

# Chapter 11

## Managing applications in the National Disability Insurance Scheme Division

## In this chapter

This chapter sets out the procedures to be followed in applications for review of a decision under the [National Disability Insurance Scheme Act 2013](#). These applications are dealt with in the AAT's National Disability Insurance Scheme Division (NDIS Division).

The AAT has issued a *Review of National Disability Insurance Scheme Decisions Practice Direction*. Some of the AAT's usual procedures have been modified to streamline the process and to finalise applications as quickly and simply as possible.

## 11.1 Overview of the National Disability Insurance Scheme and the AAT's role

The NDIS is a scheme for providing support to people with disability that is tailored to their individual needs and choices. It includes

- information and referrals in relation to support options, including to community services and activities
- funding for “reasonable and necessary supports” based on an individual plan for individuals who meet the eligibility requirements (known as participants), and
- funding for persons or entities to enable them to assist people with disability to participate in economic and social life.

The National Disability Insurance Agency (NDIA) is the agency responsible for the NDIS (referred to in the NDIS Act as the NDIS Launch Transition Agency).

You can find more information about the scheme on the [National Disability Insurance Scheme](#) website.

### 11.1.1 What decisions can the AAT review under the NDIS Act?

All reviewable decisions are listed in **s 99 of the NDIS Act**. These include decisions about:

- eligibility to access the scheme
- supports provided under the scheme
- who can act for, or do things on behalf, of participants
- recovery of compensation
- waiver and write off of debts
- the registration of service providers.

Before an application can be made to the AAT under **s 103 of the NDIS Act**, the NDIA must conduct an internal review in accordance with s 100(6) of the NDIS Act.

### 11.1.2 Who can apply for review?

An applicant might be:

- a person who wants to be, is, or was, a participant in the scheme
- a person who wants to be, is, or was a plan or correspondence nominee or a child's representative
- an organisation which wants to be, is, or was, a service provider.

Some key terms used in this jurisdiction are explained below.

## Participant

Participants are individuals who meet the access criteria. An individual must meet the age requirements and residency requirements, and either the disability requirements or early intervention requirements.

## Nominees

Nominees can be appointed under the NDIS Act by the NDIA at the request of a participant or where the NDIA considers it necessary. A nominee has a duty to ascertain the wishes of the participant and make decisions that maximise the personal and social wellbeing of the participant.

A nominee can be a correspondence nominee or a plan nominee.

- Correspondence nominees undertake all activities that a participant would undertake, except for the preparation, review or replacement of the participant's plan, and/or management of the funding for supports in the participant's plan.
- Plan nominees undertake all activities that a participant would undertake including the preparation, review or replacement of the participant's plan, and/or management of the funding for supports in the participant's plan.

## Child's representative

These are persons who are responsible for undertaking acts and making decisions in relation to the NDIS Act on behalf of someone under the age of 18. They are usually a person with parental responsibility but can be someone else or a group of persons determined by the NDIA.

## Service providers

A service provider is an individual or organisation that delivers a support or a product to a participant in the NDIS: for example, an occupational therapist or an in-home care organisation. Providers are registered under the NDIS scheme.

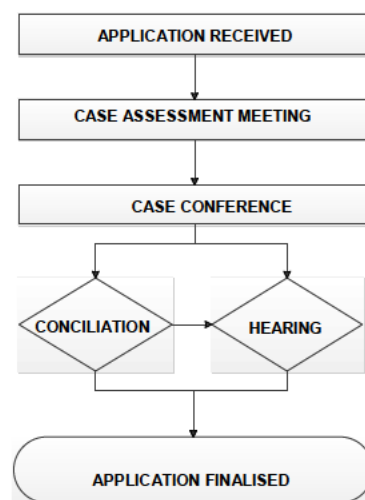
## 11.2 Overview of the case management process in the AAT

A specific case management process has been developed for the review of NDIS decisions based on the following guiding principles:

- applicants should have as much choice and control in the process as possible
- the review should be as quick as possible
- the review should be as non-adversarial as possible
- the review should involve as few “events” as possible
- continuity of persons with whom an applicant has contact is important
- continuity of means of communication and venue are important
- accessible venues and means of communication are essential.

In general, the NDIS case management process as set out in the Practice Direction provides a streamlined process to finalise cases as quickly and simply as possible. It is designed primarily to meet the needs of people with disability but also applies to applications made by other persons/applicants, including service providers.

