



National Welfare Rights Network Inc.

Annual Report

July 2009 to June 2010

Prepared for 2010 Annual General Meeting

Contents

Section	Page
NWRN Committee	4
President's Report.....	5
National Welfare Rights Network Policy Activity Register, 1 July 2009 to 30 June 2010	11
Centre Reports	15
Townsville - Townsville Community Legal Service Inc.	15
Brisbane – Welfare Rights Centre	17
Sydney – Welfare Rights Centre.....	21
Wollongong – Illawarra Legal Centre Inc	30
Canberra – Welfare Rights and Legal Centre Limited	32
Melbourne – Social Security Rights Victoria Inc.....	37
Launceston – Launceston Community Legal Centre	39
Hobart – Hobart Community Legal Service - Welfare Rights Advocacy Service	41
Geelong – Barwon Community Legal Service.....	43
Adelaide – Welfare Rights Centre	46
Perth – Welfare Rights & Advocacy Service, Perth.....	47
Perth - Sussex Street Community Law Service Inc.	51
Perth – Fremantle Community Legal Centre.....	54
Darwin - Darwin Community Legal Service	57
Sub Committee Reports	59

Administrative Review Committee	59
Member of a Couple	60
Welfare Rights Outreach Project	62
Prosecution	64
Centrelink National Multicultural Reference Group Background	65
Treasurer’s Report.....	67
Auditor’s Report	68

National Welfare Rights Network (NWRN) Committee

- **President** : Kate Beaumont, Executive Officer, Welfare Rights & Advocacy Service, Perth
- **Vice President**: Mark Leahy, Manager Welfare Rights Centre, Adelaide
- **Secretary**: Genevieve Bolton, Supervising Solicitor, Welfare Rights and Legal Centre, Canberra
- **Treasurer**: Peter Horbury, Co-Ordinator, Social Security Rights Victoria, Melbourne
- **Committee Member**: Bill Mitchell, Principal Solicitor, Townsville Community Legal Centre, Townsville
- **Committee Member**: Jeanette Parrott – Community Lawyer, Barwon Community Legal Service, Geelong (resigned April 2010)
- **Committee Member**: Caitlin Perry - Co-Ordinator, Darwin Community Legal Service, Darwin
- **Committee Member/Policy and Media Officer**: Gerard Thomas, Policy and Media Officer, Welfare Rights Centre, Sydney (Committee Member up to September 2009)
- **Committee Member**: Liz Turnbull, Solicitor, Illawarra Community Legal Centre Inc (Committee Member up to September 2009)

President's Report

The commencement of the current year did not see any abatement from the frenetic pace which had characterised my initial year as President of the National Welfare Rights Network in 2008/2009. This year was to see the implementation of the new Compliance scheme for participation payments and the commencement of the new Employment Services Reforms and Job Services Australia from 1 July 2009. The new Compliance framework had been the focus of significant Network attention in the preceding year and the potential for some of the harsher elements of the previous Welfare to Work regime to be removed although there continued to be the spectre of 8 week penalties being a feature of the new model. The introduction of the Same Sex Equal Treatment laws from 1 July 2009 was expected to cause significant issues for same sex couples who would be impacted by treatment as a member of a couple for Social Security purposes. The NWRN was funded by the Commonwealth Attorney General's Department to provide legal assistance to those impacted by these changes. Additionally the Government announced its move to reinstate the provisions of the Racial Discrimination Act which had been removed for those affected by the Northern Territory Emergency Response (NTER) to only see the introduction of a new scheme of income management initially in the Northern Territory which potentially could be rolled out across Australia without the need for further legislative change.

Law Reform and Legal Policy

Since incorporation eight years ago the National Welfare Rights Network (NWRN) has endeavoured to place itself at the forefront of policy advocacy in relation to the system of income support in this country. As the peak body representing member centres that provide casework assistance on the ground to clients who interact with and are reliant on Australia's income support system it continues to be the issues impacting at that level which informs and drives our Network's advocacy and law reform work.

Dialogue with Government

Throughout 2009/2010 the NWRN continued to have regular dialogue with various Ministers, politicians, Government Departments and agencies in its efforts to influence legislation to be enacted and the processes of service delivery on the ground. The NWRN had Delegations which met with Centrelink and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Human Services (DHS) through the year where the Network was able to raise emerging and ongoing issues. Of particular note was that in the most recent year the NWRN was able to progress its work with the various policy departments and Centrelink in relation to debt prevention building on the work conducted in 2008/2009 with the preparation of the NWRN's Paper *Redressing the Balance of Risk and Responsibility through Active Debt Prevention Strategies*. The Network also continued to provide support for the Welfare Rights Outreach Project and workers providing direct casework in the Northern Territory to ensure that issues relating to NTER Income Management, the Basics Card and the Schooling Enrolment and Attendance Measure in its Delegation work.

It was also pleasing at the beginning of the current year that the DEEWR Litigation Review Steering Committee met in July 2009 to review progress against the recommendations which came out of the review commenced in December 2007. It was an uncommon experience for there to be agreement by all participants that the

recommendations of the review had been implemented in full and that the change had been reflected within the casework experience of our clients with a dramatic reduction to the numbers of Social Security Appeal Tribunal decisions subject to Secretary appeals. The ensuing agreement by the Minister for Families, Housing, Community Services and Indigenous Affairs to adopt the recommendations of the Litigation Review in relation to their portfolio has resulted in consistency in the manner in which litigation occurs irrespective of the income support payment which is the subject of review.

During the latest year the Network was invited by Minister Mark Arbib to participate on an Industry Reference Group established to consider the Mid Term Reallocation of Employment Services. The group included representatives from Employment Service Providers, academics and probity experts, ACOSS and the ASU and was supported by staff of DEEWR and met a number of times face to face, through video conferencing and teleconferencing in the period from November 2009 through to March 2010. Representatives from the IRG were also involved in leading consultations in various state capitals and I was involved in presenting and participating in the Sydney, Adelaide and Perth consultations. The IRG developed potential models for the Mid Term Reallocation of Employment Services which were presented to the Minister.

Toward the end of the year the Network was invited by Minister Bowen to participate in the Centrelink Service Delivery Policy Advisory Group which is the peak consultative body for Centrelink in the lead up to Service Delivery Reform. The initial meeting of that group took place at the end of June 2010 and is to meet on a quarterly basis and includes participants from a range of peak bodies. Following the first meeting of that group the name of the group was changed to remove the inadvertent inclusion of policy in its title as its remit is from a service delivery perspective rather than a policy perspective. It is important for the Network to be engaged in such forums as over the preceding two years whilst Centrelink reviewed its consultative processes there had been a dearth of activity as the previously established Centrelink Reference Groups languished and long committed participants became disenchanted with the lack of consultation occurring from Centrelink.

Welfare Reform and changes to the Social Security Appeals Tribunal

Whilst 2008/2009 had been a year for significant legislative change by the Federal Government and what seemed to be senate inquiry after senate inquiry the current year saw probably the most significant bills before parliament relating to welfare reform and changes to the Social Security Appeals Tribunal. In February 2010 the NWRN provided a comprehensive submission to the Senate Community Affairs Committee in relation to the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009*, *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009*, and *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009*. The Network also provided evidence at the public hearings of the Committee and it was discernable that there was bipartisan support from both the Government and the Coalition to the rollout of a new model of income management. Although ostensibly the new model was intended to be non-discriminatory its anticipated rollout initially in the Northern Territory from 1 July 2010 until at least June 2012 will result in those being impacted to be more likely to be Indigenous people rather than the rest of the community. The Network was resolute in its opposition to the extension of income management and conditional welfare and committed significant effort in its initial fight against this legislation and also providing feedback in relation to the legislative instruments which seek to operationalise the bill. The NWRN has kept a watching brief on issues which have occurred as a result of the

implementation of the new income management categories in the Northern Territory and the impact of the introduction of Child Protection Income Management in the Northern Territory.

Additional to the welfare reform provisions in the bill there were also significant changes introduced to the Social Security Appeals Tribunal and NWRN was a sole voice advocating opposition to the passage of these provisions. These changes came shortly after the passage of other changes to the SSAT which had languished in the parliament for more than 12 months. Shortly after the passage of both bills the NWRN met with Les Blacklow, Executive Director of the SSAT to seek direction as to how it was intended to operationalise these dramatic changes to align more closely the Social Security jurisdiction to the Child Support jurisdiction. Whilst the Network was given assurances of how the new powers of the SSAT are to be used, the legislation provides the potential for clients of our member centres and also unrepresented clients to be subject to an increasing formalisation which has the potential to work against the mandate of the SSAT to be “fair, just, economical, informal and quick”.

2010 Budget Priority Submission and Budget

The 2010 NWRN Budget Priority Submission *Protection and Support in a Climate of Economic Insecurity Working Toward Building a Stronger, Fairer and More Inclusive Australia* was provided to Treasury and built on previous submissions made by the Network. The priorities for the 2010 Budget Priority Submission were agreed to by Members at the NWRN Conference in Perth in September 2009 and included 20 recommendations. It included aspects of the Network’s previous submissions relating to the Pension Review, Tax and Transfer Review and Higher Education Review relating to the adequacy of rates following the historic increase provided to pensioners announced in the 2009 Budget. Key areas of reform highlighted in the Budget Priority Submission included the need for increases to the rates and indexation arrangements for Newstart Allowance and student payments, improving the income free area and taper rates, introduction of a participation allowance and extension of the Training Supplement beyond June 2011, increase to the rate of Rent Assistance, overhaul of waiting periods and restoration of the threshold for the Liquid Assets Waiting Period permanently to 1991 levels in real terms and not time limited, exclusion of modest redundancy payments from calculation of a person’s income maintenance period, fixing inconsistent and unreasonable restrictions on early release of superannuation, fix the income test for Special Benefit to have parity with the Newstart Allowance income test, provide access to Special Benefit for New Zealanders and Pacific Islanders who have had a significant change in circumstances beyond their control, doubling the rate of Crisis Payment, protecting Social Security recipients from bearing the costs of climate change, helping with the cost of medicines for those with serious or chronic illnesses by amending the income test for eligibility for the Low Income Health Card to only include the person’s income rather than that of their partner, introducing a limited debt recovery and prosecution amnesty, removing “solely” from Section 1237A of the *Social Security Act 1991*, amending Section 1237AAD of the *Social Security Act 1991* to add another person “acting as an agent for the debtor”, amending Section 1237AAC of the *Social Security Act 1991* to strengthen the Notional Entitlement rules to combat debt, establishment of an independent Employment Service Ombudsman, establishment of a Job Advocacy Program for jobseekers with Employment Service Provider and expansion of independent welfare rights advice and advocacy services to build the capacity of disadvantaged communities and individuals.

Debt Prevention

The other major policy area where the NWRN continued in its lobbying work with Government was in the area of Debt Prevention. In May 2009 the NWRN developed a discussion paper on debt prevention *Redressing the balance of risk and responsibility through active debt prevention strategies*. Subsequent to the development of this discussion paper the NWRN had met separately in 2009 with the Department of Families, Housing, Community Affairs and Indigenous Affairs, Department of Education, Employment and Workplace Relations, the Department of Human Services and Centrelink in relation to the establishment of a Debt Prevention Working Party. In late February 2010 representatives from the NWRN participated in the inaugural meeting of the Debt Prevention Working Party with Centrelink and the relevant policy departments around this issue and there was a follow up meeting at the end of March 2010. There was a high level of interest particularly relating to recommendations for legislative and policy change provided as part of the NWRN paper. Whilst Centrelink was circumspect in relation to the practical debt prevention measures contained in the paper it seems likely that there could be further consideration of the practical suggestions in light of the recent damning ANAO report into Centrelink fraud.

Funding for the NWRN and its Member Centres

In 2009/2010 the NWRN apart from its policy advocacy regularly raised the issue of resourcing for its member centres in its lobbying activities with Government. The NWRN is mindful of the resourcing issues for Member Centres whose funding has not increased apart from CPI from the commencement of the welfare rights program in 1993 which provides particular challenges as centres do not have the resources to employ full time workers in their welfare rights area of their generalist centres. All member centres had received additional one off funding in 2008/2009, however it was unfortunate that in 2009/2010 only 10 of our member centres received additional one off funding from the Commonwealth Attorney General's Department.

With the commencement of new service agreements which was to occur in the Community Legal Service Program from July 2010 it was anticipated that there would be additional recurrent funding provided across the board to ensure the viability of all community legal centres in light of the previous review of the CLSP Program conducted in 2008. Unfortunately whilst some small increases were announced across other programs additional Welfare Rights funding was largely ignored. The exception to this was for welfare rights services which auspice specialist homeless person's legal assistance. Additionally some small one off grants have been announced for 2010/2011 by the Commonwealth Attorney General's Department although this in no way assists with the critical issue of sufficient funding to address the increasing demand for welfare rights assistance.

In 2009/2010 the NWRN was successful in securing one off funding for the Network from both Attorney General's Department and DEEWR. The funding provided by Attorney Generals relates to the Same Sex Equal Treatment changes in the Social Security area to provide legal assistance to those impacted by the changes and to build the capacity of the Network as a whole to deal with this increased workload. The project proposed by AGs was for a centre within the Network to provide advice and casework assistance nationally through a Free Call number as it was considered this would have greater impact than distribution of resources across the entire Network. In 2009/2010 Welfare Rights Centre, Sydney provided the advice and casework assistance nationally through a Free Call number. Other projects conducted included CLE provision and the update, production and wide distribution of the Member of a Couple booklet which was updated to incorporate the Same Sex changes. Whilst no additional funding has been made available for welfare rights services the

Commonwealth Attorney General has agreed to fund the Same Sex Project for a further year albeit with a reduced level of funding for 2010/2011.

