



**NATIONAL**  
**WELFARE RIGHTS**  
NETWORK

# **National Welfare Rights Network Inc**

## **Annual Report**

**July 2014 to June 2015**

**Prepared for the 2015 Annual General Meeting**

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# About National Welfare Rights Network

## National Welfare Rights Network (NWRN) Committee

### The office bearers at the end of the 2014/15 year were:

President (from 25 April 2015)	Kate Beaumont, Executive Officer, Welfare Rights and Advocacy Service (Perth)
Vice President	Mark Leahy, Manager, Welfare Rights Centre (Adelaide)
Secretary	Liz Turnbull, Solicitor, Illawarra Legal Centre (Wollongong)
Treasurer	Peter Horbury, Operations and Information Services Manager, Social Security Rights Victoria (Melbourne)
Committee Member	Jessica Raffal, Solicitor/Community Legal Education Coordinator, Welfare Rights Centre (Sydney)
Committee Member	Georgina Warrington, Director, Basic Rights Queensland (Brisbane)
Committee Member	Graham Wells, Clinical Supervisor/Senior Solicitor, Social Security Rights Victoria (Melbourne)

Maree O'Halloran was the President of the NWRN until 24 April 2015 when she resigned from her position as Director of the Welfare Rights Centre NSW and from the Presidency of the NWRN. The NWRN thanks Maree for her years of service and wishes her well in her future career.

### Secretariat

Amie Meers	Executive Officer
Gerard Thomas	Policy and Media Officer
Alice Jones Rabbitt	Administrative Officer

The Secretariat acknowledges the considerable assistance it has received this year from the members of its Management Committee and all the caseworkers in our network, particularly those who have contributed via participation in sub-committees. In particular, we thank Kate Beaumont (President), Peter Horbury (Treasurer) and Christine Carr (the Welfare Rights and Advocacy Service WA) for their ongoing support to the Secretariat and contribution to the work of the Network.

## President's Report

The National Welfare Rights Network (NWRN) is the peak body for community legal centres across Australia who offer welfare rights services. Welfare Rights solicitors and caseworkers provide legal advice, casework and representation, to those who need assistance with Social Security and Family Assistance law. The core membership of the NWRN has remained stable since our incorporation 12 years ago and includes both specialist community legal centres practicing in the area and standalone workers in generalist community legal centres. Member centres are funded through the Welfare Rights Program which is part of the Community Legal Service Program (CLSP) of the Commonwealth Attorney General's Department.

Apart from our core membership the NWRN has extended associate membership to both the North Australian Aboriginal Justice Agency (NAAJA) and the Central Australian Aboriginal Legal Aid Service (CAALAS). Both of these services provide welfare rights assistance in the Northern Territory although not as part of the Commonwealth Welfare Rights Program. While much of the work undertaken by both NAAJA and CAALAS is complementary to the work of our member centres their involvement in the NWRN provides expertise in their work with Aboriginal clients many of which are subject to Income Management in the Northern Territory.

The main work of our Member Centres and Associate Members is the delivery of advice and casework assistance to individual clients. Each member centre has provided details of the assistance provided in 2014-2015 in their centre reports which appear later in this report. The experience of providing this advice and casework assistance informs the work of the NWRN and its Secretariat. It gives a unique expertise that we have gained over decades of service delivery in this specialist area.

In 2014-2015 our Members have continued to meet on a monthly basis via teleconference at Member's Meetings. The primary focus of these meetings has been to share casework trends of what is happening at our centres across the country. Meeting after meeting member centres have reported about their casework mix and similar to 2013-2014 the major presenting issue for their clients continues to be those trying to gain access or to retain access to Disability Support Pension (DSP). The increase in DSP matters is in part set against a backdrop, in the last year, of 62% of new applications for DSP being rejected. The 2014 Budget initiative to review medical entitlement to DSP of 28,000 under 35 year olds granted the payment between 2009 and 2011 has added to this mix. When it was thought that it could not get tougher to get onto DSP Minister Andrew's announced in December 2014 the introduction of Government contracted doctors to vet decisions to grant DSP and that the Treating Doctor's Report was to be phased out. These latter changes when fully implemented are likely to further disadvantage applicants for DSP who will struggle to provide the medical evidence required in support of their application or review.

All of this casework was undertaken against a backdrop of Government conducting its Major Review of Australia's Welfare System and the release of the McClure Report in February 2015. While it was anticipated that Budget 2015 may include further tightening of the rules for DSP this has not

eventuated. It is however problematic that the demonisation of those receiving DSP has hit an all-time low in the current year. People who are unable to find work, or who have significant illness or disabilities are repeatedly portrayed in the media as ‘fraudsters’, ‘cheats’, and ‘bludgers’. Behind all of the name-calling and the misrepresentation in the public debate about ‘welfare’, it is easy to lose sight that we are dealing with real human beings beyond the headlines. Many people with disability are rightly offended when they see their disabilities, motives and ethics questioned.

This year has seen the completion of two major pieces of independent research commissioned by the NWRN in the previous year. NWRN partnered with Mental Health Australia (MHA) and People with Disability Australia (PWDA) to commission Dr May Lam to conduct independent research into the experiences of people living on the DSP. The report, *‘Living on the Disability Support Pension’* highlights the need for better employment services, more job opportunities and employer incentives to assist people with disabilities. Other findings of the report questioned the legitimacy of using the compliance system as an effective tool for activation of people with disabilities into employment participation.

The other independent research was undertaken by Sue Bell Research related to the services provided by our member centres. It involved a qualitative survey of 30 closed cases and a quantitative survey of 200 clients who had received advice in a two week period. This is perhaps the broadest review of the services provided by our member centres in the history of the welfare rights program which was established in 1993. A key finding of the research was that the NWRN provides a quality frontline service and appears to be meeting the needs and expectations of most of its clients with 97% providing positive feedback about their experience with the NWRN centre who had provided advice and casework assistance. Apart from this positive feedback the report revealed the specific flow on effects of welfare rights assistance in relation to their clients’ ability to provide for their children, reduce family tension, maintain accommodation or move out of homelessness, return to work or study. Of the participants 30% reported that, following welfare rights intervention, they no longer considered suicide.

Similar to the previous year, issues over Department of Human Services’ Freedom of Information (FOI) processing continued to have a significant impact on the casework assistance provided by our Members centres. A number of our member centres pursued complaints about DHS FOI to the Office of the Australian Information Commissioner (OAIC). In October 2014 the OAIC announced an Own Motion investigation into FOI at DHS. The report handed down by the OAIC found that:

*The department’s focus on improving its technical compliance with the procedural, exemption, and consultation provisions in the FOI Act has, in the Commissioner’s view, had unintended consequences which are inconsistent with the pro-disclosure objectives that lie at the heart of the FOI Act.*<sup>1</sup>

It is pleasing that the Department of Human Services (DHS) has agreed to the implementation of all of the recommendations of the OAIC inquiry and the NWRN continues to work with DHS on these issues.

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<sup>1</sup> Professor John McMillan, Office of the Australian Information Commissioner, 2 December 2014  
<http://www.oaic.gov.au/images/documents/freedom-of-information/applying-the-foi-act/foi-omi-report/dhs-omi.pdf>

In the latter part of the year NWRN has been working with DHS in relation to the quality of Tribunal papers as DHS is responsible for this work.

Apart from the advice and casework undertaken by our members, 2014-2015 has been a busy year in the policy and law reform arena. Substantial work has been undertaken largely by the NWRN Secretariat in the provision of a number of submissions to Senate Inquiries related to Budget 2014 and Budget 2015. The NWRN has also provided submissions in relation to the Government's broader Welfare Reform agenda and access to justice for Aboriginal Australians and the broader community. The NWRN continues to be well placed to provide respected commentary and in depth analysis of proposed legislative change which is based on the breadth of legal casework experience of those within the network. For these reasons NWRN is regularly approached by others within the sector and willingly shares this expertise to ensure a better informed community. Similarly the NWRN engages with the media to represent the interests of our clients in public debate.

NWRN, along with many other community welfare and social services sector, campaigned on the issue of payment adequacy, which included opposing a number of measures before parliament which would reduce support to people on low incomes. We highlighted problems with the 2012 revisions to the Disability Support Pension (DSP) impairment tables, and worked with DHS to reduce long wait times for review of DSP appeals and other problems. We undertook an assessment of the proposals from the review of Indigenous Jobs and Training Review, critiqued problems with the cashless Heathy Welfare Card, and continued to advocate for an evidence base for these costly and problematic policies.

NWRN was consulted by the Department of Employment on the new Jobactive employment services, and we were critical of the focus on Work for The Dole (WFTD). NWRN was particularly troubled by the introduction of Full-time WFTD in remote areas, which primarily impacted on Indigenous job seekers. The 2015-16 Federal Budget included some welcome extra spending on a national wage subsidy programs and tailored employment initiatives for young unemployed people. NWRN was pleased that the Parliament accepted NWRN proposals to provide extra safeguards to new job seeker compliance arrangements, though disappointed with proposals in this year's budget to introduce tougher measures.

In 2014-2015 the NWRN had regular meetings with the Department of Social Services and Department of Human Services. The network continues to work collaboratively with both departments and looks forward to this relationship continuing in years to come. The NWRN also met with the President of the Administrative Appeals Tribunal (AAT) and the former Principal Member of Social Security Appeals Tribunal in relation to Tribunal changes from 1 July 2015. Part of that dialogue related to potential service delivery of NWRN Members providing duty advocate services at Tier One of the AAT either solely or in collaboration with Legal Aid in each of the states. This is one of the issues to be progressed at our Conference in August 2015.

The capacity of the NWRN has been greatly enhanced by the work of the Secretariat. I would like to take this opportunity to acknowledge the efforts of our Executive Officer, Amie Meers, our Policy and Media Officer, Gerard Thomas and our Administrative Officer, Alice Jones Rabbit. The work produced by this team is a credit to their commitment to the work of the NWRN and their support of our member centres.

I would like to extend the thanks of the Network to Maree O'Halloran who led the NWRN so ably over the last 4 ½ years. Her contribution in her role as the President of the Network and as Executive Director of the Welfare Rights Centre Sydney needs to be acknowledged. The rest of the Committee needs to be thanked for their continued contribution in 2014-2015. The Committee this year has included Peter Horbury, our long standing Treasurer who agreed to step into the Vice President role briefly and then has returned to the Treasurer position, Mark Leahy our current Vice President, Liz Turnbull, our Secretary and our General Members, Georgina Warrington, Graham Wells and Jessica Raffal. In the last year the Committee held regular monthly meetings and biannual planning days in Sydney. The face to face planning meetings have been productive and allowed the Committee to focus on the challenges ahead including the direction of our proactive policy and law reform work for the coming year and the work toward transitioning the Secretariat to a standalone entity. Some of the building blocks have already been forged with the NWRN moving its accounts to MYOB and I would like to acknowledge the work done by Christine Carr in this area.

Finally I would also like to thank the welfare rights solicitors and workers across Australia for their tireless work with their clients and the generosity with which they share their knowledge gained through sometimes decades of work in the welfare rights world. The year ahead will bring its challenges as Government continues its reform agenda. The NWRN will continue to be front and centre ensuring that the issues confronting the clients of our member centres underpins our law reform and policy work.

## Treasurer's Report

Due to the timing of the 2015 NWRN conference and Annual General Meetings, the Financial Report is unavailable. This is because there has been insufficient time since the end of the financial year to complete the independent audit. The financial report is currently with the auditor. It will be dealt with in a separate special general meeting once the audit is complete.

# Key achievements in 2014-15

## Submissions to Parliamentary Inquiries<sup>2</sup>

During 2014-2015 NWRN submitted to the following Parliamentary inquiries:

- Submission on *Family Assistance Legislation Amendment (Child Care Measures) Bill 2014*, 11 June 2014.
- Submission on the *Social Security Legislation Amendment (Stronger Penalties for Serious Failures) Bill 2014*, 17 July 2014.
- Submission on *Family Assistance Legislation Amendment (Child Care Measures) Bill (No.2) 2014*, 18 July 2014.
- Submission on the *Social Services and Other Legislation Amendment (2014 Budget Measures No. 1) Bill 2014* and the *Social Services and Other Legislation Amendment (2014 Budget Measures No. 2) Bill 2014*, 1 August 2014. NWRN also appeared before the Senate Standing Committee on Community Affairs Inquiry these bills<sup>3</sup>. NWRN was cited numerous times in the Committee's report.<sup>4</sup>
- Submission on the *Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Bill 2014*. The NWRN appeared before the Senate Standing Committee on Community Affairs and provided the Committee with answers to questions on notice<sup>5</sup>. NWRN's evidence was cited extensively in the Committee's report.<sup>6</sup> The NWRN was extensively quoted in the recent parliamentary library's analysis of the bill.<sup>7</sup>
- Submission to the Senate Community Affairs Legislation Committee on the *Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015*. NWRN was cited several times in the Committee report.<sup>8</sup>
- Submission to the *Senate Community Affairs Legislation Committee on the Social Services Legislation Amendment (No. 2) Bill 2015*.
- Submission on the *Social Services Legislation Amendment (Youth Employment and Other Measures) Bill 2015*.
- NWRN Submission to the *Social Services Legislation Amendment Bill 2015*. NWRN gave evidence to this inquiry on 21 May 2015.<sup>9</sup>
- Submission to the Inquiry into Indigenous access to legal services.
- NWRN submission to the Tax Review Discussion Paper – *Better Tax, Better Australia*.
- Contributed to the submission by the National Association of Community Legal Centres, 26 June 2014 to the Australian Law Reform Commission Report, *Equity, Capacity and Disability in Commonwealth areas of the law Australian Law Reform Commission on Disability*.