The key elements of the case management model are as follows:



### Initial procedures

The district registrar will allocate the application to a case service officer who will be the applicant's AAT contact officer throughout the review. The contact officer will conduct the first Outreach session **within 3 working days**.



### 11.2.1 Role of the contact officer

A case service officer will be assigned to each application and will become the applicant's "contact officer" at the AAT.

The contact officer will perform all of the usual tasks undertaken by a case service officer as well as some additional duties.

The contact officer:

- conducts Outreach immediately (within 3 days) after an application has been lodged and prior to each case event, unless Outreach is not required: see [11.6.1](#) for more information.
- responds to requests for information from the applicant and is available to answer questions about the process
- identifies any accessibility requirements for the applicant (for example, wheelchair access) and works with others to make sure they are met
- participates in the case assessment meeting and carries out the agreed actions following that meeting
- ensures all arrangements are in place for listed case events, including any bookings to use hosted venues and video-link requirements
- meets the applicant when attending a case event at an AAT registry and is available after the case event to answer any questions, unless it has been determined that this is not necessary
- contacts the applicant to advise that a decision will be published if a hearing has been held and the decision was reserved

The contact officer will meet the applicant before, and after, the first event held at an AAT registry, even if the applicant has legal representation or is assisted by an External Merits Review (EMR) support person. Whether the contact officer will be required to meet an applicant who is represented or assisted by an EMR support person at any subsequent case events will be determined after the first event.

The contact officer does not attend any case events.

More information about the role of the contact officer at different stages of the review is set out below. See also the [Contact Officer Quick Reference Guidelines for NDIS matters](#) that are available on the intranet.

## 11.3 Assistance available for applicants in the NDIS Division

An applicant can choose to be represented by a lawyer or by any other person, including a family member or friend. However, there are also dedicated support services that can assist an applicant with their application. These services are funded by the Department of Social Services.

### 11.3.1 External Merits Review Support Persons

Any applicant (other than an applicant who is a service provider) is entitled to be assisted by an independent support person (EMR support person).

The role of the EMR support person is to assist the applicant to navigate the process at the AAT, including by:

- helping the person understand the AAT process
- attending conferences, conciliations and hearings with the applicant
- assisting the applicant to put the case to the AAT.

EMR support persons are employed by designated disability advocacy agencies.

The AAT will provide applicants with contact details to access this support. The applicant does not have to take up the support.

Details of the [designated disability advocacy agencies](#) are set out on the AAT website.

### 11.3.2 Central Assessment Provider

If the Department of Social Services decides that a case raises complex or novel issues and meets other guidelines, it can approve access to legal services that will be provided by the local legal aid commission. These are known as the Central Assessment Provider guidelines.

An AAT applicant cannot make a request to the Department directly. The request will usually be made by an EMR support person as the referral point, but it can also be made by a legal aid commission or the applicant's legal representative. An applicant must give written consent to the referral.

The Department has undertaken to:

- make the assessment within 30 days of receipt of the application
- contact the AAT if it looks like more time will be needed to assess the application
- take AAT timelines into account where possible.

If you want to find out more about how the Department assesses these applications, view the [guidelines](#) on the Department's website.



### 11.3.3 Other supports

The Attorney-General's Department administers a number of [legal assistance schemes](#) that may be able to provide support to applicants in the AAT in relation to the cost of disbursements, such as expert medical reports. In general, it is expected that applications would be made by an EMR support person, a legal aid commission or a legal representative.

## 11.4 Who will the AAT deal with in relation to an application?

### 11.4.1 When the applicant is a service provider

When an application is lodged by a service provider, the AAT's usual practices for dealing with the applicant and any representative apply.

- If the applicant is self-represented, correspondence and other documents will be sent directly to the applicant and the AAT will deal with that person.
- If the applicant is represented, correspondence and other documents will be sent to the representative and the AAT will deal with the representative, unless we are advised otherwise.

### 11.4.2 When the applicant wants to be, is, or was, a participant, a nominee or a child's representative

For an application relating to a participant or potential participant, a nominee or a child's representative, the AAT has developed the guidelines set out below to clarify:

- who we will send documents to relating to the application
- who we will talk to about the application.