The funding secured from DEEWR related to recognition of the additional work for welfare rights centres as a result of the increasing numbers of unemployed and newly retrenched as a result of the global financial crisis. The DEEWR funding was distributed to Member Centres to provide on the ground casework assistance and community legal education to the newly unemployed and retrenched on participation payments and in light of the new Compliance system. Throughout the life of the contract NWRN provided quarterly reports which highlighted activities undertaken as part of the project by individual member centres and highlighted presenting issues for those encountering the new Compliance system.

In 2009/2010 the NWRN appeared to be the recipient of the most significant funding in its history however this has to be contextualised in that the DEEWR funding was distributed to its members to undertake project work. Similarly the amount provided for the Same Sex Project was distributed to members who provided elements of the project. The NWRN has been responsible for reporting in relation to these contracts.

The NWRN remains reliant on a levy on its members which in turn assists the NWRN to fund its work. The levy was initially used to employ a National Liaison Officer (NLO) for the NWRN one day per fortnight. In 2008/2009 due to an increased one off and broadening of the base for the NWRN levy permitted both an NLO and a Policy and Media Officer (PMO) to be employed one day each per fortnight. Without a sufficient resource base the NWRN would be severely limited in its capacity to undertake the lobbying work it undertakes on behalf of its member centres. At this time the NWRN is currently in the process of reviewing its structures to explore the employment of one position as National Co-Ordinator for the Network to diminish duplication which occurred with the two positions of NLO and PMO. The expenditure on the Annual NWRN Conference is also substantially subsidised by the NWRN to minimise the cost and facilitate participation by as many within the Network as possible. This is in recognition that the NWRN Conference is the chief working meeting for the Network to determine its priorities for work through the year. The annual NWRN Conference is also an opportunity for the professional development of workers within the Network, including both newer and long term workers in the field.

The Future of the Network – engagement of member centres/participation

The NWRN has in the current year endeavoured to continue its work although the frenetic pace of work in the preceding year has taken its toll. It can at times be difficult to ensure that the interests of both specialist centres and centres with standalone workers are met. As an organisation the NWRN can only be as strong as its membership and it can be difficult ensuring engagement by all members in the work of the Network. Without ownership and the engagement of members it can be difficult to maintain the momentum needed to respond to all the issues which come into the income support space. Without the valuable day to day work of all member centres providing advice and casework services to their individual clients the NWRN would struggle to have the requisite knowledge base to inform the need for both structural and systemic change in its lobbying activities.

The ever increasing demand for casework assistance can regularly be the priority for caseworkers and as such it can be difficult to find the time for participation in the NWRN's regular members meetings and subcommittee structures. As participation in member's meetings has diminished and some sub committees have not met

since last conference it is time to take stock and to work out ways for the NWRN to reenergise itself into the future. Whilst aware that I posited in last year's report that the work of the NWRN does not occur by osmosis it is critical that all within the Network contribute their time rather than it falling on the shoulders of the usual suspects who can always be relied upon to provide input or assistance. I would like to encourage those within the Network to step up and participate whether it is through our Member's Meetings, our Sub Committees structures, on the NWRN Committee or on BBS. It is all too easy to be critical from a distance without being willing to participate regularly and we need to ensure that the NWRN is a strong organisation into the future.

Acknowledgements

The work of the NWRN has been well served in the current year as over the last seven years by Genevieve Bolton's tireless efforts as the Secretary of the Network. I have to personally acknowledge the support and work which she has provided in my second year as President of the NWRN despite indicating previously that 2008/2009 was to be her last year on the committee. Genevieve has indicated that she will not be renominating for the committee in 2010/2011 and she will be sorely missed by the Network.

It is important at this time to also remember a well-loved colleague from the Network, Ian Tranthem who lost his battle with cancer in May 2010. Ian had been an active member of the Network for a number of years as the Welfare Rights solicitor from Darwin Community Legal Service. From the moment Ian joined the Network he showed his enthusiasm and commitment to the clients he worked with and the way in which he supported the work of others within the Network. Once met Ian was not an easy person to forget with a larger than life presence and a laconic wit and an infectious laugh. We missed having Ian at our conference in Perth last year and were hopeful as were his colleagues at DCLS that he would win his fight and return to work. Catherine Eagle, John Stannard and I attended Ian's funeral in Darwin and it was a special day which truly reflected the regard and love for Ian. Our condolences go to Ian's wife, Robyn and his daughters, Mia and Georgia and also to the staff of DCLS who have lost a loved and irreplaceable workmate.

I would like to acknowledge the work of the elected NWRN Committee, including Mark Leahy, Peter Horbury, Genevieve Bolton, Bill Mitchell, Liz Turnbull (up to September 2009), Gerard Thomas (up to September 2009), Jeanette Parrott (up to March 2010) and Caitlin Perry who have met on a monthly basis during the year. The Committee has executed its role in progressing the work of the NWRN and its member centres at a time of major legislative change diligently and with integrity. The contribution of those who participated in the various NWRN Delegations throughout the year need to be acknowledged and thanked and include Genevieve Bolton, Gerard Thomas, Catherine Eagle, Maree O'Halloran, Liz Turnbull and Diane Anagnos.

In my second year as President I would like to thank the staff and Management Committee of Welfare Rights & Advocacy Service for their willingness for me to take on the role of the President of NWRN again in 2009/2010. Without their support and understanding I am unsure as to whether or not I would have been in a position to juggle my two competing roles as President of the NWRN and Executive Officer at Welfare Rights & Advocacy Service. It is with regret that I will not be renominating for the role of President of the NWRN at the 2010 AGM as there needs to be a level of renewal for the Network and whilst enjoying the challenges which have come with my involvement with the Committee over the last seven years find that the demands from my own centre need to be given priority into the future.

National Welfare Rights Network Policy Activity Register, 1 July 2009 to 30 June 2010

- 7 July 2009 DEEWR Litigation Review Steering Committee Meeting to review progress against recommendations.
- 23 July 2009 NWRN and Centrelink Biannual Meeting
- 23 July 2009 Meeting with Department of Human Services, Canberra
- 23 July 2009 2UE National Disability Insurance Scheme
- 3 August 2009 NWRN/ANAO meeting re ANAO Fraud and Compliance Review
- 7 August 2009 ABC Radio – The National Interest program on Centrelink Prosecutions and Debts
- 12 September 2009 Feedback to Centrelink on their Annual Compliance Program
- 18 September 2009 4ZZZ – Extension of Schooling Enrolment and Attendance Measure Trial to Logan
- 20 September 2009 – NWRN Media Release – ‘Pensioner joy but welfare shock as difference between pensions and allowances tops \$108 a week’
- 20 September 2009 – Media Release used by The Australian, The Examiner, Herald Sun, Adelaide Advertiser, Sydney Morning Herald, The West Australian.
- 20 September 2009 2GB Radio News
- 21 September 2009 Radio interviews with 4BC, 2SM, 97.3 Illawarra, 2BS Bathurst and The Wire.
- 27 September 2009 2UE – FTB Debts
- 14 October 2009 NWRN Media Release ‘Bar on access to employment assistance perverse and counterproductive, says Welfare Rights’
- 14 October 2009 – 2UE – Fines in the Northern Territory and impact on income management
- 15 October 2009 NWRN Media Release, ‘Words not enough to create social inclusion in Anti-Poverty Week’
- 15 October 2009 Radio National – Access to payments for New Zealanders
- 15 October 2009 – Anti Poverty address in Melbourne at ASU State Conference in relation to underemployment and poverty
- 1 November 2009 NWRN Media Release, ‘NT Intervention shows claims for some Centrelink payments up 30%’
- 1 November 2009 Radio National on Closing the Gap Progress Report

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- 2 November 2009 ABC Local Radio Alice Springs on Closing the Gap Progress Report
 - 5 November 2009 NWRN Submission to the House of Representatives Joint Standing Committee on Migration into the Immigration Treatment of Disability
 - November 2009 NWRN response to Commonwealth Attorney General's Report, A Strategic Framework for Access to Justice in the Federal Civil Justice September, September 2009
 - 11 November 2009 Teleconference with Centrelink in relation to review of Prosecution Referral Guidelines
 - 13 November 2009 NWRN/Commonwealth Ombudsman's meeting re Mental Health Review
 - 19 November 2009 NWRN Submission to Better Dealings with Government Innovation in Payments and Information Services, Discussion Paper for Industry Consultation
 - 20 November 2009 NWRN Media Release, 'Pensioner joy but welfare shock as difference between pensions and allowances top \$108 a week'
 - 25 November 2009 NWRN Media Release, 'Plan to control spending of poor is "draconian, disempowering and down-right dangerous", says National Welfare Rights Network'
 - 25 November 2009 NWRN Media Release, 'Little to celebrate in Indigenous Communities as NTER Welfare Quarantining wound back'
 - 25 November 2009 ABC Radio Darwin in relation to welfare reform
 - 25 November 2009 DEEWR Industry Reference Group Meeting, Canberra
 - 26 November 2009 2SM and 2GB in relation to extension of income management
 - 30 November 2009 NWRN meeting with Les Blacklow, Executive Director of SSAT re Tribunal changes
 - 3 December 2009 Participation in ACOSS Sector Meeting about Welfare Reform
 - 6 December 2009 National News Radio on changes to Pension income test and the work bonus
 - 7 December 2009 NWRN letter to Senator Moore in relation to the time frames for submissions and consultations for the Senate Inquiry into Welfare Reform
 - 10 December 2009 DEEWR Industry Reference Group Meeting, Melbourne
 - 22 December 2009 DEEWR Industry Reference Group Meeting Teleconference
 - 22 January 2010 DEEWR Industry Reference Group Meeting, Videoconference
 - 29 January 2010 NWRN Federal Budget Submission, 'Building a Stronger, Fairer and More Inclusive Australia'
 - 10 February 2010 NWRN Submission to Senate Standing Committee on Community Affairs into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial

Discrimination Act) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009

- 19 February 2010 NWRN/NACLC Submission to Australian Human Rights Commission on Draft Guidelines for ensuring Income Management measures are compliant with the Racial Discrimination Act 1975
- 23 February 2010 NWRN and Centrelink Biannual Meeting
- 24 February 2010 NWRN, FaHCSIA, DHS, DEEWR and Centrelink Debt Prevention Meeting
- 25 February 2010 NWRN Media Release, ‘Senate Inquiry told income management rules “unmanageable”’
- 25 February 2010 NWRN appearance before Senate Standing Committee on Community Affairs into Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009, Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009
- 26 February 2010 DEEWR Industry Reference Group Consultation in Sydney
- March to April 2010 Member Centres participated in a number of teleconferences with the ANAO in relation to the Centrelink Appeals System
- 2 March 2010 DEEWR Industry Reference Group Consultation in Adelaide
- 3 March 2010 DEEWR Industry Reference Group Consultation in Perth
- 5 March 2010 Additional NWRN Submission to the above Senate Standing Community on Community Affairs Inquiry
- 11 March 2010 NWRN Media Release, ‘No justification for “income management” roll out, says Welfare Rights’
- 11 March 2010 NWRN Media Release, ‘A house of review? Welfare Rights anger at failure of the Senate to properly consider the evidence for income management rollout’
- 15 March 2010 Meeting with Human Rights and Equal Opportunity Commissioner and policy advisor in relation to income management
- 19 March 2010 DEEWR Industry Reference Group Meeting, Videoconference
- 31 March 2010 DEEWR Industry Reference Group Meeting, Melbourne
- 31 March 2010 NWRN, FaHCSIA, DHS, DEEWR and Centrelink Debt Prevention Meeting by teleconference

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- 17 May 2010 ABC AM on Menzies Research results and Income Management
 - 18 May 2010 Noongar Radio on Menzies Research results and Income Management
 - 31 May 2010 ABC News Radio on “Missing Out” Report
 - 9 June 2010 ACOSS Sector linkup in relation to the legislative instruments for Welfare Reform
 - 10 June 2010 6PR on Coalition announcement to extend from 2 hours the travel time for unemployed to take up work
 - 10 June 2010 Radio News National on expansion of income management
 - 17 June 2010 3AW on the expansion of income management
 - 22 June 2010 NWRN submission to Welfare Payments Reform Branch on Income Management Policy

Centre Reports

Townsville - Townsville Community Legal Service Inc.

1. Staff

- Anne Lewis, Coordinator (full time) (on leave)
- Stacey Bain, Administration (full time)
- Bill Mitchell, Principal Solicitor (full time)
- Aaron Finn, Solicitor (full time) com. Feb 2009
- Saskia ten Dam, Financial Counsellor (full time)
- Anna Cody, Solicitor – Senior’s Legal and Support Service (full time)
- Sonya Mitchell, Social Worker – Senior’s Legal and Support Service (full time)
- Jackson Mallory, Paralegal (full time)

It is important to note that the operation of TCLS does not allocate the welfare rights role to an individual worker. All caseworkers are expected to deal with welfare rights matters that their clients are experiencing.

2. Casework Trends

Our clients came from across North Queensland. Our casework shows that we have assisted people with matters at various stages of review and appeal. Some clients were assisted over several stages of review and appeal.

All workers within the TCLS provide welfare rights advice where appropriate. Some examples of the holistic approach included:

- The Financial Counselling Service often provides advice about welfare rights issues.
- The Senior’s Legal and Support Service staff routinely check entitlements and answer queries about Centrelink issues, particular in respect of their financial abuse cases.
- TCLS lawyers at the Homeless Persons Legal Clinic gave advice on welfare rights matters.
- The Registered migration agency attracted clients who had mixed migration/Centrelink issues such as waiting periods, assurances of support.

Areas commonly encountered by the service included:

- **Disability support pension** including qualification and cancellations;
- **Parenting payment** including overpayments, marriage-like relationships, mutual obligation issues;
- **Age Pension** including overpayments, income and assets testing, rent assistance qualification;
- **Overpayments** including waiver issues; and
- **Criminal Prosecutions** though we only provide initial advice and referral.

