



## Appeals – how to appeal against a Centrelink decision

This Factsheet explains your right to appeal against a Centrelink decision, how to appeal and where to get help. Each year thousands of people successfully appeal Centrelink decisions. Appealing is free.

### ➤ What is an appeal?

Appealing simply means asking for a decision you're not happy with to be looked at again. The person or tribunal you appeal to can change the original decision if it is wrong. For example, if Centrelink cancels your Social Security payment and you think that decision is wrong you can appeal against it.

### ➤ How much does it cost to appeal?

Nothing. Appealing is free.

### ➤ Can I get in trouble for appealing?

No. You cannot get in trouble for appealing a Centrelink decision. Social Security law is very complex and Centrelink staff can make mistakes.

Do not be discouraged from appealing if you think Centrelink's decision is wrong. Appealing is your legal right.

### ➤ How to make an appeal

If you think a Centrelink decision is wrong make an appeal immediately. You may need to provide evidence to support your appeal but you can supply it later.

#### **1. The first step is to appeal to an Authorised Review Officer.**

If you're not happy with a Centrelink decision, ask for a review of that decision by an Authorised Review Officer (ARO). AROs are senior Centrelink officers who have the power to change Centrelink decisions.

You can appeal at any time. However you must appeal within 13 weeks of the original decision if you want back pay to the date of the original decision. If you appeal after 13 weeks and you are successful, you will only receive back pay from the date you put in your appeal.

It is best to lodge an appeal in writing. Write a letter or complete a “Request for a review by an Authorised Review Officer” form, available from [www.welfarerights.org.au](http://www.welfarerights.org.au) or from your local Welfare Rights Centre/Advocate. Include:

- your name and contact details;
- your Customer Reference Number;
- what decision you think is wrong;
- why you think the decision is wrong; and
- any evidence you think will help your case.

Keep a copy for your own records, then post or lodge your appeal in person at your local Centrelink office.

You can also make an appeal over the telephone or at a Centrelink office. Just remember to ask for a “receipt number” and make a note of the time and date you rang or visited the Centrelink office.

The ARO will usually interview you by telephone, rather than in person, to hear your side of the story. Sometimes an ARO may also ask you to attend an interview. The ARO will then send you a letter explaining the reasons for their decision.

Often when you ask for a review by an ARO, Centrelink will ask the person who made the original decision to look at their decision again. This may help you but if you don't get everything you want, you should insist that your appeal goes to the ARO. Also if you prefer, you have the right to request that the matter goes straight to an ARO and that the original decision maker does not review it again.

## **2. What if I'm not happy with the ARO decision?**

If you're not happy with the ARO decision, you should appeal to the Social Security Appeals Tribunal (SSAT). The SSAT is independent from Centrelink. The SSAT can only hear cases that have been reviewed by an ARO. The SSAT is fairly informal and you should have every opportunity to discuss your case at the hearing.

Appealing to the SSAT is free.

You can appeal at any time. However you must appeal within 13 weeks of the AROs decision if you want back pay to the date of the original decision. If you appeal after 13 weeks and you are successful, you will only receive back pay from the date you put in your appeal with the SSAT.

For detailed advice see the guide “Appealing to the Social Security Appeals Tribunal”, available from [www.welfarerights.org.au](http://www.welfarerights.org.au).

## **3. What if I think the SSAT decision is wrong?**

If you think the SSAT decision is wrong you have the right to appeal to the Administrative Appeals Tribunal (AAT). Centrelink can also appeal against the SSAT decision to the AAT.

You should get advice from your local Welfare Rights Centre/Advocate or Legal Aid office regarding this stage of appeal.

Appealing to the AAT is free.

You must put in an appeal to the AAT within 28 days of getting the SSAT's decision. In limited circumstances the AAT may give you an extension of time to put in your appeal.

#### **4. What if I think the AAT decision is wrong?**

You can appeal against a decision of the AAT to the Federal Court but only on a "question of law". You should not appeal to the Federal Court without seeking legal advice about the chance of success and the possible cost of the appeal. Appeals can be very expensive.

You must appeal to the Federal Court within 28 days of getting the AAT's decision. In limited circumstances the Federal Court may give you an extension of time to put in your appeal.

##### ➤ **What can I do if Centrelink cancels or reduces my payment?**

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 pending review, Centrelink may consider whether you are in "severe financial hardship".

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.

##### ➤ **Is there a time limit to appeal against a debt?**

If you are appealing to an ARO or to the SSAT about a 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 you have paid back to Centrelink.

##### ➤ **What if I disagree with a decision about a family assistance payment?**

Different rules generally apply for appeals to the 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 limited situations you may be able to receive back pay even if you did not appeal within 12 months. If Centrelink refuses to accept your appeal or refuses to give you back pay, contact a Welfare Rights Centre/Advocate for advice.

An appeal to the SSAT about a family assistance payment decision must generally be lodged

within 13 weeks of the date you were notified of the ARO's decision. The Tribunal may accept an appeal outside the 13 week time limit if it accepts that there are "special circumstances" to do so.

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 you have paid back to Centrelink.

➤ **Where can I get help with my appeal?**

If you have any questions about making an appeal, you should contact your local Welfare Rights Centre/Advocate.

Welfare Rights Centres are community legal centres which provide **free** legal advice and assistance with Centrelink problems. They specialise in Social Security law. They are independent of Centrelink. Contact the Welfare Rights Centre / Advocate in your state/region see: [www.welfarerights.org.au](http://www.welfarerights.org.au).

You can also get advice from your local community legal centre or Legal Aid office.

➤ **Interpreters**

If you think you need an interpreter, or if you feel more confident with an interpreter, you should use one of the three **free** available interpreter services.

- Most Centrelink offices have interpreters available at regular times each week. Your local Centrelink office can tell you about their available languages and times.
- You can telephone the Centrelink Multilingual Call Centre on 131 202 and speak to a bilingual Centrelink officer.
- You can also call the **free** Telephone Interpreter Service (TIS) on 131 450 and ask for an interpreter.

For more information please contact your union. This Literature is recommended as a guide only and is not a substitute for professional or legal advice. If you need clarification or further advice please consult your Union for further information or Contact the Workers Health Centre. The Workers Health Centre is a non-profit organisation that has provided workers with quality health and safety services since 1976.

**If you are an Injured Worker and in need of assistance and support when injured, please contact us**

**The Injured Workers Support Network**

**Address:**  
**Phone:**  
**Email:**  
**Website:**

**The Injured Workers Support Network is a Not for Profit Organisation.**

**Who can participate?**

- All injured workers
- Any immediate family or support persons of injured workers.

**If interested in further information concerning meetings, membership or other forms of support for the Injured Workers Support Network, please contact us.**