Lawful sharing of information

We have rules set out by the National Disability Insurance Scheme Act 2013 (Cth) (NDIS Act) about sharing protected information.

Information may be about:

- participants
- prospective participants
- providers.

State and federal organisations such as police, courts, tribunals and lawyers may request protected information in different ways.

See the following for more information:

- what information can the NDIA share
- participant information access request form
- how to complete an information access request
- freedom of information
- privacy .

Decision reviews

You have the right to request a review of a decision that has been made by the NDIA under the NDIS Act. We respect your right to ask for a review and have processes in place to make sure that reviews are fair and consistent.

You have the right to have a decision reviewed internally by the NDIA, or externally by the Administrative Review Tribunal (ART) , formally the Administrative Appeals Tribunal (AAT).

See guide to decision reviews for more information.

Use of information obtained through ART proceedings

Under the Administrative Review Tribunal Act 2024, we have an obligation to assist the Tribunal in reaching the correct or preferable decision. As part of this, we may commission independent evidence or seek additional information from participants during the ART process.

Once the matter has concluded, we may consider this evidence in subsequent planning, access and access revocation decisions. The use of this evidence for any other purposes will be

subject to further consideration on a case-by-case basis.

As with all documentation we hold, information from the ART process can only be accessed for authorised purposes and must be handled in accordance with privacy and information management requirements.

Learning from Merits Review statement

The NDIA recognises that the Merits review system is a fundamental part of the Commonwealth administrative law framework and our responsibility towards our participants. As such, we are dedicated to reviewing Tribunal decisions and considering learnings from them in order to strengthen the quality, consistency, and fairness of NDIA decisions.

The NDIA has committed to a legal review of all decisions handed down by the ART for consideration of their impact on NDIA policy and operational guidelines. Relevant adverse decisions will be escalated internally for consideration by senior management. NDIA decisions, including learnings and key insights from Tribunal outcomes, are also included in risk, performance and significant issues reporting to the Senior Leadership Team and NDIA Board and shared with the Department of Health, Disability and Aging to inform policy development.

This commitment builds on a strong foundation already in place through the NDIA's Dispute Resolution Improvement Strategy, which is instrumental towards the development of quality assurance and reporting functions for all ART applications to ensure consistency and transparency in our decision making.

Improved approach dispute resolution

We have improved our approach to early dispute resolution process by working with participants, their families, advocates and the broader disability community.

Improvements include:

- intense caseload reviews
- Independent Expert Review trial
- early assessment approach.

These improvements have meant that a significant number of review requests have been resolved before needing to be lodged with ART or AAT. This has made the process faster, fairer and easier.

Independent Expert Reviews

We have an Independent Expert Review (IER) program designed to reduce the number of reviews that needed to go through the formal AAT hearing.

Independent experts are made up of people with experience in the disability sector, the NDIS and experience in mediation and conciliation processes.

The program is monitored by an IER Oversight Committee to make sure:

- reviews are conducted independently of the NDIA
- perspectives of the disability sector are embedded in the IER process
- transparency on progress and outcomes of the IER program.

Independent Expert Review step-by-step

Step 1: Enter IRE program

You are invited or you request to enter the program.

Step 2: IRE referral prepared

We will prepare material for referral to the IRE.

You can choose to have direct contact with the expert and can provide further material if you choose.

Step 3: Independent Expert reviews material

The Independent Expert will review the material. They may request further material if needed.

Step 4: Recommendation provided by Independent Expert

The Independent Expert will provide recommendations to you and us.

Step 5: Decision to accept or not accept

You can decide to accept, in part of full, or decide not to accept the recommendation.

We will let you know if we accept the recommendation.

Step 6: Outcome

If we have both accepted the recommendation, we will both sign a settlement agreement and filed with the ART.

If neither of us accept the recommendation, then the review will go through to an ART hearing.

The IER Advice Service

You can contact the IER Advice Service for:

- information on IER program
- referral to funded advocacy services for free support and assistance.

You can contact the service by calling 1800 44 1800 or emailing ieradvice@legalaid.qld.gov.au.

Our model litigant guidelines

We have an obligation to act as a model litigant in all litigations where we are involved in a legal matter, including ART applications.

This means that we are required to:

- make sure we deal with your ART application quickly and not cause any unnecessary delays.
- make an early assessment of your ART application to try and resolve it before going to ART.
- act consistently in handling your ART application and any other decisions made about you not relating to the application.
- make sure we are participating in alternative dispute resolutions.
- make sure a delegate who can resolve your ART application is available to attend any reconciliation conference.
- assist the ART to make the correct and preferable decision.
- apologise if we, or our legal team, have not been a model litigant in your ART application or appeal.

This obligation does not prevent us from:

- acting firmly and properly to protect our interests under the NDIS Act.
- relying on legal arguments if we would be prejudiced, or it would be inconsistent with rules of the NDIS Act if we did not raise those arguments.

- appealing a decision where there are reasonable prospects the decision will be overturned and is in the public interest to do so.

Lodging a complaint

You have the right to lodge a complaint if you feel we have not acted within the above guidelines.

Complaints should be lodged in writing, detailing your concerns, to:

- email your complaint to feedback@ndis.gov.au
- post your complaint to National Disability Insurance Agency, GPO Box 700, Canberra ACT 2601
- drop your complaint off at your local office
- call us on 1800 800 110.

Complaints will be sent to an independent member of our legal team who has not been involved your case. They will review the complaint, along with any documentation you have given, considering:

- the Legal Services Directions
- existing relevant ART and court processes, directions and rules.

We will then decide whether we or our lawyers have breached our obligations as a model litigant.

We let you know the outcome of the investigation. We will also send a notification of the complaint outcome to the Office of Legal Services Coordination (OLSC) within the Attorney-General's Department.

What if you disagree with the outcome of our investigation?

The OLSC is responsible for overseeing the Australian Government's legal work. The OLSC does not investigate individual complaints as requested by members of the public.

However, OLSC investigate the notification that we send them, and where they feel there are problems with the information provided, or the process that was taken, may ask for more information and further steps to be taken.

We will advise you on any changes in the outcome of your complaint.

The Commonwealth Ombudsman considers and investigates complaints from people who believe they have been unfairly or unreasonably treated by an Australian Government department or agency.

The Commonwealth Ombudsman can be contacted by:

- making a complaint using the online form on the Ombudsman website
- calling 1300 362 072.

This page current as of
10 August 2026