

Review of Decisions Operational Guideline - Which decisions can be reviewed?

4. Which decisions can be reviewed?

Decisions under the NDIS Act which can be reviewed are known as reviewable decisions.

The majority of decisions made by the NDIA under the NDIS Act are reviewable decisions.

Each of the following decisions is a reviewable decision:

Access

- a decision under section 20(a), 21(3) or 26(2)(c) a person does not meet the [access criteria](#) (section 99(a));

Requiring provision of information

- a decision under section 26(2)(b) not to specify a period for the provision of information or a report (section 99(b));

Revocation

- a decision under section 30 to [revoke a person's status as a participant](#) (section 99(c));

Plan decision

- a decision under section 33(2) to [approve the statement of participant supports](#) in a participant's plan (section 99(d));

Participant absent overseas

- a decision under section 40(2)(b) not to [extend a grace period](#) for the temporary absence of a participant from Australia (section 99(e));

Plan reviews

- a decision under section 48(2) not to [review a participant's plan](#) (section 99(f));

Registered providers

- a decision under section 70 to [refuse to approve a person or organisation as a registered provider of supports](#) (section 99(g));
- a decision under section 72 to [revoke an instrument approving a person or organisation as a registered provider of supports](#) (section 99(h));

Children

- a decision under section 74(1)(b) to make, or not to make a [determination that a person other than a person with parental responsibility should be a child's representative](#) (section 99(i));
- a decision under section 74(5)(c) not to make a [determination that a child can represent themselves](#) (section 99(j));
- a decision under section 75(2) to make, or not to make, a determination that a person other than a child's guardian have parental responsibility for a child (see [children who have a guardian](#))(section 99(k));
- a decision under section 75(3) to make, or not to make, a [determination that one or more persons have parental responsibility for a child to the exclusion of others](#) for the purposes of the NDIS Act (section 99(k));

Nominees

- a decision under section 86 to [appoint a plan nominee](#) (section 99(l));
- a decision under section 87 to [appoint a correspondence nominee](#) (section 99(m));
- a decision under section 89, 90 or 91 to [cancel or suspend, or not to cancel or suspend, the appointment of a nominee](#) (section 99(n));

Compensation

- a decision under section 104 to give a notice to require a person to take [reasonable action to claim or obtain compensation](#) (section 99(o));
- a decision under subsection 104(5A) to [refuse to extend a period](#) in which a person must take reasonable action to claim or obtain compensation (section 99(oa));
- a decision under section 105(4)(a) to [take action to claim or obtain compensation](#) (section 99(ob));
- a decision under section 105(4)(b) to [take over the conduct of a compensation claim](#) (section 99(oc));
- a decision under section 111 to give a notice that the NDIA proposes to [recover an amount](#)(section 99(p));

- a decision under section 116 not to [treat the whole or part of a compensation payment as not having been fixed by a judgement or settlement](#) (section 99(q))

Debt recovery

- a decision under section 190 not to write off a debt (section 99(r));
- a decision under section 192 that the NDIA is not required to waive a debt (section 99(s));
- a decision under section 193 not to waive a debt (section 99(t));
- a decision under section 194(3) or (4) that the NDIA is not required to waive a debt (section 99(u)); and
- a decision under section 195 not to waive a debt (section 99(v)).

4.1 Requirement to give written notice of a reviewable decision

The NDIA must give written notice of a reviewable decision to each person directly affected by the reviewable decision (section 100(1)).

The notice must include a statement that the person:

- may request that the NDIA review the reviewable decision (i.e. that the person may request an internal review) (section 100(1)(a)(i)); and
- may seek further review to the AAT (i.e. may seek an external review) (section 100(1)(b)).

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