Assistance for homeless persons

TCLS continues its work with the Homeless Persons Legal Clinic in Townsville, the second regional clinic in Australia. This service operates at two venues, which include emergency support service and the women's centre. Centrelink issues are quite common.

Senior's Legal and Support Service

The Senior's Legal and Support Service continues to assist seniors in welfare rights matters where they are connected to the target areas of elder abuse, mistreatment or financial exploitation.

3. Policy work/issues

TCLS has supported the work of the National Welfare Rights Network throughout the year when resources allowed. This has included membership of the NWRN Committee and contribution to various NWRN submissions.

4. Future Directions – the next 12 months

TCLS is working on its ongoing viability. It has relatively poor funding including for welfare rights. Additionally, one-off Commonwealth funds supporting some positions are nearing depletion.

Brisbane – Welfare Rights Centre

1. Current Staff

- Gail Middleton Executive Director
- Patrick Cranitch Senior Solicitor
- Susan O’Shea Solicitor
- Andrew Davison Solicitor part time
- Bryony Walters Advocate
- Georgina Lawson Mental Health Project Officer
- Carla Wilson On Maternity Leave
- Georgina Warrington Policy Officer
- Nicole O’Keane Office Administrator
- Tela Tuqiri Client Service Trainee
- Sue McComber Finance Officer part time
- Vacant Employment Services Advocate

The service trained 15 volunteers and /or students on placement during the last year.

The Brisbane WRC has had another year providing specialist legal and advocacy services to people living throughout Queensland and in Northern NSW. Resources are tight as we implement the long awaited Industrial Award. However the impact of missing out on new money announced in the Federal Budget (2010) and only receiving 20% of the funding deficit through the Queensland State Governments \$414 million award top up scheme has led to rationalising of our services.

We started the year with too many project, temporary and acting staff in the agency. Patrick Cranitch accepted the position of Senior Solicitor in February and that has allowed us to progress and finalise the implementation of a multidisciplinary service which targets the most vulnerable Queenslanders. We have worked with staff to better identify what we mean by vulnerability and there is a commitment to getting people in these circumstances back on payment and reengaged with both the Social Security and Employment Services systems through utilising our expertise and resources to provide a range of services.

Our role as an advocacy service is well understood by the Centrelink staff in the Regional Offices that we work with and our collaborative approach to our work pays off for our clients.

We are living through interesting times. Whilst we have little hope that our current funding will be retained or increased over the coming years, the Centre is well placed to identify which clients may due to limited capacity to be referred back to the source of referral, their Federal MP or our website. However, people caught

up in the changes to Centrelink services and or pilot programs operating in Queensland, clearly need access to independent advocacy services. It would be quite useful and efficient if government departments could work collaboratively with the welfare rights centres and each other to monitor and evaluate changes.

On the basis of the increasing number of referrals we received through the website, and our need to promote the service to potential sponsors and donors the Management Committee decided to invest in a website that would deliver both of those objectives. We have used the photographs we collected through our Scene and Unseen photographic prize to tell the story of our clients. Georgina Warrington has worked extremely hard to get this information up and running and we thank Sydney and other Centres that have supported us by allowing us to use your resources.

2. Casework Trends

Whilst there is little variation in our clients stories' the most dominant problem our clients faced this year were eligibility issues. We are seeing an increase in people trying to move from Newstart Allowance onto the Pension. Our "Self Help" booklet on DSP is proving to be very popular. Debts continue to be a problem for many of our clients although it has reduced to being just 17% of our presenting problems. However, there has been a growth in the number of people presenting with "Rate Reduction" issues. We believe this could be as a result in the changes to the compliance regimes and the changes introduced by welfare to work coming into affect for sole parents whose children are in school.

Social Security Casework Problems

The Centre dealt with 467 casework files that contained 637 matters. With the need to target our casework towards the most vulnerable it is no surprise that clients that presented with "eligibility" or "compliance" issues were more likely to be provided with a more intense service from the WRC legal staff than other common matters. Rate reduction matters were least likely to be given ongoing casework services and we assume that most of these matters are settled with an early intervention (EI) approach. All but 15 of these EI files have had less than 5 hours of work, making it a very efficient model.

Our Clients

The demographic makeup of our clients are as follows:

- 1098 clients with 1948 presenting problems.
- 60% were female.
- 48% self identify as having a disability and of those 29% identify as having a psychiatric condition or 14% of our clients overall self identify as having a psychiatric condition. This is a 4% growth in clients with mental health issues than the previous year.
- 4.4% identify as Aboriginal or Torres Strait Islander.
- Only 2% do not use English as their main language at home.
- 71% of our clients were born in Australia and other places of birth (more than 5%) included New

Zealand and the UK. Another 64 countries of birth were recorded.

- Young people are under-represented in our clients.

We recorded 3 new indicators about our clients' circumstances including:

- **Homeless** 21 people or 2% of clients. 15 of these people had files opened (71%) making 4% of our casework being with homeless people.
- **At risk of Homelessness** 39 people or 3.5% of clients. 24 of these people had files opened (61%) making 6% of our casework being with people at risk of homelessness.
- **No Income** 82 people or 7.5% of clients. 34 of these people had files opened (41%) making 9% of our casework being with people that had no income.

Our source of referral remains similar to previous years with most people finding us on their own (18%). 13% are referred by community service organisations with 10% coming from Legal Aid Queensland. The following main source of referrals to the WRC (in order) are:

- Centrelink 10%
- Website 10%
- Other Community Legal Services 9%
- SSAT 8%
- Ombudsman 3%

Service Outcomes

Based on the client satisfaction survey our clients are clearly satisfied with the services we provide. The table below indicates the aspect of the service that we measure and our clients' satisfaction rating.

Aspect of Service	% of clients satisfied
Access to service	77%
Responsiveness of service	96%
Treatment of Clients	92%
Explanation to client	81%

Service Summary

Our focus on the new service delivery model is working for both our clients and our staff. That is we are:

- providing a quicker response to callers;
- assessing the client vulnerability and offering a multidisciplinary service (either or both legal and social services);
- getting the client a quick outcome through direct negotiation with Centrelink staff; and
- providing quality advice and direction empowering the caller to self advocate (where possible).

This efficient service model has freed up some time for staff to pilot innovative outreach service delivery to identified groups such as homeless people, and working on policy or systemic solutions for persistent issues ie People with mental health issues being on the wrong payment, Preclusion Periods and New Zealanders. We are constantly concerned about other vulnerable groups that do not find their way to our service, including those from multicultural backgrounds, young people and ATSI. Our State funded (DEEDI) project has given us significant exposure to the issues that many vulnerable people face who are trying to navigate the policy and procedural maze between Employment Services, Centrelink and VET. We still struggle to find the time and resources to identify workable solutions for measuring our effectiveness – we remain unsatisfied with our marketing strategies apart though from the work undertaken in the development of our web site and the production of our “Scene and Unseen” story book has had a possitive effect.

Sydney – Welfare Rights Centre

1. Staff

The Centre employed the following staff in 2009-2010:

- Dianne Anagnos Acting Principal Solicitor (resigned March 2010)
- Lua De Burgh Administrative Secretary (casual)
- Jackie Finlay Principal Solicitor
- Linda Forbes Casework Coordinator (resigned August 2009)
- Karen Lau Administrative Secretary
- Catalina Loyola Administrator
- Melissa Lubowski Publications and Funding Officer/Caseworker
- Amie Meers Caseworker/Education & Community Liaison Officer
- Carolyn Odgers Solicitor/caseworker (commenced April 2010)
- Maree O’Halloran Director
- Danny Shaw Caseworker (casual: commenced April 2010)
- Gerard Thomas Policy and Media Officer
- Sam Trinity Financial Administrator (part-time)
- Ian Turton Solicitor (temporary contract finished March 2010)
- Cass Wong Solicitor/Caseworker
- Phillip Wardle Administrative Secretary (casual)

In addition, Jo Kwan has been a very welcome secondment from Legal Aid in April 2010. In the course of 2009-2010, some staff resigned and others went on leave. The Centre has 12 positions, most full-time but some part-time.

2. Casework trends

The Centre’s casework comprises a telephone advice service, assistance with self-advocacy, written advocacy on behalf of clients and written or personal representation before the Social Security Appeals Tribunal (SSAT), the Administrative Appeals Tribunal (AAT), or the Federal Court in some cases. Advice is given on all aspects of Social Security and Family Assistance law and appeals.

Telephone advice is provided daily for a four hour period. The Centre has a toll free number to facilitate access for clients in country and outer-metropolitan areas and a TTY for people with hearing impairment. Initial advice is generally provided by phone. The Centre has an access and equity policy to ensure that people unable to obtain assistance by telephone are not disadvantaged.

The Centre maintains a nation-wide toll-free number for clients grappling with the effects of the Same Sex Law Reform with respect to Social Security law and for HESTA clients.

Number of clients

From July 2009 to June 2010 the Centre provided assistance to 2,874 clients. We provided 3,543 “advice activities” and opened 399 new cases in the period.

The most common payment types for matters over the period were:

- Disability Support Pension 707
- Age Pension 299
- Family Tax Benefit 156
- Newstart Allowance 488
- Parenting Payment 421
- Youth Allowance 176
- Carer Payment 116
- Special Benefit 77

Casework issues

Debts and prosecutions

Once again the most resource-intensive issue for our advice and casework service was related to Social Security and Family Tax Benefit debts. This is particularly so where the client is at risk of criminal prosecution in respect of their debt. Debt matters covered a range of issues including debts raised due to under-declared income, non-disclosed assets, member of a couple determinations and receipt of arrears of compensation or income. A too often heard story is that a client under-declared their income due to confusion about what and how to declare. Clients report that even when they ask Centrelink officers for help they are still left in the dark as to how to correctly report their income.

The Centre assisted a number of clients to appeal against their debt when they were simultaneously facing prosecution action. When successful in their appeal against the debt, any prosecution action is usually dropped. We remain concerned that these clients faced prosecution action in the first place, as there is usually evidence on the Centrelink file that the client did not intentionally under-declare their income.

People with illnesses and disabilities

The Centre advised a large number of clients in receipt of activity tested payments, such as Newstart Allowance or Parenting Payment, who have an illness or disability. Some of these clients had Disability Support Pension claims with Centrelink; others were just seeking temporary exemptions from activity test or participation requirements. These clients often called because they were unhappy with Centrelink's decision to refuse their Disability Support Pension claim or to refuse to accept their medical certificates. They were usually referred to Employment Services providers and had requirements imposed by these providers. Most of these clients were confused (understandably) about their activity test or participation requirements, who they must speak to, who is making decisions about their payments and what they can do to appeal. In many cases they were required to do multiple things at the one time - appeal the Disability Support Pension cancellation, appeal the rejection of their medical certificate, attend appointments with Employment Services providers and look for work (even though they were not well enough to do so). These types of advices are resource intensive and often there was no satisfactory answer we could give clients.

Income maintenance periods

One of the more notable trends in casework this year was an increase in the number of cases about "income maintenance periods" which often result in intense hardship for our clients, who are on the whole unaware that they will have to face a long waiting period before obtaining payments after they leave work. Some of the "income maintenance periods" we have seen have been over a year long.

Recognition of same-sex de facto relationships

In addition to the clients who contacted us early in 2009, we have also advised over 120 individual clients (excluding the "partners" of people in relationships) between July 2009 and June 2010 regarding the recognition of same-sex de facto relationships under Social Security and Family Assistance law that came into effect on 1 July 2009. We provided one-off advice to people across Australia. We also opened seven cases and represented some clients at the Social Security Appeals Tribunal (SSAT) in matters relating to whether or not people are partnered for the purposes of Social Security law.

Many clients expressed fear at coming out to Centrelink, and concern at losing their sole means of financial support. This issue was particularly prevalent amongst clients who were receiving the Parenting Payment at the single rate and receiving the appropriate Family Tax Benefit payments.

We established a folder in NACLIC BBS with same-sex resource materials for welfare rights advocates and conducted a specific session on this issue for the NWRN Conference in Perth in September 2009. We also trained the SSAT members located in Sydney and conducted a number of community CLE sessions.

The Centre also gave specific advice to the National Gay and Lesbian Health Alliance and ACON regarding a letter from the Minister for Families, Housing, Community Services and Indigenous Affairs, Jenny Macklin dated November 2009 regarding a "compassionate" approach to same sex couples who incur a debt for failing to declare the relationship. Amongst other things, the letter states that the following matter must be considered by Centrelink as a reason for debt waiver: "Did the customer's legitimate fear that they or their partner will be discriminated against if they declare their relationship status prevent them from advising Centrelink of their relationship?" It remains to be seen how this statement will be viewed in the future by Tribunals.

Sydney represented the NWRN on Centrelink’s Same Sex Reference Group. The reference group was not able to rectify problems in the legislation itself; however, it was able to emphasise the need for Centrelink staff training and raise difficult case studies as they arose. The final Centrelink Reference Group meeting was held on 22 April 2010 and the Centrelink hotline about the issue closed on 30 June 2010. As at the end of March 2010, Centrelink had linked 8,000 individuals as members of a same sex couple.

Finally, the Centre and some its staff were participants in the current, high-profile, celebrity *Wear It With Pride* Campaign to educate the community about the Same Sex Law Reform.

Member of a couple

In general a significant portion of our casework service throughout the year was spent advising and representing clients who were challenging Centrelink decisions that they were a “member of couple”. Many of these clients had large debts raised as Centrelink determined that the relationship existed for sometimes up to 10 years, prior to the decision to cancel payments. It is noticeable that many appeals relate to people who continue to reside “separated under the one roof” with an ex-partner, many citing the high cost of housing as a deterrent to moving into separate accommodation and the wish to “co-parent” their children.