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<sup>2</sup> All NWRN submissions listed here can be found on our website at <http://www.welfarerights.org.au/policy/submissions>

<sup>3</sup><http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommsen%2Ff19750c3-655e-429f-9f18-a1082da905c2%2F0000%22>

<sup>4</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Social\\_Services\\_2014\\_Budget\\_Measures/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Social_Services_2014_Budget_Measures/Report)

<sup>5</sup><http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommsen%2F5d9f3ff3-1fdc-4383-b0fc-fd2fa16e2f65%2F0000%22>

<sup>6</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Stronger\\_Penalties/~/\\_media/Committees/clac\\_ctte/stronger\\_penalties/report.pdf](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Stronger_Penalties/~/_media/Committees/clac_ctte/stronger_penalties/report.pdf)

<sup>7</sup> [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/bd/bd1415a/15bd046](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1415a/15bd046)

<sup>8</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Fair\\_Sustainable\\_Pensions/Report](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Fair_Sustainable_Pensions/Report)

<sup>9</sup><http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=customrank;page=0;query=Date%3A21%2F05%2F2015%20%3E%3E%2022%2F05%2F2015%20Dataset%3AcomSen,estimate;rec=1;resCount=Default>



NWRN's analysis into the impact of the 4-week waiting period on young people under 25 was highlighted a number of times during recent Parliamentary debates on the *Social Services Legislation Amendment (Youth Employment and Other Measures) Bill 2015* in the Second Reading speeches on 24 June 2015.<sup>10</sup>

NWRN's analysis and commentary were cited on numerous other occasions. For example, in by the Parliamentary Library:

- on the 2015-16 Federal Budget changes to the welfare system, compliance and IT systems<sup>11</sup>
- on the risks and unintended consequences of applying waiting periods to young people<sup>12</sup>

And in Bills Digests into the following:

- the *Social Services Legislation Amendment (Defined Benefit Income Streams) Bill 2015*<sup>13</sup>
- the *Social Services Legislation Amendment (Youth Employment and Other Measures) Bill 2015*<sup>14</sup>
- the *Social Services Legislation Amendment (No. 2) Bill 2015*<sup>15</sup>
- the *Social Services Legislation Amendment (Fair and Sustainable Pensions) Bill 2015*<sup>16</sup> and
- the *Social Services Legislation Amendment Bill 2015*<sup>17</sup>

NWRN's input and advice on the Department of Human Services ongoing Centrepay review was cited favourably by the Minister for Human Services before the Senate Community Affairs Legislation Committee<sup>18</sup>.

The report of the Productivity Commission, *Inquiry into Access to Justice*, released on 3 December 2014, also cited the NWRN submission.<sup>19</sup>

## Research Projects

### Independent research into NWRN member services

NWRN commissioned independent research into the services provided by our members. This involved a qualitative survey of 30 closed cases and a quantitative survey of 200 clients who received advice in a two week period. NWRN commissioned Susan Bell Research to conduct the research. Susan Bell Research is a respected independent research company which is regularly commissioned by the

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<sup>10</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;orderBy=date-eFirst;page=0;query=national%20welfare%20rights%20network;rec=11;resCount=Default>

<sup>11</sup> [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/BudgetReview201516/WelfareSystem](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201516/WelfareSystem)

<sup>12</sup> [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/BudgetReview201516/IncomeSup](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/BudgetReview201516/IncomeSup)

<sup>13</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillsdgs%2F3911890%22>

<sup>14</sup> [http://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/3894333/upload\\_binary/3894333.pdf;fileType=application%2Fpdf%20-%20search=%22r5467%22](http://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/3894333/upload_binary/3894333.pdf;fileType=application%2Fpdf%20-%20search=%22r5467%22)

<sup>15</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillsdgs%2F3348176%22>

<sup>16</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillsdgs%2F3908318%22>

<sup>17</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillsdgs%2F3854380%22>

<sup>18</sup> <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;db=COMMITTEES;id=committees%2Festimate%2F7694bec1-0559-4089-890f->

[b55921ea211a%2F0002;orderBy=customrank;page=0;query=Date%3A03%2F06%2F2015%20%3E%3E%2003%2F06%2F2015%20Dataset%3AcomSen,estimate;rec=13;resCount=Default](http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;db=COMMITTEES;id=committees%2Festimate%2F7694bec1-0559-4089-890f-b55921ea211a%2F0002;orderBy=customrank;page=0;query=Date%3A03%2F06%2F2015%20%3E%3E%2003%2F06%2F2015%20Dataset%3AcomSen,estimate;rec=13;resCount=Default)

<sup>19</sup> See Volume 1 of the report (see pages 134, 379, 381 and 560) in relation to tribunal amalgamation.

Commonwealth Government to conduct research into consumer experiences in the financial services sector. The final report is available on our website.<sup>20</sup>

We want to ensure that our services are effectively and efficiently targeted. Our aim was to better understand and assess:

- our client's needs, with a specific focus on service delivery
- the flow on effects of our work and
- the gap in legal need that we work to fill.

Key aspects of the report worth noting are:

1. NWRN provides a quality frontline service and appears to be meeting the needs and expectations of most of its clients. On the whole, most clients (97%) were positive about their experience with their NWRN centre. The report found NWRN centres were easy to contact (91%); they called back when they said they would (84%); and they helped clients understand their problem (92%).
2. NWRN is addressing a gap that is not filled by other legal advice or complaints services. Many (60%) of advice clients had approached other organisations in the past for the problem they contacted the NWRN member centre about (Centrelink 30%, Legal Aid 18% other CLCs 9% and the Ombudsman 5%). Both the casework interviews and the advice survey indicate that other legal assistance providers including Legal Aid and Tribunals make referrals to NWRN as a specialist service in this field.
3. Outcomes from NWRN's early intervention model result in significant flow on effects for clients and community. The casework interviews revealed that following NWRN intervention:
  - 20% were now able to provide for their children
  - 20% had reduced family tension
  - 20% either kept their home or were no longer homeless
  - 20% had returned to work or study
  - 30% or more were no longer considering suicide
  - 10% were eating properly
  - 10% became volunteers
  - 6% reconnected with supports.

### **Independent research into Disability Support Pension**

NWRN partnered with Mental Health Australia (MHA) and People with Disability Australia (PWDA) to commission independent research into the experiences of people living on the Disability Support Pension (DSP). The research was conducted by Dr May Lam, *'Living on the Disability Support Pension,'* January 2015.<sup>21</sup> Dr Lam is a former Deputy CEO of Jobs Australia, Senior Policy Advisor for NESAs and a former contractor to the Department of Education, Employment and Workplace Relations. The report analysis highlighted the need for better employment services, more job opportunities and employer incentives. It also questioned the assumption that social security, via its compliance system, is an effective tool for activation.

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<sup>20</sup> <http://www.welfarights.org.au/independent-report-into-welfare-rights-services>

<sup>21</sup> <http://www.welfarights.org.au/living-disability-support-pension-research-report-january-2015>

## **Independent research into compensation and redundancy poverty traps**

NWRN also commissioned new research into measures to address social security poverty traps caused by compensation preclusion periods and income maintenance periods. This research will be conducted by Professor Peter Whiteford and Sue Regan from the Australian National University and will be finalised in the 2015-16 financial year. The research brief can be found on our website.<sup>22</sup>

## **Government engagement**

NWRN has contributed significantly to Government policy in the areas of social security, housing, employment and mental health.

This was done primarily via submissions to various inquiries, Federal Budget submissions, research papers participating in government consultation processes, regular engagement with Department of Human Services (DHS), Department of Employment (DOE) and Department of Social Services (DSS), and advocacy on specific social security issues to those departments and responsible Ministers. The main ways in which feedback was provided included:

- Meeting with the Welfare Review Taskforce
- Biannual meetings with DHS and DSS
- Meetings with Ministers for Human Services and Social Services
- Meeting with the Chief of Staff and Advisor to the Minister for Social Services
- Direct and regular correspondence with the NWRN relationship team within DHS
- Written submissions on proposed legislation, and where required, appearing before senate inquiries
- Participation in reference groups such as the National Multicultural Advisory Group
- Participation in stakeholder consultations (e.g. the National Disability Employment Framework Consultation).

Welfare reform, including payment simplification, has been a major Government priority over the past 12 months. NWRN's detailed submission to the McClure Review, based on decades of practical experience with previous reform efforts, explored the prospects and challenges of reform, which needs to be balanced between competing tensions of simplicity, sustainability, effectiveness, productivity and, of course, adequacy. Throughout the year and on the release of the Interim Report, NWRN engaged with Ministers, their departments, the broader community and social services sector, and the public, on key issues surrounding the reform of our social security system.

NWRN has continued to meet with DHS throughout the year to provide strategic advice on service delivery issues. Some examples include:

- Meetings with the Minister for Human Services, Senator Marise Payne to discuss Centrepay reform issues.
- Regular engagement over delays regarding internal review, wait times via phone and office, and call costs.
- Meetings with DHS to discuss strategies to minimise Indigenous debt and address service delivery problems.

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<sup>22</sup> <http://www.welfarights.org.au/news/2015/5/12/nwrn-research-brief-research-into-measures-address-poverty-traps-casd-income>

- Meetings with DHS to discuss problems with freedom of information release processes and processes for preparing tribunal papers.
- Engagement with Department of Employment on updating of Department of Employment Service Guarantees and Job seeker compliance Factsheet.
- Engagement with DHS on errors in the administration of income maintenance periods, resulting in decisions to change employment separation certificates and internal guidelines.
- Engagement with Minister for Human Services, Senator Marise Payne advising that information on the DHS telephone line was incorrect, which was then acknowledged and corrected.

NWRN regularly raises service delivery issues with both DHS and DSS at biannual meetings and makes concrete recommendations to address those issues. This year, NWRN also raised issues affecting service delivery with the Fair Work Ombudsman (relating to waiting period information for people being made redundant) and with the Department of Employment (relating to administration of compliance penalties and a new website for jobseekers using employment services).

NWRN also met with the Administrative Appeals Tribunal (AAT) to discuss procedural and service delivery issues for social security consumers in that jurisdiction.

NWRN has recently begun consultation with the Welfare Payment Infrastructure Program (WPIT) team within DHS.

Some of the key areas of engagement over the 2014-15 financial year included:

- Delays with Internal Reviews
- DHS waiting times (via phone and at offices)
- Call costs
- Income maintenance periods
- Remote and indigenous servicing
- Quality of Social Security Appeals Tribunal (SSAT) papers
- Access to information via Freedom of Information
- Debt prevention strategies
- Multicultural servicing
- Digital servicing and my.gov portal
- Accuracy of DHS recorded telephone messaging.

These have resulted in positive outcomes for clients. For example: changes to internal and publically available policy (i.e. *Operational Blueprints* and the *Guide to Social Security Law*).

## Changes to government policy as a result of NWRN advocacy

### Youth payments - policy

Following NWRN recommendations, changes were made to the Guide to Social Security Law policies 3.2.5.30 and 1.1.C.350 in relation to vulnerable young people who are unable to live at home, namely:

- inclusion of requirement that, for continuous support to disqualify a young person from the higher Unreasonable to Live at Home (UTLAH) rate, continuous support must be adequate to enable a person to meet their needs, and
- policy amended to specify that decision makers must have regard to all the circumstances of each case

### **Income maintenance periods - policy and administration**

Changes were made to policy 1.1.U.20 in relation to the meaning of “unavoidable or reasonable expenditure” for the purposes of waiving income maintenance periods. Addition of the words “in a person’s circumstances” will improve decision making in this area.

DHS has indicated that it will amend the employment separation certificate to include a warning about income maintenance periods.

DHS has indicated that it will amend the employment separation certificate to enable employers to specify whether termination payments were paid on a 5 day or 7 day basis.

The Fair Work Ombudsman has indicated it will amend information on its website to include warnings about income maintenance periods.

### **Family Tax Benefit**

DHS changed its internal policies (Operational Blueprints) and scripting in response to NWRN advocacy about debts caused by administrative error where a person reports their income for Family Tax Benefit purposes, but internal “silos” mean that the person is not prompted or required to declare changes to their income for other income support payments.

### **Access to information**

DHS has agreed to implement all the recommendations of the ‘own motion’ investigation of the Office of the Australian Information Commissioner, which resulted directly from NWRN advocacy. Discussions with DHS continue on this issue.

DHS has restructured its appeals branch and revised its processes for preparing papers for Social Security Administration Tribunal and Administrative Appeals Tribunal matters in response to NWRN advocacy. Discussions with DHS continue on this issue.

### **Compliance**

NWRN recommendations in relation to the *Social Security Legislation Amendment (Strengthening Jobseeker Compliance) Bill 2014* were incorporated into the Bill via amendments. The Bill was passed as amended.

### **Other policies under review**

NWRN advocacy resulted in a review of a number of government policies, some of which are yet to be finalised:

1. Policy for student payments for TAFE OTEN study

2. Policy on automatic cancellation of carer payment for absence of more than 6 weeks
3. Policy for payment of special benefit during an income maintenance period
4. Policies relating to program of support requirements for disability support pension
5. Policies relating to debt waiver and consideration of family violence as a factor
6. Policy relating to expenditure during an income maintenance period for the purposes of waiver
7. Policy for waiting period exemptions
8. Policy for assessment of retrospective child support assessments.

### **Government information introduced or amended**

NWRN advocacy to DHS on the issue of TAFE OTEN student debts caused by maladministration and lack of awareness of study load requirements resulted in DHS creating a stand-alone Distance Education page on its website. DHS consulted with NWRN on the wording of the page.

The Department of Employment (DOE) consulted with NWRN on its factsheets for customers about the new compliance changes commencing 1 July 2015. NWRN feedback was valued and incorporated. The DOE also revised Service Guarantees and Job seeker Compliance Factsheet in response to NWRN feedback.

The ABSTUDY manual was moved to be included with the Guide to Social Security Law.

The Guide to Social Security Law Policy 3.6.1.100 was amended to reflect a more beneficial policy regarding suspension/cancellation of DSP recipients who fail to meet activity requirements.

Incorrect information on the DHS employment line was removed after NWRN wrote to the Minister on this issue. The DHS also instigated a review of all recorded telephone messaging.

### **Government responses to combined NWRN and sector advocacy**

Australian Council of Social Services (ACOSS), Council on the Ageing (COTA) and NWRN proposals for social security savings via reforms to the pension assets test were adopted and implemented by the Government achieving savings of \$2.4 billion dollars over 4 years.

As a result of National Association of Community Legal Centres advocacy (to which NWRN provided input) Attorney General's Commonwealth Service Priorities were amended to include people with low educational attainment, prisoners and single parents.

In consultation with NWRN, DHS made changes to Centrepay policy and increased departmental and regulatory oversight.

### **Sector engagement**

As a network of community legal centres specialising in social security and its administration, NWRN was uniquely placed in the community sector to provide this expertise to the public debate. NWRN was often called on to assist other peaks and organisations on social security matters. A number of NWRN submissions were endorsed by other organisations, including ACOSS, the Aboriginal Disability Justice Group and the National Council of Single Mothers and their Children.

Outcomes which demonstrate NWRN continued to engage effectively with the community and welfare sector include

- NWRN was frequently contacted by other peak organisations for advice about social security and its administration
- NWRN was often contacted by members of the public about social security policy and service delivery issues
- NWRN was frequently contacted by journalists and the media seeking briefings and comments from experts in social security and its administration
- A number of NWRN submissions were endorsed by other peaks and organisations
- NWRN's Policy and Media Officer elected to the ACOSS Board
- NWRN members continued to engage actively with NWRN as their peak
- NWRN continued to act as a conduit for information between Government and the sector
- NWRN continued to be invited to participate in relevant sector campaigns
- NWRN raised and resolved issues directly affecting vulnerable Australians
- Government departments continued to provide information and materials to the NWRN for distribution to the community sector and directly to vulnerable Australians.

