



ABSTUDY: Decisions, Appeals and Complaints

This fact sheet contains general information about appealing an ABSTUDY decision and how to make a complaint.

WRASWA is a not for profit community legal centre that provides independent advice, information, referral, representation and advocacy in relation to Centrelink, Family Assistance, Tenancy and Social Security prosecution matters.

The information contained in this fact sheet does not constitute legal advice.

If you need legal advice in relation to Centrelink in Western Australia please contact:

- Welfare Rights & Advocacy Service on 08 9328 1751; or
- Sussex Street Community Legal Centre on 08 6253 9500; or
- Fremantle Community Legal Centre on 08 9432 9790.

Appealing an ABSTUDY decision

If you do not agree with a decision that Centrelink have made about your ABSTUDY payments you can appeal the decision.

There are two different appeals processes for ABSTUDY. This will depend if:

- 1) The decision was about ABSTUDY payment or
- 2) The decision was about an ABSTUDY debt

There is no time limit to appeal a decision for ABSTUDY payments.

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What is an ABSTUDY payment decision?

Decisions about the payment of ABSTUDY are called *eligibility* or *entitlement* decisions.

Examples of ABSTUDY decisions:

- Rejection of a claim
- A reduction in the rate of your payment
- Cancelling or suspending your payment
- Refusing to pay you an allowance (for example: fares allowance)
- Paying you the incorrect rate (for example: if they do not pay you the independent or away from home rate)

How do I appeal an ABSTUDY payment decision

If you want to appeal a decision you should contact Centrelink and let them know that you do not agree with the decision and would like to appeal to an Authorised Review Officer.

You can lodge your appeal in writing or over the phone.

In writing

You can lodge your appeal in writing at your local office – make sure you keep a copy of your letter for proof.

Phone

To lodge over the phone call: 1800 136 380

An Authorised Review Officer is a senior officer in Centrelink who has the power to change the original decision.

If you are not happy with the Authorised Review Officer's decision you have a further right of review and will need to write to the Branch Manager.

Address your letter to:

Branch Manager
Work and Study Payments
Department of Social Services
GPO Box 9820
Canberra ACT 2601

OR

ABSTUDY@dss.gov.au

What is an ABSTUDY debt?

There are different types of debts that a person can incur whilst they are receiving ABSTUDY.

Debts can occur when you do not tell Centrelink:

- You stopped studying
- You changed from full-time to part-time study
- You become partnered
- You or your partner started working
- The correct income details for you or your partner
- You return to live with your parents

How do I appeal a decision about an ABSTUDY debt?

Before you appeal a decision about an ABSTUDY debt you should contact a Welfare Rights Centre. This is because sometimes if you appeal you will have a less favorable outcome than the original decision. For example: if you are appealing a debt there is a risk that the debt could increase if there is a finding that it was incorrectly calculated in the first place.

To appeal a decision about a debt you should contact Centrelink and advise them that you do not agree with the decision and want to appeal to an Authorised Review Officer.

You can lodge your appeal in writing or over the phone.

In writing

You can lodge your appeal in writing at your local office – make sure you keep a copy of your letter for proof.

Phone

To lodge over the phone call: 1800 136 193

If you do not agree with the Authorised Review Officers decision you have 3 months to appeal to the Social Services and Child Support Division of the Administrative Appeals Tribunal (AAT). This is where the first review of a decision is made.

If you do not agree with the AAT first review decision you have a further right of appeal to the General Division of the AAT. **You must lodge an application to the General Division within 28 days of receiving the first review AAT decision.**

For more information about appealing ABSTUDY debts, please see the Appealing Centrelink Decisions and Debts factsheet on our website.

Complaints

If you have had an issue with Centrelink and you feel you have been treated unfairly, you can make a complaint.

Complaints can be made to:

1. Centrelink Complaints and feedback line

Call: 1800 132 468

2. The Commonwealth Ombudsman

The Commonwealth Ombudsman can impartially review and investigate your complaint.

You can call on 1800 060 789 or make an online complaint via their website.

Please note

This FAQ factsheet contains general information only and is accurate at July 2016. It does not constitute legal advice. If you need legal advice about social security entitlements, please contact your local Welfare Rights Centre/Advocate.

Welfare Rights Centres are community legal centres, which specialise in social security law, administration and policy. They are entirely independent of Centrelink. All assistance is free.

Contact Welfare Rights & Advocacy Service on (08) 93281751 or by email at welfare@wraswa.org.au

Some useful tips to remember:

- Always ask for a receipt number when you speak to Centrelink officers and make a note of what was said
- If you provide documents to Centrelink ask for a stamped and dated copy of the document to keep for your own records
- Advise Centrelink of changes in circumstances within 14 days.
- Set up reporting reminders in your phone or diary - whatever works for you - to make sure you do not forget to report.
- Always read the front and back of letters, if you do not understand something, contact Centrelink to clarify.
- Never ignore letters/ requests from Centrelink.

Helpful links

Fact Sheets

- There are a range of fact sheets available from the National Welfare Rights Network and the Welfare Rights Centres across Australia. Visit <http://www.welfarerights.org.au/factsheets> to see if any of the fact sheets can assist you.
- There are some additional fact sheets on our website. They can be found at <http://www.wraswa.org.au/resources/>.

Administrative Appeal Tribunal (AAT)

AAT First stage review application:

- <http://www.aat.gov.au/social-services-child-support-division/applying-for-a-review/how-to-apply>

AAT Second stage review application:

- <http://www.aat.gov.au/applying-for-a-review>

Department of Human Services

- The Department of Human Services Centrelink website has a range of information. <https://www.humanservices.gov.au/customer/dhs/centrelink>.
- They also have a range of YouTube videos which are helpful to provide an overview. You can browse the videos at <https://www.youtube.com/c/humanservicesgovau>.
- The Department of Human Services has a range of Facebook pages which are useful for keeping informed. 'Like' Student Update or Family Update to keep updated on your news feed <https://www.facebook.com/StudentUpdate>.