

s 22 - Irrelevant material



Australian Government

Services Australia

Review or appeal a Departure Prohibition Order (DPO) or Departure Authorisation Certificate (DAC) decision 107-17060106

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Background

s 22 - Irrelevant material

This document outlines the review and appeals process for a Departure Prohibition Order (DPO) or Departure Authorisation Certificate (DAC) issued to a person with outstanding Centrelink debt.

Departure Prohibition Orders (DPO)

A Departure Prohibition Order (DPO) is issued to prevent a customer with a Centrelink debt from leaving Australia. Review and appeals for DPO decisions have different rules and legislation to other types of decisions made in the agency.

Decisions related to a DPO are not subject to the normal internal review process. The decision must be explained to the customer. If the person disagrees with the decision following the explanation, tell them:

- the decision to make a DPO can **only** be appealed to the Federal Court of Australia or Federal Circuit and Family Court of Australia. A single judge will hear the case. The court can only consider if the DPO has been properly made. It can:
 - set aside the DPO, or
 - dismiss the appeal
- a decision to [revoke or vary](#) a DPO can **only** be made by the Administrative Review Tribunal (ART)

Departure Authorisation Certificate (DAC)

A DAC allows a person with a DPO to depart and return to Australia within a specified period. Security may be required before issuing a DAC.

All decisions relating to a DAC and the corresponding security may be appealed to the Administrative Review Tribunal (ART).

Reconsidering a decision

A DPO can be [revoked if the criteria has been met](#).

A decision to reject a [DAC application can be reviewed by a DPO Officer](#) if new evidence supporting the travel request has been provided.

The [Resources](#) page contains links to the Federal Court of Australia and Federal Circuit and Family Court of Australia websites and contact details for the Administrative Review Tribunal (ART) and Debt and Compensation Program (DCP) Branch and Payment Assurance Operations (PAO).

Related links

[Departure Prohibition Orders \(DPO\) for Centrelink customers](#)

[Issue, vary or revoke a Departure Prohibition Order \(DPO\)](#)

[Activation or retention of a Departure Prohibition Order \(DPO\) or Departure Authorisation Certificate \(DAC\)](#)

[Departure Authorisation Certificate \(DAC\) processing](#)

Process

This document outlines the review and appeals process for a Departure Prohibition Order (DPO) or Departure Authorisation Certificate (DAC) issued to a person with outstanding Centrelink debt.

Reviewing or appealing a Departure Prohibition Order (DPO) or Departure Authorisation Certificate (DAC) decision

Step	Action
1	<p>Review differences compared to other Centrelink decisions + Read more ...</p> <p>The review process for DPO or DAC decisions is different to the standard internal review process.</p> <p>The decision must be explained to the customer.</p> <p>There is no formal internal review process. Do not run the s 47E(d)</p>
2	<p>Contacts regarding DPO/DAC decisions + Read more ...</p> <p>Decision notices will contain the dedicated DPO Team number for the person to call the DPO team directly.</p> <p>If a person requests a review or further explanation of a decision, warm transfer them to the DPO team.</p> <p>Customer wanting a review of the debt, not the DPO or DAC:</p> <ul style="list-style-type: none"> • normal review and appeal processes apply • advise the DPO team and record the details on a DOC
3	<p>Reconsidering a decision about a DPO or DAC + Read more ...</p> <p>An explanation of a decision to issue a DPO or reject a DAC provides an opportunity to:</p> <ul style="list-style-type: none"> • clear up any misunderstanding • receive new information • correct errors <p>A decision to issue a DPO can only be appealed to:</p> <ul style="list-style-type: none"> • Federal Court of Australia, or • Federal Circuit and Family Court of Australia • go to Step 5 <p>The customer can only appeal to the Administrative Review Tribunal (ART) for decisions:</p> <ul style="list-style-type: none"> • to reject an application to revoke or vary a DPO • to reject an application for a DAC • refuse the issue a DAC with a substituted return date • about the provision of security • about the forfeit of security • go to Step 4
4	<p>Review by ART + Read more ...</p> <p>Internal review by an Authorised Review Officer (ARO) is not available for any of these decisions.</p> <p>The ART will undertake an independent merits review of the decision. The person should contact the ART about how to make an application for review. They may find more information regarding the ART via their website. For contact details, see Administrative Review Tribunal (ART).</p>

