



# Disability Rights Advocacy Service Inc

## First review

Once you have successfully lodged your application for a review, the AAT will send you a confirmation letter explaining the next steps. The AAT will also notify Centrelink, the other party to the review, that they received your application.

### Does the Centrelink decision continue during the review?

The AAT cannot ask Centrelink to suspend their decision for a first review. If you have any questions about whether your payments will continue while the decision is being reviewed by the AAT, you should contact Centrelink.

### Relevant documents to the review

#### *T documents*

Within 28 days of being notified your application has been received, Centrelink will send the AAT their decision and all relevant documents. These are referred to as 'T documents'. Centrelink will also send you a copy of the T documents as well as any other party relevant to the matter.

#### *Confidential T documents*

Centrelink can ask the AAT to ensure certain information within the T documents is not disclosed to you. Similarly, you can ask the AAT if there is information you don't want a party aside from Centrelink to see. The AAT will consider your application and inform you of the outcome.

#### *Request the T documents earlier*

You can request the T documents to be given to you earlier if a delay would cause difficulty, they will consider any request and inform you of the outcome.

#### *Providing new information to the AAT*

You can provide new information to the AAT if you feel it will support your case. You should provide this information to the AAT as soon as you can.

### Ending a review without a hearing

If you are an applicant, you can withdraw your application at any time before a decision is made, there is no cost to withdraw an application. Contact the AAT in writing or over the phone.

#### *What happens after an application is withdrawn*

Once the application is withdrawn, the AAT will send you a confirmation letter, Centrelink, and any other relevant party. The original Centrelink decision will remain unchanged.

#### *When can the AAT dismiss an application?*

The AAT can dismiss an application if all parties agree. If you're the applicant and do not attend the hearing, the AAT may dismiss your application.



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The AAT may dismiss an application if:

- The decision can't be reviewed by the AAT as it doesn't meet their criteria
- You are the applicant and fail to proceed with the application
- You are the applicant and fail to comply with a direction made by the AAT
- The application is frivolous, vexatious, misconceived or lacking in substance
- The application has no reasonable prospect of success
- The application is otherwise an abuse of the AAT's process

## *Reinstatement of an application*

If your application is dismissed because you didn't attend the hearing, you can ask the AAT to reinstate the application. The AAT can also reinstate the application if:

- it was withdrawn by the applicant and another party wants the review to continue.
- it was dismissed in error.

## *How to ask for reinstatement?*

You need to write to the AAT and ask them to reinstate the application within 28 days after you were notified that the application was dismissed.

You must tell the AAT why you think the application should be reinstated or why the application was dismissed in error. You should include any documents which support what you are telling them.

If the application was dismissed because you did not attend the hearing and you ask the AAT to reinstate the application more than 28 days after you were notified that the application was dismissed, you must also ask the AAT for an extension of time and explain why they should give you extra time.

## Hearing

After you have received the documents from Centrelink, the AAT will contact you with the date, time, and location of the hearing.

The hearing is an opportunity for you to present information and talk about why you disagree with Centrelink's' original decision.

## Assistance

The AAT review process is informal and user friendly, but there are options if you require support or assistance.

### *Can I have an interpreter?*

Yes, if you need an interpreter, you can let the AAT know and they will arrange for a qualified interpreter to assist, free of charge.



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## Can I have assistance because of a disability?

Yes, if you need assistance because of a disability you should contact the AAT as soon as possible and they will try to make arrangements to assist. If you are deaf or have a hearing or speech impairment, you can contact the AAT through the [National Relay Service](#).

## Can you represent yourself?

Yes, you can either deal with the AAT directly by representing yourself or ask someone to assist and represent you.

## Can I ask someone to represent me?

Yes, you can arrange for a lawyer or other professional person to represent you. A representative could also be a family member or friend. If you desire legal advice or someone to represent you, it's important to arrange this as quickly as possible. The AAT cannot pay for the costs of a lawyer or professional person to represent you.

A representative can:

- Receive all documents relating to the review on your behalf
- Communicate with the AAT on your behalf
- Give the AAT written evidence and written submission on your behalf
- Attend the hearing.

To appoint a representative, you must provide the AAT with their details.

If you have already lodged the application and wish to appoint a new representative, complete the [authority for representative form](#) and send it to the AAT.

You must inform the AAT immediately if there are any changes to your representative's details.

## Giving Information to the AAT

You can provide the AAT with new information you think supports your case as soon as possible. Depending on the situation, the AAT may ask you for information they feel will assist them in making a decision.

For a Disability Support Pension Review, it is recommended that you provide:

- Evidence about the day-to-day things you can and cannot do because of your health condition. The Impairment Tables contain descriptions of day-to-day things relevant to an impairment rating
- Evidence from your doctor that gives an 'impairment rating' and identifies which Impairment Table they used and why
- Evidence about a mental health condition like depression or anxiety (if this applies to you) that include a diagnosis by a psychiatrist or evidence from a clinical psychologist.



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## Decision

The AAT will usually make a decision after conducting a hearing. You will receive the AAT's decision at the end of the hearing or in writing at a later date.

You can see a video made by the AAT for more information about receiving a decision here: [video guide](#).

## What does the decision mean?

The AAT can make the following decisions:

- **Affirm** the original decision: the decision is not changed
- **Vary** the original decision: the decision is changed in some way
- **Set aside** the original decision and substitute a new decision: the decision is replaced with a new decision
- **Set aside and remit** the original decision: the matter is sent back to Centrelink to make a new decision.

## What happens next?

Centrelink must implement the AAT's decision or lodge an application for the AAT to conduct a second review within 28 days after receiving the decision. Any other party to the review can also lodge an application for a second review.

If Centrelink has not actioned the AAT's decision and there has not been an appeal after 28 days, you should contact [Centrelink](#).

You can contact the [Commonwealth Ombudsman](#) if you are unhappy with a delay.

## What if I disagree with the decision?

If you think the AAT's decision is wrong, in some instances you can make an application to the AAT for a second review.

## How can DRAS help you?

Depending upon your situation, we may be able to help you understand your rights to appeal decisions, both internally and externally. We can provide information to assist you to understand the process, possibly help you navigate the independent appeals tribunal and potentially liaise with officers and members, and advocate for you to be treated fairly.

We can provide you with information to help you and your medical team understand the eligibility requirements and required evidence. We can also help you explore your right to legal representation as DRAS cannot provide legal representation or advice. Our advocates **are not** case managers, support workers, mediators, accountants, or lawyers. We give general advice that is not legal or financial advice.



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## Further information

About the AAT: [\(139\) About the AAT - YouTube](#)

Applying for a review: [\(139\) Applying for a Review at the AAT - YouTube](#)

After an application is lodged: [\(139\) After an application is lodged at the AAT - YouTube](#)

Attending a Conference: [\(139\) Attending a Conference at the AAT - YouTube](#)

Attending a Hearing: [\(139\) Attending a hearing at the AAT - YouTube](#)

Decisions: [\(139\) Decisions made by the AAT - YouTube](#)