



NDIS External Merits Review – Support Component

What is External Merits Review?

External Merits Review (EMR) is a system of independent review of decisions made by the National Disability Insurance Agency (NDIA).

To ensure the EMR system is accessible and as non-adversarial as possible for people with disability, a number of measures have been established. These include a designated National Disability Insurance Scheme (NDIS) Division of the Administrative Appeals Tribunal (AAT), which acts as the external merits review body for the NDIA, a fee waiver for applicants seeking a review of NDIA decisions, and support services (the Support Component).

An EMR system is important in ensuring NDIA decisions are fair and robust.

What is the Support Component?

The Support Component provides services to assist AAT applicants who are seeking external review of their NDIA decision. These include:

- EMR support persons, to assist with navigating the process of AAT review. The EMR support person's role may be to assist in understanding the AAT process, attend conferences and hearings with applicants, or assist applicants to put their own case before the AAT; and
- Legal services, in cases determined by the Department of Social Services as being complex or novel and meeting specific eligibility guidelines.

EMR support persons are employed by designated disability advocacy agencies, funded under the National Disability Advocacy Program (NDAP), located in each of the NDIS launch sites.

Legal services, for complex or novel cases, are provided by Legal Aid Commissions in each state where NDIS launch sites are operating.

How are support services accessed?

At the time of lodging an application with the AAT every applicant is advised that an independent support person funded under the EMR – Support Component is available to assist them, and provided with contact details to access this support. Applicants do not need to take up this offer and have a choice of who will support them; this may be friends, family, carers, lawyers, support workers from other agencies or disability advocates.

Access to legal services under the EMR – Support Component is not accepted through self-referral from applicants. Access will predominantly be through the EMR support person or the Legal Aid Commission who will make a referral for an assessment of the case if it is thought to be complex or novel.

For legal advice and information outside of this limited legal service provision, applicants will need to independently contact legal service providers. The Legal Aid Commissions will provide advice and information in relation to the NDIS however no funding will be available to support the provision of external legal services, including representation, outside of the EMR - Support Component.

Where do I get more information?

For more information about where the External Merits Review support persons are based, visit:

<http://www.dss.gov.au/>

For information about NDAP and disability advocacy agencies funded by the Australian Government visit:

<http://www.dss.gov.au/>

For a copy of the 'complex or novel' guidelines for legal services provided under the External Merits Review – Support Component visit:

<http://www.dss.gov.au/>

For more information and to access support from the AAT, visit www.aat.gov.au or call 1300 366 700

For other enquiries, contact the Department via email:

ExternalMeritsReview@dss.gov.au