New Zealand citizens

The Centre is now assisting clients who were brought to Australia as children with their New Zealand citizen parents. These children are seeking Youth Allowance or Parenting Payment (if they themselves now have children) and are shocked to discover that notwithstanding that they have lived in Australia for close to 10 years, attended school, their parents may have worked and paid taxes in Australia, they are denied income support. The Centre has sought Act of Grace payments for some of these clients but clearly this is not a long term solution to what will be a long term problem.

3. Policy work/issues

Key achievements in 2009/10

Key areas of policy and media activity work over the year are outlined below. We were able to work strategically and effectively with a wide range of community organisations and relevant stakeholders to achieve a number of positive results. The Centre employs a full-time media/policy officer to undertake this work in conjunction with the Director.

Key achievements over the last year were:

- the introduction of weekly Centrelink payments for vulnerable income support recipients;
- drawing attention to the inadequacies of financial support for unemployed people;
- exposing the poor quality of Centrelink decisions when it comes to discretionary matters;
- achieving fairer rules for parents seeking exemptions from activity requirements and more flexible participation rules for parents seeking to combine work and study and caring responsibilities;

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- highlighting the intention of state and territory housing authorities to “claw back” a quarter of the 2009 pension September pension rise. Subsequently, all jurisdictions, except the NSW Government agreed to ensure that the full benefit of the historic pension increase went to pensioners;
 - highlighting the unfair rules applying to young people and vulnerable Australians seeking access to their superannuation under the hardship provisions; and
 - advocating for a successful resolution to the political impasse surrounding the Youth Allowance income support reforms.

Submissions and letters

Submissions

In 2009-10 the Centre made a number of submissions to Parliamentary Inquiries and Government Departments as well as making a significant contribution to a number of NWRN submissions. We gave evidence as part of the NWRN delegation at a number of inquiries, including the inquiry into the September 2009 pension increases and the extension of income management. Many letters seeking beneficial law reform on behalf of our client base were written to Ministers at federal and state level as well as government officials.

We provided comment through the following submissions:

4. Senate Economics Committee Inquiry into Economic Stimulus Payments;
 1. *The Welfare Reform and Reinstatement of Racial Discrimination Act Bill 2009, the Other Legislation Amendment Act Bill 2009 and the Restoration of Racial Discrimination Act Bill 2009*;
 2. Supplementary submission to *Senate Inquiry into Welfare Reform and Racial Discrimination Act Bill*;
 3. Submission to House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into Homelessness Legislation;
 - House of Representative Standing Committee on Youth and Housing, Inquiry into Homelessness Legislation, 2009;
 - Senate Community Affairs Legislation Committee, *Inquiry into Student Assistance Bill Social Security Bill, 2009*;
 - Commonwealth Attorney General’s Department *Access to Justice Taskforce* Report;
 - Department of Human Services, *Better Dealings with Government: Innovation in Payments and Information Services*, Discussion Paper for Industry Consultation; and
 - 2010-11 Federal Budget Submission.

A summary of the major policy issues in 2009-10

Henry Review into the Tax and Transfer System

We were disappointed with the Government's timid response to the widely anticipated tax reform report from the head of Treasury, *the Future of Australia's Tax and Transfer System*. While some of the recommendations from the Henry Review are concerning (such as cutting Parenting Payment once the youngest child turns four), there was much in the report to be positive about. We will continue to advocate for the parties to address deficiencies in the current tax and welfare arrangements, by reducing the \$120 a week gap between payments and fairly indexing payments over the long term.

Independent review of penalties system

The Federal Government initiated an independent review into the Social Security penalty system it introduced in July 2009. Under the new system financial penalties still disproportionately affect young and Indigenous job seekers.

Centrelink decision making

Sydney undertook an examination of the quality of Centrelink decision making at the Authorised Review Officer level and found it of concern. This issue was raised with Centrelink and with the Commonwealth Ombudsman. Nine out of 10 decisions overturned at the SSAT are because Centrelink got the law wrong, got the facts wrong, or because the SSAT discovered further relevant information.

Overpayments and prosecution

Issues of Centrelink overpayments and prosecutions continued to be a large part of our policy work because the issues affect so many of our clients and their children. Three members of the Centre took part in a debt prevention workshop with Centrelink, FaHCSIA, DEEWR and DHS.

The Centre assisted Centrelink in the development of its 2010 Compliance Report and met with the Australian National Audit Office (ANAO) regarding their review of Centrelink's debt and fraud programs. We also facilitated meetings with other Welfare Rights members with both Centrelink and the ANAO on debt and prosecution issues.

The lack of effective legal assistance and independent advocacy for people facing a Centrelink prosecution, and the unfairness of the existing referral processes by Centrelink and the practices of the Director of Public Prosecutions continues to be an issue of major concern to the Centre.

National Disability Insurance Scheme

Sydney joined a community-led campaign supporting an examination of the feasibility of introducing a National Disability Insurance Scheme in Australia. We wrote to Ministers Macklin and Shorten about the National Disability Insurance Scheme, as well as a range of issues related to issues related to our casework experiences.

Media

Sydney responded to issues as they arose, but also sought to raise broader issues facing low income Australians. A media statement was released on average of one per fortnight, with a total of twenty three media releases released in 2009-10. Examining the level of media coverage on matters related to income support and social policy in Australia the Centre has achieved considerable success in achieving coverage on what are often very complex and at times controversial issues.

A great deal of effort also went into briefing journalists and explaining income support policies and their impacts upon individuals and families.

Liaison with Government agencies and the community

Staff members have attended many meetings with Government agencies as well as within the community sector. The Director is the 2010 NSW Co-Chair of Anti-Poverty Week. The Centre took part in the NWRN biannual delegations in Canberra. Sydney's Policy and Media Officer was nominated by the NWRN and elected to the ACOSS Board. He is also the Employment and Social Security policy adviser to ACOSS.

4. Projects and publications\Community education and training

Education and community liaison

In 2009-2010, the Centre continued to target disadvantaged groups for education. CLE seminars were targeted to community organisations that support disadvantaged groups and new resources were developed.

More than 50 training seminars were presented to community organisations, including youth centres, women's refuges, homelessness and accommodation services, hospital social workers, youth and migrant organisations, financial counsellors, other community legal centres and other community organisations advocating on behalf of disadvantaged clients. Our program of training for Community Legal Centres and the Legal Aid Commission Network continued. Throughout 2009-2010, the Centre continued to be involved in the Centrelink Multicultural Advisory Forum as community co-convenor and in the NSW Centrelink Homelessness Reference Group.

Volunteer workers

Sydney's volunteer workers program continued with new volunteers being recruited and a number of group and individual induction sessions being held throughout the year.

The number of volunteer workers at the Centre was about 15 to 20 at any point in time.

Publications

The Centre's overall publication goals are to produce and distribute clear, informed, effective and targeted information and policy advocacy material designed to, increase accessibility to the Social Security system; educate and empower the community about Social Security issues, payments and rights; and improve the Social Security system in Australia.

In pursuit of these goals, the Centre's key publications for 2009-2010 were:

- “rights review” quarterly newsletter
- Independent Social Security Handbook ONLINE
- Social Security Reporter
- Wallet Card for job seekers and young people
- Factsheets
- Website

“rights review”

The Centre published four issues of “*rights review*” in 2009-2010, reporting every three months on changes to Social Security law and administration, raising awareness of Social Security matters, policy reform and assisting community workers to help their clients.

The Independent Social Security Handbook

In 2009-2010 the Centre continued to produce the ONLINE EDITION of the “Independent Social Security Handbook”. The primary purpose of the Handbook is to inform community workers about Social Security law and Centrelink administrative practices and to assist them to better advocate for their clients with regard to Social Security payments. The Centre updated the ONLINE Handbook four times during 2009-2010 to take into account changes to Social Security law and policy. In the 2009-2010 financial year there were substantial changes to the Social Security system including the same-sex reforms and new compliance regime. The Handbook fully encompassed all these changes and more to help community workers and other users of the resource to assist their clients with Social Security problems.

The Handbook ONLINE continued to be available free to community workers in Tasmania, and Queensland due to arrangements made between the Centre and QCOSS.

Social Security Reporter

The Centre produced four editions of the Social Security Reporter (SSR) in 2009-2010. The purpose of the SSR is to provide a useful ready reference for Social Security practitioners and others with a particular interest in this area of the law, in particular important case law developments.

Wallet card for job seekers and young people

In August 2009 the Centre produced a wallet card which contained information about job seekers' rights, responsibilities and obligations. It also simplified the complex new compliance regime, explaining the different types of penalties and how to appeal. The wallet cards have all the telephone numbers of Welfare Rights services around the country. The Centre also had designed and produced a Welfare Rights poster to match the wallet cards. The poster has all details about how to contact the Welfare Rights Centre for advice or assistance with Centrelink or Social Security matters.

Factsheets and brochures

The Centre has 30 Factsheets available to assist and inform people about Social Security matters. In 2009-2010 we updated a number of Factsheets to reflect the changes to the law and we also produced three new Factsheets - “Earn or Learn”, “Activity test and participation requirements” and “Waiting periods – why can’t I get paid?”.

National Welfare Rights Network Website

The NWRN website, which is hosted by the Welfare Rights Centre, Sydney, continued to be updated and maintained by the Centre’s Administrator. The Administrator has prepared a proposal for a reconstruction of the website.

5. Future Directions – the next 12 months

Opportunities/ plans for the Centre

The Centre continues to work on the following Projects: the Same Sex Law Reform Project and the Prosecutions Project. We are working in partnership with Legal Aid NSW about a range of issues to do with Social Security prosecutions. The Centre hopes to form a liaison with TAFE NSW in relation to curriculum and student advice clinics. We are also interested in establishing a Facebook page about Social Security issues for young people and possibly a mobile phone “app” about Youth Allowance.

Threats to the Centre/service

Many of our challenges relate to the need for law reform in many areas of Social Security law and practice. We are also challenged by the very high volume of calls from people seeking advice and assistance. The staff work extremely hard to provide as many people as possible with assistance. Our biggest threat is to maintain sufficient recurrent funding to continue providing this high level of service. Overall, however, there are no threats to the good functioning of the Centre.

Other news to tell?

Dianne Anagnos has left the Centre to take up a position at Kingsford Legal Centre. We were all sorry to see her go and wish her every success in her new position. Dianne has made a great contribution to the Centre and to the Network.

Sydney now has a full complement of permanent staff having welcomed Lee Hansen and Carolyn Odgers to the Centre. We have also greatly appreciated the work of Jo Kwan who has been seconded from Legal Aid NSW.

It has been great to have Danny Shaw return to the Centre as a casual worker. He brings a wealth of experience and commitment to the Centre.

Wollongong – Illawarra Legal Centre Inc

1. Staff

- Liz Turnbull (on maternity leave)
- Ian Turton (locum)

2. Casework Trends

Over the course of the year this project has increased its level of representation of clients at the AAT and the SSAT. We are also supporting the tenancy outreach program that operates on the far south coast of NSW. There seems to have been a growth in the number of debts arising from findings that a person is a member of a couple. To date, none of the debts raised have been from same sex relationships. We have been unable to determine if this increase in activity by Centrelink is cyclic or part of a specific project.

3. Policy Work/Issues:

There has been a growth in the number of clients who have presented to this centre with debts arising from the finding that a person is a member of a couple. In many instances these debts have been raised in cases where the separated couple have maintained a civil relationship with each other for the sake of the children. In many of these cases Centrelink are revisiting cases in which they have previously decided that a person is not a member of a couple. Centrelink seems to be operating under the presumption that absence of cooperation is a key determinant in deciding whether a couple has separated or not. This policy seems to run contrary to trends in family law that has been to encourage co-operation between separated parents. This is a policy area that needs further analysis.

We currently have an appeal before the AAT in a matter in which an income maintenance period has been imposed following the receipt of a termination payment. The client in question suffers from multiple mental health issues that diminish her capacity to manage her finances. This has led to her wasting much of this termination payment. The client is now facing severe financial hardship but has been unable to reduce the income maintenance period because the expenditure is not necessary or reasonable. Our argument is that the concept of what is necessary and reasonable should be viewed from the perspective of the individual client. If the client's capacity for reasonable thought is diminished by mental illness, then the reasonableness of any expenditure should be viewed through this prism. It is hoped that this matter may serve as a test case in a very harsh area of law.

4. Project/Publications:

This project has published and continues to distribute copies of the booklet "Relationships and Centrelink". A second print run for this publication has just been completed and will be distributed in October 2010.

5. Future Directions

The project has increased its CLE work in combination with local community organizations. We are also building links with the Local Legal Aid office with who we hope to undertake joint CLE forums with local community organisations and individuals.

This Centre is currently focusing on running a number of test cases as already discussed. This trend will continue.

Canberra – Welfare Rights and Legal Centre Limited

1. Staff

The Centre employed the following staff in 2009-10:

- John Alati – Solicitor/Clinical Legal Education Co-ordinator (on leave since July 2010)
- Genevieve Bolton – Co-ordinator/Supervising Solicitor
- Alison Creet : Administrative Support (part time)
- Helen Dalley: Solicitor, part time (DDLS and WRLC)
- Derek Emerson-Elliott : Locum Caseworker
- Jaleh Johannessen : Senior Litigation Solicitor (DDLS and WRLC) and NTLAS Supervising Solicitor
- Parastou Hatami: Caseworker from June 2010
- Amy Kilpatrick: Manager/Principal Solicitor, Street Law
- Ella Kucharova :Paralegal, Street Law since August 2010
- Helen McAulay : Caseworker from October 2009
- Yen Musgrove: Librarian
- Liz Obrien: Centre Administrator (resigned April 2010)
- Annabel Pengilley: Solicitor/Caseworker (resigned August 2010)
- Pat Wilkinson : Administrative Support (part time)
- Anne Yuille : Telephone Advice Co-ordinator/ Caseworker
- Office Administrator : position vacant

Whilst the Centre was sad to lose both Liz O'Brien and Annabel Pengilley, we were pleased to see that they were not lost to the sector, with Liz taking up the position of Manager with the Kimberley Community Legal Service and Annabel staying on with the NAAJA Welfare Rights Outreach project.