NWRN continues to act as a conduit for information on social security matters between the Government and our members, the broader community and social services sector and the public. NWRN continued to disseminate information by the following channels:

- Our website: [www.welfarights.org.au](http://www.welfarights.org.au)
- Factsheets: <http://www.welfarights.org.au/factsheets>
- Media releases: <http://www.welfarights.org.au/media-releases>.
- Our quarterly newsletter is titled "*Welfare Rights Review*"

NWRN also took part in regular community sector meeting and separate teleconferences on tax, social security, employment and income management.

## Member engagement

NWRN conducts frequent surveys of its members, generally on an issue-by-issue basis and generally via email. NWRN also holds monthly meetings to inform its members of movements in government policy and to survey its caseworkers delivering frontline legal services on recurrent, ongoing and emerging trends and issues.

The information collected is used to inform our submissions, identification of policy and service delivery issues and feedback to government.

NWRN members regularly contributed to these submissions via an internal consultation process involving email circulars, teleconferences, monthly members meetings, sub-committees (where appropriate) and direct informal contact with the Secretariat. The sub-committees were as follows:

- Welfare Reform Sub-committee
- Freedom of Information Sub-committee
- Indigenous Issues Sub-committee
- Administrative Law Sub-committee

## Media

### Media Releases

Nineteen media releases, covering a wide range of issues, from welfare reform, the federal budget, unemployment waiting periods, rent assistance and pension reforms, were produced by NWRN during the financial year ending 30 June 2015. A number of the releases were joint statements with ACOSS, the peak body for the community and social services sector.

- *No income means no income, whether it's 26 weeks or four weeks*, Joint Media Release with ACOSS and NWRN, Media Release 2 September 2014.
- *Federal Budget social security changes hit single parent families again: National Welfare Rights Network responds to Senate inquiry into harsh 2014 Budget measures*, 16 September 2014.
- *Pensions up, but little cheer for many as Newstart payments fall further behind*, Joint Media Release, ACOSS and National Welfare Rights Network, 21 September 2014.
- *New Zealand does not have dangerous four week waiting period for unemployed*, Media Release, 23 September 2014.
- *Response to Daily Telegraph Article*, National Welfare Rights Network, Media Release, 30 September 2014.
- *Welfare Bills must protect the most vulnerable, says Welfare Rights Network*, Media Release, 2 October 2014.
- *People with Disability May Face New Compliance Rules*, Media Release, 8 October 2014.
- *Joint Statement: Groups call for rejection of Healthy Welfare Card*, 13 December 2014.
- *Government urged to make a new start in 2015*, Joint NWRN & ACOSS Media Release, 31 December 2014.
- *People with disabilities keen to work, but new report asks, where are the jobs?* NWRN Media Release, 15 January 2015.
- *Jobs and a strong social security system*, 29 February 2015.
- *Federal Budget should support people in need & focus on employment*, 19 March 2015.
- *Vital services funding for Centrelink legal problems hits the mark*, 26th March 2015.
- *No jobs, no income: It's time to revisit payment increase for jobless*, 27 March 2015.
- *Unemployed looking for a better deal from new employment services system*, 1 April 2015.
- *Rental costs hit the wall: half a million in 'housing stress', says National Welfare Rights Network*, 30 April 2015.
- *Pension makeover looking good, says National Welfare Rights Network*, 7 May 2015.
- *Centrelink computer upgrade welcomed, but questions remain over fraud*, 13 May 2015.
- *Budget hits and misses leaves vulnerable families and jobless at risk*, 13 May 2015.

### NWRN media articles and related coverage

The NWRN is seen as a credible and reliable source of information about income support issues. Often, journalists contact us to clarify how a policy works. By using our corporate knowledge, and the knowledge of our caseworkers and their experiences providing frontline services, we are able to assist in a better informed community. As the range of media coverage below indicates, NWRN is regularly



asked to provide expert advice and comment on the operation of our social security system, and the impacts of any new proposals.

Examples of the media coverage involving the NWRN are as follows:

### Print Media

- *Spending controls 'a waste', says welfare groups*, Judith Ireland, Sydney Morning Herald, 1 July 2014.
- *Hockey's welfare mum 'may not' exist*, Karvelas, P. The Australian, 25 July 2014.
- *Work for the dole scheme 'punishing'*, Illawarra Mercury, Glen Humphries, 28 July 2014.
- *\$10 an hour under Abbott's new work for the dole*, Max Chalmers, Mew Matilda, 28 July 2014.
- *Govt work for the dole a social disaster: Labor, AAP* (various outlets), The Australian, 28 July 2014.
- *Job seekers could be forced to turn to crime, experts say*, Anna Patty and Dan Harrison, Sydney Morning Herald, 30 July 2014.
- *Business says work for the dole program not enough*, Sydney Morning Herald, 29 July 2014.
- *Jobs reforms to end 'languishing on welfare'*, Karvelas, P, and Owens, J. The Australian, 29 July 2014.
- *Demand for welfare guarantees*, Karvelas, P. The Weekend Australian. 15 August 2014.
- *Tough new job interview rules for unemployed*, The Weekend Australian, Karvelas, P. 16-17 August 2014.
- *Payment cuts for job seekers attacked for hurting vulnerable*, Sydney Morning Herald, Ireland, J. 18 August 2014.
- *'Harsh' welfare changes are most significant in 20 years, inquiry told*, Jabour, B. The Guardian, 20 August 2014.
- *1400 to lose out under changes to the disability support pension*, Karvelas P. The Australian, 1 September 2014.
- *Dole 'emergency' as unemployment line triples*, Karvelas, P. The Australian, 5 September 2014.
- *Call to help jobless in welfare reform*, The Australian, 15 September 2014.
- *Paid work pushes single parents onto lower income*, Karvelas, P. The Australian, 16 September 2014.
- *Comment: Ideology driving tough budget measures*, Siewert, R. SBS, 17 September 2014.
- *Palmer United Party urged not to agree to shorter dole waiting period*, Karvelas, P. 18 September 2014.
- *Parliamentary Debates, Senate Hansard, Social Services and Other Legislation Amendment (2014 Budget Measures No. 1 and 2) Bill 2014*, Speech, 30 September 2014.
- *It's so easy to fudge a bludge: Online guides used to con doctors into giving out disability support pensions*, Meers, D. The Daily Telegraph, 30 September 2014.
- *Online disability bludging guides stay on: Government will take no action against them*, Meers, D. The Daily Telegraph, 1 October 2014.
- *Labor claims pensions victory as Coalition cherry picks welfare bills*, Hurst, D. The Guardian, 1 October 2014.
- *Welfare reform inquiry findings meet resistance from Labor and Greens*, Jabour, B. The Guardian, 1 October 2014.
- *One in four on Newstart Allowance has significant disability*, Karvelas, P. The Australian, 4 October 2014.

- *Green's pressure Labor over Disability Support Pension changes*, Karvelas, P. The Australian, 8 October 2014.
- *Greens call on Govt & ALP to back down from DSP cuts*, Siewert, R. Media Release, Australian Greens, 8 October 2014.
- *Andrew Forrest's Indigenous plan is a 'massive social experiment'*, Jabour, B. The Guardian, 10 October 2014.
- *Forrest Healthy Welfare Card may exploit Indigenous people: agencies*, Karvelas, P. The Australian, 10 October 2014.
- *Welfare Group Brands Twiggy Reforms As 'Cruel, Harsh And Inhumane'*, Chalmers, M. New Matilda, 14 October 2014.
- *4000 young people join work for dole*, Karvelas, P. The Australian, 15 October 2014.
- *Poverty figures "a wake-up call"*, Maloney, D. Red Flag, 16 October 2014.
- *Centrelink call waiting racks up costs for the poor*, The Australian, Patricia Karvelas, 7 November 2014.
- *Almost half of all Bundaberg residents under financial strain*, Frazer Coast Chronicle, December 2014.
- *47,000 Northern Rivers families on brink of financial crisis*, Northern Star, December 2014.
- *40 per cent of Rockhampton families under financial stress*, Rockhampton Morning Bulletin, 8 December 2014.
- *Families struggle to make ends meet*, The Chronicle, 8 December 2014.
- *Rising costs take their toll in Clarence Valley*, Northern Star, 8 December 2014.
- *Scott Morrison to be the Mr Muscle of reforms*, The Australian, 22 December, 2015.
- *Complaints about employment services programs increase by a third*, The Australian, Patricia Karvelas, 27 December 2014.
- *Mixed reaction to new year laws*, SBS News, 1 January 2015.
- *Kevin Andrews challenged on fact behind social security blowout*, Patricia Karvelas, The Australian, 2 December 2015.
- *What's New In 2015*, Alan Thornhill, 1 January 2015.
- *New laws pass through an "unpredictable" Senate*, 2 January 2015.
- *Welfare-To-Work programs failed to reduce unemployment, says report*, The Guardian, Shalailah Medhora, 2 January 2015.
- *2015 can be the Year of Employment, say major welfare groups*, Pro Bono News 12 January 2015.
- *'Threats no help jobless disabled'*, The Australian, Patricia Karvelas, 15 January 2015.
- *'We want to work', says 'Living on the Disability Support Pension' report*, Every Australian Counts 5 February 2015.
- *Dole picks on short term jobs*, Stefanie Balogh, The Australian, 1 April 2015
- *Work for the Dole contracts sold to US*, Luke Williams, The Saturday Paper, April 25 – May 2, 2015.
- *Survey finds only one house in capital cities is affordable to a single person on Newstart*, Max Chalmers, 2 May 2015.
- *Young unemployed will still go hungry, says agencies*, Judith Ireland, Sydney Morning Herald, 13 May 2015.
- *Young jobseekers to wait four weeks for welfare instead of six months*, ABC, The World Today, 13 May 2015.
- *Compulsory Income Management: A Policy Solution Looking for a Problem?*, P. Mendes, ABC Religion and Ethics, 18 May 2015.

- *Corporate cheats are the real problem*, 12 June 2015.

## Television and Radio

NWRN regularly responded to requests for radio interviews during 2014-15, and some of the highlights include:

- The growing gap between pensions and allowances led to media interviews on ABC News, 2SM, 2GB and WSFM, 21 September 2014.
- *Maree O'Halloran is interviewed by Glen Bartholomew to discuss appointment of new Social Services Minister Scott Morrison* – ABC News Radio 22 November 2014.
- *Social security changes a mixed bag for young disability support pensioners, seniors, students and travellers*, ABC New Radio, 1 January 2015.
- Maree O'Halloran was interviewed on other occasions including: 31 December 2014 (ABC and SBS radio), 1 January 2015 (ABC radio), 3 January 2015 (Reverend Bill Crews program (2UE), 16 January 2015 (ABC radio).
- *Disability and welfare advocates express mixed views on McClure recommendations*, World Today, 25 February 2015.
- *Hard to look at government's 'cost-cutting' welfare review with an objective point of view, says National Welfare Rights Network Maree O'Halloran* - ABC NewsRadio, 25 February 2015.
- *Welfare review recommends major shake-up*, SkyNews, 25 February 2015.
- *Welfare review by Patrick McClure lays out plan for simplified payments, tightening eligibility for disability support*, ABC News Radio, Anna Henderson and Eliza Borrello, 25 February 2015.
- *Health Welfare Card Interview* – 2GB, 22 March 2015
- Rental Affordability, ABC NewsRadio News, 30 April 2015
- Rental Affordability, ABC NewsRadio Drive, 30 April 2015
- Budget 2015 – Radio National Breakfast on 12 May 2015
- Pensions Asset Test Changes, 2SM News, 13 May 2015
- Budget 2015: Young Jobseekers to wait four weeks for welfare instead of six months, ABC The World Today, 13 May 2015
- Centrelink Call Waiting Times, ABC 702 Breakfast, 21 May 2015
- Centrelink Call Waiting Times, ABC RadioNational Afternoons, 21 May 2015
- Proposed welfare cuts for psychiatric patients, ABC Radio, 21 May 2015
- Concern over proposals to strip welfare for some psychiatric patients, ABC PM Program, 21 May 2015
- Welfare Cop on the Beat, 2GB News, 24 May 2015
- Welfare Cop on the Beat, 2SM News, 24 May 2015
- *Welfare Cop on the Beat*, Channel 10 National News, 24 May 2015
- *Tighter Disability Support Pension rules are hurting, says welfare groups* – see video and transcript, ABC 7.30 Report, 26 June 2015

# NWRN Sub-committee Reports

## Welfare Reform Sub-committee report

The Government made 'welfare reform' a major priority over the recent period, with a public review and consultation process by the Welfare Reform Taskforce, headed by former head of Mission Australia, Patrick McClure. Given the significance of the review, the NWRN President along with the Secretariat took the lead in NWRN's work in this areas, and drove NWRN's input into this inquiry, with input and ongoing feedback from members of the Welfare Reform Sub-committee on policy directions for reform.

The Sub-committee sought feedback from NWRN members seeking ideas for significant events or releases during anti-Poverty Week this year, which is 11-17 October 2015. The Welfare Reform Sub-committee also held a link up on 24 March 2015 to discuss its priorities, and it decided that raising the rate of Newstart, and ensuring adequate employment assistance for unemployed people, with a focus on long term unemployed people, should be a priority for the Committee's work.

The Committee discussed possibilities for research into the adequacy of Newstart, and examined previous NWRN surveys on this issue, and noted that ACOSS had recently undertake a significant study into this issue.

Increasing the rate of Newstart and improving employment assistance were key priorities in NWRN's *2014-15 Federal Budget* submission. Broader Welfare Reform issues were also regularly discuss and Members Meetings, and NWRN also provided input to key social security priorities for the Joint NGO Submission to Universal Periodic Review of Australia 2015.

## FOI Sub-committee report

The FOI Sub-committee met during the year to coordinate NWRN's response to issues arising in the brave not-so-new world of FOI practice within DHS.

As a result of many individual requests for review lodged by member centres to the Office of the Information Commissioner (OAIC) the OAIC commenced an own motion investigation which resulted in a report in December 2014. WR&AS, WRC Sydney and NAAJA made individual submissions to the investigation and the report is worth reading in full. The recommendations made were characterised by the Commissioner as being grouped into 'three themes that aim to assist DHS to:

- promote a pro-disclosure culture among departmental staff, consistent with the objects of the FOI Act and the personal information access provisions of the Privacy Act
- simplify the FOI experience for the department's customers and provide greater assistance to prospective FOI applicants
- improve the administration of the practical refusal process, with the objective of using the s 24AB consultation process to negotiate a successful outcome to each FOI request.