In relation to participants, there may be a number of people assisting an applicant or otherwise interested in the application. This might include:

- a legal representative – either a private lawyer or a lawyer from a legal aid commission or community legal centre
- an EMR support person or support person from another disability advocacy agency
- a parent, guardian or attorney
- a plan or correspondence nominee
- friends, family members and carers
- a service provider.

The AAT's guidelines have been developed to help ensure that information about an application is only given to people to whom we are authorised to disclose that information. This is particularly important in the context of the AAT's obligations under the *Privacy Act 1988* and section 62 of the NDIS Act which creates an offence for the unauthorised use or disclosure of protected information that has been collected under that Act.

## General rules

### Applicants with legal representation

If the applicant is legally represented and not receiving assistance from an EMR support person, the AAT will generally deal directly with the legal representative as in other types of cases.

### Applicants with legal representation and EMR support

If the applicant is receiving assistance from an EMR support person and is being represented by a legal aid commission or community legal centre, both are recorded as representatives in TRACS.

Correspondence and other documents will be sent to both unless the AAT is instructed not to send it to the EMR support person. Correspondence and other documents will not be sent to the applicant unless requested. The exception is the Case Plan, a copy of which is always sent to the applicant.

The EMR support person can be given information about the application. However, substantive instructions or requests relating to the application must be provided by the legal representative.

### Applicants without legal representation


If the applicant is not legally represented, the AAT will generally try to deal only with:

- the applicant and/or their legal guardian or attorney (for example, the parent of a child), and
- one other person who may be an EMR support person, another support person from a disability advocacy agency, a nominee, or a family member or friend.

### Obtaining consent to give information to a person other than the applicant

The applicant must consent to the AAT providing information to another person. This will usually be done in writing and may come from the application, from a separate email or letter, or by being provided with evidence that the person is a plan or correspondence nominee.

An applicant may also give verbal consent for sending documents or otherwise providing information to another person. If this occurs:

- 
- a letter must be sent to the applicant confirming that arrangement.

### Limiting the number of people we are dealing with

Some applicants may want a number of people to receive documents or to be able to talk to the AAT about their application.

If the applicant is supported by an EMR support person, the AAT will usually only communicate with the applicant and the EMR support person. In other cases, the AAT will ask the applicant to nominate the one other person who is to receive copies of all AAT documents and is otherwise authorised to receive information.

There might be circumstances that justify departing from these general rules. For example, where an applicant is a child with separated parents and the applicant also has a support person who has been authorised to receive information about the application, it might be appropriate to deal with both parents as well as the support person. Where an applicant has difficulty communicating with the AAT, it may be appropriate to be able to discuss the case with the applicant's partner or primary carer. An important consideration will be whether dealing with the other person will assist in managing the application.

**If you are considering a departure from the general rules, make sure you discuss this with your district registrar, registry manager or deputy district registrar first. Record in TRACS and on the case file what decision was reached about who will be sent documents or otherwise given information about the case.**

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]

### Who will the AAT speak to about an application?

If the applicant is legally represented, the AAT will generally speak with the legal representative about the application.

If the applicant is legally represented and is being assisted by an EMR support person, the AAT will generally speak with the legal representative and the EMR support person about the application.

If the applicant is not legally represented, the AAT will generally only provide detailed information about a case to the applicant or their legal guardian or attorney, or the one other person who has been nominated to receive documents, including an EMR support person.

### How to handle a request for information about a case

If you are asked for information about an NDIS application, check whether the person is someone we have been advised can receive information about the application.

If not:

- explain that you can only provide information to people where the AAT has been notified that they may be given information
- explain that any publicly available information about the application can be found on *eCase Search* through the AAT website.

Subject to any confidentiality restrictions, the following information about AAT cases is generally made available through *eCase Search*:

- the names of the parties and any representatives
- the type of application
- the date the application was lodged
- dates of conferences, hearings or other events and their outcome
- the types of key documents lodged and the lodging party
- the outcome of the substantive application

- information about any appeals and their outcome.



[illegible]

Occasionally, the AAT will receive an application for review of a decision that is about a child or a person who lacks legal capacity. The child's parent or the person's guardian or attorney is making the application on behalf of the person but has nominated themselves as the applicant rather than the child or other person.

The AAT's practice in these situations is to:

- record the child/other person the decision is about as the applicant, and
- record that the parent, guardian or attorney is acting on the person's behalf.

