30 October 2023

NDIS participants are seeing faster decision-making through the Administrative Appeals Tribunal (AAT), thanks to targeted alternate dispute resolution initiatives.

For AAT matters received in the past 12 months, the median weeks to close for matters resolved has almost halved from 31 to 18 weeks, latest data shows.

Minister for the NDIS, the Hon. Bill Shorten says this important work demonstrates the progress underway to improve the Scheme experience for participants and their support networks.

“The Australian Government has already outlined a range of key reforms to deliver better outcomes for people with disability. I am encouraged to see the improvements delivered to the AAT process which ultimately reduce frustration and improve the experience for thousands of people,” Minister Shorten said.

“The AAT is an important avenue for NDIS participants, where issues cannot be resolved through the Agency’s processes. It is important we continue to build trust and improve participants’ confidence in the fairness of the external review process.”

Since June 2022, the NDIA has implemented a range of alternative resolution processes, as a result of these initiatives over 7,000 NDIS AAT cases have been resolved. It also reduced the number of new cases heading to the AAT.

As part of these initiatives, the NDIA trialled a voluntary and confidential Independent Expert Review (IER) program for participants to help resolve their matter prior to an AAT hearing.

The IER program involved legal and disability experts, independent of both the participant and the NDIA, reviewing the matter before making a recommendation for an appropriate resolution.

Participants and their representatives reported high satisfaction with the IER program, saying they felt they had the opportunity to be heard and were pleased with the timeliness of the process.

The introduction of a dedicated early resolution team to identify cases suitable for early resolution also contributed to the reduction, with a focus on both old and new cases.

Since implementing these improvements (as at 01 October 2023):

- 7,282 NDIS cases have been resolved at the AAT
- Overall caseload has reduced 35.5% since May 2022 (to 2,909)
- 90% of the 4,501 legacy cases waiting to be heard by the AAT by June 2022 have now been resolved.

A key part of the IER trial, which ended on 30 June 2023, is the Evaluation report which will help guide the Agency on effective dispute resolution processes into the future.

IER trial learnings are already informing the NDIA's people-centric approach to dispute resolution and use of co-design principles and engagement with the disability community.

The Agency is deeply committed to improving the way the NDIS works with people with disability to ensure they receive the disability-related supports needed to live a fulfilling life.

The IER Program Evaluation Report will be available on the website later this month.

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