NWRN also raised the issue of access to information when it met with Minister Payne on 13 May 2015.

DHS undertook to implement all of the recommendations and the Sub-committee met with DHS in June 2015 to follow up implementation and to raise some ongoing issues. The timelines for implementing the recommendations which were provided to Senate Estimates were in the month or so following this meeting so it was really an opportunity to encourage a cooperative approach and raise a few ongoing issues. We noted that there had not recently been any of the types of cases which have been most problematic in the past (eg large member of a couple debts) so new administrative arrangements had yet to be tested.

We provided recent feedback from recent requests:

- (1) issues with information being unnecessarily deleted from forms lodged by client with DHS. This is most likely a training issue but was resolved by WR&AS sending copies of the DHS process map Oct 13 to teams/FOI officers to encourage them to provide documents.
- (2) decision letters purporting to provide everything requested but only limited documents provided (far fewer than when the same request made in the past in a similar type of matter). Concerns were raised about whether decision makers are skilled in 'finding' requested documents.

We were given contact details for issues arising in relation to FOI requests.

With the demise of the OAIC the Sub-committee will continue to monitor implementation of the recommendations and ongoing issues with access to documents for clients.

### **Administrative law Sub-committee report**

The Social Security Appeals Tribunal (SSAT) merged with the Administrative Appeals Tribunal (AAT) on 1 July 2015. The Administrative Law Sub-committee co-ordinated the NWRN response to the *Tribunals Amalgamation Bill 2014*. Our submission on this Bill was quoted in the report of the Senate Education and Employment Committee. In its submission, the NWRN noted that:

*“access to a fair and effective tribunal for our vulnerable clients requires more than legislated rights of appeal. It is critical that tribunals are adequately resourced, that members are equipped with the necessary mix of skills and expertise, that welfare rights services are well resourced and that there are appropriate case management procedures in place. Efficiency driven changes within the SSAT over recent years have, in our opinion, undermined the accessibility, efficacy and fairness of the SSAT. There are a number of improvements that should be made on the existing SSAT procedures and case management model. We look forward to an opportunity to be involved in future planning processes for establishing case management and procedures for the first tier of the new tribunal and for any changes to existing AAT procedure in the second tier of the amalgamated tribunal.”*

On 18 June 2015 NWRN met with the President of the Administrative Appeals Tribunal, Justice Duncan Kerr, the Principal Member of the Social Security Appeals Tribunal (SSAT), Jane Macdonnell and the Principal Member of the SSAT Sydney Registry, Suellen Bullock.

NWRN has commenced regular engagement with the AAT at a national level and is currently in discussions with the AAT about a national duty advice scheme which would improve access to legal

advice for people with social security matters. The NWRN welcomes the AAT's consultative approach and looks forward to working together constructively into the future.

While the key features of the SSAT have been retained in the first tier, administrative and procedural arrangements at the new amalgamated framework will create change, and only time will tell whether these changes will be positive for social security recipients.

The Administrative Law Sub-committee will continue to co-ordinate the NWRN response to administrative law issues generally, including issues arising from amalgamation of the tribunals, in the coming year.

### Indigenous Issues Sub-committee report

The NWRN Indigenous Issues Sub-committee, convened by the NWRN secretariat had a meeting with DHS on Friday 18 July 2014 to discuss the indigenous servicing issues raised in our briefing paper: *Key income support issues for Aboriginal Australians in the Northern Territory*, April 2014, on issues such as: lack of access to face-to-face Job Capacity Assessments and Employment Services Assessments, availability of interpreters and on effective debt prevention programs. The Committee also met on 14 November 2014.

Workers from member centres met with DHS to discuss indigenous debt and service delivery issues on 26 February 2015. Members of the NWRN's Indigenous Issues Sub-committee, convened by the Secretariat, attended the meeting and included representatives from Western Australia, the Northern Territory (Alice Springs and Darwin) and South Australia (APY lands).

The meeting focussed on common causes of debts and yielded practical suggestions for service delivery adjustments aimed at debt prevention for examples, certain training for Agents, direct employer reporting options, triggers for identifying those at risk, increasing access to Financial Information Service and debt prevention officers on community visits. The invaluable frontline experience of our members was evident as they were able to identify very specific problems DHS was unaware of. For example, mail (non)-delivery practices in some communities where the post is managed by the Shire not Australia Post, problems with Agents in some communities and so on. DHS provided an update on measures and initiatives already taken by the Department, which NWRN passed onto its networks.

A major activity of the Committee was to ensure that Indigenous issues were included in various NWRN submissions. Committee members provided significant input to the following Parliamentary and other Government inquiries over the previous 12 months: Submission to the Parliamentary Joint Committee on *Human Rights Review of the Stronger Futures in the Northern Territory Act 2012 and related legislation*; Submission on the *Social Security Legislation Amendment (Strengthening Job Seeker Compliance Framework) Bill 2014*, Senate Finance and Public Administration Committee *Inquiry into Indigenous Access to Legal Services*; Senate Community Affairs Legislation *Inquiry into the Social Services Legislation Amendment (No 2) Bills 2015*. We also provided input to NWRN's submission to the *Inquiry into Jobs and Training Review*, and the report *Creating Parity*.

Indigenous Sub-committee members also took part in the *Keeping Income Management Accountable Network* over 2014-15. This Network includes people from most of the place-based Income Management locations across Australia, and others, with an interest in sharing information

and experiences about income management. Committee members also examined changes affecting remote job seekers and highlighted the impact of Centrepay reforms for Indigenous Centrepay users in discussions with the Department of Human Services.

NWRN has continued to provide ad hoc data and case studies as required by the DSS and DHS.

### **National Multicultural Advisory Group Report**

NWRN continued to be an active participant in the DHS National Multicultural Advisory Group (NMAG). The NWRN attended quarterly NMAG meetings and raised a number of service delivery issues affecting multicultural clients. One of the issues raised included our view that, if the Government's proposed four week waiting period for young people goes ahead, the JCSI tool should be re-run by the Special Benefit team as a matter of course for those clients whose claims go to that team.

We also raised the need for holders of the new SHEV visa to be made aware of the possible consequences of being granted Special Benefit when later seeking to move off that visa onto a "pathway to citizenship". We noted the need for those clients to be advised of the risks and referred for migration advice.

In light of DHS's new anti-domestic violence campaign "enough", we also raised the need for greater education for decision makers and AROs about the nature of domestic violence and cultural contexts of shame and secrecy, which necessarily reduces the amount of evidence that is available and can reasonably be expected of customers when making decisions involving finding domestic violence, or a fear of violence (such as retrospective exemptions for FTB maintenance debts). DHS seemed to welcome this suggestion and seemed very willing to implement training like this.

Amie Meers continued to be the NWRNs representative to NMAG, however thanks to Gerard Thomas, who was our NMAG representative on the Centrepay delegation, and Jessica Raffal who attended the Annual NMAG meeting in Amie's absence.

# NWRN Member Centre Reports

## Adelaide - Welfare Rights Centre (SA) Inc.

### Staff

Mark Leahy	Manager
Margaret Riley	Principal Solicitor
Amanda Tsoundarou	Outreach/Housing Legal Clinic Coordinator
Stephany Del Canto	Casework Supervisor
Mark Shepley	Administrator/Casework Supervisor
Nick Hoogland	Outreach worker/caseworker
Andrew Prince	I.T./Data Entry

### Total numbers, under the Welfare Rights funding program:

Clients	1750
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### Brief summary of casework trends

Disability Support Pension (DSP) issues have constituted at least 80 per cent of our casework this year. Debts represented our next largest area of casework.

This year has been a difficult year in terms of work at the Administrative Appeals Tribunal (AAT), in that successes at the Social Security Appeals Tribunal (SSAT) have resulted in many Secretary's appeals. South Australia leads the country in Secretary's appeals.

In this financial year we have 70 AAT files opened. 42 of those matters have been DSP, with 25 of those Secretary's appeals. The rest of the mix comprises 8 debts, 4 compensation preclusion periods and various Newstart Allowance & Family Tax Benefit cases. We represented in 137 SSAT cases (compared with 107 last year).

### Regional issues and engagement

We are continuing to run two outer metropolitan outreaches, at Christies Beach and Port Adelaide. We have seen an increase in our caseload at our outreach locations. In order to deal with this, our focus has continued to be to educate community workers on how to help people in the first instance with their Centrelink issues. We have spoken with approximately 65 clients at our outreach services, with ten of these going to tribunal representation.



We have continued with a community forum approach. We undertook 11 forums, including some regional trips to Coober Pedy, Roxby Downs, Port Lincoln, Whyalla and two trips to the APY Lands. The community forums are well-attended, averaging 15 to 20 people per forum.

### **Future directions**

We were fortunate to have the so called Dreyfus Funding returned to us, giving us some stability for the next two years. Our fundraising consultant brought in \$85,000 to support our outreach work. The future beyond 2017 is looking less certain.

Our Board has recently undertaken a strategic directions exercise. We are also in the process of redeveloping our website.

## **Brisbane – Basic Rights Queensland QLD)**

### **Staff**

Patrick Cranitch	Senior Solicitor
Andrew Davison	Social Security Solicitor
Teresa Grahame	Social Worker/Caseworker
Ellen Jones	Administration (Casual)
Andrew Kennedy	Disability Discrimination Advocate
Melissa Langsford	Social Security Telephone Advice, Community Legal Education
Sue McComber	Finance Administrator
Nicole O’Keane	Office Administrator
Bryony Walters	Welfare Rights Advocate
Georgina Warrington	Director

### **Total numbers, under the Welfare Rights funding program:**

Clients	1503
Advices	2172
Cases	165
CLE activities	9

## **Brief summary of casework trends**

Eligibility refusal continued to make up well over half of BRQ's casework, with the majority of these being complex Disability Support Pension (DSP) issues. Overpayments and rate reductions were the next most prevalent problems, these combined made up 30 per cent of the total.

BRQ's client demographics remained fairly similar to previous years with two thirds of clients being aged between 35-64 and 60 per cent identifying as having a disability.

## **Regional Initiatives**

BRQ undertook a regional Community Legal Education collaboration project with Aboriginal and Torres Strait Islander Legal Services (ATSILS) in which BRQ presented on social security advocacy and ATSILS focussed on dealing with common money problems, such as hire purchase agreements. It was also an opportunity for both organisations to raise awareness of their services. This was delivered in Toowoomba, Roma, Charleville, Cunnamulla, Rockhampton, Woorabinda, Yeppoon and Gladstone.

## **Government Engagement**

BRQ has not had any formal engagement with Commonwealth departments over the past year. We continue to have a very good collaborative working relationship with Department of Human Services (DHS) in which DHS responds promptly to our enquiries on behalf of our clients. In cases of urgent need, such as getting a very vulnerable client on payment pending review, we telephone our DHS contacts who will initiate speedy action.

## **Future Directions**

Service demand continues to grow. In 2013-14 we gave on average 145 advices a month. In 2014-15 we provided an average of 190.

## **Opportunities and plans for the Service**

Working out how to deal with steadily growing demand is a priority.

## **Threats to the Service**

Funding uncertainty remains an issue of concern for BRQ. Also the negative portrayal of our clients in some sections of the media, which by implication undermines the value of our work.

## **Canberra – Canberra Community Law (ACT)**

### **Staff (Social Security & Tenancy Service)**

Genevieve Bolton

Co-ordinator/Principal Solicitor

Anne Yuille

Advice Line Co-ordinator

Louisa Bartlett	Solicitor
Naomi Gould	Solicitor
Amelia McCormick	Solicitor
Kate Kenny	Adviser/Office Manager
Catherine Murnane	Social Worker

Canberra Community Law provides the following services:

- Social Security and Tenancy service: specialising in Centrelink and public housing legal problems.
- Disability Discrimination Law – specialising in disability discrimination law
- Street Law – generalist outreach service for people who are homeless or experiencing homelessness.
- Night Time Legal Advice Service –one off generalist legal advice staffed by volunteer lawyers on a Tuesday night.

This report covers our Social Security and Tenancy service with a specific focus on Centrelink issues.

**Total numbers, under the Welfare Rights funding program:**

Advices	938
Cases (Opened)	112

**Brief summary of casework trends/client profiles**

There has been a significant increase in the number of Social Security calls to the advice line. We continue to see a range of issues including debts, Disability Support Pension qualification issues, compensation preclusion period cases, and Family Tax Benefit debts due to non-lodger issues and failure to take reasonable maintenance action.

We continue to see cases where very vulnerable people without income support have been at serious risk of eviction due to their inability to comply with their reporting and activity testing requirements.

**Government Engagement**

We participated in the NWRN’s meeting with President Kerr around the Tribunal’s amalgamation progress and plans. We also participated in a roundtable convened by the Commonwealth Ombudsman on Indigenous issues and participated in an interview with a consultant engaged by the Commonwealth Ombudsman regarding our interactions with the Ombudsman’s office and their website.

We continue to maintain good relationships with DHS’ local community engagement team and this has resulted in a flurry of referrals involving young people who have incurred Youth Allowance debts (see case study examples). We also participate in the local DHS ACT Community Forums.

## **Future Directions**

We are currently in the process of establishing a Socio-legal Practice Clinic (SLP Clinic). The proposed clinic evolved out of our Social Worker Pilot project which was the subject of an external social worker evaluation in late 2014. The evaluation found that the Social Worker Pilot Project had demonstrated the significant value of combining legal and social worker services in addressing socio-legal needs associated with homelessness. The SPL Clinic will have a particular focus on preventing homelessness for women and children affected by domestic violence and will combine legal and social work advocacy in an intensive early intervention approach to critical socio-legal needs.

## **Opportunities/plans for Centre/Service**

This year, the Centre changed its name to Canberra Community Law and launched a new website and new brochures for all its services. The Centre has recently received a grant to develop a short animated video. The video will have an Indigenous focus and will use our new CCL logo and characters to provide viewers with an engaging overview of the types of assistance we can provide and the communities we assist. We have also received a grant to develop a Public Housing Law training module as well as another video for our website around public housing issues.

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

The funding cliff which will come into effect from 1 July 2017 under the Commonwealth National Partnership Agreement (NPA) will significantly impact on the delivery and level of community legal services in the ACT. Total NPA funding in the ACT will be reduced by approximately 30%.

