

Challenging a Decision by Centrelink

If you are unhappy about a decision made by Centrelink you may request the reasons for that decision and challenge the decision itself. Any Centrelink decision that affects you personally may be challenged. For example, you may challenge the cutting off or reduction in a payment. It is a good idea to request Centrelink's written reasons for your decision.

How Do I Challenge a Decision?

Challenging a Centrelink decision is free. Regardless of the outcome you will not have to pay Centrelink's costs. In order to challenge a Centrelink decision, you must follow the process below. There are four 'levels' of appeal. If you are unhappy with the first level you may move to the next stage.

(1) Seek review by Centrelink's *Original Decision Maker*.

- The Centrelink officer who made the original decision will be asked to reconsider that decision. Contact Centrelink to do this.

(2) Appeal to Centrelink's *Authorised Review Officer*.

- If you are unhappy with the decision, a senior Centrelink officer who has had no previous involvement in your case will review the decision. Contact Centrelink to do this.
- In order to receive backdated payments, you must appeal to an *ARO* within 13 weeks.

(3) Appeal to the independent *Social Security Appeals Tribunal ('SSAT')*.

- The *SSAT*, a tribunal comprising of two members, can review the decision. You do not need to bring a lawyer, but may bring a friend or other representative for support. You can apply by phone, in person or by form. Forms are available at Centrelink.
- In order to receive backdated payments, you must appeal to the *SSAT* within 13 weeks of the *ARO*'s decision. Decisions made by the *SSAT* are binding.

(4) Appeal to the *Administrative Appeals Tribunal ('AAT')*.

- Either you or Centrelink may appeal the *SSAT*'s decision to the *AAT*. You must appeal within 28 days of receiving the *SSAT*'s written decision.
- The *AAT* is a relatively formal tribunal: before your case is heard, Centrelink will lodge a statement of reasons for its decision, which includes all documents relevant to your case.
- Following this, you/your representative will meet a Centrelink officer in a conference to identify the precise issues. If the case is not resolved in conference, it will proceed to a full hearing where you and Centrelink may call evidence and make arguments.

- The *AAT*'s decision is binding (appeals to the Federal Court are allowed only on issues of law – fairness is irrelevant).

What Should I Do if I Need Money Temporarily?

- If you appeal against the cancellation or reduction of your payment, Centrelink may agree to continue your payment at the previous rate until the review is finalised. This is called 'payment pending review'.
- When deciding whether your payment should be continued while being reviewed Centrelink may consider whether you are in 'severe financial hardship'. Explain your situation to Centrelink.
- There is a risk that if your appeal is unsuccessful Centrelink will try to recover any payments that you receive pending review.
- If you are appealing an eight week no payment period Centrelink must automatically continue your payment pending review.

What if I disagree with a Decision About a Family Assistance Payment?

- Different rules generally apply for appeals to an *ARO* and the *SSAT* about family assistance payments, such as Family Tax Benefit, Child Care Benefit, Baby Bonus and Maternity Immunisation Allowance.
- If you are appealing to an *ARO* about a family assistance payment decision, you should generally do so within 12 months of being notified of the original decision. This will ensure that your appeal can be accepted and that you can be paid maximum back pay.
- In some situations you may be able to receive back pay even if you did not appeal within 12 months.
- An appeal to the *SSAT* about a family assistance payment decision must generally be lodged within 13 weeks of the date that you were notified of the *ARO*'s decision.
- If you are appealing to an *ARO* or to the *SSAT* about a family assistance payment debt only, no time limits apply. This means that if your appeal is successful, and your debt is cancelled or recovery waived, you may be entitled to a refund of the amount that you have paid back to Centrelink.

Where Can I Get Help?

Contact the Hobart Community Legal Service for help regarding disputes with Centrelink. Our website is www.hobartlegal.org.au. Contact us by phone on 6223 2500.