



# **National Welfare Rights Network Inc.**

## **Annual Report**

July 2008 to June 2009

Prepared for 2009 Annual General Meeting

---

---

# Contents

---

## Section

## Page

|   |       |
|---|-------|
| 1.0 NWRN Committee                                      | _____ |
| 2.0 President's Report                                  | _____ |
| 3.0 Policy and Media Officer's Report                   | _____ |
| 4.0 National Liaison Officer's Report                   | _____ |
| 5.0 Centre Reports                                      | _____ |
| 5.1 Townsville - Townsville Community Legal Service Inc | _____ |
| 5.2 Brisbane - Welfare Rights Centre Inc                | _____ |
| 5.3 Sydney - Welfare Rights Centre                      | _____ |
| 5.4 Wollongong -Illawarra Legal Centre Inc              | _____ |
| 5.5 Canberra - Welfare Rights and Legal Centre Limited  | _____ |
| 5.6 Melbourne - Welfare Rights Unit                     | _____ |
| 5.7 Launceston - Launceston Community Legal Centre      | _____ |
| 5.8 Hobart - Welfare Rights Advocacy Service            | _____ |
| 5.9 Geelong - Barwon Community Legal Service            | _____ |
| 5.10 Adelaide - Welfare Rights Centre                   | _____ |
| 5.11 Perth -Welfare Rights & Advocacy Service           | _____ |
| 5.12 Perth - Sussex Street Community Law Service        | _____ |
| 5.13 Fremantle - Fremantle Community Legal Centre       | _____ |
| 5.14 Darwin - Darwin Community Legal Service            | _____ |
| 6.0 Sub-Committee Reports                               | _____ |
| 6.1 Administrative Review                               | _____ |
| 6.2 Debt Prevention                                     | _____ |
| 6.3 Income Management                                   | _____ |

---

---

|       |  |       |
|-------|--|-------|
| 6.4   | Induction and Mentoring  | _____ |
| 6.5   | Member of a Couple   | _____ |
| 6.6   | NTER project   | _____ |
| 6.7   | Prosecutions   | _____ |
| 6.8   | Taxation and Social Security Review                                    | _____ |
| 6.9   | Youth  | _____ |
| 6.10  | Reports from NWRN nominees on outside bodies                           | _____ |
| 6.11  | Centrelink Disability Customer Reference Group                         | _____ |
| 6.12  | Centrelink National Multicultural Reference Group                      | _____ |
| 6.13  | Centrelink Participation Reference Group                               | _____ |
| 6.14  | Centrelink Removal of Same Sex Discrimination Customer Reference Group | _____ |
| 7.0   | Treasurer's Report   | _____ |
| 8.0.0 | Auditor's Report   | _____ |

---

---

## National Welfare Rights Network (NWRN) Committee

---

- **President:** Kate Beaumont, Executive Officer, Welfare Rights and Advocacy Service, Perth
- **Vice President:** Sam Purcell (resigned October 2008)
- **Vice President:** Mark Leahy, Manager, Welfare Rights Centre, Adelaide (appointed October 2008)
- **Secretary/National Liaison Officer:** Genevieve Bolton, Supervising Solicitor, Welfare Rights and Legal Centre, Canberra
- **Treasurer:** Peter Horbury, Co-ordinator, Welfare Rights Unit, Melbourne
- **Committee Member/Policy and Media Officer:** Gerard Thomas, Policy and Media Officer, Welfare Rights Centre, Sydney
- **Committee Member:** Bill Mitchell, Principal Solicitor, Townsville Community Legal Service
- **Committee Member:** Liz Turnbull, Welfare Rights Advocate, Illawarra Legal Centre Inc

---

---

## President's Report

---

At the commencement of the year the National Welfare Rights Network had a changing of the guard as Michael Raper stepped down from his role as President of the Network and the Director of Welfare Rights Centre, Sydney to take up a new position as Director of National and International Programs with Red Cross Australia. Michael had been instrumental in leading the fourteen centres that make up the National Welfare Rights Network through the process of incorporation of the NWRN and facilitating a new era for the Network as the peak body representing issues relating to income support. Michael Raper left a huge legacy for the Network through his drive, boundless energy and vision by setting a clear direction for the Network into the future as he embarked on an exciting new chapter of his working life in the non government sector. His departure left a huge gap for the Network to fill and we were set an enormous challenge to continue the work in 2008/2009 and in the years to come.

### Law Reform and Legal Policy

Since incorporation in 2003 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 2008/2009 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. Throughout the year NWRN had Delegations which met with Centrelink, 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) where we were able to raise emerging and ongoing issues. Of particular note was that the NWRN through its support of the Northern Territory Welfare Rights Outreach Project and the direct casework experience of workers with the project was able to highlight issues relating to Northern Territory Income Management, the Basics Card and the Schooling Enrolment and Attendance Measure in its Delegation work. In 2008/2009 letters to various Ministers included communications in relation to the Employment Service Reforms, planned changes to the Social Security Appeals Tribunal and Compulsory Rent Deductions for Public Housing Tenants. The NWRN also endorsed a letter from NAAJA which related to the communication strategy involved with the Schooling Enrolment and Attendance Measure in the Northern Territory. The NWRN also met with the former Minister for Employment Participation, Brendan O'Connor and his staff on a number of occasions during the year.

### A Year of Reviews

The NWRN continued in its work this year contributing to the policy debate at a critical time when the Federal Government has undertaken historic major reviews of both the Pension System and Australia's Future Tax System. Additionally through 2008/2009 major reviews were undertaken into Higher Education and the

---

Northern Territory Emergency Response. The NWRN provided written submissions to each of these reviews and took opportunities to provide evidence at public hearings into both the Higher Education Review and the Tax and Transfer Review.

### **Senate Inquiry after Senate Inquiry**

There was significant other legislative change announced by the Federal Government including the Same Sex Relationships (Equal Treatment in Commonwealth Laws - General Law Reform) Bill 2008, the Schooling Requirements Bill, the Employment Services Reform Bill, the Nation Building and Jobs Plan, the changes to and the phasing out of CDEP, Family Assistance changes (including past period claims through the ATO and instalment payments ceasing due to Non Lodgement of Tax Returns), extension of appeal rights to the Social Security Appeals Tribunal for decisions in relation to Northern Territory Income Management, changes to the Social Security Appeals Tribunal to align it with the Child Support jurisdiction, and more recently the 2009 Budget Measures. For much of this legislation there was an opportunity for the NWRN to provide written submissions and oral evidence to the relevant Senate Inquiries. Additionally the NWRN provided a submission to the Education, Employment and Workplace Relations Senate Inquiry into the DEEWR tender process to award employment services contracts.

### **Same Sex Equal Treatment**

Planned changes across all jurisdictions in Commonwealth law for recognition of same sex couples was perhaps to have the most significant and negative impacts in the area of Social Security and Family Assistance law. The NWRN in its submissions and oral evidence to the Senate Legal and Constitutional Affairs Committee Inquiry into this legislation was an almost lone voice calling for savings provisions for those impacted by these reforms. It was perhaps not insignificant that it was to be savings made in the Social Security and Family Assistance area which was to fund the remainder of the reforms in other jurisdictions. Though the legislation passed without savings provisions provided the NWRN continued to lobby in relation to the negative impacts especially noting issues for older people, those with chronic or episodic illnesses and younger people. The NWRN worked collaboratively with Gay, Lesbian and Transgender Groups, Government Departments and agencies in a Centrelink Removal of Same Sex Discrimination Customer Reference Group. The NWRN appointed Linda Forbes as the NWRN representative to this reference group. Her tireless efforts and strong advocacy skills in navigating a complex and sensitive area of policy and service delivery on behalf of the Network and her Centre in this ongoing work must be acknowledged.

### **2009 Budget Priority Submission and Budget**

The 2009 NWRN Budget Priority Submission was the cornerstone of much of the NWRN's law reform activities prior to the 2009 Federal Budget. It included aspects of the Network's previous submissions to the Pension Review, Tax and Transfer Review and Higher Education Review. 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, changes to the liquid asset and income maintenance periods, support for student reforms in line with the Bradley Review recommendations, the need for increases to the rates of both Rent Assistance and Crisis Payment, reform of Sharer's Rent rules, and changes to the income test for Special Benefit. The Budget Priority Submission also called for increased Welfare Rights funding in line with previous lobbying for an additional \$3 million to be added to that program to increase

---

---

access for clients to independent advice and advocacy in relation to the income support system. The NWRN ensured that the Budget Priority Submission was provided to Treasury and by a mailout to all ALP Senators and MPs. The submission was also the basis for a series of productive Pre-Budget meetings with the key Policy Departments, including the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Department of Education, Employment and Workplace Relations (DEEWR). It was pleasing that in February 2009 the Federal Government announced changes to the liquid assets test in line with our Budget Priority Submission to increase the allowed liquid assets before a liquid asset waiting period would be applied although this was time limited and subject to a review after 12 months.

In the lead up to the May Budget it became apparent that the Pension Review's recommendations which would inform the 2009 Budget process and potential pension increases would apply only to the entitlements for those receiving Age, Disability, Carer and Veteran's Affairs Pensions and exclude those on Parenting Payment Single. While increases to the rates for those on Parenting Payment Single had not been a part of the NWRN's 2009 Budget Priority Submission the NWRN was at the forefront of raising issues around the adequacy of Newstart Allowance and student payments and the issues which would arise for those on Parenting Payment Single if they were to miss out on the predicted \$30.00 per week increase. There were a number of media releases and comment by the NWRN in the period leading up to the 2009 Budget. The NWRN also worked closely with ACOSS to develop a joint letter and Fact Sheet relating to the inadequacy of payment rates which was sent to all Senators and MPs prior to the Budget. After the Budget the NWRN was involved in a joint press conference arranged by ACOSS and involving key organisations to draw attention to those who had been excluded in considerations about adequacy of payments as a result of the Federal Budget. The NWRN issued a challenge to the Treasurer to have one of the Government's backbenchers live on the equivalent of Newstart Allowance and this challenge fuelled some media activity in the ensuing period.

### **Employment Services Reform Bill**

The announcement in the 2008 Budget of major reform of the Employment Services System and a new Compliance Framework to be implemented from July 2009 was a key priority for legal policy work for the NWRN in 2008/2009. In the preceding years the NWRN had highlighted the negative impacts of Welfare to Work on many people and particularly those left without any form of income support due to the operation of a penalty system which included a 3 strike approach culminating in an 8 week no payment penalty. The NWRN had also long advocated for a change from the previous Government's "work first approach" to a "work ready approach". We argued that the 8 week no payment penalties were counterproductive to engagement and were not helping the most disadvantaged jobseekers. Whilst the announced new penalty system did not move completely away from the use of 8 week no payment penalties there appeared to be a genuine commitment by the Federal Government to move away from the punitive approach taken under Welfare to Work.

The NWRN actively highlighted the risk of allowing the existing Welfare to Work approach to continue for a further year and the potential for a similar number of 8 week no penalties to be applied in 2008/2009 as for the previous year when 32,000 of these penalties had been applied. The NWRN was pleased that the then Minister for Employment Participation, Brendan O'Connor issued a letter in April 2008 to both Job Network Providers and Centrelink providing new messaging in relation to both participation reports and the application of penalties. Whilst there was a significant reduction in the numbers of penalties applied by Centrelink there was not a similar reduction in the numbers of participation reports being sent by Job Network Providers. Further communication from the Deputy Secretary of DEEWR was issued to Job Network Providers in August

---

2008, however this did not lead to a reduction in the numbers of participation reports being referred to Centrelink and in fact resulted in even higher numbers of participation reports.

Between July and September 2008 the NWRN and ACOSS were invited to participate by DEEWR in a number of consultations in relation to aspects of the new penalty system and specifically the “No Show No Pay” provisions. The DEEWR consultations focused on “No Show No Pay” however both NWRN and ACOSS took the opportunity to clarify other aspects of the new penalty system including the capacity to work off through intensive activities 8 week no penalty periods, serious failures and preclusion periods for voluntary unemployment and dismissal for misconduct as a worker.

Following on from these consultations in mid September 2008 NWRN and ACOSS were engaged in further discussions with the Minister’s Office ahead of the legislation being introduced into Parliament. We were concerned to see that it was a feature of the proposed Bill that the intensive work off activity option would not be available for those whose 8 week no payment penalties were due to voluntary unemployment or dismissal for misconduct as a worker. At the same time the limited protections of financial case management were to be removed with the introduction of the new Employment Services Reform Bill. The NWRN argued strongly at a meeting with the Minister’s Office and in a subsequent letter to the Minister that the lack of protections for those subject to preclusion periods for voluntary unemployment or dismissal for misconduct as a worker was a retrograde step. We highlighted that these provisions had the potential to disengage jobseekers at the commencement of their period of unemployment (when more likely to secure alternative employment) as had occurred with the previous 8 week no payment penalty period under Welfare to Work and also did not provide any financial protections for vulnerable people including principal carers, those with disabilities and homeless people. The NWRN was pleased that when the Employment Services Reform Bill was introduced to Parliament the following week financial hardship provisions for particular classes of people determined by the Minister had been included in the Bill before Parliament.

The NWRN continued in its advocacy through lobbying and media activities in relation to the Employment Services Reform Bill in ensuing months. The NWRN prepared a substantial submission and appeared before the Inquiry conducted by the Education, Employment and Workplace Relations Senate Committee into the Employment Services Reform Bill. There were some significant protections included in the Bill which eventually passed through the Senate in February 2009 with amendments made by both the Australian Greens and Senator Nick Xenophon. These additional protections included Centrelink having increased discretion in decision making, the timing of when the financial penalty for “No Show No Pay” would be applied, an early intervention approach to be used in relation to penalties requiring referral for a Comprehensive Compliance Assessment and a broad review of the new Compliance System after 12 months. Following the passage of the legislation the NWRN participated in consultations with DEEWR and other organisations, including ACOSS, NESAs, Catholic Social Services, Jobs Australia, Homelessness Australia, Commonwealth Ombudsman’s Office and Centrelink in relation to the seven Disallowable Instruments required for by the Bill.

## **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 has met separately with the Department of FaHCSIA, DEEWR, DHS and Centrelink in relation to the establishment of a Debt Prevention Working Party. The NWRN is hopeful that our labour will bear fruit in the near future and that all parties have the political will to take a proactive approach to introduce measures to prevent debt and reduce the risk of debts arising.

### **Funding for the NWRN and its Member Centres**

In 2008/2009 the NWRN apart from its policy advocacy regularly raised the issue of resourcing for its member centres in its lobbying activities with Government. This lobbying included meetings with FaHCSIA, DEEWR, Ministers and various Ministerial staff. The NWRN also had meetings with representatives of the Attorney General's Department (AG's) throughout the year in relation to the work of the Network and the challenges ahead for its member centres as a result of the range of legislative changes embarked on by the Federal Government. It must be noted that although additional recurrent funding was not secured for member centres through the Community Legal Service Program that the Commonwealth Attorney General in April 2009 announced one off funding to be provided in 2009/2010. The issue of welfare rights assistance was specifically noted in the Minister's press release and additional one off funding was provided to all specialist welfare rights centres with a state wide focus and to some other generalist centres with welfare rights positions. It was pleasing also that Darwin Community Legal Service was provided with additional resources across its centre in recognition of the impact of the NT Intervention and that the Northern Territory Welfare Rights Outreach Project was to be extended for three years beyond 2008/2009. It was however disappointing that across the Network four of our member centres did not receive any additional funds in 2009/2010. 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 the welfare rights area of their generalist centres.

The NWRN was successful in securing one off funding for the Network from both AGs and DEEWR in 2009/2010. The funding provided by AGs 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. The NWRN undertook a process for member centres to put in project proposals for funding to provide national casework assistance, update of the member of a couple booklet to encompass the same sex changes and other community legal education activities. Three project proposals were received from across the network from Welfare Rights Centre, Sydney, Illawarra Legal Centre and Welfare Rights Advocacy Service, Hobart and these proposals were considered and approved by both a Members and Committee Meeting. Apart from undertaking these projects there are some resources provided for test cases and training to enable NWRN to build capacity across our Network. The funding secured from DEEWR through the Job Seekers project was in recognition of the additional work for welfare rights centres as a result of the increasing numbers of unemployed and newly retrenched affected by the global financial crisis. The DEEWR funding is to be distributed across member centres to provide on the ground casework assistance and community legal education to the newly unemployed and retrenched on participation payments and negotiating the new Compliance System. Additionally it is to be an early warning system for government for problems with the new Compliance System. The NWRN is currently in the process of consultation with member centres about appropriate models for the fair distribution of this funding across the Network to best address the contract deliverables.