Last year, the Centre also absorbed a 30% reduction in its funding from the ACT Law Society Statutory Interest Account due to low interest rates. This has resulted in the loss of a Senior Solicitor position in our Social Security and Tenancy Service.

We are currently in the process of developing a fund raising strategy.

## **Darwin - Darwin Community Legal Service (NT)**

### **Staff**

Caitlin Perry	CEO
Gary O'Sullivan	Principal Solicitor
Mary Hawkins	Community Solicitor
Shelley Eder	Community Solicitor (Welfare Rights)
Claire McKenzie	Community Solicitor
Priscilla Lavery	Community Solicitor
Abhi Jain	Tenancy Solicitor

Lokesh Kashyap

Tenancy Solicitor

Caitlin Weatherby-Fell

Tenancy Advocate

**Total numbers, under the Welfare Rights funding program:**

Clients	110
Advices	64
Cases	55
CLE Activities	25

**Brief summary of casework trends**

Darwin Community Legal Service (DCLS) has one dedicated lawyer who specialises in Welfare Rights matters. Due to the environment, geographic location and cultural diversity in and around Darwin, DCLS deals with many clients who are long-term unemployed with language and/or cultural barriers that may mean they require more intensive assistance. We currently conduct regular outreach sessions at the Royal Darwin Hospital and also at other places as required including Bagot Community, Salvation Army Sunrise Centre and Darwin Correctional Centre. We have dealt with an interesting variety of cases this year that have included issues relating to portability and residency, notification requirements and compensation issues as well as the usual debts and eligibility (overwhelmingly related to Disability Support Pension) decisions.

**Regional Initiatives and Engagement**

This year DCLS trialed a pop-up legal clinic to take our services out into the community. Welfare Rights assisted in the development and staffing of the clinics. The clinics were well attended, overwhelmingly by people with mobility, language or other barriers meaning they may not have attended our services in-house.

In the latter part of the year DCLS commenced a project working closely with the Renal Ward at Royal Darwin Hospital to assist end-stage renal failure patients and their carers to more easily access the Centrelink payments to which they are entitled. Many of the hospital's patients are from remote Aboriginal communities who need to relocate to Darwin so that they can undertake regular dialysis treatment. We consulted with social workers and medical professionals at the Ward to provide information about payment eligibility and assist them provide information that is relevant to the patients' claims. We now attend a regular outreach session and continue to work closely with the hospital and their patients.

**Government Engagement**

We attend regular meetings with the Department of Human Services (DHS) including the Multicultural Advisory Forum and the Child Support Stakeholder Engagement Meetings. We attend the Legal Services Meetings with North Australian Aboriginal Justice Agency (NAAJA), Prime Minister and

Cabinet and DHS. The service also attended meetings as part of NWRN Indigenous Issues Subcommittee. We continue to enjoy an excellent working relationship with the Legal Services Branch of DHS in Brisbane.

### **Future Directions**

Changes to the Community Legal Centre funding model has meant that DCLS has modified the job description of our solicitors. Whilst we value and continue to utilise the expertise within our Centre, we have broadened the scope of our roles, meaning the Welfare Rights Solicitor has now become a Community Solicitor. Practically this has meant that we now have more flexibility in the way we may assist our clients.

We intend to further develop and expand our contacts with the Royal Darwin Hospital so that we may better reach those who could benefit from contact with our service.

### **Opportunities/plans for Centre/Service**

There has been some very early discussion about the development of a Duty Lawyer service at the Administrative Appeals Tribunal. DCLS hopes this project may develop fully to give us the opportunity to further assist people with matters already in the process of review.

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

We do not anticipate any immediate threats to the Centre. Over the long term, the funding issue is something that we, like all Centres, are concerned about.

## **Geelong - Barwon Community Legal Service (VIC)**

### **Staff**

Nick Hudson	Executive Officer
Mandi Hyland	Principal Lawyer
Jeanette Connolly	Lawyer
Elsie Stokie	Lawyer
Sam Hawkins	Lawyer
Mikala Mcintyre	Lawyer
Geordie Konieczka	Lawyer
Lee Bolton	Lawyer
Christian Schultink	Lawyer

Louise Thorsen                      Lawyer

Jillian Chapman                      Community Legal Education Officer

**Total numbers, under the Welfare Rights funding program:**

Clients	89
Advices	82
Cases	51
CLE Activities	7

**Brief summary of casework trends**

BCLS received overwhelming numbers of requests for assistance with Disability Support Pension (DSP) rejections and cancellations following review. Unfortunately, these requests far outweighed BCLS capacity to assist. BCLS assisted with many Centrelink debt matters also.

**Regional Initiatives**

BCLS built on the NWRN resources and created a DSP Information Kit for community members to attempt to meet the large volume of unmet requests for assistance with DSP rejections and cancellations.

**Government Engagement**

Locally, BCLS continue to convene the Barwon Department of Human Services (DHS) Centrelink Liaison Group. We meet quarterly with and at different community service providers and agencies and the current Centrelink Managers, Team Leaders and social workers to build closer more positive relationships. We address Federal and local issues and changes to Social Security legislation.

We continue to provide up-to-date community legal education. Community agencies and groups present new and relevant programmes to further assist each other, our clients and the community. We met on 6 August 2014, 12 November 2014, 11 February 2015 and 13 May 2015.

**Future Directions**

BCLS is continuing to provide advice and casework and advocate for Social Security law reform on the inadequacy of income support payments and any new areas of need caused by federal government legislative changes and informed by our casework and community. We also continue to strive to assist those living with disability to understand the increasingly complex eligibility criteria and evidentiary requirements for Disability Support Pension.

## Threats to the Centre/Service

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.

## Hobart - Hobart Community Legal Service (TAS)

### Staff

Chris Rice                      Solicitor

The Hobart Welfare Rights Advocacy Service (“WRAS”) has had a number of staffing changes over the last 12 months. For the most part we had three part-time solicitors (Chris Rice, Irene Tiang, Henry Pill) covering this service, however recent staffing and funding changes has resulted in Hobart Community Legal Service (“HCLS”) returning to a position where only the one WRAS solicitor is employed, working at 0.75 load in this area. HCLS does however employ a number of generalist solicitors and engage with volunteers who are able to assist the Hobart WRAS when required.

### Total numbers, under the Welfare Rights funding program:

Clients	69
Advice	517

During the 2014/15 period the service has been evaluating the merits of each case more thoroughly than previously and only providing advice at first instance. This has resulted in a reduction in the number of files opened during the 2014/2015 period, allowing WRAS to significantly reduce its caseload to a more manageable level for the sole solicitor working in this field (approximately 35 open files). In turn, this has allowed an increased number of advices and information to be conducted and referrals to be performed.

### Brief summary of casework trends

The range of work spanned the spectrum of Centrelink decisions and included a number of successful claims for compensation. Debt cases accounted for a large proportion of work undertaken and points to ongoing systemic issues in the social security law and its administration. As with the previous financial year, we saw an increase in the number of clients being assessed as a member of a couple; with a number being alleged same-sex relationships. We also saw an increase in the number of clients requiring assistance with obtaining benefits where preclusion periods had been applied due to receiving compensation.

As with most previous years, perhaps our busiest area has been in providing support for those with a disability. We have taken on a large number of matters at all levels of appeal involving rejection of



Disability Support Pension. In the majority of cases we are successful in assisting our clients to obtain the relevant medical information for their claim to be approved or a new claim to be lodged.

### **Regional Initiatives**

WRAS schedules regular meetings with other community groups to facilitate the best possible referral system for our mutual clients. Referrals from other community groups, the Social Security Appeals Tribunal (SSAT), Members of Parliament, Commonwealth Ombudsman, University of Tasmania and Centrelink staff, provide an ongoing source of clients. The Administrative Appeals Tribunal (AAT) also continued to refer unrepresented clients to the service. As a result of the AAT referrals we continue to receive a large number of overseas clients.

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

### **Launceston – Launceston Community Legal Service Inc. (TAS)**

#### **Staff**

Nicky Snare	CEO
Jessamy Downie	Principal Solicitor
Sarah House	General Civil Solicitor
Ryan West	Disability Discrimination Solicitor
Elizabeth Clippingdale	Employment Law Solicitor
Elise Whitmore	Family Law Solicitor
Beylara Ra	Legal Literacy Coordinator
Moya House	Legal Literacy Administration
Susan Quinn	Administration Officer
Emma Smith	Welfare Rights Advocate

#### **Total numbers, under the Welfare Rights funding program:**

During the course of the last financial year the Centre handled a total of 105 individual client matters. Most issues were resolved at the initial stages of appeal with the Authorised Review Officer (ARO), with only a very small portion heading on to the Social Security Appeals Tribunal (SSAT) or Administrative Appeals Tribunal (AAT).

Clients	105
Advices	307
Cases	25
CLE Activities	6

### **Brief Summary of casework trends**

The Welfare Rights service (WRS) run by the Launceston CLC Inc. is a full time service operated by one person for the north of Tasmania. There are currently no volunteers assisting with this service.

Clients living in any areas outside the Launceston zone can access our service via telephone for information or advice. The Centre maintains a Statewide toll free number that is readily available to our clients. Our client base can also use their local Neighbourhood House as a contact point for the WRS.

The previous 12 months have seen the usual trends continue, with the overwhelming majority of matters relating to Disability Support Pension (DSP). Most DSP matters have had the Programme of Support requirement at their core, closely followed by the Fully Diagnosed Treated & Stabilised qualifier. The second most prevalent issue we have seen has been debt matters, based around incorrect income reporting, Youth Allowance unsatisfactory study progress, and Family Tax Benefit matters.

The WRS has conducted several presentations to vulnerable community members in this last financial year. Some of the Community Legal Education Sessions that we hold include “Welfare Rights and You”, “Compensation and Centrelink”, and “Appealing Centrelink Debts”. These services are provided free of charge to community groups, community health centres, and neighbourhood houses.

### **Regional Initiatives and Local Engagement**

The Launceston CLC has implemented a successful Legal Literacy clinic at the local Centrelink office to provide free and confidential assistance to benefit recipients to accurately complete Centrelink forms, thereby fostering stronger relations with Centrelink staff and providing clients with a level of assistance with reporting and notifications that was not previously available. This programme is currently undergoing an assessment with a view to rolling the initiative out across other regions and services.

### **Future Directions**

As the Centre becomes increasingly busy with steady growth in client numbers, we are pursuing additional and ongoing funding to continue to provide the current rate of service provision, especially to secure the Legal Literacy and Employment Law programmes, as well as various community legal education sessions around the north of the state.

## Threats to the Service

As for all CLCs, we remain in an uncertain position regarding ongoing Commonwealth funding. The current financial year's shortfall will be covered by the State, however this has only been approved for the year 2015/16. The funding received from the State will allow us to continue service provision at the current rate, however without additional funding for the following financial year there may need to be a reduction in client assistance.

## Melbourne - Social Security Rights Victoria Inc (VIC)

### Staff

Deborah Itzkowic (from March 2015)	Director/Principal Solicitor
Monica Van Reyk (until March 2015)	Acting Director/Principal Solicitor
Graham Wells	Clinical Supervisor/Senior Solicitor
Peter Horbury	Operations and Information Services Manager

### Total numbers, under the Welfare Rights funding program:

Clients	1434
Advices	1984
Cases	121
CLE Activities	18

### Brief summary of casework trends

Disability Support Pension (DSP) is a major casework focus for SSRV. A significant number of clients are caught by the 'permanent portability option'. SSRV has seen a high increase in clients with overpayments by Centrelink. We also see a number of Child Care Benefit debts due to issues related to home-based childcare income. There is also a trend of clients with issues related to lodgement of their annual tax returns and Family Tax Benefit (FTB) issues.

### Regional Initiatives

#### JobVoice

JobVoice is a website, like TripAdvisor or UrbanSpoon, but for job seekers. Through online reviews, a rating system and community forums, JobVoice assists job seekers to find the best service to help them to find a job.

In July 2015 JobVoice won the National Rural Law and Justice Innovation Award 2015 for Transformative Use of Technology in the Law. The judges were Justice Stephen Gaegler: High Court Judge, Andrew Jackomos: Victorian Aboriginal Child Safety Commissioner, Dr. Cassandra Goldie, CEO: ACOSS, Richard Coverdale, Director: Centre for Rural Regional Law and Justice.

### Secondment Program

SSRV hosted a seconded lawyer from Western Suburbs Legal Service (WSLC) for one day per week for 6 months. In this time SSRV trained the lawyer to undertake social security matters. The solicitor will take this knowledge back to her centre and will be able to undertake simple social security matters, make better referrals to SSRV, identify systemic issues in relation to Centrelink impacting clients in the WSLC catchment area and improve collaboration between our centres.

As a result of the secondment, SSRV submitted two funding applications for a joint CLE project to provide targeted and accessible community legal education and information to Victorian women from newly arrived communities who have established themselves as home-based family day care educators to avoid the accrual of large Centrelink debts, debt recovery action by Centrelink, and potential criminal prosecution.

SSRV hopes to continue this program with other generalist community legal centres.

### **Government Engagement**

In May 2015 SSRV met with Moya Drayton, Department of Employment, to discuss opportunities for the Department to collaborate with SSRV on JobVoice. These discussions are ongoing.

### **Future Directions**

SSRV's casework priorities for 2015/2016 year are:

- DSP
- Debts
- Family Violence & Member of a Couple matters
- Compensation Preclusion Periods
- Commonwealth Ombudsman matters – where there are systemic problems and is no other remedy for clients
- Opportunities/plans for Centre/Service

### Clinical Student Program

SSRV continues to operate a clinical student program with law students from Deakin University. The students provide invaluable support for SSRV, whilst at the same time SSRV is providing future lawyers an opportunity to work in the community legal sector, gain knowledge and expertise in social security and administrative law which will have a long term benefit on the community legal sector when these students enter into the legal profession.

### Investigating medical-legal partnerships

SSRV is investigating how to better provide information to treating doctors to ensure that they understand the criteria for DSP and ensure that medical reports about a person address Centrelink's

relevant criteria. Notwithstanding that Centrelink policy is changing and a person applying for DSP will no longer be required to provide a treating doctors report, SSRV is of the view that given the high level of rejection of claims, these reports remain important evidence for the applicant in the event that the matter is appealed to the Administrative Appeals Tribunal (AAT).

SSRV is also collaborating with the Cancer Council to provide cancer support staff with a deeper understanding of the social security system with a focus on issues that particularly affect people with cancer and their families.

#### Scoping social security and family violence

SSRV is collaborating with the Women's Homeless Prevention Project run by Homeless Persons Law (part of Justice Connect) to undertake a three month scoping project to identify social security issues faced by women experiencing homelessness as a result of family violence. The next phase of the project will be to develop a way to address any issues that arise e.g. establishing an outreach clinic.

