

## When Centrelink fails to make a decision

### THIS FACT SHEET IS FOR:

People who have submitted a claim for a benefit and not received a response from Centrelink within a reasonable time; and

People who have submitted an Authorised Review Officer review request and have not received a response from Centrelink within a reasonable time.

### KEY MESSAGES IN THIS GUIDE:

#### **PART A – When Centrelink fails to make an original decision:**

Part A1: Contact the complaints line

- If you have submitted a claim for a benefit and Centrelink you have not received a decision from Centrelink after 13 weeks, call the complaints line to see if the issue can be resolved over the telephone.

Part A2: Submit an Authorised Review Officer request

- If you have submitted a claim for a benefit and have not received a decision from Centrelink after 13 weeks, and the issue has not been resolved after contacting the complaints line, then you should submit an Authorised Review Officer ('ARO') review request.

#### **PART B – When Centrelink fails to make an Authorised Review Officer decision:**

Part B1: Lodge a complaint with Centrelink

- If you have submitted an ARO review request and not received a response from Centrelink after 13 weeks, then you should lodge a complaint.
- Centrelink should respond to your complaint within 10 business days.

Part B2: Lodge a complaint with the Commonwealth Ombudsman

- If Centrelink does not respond to your complaint within 10 business days or the response is unsatisfactory, you should lodge a complaint with the Commonwealth Ombudsman.
- The Ombudsman may investigate your complaint and make recommendations to resolve the issue or may issue you with a *Certificate of Unreasonable Delay*.

Part B3: Request a review at the Administrative Appeals Tribunal ('AAT')

- If you receive a *Certificate of Unreasonable Delay* from the Ombudsman you can then appeal to the AAT to resolve the issue.
- The AAT can consider the *Certificate of Unreasonable Delay* and order Centrelink to provide you with a written decision within a specific time period.

## **Part A: When Centrelink fails to make an original decision**

### **Part A1 – Contact the Complaints Line**

#### [When should I contact the Centrelink Complaints Line?](#)

If you have submitted a claim for a benefit, and not received a response within 13 weeks, we recommend contacting the Centrelink complaints line on 1800 132 468 to see if the issue can be resolved over the phone.

The Centrelink complaints line operator may be able to provide you with information as to why your claim has not been processed, provide you with information as to what further documents may be required, or may be able to resolve the issue by discussing it with you over the telephone.

Keep a record of your conversation with Centrelink and the Complaint Reference Number.

If you are unable to resolve the issue over the telephone, the next step is to lodge an ARO request.

### **Part A2 – Lodge an Authorised Review Officer (ARO) request**

#### [When should I submit and Authorised Review Officer review request?](#)

Under the current legislation a claim for a Centrelink benefit is considered to be rejected, if Centrelink has not provided a response within 13 weeks after the claim was made (See Section 39 *Social Security (Administration) Act 1999* (Cth)).

This means that if you have lodged a claim, and you have not received a response from Centrelink after 13 weeks, then you can presume the claim has been rejected, and then submit an ARO request seeking a review of the rejected claim.

Prior to submitting an ARO request, we recommend attempting to resolve the issue by contacting the Centrelink complaints line (as outlined above). If you are unable to resolve the issue via the complaints line, then you should submit an ARO request.

#### [What if I have already submitted an ARO request and Centrelink has not responded?](#)

Please see Part B of this fact sheet to find out what to do when Centrelink fails to respond to your ARO request.

## Part B: When Centrelink fails to make an Authorised Review Officer decision

### Part B1 – Lodge a Complaint with Centrelink

#### When should I lodge a complaint?

Under the current legislation there is no time limit for Centrelink to respond to an ARO review request.

However, if you have lodged a request for an ARO review and have not received a response after 13 weeks, we recommend lodging a complaint with Centrelink.

#### How do I lodge a complaint with Centrelink?

You can lodge a complaint with Centrelink via telephone on 1800 132 468 or by writing to Centrelink online or via post.

It is best to keep a written record of all your communications with Centrelink. You therefore may prefer to lodge your complaint in writing online.

For further information on how to submit a complaint to Centrelink visit <https://www.servicesaustralia.gov.au/individuals/contact-us/complaints-and-feedback>.

