

Senate Finance and Public Administration Standing Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL ESTIMATES – 24 FEBRUARY 2009

Human Services Portfolio

Department/Agency: Centrelink

Outcome/Output Group: Outcome 1/Output Group 1.1

Topic: Administrative Appeals Tribunal

Senator: Scullion

Question reference number: HS20e

Type of question: Written

Date set by the committee for the return of answer: 9 April 2009

Question:

HS20e: When are cases escalated to the AAT?

Answer:

HS20e: The Administrative Appeals Tribunal (AAT) is the final step, outside a Court, in the administrative review process. Prior to this step, a person affected by the decision has the opportunity to seek a review of a decision made pursuant to the Social Security Law through a hierarchy of review mechanisms from the original decision maker to an authorised review officer and then to the Social Security Appeal Tribunal (see Part 4 Division section 3 and 4 of the *Social Security (Administration) Act 1999*).

In circumstances where the Social Security Appeal Tribunal has reviewed and affirmed, varied or set aside a decision, the affected person has the right to make application to the Administrative Appeals Tribunal.

Similarly, the Secretary of the policy Department with responsibility for the relevant payment type that is the subject of a decision, has the right to seek review of a Social Security Appeal Tribunal decision in the Administrative Appeals Tribunal. Applications to the Administrative Appeals Tribunal by the relevant Secretaries are made on the instructions of the relevant Department and are made relatively infrequently. In determining whether or not to challenge a decision, a policy Department will generally not seek to challenge a decision unless there is a manifest error of law or fact, or an important issue of principle involved.

Number of pages: 1