



# Review of Decisions

## Purpose

The purpose of this fact sheet is to explain:

1. your rights to seek review of decisions made under the following schemes:
  - NT Government and Public Authorities Superannuation Scheme (NTGPASS);
  - NT Government Death and Invalidity Scheme (NTGDIS);
  - NT Supplementary Superannuation Scheme (NTSSS); and
  - NT Police Supplementary Benefit Scheme (NTPSBS); and
2. how to request review of a decision.

## What decisions can be reviewed?

A decision is the approval or non-approval of a benefit or other entitlement under the *Superannuation Act*, the NTSSS Instrument or the NTPSBS Trust Deed.

For example, under NTGPASS a person may apply for the payment of a benefit by submitting the relevant application forms. The Commissioner will make an assessment and issue a payment notice. It is this notice that constitutes a decision to pay (or not pay) a particular benefit. A person may be dissatisfied if a benefit is not paid or is less than the amount anticipated.

Review is also available for an action that the Commissioner is authorised or required to take. This means that if a person is affected by an action of the Commissioner undertaken in the exercise of his/her duties under the *Superannuation Act* then that person may submit a request to the Commissioner to review that action, or any inaction.

For example, under NTGDIS an action may be the Commissioner issuing a reduced benefit classification (RBC) certificate based on medical advice received. The issuing of the RBC is an action that may constitute grounds for seeking review. An example of inaction may be failure of the Commissioner to provide written reasons to the member for issuing the RBC.

## Right to Review

### NTGPASS/NTGDIS

If a person is aggrieved by a decision or action of the Commissioner they may request, under section 46(5) of the *Superannuation Act*, that the Commissioner reconsider the decision. After receiving the request the Commissioner will reconsider the decision as soon as practicable and will provide written reasons for either confirming or revising their earlier decision or action.

If a person has requested review by the Commissioner and disagrees with the reviewed decision, the person may further apply, under section 47 (1) of the *Superannuation Act*, to the Superannuation Review Board for a review of the Commissioner's decision.

If still not satisfied after the Superannuation Review Board has reviewed the decision, the person may appeal to the Supreme Court of the NT, within 6 months after the decision of the Review Board. Under section 49 of the *Superannuation Act*, appeal to the Supreme Court is limited to issues of law i.e. interpretation of the Act or legal procedure issue.

### NTSSS

The NTSSS Instrument (clause 14) provides that if a person is aggrieved by a decision, the person may within 30 days of receiving notice of the decision request that the Commissioner reconsider the decision. After receiving the request the Commissioner will reconsider the decision as soon as practicable and will provide written reasons for either confirming or departing from their earlier decision. There is no further right to review.

### NTPSBS

Under clause 25(1) of the NTPSBS Trust Deed, a member or former member who is aggrieved by a decision of the Trustees may within 30 days after receiving notice of the decision request that the Trustees reconsider the decision. After receiving the request the Trustees will reconsider the decision as soon as practicable and provide written reasons for either confirming or revising the earlier decision. There is no further right to review.

## How to request review

### Notice in writing

Under all schemes, a review must be requested by notice in writing to the relevant person (i.e. the Commissioner, Superannuation Review Board or the NTPSBS Trustees). Notice must include a detailed explanation of reasons why the decision should be reviewed and all relevant material should be attached.

### Address for service

The notice in writing may be addressed to the relevant person, and sent by post or email to the Superannuation Office. Upon receipt of the notice, the Superannuation Office will send a confirmation letter advising that the request for review has been received.

If further review is sought in the Supreme Court, application must be to the Supreme Court in accordance with the *Supreme Court Rules*.

## Complaint Management Process

If the matter relates to a complaint about service delivery, an administrative decision or a policy/procedure of the Superannuation Office it will not fall under these review mechanisms. For further information about lodging complaints please refer to the [Complaints Management Policy](#) and [Complaints Procedure](#).