#### Moving Premises

SSRV's current lease expired 31 May 2015 and it is exploring opportunities to co-locate with other community legal centres or other community services.

#### **Threats to the Service**

SSRV is concerned about its level of recurrent funding and there are likely to be changes made to the service in the next financial year unless SSRV receives an increase in funding.

## **Perth - Fremantle Community Legal Centre (WA)**

### **Staff**

Judy McClean	Co-ordinator/Principal Solicitor
Aoning Li	Solicitor (RO)
Amy Pepper	Solicitor (Family and Children)
Sheila Heavens	Solicitor
Alessandra Skala	Paralegal
Jenny Cecil	Financial Counsellor
Lauren Moore	Tenant Advocate
Antonio Gonzalez	Welfare Rights Advocate

**Total numbers, under the Welfare Rights funding program:**

Clients	241
Information only	365
Advices	249
Cases	56

### **Brief summary of casework trends**

The most common problem payment types were Disability Support Pension (DSP), Family Tax Benefits (FTB), Age Pension, Parenting Payment, Newstart Allowance, Carer Payment and student debts among others.

#### Disability Support Pension Issues

DSPs comprised about 30% of the caseload and the issues included rejection of claim, medical appeals, reviews, cancellations and unlimited portability assessments. Meeting the severely disabled criteria of 20 points on a single impairment table has proven extremely difficult for many clients with a range of chronic medical conditions and who had a combined rating of 20 points or more but had not completed the program of support.

#### Family Tax Benefit Issues

Most of the FTB issues presented by clients were related to difficulties at claim stage, loss of care, shared care disputes and debts including non-lodger debts and maintenance income issues.

#### Age Pension Issues

The key issues related to Age Pension were overpayments due to income, casual earnings, Pension Bonus Scheme, complex assessments and overseas pensions and some with large debts. Portability and residence issues were also presented.

#### Carer Issues

In the past year there has been an increase in queries and need of assistance from clients applying for Carer Allowance and Carer Payment. Many clients were having difficulties at claim stage and others struggled with their appeal following cancellation of their payment. Most appeals were successful.

#### Student Debts

The main issues for students claiming either Youth Allowance or Austudy have remained meeting the qualification criteria and the full-time status. The lack of enrolment checks at the commencement of the studies continues to cause student debts; some of which could have been prevented from arising had an earlier check been made.

## Government and Community Engagement

Welfare Rights has maintained ongoing contacts with key Government and community agencies in the region including Centrelink Managers, Department of Human Services (DHS) Fremantle and Success Community Forum, DHS Community Consultative Committee and key service providers. In addition, liaison meetings have been maintained with DHS Indigenous Liaison Officer, Welfare Rights Advocates, Administrative Appeals Tribunal (AAT) and the Ombudsman Round Table community consultation on service delivery.

Community Legal Education activities have focussed on promoting appeal rights in particular among agencies dealing with Indigenous clients.

The Centre participated in the Independent Research Project: *“How does the National Welfare Rights Network add value to clients?”* and remained engaged according to capacity in the NWRN activities and link ups. The Centre is pleased for the visit and contribution of Amie Meers, Executive Officer of the National Welfare Rights Network Inc.

## Future Directions

The Centre aims to stay on track addressing the complex needs of the community and, in particular, the pressing needs of most vulnerable clients.

## Perth - Welfare Rights & Advocacy Service (WA)

### Staff

Kate Beaumont	Executive Officer/Welfare Advocate
Chris Belcher	Welfare Rights Advocate/Tenant Advocate
Jeanie Bryant	Welfare Rights Advocate
Christine Carr	Admin Officer/Bookkeeper
Catherine Eagle	Principal Solicitor
Paul Harrison	Tenant Advocate
Zara Spencer	Solicitor (so September 2014)
Lorilee Yu	Solicitor (to November 2014)

### Total numbers, under the Welfare Rights funding program:

Clients	554
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Advices	653
Cases	135
CLE Activities	11

### **Brief summary of casework trends**

Demand for welfare rights assistance in 2014/2015 has remained at similar levels to the previous year. Our client numbers have increased whilst the numbers of advices and cases have reduced slightly. Apart from assistance with welfare rights the service continues to provide Social Security prosecution and tenancy assistance.

This year, 29.8% of welfare rights casework matters related to Disability Support Pension (DSP). The breakup of DSP issues included refusal of entitlement (78%), overpayments (10%), reviews (4%) and prosecutions (4%). A significant proportion of refusal of entitlement for DSP were due to clients conditions not being fully diagnosed, treated and stabilised and so not attracting impairment points. This is a change from last year where the most frequent issue was clients with the required 20 impairment points from multiple tables who had not completed a Program of Support (POS). We expect that in 2015/2016 there will be a further increase in the proportion of clients who have had a claim for DSP rejected. The abolition of the Treating Doctor's Report (TDR) from 1 July 2015 will impact on clients who will struggle to provide the evidentiary requirements for grant of DSP. The second largest number of matters (22%) related to Newstart Allowance.

Over the last three years there has been a steady increase in the numbers of debt matters we have dealt with – we have seen a 55% increase in that time. Within this group the numbers of prosecution matters has also increased over the same period and in 2014/2015 it was one third of the overpayment work undertaken by the agency. With the Budget 2015 announcement of additional compliance activity by the Department of Human Services (DHS) over the next four years it is likely that the numbers of debt and prosecution matters will increase further.

This year we have continued to have difficulty accessing client's information under Freedom of Information (FOI). Delays and refusals to provide documents are an impediment to providing proper assistance to our clients. We lodged further requests for review of decisions to refuse to provide requested documents to the Office of the Australian Information Commissioner (OAIC). We also made a submission to the OAIC's own motion inquiry in November 2014. Following the report of the Commissioner in December 2014 we noticed that DHS were prepared to release many more documents in matters that were already the subject of review by the OAIC. Some older reviews have not been finalised by the OAIC, a body which no longer has the resources to manage the reviews. The AAT is now the appropriate body to seek review of these decisions and we are making decisions about how to deal with these matters strategically within our limited resources.

### **Regional Initiatives**

Welfare Rights & Advocacy Service continues to provide advice and casework assistance within our geographic catchment area which includes the area to the top of Western Australia and across to the Northern Territory border. Most years we conduct CLE in a rural, regional or remote location within



this area but we didn't in 2014/2015. We have secured funding from the Public Purposes Trust to conduct a rural, regional or remote CLE project in 2015/2016 broadly related to Social Security changes announced in Budget 2014. We expect that such a CLE project will result in additional demand for assistance.

### **Government Engagement**

Welfare Rights & Advocacy Service continues to participate on a local level with DHS at its Community Consultative Meeting, Aboriginal Community Consultative Meeting and ad hoc meetings with Serious Non Compliance. Staff of the service have also participated in NWRN Sub-committees and their engagement with DHS in relation to FOI and SSAT Papers and Indigenous Issues. In 2014/2015 the agency has also participated in consultations with the Commonwealth Ombudsman's Office and Disability Employment Services. The service is a regular participant in AAT Liaison Meetings which was of particular relevance with the July 2015 changes to the SSAT. In her capacity as the President of the NWRN Kate Beaumont has recently participated in NWRN Bi-Annual Delegations with both DSS and DHS.

### **Future Directions**

It was with relief that we heard the Commonwealth Attorney General announcement on 25 March 2015 that CLCs expecting to have reduced funding from 30 June 2015 would continue to receive Commonwealth funding at the same level for a further two years. As a 'Category C' CLC Commonwealth funding for the service is guaranteed under the National Partnership Agreement (NPA) on Legal Assistance Services for 2015/2016 and 2016/2017. Unfortunately many other CLCs in Western Australia have had 9.3% reductions in their Commonwealth funding for 2015/2016. In this state there has also been a reduction in State CLC funding. Welfare Rights & Advocacy Service has had a small reduction in our state CLSP funding but as our major source of funding continues to be the Commonwealth this has resulted in a slight reduction in overall CLSP funding. Our Tenancy funding contract has been extended for a further year.

With secure funding for the next two years the agency has recently advertised for an additional part-time lawyer.

We have recently contacted the AAT about providing a Duty Advice Service at Tier One of the AAT following a request at a recent NWRN Liaison Meeting with the AAT.

### **Opportunities/plans for Service**

In 2014/2015 we secured funding to develop a new Strategic Plan for the organisation. As part of that process, additional operational and board planning will be undertaken in 2015/2016.

The service is in the final stages of the development of our new website. We have also developed new Fact Sheets that can be downloaded from the website in relation to our welfare rights and tenancy work.

During the last year we negotiated a new Enterprise Bargaining Agreement for our staff which is waiting to be registered by the Western Australian Industrial Relations Commission.

In 2015/2016, as part of jurisdictional planning in Western Australia, a project has been commissioned to look at legal need and the gaps in service across the state – this is similar to previous Commonwealth and State Reviews of CLCs. This project is expected to inform future allocations of funding to coincide with expected reductions to the pool of funds available from the Commonwealth for CLCs for the last three years of the NPA.

**Threats to the Service**

Funding beyond June 2017 is a major issue for Welfare Rights & Advocacy Service as the Commonwealth funding for CLCs further reduces. Within such an environment it is likely that there will be a push toward the amalgamation of specialist CLCs to reduce administration and other costs. It is a priority for us over the next two years to actively pursue alternative sources of funding.

At the same time we expect that announced 2014 and 2015 Budget changes will have an impact on the service and result in additional demand for assistance. Punitive changes such as the introduction of the income support waiting period and the broader application of ordinary one week waiting periods and limitations on the ability to waive such waiting periods will lead to many additional clients needing assistance.

**Perth - Sussex Street Community Law Service (WA)**

**Staff**

Tim Safe                      Welfare Rights Advocate

**Total numbers, under the Welfare Rights funding program:**

Clients	95
Advices	180
Cases	18
CLE Activities	9

The numbers provided are lower due to the position not being occupied at the start of the year prior to November 2014.

**Brief summary of casework trends**

Casework has involved mostly difficulties with Disability Support Pension (DSP) claims and reviews. Attaining the required points on the tables has been less of a problem than the conditions being reported as stabilised. Also, clients not completing the Program of Support requirements frequently occurs.

Issues with overpayments have related mainly to Family Tax Benefit payments.

## **Government Engagement**

We attend quarterly Community Consultative meetings at the Department of Human Services (DHS) State office. The meetings provide useful information on service provision initiatives (e.g. MyGov), Federal Budget updates along with an opportunity for agencies to provide feedback, suggestions and requests.

We recently attended a community meeting chaired by the local Federal Member and the Minister for Social Services, Scott Morrison. This was mainly a question and answer session with program stakeholders, involving funding and organisational issues.

The local Federal Member recently visited the office and we discussed the various roles of the different sections, including providing an outline of the activities of the Welfare Rights advocacy service.

## **Future Directions**

Sussex St continues to provide legal advice and assistance with document preparation for Administrative Appeals Tribunals (AAT) appeals as well as representation where appropriate. We will also continue assisting clients by dealing with Authorised Review Officers and service centre managers wherever necessary. We also have ongoing Community Legal Education programs.

## **Opportunities/plans for Service**

Sussex St is developing strategies for assisting clients with prosecution issues. This function was previously referred to another centre (Welfare Rights and Advocacy Service, Perth). However, with guidance from that centre and a lawyer occupying the position we are now looking to taking on such matters.

## **Threats to the Service**

The usual concerns relating to state and federal funding as it relates to NGOs and CLCs.

## **Sydney – Welfare Rights Centre Ltd (NSW)**

### **Staff**

The Centre employed the following staff at 30 June 2015:

Alice Jones-Rabbitt	Administration Officer
Carolyn Odgers	Acting Principal Solicitor
Jessica Raffal	Solicitor/Community Legal Education Coordinator
Danny Shaw	Senior Caseworker

Claire Stimpson	Solicitor
Sharissa Thirukumar	Solicitor
Gerard Thomas	Policy and Media Officer

The following staff were seconded to the National Welfare Rights Network Secretariat:

Amie Meers	Executive Officer (3 days)
Gerard Thomas	Policy and Media Officer (4 days)
Alice Jones Rabbitt	Administrative Officer (2 days)

The Centre employed Julia Hong as a receptionist on a casual basis throughout the year.

The Centre farewelled Maree O'Halloran, Director, and Matthew Butt, Principal Solicitor in April and May 2015.

Our volunteer program continued with approximately 20 volunteers at any point in time. They provide an invaluable service to the Centre.

**Total numbers, under the Welfare Rights funding program:**

Clients	2729
Advices	5141
Cases	730
CLE Activities	41

**Brief summary of casework trends**

The Centre provides advice and representation with respect to all aspects of social security and family assistance law. This extends from assistance to vulnerable clients in dealing with Centrelink prior to or at the time of original decision, to representation at all levels of internal and external appeal. The Centre also provides assistance to clients facing prosecution by conducting administrative review and making representations to the Commonwealth Department of Public Prosecutions in certain cases.

Caseworkers decide, in accordance with guidelines, which cases to take on for further assistance. This may be task assistance such as help with preparing evidence, or writing submissions or representation. Cases are triaged in accordance with guidelines which aim to focus our additional assistance and representation on cases where legal help makes a substantial difference to the outcome. Exceptions are made for vulnerable clients or where we believe there is a public interest in the issue.

This results in the following broad profile of our casework in 2014-15:

- member of a couple debts over \$10,000, with most of our casework focussed on debts between \$50,000 and \$150,000;
- income related debts, with most of our casework focussed on debts which are being prosecuted, or where there are reasonable prospects on administrative review (e.g. existence of administrative error, major mental health or capacity problems);
- compensation preclusion period cases;
- waiting period cases, usually income maintenance periods and newly arrived residents waiting periods; and
- a number of Secretary's appeals related to Carer Payment (Child) and Carer Allowance
- Child Care Benefit debts

### Tribunal Representation

Most tribunal representation was at the Social Security Appeals Tribunal (SSAT). These cases were generally those in the priority areas identified above.

The Centre regularly appears at the Administrative Appeals Tribunal (AAT), either appealing from an unfavourable SSAT decision or in cases where the client first contacted WRC once already at that level.

### **Regional Initiatives and engagement**

During 2014-2015, the Welfare Rights Centre (NSW) engaged with community and non-government organisations in the Sydney area as well regional NSW. Staff ran outreach clinics and training on NSW Mid North Coast and Central Coast.

