, administration, and decision-making — for people with disabilities, their families, and the people who support them.



www.rightsinaction.org.au



North Queensland Community Skill Building Program

NDIS Access Toolkit

Information on eligibility, application procedures, and practical tips for preparing your application and understanding the planning process.




www.rightsinaction.org.au

North Queensland Community Skill Building Program

Mental Health Review Tribunal Toolkit

Helping you understand your order, your rights, and your next steps.



www.rightsinaction.org.au



Upcoming Toolkits

Child Protection

Human Rights Complaints

Navigating Provider Disputes

**Scan the QR Code
to register your
interest in ILC topics**



Feedback



**Scan the QR Code to
provide feedback on
this toolkit**

