



Šta ako se ne slažete s odlukom?

Ako se ne slažete s odlukom o vašim pravima, imate pravo tražiti da se ta odluka preispita.

Preispitivanje odluke o plaćanjima i popustima ili o procjeni alimentacije možete tražiti pismenim putem, telefonom ili osobno u jednom od service centres.

Mi ne vršimo diskriminaciju prema korisnicima koji koriste svoje pravo na žalbu.

Razgovarajte s nama

Ako želite dobiti više informacija o odluci, kontaktirajte nas. Mi ćemo provjeriti detalje i objasniti vam odluku. To vam daje šansu da se isprave nesporazumi i da nam dostavite nove informacije.

Tražite preispitivanje odluke

Ako se ne slažete s nekom odlukom, možete tražiti da se ona preispita. Mi ćemo predmet proslijediti službeniku nadležnom za preispitivanje odluke koji nije bio uključen u odluku i koji može promijeniti odluku ako je ona pogrešna.

Preispitivanje možete zatražiti:

- ako nas nazovete
- ako pogledate obrazac *Review of a Centrelink decision*, popunite ga, odštampate i pošaljete u bilo koji service centre,
- ako posjetite service centre.

Službenik za preispitivanje odluka će:

- porazgovarati s vama o odluci, ako je to moguće
- pogledati činjenice, zakon i pravila
- promijeniti odluku ako nije ispravna, i
- obavijestiti vas pismenim putem o ishodu preispitivanja.

Administrative Appeals Tribunal

Ako se ne slažete s odlukom službenika za preispitivanje odluka, u većini slučajeva možete tražiti da to riješi Administrative Appeals Tribunal (AAT). Ako se odluka odnosi na ABSTUDY ili Assistance for Isolated Children (a ne na dug), ili na ruralnu isplatu ex-gratia, možda će biti potreban drugačiji postupak preispitivanja i žalbe.

AAT je nezavisni tribunal. On ima moć da mijenja odluke, ali samo u skladu sa zakonom i tek nakon što je službenik za preispitivanje odluka razmotrio slučaj. Postoje dva nivoa AAT revizija. Ako se ne slažete s ishodom prve AAT revizije, možete podnijeti zahtjev za drugu AAT reviziju.

Zahtjev za prvu AAT reviziju morate predati **u roku od 13 sedmica** od dana kada ste dobili obavijest o odluci službenika za preispitivanje odluka. Ako je vaš zahtjev podnesen nakon više od 13 sedmica otkad ste primili odluku i odluka se promijeni, pravo možete ostvariti samo od datuma podnošenja zahtjeva za reviziju.

Ako se ne slažete s ishodom prve AAT revizije, možete podnijeti zahtjev za drugu AAT reviziju. Zahtjev za drugu AAT reviziju morate podnijeti u roku od **28 dana** od dana kada primite odluku o ishodu prve AAT revizije.

Za podnošenje zahtjeva AAT-u ne naplaćuje se naknada. Mi vam nećemo pomoći u troškovima nastalim oko traženja revizije od strane AAT-a. AAT vam ne može priznati troškove ako slučaj uspješno završi, ali isto tako se ne može tražiti od vas da platite naše troškove ako slučaj ne završi uspješno za vas.

Za više informacija ili za zahtjev za preispitivanje, možete:

- nazvati **Freecall™ 1800 228 333**
- otići na **aat.gov.au**

Kada podnesete zahtjev AAT-u, mi ćemo AAT-u dostaviti izjavu o razlozima za donošenje takve odluke i sve relevantne dokumente. Vi ćete dobiti kopiju te izjave i dokumenata.

AAT može održati konferenciju na kojoj možete razgovarati s našim predstavnikom. Na toj konferenciji AAT će nastojati da razjasni pitanja i, ako je moguće, da riješi problem na zadovoljavajući način za obje strane.

Ako se stvar ne riješi, AAT će dati i jednoj i drugoj strani priliku da iznesu dokaze i svoje argumente. To može biti na javnoj raspravi.

Odluke koje donese AAT obavezuju jednu i drugu stranu. I jedna i druga strane može sudovima uložiti žalbu na odluku AAT-a, ali samo po pitanjima zakona.

Žalbe sudu

Žalba na odluku druge AAT revizije po pitanju zakona podnosi se na Federal Court. U krajem slučaju na odluku koju donese Federal Court u punom sastavu može se uložiti žalba na High Court, ako vam High Court odobri Special Leave da se možete žaliti na High Court.

Žalbe sudu nisu besplatne, ali možete biti oslobođeni naknade za deponiranje žalbe i smanjiti troškove ako zastupate sami sebe. Ako žalba ne bude uspješna, može vam biti određeno da platite naše nastale troškove. Ako vam žalba bude uspješna, može biti određeno da mi vama platimo troškove.

Zahtjev treba predati u Federal Court Registry u roku od **28 dana** od dana kada je primljena pismena odluka AAT-a, iako se zakašnjela odluka u nekim okolnostima može prihvatiti.

Zahtjevi suda obično su više formalni nego zahtjevi AAT-a. Za više informacija:

- kontaktirajte Federal Court Registry u vašoj državi ili teritoriju
- idite na **fedcourt.gov.au**
- tražite pravnu pomoć.

Pravna pomoć

Možete, ali ne morate, imati pravnog zastupnika u bilo kojoj fazi revizionog ili žalbenog sistema.

Besplatni savjeti i pomoć mogu se dobiti od:

- welfarerights.org.au
- nationallegalaid.org

Više informacija

Za više informacija o tome šta možete uraditi ako se ne slažete s odlukom o vašim pravima:

- posjetite humanservices.gov.au/reviewsandappeals
- nazovite **131 202** da porazgovarate s nekim na svom jeziku,
- posjetite 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.