

**Community Affairs Legislation Committee: Inquiry into National  
Disability Insurance Scheme Amendment (Getting the NDIS Back on  
Track No. 1) Bill 2024 [Provisions]**

Public Hearing – 22 May 2024

**ANSWER TO QUESTION ON NOTICE**

Department of Social Services

**Topic:** Inquiry into National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]

**Question reference number:** IQ24-000040

**Question asked by:** Marielle Smith

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

**Date set by the Committee for the return of answer:** 05 June 2024

**Question:**

1. Regarding amendments proposed by item 30, could the department confirm and clarify if participants can request a review of the CEO's decision to revoke their status under these newly proposed provisions? If so:
  - a. please outline, in detail, the mechanism which provides for such a review; and
  - b. provide an overview of what the process for requesting, and undertaking such a review, would look like for a participant.

**Answer:**

A decision to revoke a person's status as a participant is a reviewable decision under section 99 of the *National Disability Insurance Scheme Act 2013*.

The National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No.1) Bill 2024 (the Bill) makes changes to section 30 (circumstances in which participant status may be revoked) and section 30A (requirements for the CEO to consider status of certain participants in specific circumstances).

The Bill proposes corresponding amendments to subsection 99(1) (item 3) of the Act (extracted below), to reflect changes made to sections 30 and 30A which ensure that a decision to revoke a person's status as a participant continues to be reviewable.

<b>Reviewable decisions and decision makers</b>			
<b>Item</b>	<b>Column 1 Reviewable Decision</b>	<b>Column 2 Provision under which the reviewable decision is made</b>	<b>Column 3 Decision-maker</b>
Item 3	A decision to revoke a person's status as a participant	Subsection 30(1) or (5), paragraph 30A(1)(c) or subsection 30A(7)	CEO

Information about how to request an internal review of a decision and how decisions are reviewed is available on the National Disability Insurance Agency's website – <http://www.ndis.gov.au/participants/request-review-decision>

A participant has 90 days following notice of a decision to revoke their status as a participant to seek internal review of the decision by the NDIA.

If a participant is not satisfied with the outcome of an internal review they can make an application to the Administrative Appeals Tribunal within 28 days of receiving the outcome of the internal review.

Information about the process for seeking an external review is on the Administrative Appeals Tribunal website - [National Disability Insurance Scheme \(NDIS\) | Administrative Appeals Tribunal \(aat.gov.au\)](https://www.aat.gov.au/).