2. Services

The Centre runs the following programs:

- WRLC Main Service which specialises in the areas of Social Security law (for client in the ACT)

and surrounds) and tenancy law (for public housing and low income tenants in the ACT);

- The Disability Discrimination Legal Service (DDLS) which specialises in the area of disability discrimination law (for people with disability and their associates, carers etc in the ACT and surrounding areas);
- The Night Time Legal Advice Service (NTLAS) which provides one off general legal advice and some limited advocacy; and
- Street Law: an outreach service aimed at people who are homeless or at risk of homelessness in the ACT and surrounding regions.

WRLC Main Service

The Centre's daytime service provided just under 1000 advices in the 2009/10 year. This is a reduction in numbers from the previous year and reflects an increasing complexity in the presenting problems. It is also consistent with an increased proportion of Centrelink matters: just over 33% this year as compared with 25% last year. The remaining two thirds of the Centre's advices were matters in the areas of public housing, community housing and private tenancy.

An increasing number of Centrelink advices require some form of minor assistance in order for advice to be finalised. Amongst Centrelink problems the most prominent continue to be large overpayment debts involving a mix of under-declared income, shared care or loss of care FTB and CCB issues and member of a couple issues. Relatively few same sex couple matters have presented at the advice level, though we are currently running a matter before the Commonwealth AAT arising from a Departmental appeal against the SSAT's decision to exercise the discretion in section 24 not to treat our clients as a couple for special reasons. We are also assisting another same sex couple arguing for the exercise of section 24 at the internal review stage.

In the tenancy areas, the primary issues arise from a critical shortage of rental accommodation in the ACT generally and affordable housing in particular. Many callers are presenting with the dual problems of eviction from a private tenancy and refusal or serious delay regarding their Housing ACT application. Our legal service for homeless people, Street Law, commenced in late 2009 and is providing an invaluable outreach service, advising and assisting on a broad range of legal issues and referring casework in the areas of Centrelink and tenancy to the Centre's main service. There has been little sign this year of any reduction in the pressure on public housing, though there may be some easing as newly built homes under the Federal Government's stimulus measures come on line. An inordinate number of calls for advice come from public housing applicants frustrated by long delays and a perceived lack of transparency in Housing ACT's decision-making processes. In many cases advice is not sufficient to resolve the problem and minor assistance work needs to be undertaken. We have also taken an increased number of calls from dissatisfied community housing tenants. Repairs, rebates and proposals re downsizing/relocation are the most contentious issues for these clients.

In total during the reporting period, the Centre provided assistance by way of minor assistance to approximately 188 clients and opened a further 146 cases. Of the cases opened, the Centre was involved in approximately 112 Tribunal or Court appearances. During the year, the Centre achieved an extremely

high rate of success – of at least 95% in matters involving Tribunal or Court advocacy. A significant bulk of the Centre’s appearance work arose from amendments to the Residential Tenancies Act which provided for specific performance orders on tenancy agreements bypassing normal notice requirements where alleged breaches related to neighbourhood issues. Through a carefully considered litigation strategy, the Centre enjoyed considerable success in steering the Tribunal’s approach to dealing with these applications minimising the eviction risk to tenants. In respect of Centrelink casework matters, the majority of files related to overpayments and/or member of a couple issues. Most of these matters, involved large debts which were subsequently set aside or recovery waived.

Disability Discrimination Legal Service

During the reporting period the service provided advice and assistance to 33 clients and provided representation and casework for 11. The casework included discrimination by employers, by service providers and by educational institutions at both the Territory and Commonwealth level. The service also provided Community Legal Education to Guide Dogs NSW/ACT.

Night Time Legal Advice Service

This service provides advice and minor assistance to the community in general areas of law and operates one night a week for 2 hours. The service delivery is by volunteer experienced legal practitioners from private law firms, migration agents, and by lawyers from government departments. The service also provides an outlet for law students and recent law graduates to gain practical experience and training. During the reporting period, the service provided advice and minor assistance to some 359 clients. The advice and assistance included the following areas of law: employment and workplace relations, migration, contracts, administrative law, property law and wills and probate. During the reporting period, 5 matters were referred to private lawyers for representation in Courts and Tribunals on a pro bono basis and the service monitored the progress of those matters, all to their successful end.

Street Law

As foreshadowed last year, we are pleased to be able to report that Street Law is now up and running having been launched by the Commonwealth and ACT Attorney Generals in July 2010. After extensive public consultation, Street Law is now offering a generalist legal service and has adopted an outreach model. Street Law is funded by both the ACT Government and the Commonwealth Government.

Street Law operates at 6 local advice centres with five located across the ACT and one in Queanbeyan NSW (jointly operated with Women’s Legal Centre ACT and Region). The top issues clients present fall within the areas of administrative law, domestic violence and personal protection orders, care and protection, criminal matters, housing, superannuation, family law, credit and debt, employment, civil disputes and general civil law, Centrelink disputes, and fines (license suspension). In addition to its 2 paid staff, Street Law is assisted by graduate law students, volunteers and other pro bono assistance (including secondees from AGS).

Community Law Clinical Program

The Clinical Legal Education (CLED) program continues to be run each semester in partnership with the

Australian National University (ANU) College of Law. The course provides an opportunity for six students each semester to gain practical legal experience, as well as reflecting on the law and legal system as it operates in the lives of our clients. The students are actively involved in all aspects of the work of the Centre's legal practice – telephone advice, front office work and casework and are challenged to regularly reflect on issues of social justice and legal ethics through weekly tutorial and reflection sessions. Mock hearings are held every semester in the Residential Tenancies jurisdiction of the ACT Civil and Administrative Tribunal (ACAT) and at the end of each semester students undertake a final reflective presentation on a legal topic arising from their work during the program. Student feedback on the program continues to be extremely positive and we have been delighted to see some secure employment within our sector whilst others have joined our NTLAS as volunteers.

3. Law Reform and Policy work

When resources permitted, the Centre continued to contribute to the policy and law reform work of the National Welfare Rights Network (NWRN). In particular, the Centre made significant contributions to the following submissions (either through drafting or co-authoring):

- NWRN's submission to the Joint Standing Committee on Migration – Inquiry into the Treatment of Disability;
- NWRN's submission in response to Commonwealth Attorney-General's Report, A Strategic Framework for Access to Justice in the Federal Civil System, September 2009;
- Briefing paper on Welfare Reform Bill;
- 2010-2011 Federal Budget Submission, Building a Stronger, Fairer and More Inclusive Australia, January 2010;
- Submission to the Senate Community Affairs Committee Inquiry into Welfare Reform and Related Bills, Appearance before Inquiry and NWRN's draft response to question on notice;
- NACLAC and NWRN submission to Australian Human Rights Commission on the Income Management Guidelines; and
- Submission on Draft Income Management guidelines.

Other law reform/policy activities included:

- Convenor of the NT Welfare Rights Outreach Project Subcommittee;
- Participation in the debt prevention meetings between NWRN and the key Government Department and agencies;
- Co-organising and active participation in the NWRN February delegations;
- Chaired and participated in the NWRN meeting/link up with the Commonwealth Ombudsman around the mental health and internal review own motion investigations;
- FaHCSIA's income management consultations;

-
- ACOSS income management link up and associated activities; and
 - Human Rights Act consultations.

4. Community Legal Education/Community Development Initiatives

During the reporting period, the Centre was involved in the following activities:

- Training workshop with Legal Aid (ACT), Family Court and DHCS on cross cultural issues and making appropriate referrals to CLCs;
- Presentation and Paper to the NACLC National Conference 2009 on the Practical use of Human Rights in advocacy;
- Presentation to the Area South West Social Workers on the impacts of the Same Sex Relationship changes in conjunction with the Women's Legal Centre;
- Jointly convened with ANU a workshop presented by Professor David McQuoid-Mason, visiting from South Africa which was attended by 40 ANU students, staff and WRLC staff;
- Half day Introduction to Social Security Law workshop for Financial Counsellors Network in Albury;
- Domestic Violence and tenancy workshop with Tenants Union and the Women's Legal Centre;
- Facilitated ANU workshop on Community Legal Education; and
- Presentation to Legal Aid ACT on WRLC and its work and appropriate referrals.

5. Sector Development

The Centre continues to be an active member of the National Welfare Rights Network, Disability Rights Network and the ACT CLCs. In addition, the Centre has continued to provide the ACT Representative on the NACLC Professional Indemnity Insurance (PII) Committee.

Externally, the Centre is represented on the ACT Pro Bono Clearing House Committee and the ACT Legal Assistance Forum (ALAF).

Melbourne – Social Security Rights Victoria Inc.

1. Staff

- Dale Nelson (CLE officer/Project Officer 09/10)
- Sally Allman (Caseworker)
- Joanne Joosten (Solicitor)
- Claire Carroll (Volunteer Coordinator maternity leave 2010)
- Joan Thong (Caseworker)
- Rini Krouskos (Casework/Policy/VC 2010)
- Marilyn Summers (Publications)
- Ben Zika (Casework)
- Peter Horbury (Coordinator)

At our 2009 AGM the ‘Welfare Rights Unit’ changed its name to a more reflective ‘Social Security Rights Victoria Inc.’ (SSRV). Members also approved a new constitution.

2. Casework trends

Casework continued to have a significant role in the SSRV’s work. As usual about one thousand clients were assisted at various levels. In the 2009/10 year DSP recipients with non-medical issues and changes to the pensioner income test were areas of significant note. Email enquiries (particularly via the Unit’s website) continue to grow.

3. Policy work/issues

SSRV’s Legal Services Board project undertook providing localised professional development to workers in the state’s farthest regions. Dale Nelson has been undertaking this work and this will wind up in 2010/11. Significant CLE was undertaken in Gippsland (in the State’s East) and in Western Victoria (around Portland and Warrnambool).

There were four editions of the SSRV’s newsletter “Red Tape” distributed to members and interested parties during the year.

SSRV’s funding from the Myer Foundation to begin a volunteer Coordinator program in 2009 was not needed to be utilised in 2009/10 as we funded this from one Commonwealth “one-off” payment. Claire Carroll who

undertook this work up until November 2009 gave birth to young Daniel in January 2010.

The Volunteer program has been an outstanding success and we have been assisted by around twenty young enthusiastic law students who have assisted our practice.

We have also been greatly assisted by Martin Pike an ex-Centrelink lawyer who is doing some pro bono work for us on particularly complicated cases.

VLA (who oversee our funding) have undertaken a significantly “more analytical” approach to our compliance in 2009/10 and this has created a number of headaches, but in the long run we are probably better for it.

SSRV’s Board now includes Sam Purcell (ex Barwon CLS) who has brought a fresh perspective to our governance.

Launceston – Launceston Community Legal Centre

1. Staff

- Noelle Rattray – Welfare Rights Solicitor

The Launceston Community Legal Centre has had a number of changes in staffing over the past twelve months, but has now settled with very solid and efficient representation in all its programs. Noelle Rattray commenced in the Welfare Rights area in January 2010 and joined a very busy program, representing the North and Northwest of the State. The figures below represent the approximately 5 month's activity to 30 June 2010.

2. Casework Trends

Within the first month of Noelle Rattray commencing 16 new files were opened and there was a further 12 reviewed as ongoing cases. A prior commitment for travel to Antarctica from 17 February to 17 March 2010 resulted in a temporary halt to welfare rights casework. From March to 30 June 2010 a further 27 files were opened. The Centre reports on CLSIS show the Welfare Rights program provided 1,192 activities to clients for the financial year, but for much of that time was not staffed with a welfare rights solicitor.

Since January 2010 Noelle Rattray has lodged appeals to Centrelink for most of the files and have proceeded to further appeal levels in the following at the:

Social Security Appeal Tribunal:

- Disability Support Pension 7
- Property matters 3
- Arrears claims 2
- Member of couple 2
- Child support 3
- Debt 12

Administrative Appeals Tribunal:

- Conferences 14
- Hearings 3 in preparation
- Compensation (CDDA/Act of Grace) 3

At present there are 44 open and active case files at various stages of the appeal process. The other matters have been completed or settled and 16 files have been closed.

Clinic at Centrelink

Another welfare rights project undertaken was to set up a clinic at Centrelink to raise our profile in the community, forge a goodwill relationship with Centrelink and provide instant assistance to potential clients. We attended regularly one afternoon a week for two months, but the workload at the office became onerous and we did not receive one client as a result of our attendance at Centrelink. We did, however, provide some free general legal advice to staff of Centrelink! This project has been shelved for the moment but we still consider the exercise well worth the effort as Centrelink now refer many people for assistance by the service.

We have established a strong relationship with Centrelink Legal Services staff, Mr Brian Sparkes and Mr Flemming Aarberg enabling many successful settlements at the Administrative Appeals Tribunal.

3. Policy work/issues

Noelle Rattray has remained involved with the NWRN Member of a Couple Sub Committee, but there have been few meetings this year. It is a general consensus that the expected fallout from changes in the legislation to include same-sex couples for Social Security purposes is more likely to emerge in the next couple of years than to be an immediate issue. Noelle Rattray has also remained a member of the LGBTI Network.

Community Legal Education

Noelle Rattray has attended 3 community centres to provide legal information and answer questions on Centrelink and other general legal matters. The sessions were held in George Town, Mowbray and Kings Meadows. Since then we have also provided welfare rights outreach to George Town and will continue on a monthly basis to provide outreach to many remote areas across Northern Tasmania.

4. Future directions

The Centre has been granted a car from the State Government's 'Cars for Communities Grant Program'. This will enable the Centre to more actively provide outreach services and community education events throughout the North and Northwest of the State.