#### What should I include in my complaint?

You should include the following in your complaint to Centrelink:

- i. What your complaint is about;
- ii. The date you submitted your original application;
- iii. The date you received the original decision;
- iv. The date you lodged your ARO review request; and
- v. The outcome you are seeking. For example, that Centrelink complete the ARO review.

Please note that when submitting your complaint to Centrelink it is important that you also request a **Complaint Reference Number** and keep a record of it.

#### When should I expect a response from Centrelink about my complaint?

Centrelink should respond to complaints within 10 business days.

If Centrelink does not respond to your complaint after 10 business days, or Centrelink's response is unsatisfactory, then you should lodge a complaint with the Commonwealth Ombudsman.

## Part B2 – Lodge a Complaint with the Commonwealth Ombudsman

### How do I contact the Commonwealth Ombudsman?

You can contact the Ombudsman via telephone on 1300 362 072 or you can submit an online complaint form. The Ombudsman recommends submitting the form online.

Please visit <https://www.ombudsman.gov.au/How-we-can-help/australian-government-agencies-and-services/centrelink-complaints> for further instructions on submitting a complaint to the Ombudsman.

### What should I include in my complaint to the Ombudsman?

You should include the following in your complaint to the Ombudsman:

- i. The date you lodged your ARO review request;
- ii. That you did not receive a response to your ARO review request within a reasonable time.
- iii. The date you submitted a complaint to Centrelink and that Centrelink has not responded to your complaint within 10 business days;
- iv. Your Centrelink Complaint Reference number; and
- v. That you would like to request a *Certificate of Unreasonable Delay* on the grounds that Centrelink has not provided you with a decision within a reasonable amount of time.

### What is a Certificate of Unreasonable Delay?

Under Section 10 of the *Ombudsman Act 1976* (Cth), the Ombudsman has the power to issue a *Certificate of Unreasonable Delay* where there has been unreasonable delay by the decision maker (i.e. the ARO at Centrelink) to exercise their power and make a decision.

If a *Certificate of Unreasonable Delay* is issued, this has the effect that the ARO made a decision not to review the original decision. This decision can then be appealed to the AAT.

### What if the Ombudsman does not resolve the complaint or refuses to issue a Certificate of Unreasonable Delay?

You can ask for a review of the Ombudsman's decision. The Ombudsman asks that a request for a review be submitted in writing within three months from the date that they advise you of their decision. Please visit <https://www.ombudsman.gov.au/Our-responsibilities/complaints-about-us> for more information about this review process.

If the Ombudsman agrees to review their decision, your request for review will be assigned to an officer who was not involved in the original investigation of your complaint. This officer will consider the fairness of the process and the merit of the decision.

## Part B3 – Appeal to the Administrative Appeals Tribunal (AAT)

### What is the Administrative Appeals Tribunal?

The Administrative Appeals Tribunal (AAT) is a tribunal that conducts independent reviews on decisions made by Australian Government ministers, departments and agencies (i.e. Centrelink), and sometimes, decisions made by state-government and non-government bodies.

### How can the AAT assist me?

If a *Certificate of Unreasonable Delay* is issued, you can lodge an appeal with the AAT for Centrelink's failure to review the original decision.

After you lodge an appeal, the AAT can direct Centrelink to provide a written ARO decision within a specific time period.

### How do I appeal to the AAT?

You can appeal to the AAT online, by phone or in person.

There is more information about appealing to the AAT at <http://www.aat.gov.au/social-services-child-support-division/applying-for-a-review/how-to-apply>.

### Can I appeal to the AAT without getting an ARO or a *Certificate of Unreasonable Delay*?

If you appeal straight to the AAT, the AAT may refuse to intervene on the grounds that an ARO review has not been made or deemed to have been made.

## Part B4 – Further Assistance

### Contact your local MP

If Centrelink and/or the Ombudsman have not resolved your complaint, you could seek assistance from your local MP. You can find your local MP and their contact details by visiting [https://www.aph.gov.au/senators\\_and\\_members/members](https://www.aph.gov.au/senators_and_members/members). There is no guarantee that your local MP will be able to resolve your issue, however you can call or write to their office and explain your issue with Centrelink and the outcome you are seeking.

### Contact SSRV

If you require further assistance with your Centrelink issue please contact the SSRV advice line on 0419 793 652.

The advice line currently operates from Monday to Thursday between 9:30am and 12:30pm.

