



**Hobart Community
Legal Service Inc.**

CHALLENGING A DECISION BY CENTRELINK

It is important to let Centrelink know of any change in your circumstances so that your information is kept up to date. Any change may alter the amount of your payment. There could be consequences for not updating your information with Centrelink or giving false or misleading information.

If Centrelink makes a decision to change your payment you have a right to know the reasons for their decision. If you are unhappy about the decision you can challenge the decision. There is no cost in challenging a decision by Centrelink.

STEP ONE: TALK DIRECTLY TO CENTRELINK

Talk to Centrelink and ask them to explain the decision. You may be able to give Centrelink more information, which could change the decision without the need for a formal appeal. If you haven't already received the reasons for the decision in writing, ask that they be sent to you.

STEP TWO: REQUEST A FORMAL REVIEW OF THE DECISION

If you are still unhappy with the decision you have the option to request a formal review. An authorised review officer (ARO) will look at your information and decide whether the decision should remain, or whether a different decision should be made.

Centrelink has an appeal form for you to include the information required for an ARO to review the decision. You can do this in one of three ways:

- In person, go to a Centrelink office and request that a review of a decision be made;
- Phone Centrelink on 1800 076 072 and ask for a review of the decision – record the receipt number and the time and date of your call;
- Online – you can upload a completed appeal form through a myGov account.

If you have a disability or impairment and use assistive technology, there are other ways you can complete this step. You can request someone to deal with Centrelink on your behalf. Centrelink will help you access, complete and submit the appeal form.

After you have submitted an appeal form an ARO will usually interview you to get any further information to assist them in responding to your appeal. This will usually be done by telephone. When the ARO has made a decision about your appeal they have to write to you with their decision and give you their reasons.

Please speak directly to Hobart Community Legal Service if you are appealing a decision to stop your payments and you need money while a review is underway.

STEP THREE: APPEAL TO THE ADMINISTRATIVE APPEALS TRIBUNAL

If you do not agree with the Centrelink ARO decision you can appeal to the *Administrative Appeals Tribunal* (AAT).

The AAT is an independent tribunal. It can change a decision that Centrelink has made but only if it has first been reviewed by a Centrelink ARO (step two).

An appeal form for the AAT can be completed in any of the following ways:

- In person, go to the Hobart Registry - Edward Braddon Building, Commonwealth Law Courts 39–41 Davey Street, Hobart;
- By telephone on 1800 228 333;
- Online – follow the links from www.aat.gov.au/;
- Posting a completed form to GPO Box 9955, Hobart 7001;
- Emailing a completed form to sscsdivision@aat.gov.au.

You will need to have the following information:

- Your name and residential address;
- Your postal address (if different from the residential address);
- The telephone number you can be contacted on during business hours;
- A brief description of the decision you would like the AAT to review; and
- The date of the decision.

There are two levels of appeal by the AAT. If you do not agree with the decision of the first review, you can apply for a second review. You should do this within 28 days of receiving the first AAT decision. If you need someone to make an application on your behalf, speak to Hobart Community Legal Service for advice.

FAQs

What if I receive a letter demanding I repay a debt within 28 days? Don't panic. You should contact Centrelink before the due date and negotiate repayments. Centrelink doesn't need permission to collect debts by deducting money from future payments. Centrelink can also be allowed to take money from your account if you don't make the payment.

What if I can't afford the debt repayments? Don't agree to repay more money than you can afford. If you can't afford the debt repayments, you should call Centrelink's debt recovery number 136 330 to negotiate the amount you repay.

What if I don't appeal quickly? If you appeal more than 13 weeks after being notified of a decision you may not get full back pay of your payment even if you win your appeal. You may not be able to appeal some decisions if you wait longer than 13 weeks. If you are unsure about a decision on any Centrelink payment it is safest to appeal as soon as possible and within 13 weeks.

Notes:

Information taken from the Legal Aid Commission of Tasmania and the National Social Security Rights Network.

For further information visit www.legalaid.tas.gov.au, nssrn.org.au or contact the Hobart Community Legal Service.

Last updated June 2018.

This factsheet is intended to give general information about the law in Tasmania. While every effort has been made to ensure accuracy at the time of writing, the law is complex and constantly changing. Moreover, legal exactness is not always possible in a publication of this nature. The factsheet should not be used as a substitute for legal advice.

No responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person acting or relying on the information contained in it or omitted from it.

Providing legal direction

Hobart Office

9-5 Mon to Thurs / 9-1 Fri

166 Macquarie Street,

Hobart TAS 7000

Ph: 03 6223 2500

Fax: 03 6223 2510

Visit:

www.hobartlegal.org.au