

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
FAMILIES, HOUSING, COMMUNITY SERVICES AND
INDIGENOUS AFFAIRS PORTFOLIO
2012-13 Budget Estimates Hearings

Outcome Number: Cross

Question No: 6

Topic: Social Security Appeals Tribunal

Hansard Page: 28/05/2012 - CA27

Senator Siewert asked:

Could you please provide a breakdown of cases that have been upheld against each specific allowance or pension? Please include Child Support Agency payments.

Answer:

The Social Security Appeals Tribunal must affirm, vary, or set aside the reviewable decision and either make a new decision in substitution or send the matter back to the decision-maker for reconsideration in accordance with any directions or recommendations of the Tribunal. Therefore, the Tribunal records the outcomes of reviews as “affirmed” and “set aside or varied”.

A decision by the Tribunal to vary or set aside the reviewable decision is not necessarily a decision which is more favourable to the applicant for review. For example, a greater debt may be found to be due to the Commonwealth.

When a decision of the Tribunal is more favourable to an applicant, it may not be the decision which the applicant was seeking. For example, a person may contend that an event which affects his or her social security payment did not occur but the Tribunal might find that it did occur but from a different date.

The “set aside or varied” rating for reviews of Centrelink decisions, by social security payment type, is included in Table A in response to question 5.

The “set aside or varied” rating for reviews of decisions of the Child Support Registrar, is given in Table J.