Whilst it may appear that the NWRN has been the recipient of the most significant funding in its his-

---

---

## Policy and Media Officer Liaison Report

---

The National Welfare Rights Network has continued to build on its strong reputation as a credible source of comment and analysis on Income Support policy in Australia. The media has proved to be a very effective means of promoting positive portrayal of Social Security recipients to the wider community. (Attached to this report is a list of National Policy and Advocacy Activities undertaken by NWRN over the last 12 months, produced by the Network.)

The Network is seen by politicians and a wide range of community organisations as a competent and articulate source of information on Government policies and programs which impact heavily on the lives of low income and disadvantaged Australians.

The Pension Review by the Secretary of the Department of Housing, Families, Community Services and Indigenous Affairs (FaHCSIA) at a time of the onset of the Global Financial crisis set the stage for much of our work in the past year.

### Key achievements in 2008/09

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.

#### In particular we were:

- instrumental players in a broader campaign to draw attention to the inadequacy of payments, with a particular focus on the rates of Newstart Allowance, which was around \$60 a week less than the rate of the pension and payments for young people studying, which can be as low as \$86 a week;
- first to alert the community that the Federal Government planned to break the historic link between payments to sole parents and payments to other pensioners in the 2009/10 Federal Budget;
- able to bring about a relaxation of strict, inflexible rules which made it difficult for parents to combine their roles as parents with their requirements imposed under the harsh “welfare to work” regime; and
- able to expose that 15 per cent of people who lost their payments under the harsh compliance regime under the “welfare to work” rules became homeless.

While we were not successful in convincing the Rudd Government to cease to impose eight week no payment penalties we did achieve much greater levels of discretion for both employment services and Centrelink to not impose penalties and had a major victory with the introduction of a less brutal Centrelink penalty system. We achieved significant modifications to the design of the new penalty system so that where penalties are imposed job seekers will at least get sufficient warning before their payments are “docked” under the “no show, no pay” system.

Our advocacy resulted in significant benefits for unemployed people as the impacts of the global financial crisis began to take effect. This is both remarkable and unprecedented, particularly in the context of the

---

---

harsh treatment that unemployed people endured under the previous Government. We achieved a temporary relaxation of the Liquid Assets Waiting Periods. In addition, people who lost jobs as a result of the global financial crisis were able to gain immediate access to personalised assistance such as career advice and training instead of having to wait at least three months as under the previous system. The Government made this extra assistance limited until 2011 and provided for a review of the revised threshold before that time. NWRN continues to lobby the Government to make these beneficial changes permanent features of our system of support for newly unemployed people.

From 1 July 2009 the new Job Services Australia saw a move from “work first” to a “work ready” approach, one which we had consistently argued for over many years. The new employment services system promised greater assistance, support and training for disadvantaged and long-term unemployed people. “Caps” were removed from a range of important services and programs which supported vulnerable and disadvantaged job seekers. This meant that job seekers in the Personal Support Program and young people in Jobs, Placement, Employment and Training Program who have significant non-vocational barriers to employment will no longer have to languish on queues waiting for a place in a program.

Community concern over the living standards of pensioners and the acknowledged difficulties living on low, fixed incomes for a prolonged period of time ignited a storm of protest and indignation about the living standards of pensioners in Australia. With the Australian Council of Social Service (ACOSS) we wrote to all politicians, highlighting the need for increased levels of income support for unemployed people, students and single parents. Unfortunately, the Government rushed legislation through Parliament with minimal opportunities for scrutiny.

NWRN sought to highlight changes to our system of income support for unemployed people and we were able to successfully draw attention to the inadequacy of payments for unemployed people, young people and students through community debate. Addressing the paltry levels of payments for unemployed people remains our key task for the year ahead.

The 2009/10 Federal Budget resulted in historic gains for those pensioners seen as more “deserving” and an unfortunate and unprecedented break in the nexus between benefits for age and disability pensioners, and the levels of support provided to single parents. In other areas our public advocacy brought a modicum of success, with the Government responding positively to our proposals for reform of the system of students’ income support although the implementation dates for these changes has now been deferred. This will result in changes to the Age of Independence, an increase to the PIT level to bring parity with that for Family Tax Benefit A and earnings income tests, extension of payment for Masters by Coursework and a range of other annual grants for those commencing university courses. These changes should increase the opportunities for students from disadvantaged backgrounds to pursue a formal education.

We were able to effectively utilise the experiences of our clients through our casework to achieve major long needed changes to the eligibility for Carer Payment (Child) which will see wider eligibility for parents of children with a disability. It is estimated that about 20,000 parents will benefit from the change.

Our critique of numerous problems with the Job Capacity Assessment process found fertile ground, with a series of modifications announced over the past 12 months with more positive changes in store. The Government took on board our concerns regarding the problem caused by the automatic referral for

---

---

reassessment of people in receipt of Disability Support Pension if they voluntarily looked for work and amended the law to remove this risk to pension entitlement of participation in employment.

The Government's response to the Homeless White Paper, saw it adopting a number of key policy reform proposals that had long been championed by NWRN, including the option of weekly payments for people who were vulnerable and a greater focus on prevention and support.

NWRN advocacy led to significant changes to the Department's litigation practices. Our intervention has led to considerable savings for Government, and a fairer deal for income support recipients when accessing their appeal rights with AAT appeals lodged by the Department of Education, Employment and Workplace Relations (DEEWR) falling from 45 per month prior to the review and to around 1 per month.

### **Meetings with Ministers and Departments**

NWRN met with Centrelink, the Department of Education, Employment and Workforce Relations (DEEWR) and Department of Housing, Families, Community Services and Indigenous Affairs (FaHCSIA) as part of our delegations program in 2008/09.

Meetings also took place with the former Minister for Employment Participation, the Secretary to DEEWR and the Social Policy adviser to the Prime Minister. NWRN also met on a number of occasions with staff at the Commonwealth Ombudsman's Office.

NWRN took part in the Community Public Sector Union (CPSU) Human Services Roundtable, Canberra and met with DEEWR Working Age Policy Group on Activity Agreement/Employment Pathway Plan information for job seekers and also had meetings with DEEWR on changes to the Guide and the new compliance arrangements and legislative instruments.

### **Media**

- 18 November 2008 Tough Rudd welfare changes to leave parents with children and mentally ill out in the cold
  - 21 January 2009 Government study reveals Centrelink penalties leads to homelessness
  - 13 February 2009 Government and Greens deal to help newly unemployed
  - 24 February 2009 National Welfare Rights Network welcomes help for unemployed people
  - 12 March 2009 Single parents neglected by Pension Review
  - 11 April 2009 Single parents seek refuge as pension anxiety starts to bite
  - 1 May 2009 Youth compact could save a generation, but handle with care
  - 11 May 2009 The most vulnerable need protection in Budget of tough choices urges National Welfare Rights Network
- 
-

- 13 May 2009 Government delivers historic increase for pensioners but where is the “fair go” for parents and the unemployed?
- 14 May 2009 Welfare challenge to backbenchers: live on \$227 a week

## Submissions and Inquiries

### Senate Inquiries

- Submission to the Legal and Constitutional Affairs Senate Inquiry into Same Sex Relationships (Equal Treatment in Commonwealth Laws – General Law reform) Bill 2008
- Appearance before Inquiry by Kate Beaumont, Linda Forbes and Catherine Eagle.
- Submission to the Senate Community Affairs Committee into the Social Security and Veterans’ Entitlements Legislation Amendment (Schooling Requirements) Bill 2008

Appearance before inquiry by Kate Beaumont

- Supplementary Submission to the Senate Community Affairs Committee Inquiry into the Social Security and Veterans’ Entitlement Legislation Amendment (Schooling Requirements) Bill 2008
- Submission to the Education, Employment and Workplace Relations Senate Inquiry into the Social Security Amendment (Employment Services Reform) Bill 2008

Appearance before inquiry by Genevieve Bolton, Gerard Thomas and Kate Beaumont

- Submission to the Finance and Public Administration Senate Inquiry into the Nation Building and Jobs Plan
- Submission to the Community Affairs Senate Inquiry into the Family Assistance Amendment (Further 2008) Budget Measures Bill 2009

Appearance before Inquiry by Genevieve Bolton, Gerard Thomas and Kate Beaumont

- Supplementary Submission to the Community Affairs Senate Inquiry into the Family Assistance and Other Legislation Amendment (2008 Budget and Other Measures) Bill 2009
- Submission to the Community Affairs Senate Inquiry into the Family Assistance Amendment (Further 2008 Budget Measures) Bill 2009
- Submission to the Education, Employment and Workplace Relations Senate Inquiry into the DEEWR tender process to award employment service contracts
- Submission to the Community Affairs Senate Inquiry into the Social Security and Other Legislation Amendment (Pension Reform and Other 2009 Budget Measures) Bill 2009

Appearance before inquiry by Gerard Thomas and Kate Beaumont

- Parliamentary correspondence

- 
- 
- Submission to Minister O'Connor on the Draft of the Social Security Amendment (Employment Services Reform) Bill 2008
  - Submission to Minister Macklin on Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous Bill) 2008
  - Submission to Minister Macklin and Minister Plibersek on Homelessness Strategy/ Compulsory Rent Deduction Proposal
  - Pre Budget mail of NWRN Budget Priority Statement to all ALP House of Representatives and Senators
  - Pre Budget submission and Factsheet jointly with ACOSS to all House of Representatives and Senators
  - Letter to Treasurer Swan in response to Budget
  - Submission to Minister Gillard, Macklin, Ludwig and O'Connor regarding concerns about Centrelink correspondence to remote Centrelink recipients jointly with NAAJA and CAALAS

### **NTER Review Board**

- Submission to the Northern Territory Emergency Response (NTER) Review Board on the NTER

### **Pension Review**

- Submission to Pensions Review, Department of Housing, Families, Community Services and Indigenous Affairs

### **Tax and Transfer Review**

- Submission to the Treasury Review into Australia's Future Taxation System
- Supplementary Submission – Compliance, Costs, Confusion and Complexity – reforming an Outdated Social Security system

### **Higher Education Review**

- Submission to the Review of Australian Higher Education
- Appearance before review panel by Georgia Pickering and Susie Byers

### **Budget**

- 2009-10 Federal Budget Submission – Easing financial and economic pressures in a time of global financial uncertainty and plugging the gaps in Australia's Social Security system
- 
-

---

---

## Debt Prevention

- NWRN Debt Prevention Paper – Redressing the Balance of Risk and Responsibility through active Debt Prevention Strategies

## Employment Services

- Submission on “The Future of Employment Services in Australia: A Discussion Paper”

*Gerard Thomas*

# National Welfare Rights Network Policy Activity Register, 1 July 2008 to 30 June 2009

---

## July 2008

- 2 July, DEEWR Participation Taskforce, Melbourne.
- 3 July, DEEWR Compliance consultations, Canberra.
- 9 July, DEEWR consultations on participation requirements, Melbourne.
- 18 July, ACOSS link up, compliance issues.
- 22 July, Participation Taskforce Meeting, Melbourne.
- 25 July, DEEWR/ACOSS/NWRN Compliance Meeting, Canberra.

## August 2008

- 1 August, 2009, Feedback on DEEWR Participation Taskforce Draft Report.
- 4 August, Meeting DEEWR Participation Taskforce Meeting, Melbourne.
- 6 August, ACOSS Board Meeting, Sydney.
- 11 August, 702 ABC Radio, Welfare Reform and assistance for pensioners, Sydney.
- 13-16 August, NWRN National Conference, Darwin.
- 14 August, NWRN Public Forum on NT Intervention, Darwin.
- 21 August, Meeting with Minister for Employment Participation, Brendan O’Connor, on employment services and compliance issues, Sydney.
- 22 August, Final feedback on DEEWR Participation Taskforce, via telephone.

- 
- 
- 28 August, Participant in FAHSCIA Pensions Review consultations, Sydney.

### **September 2008**

- 3 September, The Australian, Abused women spared job hunt.
- 3 September, DEEWR Compliance Meeting, with ACOSS, Canberra.
- 16 September, Consultation with NWRN and ACOSS over Exposure Draft of Employment Services Bill with Brendan O'Connor's staff and DEEWR staff, Canberra
- 18 September, Submission to the Senate Standing Committee on Legal and Constitutional Affairs Inquiry into Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law reform) Bill 2008
- 22 September, Letter to Brendan O'Connor in relation to Exposure Draft of Employment Services Bill
- 23 September, Evidence given at Senate Legislation Committee into Same Sex Equal Treatment changes, Canberra.
- 26 September, Submission to Pensions Review, Department of Housing, Families, Community Services and Indigenous Affairs, October 2008.

### **October 2008**

- 7 October, Submission to the Pension Review
- 8 October, Submission to the Senate Community Affairs Committee into the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008.
- 9 October, Evidence given at Senate Community Affairs Committee into Schooling Requirements legislation, Perth
- 14 October, ACOSS and sector link up on compliance legislation.
- 15 October, Supplementary submission to the Senate Community Affairs Committee into the Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008.
- 15 October, Sydney Morning Herald, Millions get Christmas gift.
- 16 October, Sydney Morning Herald, PM could not live on \$39 a day.
- 17 October, Submission to Treasury Review into Australia's Future Taxation System
- 18 October, Sydney Morning Herald, Handouts: winners and losers.
- 20 October ABC Radio, AM, Fears of unemployment surge.



- 
- 
- 23 October, Daily Telegraph, Aussies in world's list of poorest.
  - 23 October, 2UE radio "OECD report on poverty amongst unemployed people"
  - 29 October, The Australian, Cuts stop intervention watchdog.

## **November 2008**

- 3 November, submission to the Senate Employment, Education and Workplace Relations Committee Social Security Legislation Amendment (Employment Services Reform) Bill 2008.
- 3 November, Letters to the Editor, The Australian, compensation for parents and unemployed for climate change.
- 3 November, The NSW Gay and Lesbian Rights Lobby meeting re same sex law reform, Sydney.
- 5 November, ACOSS Future of the Sector Day, Sydney.
- 5 November, ACOSS Annual General Meeting, Sydney.
- 11 November, NWRN Delegations link-up preparations.
- 14 November, Centrelink Same-sex initiatives consultative committee, Canberra.
- 17 November, The Australian, Centrelink can't cope, says welfare groups.
- 18 November, Media Release, Tough Rudd welfare changes to leave parents with children and mentally ill out in the cold.
- 18 November, interview on World Today on compliance changes and penalties.
- 18 November, interview on ABC New Radio on compliance changes and penalties.
- 18 November interview on 2SM radio re compliance and penalties.
- 18 November, Sydney Morning Herald, Rudd continued hardline on welfare.
- 18 November, Evidence at Senate Inquiry into Department of Education, Employment and Workplace Relations (DEEWR) Employment Services Bill, Sydney.
- 21 November, The Australian, Centrelink to ask the hard questions of same-sex pairs.
- 25 November, Bi-Annual Delegations Meeting with NWRN and Centrelink, Canberra.
- 26 November, Sunday Times, Canberra, Welfare Payments for Food and Shelter.

---

## **December 2008**

- 1 December, Centrelink NSW Homelessness Reference Group.
- 2 December, Centrelink Multicultural Reference Group, Canberra.
- 3 December, NWRN endorsement of National Action Statement on NTER for Human Rights Day, 2008.
- 4 December, Centrelink consultations/roundtable on future of community engagement and consultation, Canberra.
- 5 December, interview on 2SM re: bonuses.
- 12 December, Centrelink community consultative group meeting on implementation of same-sex changes, Canberra.
- 14 December, The Age, Tough and tougher: getting on by Newstart and the pension.

## **January 2009**

- 21 January, Meeting re: same-sex implementation changes, Sydney.
- 21 January, Sydney Morning Herald, Centrelink penalty adding to homelessness.
- 21 January, Media release, Government study reveals Centrelink penalties leads to homelessness.
- 21 January, Media comment on homelessness and Centrelink penalties on 2SM (twice), ABC Radio Canberra, 2UE (twice).