The reason for this is as follows. Under section 27 of the AAT Act, any person whose interests are affected by a decision can apply for review. In some cases, a decision about a child or other person who lacks legal capacity might also affect the interests of the person's parent, guardian or attorney in their own right. We need to distinguish whether a parent, guardian or attorney is applying:

- on behalf of the person the decision is about, or
- on their own behalf.

If a parent, guardian or attorney has nominated themselves as the applicant in an application, the contact officer will discuss this issue with them during the first Outreach call: see [11.6.1](#). The contact officer will ask the parent, guardian or attorney:

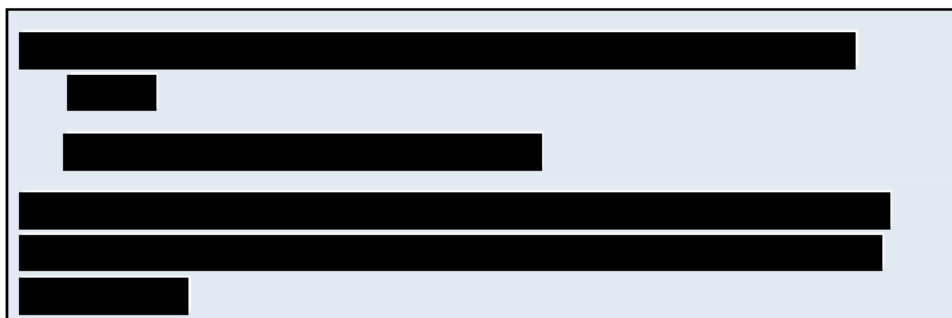
- to confirm whether they are acting on behalf of the person the decision is about or in their own right
- if acting on behalf of the person the decision is about, whether they have any concern if we record that person as the applicant and that they are acting on the person's behalf.

If the parent, guardian or attorney does not agree with this approach, record this in a file note and refer the application to the coordinating member for the registry for consideration.

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[Redacted text block]





### Representatives

If an applicant nominates a person or organisation as his or her representative, add this to TRACS.

Sometimes, the applicant may be being assisted by a support organisation or another person but who is not acting as the person's representative. Record this in TRACS and note in particular whether the applicant has authorised the person or organisation to receive copies of the documents in the case.

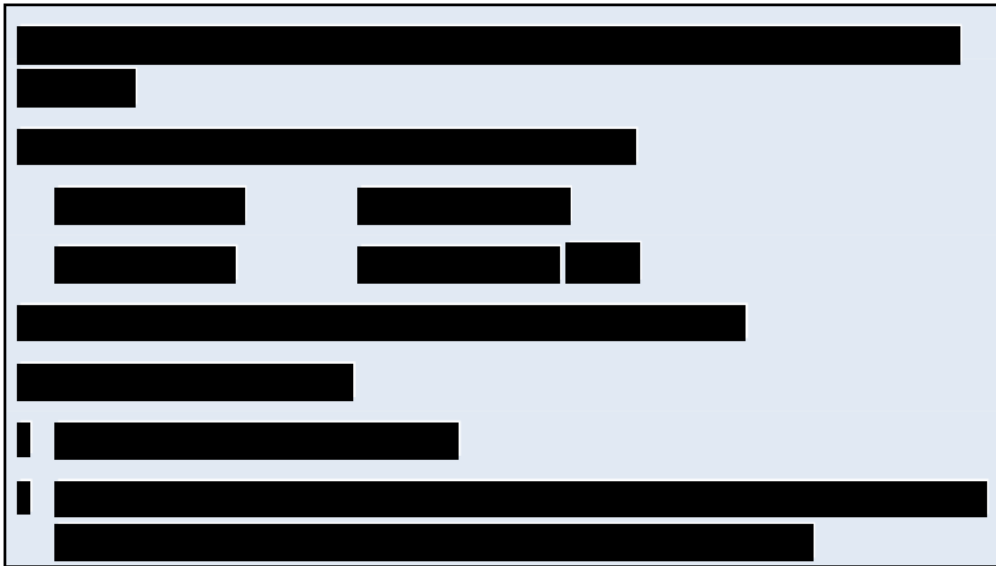
### Confidentiality requirements

There are no automatic confidentiality requirements in relation to most applications in the NDIS Division.

However, in applications for review of decisions about children, the AAT always makes a section 35 order immediately after an application is lodged that:

- the applicant's name be replaced with an alias
- the names and addresses of the applicant and any witnesses not be published
- any hearing be held in private
- information given in evidence or contained in documents lodged with the Tribunal not be made publicly available unless it is included in any written decision.

