

**Standing Committee on Community Affairs  
Legislation Committee**

Public Hearing – 2 August 2021  
ANSWER TO QUESTION ON NOTICE

Social Services Portfolio

**Topic:** Inquiry into the National Disability Insurance Scheme Amendment (Improving Supports for At Risk Participants) Bill 2021

**Question reference number:** IQ21-000072

**Senator:** Jordon Steele-John

**Type of Question:** Written. **Hansard Page/s:**

**Date set by the Committee for the return of answer:** 4 August 2021

**Question:**

*Notification Periods and Reviews*

Item 42 - inserts new subsection 100(5A) and new subsection 100(5B). New subsection 100(5A) prevents the decision-maker reviewing a decision if the decision maker was personally involved in the making of the decision under review. However, the decision-maker can review a reviewable decision that was made by a delegate of the decision-maker. New subsection 100(5B) includes an equivalent restriction in relation to decisions made by delegates of the decision-maker. Where a delegate of the decision-maker has been involved in the making of a reviewable decision, that delegate cannot review that decision.

1. In practice, does this mean that a manager (for example) can review a decision made by a member of their own team?
2. How can you ensure that there is enough separation between the original decision-maker and the reviewer? Especially if there are some implications on the reviewer's own performance.

**Answer:**

1. Currently and under the amended provision it is possible for a manager to review a decision made by a member of their own team. Importantly, and as is the position now, the manager would have to have been delegated the review function and is not allowed to have been involved in the making of the decision under review. As now, care would be taken to ensure that there has been no such involvement and the notion of involvement would be interpreted broadly.
2. As now, care would be taken to ensure that the reviewer had not been involved in the making of the decision under review. If the person who sought the review is unhappy with the decision the person has the option of applying to the Administrative Appeals Tribunal for a review of the reviewer's decision.