## **February 2009**

- 13 February, Centrelink Same-sex implementation Community Consultative Forum, link up.
  - 13 February, NWRN Media Release, Greens and Government deal help newly retrenched.
  - 13/14 February, Media comment on liquid assets waiting period on ABC Radio, 2UE, 2SM, 2GB.
  - 16 February, Same-sex Centrelink changes, meeting with Centrelink Community Reference Group.
  - 24 February, 2SM and 2UE radio, help for unemployed workers.
  - 27 February, 2SM and ABC Radio re: pension taper rates.
  - 27 February, Sydney Morning Herald article, Wealthy pensioners to pay in pension review.
-

---

---

## March 2009

- 2 March, Presentation at ACOSS Welfare Payments Reform Forum, Sydney.
- 2 March, media comment in the Australian on liquid assets waiting period.
- 4 March, NWRN letter to Minister for Families and Housing, Community Services and Indigenous Affairs on legislation around changes to the Social Security Appeals Tribunal.
- 6 March, media comment on stimulus package and unemployed people in the Canberra Times.
- 12 March, NWRN media release, Parents at risk in pension review.
- 12 March, meeting with DEEWR on compliance changes, Canberra.
- 12 March, Parents miss out in pension shake-up, Sydney Morning Herald.
- 12 March, meeting with various MP's over Centrelink same-sex reforms, Canberra.
- 13 March, media comment on parents at risk in pension review, 2SM radio.
- 16 March, link up with FAHCSIA and SSAT (Director, Les Blacklow) on changes to the Social Security Appeals Tribunal.
- 17 March, Briefing with Daily Telegraph on pension/allowance divide.
- 18 March, public consultations on Henry Review tax/transfer system, Sydney.
- 18 March, follow up meeting to ACON public forum on same-sex reforms, Sydney.
- 20 March, NWRN Pre-delegations planning meeting.

## April 2009

- 3 April, Meeting with adviser to John Faulkner, Sydney.
- 2/3 April, ACOSS Conference, Sydney.
- 4 April, Call to keep pension parity, Sydney Morning Herald, article.
- 6 April, Centrelink hires staff as dole queue grows, The Australian.
- 11 April, NWRN Media Release, Parents anxious as pension reality bites.
- 11 April, Single parents have plan B, Sydney Morning Herald.
- 14 April, Discussions with Michael Carey on Centrelink waiting times and contact difficulties, reference groups, an adviser to Minister for Human Services, Joe Ludwig.

- 16 April, Meetings with FAHSCIA and Director of Social Support Team, Commonwealth Ombudsman as part of NWRN delegations (various issues), Canberra.
- 24 April, Submission to Family and Community Services (Budget and Other Measures Bill) 2008.
- 28 April, Meeting with Social Policy adviser to the Prime Minister, Canberra.
- 28 April, Evidence at Community Services Senate Legislation Committee into changes to Community Development and Employment Program (CDEP), Canberra.
- 28 April, Meeting with DEEWR Working Age Policy Group on Activity Agreement/Employment Pathway Plan information for job seekers, Canberra.
- 29 April, Supplementary Submission to the Senate Legislation Committee into changes to Community Development and Employment Program (CDEP), Canberra.

### **May 2009**

- May, various dates: briefing to journalists on Federal Budget from various newspapers and radio stations, eg. ABC AM, Background Briefing, World Today, etc.
- 1 May, Media Release, Youth Compact could save a generation, but handle with care.
- 1 May, media comment on youth compact on 2SER Radio, Sydney, 2SM and 2UE.
- 1 May, The Australian, Soften Budget line on sole parents.
- 4/5 May, letter and fact sheet sent to all Federal MP's and Senators regarding pension increase and parents and rate of Youth and Newstart Allowance.
- 6 May, NWRN Delegations meeting with FaHCSIA (various staff) and DEEWR Secretary (plus various staff) on various issues, Canberra.
- 7 May, written comments provided to Centrelink on same-sex fact sheet.
- 8 May, Meeting with Moya Drayton and Karen Godwin, Centrelink Employment Implementation Group, Sydney.
- 8 May, Participant in Centrelink Same-sex Reference Group link up on same-sex fact sheet.
- 11 May, Pre-Budget meeting with ACOSS and other community organisations on Federal Budget, Canberra.
- 11 May, Media Release, Budget delivers to pensioners but not a fair go for all.
- 12 May, Letter to Treasurer on Budget changes re: unemployed, parents and increases in Age Pension eligibility age.

- 
- 12 May, briefing on 2009/10 Federal Budget.
  - 12 May, Media Release, Welfare challenge to politicians: live on \$227 a week.
  - 12 May, ABC PM on budget response and politicians challenge.
  - 12/13 May, various media on politicians challenge, including Sydney Morning Herald, the Australian and West Australian, ABC radio, 2SM, etc.
  - 14 May, MPs challenged to make do on dole, West Australian.
  - 14 May, Sydney Morning Herald, Try to live on \$32 a day: welfare groups issue challenge.
  - 14 May, Swan defends strategy on jobs, The Australian.
  - 20 May, Child support payments cut as parents lose jobs, Sydney Morning Herald.
  - 21 May, Public Meeting on Harmer Review response, with Minister Macklin, Sydney.
  - 22 May, detailed comments provided to DEEWR on the draft of the Social Security Guide on compliance.
  - 25 May, meeting with Alison Morehead on DEEWR funding, Canberra.
  - 25 May, Meeting with DEEWR on Centrelink fact sheet for job seekers on activity requirements, Canberra.
  - 25 May, Meeting Roger Lausevic, Assistant Director, Job Capacity Branch, Canberra.
  - 25 May, Meeting with Minister for Employment Participation, Canberra.
  - 28 May, Participants in Same-sex issues link up with Centrelink.

## **June 2009**

- 3 June, NWRN submission to the Senate Education, Employment and Workplace Relations Committee Inquiry into the DEEWR tender process to award employment services contracts.
- 19 June, Evidence given to public inquiry for Senate Community Affairs Inquiry into Social Security and Other legislation Committee (Pension Reform and Other Measures) Bill 2009, Canberra.
- 19 June, Meeting with Catholic Social Services about public inquiry for Senate Community Affairs Inquiry into Social Security and Other legislation Committee (Pension Reform and Other Measures) Bill 2009, Canberra.
- 22 June, Submission to Senate Community Affairs Inquiry into Social Security and Other legislation Committee (Pension Reform and Other Measures) Bill 2009.
- 26 June, Centrelink Participation Reference Group, Canberra.

---

# National Liaison Officer Report

---

2008/09 was another busy and productive year.

## Introduction:

Established in 1999, the National Liaison Officer (NLO) was the first position within NWRN to be appointed to formally undertake work on its behalf. The funding for the position is currently set at approximately one day per fortnight. Initially the primary functions of the position were to act as an external contact point for the Network, liaise with Government Agencies, Departments and Members of Parliament and organise the Canberra delegations. Since this time, the NLO role has been expanded to include providing Secretariat support to the NWRN Committee, co-ordination of the annual NWRN conference, law reform and policy work and a range of activities aimed at providing casework, communications and policy support to NWRN member organisations. The position has also undertaken specific project work including the NWRN Strategic Planning process and the NT Welfare Rights Outreach project.

## 2008/09 In Review:

During the year, a wide range of activities were undertaken including:

- Co-ordination of the monthly members link ups and follow up
- Participation in the NWRN Committee meetings and the provision of Secretariat support (drafting of minutes, external correspondence, attending to financial, legal and insurance requirements, implementing Committee decisions etc)
- Co-ordination of the NWRN Annual Conference and NWRN AGM in Perth
- Organising NWRN Canberra delegations and other National meetings
- Convening the NWRN NTER Project Subcommittee and participating in the NWRN Administrative Review Subcommittee
- Undertaking law reform and policy submission work
- Providing peer support to NWRN member organisations on casework matters as requested

## Delegations:

NWRN and Centrelink held its biannual meetings in November 2008 and July this year. In addition, NWRN held pre budget meetings with both FaHCSIA and DEEWR to argue for its proposals as set out in its Budget Priorities Statement (several of which were ultimately adopted by Government). During the year, NWRN also had meetings with Minister O'Connor and his staff, Department of Human Services and the Commonwealth Ombudsman's office. NWRN also participated in a number of National Meetings, primarily with DEEWR around the changes to the Compliance regime. As part of NWRN's campaign for additional funding, it met with the Commonwealth Attorney-General's Department, Ministers, Ministerial advisers

---

---

and various Members of Parliament. Through its delegation work, the NWRN lobbied hard for both service delivery, administrative and policy changes to address a wide range of issues on Social Security debt, implementation of the Compliance regime, income management and the Schooling Enrolment and Attendance measures, Same Sex changes, the Employment Services reform, the Job Capacity assessment issues, member of couple assessments and prosecution matters.

### **Law Reform and policy work:**

The NLO actively supported the law reform, policy and campaign work of NWRN during the year, through providing feedback and comment on all submissions produced. In addition, the NLO drafted NWRN's submissions to the Harmer Pension Review (in league with Bill Mitchell) and to the Henry Taxation Review, Supplementary Submission to the Senate Inquiry into the Schooling Requirements Bill, submission to the Senate Inquiry into CDEP changes and submission to the Senate Inquiry into the Family Tax Benefit changes. The NLO also particularly involved in drafting NWRN's Budget Priorities Statement for 2008/09, NWRN submission to the NT Intervention review, submission to the Senate Inquiry into National Building and Jobs Plan, NWRN's campaign and submissions around the new Compliance Framework and the 2008/09 Budget measures, NWRN's debt prevention paper, representations highlighting NWRN's concern around the proposed changes to the Social Security Appeals Tribunal and the Commonwealth Government's rent deduction proposal. The NLO was also part of the NWRN delegation that gave evidence before the Senate Inquiry into the Compliance changes and also the Senate Inquiry into the CDEP changes.

### **NT Welfare Rights Outreach Project:**

The NLO convened the NTER Project Subcommittee which met on a regular basis via teleconference to provide peer support to the workers involved in the NT Welfare Rights outreach project. In addition, NLO prepared and distributed to the NT workers resource packs as part of their induction, convened two training and planning workshops, one in Alice and the other in Darwin and provided law reform and casework support to the project throughout the year.

### **Acknowledgements:**

As I step down as the NLO after some five and a half years, I would like to thank all NWRN member organisations for the opportunity to undertake this very rewarding and challenging role. I would particularly like to acknowledge the Board and Staff at the Welfare Rights and Legal Centre, Canberra for their steadfast support of both the NWRN and of the NLO role, without which it would never have been possible to combine it with my daytime job as the Centre's Supervising Solicitor. Finally, I would like to thank Kate who has done an outstanding job taking up the reins of Presidency from the amazing Michael. I have truly stood on the shoulders of giants during both Michael Raper's and Kate Beaumont's Presidency terms.

*Genevieve Bolton*

---

# Centre Reports

---

## Townsville Community Legal Service Inc.

---

### 1. Staff

- Anne Lewis, Coordinator (full time) (on leave)
- John Brown, Financial Administrator (part time)
- Stacey Bain, Administration (full time)
- Bill Mitchell, Principal Solicitor (full time)
- Sian Thomas, Solicitor (full time) res. Jan 2009
- 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)

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

In the year we assisted approximately 200 clients.

Our clients came from across North Queensland and included clients from:

- Central Queensland including Rockhampton, Sarina, Mackay and Proserpine
- North Queensland including Bowen, Ayr, Townsville, Charters Towers, Ingham
- Far North Queensland including Tully, Atherton, Cairns, Mossman, Julatten, Mt Garnet and Mt Fox, Cooktown and the Torres Strait

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.

Client numbers were down this year, though this is an aspect of CLSIS’s inability to cope with our particular model of service provision.



---

---

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

- The Financial Counselling Service example saw substantial numbers of clients (approximately 20 cases) after the collapse of Storm Financial and all clients were advised about appropriate payment types, Centrelink claims and appeals procedures. The financial counsellor often provides advice about welfare rights issues.
- The Seniors Legal and Support Service staff routinely check entitlements and answer queries about Centrelink issues, particular in respect of their financial abuse cases (28 cases).
- TCLS lawyers at the Homeless Persons Legal Clinic gave advice on welfare rights matters.
- For a general service with disparate funding programs, the allocation of data is complicated and this needs to be resolved to properly report on the work of the service in this area.

Areas commonly encountered by the service during 2008-2008 included:

- Newstart Allowance including for those affected by the Global Financial Crisis and/or retrenched, made redundant or dismissed
- 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
- 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 submissions

### **4. Projects/publications**

TCLS launched its own website in 2008. It can be found at [www.tcls.org.au](http://www.tcls.org.au)

---

## 5. Future Directions – the next 12 months

TCLS is looking at increasing its capacity to provide after hours services in the next twelve months and will continue to build on the work done by the local legal assistance forum to address unmet legal needs in North Queensland.

## 6. Other news to tell?

All funds received from the Commonwealth Attorney General's Department were applied equally towards welfare rights and general work within the centre.

---

# Brisbane – Welfare Rights Centre

---

## 1. Staff

- Gail Middleton Executive Director
- Vacant Principal Solicitor
- Patrick Cranitch Acting Responsible Person
- Susan O'Shea Solicitor part time
- Larry Laikind Disability Discrimination Solicitor part time
- Andrew Davison Solicitor part time
- Georgina Walton Case Manager/Social Worker part time
- Georgina Warrington Social Worker part time
- Kelly Lewis Advocate for Employment Services part time
- Carla Wilson Training and Development Officer part time
- Nicole O'Keane Office Administrator
- Tela Tuqiri Client Service Trainee
- Sue Mc Comber Finance Officer part time
- Joern Herrmann Relief Admin and part time Library
- Plus 15 trained volunteers

|             | 2007/2008 | 2008/2009 |
|-------------|-----------|-----------|
| Compliance  | 133       | 120       |
| Debt        | 456       | 669       |
| Eligibility | 501       | 696       |

|                           |                |     |
|---------------------------|----------------|-----|
| MLR                       | 62             | 245 |
| Service Treatment         | 87             | 93  |
| Rate Reduction            | 52 (half year) | 129 |
| Employment                | Not counted    | 34  |
| Other Centrelink          | 302            | 670 |
| Disability Discrimination | 309            | 253 |

- We have had an increase in debt matters compared to last year's data. Now 22% of client problems relate to Centrelink debt.
- 23% of our clients are having problems with accessing a benefit – many of these problems relate to DSP, but we are getting an increasing number of migrants, including people from New Zealand having difficulties accessing Centrelink.
- 8% of our matters are classified as a “Marriage Like Relationship” issues compared to only 3% in this category last year. Our Principal Solicitor undertook significant work in this area, including working on the introduction of the same sex legislation.

### Our Clients

- We had an increasing number of clients that “self identify” as having a disability however it is quite alarming that 10% of these clients identified as having a psychiatric disability and 14% as having a physical disability.
- Our efforts to work with the more vulnerable client groups is starting to show including more than 4% of our clients identify as Aboriginal or Torres Strait Islander. 2% of our clients do not use English as their main language at home. The most common of these languages was Arabic.
- Our source of referral remains similar to previous years with most people finding us on their own, but Legal Aid Queensland is the single service that makes most referrals. It is interesting to note that there has been a significant increase in referrals from Centrelink Social Workers, CLC's, community support services, and the SSAT. However one issue we need to take into consideration is that people finding us through the website has more than doubled.
- Our oldest client was 93 and the youngest client was 11. The following table describes the spread in ages of clients.

| Age Group | # of people | percentage   |
|-----------|-------------|--------------|
| Under 16  | 5           | Less than 1% |
| 16 - 20   | 31          | 3%           |
| 21-39     | 117         | 12%          |
| 30-44     | 289         | 31%          |
| 45- 64    | 354         | 28%          |
| Over 65   | 134         | 15%          |

- More than 59% of our clients are female.

## Service Outcomes

Based on client satisfaction survey our service standards increased significantly over the past year. 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         | 94%                    |
| Responsiveness of service | 89%                    |
| Treatment of Clients      | 94%                    |
| Explanation to client     | 95%                    |

We also measure the “Usefulness of Assistance” and although 89% of clients were satisfied it is a difficult question to answer because often the legislation has been applied correctly, even though it is unfair. Often clients indicate dissatisfaction with our service as we did not achieve an outcome they wanted. Our client advocacy can not fix unfair legislation, but we use these cases to build our law reform work.

## Changes in the Service Delivery Model

WRC has invested time on securing the long term viability of the WRC. This has meant reviewing of Vision and Strategic Intent to ensure any new money or expansion of the services we offer does not skew us away from our initial purpose.

In terms of new money we have expanded services to include advocacy for clients having problems with their employment service provider. Whilst this is currently focused on one location in Queensland having the expertise available to staff has assisted us to cope with increasing unemployment and preparing for the changes in the employment service system.

The introduction of ‘Early Intervention’ workers has been an exciting process. It clearly is working for us in that we are doing more and getting outcomes for clients. Our challenge is how we retain this efficiency whilst operating a “legal practice”.

