

Reviews and Appeals



If you are affected by a decision made about your Centrelink or Family Assistance Office entitlements, there are several steps you can take.

These services are free of charge, except for Court appeals.

Centrelink and the Family Assistance Office do not discriminate against customers who exercise their right of appeal.

Contact Centrelink

If you are unhappy with a Centrelink or Family Assistance Office decision, you can discuss it with the person who made the original decision. You don't have to do this but many people find it a useful first step. It gives you a chance to correct misunderstandings, present new information or evidence, and to get an incorrect decision changed quickly.

If you think a decision is wrong, you have the right to ask for a review by an **Authorised Review Officer (ARO)**. You do not have to talk to the person who made the decision before asking for an ARO review. AROs are senior and experienced people in Centrelink who will have had no involvement in your case.

You should ask for a review of a decision within 13 weeks of receiving advice of the decision. This is because if the review is decided in your favour, in some cases back payment can only be made if the request is lodged within this 13-week period. This does not apply to debt cases, and reviews of some Family Tax Benefit decisions can be sought within 52 weeks of receiving advice of the decision.

When you request an ARO review, the person who made the decision may look at it first unless you have asked for that not to happen in your case. If the person who made the decision

does not change it, or if you are still not happy with their new decision, your case will be reviewed by an ARO.

The ARO will:

- look at the information used by the person who made the original decision
- where possible, talk to you in person or by phone, to discuss the matter
- check whether any new, relevant information is available
- clear up any misunderstandings
- correct any mistakes that were made
- change the decision where appropriate
- inform you of the result explaining the reasons for the ARO's decision.

If you believe the ARO decision is incorrect, you can then appeal to the Social Security Appeals Tribunal.

Social Security Appeals Tribunal

The Social Security Appeals Tribunal (SSAT) is an independent statutory body that reviews social security, family assistance and student assistance decisions. It aims to provide a mechanism of review that is fair, just, economical, informal and quick.

The SSAT can only look at a decision that has been reviewed by an ARO. You should ask for a review of a decision by the SSAT within 13 weeks of receiving advice of the ARO's decision. This is because if the review is decided in your favour, in some cases back payment can only be made if the request is lodged within this 13-week period. This does not apply to debt cases.



You can apply to the SSAT for a review of a decision by:

- phoning **Freecall™ 1800 011 140** or TTY **1800 060 116**
- visiting a SSAT office, Centrelink Customer Service Centre or Family Assistance Office, or
- sending or delivering a written application to a SSAT office, a Centrelink Customer Service Centre or Family Assistance Office. Appeal forms are available from those offices but are not compulsory.

More information can be obtained by phoning **Freecall™ 1800 011 140** or TTY **1800 060 116**, from the SSAT's website at **www.ssat.gov.au**, or by writing to the SSAT at GPO Box 9943 in capital cities.

Appeals to the SSAT are free of charge. The Tribunal has offices in all capital cities and also visits regional centres from time to time. The SSAT can pay reasonable travel and accommodation costs and will provide an interpreter when needed.

Hearings are conducted in an informal manner. They are not like a court and it is not necessary to bring a lawyer. Hearings are in private, but customers may bring someone with them who may also talk to the Tribunal.

After deciding on the appeal, the SSAT should write to you and Centrelink within 14 days, with its decision and reasons.

Decisions made by the SSAT are binding on both you and Centrelink or the Family Assistance Office, but either may apply to the Administrative Appeals Tribunal for a further review of the decision.

Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) is a more formal independent statutory body that resolves disputes between people and government agencies. It aims to provide a mechanism of review that is fair, just, economical, informal and quick.

The AAT can review decisions of the SSAT. Appeals must be lodged in writing within 28 days of receiving the SSAT decision, although a late appeal might still be accepted. There is no charge for lodging an appeal in the AAT, and it will not order costs in Centrelink and Family Assistance Office matters.