Welfare Rights is a significant program within the Centre and since June has continued to increase. If the trend continues we may need to apply for additional funding for the Service.

Hobart – Hobart Community Legal Service - Welfare Rights Advocacy Service

1. Staff

- Chris Rice - Welfare Rights Solicitors (Full Time)

2. Casework Trends

The Hobart Welfare Rights Advocacy Service (“WRAS”) has once again had a hefty workload for the year. We transitioned from two full-time solicitors providing Welfare Rights Advocacy in the 2008/2009 period to one full-time solicitor in the 2009/2010 period. Due to this change WRAS has been evaluating the merits of each case more thoroughly and only providing advice at first instance if appropriate. This has resulted in a reduction in the number of files opened during the 2009/2010 period, which has allowed WRAS to significantly reduce its caseload to a more manageable level.

Referrals from other community groups, the Social Security Appeals Tribunal (“SSAT”), MPs, Commonwealth Ombudsman and Centrelink staff, provide an ongoing source of clients. The Administrative Appeals Tribunal (“AAT”) also continued to refer unrepresented clients to the service. As a result of the AAT referrals we continue to receive a disproportionate number of overseas clients due to the Centrelink Call Centre and Overseas Pension Branch both being located in Hobart.

WRAS is also fortunate in that it continues to enjoy a good working relationship with Centrelink Legal Services in Hobart, namely Mr Brian Sparkes and Mr Fleming Aaberg. The close working relationship has seen some excellent outcomes achieved for our clients.

The range of work spanned the spectrum of Centrelink decisions and included a number of successful claims for compensation. Debt cases accounted for a large proportion of work undertaken and points to ongoing systemic issues in the social security law and its administration.

Perhaps one of our busiest areas over the past 12 months has been in providing support for those with a disability. We have taken on a large number of matters at all levels of appeal involving rejection of Disability Support Pension. In the majority of cases we were successful in assisting our clients to obtain the relevant medical information for their claim to be approved.

The service continued to be well accessed during the year representing over 100 clients and providing advice and assistance to several hundred others, including advice to other community groups. Over 100 hearings and conferences were attended in the SSAT and the AAT with a large degree of success.

- Opened: 128 client files
- Social Security Appeals Tribunal Hearings: 48

• Administrative Appeals Tribunal Conferences:	53
• Administrative Appeals Tribunal Hearings:	2
• Anti-Discrimination Tribunal Conciliation Conferences:	1

Some significant successes during the last year include:

- A significant win in the SSAT for a single mother who the Secretary had determined was living in a marriage-like relationship with her ex-husband and thus cancelled her Parenting Payment and raised a substantial overpayment. The SSAT held that our client was not living in a marriage like relationship and set aside the Authorised Review Officer's decision. As a result the \$90,963.87 of Parenting Payment and Family Tax Benefit debts raised against our client were not to be recovered. The Commonwealth did not appeal the decision of the SSAT.
- In another case we were able to persuade the SSAT that our client had "special circumstances" in their life that warranted waiver of a \$43,158.51 Family Tax Benefit debt under section 97(3) of the *A New Tax System (Family Assistance) (Administration) Act 1999*. The Commonwealth did not appeal the decision of the SSAT.
- One of our successful claims for compensation due to defective administration saw payment of \$2,458.02 to our client. WRAS was able to demonstrate that Centrelink had failed in their duty to act in our client's best interests, as set out in their own guidelines, when appointing him a nominee. The complainant came to Australia as a refugee and spoke little English and had a history of mental illness. A Centrelink Officer appointed a nominee who in turn withdrew the funds for their own use.

3. Projects

WRAS has also been pleased to supervise work experience placement to two students of the College of Law's Victorian Professional Program, which is accredited as a practical legal training course by the Council of Legal Education. Both Mr Henry Pill and Ms Fiona Campbell have proven to be very enthusiastic and capable members of the team.

Geelong – Barwon Community Legal Service

1. Staff

- Nick Hudson –Manager
- Neil Longmore-Principal Lawyer
- Elsie Stokie-Community Lawyer
- Geordie Konieczka-Community Lawyer
- Jeanette Parrott-Community Lawyer
- Simon Pitman-Community Lawyer
- Caetlyn Wells-Simon-Community Lawyer
- Wendy Brett-Community Lawyer
- Ros Muir-Morris-Finance and Administration Officer
- Grace Forrest-Administration Officer (Client Services)
- Charmaine Floyd-Administration Officer (Volunteer Co-Ordinator)
- Jillian Chapman-CLE Worker
- Liz Flynn-Administrative Assistant
- Lyndal Pearce-Project Worker

Barwon Community Legal Service Centre (BCLS) in Geelong has an integrated practice model with lawyers providing advice and casework in multiple areas that BCLS covers. Those areas are General Law, Child Support, Social Security (Welfare Rights), Homelessness, Family Violence, Family and some Criminal law.

As it is not viable for one person to have extensive knowledge in all these areas, we have nominated one person to be practice lead in each of the main practice areas. Jeanette Parrott is the Social Security (Welfare Rights) practice lead and updates and assists colleagues and educates the community. Jeanette is also Practice lead for Homelessness. BCLS assists in Social Security matters throughout Victoria. Advice is flexible and can be by drop-in, telephone or by appointment.

2. Social Security Casework trends

The trends for this year were debt matters arising especially for people with intellectual disabilities, cancellations and rejections of Disability Support Pension, rejections of Youth Allowance- unreasonable to live at home applications, Marriage Like Relationships/member of a couple matters, and Pension Bonus Scheme matters.

In the 2009/2010 financial year over \$146,000 was saved or obtained via arrears, debt waivers, compensation etc. by BCLS on behalf of our clients.

3. Policy work/issues/ Community Legal Education

Locally, we continue to convene the Barwon Centrelink Liaison Group. We meet quarterly with and at different community agency venues with the current Centrelink Manager and Team Leaders to build closer more positive relationships. We address local issues and changes to Social Security legislation and continue to provide relevant community legal education. Community agencies and groups present new and relevant programmes to further assist each other, our clients and the community.

Barwon Community Legal Service has provided community workers and the general community with up-to date legal education in seminars and by full day workshop.

4. Homeless Persons' Legal Clinic

On 25 February 2010, the Homeless Persons' Legal Clinic began in Geelong. Barwon Community Legal Service (BCLS) partnered with PILCH HPLC and private solicitors- Harwood Andrews in Geelong to provide the Homeless Persons' Legal Clinic (HPLC). This is situated at the Salvation Army Northside in Corio, Geelong.

The Homeless Persons' Legal Clinic provides free legal advice to people experiencing or at risk of homelessness in areas like:

- housing and tenancy;
- fines and infringement notices;
- Centrelink issues;
- credit and debt;
- victims of crime;
- guardianship and administration;
- discrimination; and
- human rights.

Harwood Andrews private solicitors provide the advice and casework. BCLS assists HPLC with training and provides advice and assistance to the private solicitors if required. We liaise with all partners to continue to provide legal assistance for those homeless and at risk of homelessness in our region.

5. Future directions – next 12 months

We are continuing homelessness advocacy and social security law reform work as informed by our casework.

Threats to the Centre/Service

As usual in the community sector, the major threat to the Service is the yearly funding structure and the possibility of reduced funding in the future. We continue to provide free independent legal advice to service our large catchment area and look positively to the future.

Adelaide – Welfare Rights Centre

1. Staff

- Mark Leahy, Manager 4.5 days per week
- Jo Harmer, Volunteer Co-ordinator 4 days per week
- Amanda Tsoundarou, Outreach Co-ordinator and HLC worker 5 days per week
- Bill Manallack, HLC Co-ordinator 5 days per week
- Margaret Riley, Principal Solicitor, 3 days per week
- Mark Shepley, Administrator and Caseworker 3 days per week
- Andrew Prince, Data Entry and I.T. 2 days per week

2. Casework trends

- Issues relating to DSP have formed a major part of our casework. In particular DSP rejections because of inadequate medical assessments. Debts also feature highly. Many of the DSP cases require intensive casework due to the nature of the clients' medical conditions.
- Our client numbers have increased by around 20% again this year. This is partly because of our new outreach services. Clients total around 1200, with a further 800 at the Housing Legal Clinic.
- Major areas in AAT casework are DSP rejections, debts and Marriage-like-Relationships.

3. Projects/publications

Our Housing Legal Clinic continues to expand. We now have seven community agencies paired with seven law firms. We are also expanding into regional areas such as Port Lincoln, Ceduna and Mount Gambier through Webex technology. We receive funding from the State Government to run this service and have received numerous grants from the Law Foundation and Community Benefit SA.

Our Outreach Services continue to raise the profile of the Centre and we have developed very good working relationships with community agencies and politician's offices in the Port Adelaide and Port Noarlunga areas.

We now take on GDLP students, supervised by Margaret, which gives us further opportunities for advocacy at the AAT level.

4. Future directions – next 12 months

The next 12 months will see us consolidate our recent expansions and further develop our Webex services.

Perth – Welfare Rights & Advocacy Service, Perth

1. Staff

- Kate Beaumont – Executive Officer/Welfare Advocate (F/T)
- Catherine Eagle – Solicitor (P/T)
- Chris Belcher – Welfare/Tenant Advocate (P/T)
- Marilyn Marvelli – Welfare Advocate (P/T)
- Jeanie Bryant – Welfare/Tenant Advocate (F/T)
- Paul Harrison – Tenant Advocate (P/T)
- Tom Milton – Administrative Officer (F/T)
- Kate Wilson – Community Legal Education – employed to August 2009 (F/T)

2. Casework Trends

The agency provides assistance in relation to Welfare Rights, Social Security Prosecution and Tenancy matters. Overall there has been an increase in casework assistance (including advices and cases) provided in the most recent year in comparison to 2008/2009, although there has been a reduction in the tenancy assistance provided by the centre.

Welfare Rights and Social Security Prosecution assistance provided by our centre over 2009/2010 and 2008/2009 financial years includes:

	2009/2010	2008/2009
Advices:	679	520
Face to Face:	21	22
Telephone:	642	487
Mail:	8	4
Email:	7	7
TTY:	0	1
Cases open at beginning of period:	57	52
Opened cases:	256	179
Closed cases:	245	174

In terms of welfare rights and prosecution casework undertaken the agency has completed a greater number of advices and cases in the current year than the previous year. The numbers of advices increased by 7.6% and at the same time cases increased by 69.9%. The latter increase in cases opened may be indicative of

the agency recording matters where there is some additional type of intervention beyond a singular advice to resolve client issues as cases.

There has in the last year continued to be a trend of clients seeking for assistance as a result of the previous Welfare to Work changes which impacted on eligibility for Disability Support Pension, Parenting Payment and Newstart Allowance. The last year however there has been a marked decrease in the numbers of clients accessing the service due to serious participation failures imposed by Centrelink, as a result of the employment services reforms which occurred from 1 July 2009. Unfortunately there continues to be issues for those who are subject to participation requirements on both Parenting Payment and Newstart Allowance where Centrelink have been unwilling to modify participation requirement in line with the capacity of the individual.

The other major issues for presenting clients of the agency continue to be member of a couple decisions, overpayments and prosecution matters. Within the casework undertaken by the agency the area of prosecutions for Social Security offences continues to take up a considerable amount of the agency's casework resources as Welfare Rights & Advocacy Service has a part time solicitor who deals with such matters. There has been an increasing demand for assistance in prosecution matters and clients are regularly referred to the service by staff of Legal Aid WA and Centrelink Prosecutions Team.

3. Policy work/issues

Staff of Welfare Rights & Advocacy Service participate in a number of NWRN Sub Committees which address specific policy/law reform issues and in the last year have included: Member of a Couple Sub Committee, Welfare Rights Outreach Project and Prosecutions Sub Committee. At a local level staff of the agency are involved on a regular basis with the local Centrelink Community Consultative Meeting, Centrelink Mental Health Consultative Meeting, Centrelink Aboriginal Consultative Meeting, Linking Offenders to Services Meeting, local Welfare Rights Sub Committee, Stakeholders CLC Committee and other forums as they arise.

Additional to these activities Kate Beaumont has continued to be a member of the Executive of the NWRN as President of the Network and has participated in Members Meetings and Executive Meetings throughout the year. In her role as President of the Network, Kate Beaumont has undertaken media activities on behalf of the Network. Over the last year Catherine Eagle and Kate Beaumont have both participated in NWRN Centrelink Delegations and Debt Prevention Meetings in Canberra. Kate Beaumont also provided evidence on behalf of the NWRN to the Senate Inquiry in relation to Welfare Reform in February 2010. The delegations which staff from Welfare Rights & Advocacy Service have participated in have met with Centrelink, FaHCSIA, DEEWR and DHS. Kate Beaumont has also participated in the last year in the Industry Reference Group which was established by DEEWR to look at the Future Purchasing of Employment Services and more recently the newly established Centrelink Service Delivery Advisory Group. It is recognised within the centre that participation in NWRN Delegations is an important aspect of the agency's contribution to law reform and policy work and it is an opportunity to provide casework examples from Western Australia in the Network's lobbying activities.

The agency conducted 22 Community Legal Education activities throughout the year which included singular and multiple sessions conducted with/at: Palmerston Drug Rehabilitation, Centrelink Fraud and Compliance Team, Curtin University Social Work students, Women's Law Centre, Financial Counsellors Resource Project, Magistrate's Conference, NAAJA and CAALAS staff, Launceston and Darwin Community Legal Centre staff,

Disability Employment Network Providers, Halls Creek Drinking Shelter, Halls Creek Community, Fitzroy Crossing Community, Broome Community, Carer's WA, Legal Aid WA, Court Assessment and Treatment Service, Indigenous Community Volunteers, NWRN Conference and State CLC Conference.