We have spent a significant amount of time in the training and ongoing development of our volunteers. We have partnered with TAFE to develop some resources that does not only look at the legislative framework and Centrelink procedures, but also at communicating with clients, testing individual prejudice and values and working as an effective advocate.

Measuring effectiveness is often a challenge – but this is our goal for the coming year as we prepare to promote our services to the broader community using our networks and the community campaign we are running - a photographic competition “Scene and Unseen”.

---

---

### **Policy Work 2008/2009**

- Employment Services
- Working with Children by Choice
- Young People from NZ

### **Projects and Publications 2008/2009**

- MLR Project
- Qld Law Handbook Update
- Qld Women's Health Network
- Member of a couple – Training Cairns

### **Future Directions**

#### **Opportunities**

- Expanding Client Advocate for Employment Services
- Early Intervention Funding
- UQ Research ideas
- Welfare Rights Centre Skills Set Development with TAFE
- Scene and Unseen: Poverty in Pictures
- Website Development

#### **Threats**

- Meeting salary costs
- Office space
- Being heard

---

# Sydney – Welfare Rights Centre

---

## 1. Staff

The Centre employed the following staff in 2008-2009:

- Dianne Anagnos Acting Principal Solicitor (since February 2009)
- Melissa Coad Caseworker/Education & Community Liaison Officer (resigned July 2008)
- Lua De Burgh Administrative Secretary (part-time)
- Amy Fearnley–Sanders Caseworker/Handbook Researcher (resigned January 2008)
- Jackie Finlay Principal Solicitor (on leave since February 2009)
- Linda Forbes Casework Coordinator
- Catalina Loyola Administrator
- Melissa Lubowski Publications and Funding Officer/Caseworker
- Amie Meers Caseworker/Handbook Researcher then Education and Community Liaison from July 2008
- Jemima Mowbray Administrative Secretary (part-time)
- Maree O’Halloran Director (from October 2008)
- Michael Raper Director (resigned August 2008)
- Danny Shaw Publications and Funding Officer (resigned August 2008)
- Gerard Thomas Policy and Media Officer
- Sam Trinity Financial Administrator (part-time)
- Ian Turton Solicitor (temporary)
- Cass Wong Solicitor/Caseworker (temporary)
- Phillip Wardle Administrative Secretary (casual)

In the course of 2008-2009, 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.

## **2.1 Number of client**

From July 2008 to June 2009 the Centre provided assistance to 3,164 clients. We provided 4226 “advice activities” and opened 497 new cases in the period.

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

- Disability Support Pension 688
- Age Pension 324
- Family Tax Benefit 187
- Newstart Allowance 555
- Parenting Payment 561
- Youth Allowance 207
- Carer Payment 126

## **2.2 Casework issues**

### **Debts and prosecutions**

The most resource-intensive issue for our advice and casework service in 2008-2009 was once again related to the raising and recovery of Social Security and Family Tax Benefit debts - particularly where the client was at risk of criminal prosecution in respect of their debt.

Our efforts to secure funding to engage a criminal solicitor continue... In the meantime, we are fortunate to have a solicitor volunteering for us who previously worked for the Commonwealth DPP. She assists by way of advising clients what to expect in the prosecution process, and provides feedback to caseworkers. Where there are no grounds for waiver, or where we judge it wise to allow the prosecution to run before administrative review of the debt, at least the client is aware of issues that should be canvassed with their criminal solicitor – either in terms of their plea, or regarding mitigating factors that may influence sentencing.

### **Payment Pending Review**

The Centre raised its concerns regarding the restrictive Payment Pending Review guidelines with Centrelink’s Business Manager of Legal Services. After a little argy-bargy, new guidelines were put in place which addressed our concerns. We are now finding it much easier to secure payment pending review.

---

## Recognition of same-sex de facto relationships

We have now been contacted by over 100 people since late January regarding the recognition of same-sex de facto relationships under Social Security and Family Assistance law. We are providing all interstate callers with initial advice and then advising them to call their local Welfare Rights if ongoing representation is required. Callers have included:

- people in long-standing relationships who plan not to declare their relationship, and who are taking steps to “cover their tracks” so as to avoid Centrelink scrutiny;
- people who have sponsored same-sex partners for immigration purposes and are confused about the interaction of Social Security and Immigration law regarding de facto relationships;
- people who fear coming out to Centrelink, and want to know whether this may be avoided;
- people wanting to know whether there is any way their partner can retain Social Security after 1 July, because they are unwilling or unable to support them;
- a lesbian couple, one of whom is on Age Pension and the other supports herself on an overseas pension; and
- people who continue to reside in a close relationship with an ex-partner, and who do not know how to explain the nature of their ongoing close relationship.

As we anticipated, several clients have contacted who declared their same-sex relationship to Centrelink as being de facto, and now regret having done so. We have long interviews with clients in these circumstances, establishing whether they have grounds to retract their declaration, or whether they may be able to seek to be treated as single under section 24 of the Social Security Act. Where there are issues regarding access to a partner’s assets, we consider the Hardship Provisions, whereby the value of assets may be disregarded if “special circumstances” exist.

We are setting up folders in the NACLCL BBS which will contain same-sex relationship resource materials for welfare rights advocates. Resources will include:

- issues papers prepared by Welfare Rights, and by other organisations
- expert legal opinion
- primary resources, eg, research papers – qualitative and quantitative
- referral information
- community education resources

## AAT and Federal Court matters

We ran several cases at the SSAT during the year regarding the assessment of gambling income, and most of these are now at the AAT (Departmental appeals). Centrelink raised the debts by treating the clients’ losses, as shown in Star City Casino records routinely forwarded to Centrelink, as assessable “income”. In at least two cases the SSAT decided that a gambling loss or any unexplained expenditure cannot be characterised as “income”, and that there is no evidence that there is a recoverable debt. Not surprisingly,



---

---

the Department appealed the decisions. There is still no resolution of these matters at AAT level.

We have continued to pick up debt cases at SSAT and AAT level where clients have advised of changes in their income, but these changes have only been recorded on their family assistance record. Income support debts are then raised. We are generally able to assist clients in these circumstances to argue that at least part of the debt was caused due to Centrelink's administrative error, or that there are "special circumstances" to justify waiver. The matter that took us to the Federal Court via a departmental appeal on this point was not heard by the Court in the end, but remitted to the AAT on a "technicality" and eventually settled. There is therefore still AAT-level authority that, in some cases, the Commonwealth is solely responsible for debts where it has failed to update a person's income support record on the person advising of income changes to the Family Assistance office. (see Walsh 2008).

All in all there have been very few AAT decisions in the past 12 months, with high numbers of cases settling before hearing.

### **New Zealand and residence issues**

We have observed that Departmental and Centrelink policy guidelines regarding eligibility for DSP under the NZ Agreement are confused (and confusing) – both in terms of what constitutes "severely disabled" under the Agreement and the Agreements residence requirements for DSP. We are currently representing a client at the AAT on the residence issue. Centrelink asserts that he cannot qualify under the Agreement because he doesn't have ten years "working life residence" in New Zealand; we assert that there is no such requirement in the Agreement – and we know that a Departmental appeal was recently conceded on this point for a Victorian case.

We are also seeing a resurgence of newly arrived resident's waiting period cases – generally skilled migrants who have no means of support and who cannot find work due to the economic downturn. This means a return to the frustrations of trying to establish a "substantial change of circumstances beyond the person's control".

## **3. Policy work/issues**

### **3.1 Introduction - work shared with National Welfare Rights Network**

Most of the Centre's policy advocacy is done in conjunction with, and often for and on behalf of, the NWRN. Most of this work has been summarised in the Policy and Media Officer's report in the NWRN Annual Report. Set out below is therefore just a brief summary of some of the highlights of the policy work that Sydney was particularly involved in over the last 12 months.

### **3.2 Submissions and letters**

The Centre contributed in a significant way to the preparation and presentation of a number of submissions to various inquiries and also presented evidence to a number of public hearings. Highlights included the following.

- submission to Senate Inquiry into Schooling Requirements Bill

- 
- submission to Senate inquiry into Same-Sex relationships
  - submission to Senate Inquiry Pension reform
  - submission to Employment Services Review
  - submission to Senate Inquiry into Employment Services Contract
  - 2008-09 Federal Budget Priorities Submission.

The Centre took up a number of important policy issues with Federal Government over the recent period. Matters raised with Government and Departments included: difficulties caused by Centrelink's failure to send out individual notices regarding the 1 July 2009 same-sex reforms; problems with Centrelink's assessment of "income" for people with gambling problems and its use to determine whether clients had Centrelink overpayments and practical problems experienced by job seekers in meeting strict rules regarding early release of superannuation under the hardship provisions.

### **3.3 Papers and presentations**

In 2008-2009, the Centre addressed and/or presented papers at the following conferences:

- 27 February , "Climate Change Issues" Public Interest Advocacy Centre Conference, Sydney
- 12 March, Presentation at ACOSS Seminar – Payment Reform: problems and the way forward, Sydney.
- 25 March, "Banking for Good or Evil" Parliament House, Sydney
- 3 April "Tackling Poverty in Australia" Politics in the Pub, Sydney
- 15 May "Consumer Credit Crisis Roundtable" Melbourne
- 5 June "TAFE Teachers State Equity Conference", Sydney

### **3.4 Liaison with Government agencies, departments and the community**

Over the year the Centre contributed to the Network's delegations meeting with representatives from a range of Government departments and agencies, including Centrelink; the Department of Education, Employment and Workplace Relations; the Department of Families, Housing, Community Services and Indigenous Affairs and the Job Capacity Assessment Branch of the Department of Human Services. The Centre also met with Centrelink at our offices on a number of occasions during the year

The Centre co-chaired the NSW Centrelink Homelessness Reference Group and is part of a NSW Homeless Alliance. We also took part in Government consultations around the Review of Australia's Future Taxation System and The Pension review. Staff at the Centre also fulfill the important role as income support and employment policy adviser to the Australian Council of Social Service, and have taken part in many NWRN meetings of both the Committee and the Members over the past year. A productive working relationship was also established between the Centre and the Australia Institute.

---

---

Particular mention should be made of the efforts of the Centre over the past year in increasing community awareness of the serious detrimental impacts of the Government's same-sex reforms on many Australians, particularly on older people and people with HIV. Gay and Lesbian organisations relied heavily upon the expertise and knowledge of the Centre in understanding and explaining the impacts of the changes on vulnerable Australians. The Centre was engaged in numerous meetings and briefings with community organisations about potential problems with the Government's same-sex reforms and the need for grandfathering provisions (which the Government decided not to accept).

Community organisations (and Centrelink) relied heavily upon the expertise of the Centre in the development of information for income support recipients about the 1 July 2009 changes and a large number of clients were assisted by the Centre in the lead up to the changes. A staff member from the Centre represented the NWRN on the Centrelink Same-sex Consultative Community Reference Group and the Centre's work resulted in a successful grant from the Attorney General to provide casework advice and assistance for people affected by the same-sex reforms.

The Centre also provided a staff member to represent NWRN on the DEEWR Participation Taskforce, which was charged with examining inflexible participation requirements for parents, and ways to assist parents better meet their requirements to look for work while raising children on their own. In the 2009/10 Federal Budget a number of significant changes were announced which will result in parents being able to better combine their roles as carers with their participation requirements, and will lead to increased awareness amongst parents of the various exemption policies which can assist families in times of crisis, including during times where families are experiencing the effects of domestic violence.

The Centre's Principal Solicitor took part in the DEEWR Litigation Taskforce, which was established by the Secretary of DEEWR to review the principles for litigation and to address concerns over the extraordinarily high level of Departmental appeals which, according to Welfare Rights, placed unrepresented clients at a distinct disadvantage.

### **3.5 Other policy issues**

The first year of the new Government resulted in a busy and challenging time for the Welfare Rights Centre, which undertook a significant role in policy debates around payment reforms, review of the tax and transfer system and a move to a more responsive system of support for disadvantaged job seekers. Responding to Government policies and Centrelink practices in contributing to, and exacerbating homelessness, was also an important part of the Centre's contribution over the past year.

### **3.6 Media**

The Centre regularly provided background to the media on a wide variety of Centrelink and income support issues, with the most consistent topics being inadequate rates of payments for unemployed people, eight week no payment penalties, homelessness, employment service reforms and the impact of the same sex changes on income support recipients. The Centre made a number of media statements over the year on Federal Budget changes, employment services changes, pension reforms, support for job seekers and Social Security penalties.

---

### **3.7 Projects**

The Centre put a funding proposal to the Department of Education, Employment and Workplace Relations (DEEWR) to produce a wallet card for job seekers about the new Social security penalty system from 1 July 2009. DEEWR agreed to provide resources for the production of an independent information product as part of a job seekers rights and responsibilities awareness project.

## **4. Projects and publications\Community education and training**

### **4.1 Education and community liaison**

In 2008-2009, 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. Particular focus was given this year to same-sex and compliance changes to Social Security law.

More than 50 training seminars were presented to community organizations, 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 organizations advocating on behalf of disadvantaged clients.

Regional training was held in Lismore in relation to same sex changes to Social Security law. Our program of training for Community Legal Centres and the Legal Aid Commission Network continued.

New resources that were developed in response to legislative changes include new factsheets on compliance and same sex changes, a "wallet card" on the new compliance regime and material for inclusion in a NSW Department of Corrective Services DVD for prisoners.

Throughout 2008-2009, the Centre continued to be involved in the NSW Multicultural Advisory Forum as community co-convenor and in the NSW Centrelink Homelessness Reference Group.

### **4.2 Volunteer workers**

The Centre'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 increased to about 15 to 20 at any point in time. As in other years, those who left did so generally because they obtained paid employment or because of study commitments. Ongoing training was provided to volunteer workers in addition to a formal training and feedback session. Volunteer contribution was again acknowledged with two social functions during the year as a small token of our thanks. Feedback from volunteer workers continues to be positive.

### **4.3 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 2008-2009 were:

- "rights review" quarterly newsletter
- Independent Social Security Handbook ONLINE
- Independent Social Security Handbook 6th edition hardcopy
- Wallet Card on compliance (electronic copy)
- Factsheets
- Website

### **"rights review"**

The Centre published four issues of "rights review" in 2008-2009, 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.

### **Independent Social Security Handbook ONLINE**

The Centre updated the ONLINE Handbook four times during 2008-2009 to take into account changes to Social Security law and policy. In the 2008-2009 financial year there were substantial changes to the Social Security system including the same-sex reform 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 the relevant state government department.

In 2007 HSNNet withdrew its agreement to fund the ONLINE edition. The Law and Justice Foundation of NSW generously provided a grant of \$25,000 in order to fill the gap in the 2007-2008 financial year so that we could continue to provide free access to the ONLINE edition for community workers and organisation in NSW. The Centre was not able to secure funding for 2008-2009.

In the lead up to the 2009 November mini-budget in NSW, the Centre has been advised informally to delay any funding application. In the event that a bulk interagency subscription is not purchased by the NSW government, the Centre will seek funding agency by agency. If that fails, the Centre will be obliged to seek individual annual subscriptions from community organisations. The Centre has set this process in train in Victoria, and Western Australia. The Queensland Government has outsourced its funding for this type of project to QCOSS. QCOSS will take out a bulk subscription for 2009-10 and hopefully following years.

The Centre is still hopeful that the NSW Government will take out a bulk subscription to ensure that community organisations and agencies who are assisting vulnerable and disadvantaged people continue to receive free access to the ONLINE Handbook. We will be pursuing this objective as vigorously as possible in 2009-2010.

---

## **Independent Social Security Handbook 6th edition hardcopy**

To recall, in 2007-2008, a major rewrite and edit of the 6th edition of the Handbook was undertaken to take into account all the major changes to Social Security law and policy since the publication of the 5th edition in April 2004. In 2008-2009 the 6th edition Handbook was published and distributed. The official launch of the Handbook was attended by dignitaries such as the Hon Tanya Plibersek MP, Mr Alan Kirkland, Chief Executive Officer of the Legal Aid Commission, and Mr Geoff Mulherin of the Law and Justice Foundation.

The Centre exceeded our aim of selling 500 copies. There are still copies being purchased. All individuals or organisations that purchased the 6th edition of the Handbook were also provided with a free subscription for 12 months to the ONLINE edition, which is updated quarterly, with encouragement to eventually take out an annual subscription.

## **Factsheets**

The Centre fully updated the 30 existing Factsheets with all the changes to Social Security law, published on the website and in print, to assist and inform people about Social Security matters. A new Factsheet “Declaring your same-sex relationship to Centrelink” was developed with a small grant from the AURORA foundation.