When an order has been made, no information relating to applications relating to children will appear on *eCase Search*.



During the first Outreach call, the contact officer will:

- explain to the applicant's parent, guardian or attorney that a confidentiality order will be/has been made
- ask whether he or she would like a copy of the order sent now or wait until the Case Conference to receive a copy.

If the applicant's parent or guardian would like a copy, it will be sent with the acknowledgement letter.

A copy of the order will always be sent to the NDIA with the Section 29 notice.

[Redacted text block]

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<sup>1</sup> [Redacted footnote text]

## 11.6 First Outreach, acknowledging receipt and notifying other persons

### 11.6.1 First Outreach

The AAT contact officer is to make an Outreach call to every applicant (or parent, guardian or attorney acting on behalf of an applicant), except in the following circumstances:

- the applicant is a service provider who is legally represented
- any other type of applicant who is legally represented and the legal representative does not want you to contact his or her client.

The Outreach call should be undertaken as soon as possible after an application is lodged and, if the applicant is not legally represented, before the acknowledgement letter is sent. It must take place within 3 days of the application being lodged.

#### Do you make the call?

##### TYPE OF APPLICANT

##### MAKE CALL?

Applicant without legal representation	Yes (even if assisted by EMR support person or other advocacy agency)
Applicant (other than service provider) with legal representation	Yes – if the lawyer has agreed you can Outreach the applicant
Service provider without legal representation	Yes
Service provider with legal representation	No

- information to be given to the person, including about assistance that may be available to help them during the review and the next steps in the review, and
- questions to ask the person, including how they prefer to communicate with the AAT, how they might attend AAT case events, accessibility requirements and whether they will be willing to participate in a survey about their experiences.

#### Applicant with legal representation

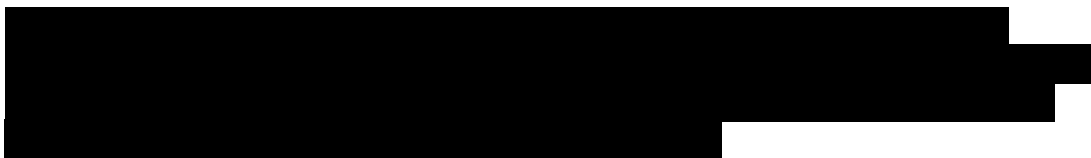
Contact the applicant's legal representative and explain that we would like to conduct Outreach to:



## 11.7 Case assessment

Once the T-documents have been received, a case assessment meeting will be held to evaluate the file. The assessment will be undertaken by:

- the member who will preside at any Hearing unless this is not practical in which case the coordinating member for the registry will participate
- the conference registrar dealing with the application
- the district registrar or registry manager, and
- the contact officer.



Prior to the assessment meeting, the meeting participants will need to familiarise themselves with the file. Each registry will determine its own procedures as to how the participants will do this in advance of the meeting.

The purpose of the assessment is to consider:

- the issues that appear to be in dispute, including whether any are “complex or novel” issues
- whether any other persons are affected by the decision and should be notified of the application and invited to apply to be joined
- any gaps in information or further evidence that is likely to be required
- whether the application should progress in accordance with the standard procedures set out in the Practice Direction or whether those procedures should be modified
- taking into account the [operational principles](#) (see the NDIS Principles document which can be accessed under Guidelines and Procedures on the NDIS intranet page), how the planned case events should be conducted (eg from the registry with the parties participating by video-link or telephone, or with all participants face-to-face at the registry or on circuit)
- anything else needed so that the application can be dealt with as quickly as possible in the way most suitable to the issues and the applicant’s needs
- the extent of any further assistance the contact officer should provide to applicants who are legally represented or service providers such as pre-case event calls and whether the applicant will be met for case events at the registry

A [Case Assessment Summary](#) template has been developed for this purpose and is available on the intranet. A copy should be placed on the file.

Following the case assessment meeting, the contact officer will carry out the required tasks, including confirming the details of the first case event. In most cases, a Case Conference will be the next step.

The case assessment team will continue to liaise during the course of the review process as needed: for example, if there is a request to vacate or move a case event or if issues arise in relation to managing the application in accordance with the Practice Direction.