Appeal forms and more information can be obtained by phoning the AAT on **1300 366 700** for the cost of a local call, from the AAT's website at **www.aat.gov.au**, or by writing to the AAT at GPO Box 9955 in capital cities. If you are hearing impaired the TTY service is **1800 650 662**.

After you have lodged an appeal to the AAT, Centrelink will lodge with the AAT a statement of reasons for the decision, including all relevant Centrelink documents. A copy will also be sent to you.

The AAT will then hold a conference where you can talk to a Centrelink representative. The AAT will seek to clarify the issues and, if possible, find a solution that satisfies both you and Centrelink.

If the matter is not resolved the Tribunal will give each party the opportunity to present evidence and argue its case in a public hearing, and will then make a decision.

Decisions made by the AAT are binding on both you and Centrelink and the Family Assistance Office. Either can appeal a decision of the AAT to the Courts, but only on a question of law.

Court Appeals

You can appeal an AAT decision to the Courts on a question of law. You appeal to the Federal Court in the first instance, and later to the High Court, which is the final level of appeal.

Court appeals are not free, but you may have the lodgement fee waived and keep costs down by representing yourself. If your appeal is unsuccessful, you may have to pay Centrelink's costs. If your appeal is successful, Centrelink may have to pay your costs.

An appeal should be lodged with the Federal Court's Registry within 28 days of receiving the AAT's decision in writing.

Court requirements are complex. For more information contact the Federal Court Registry, go to its website at **www.fedcourt.gov.au** or seek legal assistance.

Reviews of ABSTUDY and Assistance for Isolated Children decisions

You can request a review by an Authorised Review Officer of a decision about ABSTUDY or Assistance for Isolated Children. There is no time limit for requesting review of an assessment decision, but requests about debt decisions should be lodged within three months.

If not satisfied with an Authorised Review Officer's decision, you can then appeal an assessment decision to the Minister for Education, Science & Training, or a debt decision through the usual steps, the next one being with the Social Security Appeals Tribunal.

Assessment appeals to the Minister must be made in writing and sent to:

Minister for Education, Science & Training
Parliament House
Canberra ACT 2600

Legal Assistance

You can, but do not have to be, legally represented at any stage of the review and appeals system. Many people have been successful at all stages without representation.

Free advice and assistance may be obtained from Welfare Rights Centres and Legal Aid Services.

Welfare Rights

www.welfarerights.org.au

Adelaide	SA	1800 246 287
Brisbane	QLD	1800 358 511
Canberra	ACT	(02) 6247 2177
Darwin	NT	(08) 8982 1111
East Victoria Park	WA	1800 642 791
Fremantle	WA	(08) 9432 9790
Geelong	Vic	(03) 5223 1232
Hobart	Tas	(03) 6223 2500
Launceston	Tas	1800 066 019

Melbourne	Vic	(03) 9416 1111
Perth	WA	(08) 9328 1751
Sydney	NSW	(02) 9211 5300 or 1800 226 028
Townsville	QLD	(08) 4721 5511
Wollongong	NSW	(02) 4276 1939

Legal Aid

www.nla.aust.net.au

Adelaide	1300 366 424
Brisbane	1300 651 188
Canberra	1300 654 314
Darwin	1800 019 343
Hobart	1300 366 611
Melbourne	(03) 9269 0120 or 1800 677 402
Perth	1300 650 579
Sydney	1300 888 529

How to find out more

Website	www.centrelink.gov.au
ABSTUDY	13 2317
Employment Services	13 2850
Disability, Sickness & Carers	13 2717
Family Assistance Office	13 6150
Retirement Services	13 2300
Youth and Student Services	13 2490
In languages other than English	13 1202
TTY	Freecall™ 1800 810 586
Self Service	13 6240

Disclaimer

The information contained in this publication is intended only as a guide.

What are your responsibilities?

The information is accurate as at April 2007, but may change. If you use this publication after that date, please check with Centrelink that the details are up to date.