## **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.

## **5. Future Directions – the next 12 months**

### **5.1 Opportunities/ plans for the Centre**

The Centre continues to work on the following Projects: the Same Sex Law Reform Project, the Prosecutions Project and publications for young jobseekers. We are hoping to receive a further grant from the Law & Justice Foundation for research and Community Legal Education. We also plan to partner with the NSW Legal Aid Commission on a pilot project to provide a greater connection between the civil and criminal arms of Legal Aid when it comes to prosecutions. Finally, we will be working with Legal Aid to provide CLE Outreach to people who are unemployed.

### **5.2 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.

---

## 6. Other news to tell?

Linda Forbes, the Centre's very experienced and committed Casework Coordinator, has tendered her resignation. We are all sorry to see her go but wish her every success at the Australian Federation of Aids Organisations. Linda has made a great contribution to the Centre and to the Network.

Maree O'Halloran has now been the Director of the Centre since October 2008 and Ian Turton has been employed as a locum solicitor since February 2009 while Di Anagnos is acting as the Principal Solicitor.

## Wollongong – Illawarra Legal Centre Inc

---

### Staff

Liz Turnbull is employed full-time in the Welfare Rights position at the Illawarra Legal Centre. In September 2008 Liz was seconded to the North Australian Aboriginal Justice Agency in Katherine, NT, as part of the Welfare Rights Outreach Project for a 6 month period.

Truda Gray and Les Farrell were employed during this period to job share the position and many thanks are extended to both workers for all their hard work.

### Casework Trends/Law reform and policy

The service undertook 247 advice activities in the 2008/09 financial year. 30 files were opened at the beginning of this period with a further 36 files opened throughout the year. The majority of inquiries continue to be in relation to debts, member of couple assessments and DSP eligibility.

Many debts have been a result of a client allegedly not reporting income correctly. In some cases clients have reported income for FTB purposes and not for PPS or PPP. In other matters clients have believed they were complying with reporting requirements but unknowingly been unable to navigate the complicated reporting system.

A highlight in relation to debt matters include successfully representing a client at SSAT to obtain a waiver of a Parenting Payment Single debt that resulted in associated prosecution proceedings being withdrawn.

The service also successfully represented a young client at the SSAT who incurred 2 x 8 week no payment penalties over a period when he was homeless and coping with complex personal issues.

Illawarra has continued to be involved in National Welfare Rights Network activities through participation in the Committee, members meetings and Member of Couple and Induction subcommittees.

Feedback was provided to the CDEP Community Consultation from the ILC through providing CDEP participants with form letters to express their concerns about the impact of the changes.

The project also contributed to the Illawarra Legal Centre submission to National Consultation on 'How

---

Best to Protect Human Rights in Australia’.

### **Community Development/Community Legal Education**

A number of community legal education workshops have been conducted for clients and the community sector over the past year including for:

- TAFE students on welfare rights advocacy;
- Newly arrived communities in the Illawarra region;
- Parenting support groups; and
- Community workers on family tax benefit changes.

The service also conducted a well attended workshop with ACON and Inner City Legal Centre on the changes to the law for people in same sex relationships.

The project has participated in a range of community legal education and community events including Refugee Welcome Week and Anti-Poverty Week.

The project continues to undertake agency visits and write articles for publication in community newsletters.

### **Future Directions**

The Centre is currently in the process of publishing an updated version of the booklet ‘Relationships and Centrelink’ incorporating legislative changes to social security law recognising same sex relationships.

### **Planning**

Outreach community education sessions to south coast Indigenous communities.



---

---

# Canberra: Welfare Rights and Legal Centre Limited

---

## 1. Staff

### The Centre employed the following staff in 2008-09:

- John Alati: Solicitor/Clinical Legal Education Co-ordinator (FT)
- Cheryl Bateman: Community Development Worker/Caseworker (Resigned May 09)
- Genevieve Bolton: Supervising Solicitor (F/T)
- Alison Creet: Administrative Support
- Helen Dalley: Solicitor (DDLS and WRLC)
- Derek Emerson-Elliott: Locum Caseworker (F/T)
- Jaleh Johannessen: Senior Litigation Solicitor (DDLS and WRLC) and locum NTLAS Supervising Solicitor
- Jan Moerkerke: NTLAS Supervising Solicitor (seconded to the NT Welfare Rights Outreach Project during the reporting period)
- Yen Musgrove: Librarian
- Annabel Pengilly: Solicitor/caseworker (FT) (seconded to the NT Welfare Rights Outreach Project during the reporting period)
- Pat Wilkinson: Part Time Administrative Support
- Anne Yuille: Telephone Advice Co-ordinator/Caseworker (F/T)

### Services:

The Centre operates the following services:

- (a) Main Service: undertakes legal advice, casework, advocacy, community legal education and law reform in the legal areas of Social Security, public housing and tenancy.
- (b) DDLS Service (P/T): advice, representation, community legal education and law reform in relation to disability discrimination matters
- (c) Night Time Legal Advice Service (NTLAS): operates on a Tuesday evening and provides one off legal advice and referral on all areas of law. The service is run with the assistance of volunteer solicitors and law students from the ACT community.

---

## Main Service

In 2008/09 the Centre provided 1397 advices. Approximately 25% of these were Centrelink matters and approximately 75% were matters in the areas of public housing, community housing and private tenancy. In the tenancy areas, key issues arising from the economic downturn are increasing numbers of private tenancy evictions on the grounds of rent arrears and, correspondingly, a high level of applications for public housing. Homelessness among low income earners has increased, heightened by a bottleneck in crisis and supported accommodation because of long waiting times for public housing.

Continuing the trend of last year, we are seeing more complex legal issues and fact situations in the Centrelink enquiries. Very few matters are straightforward requiring only a single advice. A large proportion of the Centrelink advices require follow up, intervention, research and/or become cases. Large MLR debts and pending prosecutions are prominent, as are overpayment debts involving special circumstances.

The Centre opened 149 minor assistance files and 127 files during 2007/08 financial year which included 41 Centrelink matters and approximately 72 Tribunal and Court appearances across all the practice areas.

Of particular note, we were involved in a couple of test cases during the year around marriage like relationships and the use of the discretion in section 24 of the Social Security Act.

## AAT Test Cases

### Anne-Marie's Case

WRLC had a significant win in a case where the issue was whether our client had been in a marriage-like relationship with a man who had dominated, terrorised and victimised her. The details of the case are distressing and we have given our client the pseudonym 'Anne-Marie'.

Anne-Marie had a history of involvement in abusive relationships and she began to suffer from severe anxiety disorder, panic attacks and disabling agoraphobia. In 2004 a man moved in with Anne-Marie and fathered a child (her second child), and then proceeded to exploit her domestically, sexually and financially. Although he received a reasonably good salary he insisted that Anne-Marie continue to claim and accept parenting payment at the single rate so that he could use the extra money to support his drug habit, gambling and addiction to alcohol. Centrelink accepted as a fact that Anne-Marie 'did what the man told her to do (in relation to her continuing to claim and accept parenting payment at the single rate) because of his violence and threats of violence towards her; because of her need for a relationship because of her fragile mental health; and because she needed money for her children.'

Despite accepting that Anne-Marie had acted under what in criminal law would clearly be regarded as duress, Centrelink found that she was responsible for approximately \$30,000 overpayment of parenting payment and proceeded against her for that amount. Anne-Marie appealed to the Social Security Appeals Tribunal (SSAT) which affirmed Centrelink's decision.

We argued Anne-Marie's appeal to the AAT on two grounds. The first was that while her relationship had some of the features of a marriage-like relationship it was in reality a 'master-slave' relationship. The second ground was that the man's violence and the degree of control he exercised over Anne-Marie, coupled with her

---

---

psychiatric vulnerability, robbed her of the capacity to agree to a marriage-like relationship and that under the circumstances the Secretary should have exercised his discretion under s 24(2) of the SSA to determine that she should not have been treated as a member of a couple.

We brought supporting evidence from a counsellor and from a clinical psychologist, and the tribunal accepted this evidence. While it found that there had been a ‘marriage-like relationship’ it also found that there was a special reason in the particular case for the exercise of the discretion in s 24(2) of the SSA.

### **Rebecca’s Case**

WRLC had another substantial win in a case involving what is and what is not a ‘marriage-like relationship’ for the purposes of the Social Security Act 1991 (the SSA). Again we have given our client a pseudonym, ‘Rebecca’ because of the sensitive and distressing nature of the case.

Our client had a long association with a man called ‘Robert’ and had two children with him. The relationship ceased about 2006. During the relationship, our client was in receipt of Parenting Payment Single (PPS) from Centrelink, and in late 2007 Centrelink determined that this relationship had been ‘marriage-like’ for the purposes of the SSA. An overpayment debt was raised against our client over a ten year period. This debt amounted to \$121,062.92, which our client has been paying it off by deductions from her current PPS pension. Centrelink had also referred the case to the Director of Public Prosecutions.

It was our argument that while Rebecca had had a long relationship with the man, did have two children with him, did purchase a home with him, did change her name and her child’s name to his, and at times was involved with him various financial transactions, she was nevertheless never in a ‘marriage-like relationship’ for the purposes of SSA. The basis for this proposition was twofold: firstly, that apart from a short period of two or three days Rebecca and Robert never lived together, and secondly, that due to a psychological condition which she suffered, Rebecca was – and still is – incapable of consenting to enter a marriage-like relationship.

We brought evidence from a forensic psychologist that Rebecca suffered from two serious psychological conditions – Post Traumatic Stress Disorder and Major Depressive Disorder – which had been caused by a violent and abusive childhood, followed by a violent and abusive marriage-like relationship with another man. During this relationship, Rebecca had a child. This child was repeatedly beaten and then, in April 1992, murdered by this former partner, who was convicted of the murder and sentenced to a substantial term of imprisonment.

It was our submission that these psychological conditions prevented Rebecca from entering into any permanent relationship with a man because of her fear that such a relationship would mean a surrender of control over her children’s safety which could lead to a repeat of the murder of her child.

On the basis of the psychological assessment (provided by forensic psychologist Associate Professor), and a supporting report on the effects of domestic violence on vulnerable women by specialist DV academic Associate Professor, Centrelink agreed to waive all but \$6,000 of the overpayment. Post settlement, Rebecca was also advised by the DPP that they had decided not to prosecute her.

---

## Disability Discrimination Legal Service

The DDLS handled 6 cases and provided 56 detailed advices during the 2007/08 financial year. We have seen the trend towards more complicated advice queries continue over the past year, which has kept advice numbers down.

DDLS has had a busy year coming up to speed on the amendments to the Human Rights Act 2004 (ACT) and investigating the implications for both the DDLS practice and WRLC's practice generally. The DDLS has also been active in the Disability Rights Network (as detailed below under National Networks).

## Community Law Clinical Program

The Clinical Legal Education (CLED) program continues to be run each semester in partnership with the Australian National University College of law. The Centre provides an on-site convenor, while the ANU provides the academic convenor. Each semester we take six students who work with us for two days a week and receive 12 credit points for academic purposes. The students are actively involved in the Centre's legal practice: telephone advice, front office work and case work. There is also a reflection and tutorial session each week and at the end of the semester they present a final research paper to the Centre and their peers. Mock hearings are held every semester in the Residential Tenancies jurisdiction of the ACT Civil and Administrative Tribunal (ACAT), with students representing clients in various scenarios, and staff acting as 'members' hearing matters and handing down sound judgements. Below are some images of our last hearings. Students reflect regularly on their work, and on issues of social justice and legal ethics in a practice environment.

Student feedback continues to be very positive. We were very proud to hear that two of our former CLED students were this year's recipients of the highly prestigious and competitive Australia at large Rhodes Scholarship and the International Court of Justice Traineeship Program Awards.



## Community Development

The focus of community development work this year has been to build on and enhance the work commenced during the previous reporting period to specifically address the needs of the Community Sector in the ACT. This work had several components including support, development and capacity building of

---

---

the broader Community Services through resourcing and information dissemination, event promotion and community outreach.

### **Capacity building**

Communications, information and networking opportunities were undertaken to build capacity within the Community Sector using multiple forms of media targeting both Community Services and the general public. The main goal was to advertise the Centre and link into local and regional networks, including online communities. This was achieved using print media such as local newsletters, online data bases like the Commonwealth Carelink site, community service web sites and community based email pair lists and online newsletters. Information and resources were made available to the broader community sector in both the ACT and in NSW via these linkages to support mutual client groups and the public serviced by these groups.

The specific targeting of the NSW region regarding the Centre's specialist Social Security advice and casework services was assisted by the peak body for family support workers in NSW, the NSW Family Support Network. The Network was able to extensively promote our service to their broad membership of workers, tailoring their coverage to our Centre's geographic area of service provision, through its website and onsite newsletter. Other work to enhance and develop networks was undertaken through 2008/2009 and included attendance and speaking at several Inter-Agency Meetings, Community Service Providers (CSP) forums and other meetings and fora as identified.

### **Events and promotion**

Our profile was successfully raised by a major promotional and educational event for the Centre, the launch of the Public Housing Fact Sheets on the 1 September 2008. The launch was held to promote the newly revised Public Housing Fact Sheets (2nd Edition) as a resource for the community sector and broader community and to provide a short presentation or learning opportunity for the community agency staff, post the launch by the Centre's Advice Line Coordinator.

The factsheets were launched by the Member for Canberra, Annette Ellis (who stepped in for Minister Plibersek who was unable to attend at short notice due to urgent Parliamentary business). The Centre was very appreciative of Ms Ellis's attendance; other launch personalities included Mr Jeffrey Dalton of ACT Shelter – the Key Note Speaker, and Mr Daniel Stewart - Chair of the WRLC Board and Senior Lecturer of the ANU Law School – Master of Ceremony for the proceedings. All speakers were warmly received by the attendees who included Senior/Executive Staff from Housing ACT. The Canberra Times covered the event and interviewed the key speakers.

More than 60 people attended the event and the majority representing the community sector agencies were at either at the manager or senior management/executive level, fifteen of whom stayed for the presentation/overview by the Advice Line Coordinator. The event was very successful at engaging the targeted audience and securing valuable media and public attention to promote the Centre.

The other major event attended and supported by the Centre was Tenancy Week 2008, a joint Tenants'

---

Union ACT and Housing ACT activity funded by Housing ACT and supported by; ACT Shelter, the Joint Champions group (a tenant body elected from Housing ACT tenants), and the YWCA - Canberra Linkages Program. Tenancy Week activities included; a Tenants Art Show, childrens/schools exhibition and competition, shopping centre stalls and an awards night attended by the Executive Director of Housing ACT and MC'd by our Community Development worker. During tenancy week, we also ran a successful workshop on Domestic Violence and Tenancy in conjunction with the TU and the Women's Legal Centre (ACT).

### Public outreach

Direct contact with the broader community has been achieved through attendance at major public events including; Youth Week, the Multicultural Festival - Canberra Connect Event, ANU Law School Careers day, Law Week Market day at the Canberra Centre (in partnership with the Law Society ACT), NAIDOC Week Family Fun day, Tenancy Week stalls, and the National Convergence – Canberra just to highlight a few.



ANU Law School Careers Day    Connect Canberra

Convergence - Canberra

(Thanks to our students, Janet and Siobhan for their support on the day).

In support of Law Week, we put together an insert for our local Law Society's quarterly publication, 'Ethos', at their request which promoted the work of our Centre and other CLC's in the ACT.

### Community Legal Education

Other CLE activities undertaken during the year, included a presentation at an ACTCOSS organised training event – Introduction to the Community Sector (which received very positive feedback from the organisers and participants), outreach to the NSW area, and service overview talks to community groups and a Job Network Provider. Significantly, the presentation to the Job Network Provider led to referrals to both WRLC and our DDLS advice lines.

The Centre also co-hosted a study visit (together with the Women's Legal Centre) for the Legal Dissemination Study Delegation [12 members] from the Ministry of Justice of Vietnam. Feedback received was the insights they had gained from the delegation would assist their efforts to develop relevant reforms to enhance the legal dissemination and education in Vietnam.

---

---

## **National Networks:**

During the reporting period, the Centre was an active member of several National Networks, including the Community Legal Education Workers Network, Disability Rights Network and National Welfare Rights Network.

### **Community Legal Education Workers (CLEWS) Network:**

The Centre through its Community Development worker, undertook a significant amount of work aimed at re-establishing the CLEWS Network which included producing a data base for the membership of the Network (by State and other email contact lists included), compiling a data base of resources available on the BBS CLE folder site (including tracking conference resolutions and completing several of the identified tasks from previous years), requested changes to the Networks folder on BBS to better support the Network, convening PLU's and undertaking general secretariat duties for the Network.

