



FACT SHEET: HOW CAN I APPLY FOR A REVIEW OF A DECISION?

What decisions can be reviewed?

The Commissioner is able to review certain decisions made by the Complaints Investigation Scheme but is not able to examine accreditation decisions made by the Aged Care Standards and Accreditation Agency.

Who can ask for a decision to be reviewed?

A care recipient or a care recipient's representative can ask that the Commissioner examine any of the following decisions:

- A decision not to investigate a matter relating to an approved provider's responsibilities
- A decision to end an investigation
- A decision that the relevant approved provider has not breached its responsibilities under the Act or Principles
- A decision not to issue a notice of required action
- A decision setting, adding or varying conditions of a notice of required action that directly relates to the aggrieved person.

A relevant approved provider who is dissatisfied can ask the Commissioner to examine any of the following decisions:

- A decision that the relevant provider has breached its responsibilities under the Act or Principles
- A decision to issue a notice of required action
- A decision setting, adding or varying conditions of a notice of required action.

How can I apply for a review of a decision?

The Commissioner **must** receive your application within 14 days after being told by the delegate about the decision made by the Scheme. The Commissioner has no discretion to extend this period or to accept applications outside the legislative timeframe. You may lodge your application over the telephone or in writing. In your application you must state the reasons why you are seeking an examination of the decision, other than merely being dissatisfied.

To lodge your application over the telephone, call **1800 500 294**.

You are able to send a written application by facsimile on **(03) 9663 7369**, or by emailing **complaints@agedcarecommissioner.net.au**. Alternatively you may use the online complaint form found on our website at www.agedcarecommissioner.net.au

You may also write to the Commissioner at:

**Aged Care Commissioner
Locked Bag 3
Collins Street East Victoria 8003**

Can the Commissioner refuse to examine a decision?

The Commissioner may refuse to examine an examinable decision under section 16A.24 (3) of the Investigation Principles, if the Commissioner is satisfied that the application:

- is frivolous or vexatious; or
- was not made in good faith; or relates to a matter that is, or has been, the subject of a legal proceeding; or

How long can the Commissioner take to examine a decision?

Within 60 days after the day the application is received the Commissioner must give the Secretary:

- a recommendation about the examinable decision; or
- a report about a refusal to examine the examinable decision under section 16A.24(3).