	<p>These reviews are an ART second (ART2) review.</p> <p>Record details on a DOC in the person's record.</p> <p>Has the ART advised the department of a review?</p> <ul style="list-style-type: none">• Yes, go to Step 6• No, procedure ends here
5	<p>Review by the Federal Court of Australia or the Federal Circuit and Family Court of Australia + Read more ...</p> <p>Advise the customer:</p> <ul style="list-style-type: none">• there are considerable costs involved• there are other options to resolve the debt issue. Guides are on the References page• revoking the DPO could be considered if criteria are met <p>See the Resources page for a link to the Federal Circuit and Family Court of Australia websites.</p> <p>Record details on a DOC in the person's record.</p> <p>Is the agency aware of a review?</p> <ul style="list-style-type: none">• Yes, go to Step 6• No, procedure ends here
6	<p>Record appeal + Read more ...</p> <p>To record a new appeal against a DPO or DAC decision:</p> <p>s 47E(d)</p>
7	<p>Documents required for appeals + Read more ...</p>

Make the following documents available for a review of a decision about a DPO or DAC:

- the DPO
- reasons for the decision to make a DPO
- the submission recommending the making of a DPO
- notice and reasons for the decision as to revoking or varying a DPO (if applicable)
- notice and reasons for the decision not to issue a DAC (if applicable)
- notice and reasons for the decision not to accept security for return to Australia (if applicable)
- the documentary evidence relied upon in making the decision under review and any other documents relevant to the application
- other documents requested by the FOI and Ombudsman Branch

The Litigation Branch can request this information from the team. The DPO team must provide the documents to the FOI and Ombudsman Branch within 2 business days of notification.

The appeal will be managed by the FOI and Ombudsman Branch with assistance and instructions from Litigation Branch.

References

Policy

[Social Security Guide 6.7.2.100, Departure Prohibition Orders](#)

[Family Assistance Guide 7.7.1, Making a Departure Prohibition Order](#)

[Family Assistance Guide 7.7.2, Departure Authorisation Certificates](#)

[Paid Parental Leave Guide 7.3.7, Departure Prohibition Orders](#)

[Paid Parental Leave Guide 7.3.8, Departure Authorisation Certificates](#)

Legislation

Links to the Federal Register of Legislation site go to a 'Series' page. Select 'Latest' version.

[Social Security Act 1991](#)

- section 1252, Appeals to courts against making of departure prohibition orders
- section 1253, Jurisdiction of courts
- section 1254, Orders of court on appeal
- section 1255, Review of decisions

[A New Tax System \(Family Assistance\) \(Administration\) Act 1999](#)

- section 102N, Appeals to courts against making of departure prohibition orders
- section 102P, Jurisdiction of courts
- section 102Q, Orders of court on appeal
- section 102R, Review of decisions

[Student Assistance Act 1973](#)

- section 43U, Appeals to courts against making of departure prohibition orders
- section 43V, Jurisdiction of courts
- section 43W, Orders of court on appeal
- section 43X, Review of decisions

[Paid Parental Leave Act 2010](#)

- section 200N, Appeals to courts against making of departure prohibition orders
- section 200P, Jurisdiction of courts
- section 200Q, Orders of court on appeal

- section 200R, Review of decisions

Resources

External websites

[Federal Court of Australia](#)

[Federal Circuit and Family Court of Australia](#)

Contact details

[Administrative Review Tribunal \(ART\)](#)

[Debt and Compensation Program \(DCP\) Branch and Payment Assurance Operations \(PAO\) contacts](#)