### **Disability Rights Network (DRN)**

The Centre's DDLS service has been increasingly its involvement in the Disability Rights Network over the past year, as the Network itself starts to take on a more active policy and law reform role. The network currently has the support of a policy officer provided by the NSW Disability Discrimination Legal Centre through a short term funding arrangement. Our Centre assisted the Network to make a submission to the NWRN Attorney General for further funding to allow this arrangement to continue into the future. It is hoped that a long term policy officer position will allow the Network to build a greater capacity for co-ordinated law reform work amongst the member organisations.

### **National Welfare Rights Network (NWRN)**

Once again the Centre hosted the National Liaison Officer role for NWRN. In addition to the usual NLO/Secretariat duties, the Centre also has made significant contributions to the NWRN policy and law reform work which included drafting submissions on behalf of the Network to the Harmer Pension Review, Taxation Review, supplementary submission to the Senate Inquiry into the Schooling Requirements Bill, submission to the Senate Inquiry into CDEP changes and submission to the Senate Inquiry into Family Tax Benefit changes. The Centre also provided significant input into NWRN's Budget Priorities Submission for 2009/2009, submission to the Senate Inquiry into National Building and Jobs Plan, NWRN's campaign and submissions around the new Compliance framework and the 2008/09 Budget measures, NWRN's debt prevention paper, representations highlighting NWRN's concern around the proposed changes to the Social Security Appeals Tribunal and the Commonwealth Government's compulsory rent deduction proposal.

### **ACT Human Rights Act and National Human Rights consultation:**

The Centre played an active role in the National Human Rights Consultation through its DDLS workers. The Centre was represented in both the National Human Rights Network and the Disability Rights Network and made submissions to the Consultation Committee recommending the introduction of a

---

legislative bill of rights containing all ICCPR and ICESCR rights with mechanisms for ensuring legislative consistency with rights and individual enforceability of rights.

The Centre also participated in an ACT forum hosted by the Australian Human Rights Commission, presenting a paper on the practical uses of the ACT's Human Rights Act in tenancy law (a version of this paper will be presented at the NACLC conference in conjunction with the Tenants' Union of Victoria and the Human Rights Law Resource Centre).

In addition the Centre convened a CLE seminar for the ACT Law Society on the amendments to the ACT Human Rights Act and its implications in legal practice and litigation.

### **Other policy work**

The ACT government has made a major investment in community housing in recent years and this year we have been involved in a consultation process to develop a regulatory framework for community housing. This is long overdue as housing providers have largely been operating in a legislative vacuum, as regards issues of eligibility, rent rebate and appeals, and in some cases seeking to contract out of the Residential Tenancies Act. The regulatory framework seeks to make community housing providers more accountable and to achieve greater consistency and parity.

The Centre (with the Tenants Union ACT) also provided a brief Submission to the Senate Inquiry into Homelessness Legislation by the Senate Standing Committee on Family, Community, Housing and Youth arguing for the adoption of a stipulated set of standards and principles in the future regulation of 'SAAP' and related accommodation arrangements.

### **NT Welfare Rights Outreach project (NT WROP)**

Our Centre in league with the NWRN provided ongoing support to the Welfare Rights project workers in the NT. During the year, our Centre contributed two secondments to the project, Annabel Pengilley, and Jan Moerkerke. Through the NWRN, we convened the NWRN NTER Subcommittee which met on a regular basis via teleconference to provide peer support to the workers, and also facilitated two workshops, one in Darwin and the other in Alice to bring the workers together for Social Security training and to discuss and plan their CLE, and advocacy and community development activities.

Our Centre's Administrator and NACLC Convenor, Liz O'Brien was a guest speaker at the National Convergence Canberra held in February. She spoke to the crowd about what 'our mob' was doing to assist and support Aboriginal people retain their rights and dignity in the face of the intervention. Liz expanded on the services, staff and resources that have been provided to support Indigenous Australians through CLCs (including the NT WROP) and gave examples of what it actually meant for some people to have been subject to the quarantining regime for Social Security payments. Liz emphatically stated it as an exercise of shaming which resulted in the crowd gathered spontaneously responding to each new example with shouts of "shame, shame".

### **Publications**



---

---

We continued to contribute to the Social Security Reporter during 2008/09 and provided feedback on the various updates of NWRN Factsheets which were done to take account of the changes which occurred during the year.

We were recently notified of the acceptance of an article jointly written by Patricia Eastal Associate Professor in the Faculty of Law at the University of Canberra and our very own Derek Emerson-Elliott on 'Marriage Like Relationships: Can Battered Women Syndrome or Reality Be Pleaded in Social Security Law?' which will be published in the next edition of the Alternative Law Journal.

The Centre is currently writing chapters of public housing and Social Security for the ACT Law Handbook.

### **Future Directions – the next 12 months**

The Centre has been an active member ACT Legal Assistance forum, a quarterly meeting between the ACT Community Legal Centres and ACT Legal Aid which has been established within the last 12 months. Already the forum has been successful in obtaining funding for a Homeless Person's Legal Service (HPLS) to be housed next to the Centre and auspiced by us. The establishment and the overall operations of the HPLS over the next 12 months will be guided by a reference group consisting of representatives from our Centre, ACT Legal Aid and the Aboriginal Legal Service. Recruitment is now under way to fill the role of Principal Solicitor.

Over the next 12 months, the Centre will be considering various ways in which we can improve accessibility to our legal services. One proposal currently being considered is a Duty Lawyer or Legal Support Service in the Residential Tenancies jurisdiction of ACAT.

## **Melbourne – Welfare Rights Unit**

---

### **Unit Staff**

- Dale Nelson: CLE officer
- Sally Allman: Caseworker
- Joanne Joosten: Solicitor
- Claire Carroll: Volunteer Co-ordinator
- Joan Thong: Caseworker
- Rini Kroukos: Casework and Policy
- Marilyn Summers: Publications

Work continues on the 'Welfare to Work' factsheets including a greater number of factsheets and reviews of those already circulating. A number of these can be viewed at the Conference.

Casework continued to have a significant role in the Unit's work. As usual about one thousand clients were

---

assisted at various levels. In the 2008-09 year the two most obvious areas of increase were those around the same sex changes and the eligibility for various ‘stimulus package’ payments. A significant drop in DSP enquiries has been noted as the review period for those assessed in mid 2005 – mid 2006 has now passed. Email enquiries (particularly via the Unit’s website) continue to grow.

Regular casework meetings are held with Jeanette Parrott, our esteemed colleague from Barwon (Geelong).

The Unit has been funded by our Legal Services Board to undertake a project providing localized professional development to workers in the state’s farthest regions. Dale N has been undertaking this work. There were four editions of the Unit’s newsletter ‘Red Tape’ distributed to members and interested parties during the year.

The Unit also received funding from the Myer Foundation to begin a volunteer program. Claire Carroll (known to a number of members) has been employed to develop the program. A full version of the Unit’s ‘Social Security Law and Welfare Rights’ course ran in the second half of 2008. Fifteen participants undertook the majority of this course. These included financial counselors, community workers and staff from the ‘Senior Master’s Office’ (responsible for overseeing persons with administrative orders in relation to significant payouts as a result of court cases).

Administratively the Unit’s Board now contains a number of new faces including Enrico Burgio who was a ‘post season’ trade from WRASWA (thanks!).

Thanks to the Fed’s ‘one off’ payments the Unit’s non antique (old but not good) furniture was completely replaced and this has made working here a lot more pleasant.

## **Launceston – Community Legal Centre**

---

---

---

## **Hobart – Welfare Rights Advocacy Service**

---

### **1. Welfare Rights Solicitors**

- Chris Rice (Full Time)
- Noelle Rattray (Full Time)

### **2. Casework Trends**

WRAS has once again had a hefty workload for the year and have two full-time solicitors providing Welfare Rights Advocacy. Budget has again been tight, with some major cases using considerable resources.

It should also be noted that we receive a disproportionate number of overseas clients due to the Centrelink Call Centre and Overseas Pension Branch both being located in Hobart. A significant number of clients are referred to the Hobart registry of the Administrative Appeals Tribunal who then refers the client to our Office for legal representation.

We continue to have an excellent working relationship with Centrelink Legal Services in Hobart (Mr Brian Sparkes and Mr Fleming Aaberg) and as a result most debt cases are settled at the Administrative Appeals Tribunal. A significant number of Disability Support Pension cases have also been resolved in favour of our clients.

### **Welfare Rights Advocacy Service 2008/2009:**

- Opened 172 client files
- Social Security Appeals Tribunal Hearings: 76
- Administrative Appeals Tribunal Conferences: 62
- Administrative Appeals Tribunal Hearings: 7
- Anti-Discrimination Tribunal Conciliation Conferences: 9
- Anti-Discrimination Tribunal Directions Hearings: 4
- Anti-Discrimination Tribunal Hearings: 2

An important decision for Tasmania was the decision in *Secretary, Department of Education, Employment and Workplace Relations v Morrison* [2008] AATA 1017. We are delighted to report that the three-member panel of President Justice Downes, Hon. Ray Groom and Senior Member Cunningham very solidly decided in our client's favour and Centrelink did not appeal this decision. The decision sets right a long-standing injustice to people who receive compensation for injury and are then required to include all their medical expenses when calculating their preclusion from claiming Centrelink support.

The decision in the *Cain v Australian Red Cross Blood Service* was handed down on 27 May 2009. The Tribunal dismissed Mr Cain's claim of discrimination on the basis that the Red Cross has a legal obligation

---

to ban gay donors and because, in the absence of conclusive data on the risk associated with low-risk gay sex, the Red Cross must act on "the worst case scenario". Therefore, even if Mr Cain had been subjected to discrimination, the conduct of the Red Cross could not be unlawful. While this decision was disappointing, it was quite interesting that the Tribunal made a number of observations at the end of the judgement that found key points favouring Mr Cain's position throughout the inquiry, including substantiation that his fundamental claim that there are monogamous, safe, gay men who have a lower HIV risk than some heterosexual donors.

### **3. Projects**

The Welfare Rights section of HCLS has been pro-active in relation to the Same-Sex Relationships Legislation that recognises same-sex relationships throughout Commonwealth law. While these changes have many positive benefits, there is a distinct class of people who may be substantially disadvantaged – primarily those on Age Pension or Disability Support Pension.

We made submissions to the Government on behalf of this class of people, with suggestions for savings provisions to be introduced. Moreover, in conjunction with the Tasmanian Gay & Lesbian Rights group, we have conducted a series of statewide forums to present to the targeted community outlining the implications of the new law.

We have conducted 6 forums to date – Hobart, Launceston, Burnie, Deloraine, Huonville and Bicheno. Attendances to the forums have been consistently high – averaging 23 people – with the highest attendance in Burnie with 32 attendees. We have also received a grant of \$2000 from National Welfare Rights Network to assist us with presenting these and further forums as are needed. We thank National Welfare Rights for that contribution.

We have also assisted the LGBTI network with putting together text for a guide for community legal centre lawyers to the 2008 changes to Commonwealth law affecting same sex couples.

### **4. Future Directions**

Due to budgetary constraints, we will be evaluating the merits of each case more thoroughly and only providing advice at first instance if appropriate. This will have a significant reduction in our caseload. For the 2009/2010 period our aim will be to reduce the WRAS to one full time solicitor and one part time solicitor. The part time WRAS solicitor will also work in the areas of child support and general advice that evolves from our Evening Advice sessions.

---

---

# 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
- Wendy Brett: Community Lawyer
- Ros Muir-Morris: Finance and Administration Officer
- Grace Forrest: Administration Officer (Client Services)
- Caetlyn Wells-Simon: Administration Officer (Volunteer Co-Ordinator)
- Jillian Chapman: CLE Worker
- Liz Flynn: Administrative Assistant

In the past, workers, advocates and solicitors have specialised in one particular area of law. We had non-lawyer advocates working in the areas of Child Support and Welfare Rights. BCLS now has an integrated practice model. With the departure of Samantha Purcell (who is still generous in sharing her extensive knowledge) we have lawyers providing advice and some casework in all areas of law that BCLS covers. Those areas are General Law, Child Support (Liable and Carer Parent), Social Security (Welfare Rights) and Intervention Orders. We also give limited advice and casework in family and 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 update and assist others in this area.

All advice begins by phone appointment.

We have been without a Community Legal Education worker for the past few months so we look forward to Jillian beginning in mid September.

## 2. Social Security Casework trends

The trends for this year were debt matters arising for people with intellectual disabilities, Marriage Like Relationships/ member of a couple matters, Rejections of disability support pension applications, rejections of Youth Allowance- unreasonable to live at home applications, and Pension bonus scheme eligibility matters. Not to forget the Economic Security Strategy payment advice requests and complaints this came

---

thick and fast for a couple of months following the announcement and the payment date.

We have had clients presenting with very large debts including several debt matters for amounts over \$80,000 and one for \$120,000 which have been raised over long periods.

In the 2008/2009 financial year over \$238,000 was saved or obtained via arrears, debt waivers, compensation etc by the BCLS on behalf of our clients.

### **3. Policy work/issues/ Community Legal Education**

Locally, we continue the work of Samantha Purcell by convening the Barwon Centrelink Liaison Group. We meet quarterly and provide interested community groups the opportunity to meet with the current Centrelink Manager (three in the last year) to build closer more positive relationships, address local issues and changes to Social Security legislation and continue to provide relevant community legal education.

Barwon Community Legal Service has been actively increasing our involvement with PILCH to provide increased assistance for homeless and at risk of homeless people in the region. We have also been lobbying Government Ministers on both local and National level for changes on behalf of young homeless people who have been rejected by Centrelink for Youth Allowance-UTLAH and who therefore without the all important Health Care Card may be ineligible for nearly all housing and other services with links to Government funding. We are continuing to advocate for this gap to be addressed for the benefit of disadvantaged young people.

Barwon Community Legal Service has established a co-operative relationship with the local Victoria Legal Aid office and Barristers, and we refer clients to each other regularly for assistance with concurrent Administrative Appeals process and Commonwealth prosecution matters.

### **4. Future directions – next 12 months**

We are continuing homelessness advocacy and law reform work. When the new CLE worker begins we shall consider community legal education specific to Job Services Providers as there are many new providers in the latest funding allocations in our catchment area and there may be a need for CLE especially with the current changes and future possible changes to Youth Allowance.

### **5 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

|                               |                   |     |
|-------------------------------|-------------------|-----|
| • Manager                     | Mark Leahy        | 0.9 |
| • AAT Co-ordinator/Solicitor  | Margaret Riley    | 0.6 |
| • Volunteer/SSAT Co-ordinator | Jo Harmer         | 0.8 |
| • Outreach Co-ordinator       | Amanda Tsoundarou | 0.6 |
| • Administrator               | Mark Shepley      | 0.6 |
| • HLC Co-ordinator            | Bill Manallack    | 1.0 |
| • Data Entry/IT               | Andrew Prince     | 0.6 |

+ 47 volunteers

### 2. Casework trends

We have seen a 20% increase in client numbers this year.

The main issues have been debts, family tax, same sex relationships and DSPs. At the AAT level we have had 26 wins, 2 losses and 8 granted Legal Aid. \$204 400 of savings at this level.

### 3. Projects/publications

The Housing Legal Clinic has expanded since last year, with another law firm and agency joining the project. We have been granted recurrent funding for the project and it is now listed as a commitment in the State Government's Strategic Plan. Over \$660 000 of pro bono legal assistance has been provided this year.

### 4. Future directions – next 12 months

The biggest disruption this year was having to move out of the Torrens Building to make way for an overseas university. But we managed to negotiate a good deal: the Government covered all moving costs, including printing of posters, pamphlets, business cards etc, paid for all renovations to the new offices; the State Government also agreed to act as guarantor to our new ten-year lease and signed a Deed which gives us a decade of rent subsidies. Our new offices are closer to the tribunals and – the best bit - there is an excellent café downstairs.

We are applying for funds for a Connecting to Country project which, if successful, would see the HLC provide services to rural areas via teleconferencing facilities.

We are also in negotiations to expand our outreach services down south (Port Noarlunga.)