The Centre also facilitated and participated in a number of community legal education training sessions in 2014-2015. These included training and presentations to:

- Strathfield Council Domestic Violence Seminar
- Psychiatric Rehabilitation Australia
- Mission Australia's Navitas
- Central Coast private lawyers and community workers
- Weave Youth and Community Services
- Reiby Juvenile Justice Centre
- CLC NSW Quarterlies
- Port Macquarie community workers

Welfare Rights Centre continues to engage with government in various forums including participation in the DHS Mental Health Advisory Group, NSW Homeless Reference Group and the National Multicultural Advisory Group. The Centre attended regular liaison meetings with Legal Aid NSW, SSAT and AAT.

As President of the NWRN, Maree had an active role within the Network, including contributions to DHS and DSS delegation. The Centre contributed regularly to NWRN policy submissions and reports, as well as link ups with DHS, DSS and other government departments. Through membership of NWRN sub-committees, Welfare Rights Centre staff had active engagement with DHS and DSS on FOI and SSAT papers and Indigenous issues.

### **Opportunities/plans for Centre**

The Centre intends to focus our core service and community legal education in rural and remote NSW, as well as identified areas of financial disadvantage. We plan to target outreach to Campbelltown in south-west Sydney and north-west NSW.

Given that the number of subscribers to both the online and the paper version of the Independent Social Security Handbook has fallen, and the constraint on resources, the Centre ceased publication of both the online and hard copy of the Handbook as of June 2015.

In the coming months decisions will be made on how to effectively and efficiently continue to provide accessibility to the community and to advocates on social security matters. This has begun with a new user-friendly website interface, fact sheets and various self-help guides.

### **Threats to the Centre**

The ongoing threat is the issue of funding.

## **Townsville - Townsville Community Legal Service Inc (QLD)**

### **Staff**

Townsville has always had a distinctive approach to staffing of the welfare rights service. Despite the funding being less than 1 EFT, for many years TCLS has used all caseworkers to provide welfare rights services. The principal and all solicitors share the welfare rights work on a rotational basis. The work has tended to be major casework such as Tribunal matters involving representation. It means that absences of workers do not cause disruptions in service provision and/or representation. It also broadens the work experience of all caseworkers.

Aaron Finn	Director
Bill Mitchell	Principal Solicitor
Anna Cody	Seniors Support Solicitor
Kathy Munro	Seniors Support Social Worker
Michael Murray	Solicitor
Alex Whitney	Solicitor
Genevieve Nuttall	Solicitor
Jane Andreassen	Administrative Officer

### **Total numbers, under the Welfare Rights funding program:**

Clients	87
Advices	33*
Cases	78
CLE Activities	8

\*note that this number is in addition to the advice given at the point of opening a case (ie total advices = 78 + 33).

### **Brief summary of casework trends**

As has been the general trend for the TCLS in the past, the most common issues experienced by our client base were issues with benefit refusals and eligibility. Clients most commonly sought advice from our service for issues with either applying for Disability Support Pension (DSP), or cancellation of DSP. TCLS also saw a sharp increase in clients seeking advice or casework assistance for matters involving Centrelink debts and also issues with portability. Some Income Management clients also came through the service after moving from the Northern Territory to Queensland.

### **Government Engagement**

TCLS participated in the DHS Centrepay review stakeholder consultations.

### **Future Directions & Opportunities for the Service**

TCLS is moving provision of welfare rights services to its clinical student program and will see final year law students doing welfare rights work through the whole academic year from 2016. Additionally, there will be a greater focus on outreach work to neighbouring towns of Ingham, Ayr, Bowen and Charters Towers. Provision of these services will be piloted by using Skype technology. An outreach project has been established in the last year to pilot priority services which includes welfare rights services.

## **Wollongong - Illawarra Legal Centre (NSW)**

### **Staff**

The Welfare Rights Program at Illawarra Legal Centre employs the following in a job share arrangement:

Liz Turnbull                      Solicitor (Part-Time)

Ian Turton                         Solicitor (Part-Time)

**Total numbers, under the Welfare Rights funding program:**

Advices	127
Cases	52

**Brief summary of casework trends**

Welfare Rights undertook 127 advice activities in the 2014/15 financial year while 52 cases were opened and 43 closed during the year. The project represented 10 clients at the Administrative Appeals Tribunal and 23 at the SSAT. The project had 43 open cases at the end of the financial year.

As always the level of assistance provided in individual matters is determined by our casework guidelines and includes reference to the person's ability to self-represent, the target groups identified in our planning day and current casework levels.

This year the Welfare Rights service has provided representation more frequently at the Social Security Appeals Tribunal and Administrative Appeals Tribunal where it has achieved some fantastic outcomes for clients as illustrated by the de-identified case study included in this report.

**Regional Initiatives and Engagement**

This project continues to conduct a large number of community legal education workshops across the region. This year workshops were held at:

- Cringila Cooperative;
- St Vinnie's;
- Carer's Groups;
- Barnardo's Playgroups
- Shellharbour & Wollongong TAFE.

Welfare Rights has focused on providing services to people living on the South Coast, receiving clients on referral from Legal Aid and working cooperatively with service providers in that region. To this end we have built a strong working relationship with various family support services and disability advocacy services on the south coast.

The project has established regular outreaches at St Vinnie's at Oak Flats and Shoalcoast Legal Service in Nowra, targeting clients in remote areas and those whose benefits have been cancelled or suspended.

In addition to this the project has established a strong working relationship with Southern Youth and Family Services (SYFS), an organisation that provides crisis accommodation and youth counselling services for young people within the region. We regularly represent clients referred from SYFS at the SSAT and AAT. By taking a collaborative approach with caseworkers from SYFS and other crisis accommodation services, we have been able to extend the project's service footprint within the region.



Involvement with the National Welfare Rights Network continues to inform our law reform and policy work and the project maintains a strong working relationship with the Network.

### **Associate Members**

In 2014-15, the NWRN had three Associate Members. They were:

- Central Australian Aboriginal Legal Aid Service (CAALAS);
- Northern Australian Aboriginal Justice Agency (NAAJA);
- Kingsford Legal Centre (KLC).

Our association with these agencies is greatly valued.

# Case studies

The following case studies have been de-identified.

## **Compensation Preclusion Period waived**

Geoff had serious ongoing injuries from a workplace accident. His claim for workers compensation had been disputed and his legal bill for this was very high (more than 50% of his compensation). When a person receives lump sum compensation for economic loss, Centrelink calculates a compensation preclusion period based on 50% of the gross amount. However in Geoff's case, more than 50% of it had been taken in legal fees.

Geoff was in financial hardship and was heavily in debt. Darwin Community Legal Service (DCLS) assisted Geoff in an appeal to an Authorised Review Officer and the Social Security Appeals Tribunal (SSAT), both of which were unsuccessful. DCLS assisted in a further review at the Administrative Appeals Tribunal (AAT) and represented the client in AAT conferences. As a result the client's compensation preclusion period was significantly reduced and the client was no longer in a situation of financial hardship and could pay off the debts he had accumulated.

*This case study was provided by Darwin Community Legal Service*

## **Carer Payment cancellation overturned**

Warren was caring for his spouse who suffered mental health problems. His Carer Payment was cancelled after Centrelink determined that the couple were not living together. Warren had appealed the cancellation to an Authorised Review Officer and not been successful. Darwin Community Legal Service represented this client at the SSAT. We helped him get relevant medical information about his spouse's illness to demonstrate that the pattern of leaving home temporarily and returning was part of the illness and that the spouse did indeed require ongoing care. The review was successful and Warren's Carer Payment was re-instated.

*This case study was provided by Darwin Community Legal Service*

## **Family Tax Benefit debt waived**

May had lodged an appeal at the SSAT and requested assistance including representation. Sussex St Community Law Service (SSCLS) provided a submission for waiver of the debt of \$53,000 which was generated by May omitting to inform the Department of Human Services about Family Court Consent orders involving joint custody of her two children. This meant that FTB payments had continued based on a 100% care arrangement despite the court orders reducing her care to 50%.

May, a Thai immigrant, could not read and spoke little English. Her first husband died in Thailand a week prior to her giving birth to her first daughter and she subsequently married an Australian visiting Thailand. The marriage was characterised by domestic violence and May relinquishing all decisions to her husband. When the marriage ended, the domination continued to the extent of the husband cajoling May into signing consent orders for 50% child custody with her trading off maintenance payments for her retaining full FTB payments. May was unaware that the latter was not within her or her ex-husband's discretion and could not read the regular letters advising her to inform Centrelink of her circumstances.

With supportive medical evidence, we argued for waiver on s101 Family Assistance Administration Act grounds, including that May unknowingly omitted to comply with notification requirements and her special circumstances.

The favourable outcome had implications beyond the end of recovery instalments from her Newstart Allowance. The lifting of the financial burden was an indescribable emotional and financial relief to a person who unwittingly acquired the debt as a result of her erstwhile lack of autonomy and the manipulation of her husband.

*This case study was provided by Sussex St Community Law Service*

### **Pension Bonus Scheme**

We recently represented a Tier 1 applicant in a Pension Bonus Scheme appeal. The applicant provided Centrelink with her registration for the scheme in 2011 and continued to work until her subsequent retirement approximately 3 years later. Our client duly claimed and was granted the Age Pension. However, when enquiring about the Pensioner Bonus Scheme, she was advised that she was ineligible due to not having lodged the registration form.

Our client's case centred on circumstantial evidence including correspondence with other parties relating to her intention to lodge the registration form, the generic letter ("Intention to Claim") generated at the time of lodgement and an undocumented call from an officer of the department six months later to discuss payment of the bonus. Notwithstanding the above, the ARO affirmed the original decision on the grounds that there was '...no evidence that a claim for registration for the scheme was ever lodged'. Nevertheless, the ARO referred the matter for remedy under the customer compensation scheme.

The Tribunal set aside the original decision, being satisfied that there was sufficient evidence that our client had lodged the requisite form.

The broader implications for our client was a renewed confidence in the process that prevented an otherwise unfair outcome, given her decision to remain in the workforce for a time beyond pension age.

*This case study was provided by Sussex St Community Law Service*

### **Income debt waived**

Frankie sought advice from Social Security Rights Victoria (SSRV) about a Centrelink debt she had incurred. She had a long standing intellectual disability however, with support, she was able to work nearly full time for most of her life. She didn't really understand Centrelink forms and had asked DHS for help filling them in. Unfortunately, Frankie was not referred to a social worker for assistance and as a result of a misunderstanding with her employer, a sheltered workshop, Frankie ended up with a Centrelink debt.

With assistance from SSRV the debt was waived on the grounds of special circumstances.

*This case study was provided by Social Security Rights Victoria*

### **Compensation preclusion period waived**

Spiro was in a truck accident that left him with a cognitive impairment. He received a large compensation payout. All his friends wanted him to lend them some money, but Spiro's mother and wife urged him to use the funds to buy a house. Once the house was bought, Spiro's wife developed epilepsy and their daughter had a stroke. Spiro wanted to work but had to care for them both. Spiro applied for a carer pension but was precluded from payment.

With assistance from SSRV the preclusion period was waived on the grounds of special circumstances and Spiro now receives the Carer Payment.

*This case study was provided by Social Security Rights Victoria*

### **DSP cancellation overturned**

Jenny contacted our offices after the DSP benefit was cancelled under the portability rules, after she remained overseas for a period of 10 weeks. Upon her return to Australia Jenny contacted the Launceston Community Legal Centre's Welfare Rights Service (WRS).

The WRS assisted Jenny through the appeals process, initiating contact with Centrelink, obtaining a copy of the relevant file, researching her matter, and informing her that they may have been better served by transferring over to the Age Pension, which has unlimited portability, prior to departure. Jenny stated that she had not received this, or any other advice, prior to her departure.

Departmental records confirmed Centrelink had provided no such information at the time Jenny had notified of her intent to be away for a period exceeding the allowable time frame of six weeks.

Jenny entered the appeals process to have a benefit reinstated for the four weeks in question, with the final SSAT decision being to back date the client's subsequent transfer to the Age Pension benefit to coincide with the initial cancellation of the DSP.

*This case study was provided by Launceston Community Legal Centre*

### **DSP new claim granted**

Tom contacted WRS after receiving a DSP application rejection notice from Centrelink. The WRS obtained a copy of his file and assisted him through the appeals process as far as the SSAT. The SSAT upheld the original decision.

WRS then assisted Tom to address the DSP basic eligibility requirements and collect the necessary medical evidence for a second application. WRS was able to provide accurate and detailed advice and information as to the nature of the initial rejection, liaised with Tom's various medical practitioners and case workers, obtained useful and relevant medical reports and then assisted Tom through a new DSP application process.

Tom's second DSP application was successful.

*This case study was provided by Launceston Community Legal Centre*

### **Administrative error debt waiver**

Marie has been in receipt of the Disability Support Pension (DSP) for seven years, following a serious accident that resulted in permanent physical and mental health impairments. Despite working part-time under the Federal Government supported wage scheme, Centrelink kept removing Marie's reporting requirements. Marie did her tax annually and attended appointments with Centrelink and her Job Services Australia (JSA) provider when required. Centrelink raised a \$10,000 debt over a four year period.

Barwon Community Legal Service (BCLS) provided Marie with full legal advice and follow up case work at the BCLS Outreach in Colac, and by telephone. BCLS obtained Marie's Centrelink file through a Freedom of Information request. The file showed that:

- Marie had provided Centrelink with the correct information;
- This information had been incorrectly actioned; and
- There had been a review of Marie's income finalised in Marie's favour during the time period of the debt.

BCLS prepared a submission to Centrelink's Authorised Review Officer, who reaffirmed their original decision. BCLS prepared Marie's subsequent appeal to the Social Security Appeals Tribunal (**SSAT**). The time and uncertainty of the appeals process negatively impacted on Marie's physical and mental health.

Marie successfully appealed to the SSAT. The SSAT decided part of the debt arose due to sole administrative error and should be waived. The remaining debt was waived under special circumstances. Centrelink did not appeal the SSAT decision to the Administrative Appeals Tribunal. The entire debt of over \$10,000 was waived. Marie is relieved the debt has been waived as she has been able to keep her housing and can now pay for living expenses and medication costs.

*This case study was provided by Barwon Community Legal Service*

### **DSP rejection overturned**

Michael's third DSP application had been rejected for not meeting the 20 points impairment rating. Michael was living with severe mental and physical health conditions. He had taken mental health medication for 20 years, been an involuntary mental health care patient on several occasions and had therapy and counselling in the past. Michael had undergone unsuccessful operations to improve his physical health and been working until he became too ill to continue. The medical report from Michael's doctor included mental health conditions and set out his major physical conditions. However, it did not include all conditions or a diagnosis from a psychiatrist or clinical psychologist.

