



Itakuwaje kama hukubaliani na uamuzi?

Iwapo hukubaliani na uamuzi kuhusu haki zako, una haki ya kuomba mapitio ya uamuzi huo.

Unaweza kuomba mapitio ya uamuzi kuhusu malipo na vipunguzo vyako, au utathmini wa child support, kwa kuandikia, au kupiga simu au kutembelea mojawapo ya vituo vyetu vya huduma.

Hatuwabagui wateja ambao wanatekeleza haki zao za kuomba rufaa.

Ongea nasi

Ikiwa ungependa maelezo zaidi kuhusu uamuzi, unapaswa kuwasiliana nasi. Tutakagua maelezo na kufafanua uamuzi huo. Hii itakupa nafasi ya kusahihisha kutokuelewa na kukupa maelezo mapya.

Omba mapitio

Iwapo hukubaliani na uamuzi, unaweza kuomba mapitio. Tutawasilisha suala hilo kwa afisa wa mapitio ambaye hajahusika katika uamuzi na anaweza kubadilisha uamuzi ukiwa si sahihi.

Unaweza pia kuomba mapitio kwa:

- kutupigia simu
- kuangalia fomu ya *Review of a Centrelink decision*, kuijaza, kuinakili na kuichapisha kwenye kituo chochote cha huduma,
- kutembelea kituo cha huduma.

Afisa wa mapitio:

- ataongea na wewe kuhusu uamuzi huo ikiwezekana
- ataangalia kweli, sheria na sera
- atabadilisha uamuzi ukiwa si sahihi, **na**
- atakushauri kwa kukuandikia kuhusu matokeo ya mapitio.

Administrative Appeals Tribunal

Iwapo hukubaliani na uamuzi uliotolewa na afisa wa mapitio, katika hali nyingi unaweza kutafuta mapitio kutoka kwa Administrative Appeals Tribunal (AAT). Ikiwa uamuzi unahusu ABSTUDY au Assistance for Isolated Children (na wala sio deni), au unahusu malipo ya hiari ya mashambani, huenda kukawa na mchakato tofauti wa kupitia na kuomba rufaa.

AAT ni mahakama huru. Ina uwezo wa kubadilisha maamuzi lakini kulingana na sheria tu na baada ya afisa wa mapitio kupitia kesi yako pekee. Kuna ngazi mbili za mapitio ya AAT. Iwapo hukubaliani na matokeo ya mapitio ya kwanza ya AAT, unaweza kuomba mapitio ya pili ya AAT .

Unapaswa kuomba mapitio ya kwanza ya AAT **katika wiki 13** za kuarifiwa kuhusu uamuzi wa afisa wa mapitio. Iwapo maombi yako yamezidisha wiki 13 baada ya kuarifiwa na uamuzi umebadilishwa, unaweza kupokea haki yako tu kuanzia tarehe uliyoomba mapitio.

Iwapo hukubaliani na matokeo ya mapitio ya kwanza ya AAT, unaweza kuomba mapitio ya pili ya AAT. Unapaswa kuomba mapitio ya pili ya AAT katika siku 28 za kupokea uamuzi wa kwanza wa mapitio ya AAT. Hakuna ada yoyote ya kuwasilisha maombi kwa AAT. Hatutakusaidia na gharama unayoweza kupata kwa kufuatilia mapitio na AAT. Huwezi kufidiwa gharama na AAT iwapo utafanikiwa na vivyo hivyo huwezi kuhitajika kulipa gharama zozote iwapo hutafanikiwa.

Kwa maelezo zaidi, au kuomba mapitio, unaweza:

- kupiga simu kwa **Freecall™ 1800 228 333**
- nenda kwa **aat.gov.au**

Baada ya kuwasilisha maombi yako kwa AAT, tutawasilisha taarifa ya sababu za uamuzi na hati zote muhimu za idara kwa AAT. Utapokea nakala ya taarifa na hati.

AAT inaweza kuendesha mkuatan ambapo unaweza kuzungumza na mwakilishi wetu. Katika mkutano huu, AAT itatafuta njia za kuelezea masuala hayo na, ikiwezekana, itatue suala hilo hadi pande zote ziridhike.

Iwapo suala hilo halijatatuliwa, AAT itapatia kila mhusika fursa ya kuwasilisha ushahidi na kutetea kesi yake. Huenda hii ikawa katika mahakama ya umma.