---

---

## Perth – Welfare Rights and Advocacy Service

---

### 1. Staff

- Kate Beaumont : Executive Officer/Welfare Advocate (F/T)
- Catherine Eagle Solicitor (P/T)
- Chris Belcher: Welfare Advocate (P/T)
- Marilyn Marvelli: Welfare Advocate (P/T)
- Jeanie Bryant: Welfare/Tenant Advocate - Services WA Drug Court (F/T)
- Kate Wilson: Community Legal Education worker (F/T)
- Paul Harrison: Tenant Advocate (P/T)
- Tom Milton: Administrative Officer (P/T)
- Georgia Pickering : Youth Welfare Rights Advocate – employed to November 2008
- Susie Byers: Welfare Rights Advocate – employed to January 2009
- Yvonne Mulder: Administrative Officer – employed to April 2009

### 2. Casework Trends

Welfare Rights assistance provided by our centre over 2008/2009 financial year includes:

Total Number

- Advices: 802
- Face to Face: 43
- Telephone: 747
- Mail: 4
- Email: 8
- Cases open at beginning of period: 65
- Opened cases: 218
- Closed cases: 219

In terms of casework undertaken the agency has completed slightly less advices and cases as in the previous year. In the last year there has continued to be a proportion of clients presenting for assistance within the areas impacted by the 2006 Welfare to Work changes and included serious participation failures, activity requirements, those with partial capacity through to both eligibility for and retaining various



---

payments including Disability Support Pension, Parenting Payment and Newstart Allowance. The other major issues for presenting clients of the agency continue to be marriage like relationships, 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 Centrelink Prosecutions Team and Legal Aid WA. The agency continues to provide assistance in tenancy matters which complements the welfare rights casework undertaken by the centre. Casework assistance is provided across the catchment area to the North of the Swan River to the top of the state and to the SA/NT border. As a specialist Welfare Rights Centre the agency endeavours to provide support to the other two stand alone Welfare Rights workers based at Sussex Street Community Law Service and Fremantle Community Legal Centre.

### **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, Youth Sub Committee, Administrative Review Committee 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, Centrelink Homeless Steering Committee, Linking Offenders to Services Meeting, local Welfare Rights Sub Committee, NACLIC PII Committee, CLC Association PII and Professional Development Committee, CLC Stakeholder Committee, Older Person's Rights Centre, Shelter WA, Tenancy Network 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 extensive media activities on behalf of the Network which have included radio, print and television coverage.

Over the last year both Catherine Eagle and Kate Beaumont have participated in NWRN Delegations to Canberra. These NWRN delegations have met with Centrelink, the Department of Families, Housing, Community Services and Indigenous Affairs, Department of Education, Employment and Workplace Relations, Department of Human Services and Attorney General's Department. Throughout the year staff from the agency have contributed to the development of a number of NWRN Policy Submissions and Papers. Georgia Pickering was responsible for the development of a submission to the Review of Higher Education on behalf of the NWRN and she and Susie Byers provided evidence to the review panel. Additionally both Catherine Eagle and Kate Beaumont provided evidence on behalf of the NWRN to the Legal and Constitutional Affairs Senate Inquiry into the Same Sex Equal Treatment legislation. Kate Beaumont has also appeared on behalf of the NWRN to provide evidence before a number of Senate Inquiries including Schooling Requirements, Employment Services, CDEP/SSAT rights for NT income Management categories, and Budget Changes. Kate Beaumont has also represented the NWRN in a number of settings and in meetings with politicians, government departments and community organisations. The policy work undertaken in the last year has increased dramatically due to Kate Beaumont's new role in the NWRN in 2008/2009. The staff of the agency and the Management Committee of Welfare Rights

---

& Advocacy Service continue to support the work of the NWRN and are cognisant that this provides an opportunity for casework examples from Western Australia to be included in the Network's lobbying activities. In total there were 45 law reform projects undertaken by the agency in 2008/2009.

The agency in total conducted 23 Community Legal Education activities throughout the year which included singular and multiple sessions conducted with/at: WACOSS, Domestic Violence Worker's Network, Pat Giles Refuge, Roeburn Prison, Roeburn Community Forum, Karratha Community Forum, Pilbara Indigenous Women's Corporation, Port Hedland Community Forum, Trinity Young Mum's Project, Youth Affairs Council of WA, Palmerston Rehabilitation, Centrelink and the Court Assessment and Treatment Service.

#### **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. 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 a number of Community Legal Education activities in relation to prosecution matters including a recent CLE visit to the East Kimberley. Catherine Eagle continues to be of 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. Catherine Eagle continues to be the convenor of the NWRN Prosecutions Sub Committee.

Welfare and Tenancy Support to clients referred by the Court Assessment and Treatment Service of the Department of Corrective Services – Over the last eight years the agency has had a full time advocate, Jeanie Bryant employed to work with clients who participate in the Drug Court of Western Australia. Over that time funding of this position has passed from the Drug and Alcohol Office to the Department of Justice and then to the Department of Corrective Services and we are currently contracted to provide services up to February 2010 working with offenders and ex offenders.

Youth Welfare Rights Advocate - Over the last three years the agency has been funded by the Legal Contribution's Fund 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 2010.

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 Service and Kimberley Community Legal Service to conduct community legal education activities in the Pilbara and Kimberley with young Indigenous people and those who work with these people. During the year an initial Rural and Remote CLE visit was undertaken to the East Pilbara and included sessions conducted in Karratha, Roeburn, Port Hedland and

---

---

South Hedland. A further CLE visit was undertaken in mid July 2009 to the East Kimberley and included sessions conducted in Broome, Fitzroy Crossing and Halls Creek.

Tenant Advocate – Over a number of years the agency has provided tenancy assistance in the Northern Metropolitan suburbs of Perth. In 2007/2008 funding for this program increased to permit the provision of tenancy assistance four days per week and in 2009/2010 this will increase to a full time position. These changes have 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.

## **5. Future Directions – the next 12 months**

### **(a) opportunities/plans for the Centre/Service**

The One Off Funding provided in 2008/2009 was to provide the agency with an opportunity to carry out extensions to our building. Unfortunately both the cost and logistics of the planned extension were prohibitive due to council regulations. The agency has over recent months had our building's rising damp attended to and the building repainted. The refurbishment has permitted the agency to critically review its use of space and the agency is in the process of refitting our external shed to house a new filing system. The agency is in the process of recruiting additional contract staff for the agency.

### **(b) threats to the Centre/service**

Whilst the injection of additional One Off funds in both 2008/2009 and 2009/2010 has been opportune we remain cautious about the levels of funding to be provided by the Commonwealth Attorney General on an ongoing basis. Funding for our Prosecution Project remains reliant upon an annual grant process to the Public Purposes Trust of the Law Society of Western Australia although in the most recent grant application there is potential for provision for three year funding applications. If the agency were unsuccessful in the future this would significantly reduce the assistance provided in Western Australia to those who are at risk of prosecution for Social Security offences. Funding for the youth project has been extended by the new State Attorney General for a one year period but there remains no security about this on an ongoing basis.

---

## Perth – Sussex Street Community Law Service Inc

---

Sussex Street offers a mix of programs which cover Disability Discrimination, Individual Disability Advocacy, Tenancy, Civil and Family Law, Minor Criminal law, Financial Counselling and Welfare Rights Advocacy

### 1. Staff

- Acting General Manager Denise Beer
- Principal Solicitor Vacant
- Family and Civil Solicitors Karen Bond  
Pauline German
- Disability Discrimination Solicitor Keelyann Thomson
- Disability Advocate Rose Ngoga
- Tenancy Advocate Jenny Cogan
- Tenancy Intake Worker Zoe McNeill
- 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
- Students/Volunteers Four (currently)

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

### 2. Casework Trends

- Data from CLSIS for 2008/2009 is as follows:
- Total Advice Activities 469
- Total number of clients 104

- 
- Total Cases 44
  - Cases open at the beginning of period 14
  - Cases closed during period 14

### **Client Demographics**

- ATSI 3.85%
- CALD 11.5%
- DISABILITY 36.5%

The Welfare Rights service continues to address the needs of clients across a wide range of issues and payment types. As in previous years, marriage like relationships continue to be prominent and pose a particular advocacy challenge. Other problems occurring with a frequency are Parenting Payment cases, Family Tax Benefit cases with disputed care, aged pension and pension bonus, debt recovery and disability support pension cases.

### **3. Projects/PublicationsCLE**

Sussex Street has undertaken a number of projects in the past year including presentations to school groups, implementing a disability reference group, interacting with other service providers in working with the Department of Housing. The Welfare Rights Advocate is a member of Centrelink’s area west consultative committee and has been active in discussions with Business Integrity and with staff at the two immediate local offices of Centrelink.

The Centre has recently undergone a considerable renovation and refurbishment with the aim of providing additional office room for caseworkers. The Centre was fortunate in securing the Attorney General, the Honourable Robert McClelland, to officially open the premises. Mr McClelland commented on the commendable work carried out by the staff with the limited resources available and said the service was about helping the less well off people in society.

### **4. Future Directions**

Welfare Rights continues to be a significant part of Sussex Street’s operations. The number of cases progressing through the appeals system to the SSAT and AAT has increased markedly. The recent addition of an additional part time advocate should enable this trend to be maintained.

---

---

## 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)
- Lita Harwood-Anderson ELS/CLE Co-ordinator (P/T)
- Anne Bromley Administrative Support (F/T)
- Diana Campbell Tenancy Advocate (F/T)
- Jenny Gertig Financial Counselor (F/T)
- Antonio Gonzalez Welfare Rights Advocate (F/T)

This report relates to the Welfare Rights Service activities for the period July 2008 to June 2009.

### 2. Casework Trends

- Casework comprises advice, advocacy and negotiation with Centrelink, written advocacy and representation through the appeal process. In the past year over 230 matters were assisted in one form or another, including 21 at SSAT and 12 at AAT stages with the majority of the matters at AAT having been settled through negotiation.
- Based on problem types, Centrelink debts rank first in the list, followed by non payment periods such as: 8NPP, LAWP, IMP and compensation preclusion period.
- Payment types ranged across most Centrelink pensions and benefits, however, DSP, FTB, PPS/PPP and NSA were most prominent. Whereas issues with AP, CA and CP were also significant. Few students' issues such as: YA, Austudy and Abstudy have been noted.
- The emerging trends indicate that debts and MRLs (MOC) remain constantly high. A sharp increase in the number of clients having difficulties meeting qualification criteria and/or maintaining DSP has been noted. Whereas FTB, PPS and non payment periods have also been significant issues presented throughout the year.
- In the past year a reduction of the 8NPPs has been noted. From the 13 cases assisted, 9 were successfully resolved through negotiation with PST and ARO level, 4 at SSAT and 2 settled at AAT.

### 3. Policy work/Issues

- The Service has supported the Policy and Law Reform work of the NWRN during the year and

---

---

contributed when resources allowed towards the Network submissions on issues arising from various reviews about Employment Services and the New Compliance Legislation such as: the Senate Inquiry into Social Security Amendment (Employment Services Reform) Bill 2008.

- Feedback and case studies about the impact of Welfare to Work policies and, in particular, about the adverse effects that the 8 weeks non payment penalties have on clients and their families have been provided.
- The Service continued ongoing liaison with Centrelink regional offices, local Centrelink Community Forum, Centrelink Community Consultative Committee to provide clients' feedback and how to improve its services.

#### **4. CLE/Information**

- FCLC held various public information sessions throughout the year including: Law Week, Seniors Week and the "Mini Expo" for over 55s held in the Fremantle Town Hall involving more than 50 agencies which attracted a large public participation. Information about Centrelink payments and Welfare Rights was distributed in these events.
- Information about Parents Participation requirements and Penalties was mailed out to Parents' Associations from various Schools in the region.
- Recently the Service participated in a joint presentation about Welfare Rights Services in Western Australia at the Centrelink Consultative Community in Perth.

#### **5. Networking**

- The Service continued to attend regular meetings at the Fremantle/Spearwood Centrelink Community Forum, the Consultative Committee in Perth, WRSC and attended interagency fore and community agencies' queries on behalf of their clients.
- Participated in the Centrelink Leaders Stakeholders' Meeting and the Ombudsman "Round Table on Social Security matters such as: problems with DSP, CDDA, etc and the role of the Ombudsman.
- Participated where possible in general and casework link ups of the NWRN.

---

# Darwin – Darwin Community Legal Service Inc

---

## 1. Staff

Darwin Community Legal Service welcomed our new solicitor Melanie Robinson as our primary Welfare Rights Advocate in February 2009. Melanie works 3 days per week in this area of law and combines this practice with working for the Tenants' Advice Service.

Ian Tranthem continues in his role as Principle solicitor at DCLS and continues to be involved in Welfare Rights casework.

Kala Marshall continues working in our General Legal Service practice and has also managed Welfare Rights files over the past year.

## 2. Casework trends

The overwhelming majority of casework at DCLS is based on people objecting to decisions regarding Centrelink's assessment of people being on a single or partnered rate of payments, primarily with respect to parenting payment. We have also represented clients subjected to payment preclusion periods, applications for carer allowance and payment, and students with Youth Allowance problems.

An increasing dilemma our centre has encountered is people approaching us for assistance with criminal matters by the Commonwealth Director of Public Prosecutions. DCLS cannot assist clients in criminal matters but we do help clients to examine the civil aspect of a potential debt raised and to provide the clients with advice regarding the administrative appeals process.

We have also encountered clients with issues in relation to obtaining exemptions from Income Management.

## 3. Policy work/issues

DCLS has identified a need to advocate for a more clearly defined process to adjourn criminal proceedings until the outcome of the administrative appeals process has been exhausted. The Service has also been involved in NTER issues.

## 4. Projects/publications

DCLS produced a flyer regarding Centrelink and Same Sex Relationships that was intended to be of use specifically for Northern Territory Residents.

## 5. Future directions – next 12 months

- Opportunities/plans for the Centre/Service
- To increase hours of solicitor staff time with WRS
- Continue to develop advice and casework procedures to ensure effective/strategic service delivery



- 
- 
- To work collaboratively with NTER WROP

One off funding - DCLS will employ a project worker to work with existing WR workers in NT around NTER related matters. Project will do some advice and casework, as well as develop and deliver appropriate CLE and contribute to policy develop and law reform.

### **Threats to the Centre/Service**

- Low level of recurrent funding
- Recruitment and retention of staff

## **Subcommittee Reports**

---

### **NWRN Administrative Review Subcommittee**

---

#### **Terms of Reference**

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
3. Identify and propose strategies to hold Departments accountable to complying with the model litigant guidelines, monitoring rates of Departmental appeals and use of outsourced legal services

#### **Membership:**

Bill (Convenor), Catherine, Jackie, Antonio, Genevieve and Margaret

#### **Activities to Date:**

This Subcommittee did not meet formally during the year. However the Subcommittee was actively involved in NWRN's response to the Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Miscellaneous) Bill 2008 which proposes changes to the SSAT. This included a submission to Minister Mackin, discussions with Minister Mackin's advisers and the Greens and a meeting between FahCSIA and the Executive Director of the SSAT highlighting NWRN's concerns.

#### **Future of the Subcommittee:**

That the Subcommittee continue under Terms of Reference 1 and 2.

---

## **NWRN Debt Prevention Subcommittee**

---

### **Terms of Reference:**

1. To review current NWRN policies/proposals on debt prevention
2. To consult widely and to prepare a comprehensive set of proposals in relation to debt prevention to guide the NWRN engagement in the proposed NWRN/Interdepartmental/Centrelink Debt Prevention group

### **Membership:**

Genevieve Bolton (Convenor) and Chris Belcher

### **Activities to Date**

This Subcommittee did not formally meet during this year. Its 2 members were however involved in the development of NWRN's Debt Prevention paper that was led by NWRN's President Kate Beaumont. In developing this paper, a current review of NWRN policies/proposals on debt prevention was undertaken and the Network was consulted (primarily through the Monkey survey and the BBS) in the preparation of a comprehensive set of proposals in relation to debt prevention which were detailed in the NWRN's briefing paper. The debt prevention briefing paper has been designed to guide the establishment of the cross portfolio debt prevention working group and NWRN's engagement in it.

### **Future of Subcommittee**

The Subcommittee has completed its tasks and should be wound up. In the event that the cross portfolio working group is convened, the Subcommittee believes that the NWRN Committee should have the carriage of guiding and resourcing the Network's input into that process.

---

## **NWRN Income Management Subcommittee**

---

### **Terms of Reference**

1. To draft a proposed NWRN policy on the issue of income management based on discussion of this issue at the NWRN conference. This draft policy should start from first principles in relation to the inalienability of Social Security payments and the values, rights and mission statements as set out in NWRN Strategic Plan. The draft policy should also seek to identify the key underlying issues, the problems and deficiencies in the current Income Management systems and the lack of connection between the 'solutions' and the actual problems.
2. The draft policy should be circulated to Member Organisations to allow appropriate consideration prior to determination at a Members Link up.

