**National Disability Insurance Scheme (NDIS) Internal Review (Review of a reviewable decision) and NDIS Appeals flow chart**

**NDIS Eligibility and Planning**

* Person with disability contacts National Disability Insurance Agency (NDIA) to apply for NDIS support
* Person’s eligibility is assessed on functional capacity according to NDIA access criteria
* If not eligible, person will be notified within 21 days
* **If eligible, person is accepted as NDIS participant**
* NDIS participant meets with planner to develop a plan
* Plan is implemented
* If the NDIS participant is unhappy with the plan, an ‘Application for a review of a reviewable decision’ form must be lodged within three months. This can be completed by the participant online, or by an NDIA officer over the phone, or in person
* NDIA initiates an internal review process
* **If not eligible, person is not accepted as an NDIS participant**
* If more information can be accessed to prove eligibility, submit a new NDIS access request form (There is no limit to the amount of times you can apply)
* If all information has been supplied and you think there is an error in the decision participant can submit an internal review
* NDIA initiates an internal review process

**Internal Review**

* NDIA internal review staff member makes a decision to confirm, vary or set aside earlier decision
* NDIS participant is notified of decision
* If the NDIS participant remains dissatisfied with the decision, an application for review by the Administrative Appeals Tribunal (AAT) is lodged – this must be done within 28 days

NB: The NDIS has to make a decision in a reasonable and practicable timeframe. There is not set amount of time that a decision has to be made.

**Administrative Appeals Tribunal (AAT)**

**If applying to AAT without an Appeals Officer**

* AAT contact officer makes contact within three days of receiving application to review NDIA decision
* AAT contact officer notifies NDIA of application
* NDIA provides relevant documents to AAT and to participant (Tribunal Documents)
* AAT organises a teleconference to determine what needs to be done and creates a case plan
* If agreement cannot be made the AAT will:
	+ AAT organises conciliation to determine if case can be resolved by agreement

Note: The NDIS participant can access an NDIS Appeals Support Officer to assist them to go through the AAT process and to apply for funding for a legal aid lawyer, or they can work with an advocate, family member, support person, or legal representative

* + If not resolved, AAT will conduct a hearing

**Accessing a NDIS Appeals Officer**

* NDIS participant contacts NDIS Appeals agency <https://disabilityadvocacyfinder.dss.gov.au/disability/ndap/>
* NDIS participant will need to go through an intake process with their chosen NDIS Appeals agency who will allocate an NDIS Appeals Officer when one is available
* NDIS Appeals Officer meets with NDIS participant
* NDIS Appeals Officer applies to Victoria Legal Aid (VLA) for funding for a legal aid lawyer
* NDIS Appeals Officer supports NDIS participant through the AAT process

**Victoria Legal Aid**

* If funding for legal support is approved participant is notified in writing
* A VLA lawyer will be allocated you case
* Victoria Legal Aid lawyer meets with NDIS participant to receive instructions and work through case
* VLA lawyer will receive Tribunal Documents