

Our Mission

Illawarra Advocacy's mission is to recognise, support and defend the rights, dignity, choice and individuality of people with disability.

NDIS Appeals

The NDIS Appeals program helps people with disability affected by reviewable decisions of the National Disability Insurance Agency (NDIA). Our skilled NDIS Appeals advocates can support participants of the NDIS and would-be participants seeking access to the NDIS by:

- **Explaining** the external merits review process and relevant legislation in a way that is easy to understand
- **Explaining** the procedure and timeframes involved in an application to the Administrative Reviews Tribunal (ART)
- **Helping** to obtain evidence in the form of reports, statements, quotations, and other relevant documentation to put forward the stronger position possible for applicants
- **Assisting** to foster self-advocacy skills in applicants so that they can better represent themselves, this includes education and advocacy specific training in appeals
- **Attending** case conferences, conciliation conferences and hearings to help applicants to put their case to the ART
- **Connecting** applicants with Legal Aid where appropriate

What geographical areas does our program service?

Our NDIS Appeals advocates service **Helensburgh to Batemans Bay** and the **Southern Highland** regions.

Who can refer?

Illawarra Advocacy accepts referrals from **individuals, families, carers and service providers.**

How do I make a referral?

Referrals can be made by calling our office or emailing our intake team. Referrals are triaged on a weekly basis.

An advocate will endeavour to be in touch with you to discuss your referral and next steps within 5 business days following receipt of your referral.

Contact

(02) 4229 4999

intake@illawarraadvocacy.org.au

Suite 1, Level 2, 166 Keira Street, Wollongong
2500

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**Illawarra
Advocacy**



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Advocacy**

**Making a difference
NDIS Appeals**

***Free and independent advocacy
for people with disability***

NDIS Application Process

1. Apply for an review of a decision

You can apply to the ART for a review of a decision made the National Disability Insurance Agency (NDIA) by filling out an application form and attaching a copy of the decision you want the NDIA to review. Before you apply to the ART for a review, you must have applied to the NDIA for an internal review.

2. Once the NDIA receive your application

The NDIA will check your application to make sure the NDIA has all the information they need. The NDIA may:

- ask you to provide more information
- contact you if you do not have a representative and to tell you about the review process
- be able to help by giving some ideas about where you can get legal advice or a disability advocate
- ask you to go back to the NDIA and lodge an application for an internal review if you have not already done this

3. Directions Hearing

If necessary, a Directions Hearing may be organised to deal with any early issues that come up, such as:

- whether the NDIA can give an extension of time, if you made your application more than 28 days after the NDIA issued its reviewable decision
- deciding whether the ART has the power to review the decision
- any urgent issues that may need to be dealt with more quickly

4. Case Conference

You will usually have to attend one or more case conferences in person, by telephone or by Microsoft Teams. A case conference is an informal, private meeting arranged by the ART to talk about your case. It is attended by you, your support person or representative, a representative from the NDIA and an ART conference registrar.

5. Conciliation

If the parties do not come to a resolution during the case conference, you may need to attend a conciliation.

This is an informal, private meeting conducted by the ART conference registrar or ART member. It is a final effort to help you and the NDIA reach an agreement. Conciliations usually last from 2 to 3 hours, but they can go longer. A representative from the NDIA with the authority to settle the matter must attend.

6. Hearing

If your matter cannot be resolved through Alternative Dispute Resolution (ADR) you can proceed to a hearing before an ART member.

After considering all the evidence, the ART member will make a decision. If you do not agree with the ART's decision, you can appeal to the Federal Court of Australia within 28 days of receiving the decision.

Important Information

T Documents

After lodging your application for an external merits review you will receive T Documents.

These documents contain everything that has been previously submitted to the NDIA at the internal review stage. You do not need to provide any previous evidence, as it all be contained in the T Documents.

Statement of Issues

You will receive a Statement of Issues from the NDIA. This is a summary of the matter by the NDIA for the ART. It provides a summary of how your matter arrived at the Tribunal and provides the NDIA's position.

The Statement of Issues might also contain suggestions from the NDIA about evidence you may wish to consider obtaining to help your case. You are not required to respond to the Statement of Issues before the case conference.

Early Resolution

A matter can be resolved early if you decide to withdraw your application or if you and the NDIA reach an agreement.

