

On this page:

[Independent Expert Review program](#)

We are working with participants to improve our early dispute resolution processes and to improve their external review experience.

We know we can do better to engage with participants who have asked for an external review.

We are committed to improving the way we work with you to resolve disputes early.

We have already begun making improvements and have:

- introduced early assessments for new matters lodged with the AAT. When participants lodge a matter with the AAT for review, we will contact them to better understand their circumstances and the disputed issues so that we can talk about accessible and informal options to resolve the case before it goes to a formal hearing.
- introduced a voluntary process for a non-binding and confidential review by an Independent Expert, which will assist participants to resolve their matter prior to an AAT hearing, particularly those that have been in the AAT for extended periods of time. A pilot phase of this Independent Expert Review program commenced on 4 October 2022.

We are consulting with participants and the sector on how to improve how we engage with you, if you decide to appeal an NDIA decision to the AAT.

We want to understand your experiences and your expectations of us when a matter does proceed to the AAT.

A significant number of matters should be resolved prior to AAT hearings in a quicker, fairer and easier way because of these changes.

We will regularly update this page as the improvements we are making to our AAT processes are introduced and progress.

Independent Expert Review program

We have created an Independent Expert Review program to help reduce the number of cases needing to go through to an Administrative Appeals Tribunal hearing.

We are currently completing activities relating to Phase 1.

As we move into Phase 2, we are:

- prioritising matters where there has been a 20% reduction in a participant's plan as compared to their previous plan and where the matter has been in the AAT list for greater than 9 months
- considering requests for an Independent Expert Review if you have an NDIS matter listed in the AAT that has not been heard, and if the hearing date is more than 8 weeks away.

If you do not have a matter before the AAT and would like to request a review of a decision, please refer to the information on how to [Request a review of a decision](#).

What is the Independent Expert Review Program?

The Independent Expert Review program involves an Independent Expert reviewing a matter that a participant has already sought to have reviewed externally (an external review of an NDIA decision).

An Independent Expert will review the matter and may meet with the participant in the process.

The Independent Expert will make a non-binding recommendation as to the appropriate outcome of the matter.

The IER is a free, voluntary and confidential process that will be conducted within the current legislative requirements of the NDIS Act and Rules.

The Department of Social Services is funding advocacy and legal support for NDIS participants who are invited to have their AAT appeals case considered through the Independent Expert Review program. More details will be provided in January 2023.

Who are the Independent Experts?

The Independent Experts are independent from both the NDIA and the participant. They are people with experience of the disability sector and the NDIS, and have experience in mediation and conciliation processes.

The Independent Experts will provide an independent, informed and unbiased opinion on an appropriate outcome to resolve the matter. Importantly, they will not have been involved in the matter that will be referred to them.

The Independent Expert's recommendation will be given to the participant (and their representative) and the NDIA. If both parties agree to accept the recommendation, the matter can be settled quickly. Alternatively, if the parties choose not to accept the recommendation, the matter will continue through the AAT process.

The Agency has committed to act in good faith in the Independent Expert Review program and intends to accept the Independent Expert's recommendation unless it has substantial reasons for not doing so.

The selection criteria used to appoint the Independent Experts was endorsed by the Oversight Committee and noted in their [November 2022 communique](#).

What is the Oversight Committee?

The Agency has convened an Oversight Committee, chaired by Mr Graeme Innes AM. The Oversight Committee includes eight independent members and three ex-officio members representing the NDIA and the Department of Social Services (ex-officio members only observe meetings).

The Oversight Committee members represent a wide range of disability and advocacy sectors, bringing their own lived experience, experience of disability and/or experience of going through the AAT process.

The Oversight Committee has been established to monitor the implementation, processes and outcomes of the Independent Expert Review program to ensure:

- independent expert reviews are conducted independently of the NDIA
- perspectives of the disability sector are embedded in the Independent Expert Review process
- transparency on progress and outcomes of the Independent Expert Review program.

The Agency will report to the Oversight Committee on the progress of the Independent Expert Review program and outcomes.

The Oversight Committee provides regular updates via a meeting communique. The communiqués, including Easy Read versions, are available on the [Oversight Committee](#) web page.

Phased approach to the Independent Expert Review program

As this is a significant new initiative to improve the external review process for participants, we intend to implement the Independent Expert Review program in three phases:

- Phase 1 – the pilot reviewed a small number of matters put forward by disability advocates. As part of this process, we directly contacted participants' representatives to invite them to take part in an Independent Expert Review

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- Phase 2 – the Independent Expert Review program will be subject to ongoing evaluation and will incorporate stakeholder feedback as it is rolled out more extensively from January 2023
 - Phase 3 – subject to feedback and evaluation, further design improvements and scaling up of the program will occur in the first half of 2023.

Frequently Asked Questions

Download our [Frequently Asked Questions](#) about the Independent Expert Review Program.

For any further information or questions, please email Independentexpertreview@ndis.gov.au or contact our National Call Centre, 1800 800 110.

This page current as of
15 December 2022