

Joint Standing Committee on the National Disability Insurance Scheme

Public Hearing – 01 February 2022
ANSWER TO QUESTION ON NOTICE

National Disability Insurance Agency

Topic: AAT – decision making

Question reference number: NDIA IQ22-000011

Question asked by: Senator Carol Brown

Type of Question: Written

Date set by the Committee for the return of answer: 28 February 2022

Question:

Is the cost of a support that is subject of an AAT appeal ever evaluated against the cost of legal advice, or external or agency resources spent on the appeal?

Does the cost of legal advice ever exceed the value of the support sought at AAT appeal? If yes, how often, and how is this justified?

Answer:

The NDIA manages matters in accordance with:

1. the *National Disability Insurance Scheme Act 2013*, and related Rules
2. the *Legal Services Directions 2017* and related guidance (which include the model litigant obligation and the requirements to manage litigation having regard to prospects of success and potential liability)
3. the Commonwealth resource management framework, which governs the use and management of public resources, the cornerstone of which is the *Public Governance, Performance and Accountability Act 2013*
4. applicable NDIA internal policies and procedures relevant to AAT matters.

Calculating the costs of specific supports is complicated, particularly noting that many costs have an ongoing life-time application. Due to the complexity, the NDIA does not hold aggregate data on this question.