[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Send a copy of the [‘What happens at a Case Conference?’](#) fact sheet to the applicant with the listing notice.

For the listing notice to the applicant’s representatives and the NDIA, you can use the standard listing notice.

3. Ensure that all arrangements for a Case Conference are in place, including:

- bookings for any hosted venue and arrangements for any video-link
- bookings for interpreters or any other specific access arrangements.

4. Call the applicant before the Case Conference to talk about what will happen using the [Pre-Case Conference Checklist](#).<sup>3</sup>

[REDACTED]

5. If the applicant will be attending the Case Conference at the AAT registry, meet the applicant and any legal representative, EMR support person or other person accompanying the applicant and:

- escort the applicant to the conference room
- explain where the toilets are located
- explain who will attend the event and where everyone will sit in the room
- answer any questions about general procedure.

### 11.8.3 What happens at a Case Conference?

The purpose of the Case Conference is to bring the parties together to discuss the issues and, if possible, reach agreement.

If no agreement or only partial agreement is reached, then the conference registrar, in consultation with the parties, will determine what is to happen next in the review, including whether the application should go to conciliation and then a hearing, or straight to a Fast Track Hearing.

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<sup>3</sup> The Outreach call is not generally required if the applicant is a service provider or the applicant is legally represented and the applicant’s representative has not agreed to making these calls.



If the application is not settled at the Case Conference, the conference registrar will prepare a Case Plan which sets out:

- any issues that have been resolved and any issues that remain in dispute
- what will happen next
- any additional material that the parties must give the AAT
- the dates and places of the Conciliation or Hearing
- who will be attending the Conciliation or Hearing
- what information the parties will present at a Hearing and whether there will be any witnesses
- any accessibility and communication needs the parties have
- anything else that will ensure the process is as fair and as quick as possible



Each party and their representatives is given a copy of the Case Plan at the Case Conference if it has been held face-to-face.

The contact officer will not usually attend the Case Conference. If the applicant has attended the registry, the contact officer is to be available after the Case Conference to answer any questions the applicant may have.



The applicant must be sent a copy of the Case Plan in every case, even if the person is legally represented.

## 11.9 Conciliation or other ADR process

The [Practice Direction](#) states that Conciliation is the other type of ADR process (other than conferencing) that the AAT will usually use for applications in the NDIS Division. One of the other forms of ADR which the AAT offers might be used if a conference registrar or member thinks it would be particularly suitable for this case.

Any Conciliation will be scheduled as specified in the Case Plan or otherwise determined by a member or conference registrar.

### 11.9.1 Where and how will Conciliations be conducted?

The AAT's operational principles specify that how Conciliation will be conducted will be decided on a case-by-case basis in consultation with the applicant.

If the applicant is able and willing to travel to a registry, the applicant will be encouraged to attend the Conciliation in person at the registry.

If attendance in person at the Registry is not feasible, the AAT will decide either:

- to encourage the applicant to participate by video-link from a hosted venue where this is available, or
- travel and conduct the Conciliation in person at a hosted venue where the nature of the case is such that it needs to be held face-to-face.

If an applicant is unable to travel to a hosted venue or otherwise prefers, he or she will participate in the Conciliation by phone.

If the case assessment team decides that it is appropriate for the conference registrar to conduct the Conciliation face-to-face with the applicant at a hosted venue, the reasons for making this decision should be recorded on the Case Assessment Summary.

The conference registrar/member will have discussed with the NDIA at the Case Conference how the NDIA may participate in Conciliation.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### 11.9.3 Tasks after Conciliation

If the applicant has attended the registry, the contact officer must be available after the Conciliation to answer any questions the applicant may have.

The contact officer will carry out any required tasks after the Conciliation, [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

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■ [REDACTED]

[REDACTED]

## 11.10 Hearing

A hearing – whether it is a Fast-Track Hearing or a standard Hearing – will be scheduled as specified in the Case Plan or otherwise determined by a member or conference registrar.

### 11.10.1 Where and how will hearings be conducted?

Hearings will usually be conducted face-to-face.

If the applicant is able and willing to travel to the registry, the applicant will be encouraged to attend the hearing in person at the registry.

If attendance in person at the registry is not feasible, the AAT will travel and conduct the hearing in person at a hosted venue unless the presiding member considers the hearing can be conducted successfully by video-link or by telephone.

