5 December 2021

The NDIA would like to clarify discussion around the number of Administrative Appeals Tribunal (AAT) applications.

The number of AAT applications represents a very small number of the more than 480,000 NDIS participants benefitting from the Scheme, with the increase in total AAT cases a result of the continued growth in participant numbers during this period.

It’s important to note the number of participants in the Scheme grew by almost 20 per cent during the past financial year.

The number of applications has remained steady as a proportion of the overall number of participants in the Scheme at between 0.43 and 0.45% since 2017-18 (to 30 June 2021).

More people are now receiving disability-related support through the NDIS, which has seen the number of appeals regarding access decisions reduce and a larger portion of appeals relate to plan funding decisions.

There has been no change to the way funding decisions are being made as a result of COVID-19. Planning decisions made by the NDIA continue to be made in accordance with the NDIS Act.

Participant plans can also go up or down depending on an individual’s disability-related needs. There are factors that might result in a participant’s plan value changing.

The inclusion of capital supports – for example prosthetics or other assistive technology (AT) – may have been included in earlier plans and do not require an annual replacement.

Should there not be a requirement for AT in the new plan, this may result in an overall reduction in the new plan’s value.

Additionally, if a funded support assists a participant in achieving greater independence or functional capacity, the need for a specific support may be reduced and not required to be funded at the same level going forward – which would be an indication the NDIS is working for that participant.

When dealing with matters before the AAT, the NDIA has a commitment to being a model litigant. All AAT cases are subject to the Agency's early resolution process.

For AAT matters, the NDIA applies an early resolution model that assists participants by working with them and their representatives to resolve their matter as early in the AAT process as possible.

As part of the NDIA’s Participant Service Guarantee, the NDIA aims to implement any AAT decision to vary a plan within 28 days from the time of receiving notification of the decision.

Recent figures show the Agency achieved a 90 per cent success rate against this benchmark.

The NDIA fully respects anyone's right to seek a review of a decision made by the NDIA.

As part of the NDIA’s Service Improvement Plan, the NDIA intends to ensure participants:

- are sent letters in plain English, outlining the reasons for the decisions made; and
- are able to easily access their personal data and plan details.

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