BCLS provided legal advice at BCLS main office in Geelong and by telephone. BCLS undertook casework including requesting a written diagnosis from a psychiatrist/ clinical psychologist and supporting letters from relevant doctors, psychiatrist, counsellors addressing the DSP criteria, and writing a submission to Centrelink's Authorised Review Officer.

Centrelink granted Michael DSP and paid arrears for the last eight months, which included the initial assessment and appeal process. Michael can now pay for medication, physical therapy and regular psychology sessions to improve his mental health. Michael is currently studying for a qualification in aged care to improve his future employability, and he and his wife are expecting their first child.

*This case study was provided by Barwon Community Legal Service*

### **DSP rejection overturned**

Basic Rights Queensland (BRQ) obtained a grant of Disability Support Pension (DSP) for John, a very vulnerable middle-aged client with cerebral palsy who had previously surrendered his DSP and worked for several years. He had been obliged to work in roles where he had minimal contact with others on account of problems relating to his medical condition, in particular bladder and bowel incontinence. Eventually his condition deteriorated to such an extent that he was unable to continue working and was embarrassed to go out at all.

John had been rejected for DSP twice before contacting BRQ and, being on Newstart, was forced to make “economies”, such as reusing catheter bag liners, resulting in multiple infections. BRQ represented him at the SSAT, demonstrating the severity of his medical conditions and the impact they had on his level of functioning, and DSP was granted. At the time of contact, this client was in a point of no hope in the future. Now he can afford the essential medical requirements for managing his condition and know that he can also afford to pay rent and eat.

*This case study was provided by Basic Rights Queensland*

### **“Unexplained income” debt zeroed and payments restored**

Basic Rights Queensland (BRQ) was successful in proving that a \$50,000 Centrelink debt raised against Tam, a very vulnerable woman, did not in fact exist. Centrelink raised a debt based on “unexplained” deposits to her bank account. Tam had limited capacity due to a brain tumour and was highly distressed when she contacted us after Centrelink had also reduced her payments by 75%.

BRQ immediately got her back on payment pending outcome of her review and, as a result of forensic accounting by our caseworker, we were able to show that the majority of the “unexplained” deposits in her account were actually her Centrelink payments while the remainder were from relatives reimbursing use of her credit card. The SSAT found there was no debt at all.

At the time of contact, Tam did not have the capacity to understand her Centrelink problem or what to do about it; she did understand she had nothing like sufficient income to survive on and she was very distressed. Now with the intervention of BRQ, she can move on, with her debt zeroed and her payments restored, secure in the knowledge she has sufficient income.

*This case study was provided by Basic Rights Queensland*

### **Income Maintenance Period waived**

Bashar received a redundancy payment of \$57,066 and other monies in April 2014, having worked for the State Transit Authority as a bus driver since 1996. Half of the money had been spent on what was reasonable heads of expenditure, while the balance had been spent on living and what was recognised to be discretionary items, such as a 2 week holiday in the USA with his fiancée.

He has had a long history of medical conditions and learning difficulties that have caused barriers to educational and employment pursuits. He has no present income. He lives with his mother, who is supporting him, although as she is on a pension, this is causing hardship to both of them.

Bashar lodged a disability support pension claim on 10 April 2014. On the same day a Centrelink officer decided that an income maintenance period applied and that Bashar was not eligible to be paid income support until 26 March 2015. Bashar appealed this decision to an ARO who extended the income maintenance period until 29 May 2015 and that income support was therefore not payable.

Bashar was unsuccessful at the Social Security Appeals Tribunal. The Welfare Rights Centre, NSW (WRC) appealed this decision to the AAT on the grounds that the SSAT had applied a Centrelink policy conflicting with a Federal Court decision, and had therefore arrived at an incorrect decision.

The appeal to the AAT settled. The AAT made orders that his Income Maintenance Period be waived from 19 February 2015, on the basis of Bashar being in severe financial hardship due to reasonable or unavoidable expenditure incurred during the income maintenance period. Centrelink also agreed to assess his entitlement to disability support pension.

*This case study was provided by Welfare Rights Centre (NSW)*

#### **Age Pension cancellation due to attribution rules**

Sam's Age Pension was cancelled once Centrelink became aware he was listed as the sole shareholder and director of a company. According to the Social Security Act, the rate of a person's pension is to be calculated according to either their assets or income. The Act also has special rules for income and assets of private companies or private trusts. Sam was found to be sole director and sole shareholder of a company, operating as a printing business, providing services to a not-for-profit body. Accordingly, Centrelink alleged that Sam had an attributable income and assets percentage of 100% in the company.

This resulted in a decision that Sam was ineligible for his Age Pension and a debt was raised for the period he was receiving an Age Pension. His son who was in receipt of Youth Allowance payments also incurred a debt and his Youth Allowance was cancelled.

When Sam was initially signed as director and sole shareholder, the company had not received any specialist legal or accounting advice. Some years later, when Sam stepped back from the company, another officer of the company completed a number of ASIC forms to have Sam removed as an officeholder. While it was Sam's intention not be involved formally as an officeholder of the company, the member of the company had not completed the forms correctly. Sam therefore remained on ASIC records as director and shareholder.

Sam contacted Welfare Rights Centre (WRC) prior to the SSAT hearing. Welfare Rights collected evidence to show that although Sam was listed on ASIC documents, the practical reality was that Sam did not control or benefit from the income or assets of the company, which operated on behalf of a not-for-profit organisation. In fact, Sam and his son were now homeless and without income.

Welfare Rights submitted numerous statements from company officeholders to this effect.

The SSAT found in Sam's favour. The SSAT found that while at all times Sam was an attributable stakeholder in the company, his asset and income percentages were nil as the company operated for a business in a non-for-profit capacity. Sam thus did not derive any income or personal benefit being an officeholder of the company. Consequently, Sam was reinstated with his Aged Pension and paid in arrears. The SSAT further found that no debt arose in relation to Sam's Age Pension. The same applied to his son and his Youth Allowance payment.

*This case study was provided by Welfare Rights Centre (NSW)*

### **Prosecution action averted**

Mile suffered from schizophrenia and bi-polar affective disorder. He had accrued an overpayment of DSP over a five and a half year period. The size of the overpayment meant he was at risk of imprisonment if convicted of an offence. He had attended a prosecution interview and first contacted us when Centrelink told him his file had been referred to the Commonwealth Director of Public Prosecutions (CDPP). His instructions were that he was 'very muddled', thought he had advised Centrelink when he started work and never opened his mail.

We obtained some documents from his file and raised the following issues in a submission to the CDPP (focussing on a lack of evidence of an offence and public interest factors):

- Centrelink were well aware of his health issues (he had 35 impairment points) and that he was working from time to time (he had given them information from his employer when asked to) but did not adequately investigate this until years later;
- He had had regular admissions to hospital due to his mental health conditions during the period of the overpayment and following; and
- His physical health had deteriorated significantly in the past 3 years.

We also noted that he did not understand the nature of the taped interview (this was obvious from the transcript of the interview) and it should not have gone ahead.

We obtained a letter from his longstanding GP who outlined all his past and current health issues and confirmed that his assertion about not opening 'window envelopes' was consistent with his chronic psychotic illness.

The CDPP notified us that, having taken into account the matter raised in the submission and the letter from the doctor, they had decided not to commence a prosecution.

*This case study was provided by Welfare Rights & Advocacy Service*

### **Payments granted to single mother experiencing domestic violence**

Renee was a young Aboriginal woman with three children, aged 12, 8 and 5 who was referred to Welfare Rights and Advocacy Service (WRAS) due to a tenancy issue - the Department of Housing (DOH) had commenced eviction action due to rent arrears. She was receiving Newstart Allowance at the single rate and the father of the children was receiving Family Tax Benefit (FTB) even though they were not in his care. Renee had limited literacy and numeracy skills and the children's father had persuaded her to sign some documents which she did not understand. WRAS referred her to



Centrelink to lodge a claim for FTB and Parenting Payment Single (PPS) and to get the father of the children to confirm that the children were in her care.

When Renee went to Centrelink she was directed to a computer to lodge a claim for FTB – even though she cannot read or write. Over the next couple of months Renee went to Centrelink with an Aboriginal support worker from DOH to lodge claims for both Parenting Payment Single (PPS) and Family Tax Benefit on a number of occasions. The initial claim for PPS was rejected, on the grounds she did not have an “FTB child”. She then went back to lodge a claim for FTB and that claim was waiting to be processed. In the intervening period Renee was seriously assaulted by the children’s father and hospitalised; the children’s father was charged with assault and Renee took out a Violence Restraining Order against him.

With WRAS’ assistance Renee lodged further claims for PPS and FTB. Centrelink eventually granted FTB . WRAS made a submission to Centrelink highlighting the history of the matter and that the three children had always been only in Renee’s care and never in the care of the other party – this was confirmed by DOH.

A Centrelink ARO eventually granted FTB from a date prior to the date of the first claim for FTB. Renee was also granted PPS but decided that she did not want to pursue back-payment, as she feared violence from the children’s father.

Renee was able to use the arrears of FTB to repay her rent arrears and prevent eviction. WRAS are also assisting her with an application for transfer of her tenancy as she is living with her three children in a two bedroom duplex. DOH will not consider this application as she has been issued with a ‘strike’ under the DOH Disruptive Behavioural Management Policy. The strike relates to the DV incident in which she was the victim of a serious assault. The DOH caseworker has decided that Renee ‘caused’ the incident by asking the perpetrator to leave her home. We are assisting her to challenge the strike even though this is not an ‘appealable decision’ within DOH policy. It is likely that Renee and her children would have been homeless without our assistance.

*This case study was provided by Welfare Rights & Advocacy Service*

### **DSP eligibility - program of support matter settled**

Trajan applied for the Disability Support Pension (DSP) upon release from prison but was informed that he was not eligible because he had not undertaken a program of support (POS). While Trajan had undertaken extensive rehabilitation and training while in prison, these activities were not recognised by Centrelink for the purposes of meeting the POS requirements.

Upon being released from prison Trajan applied for and was granted Newstart Allowance. As part of his job seeker requirements he was obliged to comply with the requirements of probation and parole service that included ongoing counselling and training.

Trajan was under the supervision of the State Attorney General’s Department both while in prison and following his release, at which time he was placed under the supervision of the NSW Probation and Parole. Given that Centrelink incorporated Trajan’s participation in Probation and Parole rehabilitation services into his employment pathway plan, it was argued that it would be perverse for the Secretary not to recognise these same rehabilitation services while undertaken in prison.

Terms of settlement were filed in the AAT granting Trajan the DSP on the basis of the arguments within the Facts and Contentions.

*This case study was provided by the Illawarra Legal Centre*

### **Internal Appeal against Centrelink's decision to raise a Youth Allowance debt**

Centrelink raised a Youth Allowance debt of about \$6000 against Tanya because she was not enrolled.

Tanya was a young Aboriginal woman who had commenced receipt of Youth Allowance payments when she was 15. At that stage she had no permanent home, had spent time in various refuges and had experienced disjointed periods of education. She thought that she would have stability if she went to live with her mother. However her intention to enrol at High School was undermined by her need to look after her siblings and her mother and by a lack of support to manage the process of enrolment. Despite Tanya informing Centrelink that she was not enrolled she continued to be paid the wrong payment.

The Centre lodged an appeal to the Authorised Review Officer (ARO), gathered supporting documentation and provided submissions setting out why the debt should be waived. Centrelink accepted our submissions that the debt should be waived and the entire debt was waived on the basis of sole administrative error.

*This case study was provided by Canberra Community Law*

### **Youth Allowance debt waived**

In this case, Centrelink had raised a debt of about \$4000 against a Kellie who had become homeless from the age of 16. She was particularly vulnerable in light of mental health difficulties from her traumatic upbringing. Kellie had been attempting a school based apprenticeship whilst studying. At the time she received Youth Allowance she was completing year 11 and 12 studies as well as undertaking an apprenticeship in childcare. Later in the same year, she fell extremely ill and it was ultimately discovered that she had a large tumour in her abdomen. During the period of her illness, she continued to be in receipt of Youth Allowance. While she continued to try and study, she ultimately did not complete many of her courses (though she did persist with her apprenticeship except when hospitalised).

The Centre assisted Kellie to lodge an appeal to the Authorised Review Officer (ARO) against the debt, obtained supporting evidence and prepared and lodged a submission to the ARO arguing that the debt should be waived on the basis of special circumstances. We also assisted Kellie to have the debt recalled from a debt collector. The ARO subsequently waived the debt in full and all the repayments made were refunded to Kellie.

At last communication Kellie was continuing her traineeship in childcare and very glad to have had her debt waived.

*This case study was provided by Canberra Community Law*

### **Compensation preclusion period waived**

Fatima ran out of compensation money, which she received after many years of litigation against a medical negligence claim, prior to the end of her compensation preclusion period.

She is a 60 year old woman who went for an operation on her back due to chronic pain. There were complications during the surgery resulting in lost kidney function and many other long term medical complications. These complications impacted severely, not only on her physical health, but also in terms of her emotional and mental health. She became very anxious, felt unstable and lost her ability to enjoy life. After many years of litigation the matter was settled for about a million dollars in compensation. Accordingly, Centrelink applied a compensation preclusion period until 2025.

The Fremantle Community Legal Centre assisted Fatima with her appeal by way of identifying the composition of settlement money and establishing how the money was expended, which included the purchase of a house. Due to the length of the litigation, and the nature of her injury, she had also incurred huge legal and medical costs. The submission emphasised the importance of retaining the house as a sense of security and in providing stability to Fatima's fragile state of health and wellbeing.

The SSAT found that special circumstances existed to cease the preclusion and Fatima was able to keep the house which had been bought with part of proceeds from settlement money.

*This case study was provided by Fremantle Community Legal Centre*

### **DSP rejection overturned**

Max suffered from depression after his marriage broke down and he had an accident at work injuring his back. At the time he reached the Fremantle Community Legal Centre (FCLC) he was homeless, run down, poorly dressed and in a bad state of health. He had been struggling with his appeal following the rejection of his claim for DSP. He was feeling suicidal and he could not understand why Centrelink kept pushing him to look for work.

FCLC assisted Max by preparing a written submission and represented him at the SSAT. It was clear that due to the impact of his medical condition client was hardly coping day to day and that his medical conditions, properly assessed, should qualify him for DSP.

The SSAT set aside the decision under review, finding that Max had met the criteria for DSP since the date of his original claim. The decision was eventually implemented and Max received a substantial amount in arrears. Max was then able to find stable accommodation, eat better, and dress better.

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