



如果您不同意一个决定该怎么办？

如果您不同意对您应得福利所做的决定，您有权要求对该决定进行复核。

您可以通过写信、致电或者到访我们的 **service centre**，要求对有关您的补贴和退费，或者子女抚养费的评估决定进行复核。

我们不歧视行使上诉权的客户。

和我们交谈

如果您想得到关于一个决定的更多信息，您应该和我们联系。我们会核查该决定的详情并为您作出解释。这给您一个机会纠正误解，并向我们提供新资料。

要求复核

如果您不同意一个决定，可以要求复核。我们会把您的要求转给一个之前没有参与这项决定的复核员，如果该决定有误，复核员有权更正。

您可以通过以下方式要求复核：

- 致电我们；
- 阅读 *Review of a Centrelink decision* 表格，然后填写、打印并邮寄到任何一个 **service centre**；
- 前往 **service centre**。

复核员将会：

- 在可能时就该决定和您交谈；
- 查证事实以及法律和政策条文；
- 如果决定不正确，则做出更正；并且
- 书面通知您复核结果。

Administrative Appeals Tribunal

如果您不同意复核员的决定，在大多数情况下，您接下来可以向行政上诉仲裁庭 **Administrative Appeals Tribunal (AAT)** 寻求复核。然而，如果该决定是关于 **ABSTUDY** 或 **Assistance for Isolated Children**（而不是债务），或是关于一笔乡村地区优惠补贴，可能会有不同的复核和上诉程序。

AAT 是一个独立仲裁机构。它有权改变决定，但是只能根据法律行事，并且只能在复核员复核过这个案子以后进行。**AAT** 复核分为两级。如果您不同意 **AAT** 的首次复核结果，可以申请 **AAT** 二次复核。

您应该在收到复核员决定通知后的 **13 周内**向 AAT 递交首次复核申请。如果您在收到复核员决定通知的 13 周后申请，而这个决定得到了更正，您也许只能从您申请复核之日起领取您可以享受的福利。

如果您不同意 AAT 的首次复核结果，可以向 AAT 申请二次复核。您应该在收到首次复核决定的 **28 天内**向 AAT 递交二次复核申请。

向 AAT 递交申请是免费的。我们不会为您寻求 AAT 复核提供费用援助。如果您申请复核成功，AAT 不会裁定给您补偿费用。反之，如果您的申请没有成功，也不会要您支付我们的费用。

查询更多信息，或申请复核，可以：

- 致电免费电话 **Freecall™ 1800 228 333**
- 登入 **aat.gov.au**

在您向 AAT 递交申请之后，我们将向 AAT 递交做出该决定的理由陈述，和本部持有的所有相关文件。您将收到该陈述和各份文件的副本。

此后，AAT 可能会召集一次会议，其间您可以和我们的代表交谈。在这次会议上，AAT 将设法澄清存在的问题，如有可能，解决争议，让双方满意。

如果争议没有得到解决，AAT 将给各方机会呈交证据并为自己的案子争辩。这有可能是举行一次公开听证。

AAT 的决定对双方都有约束力。任何一方都可以就 AAT 的决定向法庭提出上诉，但仅限于法律问题。

法庭上诉

对 AAT 二次复核决定中的法律问题提出上诉，要提交到联邦法院 **Federal Court**。最终，如果最高法院 **High Court** 授予您特许 **Special Leave**，您可以就 **Federal Court** 的整个决定向 **High Court** 提出上诉。

法庭上诉不是免费的，但您可能获得免除申请费，并且代表自己出庭以降低费用。如果您的上诉不成功，您可能须支付我们为上诉支出的费用。如果您的上诉成功，我们可能须支付您的费用。

申请应该在收到 AAT 书面决定的**28天内**向 **Federal Court Registry** 递交，虽然超时申请在某些情况下仍然可能被接受。

法庭的要求通常比 AAT 更正式。如需查询更多信息，您可以：

- 联系您所在州或领地的 **Federal Court Registry**；
- 浏览 **fedcourt.gov.au**
- 寻求法律帮助。

法律帮助

在复核和上诉系统的任何阶段，您都可以让律师代表您，但并非一定要这样做。

您可以从以下网站获得免费建议和帮助：

- welfarerights.org.au
- nationallegalaid.org

更多信息

了解关于如果您不同意对您应得的福利所做的决定，您应该怎么办更多信息：

- 浏览humanservices.gov.au/reviewsandappeals
- 致电**131 202**，向讲中文的职员咨询；
- 前往service centre。



What if you do not agree with a decision?