If the presiding member considers the hearing can be conducted by video-link, the AAT will make arrangements for the applicant to participate by video from a hosted venue where this is available. If an applicant is unable to travel to a hosted venue or the presiding member otherwise agrees to a hearing by telephone, he or she will participate in the hearing by telephone.

When choosing an AAT hearing room or a room at a hosted venue for a Hearing, we should select the most informal room available that is also suitable for the number of participants and the particular needs of the participants (e.g. wheelchair accessible with easy access to accessible toilets).

Unless the presiding member decides otherwise on request, if a hearing is to be conducted face-to-face, it is expected that the NDIA's representative(s) will also attend the hearing in person.

### 11.10.2 Tasks before a hearing

The tasks to be undertaken before a hearing are broadly the same as before the Case Conference: see [11.8.2](#) .

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Send the applicant a copy of one of the following facts sheets with the listing notice:

- if it is a Fast-Track Hearing, the '[What is a Fast-Track Hearing?](#)' fact sheet unless the applicant has already been given a copy
- if it is a standard Hearing, the '[What happens at a Hearing?](#)' fact sheet

These fact sheets are available on the AAT website.

The contact officer must then pass the file to the associate of the presiding member or the team leader of the Members Support Team.

At this point the contact officer is to arrange a handover of the file to the associate or hearing attendant, including being available to participate in a handover call to the applicant to explain that the contact officer will remain the applicant's point of contact but the associate or hearing attendant will deal with enquiries about the hearing.

### 11.10.3 Pre-hearing checks

At least 7 days before the hearing, the following tasks must be undertaken.

The associate or members support staff member must call the NDIA and the applicant's representative (if any) to conduct the usual pre-hearing checks.

- The contact officer and the associate or members support staff member must call the applicant to talk about arrangements for the hearing and what will happen at the hearing, including the time, date and place of the hearing, the location of the premises, any outstanding documentation that needs to be lodged, arrangements for any witnesses that will be called, the hearing process generally and what happens after the hearing.<sup>6</sup>

A [Pre-Hearing Checklist](#) has been developed to guide this contact with the applicant. If these calls reveal any problems, raise them with the presiding member.

The contact officer (if the applicant will be attending a hearing at the AAT registry) or the members support staff member (if the hearing will be at a non-AAT venue) will arrange to meet the applicant and any legal representative, EMR support person or other person accompanying the applicant before the hearing unless it has been decided that this is not necessary.

### 11.10.4 On the day of the hearing

The contact officer or associate or members support staff member will meet the applicant and any accompanying persons as arranged and:

- escort the applicant to the hearing room

[REDACTED]

- explain where the toilets are located
- explain who will attend the hearing, clarify where people will sit and introduce the applicant to the associate or hearing attendant
- explain the other matters set out in the Pre-Hearing Orientation Checklist (in development) and answer any questions about general procedure.

A set of [guidelines](#) has been developed relating to the conduct of hearings in the NDIS Division.

There are some differences from the way in which hearings are usually conducted in the AAT. As required, the hearing attendant will need to draw these to the attention of participants other than the applicant before the hearing commences.

- When everyone is ready, the hearing attendant will tell the parties that he or she is going to get the members and the hearing is about to start. There should be no need to knock on the hearing room door before the member(s) enter the hearing room.
- Parties and others will not be required to stand when the member(s) enter or leave the hearing room. Neither members nor participants should bow to each other.
- The hearing attendant will not make any formal announcements at the beginning of the hearing (e.g. that the AAT is in session or announcing the names of the parties or the file number) or at the conclusion of the hearing (e.g. that the AAT is adjourned). The presiding member will mark the start and end of the hearing.
- Parties will not be required to stand when addressing the Tribunal. Legal representatives should be encouraged not to stand.
- There should be no need for the applicant to give evidence from the witness box unless the presiding member considers it would be appropriate.
- There should be no need to take evidence formally on oath or affirmation except where credibility is in issue.

Otherwise, the associate or hearing attendant will perform their usual tasks.

For hearings held at the AAT, the contact officer will not usually attend the hearing. However, they must be available after the hearing to answer any questions the applicant may have about what has happened and what will happen next.

[REDACTED]

[REDACTED]

## Who will the AAT contact for NDIS applications?\*

\* NB: this protocol only applies to applications for review of decisions made under the NDIS Act in relation to:

- Access to the scheme; and
- Participant's plans.

It does not apply to decisions relating to service providers.