4. Projects/publications

- **Prosecution and Women in Prisons Project** – The agency has been successful in receiving funding for a sixth year to employ a lawyer three days per week funded through the Public Purposes Trust of the Law Society of Western Australia and our funding has been continued in the current year. Unlike previous years which relied on a yearly application process the agency has secured funding for the next three years of this project. The project is in collaboration with Women's Law Centre where another lawyer works one day per week with our project specifically in the women's prisons in Perth. Catherine Eagle continues to provide advice and assistance to clients contacting in relation to Centrelink prosecution matters but does not represent in court due to time constraints. Catherine Eagle has also completed some Community Legal Education activities in relation to prosecution matters and is the WA State PII Representative on the NALC PII Committee. Catherine Eagle has been a great assistance to paralegals that work in the centre who have been able to provide additional casework assistance in challenging debts administratively where the client is at risk of prosecution for social security offences. Additionally she has provided assistance to other workers within the NWRN and the WROP workers in the Northern Territory with prosecution matters.
- **Youth Welfare Rights Advocate**- Over the last four years the agency has been funded by the Legal Contribution's Trust as part of a project identified to meet the unmet legal need of young people in accessing assistance to challenge Centrelink decisions. As part of this project it has been a priority to connect with young people and those who work with young people. The agency has continued funding for this project to June 2011.
- **Tenant Advocate** – Over a number of years the agency has provided tenancy assistance in the Northern Metropolitan suburbs of Perth, however in 2009/2010 funding for this program increased. As a result the agency is now providing tenancy assistance five days per week which has resulted in a greater capacity to deal with previously unmet demand for tenancy advice and assistance and to complete additional community legal education and law reform work in this area.
- **Indigenous CLE Project** – The agency was fortunate to receive one off funding from the Commonwealth Attorney General's Department to complete an Indigenous CLE Project in collaboration with Legal Aid WA, Youth Legal Service, Pilbara Community Legal Centre and Kimberley Community Legal Centres to conduct community legal education activities in the Pilbara and Kimberley with young Indigenous people and those who work with these people. During the last year rural and remote CLE sessions were conducted in Broome, Fitzroy Crossing and Halls Creek. Funding has been provided in the current year for additional work in this project.

5. Future Directions – the next 12 months

(a) opportunities/plans for the Centre/Service

The agency has utilised some of the One Off Funding received from the Commonwealth Attorney General's Department to carry out well needed repairs of our premises including painting of both the interior and exterior of the building and recarpeting. At the end of the most recent year we had not expended the One Off funding and so this will provide a buffer into the current year at a time when our funding from the Department of Corrective Services ceased in the most recent year 2009/2010.

(b) threats to the Centre/service

Whilst the injection of additional One Off funds in both 2008/2009 and 2009/2010 financial year and a small amount provided in 2010/2011 by the Commonwealth Attorney General has been beneficial to the agency there needs to be additional recurrent funding provided for welfare rights assistance on an ongoing basis. It would be shameful if enhanced services could not be continued into the future due to lack of appropriate funding for our core welfare rights services. Funding for our Prosecution Project has been guaranteed for a further three years which is a pleasing outcome of a move to the funding of three year projects by the Public Purposes Trust of the Law Society of Western Australia. It is also precarious as to whether or not funding of the project with young people provided by the Legal Contributions Trust will continue and decisions about funding in 2010/2011 only occurred in September 2010.

Perth - Sussex Street Community Law Service Inc.

1. Staff

- General Manager/Principal Solicitor Nicole Joseph
- Operations Manager Denise Beer
- Family and Civil Solicitors Karen Bond
 Pauline German
- Disability Discrimination Solicitor Keelyann Thomson
 Prue Hawkins
- Disability Advocate Rose Ngoga
 Jason Watt
- Tenancy Advocate Jenny Cogan
- Tenancy Intake Worker Zoe O'Neill
- Welfare Rights Solicitor David Pugh
- Welfare Rights Advocate Odette Manuel
- Financial Counsellors Iris Watt
 Marise Resuggen
- Administration /Finance Officer Steen Johansen
- Administrative Staff Shirley Newington
 Karen Bird
 Narelle Seth
 Lauren Moore
- Students/Volunteers Five (currently)

There is one solicitor employed as a Welfare Rights Solicitor, David Pugh with a 0.6 appointment, with Odette Manuel, the Welfare Rights Advocate at .26 FTE.

Nicole Joseph was employed as General Manager/Principal Solicitor in November 2009.

Sussex Street offers a range of programs, covering Disability Discrimination, Individual Disability Advocacy, Tenancy, Civil and Family Law, Minor Criminal law, Financial Counselling and Welfare Rights Advocacy.

2. Casework Trends

Data from CLSIS for 2009/2010 is as follows:

- Total Advice Activities 420
- Total number of clients 98
- Total Cases 16
- Cases open at the beginning of period 29
- Cases closed during period 24

Client Demographics

- ATSI 6.12%
- CALD 11.22%
- Disability 38.78%

The Welfare Rights service continues to address the needs of clients across a wide range of issues and payment types. A large number of cases concerning Age Pension, Newstart Allowance and Parenting Payment arose during the year, as well as a particular increase in Youth Allowance cases.

3. Policy Work/Issues

Throughout the year, Sussex Street noted an increase in the number of clients placed on a partnered rate of their benefit/allowance, despite their partner being unable to work or receive a Centrelink entitlement. This was particularly noticed not only within Welfare Rights, but also by the Financial Counsellors. Submissions were subsequently made to the Federal Member for Swan as well as the Minister for Human Services regarding the operation of s 24 of the *Social Security Act*.

4. Projects/Publications/Community Legal Education

Welfare Rights has undertaken a number of projects in the past year including presentations to school groups and undertaking law reform submissions in conjunction with Service's Financial Counsellor and Generalist Solicitor.

The Welfare Rights Advocate continues to be a member of Centrelink's Area Western Australia Community Consultative Committee and has been active in discussions with Business Integrity and with staff at the two immediate local offices of Centrelink.

5. Future Directions

Welfare Rights continues to be a significant part of Sussex Street's operations. The number of cases proceeding to the SSAT and AAT has increased and it is anticipated that this is likely to continue. David Pugh resigned from his position in August 2010, and Odette Manuel is due to finish in October 2010. A new Welfare Rights Advocate will be employed from October 2010.

Perth – Fremantle Community Legal Centre

1. Staff

- Lynda Wennstrom Co-ordinator (F/T)
- Annie Gray Principal Solicitor (P/T)
- Jane Timmermanis VRO Solicitor (P/T)
- Gary Mack Family Solicitor (P/T)
- Jenny Gertig Financial Counsellor (F/T)
- Lita Harwood-Anderson ELS/CLE Co-ordinator (P/T)
- Amanda Boffey Administrative Support (F/T)
- Ted Ellis Tenancy Advocate (F/T)
- Antonio Gonzalez Welfare Rights Advocate (F/T)

2. Casework Issues and Trends

Casework has been the major focus of the Welfare Rights Service during the past year. This comprises telephone or face to face advice, assistance with self advocacy, direct advocacy with Centrelink on behalf of clients and written or personal representation before the Social Security Appeals Tribunal (SSAT) and the Administrative Appeals Tribunal (AAT).

Number of matters

During the period from July 2009 to June 2010 a total of 211 clients' matters have been attended. The majority of these matters were either resolved at initial claim stage and/or through the internal review system. Approximately 38 matters involved appeals at the SSAT and AAT. The majority of matters at the AAT were settled at conference stage without proceeding to a hearing.

Most common payment types were:

- Disability Support Pension 25%
- Parenting Payment Partner/PPS 18%
- Age Pension 15%
- Family Tax Benefits 14%
- Participation payment (NSA/YA) 12%

-
-
- Carer Payment/Carer Allowance 7%
 - Abstudy/Austudy and Other payment types 9%

Casework issues and trends

Most common problems included debt and debt recovery matters, rejection or cancellation of Disability Support Pension, MLRs/MOCs, FTB, participation payments and difficulties in accessing or maintaining income support.

Debts and debt recovery

The majority of the overpayments this year have been caused by the assessment of income and assets affecting principally DSP, Parenting Payments, FTB and Age Pension. MLR or Member of a Couple cases remained a challenge – some having large debts. Fewer student debts (Abstudy/Austudy) have been noted this year. Checking overpayment calculations continues to be resource intensive because of the ramifications and amount of paperwork involved.

Disability Support Pension

An increase of both the rejection and cancellation of DSP has been noted throughout the year. Meeting the full criteria under *Section 94*, particularly fully treated/fully stabilised and continuing inability to work has been challenging in many cases. Notwithstanding the difficulties about half of these appeals have been resolved in favour of the clients either through the internal review process and/or at SSAT/AAT level.

Family Tax Benefit

Most FTB problems presented relate to overpayments caused by estimation of income, non lodgement of tax returns, administrative error and loss of care. Some of these were significant debts which were waived under s97 and s101 of the *Family Assistance Administration Act 1999* at the SSAT.

Participation Payments

Most frequent issues presented by client on participation payments (NSA, YA and Parenting Payment) involved difficulties in meeting the activity test requirements, seeking exemptions and issues with Job Service Providers. An increased number of inquiries of clients having difficulties in complying with the activity test has been noted in particular with Indigenous young people and Single Parents going through separation and/or personal issues. On the other hand there has been a significant reduction in the 8 weeks non payment in the past year.

Accessing Income Support

During the past year more clients have been noted to have difficulties in accessing income support for a variety of reasons including: residency (New Zealanders) and 2 year waiting periods for separating single parents (whose income and assets from their ex has been difficult to determine) and young people who have difficulties in understanding the complex formalities and complying with participation requirements. Some Indigenous youth, in particular, are often without income and/or find it difficult to access or to remain on income support.

3. Policy work/issues

The Service continued to support NWRN policy and law reform activities through the provision of case studies and input towards the Network submissions including: Welfare Reform and SSAT Bill, Income Management and Jobseeker Compliance Review. The Centre also regularly participated in NWRN link ups including special link ups with the Commonwealth Ombudsman and the ANAO.

4. CLE/information

The Centre undertook CLE activities in the areas of student debt prevention, the new Compliance requirements for jobseekers, promotion of wallet card and promotion of appeal rights. Information sessions were presented to TAFE Indigenous students, St Pats and community workers at Centrelink Forum in Fremantle. We also worked collaboratively with Chris Belcher from Welfare Rights & Advocacy Service to provide community legal education to Disability Employment Network providers and workers. Welfare Rights factsheets and information about appeal rights were also distributed to the public at “Law Week.”

We also participated towards the NWRN National DEEWR Job Seekers project and reported activities.

5. Networking

Continued to participate in the regional Centrelink Fremantle/Spearwood Community Forum and the Centrelink Community Consultative Committee.

Darwin - Darwin Community Legal Service

1. Staff

Melanie Robinson has been working part time as our Welfare Rights Solicitor during the 2009/2010 financial year and Ian Lindsay was employed for 3 months in a Welfare Rights Project position from May – June 2010.

Principal Solicitor and Welfare Rights Solicitor Ian Tranthem continued to advise, support and supervise the WRS to the extent his illness allowed. Ian died in May 2010.

2. Casework trends

DCLS has seen an increase in clients who are at risk of prosecution for overpayment of income support payments. The majority of these matters have involved alleged under-declaration of earnings whilst in receipt of Parenting Payment (Single) or Newstart Allowance. This has required our service to liaise more frequently with Centrelink's Business Integrity Unit and the Commonwealth Director of Public Prosecutions.

Income Management Appeal mechanisms have also been the subject of a large ongoing file involving several levels of appeals and investigations by various agencies such as the Commonwealth Ombudsman's Office.

Overpayment for member of a couple relationship determinations and continuing eligibility for income support payments at the single rate have also been a major casework trend.

3. Policy work/issues

- Income Management Appeals processes
- Roll out of new Income Management Scheme 2010
- Presentations to prisoners on how not to get a Centrelink debt

4. Projects/publications

DCLS received funding from AGD to conduct a Welfare Rights NTER related project – the position was briefly filled and we look forward to conducting the project in 2010/11.

5. Future directions – next 12 months

Opportunities/plans for the Centre/Service

Melanie Robinson will start as a full time Welfare Rights worker in October 2010. There will be a much larger focus on strategic casework and community legal education for people affected by Income Management.

Melanie will focus on promoting the service more broadly and will have a greater casework capacity. Welfare Rights Project Officer is to focus on providing casework assistance to people subject to income management and to create resources for the wider community on income management rights, appeals and processes.

Threats to the Centre/Service

The loss of Ian Tranthem has meant greater pressure on the centre as a whole and a loss of his senior knowledge and experience in this specific area. Greater reliance has been placed by junior staff on senior members from other services, in particular from Western Australia for guidance on difficult Welfare Rights matters due to a lack of senior expertise in the Northern Territory.

Sub Committee Reports

Administrative Review Committee

Adopted at NWRN conference 2009

NWRN Administrative Review Subcommittee

Terms of Reference:

Adopted at Members Meeting: 20 May 2004

Reviewed/Updated at:

NWRN Conferences August 2004, October 2005, August 2006, September 2007, August 2008 and September 2009

Specific Terms of Reference (Strategies/Actions):

1. To monitor developments in administrative review processes and prepare NWRN submission on any Bill that seeks to change the process
2. To identify key issues of concern impacting on administrative review processes and practices that NWRN considers ought to be addressed and to propose relevant solutions to each Membership:

Membership

Bill (Convenor), Genevieve, Kate, Dianne, Catherine and Antonio

Convenor: Bill

Report on activities

Whilst the Subcommittee did not formally meet during the year, it played a crucial role in assisting NWRN to respond to administrative review issues as the need arose. Of particular note were the changes to the SSAT. The subcommittee continued on its work undertaken in the previous year through providing expert comment and feedback on the NWRN's submission to the Senate Inquiry which dealt with these changes.

Future of the Subcommittee:

That the Subcommittee continue under the current terms of reference.