If you do not agree with a decision about your entitlements, you have the right to ask for a review of the decision.

You can ask for a review of a decision about your payments and rebates, or a child support assessment, by writing to, calling or visiting one of our service centres.

We do not discriminate against customers who exercise their right of appeal.

Talk to us

If you would like more information about a decision, you should contact us. We will check the details and explain the decision. This gives you a chance to correct misunderstandings and present new information.

Ask for a review

If you do not agree with a decision, you can ask for a review. We will forward the matter to a review officer who has not been involved in the decision and can change the decision if it is wrong.

You can ask for a review by either:

- telephoning us
- viewing the *Review of a Centrelink decision* form, filling it in, printing it and posting it to any service centre,
- visiting a service centre.

The review officer will:

- talk to you about the decision where possible
- look at the facts, the law and policy
- change the decision if it is not correct, **and**
- advise you in writing about the result of the review.

Administrative Appeals Tribunal

If you do not agree with the decision made by the review officer, in most cases you can then seek review by the Administrative Appeals Tribunal (AAT). If the decision is about ABSTUDY or Assistance for Isolated Children (and not a debt), or about a rural ex-gratia payment, there may be a different review and appeal processes.

The AAT is an independent tribunal. It has the power to change decisions but only according to the law and only after a review officer has reviewed the case. There are two levels of review by the AAT. If you do not agree with the outcome of the AAT first review, you may be able to apply for an AAT second review.

You should request an AAT first review **within 13 weeks** of being notified about the review officer's decision. If your request is more than 13 weeks after being notified and the decision is changed, you may only receive your entitlement from the date you requested the review.

If you do not agree with the outcome of the AAT first review, you may be able to apply for an AAT second review. You should request an AAT second review within 28 days of receiving the AAT first review decision.

There is no charge for lodging an application to the AAT. We will not assist you with costs you may incur in pursuing a review by the AAT. You cannot be awarded costs by the AAT if you are successful and in turn you cannot be required to pay our costs if you are not successful.

For more information, or to request a review, you can:

- phone **Freecall™ 1800 228 333**
- go to **aat.gov.au**

After you have lodged an application to the AAT, we will lodge a statement of reasons for the decision and all relevant department documents to the AAT. You will receive a copy of the statement and documents.

The AAT may hold a conference at which you can talk to our representative. At this conference, the AAT will seek to clarify the issues and, if possible, resolve the matter to the satisfaction of both parties.

If the matter is not resolved, the AAT will give each party the opportunity to present evidence and argue their case. This may be in a public hearing.

Decisions made by the AAT are binding on both parties. Either can appeal an AAT decision to the Courts, but only on a question of law.

Court appeals

An appeal against an AAT second review decision on a question of law is made to the Federal Court. Ultimately, a full Federal Court decision can be appealed to the High Court, if the High Court grants you Special Leave to appeal to the High Court.

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 costs we have incurred. If your appeal is successful, we may have to pay your costs.

An application should be lodged with the Federal Court Registry within **28 days** of receiving the AAT's decision in writing, although a late application might still be accepted in some circumstances.

Court requirements are usually more formal than the AAT. For more information:

- contact the Federal Court Registry in your state or territory
- go to **fedcourt.gov.au**
- seek legal assistance.

Legal assistance

You can, but do not have to be, legally represented at any stage of the review and appeals system.

Free advice and assistance is available from:

- welfarerights.org.au
- nationallegalaid.org

More information

For more information about what to do if you do not agree with a decision about your entitlements:

- visit humanservices.gov.au/reviewsandappeals
- call **131 202** to speak to someone in your language,
- visit a service centre.