



Što ako se ne slažete s odlukom?

Ako se ne slažete s odlukom o vašim pravima, imate pravo zatražiti reviziju te odluke.

Možete zatražiti reviziju odluke o vašim isplata i popustima ili procjenu za dječji doplatak (child support) tako da nas kontaktirate pismenim putem, telefonskim pozivom ili da posjetite jedan od service centres.

Mi ne diskriminiramo klijente koji koriste svoje pravo na žalbu.

Razgovarajte s nama

Ako želite više informacija o odluci, trebate nas kontaktirati. Mi ćemo provjeriti podatke i objasniti odluku. To vam daje priliku da se isprave nesporazumi i da dostavite nove informacije.

Zatražite reviziju

Ako se ne slažete s odlukom, možete zatražiti reviziju. Mi ćemo slučaj proslijediti službeniku za revizije koji nije bio uključen u donošenje odluke i koji može promijeniti odluku ako je bila pogrešna.

Reviziju možete zatražiti na jedan od sljedećih načina:

- telefonirajte nam
- potražite na internetu obrazac *Review of a Centrelink decision*, ispunite ga, isprintajte i pošaljite poštom u bilo koji *service centre*,
- posjetite *service centre*.

Službenik za revizije će:

- razgovarati s vama o odluci kad je moguće
- razmotriti činjenice, zakon i politiku
- promijeniti odluku ako nije ispravna, i
- pismeno vas obavijestiti o rezultatu revizije.

Administrative Appeals Tribunal

Ako se ne slažete s odlukom koju je donio službenik za revizije, u većini slučajeva možete zatražiti da reviziju izvrši Administrative Appeals Tribunal (AAT). Ako se odluka odnosi na ABSTUDY ili Assistance for Isolated Children (a ne na dug), ili na plaćanje ex-gratia u ruralnim područjima, postupci revizije i žalbe će možda biti drukčiji.

AAT je nezavisni sud. On ima ovlast da promijeni odluke, ali jedino u skladu sa zakonom i jedino nakon što je službenik za revizije razmotrio slučaj. Na AAT postoje dva stupnja revizije. Ako se ne slažete s ishodom prve revizije na AAT, možete zatražiti drugu AAT reviziju.

Prvu AAT reviziju morate zatražiti **u roku od 13 tjedana** od kada ste obaviješteni o odluci službenika za revizije. Ako reviziju zatražite nakon više od 13 tjedana od kada ste obaviješteni i odluka bude promijenjena, svoja prava možete koristiti samo od datuma kad ste zatražili reviziju.

Ako se ne slažete s ishodom prve AAT revizije, možete podnijeti zahtjev za drugu AAT reviziju. Drugu AAT reviziju morate zatražiti u roku od 28 dana od primanja odluke o prvoj AAT reviziji.

Za podnošenje zahtjeva na AAT ne plaća se pristojba. Mi vam nećemo pomoći u snošenju troškova koji mogu nastati u provođenju revizije kod AAT. AAT vam ne može dosuditi troškove ako je vaša žalba bila uspješna, a s druge strane od vas se ne može tražiti da platite naše troškove ako niste bili uspješni.

Za više informacija ili da zatražite reviziju, možete:

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

Nakon što ste podnijeli zahtjev na AAT, mi ćemo na AAT predati izjavu s razlozima za odluku i sve relevantne dokumente. Vi ćete dobiti presliku izjave i dokumenata.

AAT može održati konferenciju na kojoj možete razgovarati s našim predstavnikom. Na toj konferenciji AAT će nastojati razjasniti probleme i, ako je moguće, riješiti slučaj na zadovoljstvo obje strane.

Ako se slučaj ne riješi, AAT će svakoj strani dati priliku da pokaže dokaze i brani svoj slučaj. To može biti na javnoj raspravi.

Odluke koje donese AAT obvezujuće su za obje strane. Svaka strana se na odluku AAT može žaliti na sudu, ali samo po pravnom pitanju.

Žalbeni postupak na sudu

Žalba protiv odluke druge AAT revizije po pravnom pitanju podnosi se na Federal Court. Konačno, protiv odluke Saveznog suda (Federal Court) može se podnijeti žalba na High Court, ukoliko vam High Court odobri Special Leave da podnesete žalbu na High Court.

Žalbeni postupci na sudu nisu besplatni, ali vam se može oprostiti plaćanje pristojbe za podnošenje žalbe i troškovi znatno smanjiti ako sami sebe zastupate. Ako vaša žalba bude neuspješna, možda ćete morati platiti naše troškove. Ako vaša žalba bude uspješna, mi ćemo možda trebati platiti vaše troškove.

Žalbu treba podnijeti na Federal Court Registry u roku od **28 dana** od primanja pismene odluke AAT-a, iako se u određenim okolnostima može prihvatiti i kasniji zahtjev.

Zahtjevi na sudu su obično formalniji nego na AAT. Za više informacija:

- kontaktirajte Federal Court Registry u svojoj državi ili teritoriju
- otiđite na **fedcourt.gov.au**
- potražite pravnu pomoć.

Pravna pomoć

Možete, ali ne trebate, imati pravnog zastupnika u bilo kojoj fazi postupka revizije i žalbi.

Besplatan savjet i pomoć možete dobiti kod:

- welfarerights.org.au
- nationallegalaid.org

Više informacija

Za više informacija o tome što učiniti ako se ne slažete s odlukom o vašim pravima:

- posjetite humanservices.gov.au/reviewsandappeals
- nazovite **131 202** da razgovarate s nekim na hrvatskom 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.