

Centrelink & lack of response- Options when Centrelink fails to make a decision

This fact sheet may assist if:

- Centrelink hasn't decided upon an initial application or request within a reasonable timeframe;
- Centrelink hasn't decided upon an internal review request within a reasonable timeframe;
- Centrelink hasn't implemented a decision of the Tribunal.

When Centrelink fails to make an original decision (eg. decide upon an application)

1. Lodge a complaint with Centrelink
 - If Centrelink has not decided upon an initial application or request within 13 weeks, we recommend calling Centrelink's complaints line and making a complaint about the lack of response. Make clear the resolution you are seeking is a timely decision on the application.
2. Submit an Authorised Review Officer (internal review) request
 - If Centrelink has not made a decision within 13 weeks, this is considered a 'deemed refusal'. This means the application has been unsuccessful.
 - A deemed refusal can be reviewed by an Authorised Review Officer on internal review.
 - If the complaints line doesn't resolve the issue, we recommend lodging an internal review request.

When Centrelink fails to make an Authorised Review Officer (internal review) decision

1. Lodge a complaint with Centrelink
 - There is no required timeframe for an internal review decision, however Centrelink aims for internal reviews to be finalised within 49 days. Some complex reviews may take longer.
 - If an internal review decision has been outstanding for an unreasonable length of time, you can call the complaints line or make a complaint in writing. This may resolve this issue.
2. Lodge a further complaint with the Commonwealth Ombudsman
 - You can lodge a further complaint with the Commonwealth Ombudsman if Centrelink does not respond to your complaint within 10 days, or if your complaint to Centrelink does not resolve your issue.
 - The Ombudsman may investigate your complaint and make recommendations to resolve it. They may also give you a Certificate of Unreasonable Delay.
 - You can use this Certificate to lodge a review request with the Administrative Appeals Tribunal – skipping Centrelink's internal review decision.

When Centrelink fails to implement a decision of the Tribunal

1. Seek legal advice. Failure to implement a Tribunal decision can be complicated, SSRV can provide advice and discuss the options most suitable for the situation.
2. Speak with Centrelink's representative/lawyer
 - If you had a decision by the General Division of the Tribunal, you likely have contact details for the lawyer who represented Centrelink. We recommend raising the issue with Centrelink's lawyer in the first instance.
 - If you had a decision by the Social Services and Child Support Division of the Tribunal, you are unlikely to have details of a lawyer representing Centrelink.
3. Lodge a complaint with Centrelink
 - Make clear the resolution you are seeking, eg. the Tribunal said you were eligible for back payment for a number of months, but Centrelink did not provide this.
4. Submit an Authorised Review Officer request
 - You may be able to seek internal review of the implementation decision, we recommend seeking legal advice before doing so.