Maamuzi yanayotolea na AAT ni lazima kufuatiliwa na pande zote. Pande zote zinaweza kukata rufaa uamuzi wa AAT kwa Mahakamani, lakini iwapo tu ni suala la kisheria.

Rufaa ya Mahakamani

Maombi ya rufaa dhidi ya uamuzi wa pili wa AAT katika suala la kisheria huwasilishwa kwa Federal Court. Mwishowe, uamuzi kamili wa Federal Court unaweza kukatiwa rufaa kwa High Court, iwapo High Court itakupa Special Leave ya kukata rufaa kwa High Court.

Mahakama ya rufaa si ya bure, lakini unaweza kuondolewa ada ya kuwasilisha rufaa na upunguze gharama kwa kujiwakilisha. Iwapo maombi yako ya rufaa hayatafanikiwa, huenda ukalazimika kulipia gharama tuliyopata. Iwapo maombi yako ya rufaa yatafanikiwa, huenda tukalazimika kukulipa gharama uliyopata.

Maombi yanapaswa kuwasilishwa kwa Federal Court Registry katika **siku 28** baada ya kupokea uamuzi wa AAT ulioandikwa, ijapokuwa maombi ya kuchelewa yanaweza kukubaliwa katika hali nyingine.

Mahitaji ya mahakama kwa kawaida huwa rasmi zaidi ikilinganishwa na ya AAT. Kwa maelezo zaidi:

- wasiliana na Federal Court Registry katika jimbo au himaya yako
- nenda kwa fedcourt.gov.au
- kutafuta ushauri wa kisheria.

Usaidizi wa kisheria

Unaweza, lakini sio lazima, kuwakilishwa kisheria wakati wowote ule wa mfumo wa mapitio na maombi ya rufaa.

Ushauri na usaidizi bila malipo unapatikana kutoka:

- welfarerights.org.au
- nationallegalaid.org

Kwa maelezo zaidi

- nenda kwa humanservices.gov.au/reviewsandappeals kwa maelezo zaidi kwa Kiingereza
- nenda kwa humanservices.gov.au/yourlanguage ambapo unaweza kusoma, kusikiliza au kutazama video zenye maelezo kwa lugha yako
- piga simu **131 202** ili uzungumze nasi kwa lugha yako kuhusu malipo na huduma za Centrelink
- piga simu kwa Translating and Interpreting Service (TIS National) nambari ya simu **131 450** ili uzungumze nasi kwa lugha yako kuhusu malipo na huduma za Medicare na Child Support
- tembelea kituo cha huduma.

Kumbuka: simu kutoka kwa simu yako ya nyumbani kwa nambari '13' kutoka mahali popote Australia hulipishwa ada iliyowekwa. Kiwango hicho kinaweza kutofautiana na bei ya simu za nchini na kinaweza pia kutofautiana kati ya watoa huduma ya simu. Simu kwa nambari '1800' kutoka kwa simu yako ya nyumbani hazina malipo. Simu kutoka kwa simu za umma au za mkononi zinaweza kuwekewa muda na kulipishwa kiwango cha juu.

Kanusho

Maelezo yaliyo katika chapisho hili yamekusudiwa kama mwongozo wa malipo na huduma. Ni wajibu wako kuamua kama unataka kuomba malipo na kutuma ombi linalohusiana na hali zako maalum.



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.

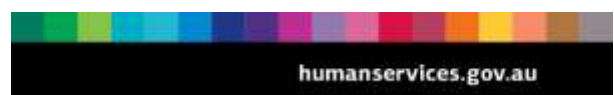
The review officer will:

- 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 process.

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**

For more information

- go to humanservices.gov.au/reviewsandappeals for more information in English
- go to humanservices.gov.au/yourlanguage where you can read, listen to or watch videos with information in your language
- call **131 202** to speak with us in your language about Centrelink payments and services
- call the Translating and Interpreting Service (TIS National) on **131 450** to speak with us in your language about Medicare and Child Support payments and services
- visit a service centre.

Note: calls from your home phone to '13' numbers from anywhere in Australia are charged at a fixed rate. That rate may vary from the price of a local call and may also vary between telephone service providers. Calls to '1800' numbers from your home phone are free. Calls from public and mobile phones may be timed and charged at a higher rate.

Disclaimer

The information contained in this publication is intended only as a guide to payments and services. It's your responsibility to decide if you wish to apply for a payment and to make an application with regard to your particular circumstances.