Member of a Couple

Terms of Reference:

Updated at:

Conference September 2009

Specific Terms of Reference:

1. To investigate 'member of a couple' issues with a view to documenting evidence and case studies in relation to the issues and providing proposals for dealing with these
2. In particular to deal with:
 - Centrelink's interpretation of the legislation, including policy considerations;
 - Centrelink's investigation practices;
 - Centrelink's decision making processes;
 - the appropriateness of the current statutory criteria for determining entitlement to payment; and
 - maintain a watching brief on the implementation of Federal changes to Commonwealth legislation affecting same sex couples.

Membership in 2009/2010:

Dianne, Maree, Gerard, Catherine, Liz and Noelle.

Convenor: Dianne (Sydney)

Report on activities:

The Member of a Couple Subcommittee has met once since the 2009 NWRN Conference. The focus of our activities was the 2009 Same Sex Reforms. The Subcommittee approached the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) about how the promise by the Minister to treat recipients who failed to declare a same sex relationship due to fear of discrimination with compassion, would be operationalised.

The MOC held a link up with a number of FaHCSIA staff on the progress of the same sex reforms and on their impacts upon Centrelink recipients. The efforts of the subcommittee led directly to ongoing dialogue with FaHCSIA on their policies related to debt raising and overpayments. Issues raised by the subcommittee were

subsequently addressed at the NWRN debt prevention meeting in February 2010.

Other matters discussed included the potential for large numbers of non-declaration of relationships; training provided to the Social Security Appeals Tribunal members, and apparent confusion re “registration” of relationships.

Individual Committee members acted as a sounding board for NWRN’s ongoing participation in the Centrelink Same Sex Reforms Community Consultative Reference Group. We also assisted with the updated *Relationships and Centrelink* booklet produced by the Illawarra Legal Centre for NWRN. Distribution of the booklet was arranged by Gerard throughout Australia through the National Gay and Lesbian Health Alliance.

We sought data from Centrelink about MOC debts and prosecutions, but were unable to obtain any useful information.

Recommendation for future:

Given the consistent numbers of both opposite sex and same sex “member of a couple” matters that continue to arise, the likelihood that we may start to see debts being raised and tip-offs arising from the 2009 Same Sex Reforms, and the ongoing-funding of the same sex advice project funding from the Attorney General, it is recommended that the MOC subcommittee continue to operate for the next year.

The current members see no need to alter the terms of reference, though are open to any useful proposals.

Welfare Rights Outreach Project

Terms of Reference

Adopted at Members Meeting and Updated at Conference September 2009

Current Terms of Reference:

1. To provide peer support and advice to the NTER project workers through convening a meeting approximately every 6 weeks.
2. To draw on the experience of the NTER project workers to inform NWRN's understanding of and commentary on the NTER and related legislative and policy measures.

Strategies:

1. To provide technical advice and assistance as needed on social security matters especially the income management provisions.
2. To gather information and feedback on the implementation of the income management provisions and to utilise this in the delegation and policy work of NWRN.
3. To identify other key issues arising out of the NTER project work and to propose relevant solutions to each and promote reforms through dealings with Centrelink, relevant Government Departments and politicians.

NWRN Membership: Liz Turnbull (Convenor), Chris Belcher, Gerard Thomas, Melanie Robinson, Caitlin Perry, Kate Beaumont, Genevieve Bolton, Bill Mitchell, Ian Turton

NTER project workers: Lauren Walker and Annabel Pengilley, Emily Webster, Elise Rivett and Nadia Rosenman

Activities to Date:

The Subcommittee met on a regular basis throughout the year to discuss both casework and policy issues of mutual concern arising out of the project. In particular, the Subcommittee's work was focused on the income management system and the new National Income Management categories. The subcommittee provided an important platform for the discussion and exchange of ideas which informed NWRN's work in responding to the rapid expansion of income management and through the delegation process highlighting the harsh impacts arising out of the administration of the system. The subcommittee also undertook work around highlighting debt and prosecution issues and provided invaluable feedback into NWRN's delegation work.

Future of the Subcommittee:

We recommend that the Subcommittee continue under the same terms of reference.

Membership: Jeanette Parrott, Melanie Robinson, Jeanie Bryant

Convenor: Jeanette Parrott

Activities to Date

No activities

Future of the Subcommittee

Looking for new convenor

Prosecution Sub Committee

Terms of Reference

Adopted at: Conference October 2005

Reviewed/Updated at:

Conference August 2006, September 2007, August 2008 and September 2009

Specific Terms of Reference:

1. Liaise with Legal Aid, Commonwealth Director of Public Prosecutions, Centrelink, the Department of Employment and Workplace Relations, the Department of Family, Community Services and Indigenous Affairs and private solicitors regarding issues of concern to NWRN including funding.
2. Obtain, analyse and disseminate a range of data on prosecutions
3. Respond to Government announcements on prosecutions where appropriate
4. Address training issues with state government and legal aid commissions
5. Examine casework advice in relation to prosecution matters

Membership:

Catherine, Dianne, Annabel, Bill and Margaret

Convenor: Catherine

The Prosecutions Sub Committee did not convene during the most recent year although members of this Sub Committee participated in a teleconference with Centrelink around the review of Prosecution Referral Guidelines. One of the recommendations discussed at that meeting about raising the limit for automatic referral for prosecution action from \$5,000 to \$10,000 has now been adopted by Centrelink. Additionally Catherine Eagle and Diane Anagnos participated in Centrelink Bi-Annual Delegations and the Debt Prevention Working Party in 2009/2010 where Prosecutions have been on the agenda. With the recent release of the ANAO Report on Centrelink Fraud and the Commonwealth Ombudsman's Report into Centrelink Prosecutions it is likely that there will be an increased appetite for reform in this area. As such it is recommended that the Prosecutions Sub Committee continue with the same terms of reference in 2010/2011.

Centrelink National Multicultural Reference Group

Background

In 1999 Centrelink established the National Multicultural Reference Group (NMRG) to advise on all aspects of Centrelink's service to customers from diverse cultural and linguistic backgrounds, including:

- the quality and effectiveness of service provided by Centrelink;
- the impact of new and existing policies and/or legislation on customer service;
- future service delivery developments; and
- opportunities to build a stronger community in partnership with Centrelink.

Membership

Membership of NMRG currently includes representatives from:

- the Federation of Ethnic Communities' Councils of Australia;
- the Refugee Council of Australia;
- National Welfare Rights Network (Amie Meers);
- National Council of Migrant Resource and Settlement Agencies;
- Centre for Multicultural Youth;
- National Association for Multicultural and Ethnic Children's Services; and
- the National Ethnic Disability Alliance.

Issues

Only one meeting of the NMRG was held in 2009-10. Gerard Thomas attended while Amie Meers was on parental leave.

Centrelink gave a presentation on the restructuring of the community reference groups. Welfare Rights expressed frustration over the processes of the formation of this peak group, and were concerned over the representative nature of this group, and how effective those included on the group would be at ensuring adequate feedback and consultation with local members.

Welfare Rights raised concerns over the reformed advisory group structure, and suggested that the new processes were likely to further marginalise key client groups (such as parents and unemployed people) who have the most frequent, and at times difficult, interaction with Centrelink.

Presentations by Centrelink on the future service delivery were provided, in addition to a brief by Carolyn Hogg, the CEO of Centrelink.

The Minister for Human Services addressed the meeting about service delivery reform. Welfare Rights asked about how the “efficiency dividend from migrating clients to online and other channels would be guaranteed and measured, but the response was, unfortunately, non-committal.

DEEWR presented on progress an Interdepartmental Working Group on refugees and access to employment services.

Graham Carters, DEEWR Assistant Secretary, provided an update on the recent Local Connections to Work” pilots, that are operating in four locations across Australia.

Key issues that arose during the intensive two day meeting included challenges for Centrelink with an ageing migrant population bases. Access to translators and social workers was also raised as a concern. Many groups attending also raised issues with compulsory income management. Other concerns raised during the meeting included debts, compliance and debt repayment.

Treasurer's Report

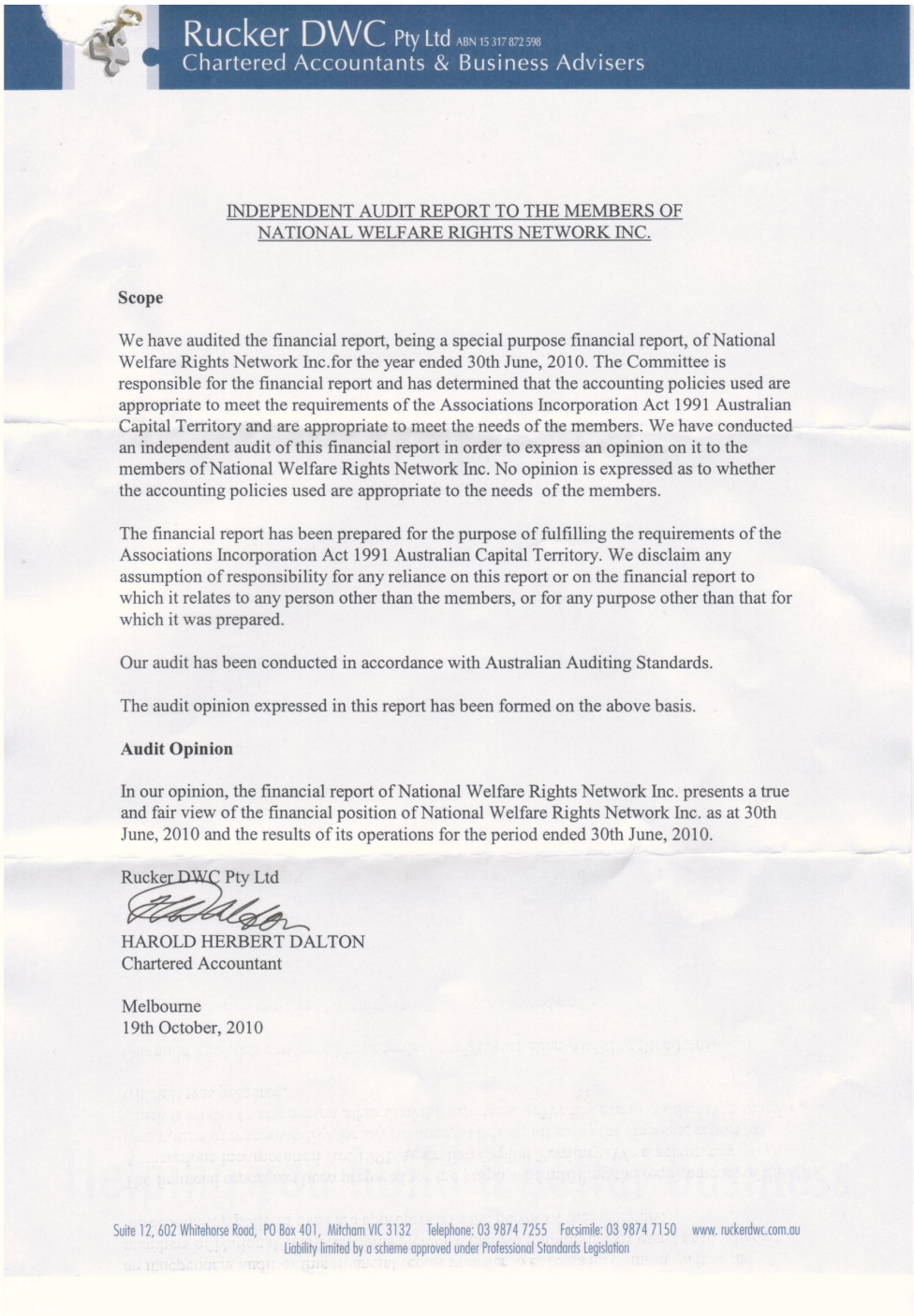
If income is the ultimate indicator of financial health, 2009/10 was NWRN's best year yet, if not possibly best ever. From an income of \$47,000 in 2008/10 our income increased nine-fold to \$344,000. Obviously this is mostly from our 'Same Sex' and 'New compliance' schemes which poured significant resources into the Network.

We appear to have made a stellar profit (up from \$11,000 in the previous year) of around \$100,000 but this is mainly due to us receiving more 'same sex' money on the 30th of June 2010.

Costs have somewhat reduced due to changed 'staffing' situation in the Network and therefore our costs were lower overall.

Suffice to say as Treasurer I was particularly impressed by my budgeted expenditures of travel expenses and conference costs being only \$74 and \$35 respectively different to the outcome. In percentage terms this is 2/3rds and 2/5ths of 1% respectively.

Auditor's Report



NATIONAL WELFARE RIGHTS NETWORK INC.

FINANCIAL REPORT

Year ended 30th June, 2010

Receipts

Levies	26,386.80
NACLC reimbursed	1,430.00
Conference registrations	4,350.00
GST refunds	12,440.00
Interest received	2,395.28
Same sex project	187,000.00
DEEWR project	110,000.00
Other income	547.69
	<u>344,549.77</u>

Payments

Staffing Costs - NLO	7,700.00
PMO	9,625.00
Communications (Website etc)	2,453.80
Travel & Accomodation (Delegations etc)	12,074.17
Network development	1,534.50
Administration	405.10
Annual conference	8,035.72
GST Costs	15,139.00
Same sex costs	101,236.12
DEEWR project	100,297.98
	<u>258,501.39</u>

Funds on Hand 1st July, 2009	17,300.84
Plus Surplus of receipts over payments	<u>86,048.38</u>
Funds on Hand 30th June, 2010	<u>\$103,349.22</u>

NATIONAL WELFARE RIGHTS NETWORK INC.

STATEMENT OF ASSETS

As at 30th June, 2010

Fitzroy & Carlton Community Credit Co-operative Ltd	83,349.22
Commonwealth Bank Cash Management Trust	<u>20,000.00</u>
TOTAL ASSETS	<u>\$103,349.22</u>