Membership: Gerard, Kate, Bill and Ian

---

---

## **Convenor**

Gerard Thomas

## **Activities to Date:**

Nil

## **Future of Subcommittee:**

That the Subcommittee be disbanded.

# **NWRN Induction & Mentoring Subcommittee Report**

---

## **Terms of Reference**

1. To develop and maintain induction resources, including the update of the induction kit and the development of a list of mentors
2. To review the use of the BBS and recommend how best to maximize the use of the BBS and or NWRN website to achieve the casework and communications support objectives as set out in NWRN Strategic Plan

## **Membership**

Mark Leahy; Amie Meers; Liz Turnbull

## **Convenor**

Mark Leahy

## **Activities to Date**

The committee met once (we were very efficient.)

## **Mentoring**

Mentoring list

During the year, people were asked to volunteer for a list of mentors. To date, only one person has done so. The Committee discussed the possible reluctance of people nominating themselves for a public list given that this would likely lead to extra work. The idea of a mentoring list was still considered a desirable idea, but it was proposed to manage it in a different way. The idea of a Mentoring Coordinator was proposed. This Coordinator would be nominated/elected at the annual conference and would be responsible for coordinating the list. People interested on being on the list would contact the Coordinator and, when a

---

person contacts the Coordinator, seeking a mentor, the Coordinator would approach potential mentors and forward their name and details if they are available and willing to assist the person. This would prevent individual mentors being inundated with requests and would allow for a more targeted approach, whereby the Coordinator could approach people within the Network who have developed skills and/or knowledge in specific areas.

### **Centre Visits**

The idea of new staff members spending time at another centre as part of their staff development/induction was encouraged, especially in smaller centres where there are one or two workers. Having access to the resources of a larger centre is an efficient way of developing skills and is a positive way of sharing skills and resources within the Network. Sydney and Adelaide have hosted new Network members this year and the visits were very successful.

It is proposed that a Mentoring Coordinator be nominated/elected at the annual conference to coordinate the mentoring program.

Centres which employ new staff are encouraged to approach larger centres who may be interested in hosting staff members as part of an induction process.

### **Induction Manual**

The committee discussed the Induction Manual which needs considerable updating. Committee members were of the opinion that it needed redrafting in order to make the Manual more welcoming and more useful. The Convenor undertook to draft a list of needed updates and a proposed table of contents for the new Manual and it was suggested the subcommittee undertake a redrafting of the Manual after the annual conference. It was also suggested that feedback from members as to the proposed Manual would be useful, particularly newer members of the Network, who would be in need of the Manual the most.

### **Future of the Subcommittee**

It is proposed that the Mentoring and Induction Sub-Committee continue in the form of an editorial committee for the Induction Manual and that the Convenor of this committee be the Mentoring Coordinator.

## **NWRN Member of a Couple Subcommittee**

---

(previously known as the Marriage-like Relationship Subcommittee)

### **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:
  - 2.1 Centrelink's interpretation of the legislation, including policy considerations

- 
- 
- 2.2 Centrelink's investigation practices
  - 2.3 Centrelink's decision making processes
  - 2.4 the appropriateness of the current statutory criteria for determining entitlement to payment
  - 2.5 maintain a watching brief on the implementation of proposed Federal changes to Commonwealth legislation affecting same sex couples
  - 2.6 arrange a joint meeting with the prosecutions subcommittee within 3 months post conference to discuss issues arising out of administrative decision making and criminal investigations

### **Membership as at August 2008**

Liz, Di, Linda (left August 2009), John (left June 2009), Sam (left November 2008), Gerard, Catherine, Truda Gray (Illawarra)

Membership as at September 2009 (hold as above)

Liz, Di (Convenor), Gerard, Catherine, Truda, Noelle, Maree

### **Activities to date**

Our subcommittee met 5 times over the year. In a notable "first", one meeting was a joint meeting with the prosecutions subcommittee.

The subcommittee was very actively involved in the preparation of the Network's submission to the Senate Inquiry into the introduction of the "Equal treatment of sexes" legislation. Linda has taken part in Centrelink's Community Reference Groups, looking at the implementation of the "same sex" reforms. The subcommittee's members report back to the subcommittee in relation to their community education work. Gerard has also requested updated information in relation to "member of a couple" decisions and appeals statistics.

### **Future of the subcommittee**

We recommend our continued existence in 2009/2010. There is plenty more work to be done to monitor the implementation of the "same sex" reforms. We will also need to analyse the new statistics on appeals, when they arrive. We will miss the expertise and, let's face it, sheer brilliance of John, Sam and Linda.

### **Changes to terms of reference**

Point 2.6 should be deleted, as it is unnecessary.

Term 2.5 should no longer refer to "the proposed Federal changes to Commonwealth legislation affecting same sex couples". The word "proposed" needs to be removed.

---

# **NTER Project Subcommittee**

---

## **Terms of Reference**

Adopted at NWRN members meeting following the 2008 conference

## **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 utilize 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**

Bill Mitchell, Kate Beaumont, Ian Tranthem and Genevieve Bolton (Convenor)

## **NTER project workers**

Jan Moerkerke, Lauren Walker, Annabel Pengilley and Liz Turnbull (returned to Illawarra Legal Centre in May)

## **Activities to Date:**

The Subcommittee met on a regular basis throughout the year to discuss both casework and policy issues arising out of the project. Two workshops were held during the year to assist the WROP workers in their planning, client advocacy, community legal education and development activities. The WROP workers put together a number of briefing papers and submissions highlighting key issues of concerns and proposals for reform which NWRN promoted through its delegations work.

## **Future of the Subcommittee:**

We recommend that the Subcommittee should continue under the same terms of reference but under the new name, of NT Welfare Rights Outreach Project Subcommittee.

---

---

## **NWRN Prosecutions subcommittee**

---

### **1. Current 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
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
6. Arrange a joint meeting with the MLR subcommittee to discuss issues arising out of administrative decision making and criminal investigation

### **2. Current Membership**

- Catherine Eagle
- Ian Tranthem
- Di Anagnos
- Gerard Thomas

### **3. Activities to Date**

Our subcommittee has only met twice (once with the MOC subcommittee) and seem to have lost most of our members.

The Convenor took part in delegations with Centrelink in November 2008 and raised our concerns about their response to our issues paper and reiterated that the issues were still of concern. We were assured that due to imminent changes within Centrelink all our concerns would be addressed.

We (Gerard) sought updated data on prosecutions.

### **4. Future of the Subcommittee (including recommendation as to whether the Subcommittee should continue and whether changes if any are required to the terms of reference)**

We recommend that the subcommittee should continue. The TOR can remain the same except for the deletion of 6.

---

## **NWRN Taxation and Social Security Review Subcommittee**

---

This subcommittee was not convened. Instead the NWRN Committee took on the important task of guiding and drafting NWRN's response to both Reviews.

## **Youth Sub Committee**

---

### **Terms of Reference**

1. To maintain pressure on Centrelink for the establishment of a Centrelink Youth Reference Group and when the group is established to support the NWRN nominee.
2. To seek relevant data from Centrelink including the number of participation failures, appeal rates and case management amongst young people.
3. Identify issues associated with Social Security debts incurred by young people and advocate for proactive steps by Centrelink and Government to avoid youth debt wherever possible.
4. Advocate for the simplification of income support measures for young people by creating standard payments based on circumstances, eg student, job seeker, people with disability regardless of age.
5. Monitor the outcome of Government investigations into Youth Homelessness and Higher Education.
6. Monitor any legislative changes to Social Security law that will affect a significant number of young people.
7. Consider other Social Security issues that negatively affect young people as they arise and respond accordingly.

### **Membership**

Chris Hall, Georgia Pickering

Convenor

Georgia Pickering

### **Activities to Date**

The Youth Sub Committee did not meet following the NWRN Conference in 2008. Prior to the NWRN Conference the Youth Sub Committee had commenced work on a submission to the Review of Higher Education. Work on that submission continued after the Conference and the main work and achievement of the Sub Committee in 2008/2009 was to prepare the NWRN's submission to that review. Georgia Pickering and Susie Byers provided evidence on behalf of the NWRN to the Review at their hearings in



---

Perth. The recommendations made by the Bradley Review in December 2008 strongly correlated with recommendations made in the NWRN Submission to the Inquiry. These recommendations were also part of the NWRN Budget Priority Statement for 2009/2010 and formed part of the NWRN's ongoing lobbying work. The convenor of the Youth Sub Committee left the Network toward the end of 2008 and further work was completed by the NWRN Executive rather than the Sub Committee.

### **Future of the Subcommittee**

Though the Sub Committee did not meet through the year the submission and evidence to the Bradley Review was largely driven by participants of the Youth Sub Committee. The announced 'Earn and Learn' initiative and 2009 Budget changes for Youth Allowance to be introduced require the NWRN to continue work in this area. There is a need for a new convenor and membership of this Sub Committee. The Terms of Reference were perhaps too broad and ambitious and need to be further refined. Some aspects of the Terms of Reference may sit more appropriately with other Sub Committees, Delegations and with the NWRN Committee more broadly to progress. TOR 1 and 2 to Delegations and TOR 3 to Debt Prevention Working Party.

### **Amended Terms of Reference**

1. Advocate for the simplification of income support measures for young people by creating standard payments based on circumstances, eg student, job seeker, people with disability regardless of age.
2. Monitor and respond to legislative and policy changes to Social Security law for young people including 'Earn and Learn', the Government's response to the Higher Education Review and Government investigations into Youth Homelessness.

## **Reports from NWRN nominees on outside bodies**

### **Centrelink National Multicultural Reference Group 2008/2009**

---

#### **Frequency of meetings**

One meeting was held on 9-10 June 2009

#### **Membership of Reference Group**

##### **Community**

- Federation of Ethnic Communities' Councils of Australia
- National Ethnic Disability Alliance

- 
- Social Welfare Committee
  - Centre for Multicultural Youth Issues
  - Settlement Council of Australia
  - Bhutanese Community representative
  - AMES Settlement Services, Melbourne

### **Government**

- Australian Social Inclusion Board
- Multicultural Services Branch, Centrelink
- Representatives from the Department of Human Services DEEWR and Prime Minister & Cabinet

### **Role of the Group**

The role of the NMRG is to provide advice to Centrelink on all aspects of 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 legislation on customer service
- Future service delivery developments and
- Opportunities to build a stronger community in partnership with Centrelink

### **Issues explored during the reporting period**

Outstanding issues raised by community members at previous meetings were raised and new issues added for action. These included:

- Need for evaluation of specific data for CALD clients in relation to new compliance regime
- Need for review of Special Benefit and Crisis Payment
- Need for review of Newly Arrived Residents Waiting Period and qualifying residence periods
- Need for new "homelessness flag" for people at risk of homelessness to be automatically triggered for refugees and recent arrivals
- Need for an effective complaints and dispute resolution mechanism be developed for Job Services Australia related problems
- Need for the Departments carefully monitor the contractual requirements of JSA providers to "connect" with community organisations

- 
- 
- Need for the Department / Centrelink needs to do more to ensure JSA providers can provide interpreters for CALD clients
  - Need for new "earn or learn" provisions to give Centrelink broad discretion NOT to apply earn or learn requirements as appropriate

#### **Presentations were given on:**

- Social inclusion
- Bhutanese settlement in Australia
- New compliance regime and “earn or learn” reforms
- Review of Centrelink Community Reference Groups
- Centrelink’s Place Based Service Program
- Same Sex reforms
- Seniors and carers legislative update
- Refugee Servicing update

The Minister for Human Services was unable to attend due to portfolio reshuffle which had occurred a few days prior to the meeting.

Minutes of the meeting have been posted on the BBS.

Amie Meers

## **Centrelink Participation Reference Group**

---

There were only two meetings of the Centrelink Participation Reference Group in 2008/09.

The focus of the meetings over the year was to provide input into a broader review into Centrelink’s community engagement strategy. NWRN provided considerable feedback to internal Centrelink investigations examining their consultative mechanisms, and to consultants engaged by Centrelink to advise on their consultative program.

## **Centrelink Removal of Same-Sex Discrimination Customer Reference Group**

---

#### **Frequency of Meetings for 2008/09**

- 3 meetings in Canberra; 5 link-ups

---

## Membership of the Reference Group

- Commonwealth Attorney-Generals' Department
- ATO
- Centrelink
- CSA
- DEEWR
- FaHCSIA
- DoHA
- DIAC
- DVA
- Medicare
- Aids Council of NSW
- Australian Coalition for Equality
- AHRC
- Gay and Lesbian Health Victoria
- Gay and Lesbian Community Services, WA
- National Association of People Living with HIV/AIDS
- National Ethnic Disability Alliance
- NWRN
- NSW Gay and lesbian Rights Network
- People With Disability Australia
- Positive Life NSW
- Victorian Equal Opportunity & Human Rights Commission

## Role of the Group

To identify issues, and monitor progress, regarding the implementation of the 2008 reforms to Commonwealth legislation to provide for equal treatment of people in opposite-sex and same-sex de facto relationships.

## Issues Explored

~~The list only includes the issues relating to Centrelink and Departmental implementation of amendments to~~

---

---

the Social Security Act:

- Provided feedback on Centrelink's media strategy re GLBTI press and mainstream media
- Reviewed and provided comment on GUIDE amendments re member of couple assessments
- Reviewed and provided comment on several drafts of Centrelink's factsheet re de fact relationships
- Prepared discussion paper on issues faced by people with HIV and their partners as a result of the recognition of same-sex relationships
- Prepared discussion paper on implementation issues for Centrelink
- Prepared briefing on s24 and Hardship Provisions
- Prepared briefing on Social Security savings provisions
- Discussions re cost of disability for people with HIV on anti-retroviral medications - proposal to amend legislation such that people who lose DSP as a result of de facto assessment retain PCC for twelve months
- Discussion of issues re loss of Parenting payment eligibility
- Discussions re training of Centrelink staff
- Discussion of review and appeals procedures – particularly call centre scripts re PPR; and referral of appeals to specialist staff
- Discussions re privacy issues; policies and procedures to prevent outing of sexuality to third parties
- Discussions re form and letter design and content

### **Work Ahead**

Meetings scheduled for 21 October 2009 and 21 April 2010. By 2010 there will have been a significant number of couple assessments, investigations, and potentially debts raised. Most important that the NWRN maintains an active role on this CRG.

Linda Forbes

## **Treasurer's Report**

---

The NWRN ended the 2008-09 year in much better shape than had originally been budgeted. This was mostly due to the additional one-off Commonwealth Government payments to members. We had originally hoped for a 'break even' result but in the end the result was around \$17 000. This figure however was 'artificially' high as a significant bill did not arrive until after the 30 June. Also, NWRN again benefited from the Welfare Rights and Legal Centre Canberra discounting its fee for the provision of NLO services. NWRN also received a generous contribution from WRAS, Perth which was paid in 08/09 for use in 09/10

---

to cover conference expenses.

Particular thanks to Mark Leahy who is regularly authorizing payments at short notice (we were very grateful for email and scanners). Those Centres paying electronically reduce the number of trips the Treasurer makes to the bank and this is also appreciated.

*Peter Horbury*

## **Auditor's Report**

---



**DWC Accountants Pty Ltd**  
*Public Accountants*

**4/1004 Doncaster Road**  
**P O Box 1063**  
**Doncaster East, Vic. 3107**  
**Tel. 9042 6766**  
**Fax. 9042 6744**  
**Web: www.dwc.com.au**

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF**  
**NATIONAL WELFARE RIGHTS NETWORK INC.**

**Scope**

We have audited the financial report, being a special purpose financial report, of National Welfare Rights Network Inc for the year ended 30th June, 2009. The Committee is responsible for the financial report and has determined that the accounting policies used are appropriate to meet the requirements of the Associations Incorporation Act 1991 Australian Capital Territory and are appropriate to meet the needs of the members. We have conducted an independent audit of this financial report in order to express an opinion on it to the members of National Welfare Rights Network Inc. No opinion is expressed as to whether the accounting policies used are appropriate to the needs of the members.

The financial report has been prepared for the purpose of fulfilling the requirements of the Associations Incorporation Act 1991 Australian Capital Territory. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

Our audit has been conducted in accordance with Australian Auditing Standards.

The audit opinion expressed in this report has been formed on the above basis.

**Audit Opinion**

In our opinion, the financial report of National Welfare Rights Network Inc. presents a true and fair view of the financial position of National Welfare Rights Network Inc. as at 30th June, 2009 and the results of its operations for the period ended 30th June, 2009.

DWC Accountants Pty Ltd

**HAROLD HERBERT DALTON**  
Chartered Accountant

Melbourne  
28th August, 2009