



NATIONAL
WELFARE RIGHTS
NETWORK

National Welfare Rights Network Inc

Annual Report

July 2015 to June 2016

Prepared for the 2016 Annual General Meeting

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About National Welfare Rights Network

National Welfare Rights Network (NWRN) Committee

The office bearers in 2015/16 year were:

President	Kate Beaumont, Executive Officer, Welfare Rights & Advocacy Service (WA)
Vice President	Mark Leahy, Manager, Welfare Rights Centre (SA)
Secretary	Genevieve Bolton, Director/Principal Solicitor, Canberra Community Law (ACT) Liz Turnbull, Lawyer, Illawarra Community Legal Centre (NSW) to AGM 2015
Treasurer	Peter Horbury, Operations and Information Services Manager, Social Security Rights Victoria (VIC)
Committee Member	Georgina Warrington, Director, Basic Rights Queensland (QLD)
Committee Member	Alex Whitney, Solicitor, Townsville Community Legal Service (QLD)
Committee Member	Jessica Raffal, Solicitor/Community Legal Education Coordinator, Welfare Rights Centre (NSW) to Feb 2016
Committee Member	Graham Wells, Clinical Supervisor/Senior Solicitor, Social Security Rights Victoria (VIC) to AGM 2015

Secretariat

Amie Meers was the Executive Officer until April 2016, before departing to pursue other opportunities. The Secretariat acknowledges her contribution to the Secretariat and National Welfare Rights Network.

Matthew Butt is the current Executive Officer, having been appointed the Research and Policy Officer in March 2016 and acted as Executive Officer after Amie Meers' departure.

The Secretariat also acknowledges the invaluable assistance of Alice Jones Rabbitt, who was the National Engagement Officer from March to June 2016. Additionally we would like to acknowledge the assistance of Welfare Rights Centre, Sydney and particularly the work of Gerard Thomas as the Policy and Media Officer and Alice Jones Rabbitt as the Administration Officer up to November 2015.

A big thank you from the Secretariat for all the help it has received this year from the members of its Management Committee and the caseworkers throughout the Network, particularly those who have contributed via participation in sub-committees. We also thank Kate Beaumont (President), Peter Horbury (Treasurer) and Christine Carr (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 13 years ago and includes both specialist community legal centres practicing in the area and standalone workers in generalist community legal centres. Member centres traditionally have been funded through the Welfare Rights Program as part of the Community Legal Service Program (CLSP) of the Commonwealth Attorney General's Department. From 1 July 2015 member centres have been funded under the National Partnership Agreement on Legal Assistance Services.

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 additional expertise as they work with predominantly Indigenous clients many of whom have been subject to the various incarnations of Income Management in the Northern Territory since 2007.

The main work of our Member Centres and Associate Members is the delivery of advice and casework assistance to individual clients. Our member centres have provided details of the assistance provided in 2015-2016 in their centre reports which appear later in this report. The experience of providing this advice and casework assistance informs much of 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 of Social Security and Family Assistance Law.

In 2015-2016 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 – as has been the case for the last three years the major presenting issue for their clients continues to be those trying to gain access or to retain access to Disability Support Pension (DSP). According to Departmental statistics the grant rates of DSP have reduced from 38% in 2014-2015 to just 22% in the first six months to 31 December 2015 – this helps explain the increase in clients seeking assistance. It is expected that the grant rate for the full 2015-2016 year will have reduced further with the abolition of the Treating Doctor's Report and the introduction of the Government Contracted Doctor Assessment into the DSP new claim process. The impact of the 2014 budget measure to review the medical entitlement to DSP for 28,000 under 35 year olds who had been granted DSP between 2009-2011 has been fully realised in the latest year with large numbers of cancellations of young disabled people. The announced 90,000 medical reviews to be conducted over the next three years will likely result in more cancellations of DSP. The difficulty for our Member Centres is that they regularly assist clients with significant disability who are unable to qualify for DSP under the current rules and who end up on the lower rate of Newstart Allowance and subject to activity requirements once they are assessed as having work capacity over 8 hours per week.

Building on from the research activities undertaken in 2014-2015 this year NWRN commissioned new research into measures to address social security poverty traps caused by compensation preclusion periods and income maintenance periods. The research has been undertaken by Professor Whiteford and Sue Regan from the Crawford School of Public Policy at the Australian National University and the findings were recently presented to the Department of Social Services and to the Department of Human Services. In the coming year we will build on the research undertaken in our policy and law reform work.

In addition to the advice and casework undertaken by our members, 2015-2016 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 16 submissions to Senate Inquiries related to Budget 2015 and other Government Reviews. These are detailed more fully in the key achievements section of the Annual Report. I would like to acknowledge the assistance provided by the Members to these submissions and that this contribution continues to be grounded in the casework experience of working with their clients. Apart from written submissions the NWRN gave evidence to a number of Senate Inquiries in 2015-2016. The NWRN continued this year to share its knowledge of Social Security law and Family Assistance law with others in the sector to ensure that the community is better informed about this area of law.

The NWRN engages with the media to represent the interests of our clients in public debate. In July 2015 it was pleasing that the Australian Press Council upheld the NWRN's complaint against the Daily Telegraph in relation to an article published in September 2014 titled *"Its so easy to fudge a bludge: Online guides used to con doctors into giving out Disability Support Pensions"*. After the judgement the NWRN called for responsible media outlets, Government, the parliament and community groups to take steps to steer the public debate to a more factual, balanced and respectful discussion.

In 2015-2016 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. Of note in the last year was that representatives from DSS and DHS participated in the NWRN Conference in a casework session relating to DSP with lawyers and advocates from our member centres. Additionally the DHS WIPT Team conducted a session at the NWRN Conference which was the springboard for a WIPT/NWRN Workshop conducted in Brisbane in December 2015 to build on from the conference work undertaken. The NWRN had the opportunity to meet with the new Minister for Social Services, Christian Porter in October 2015.

The capacity of the NWRN has been greatly enhanced by the work of the Secretariat. In 2015-2016 there were some changes to the staff of the Secretariat and decisions made about the structure of the Secretariat moving into the future. In those decisions the NWRN Committee worked toward the move to independence of the Secretariat by ending the previous hosting arrangement with the Welfare Rights Centre, Sydney and the use of their staff and accommodation. In that transition I would like to acknowledge and thank the Board and staff of the Welfare Rights Centre, Sydney who had hosted the Secretariat and provided accommodation and staff for the Secretariat for the preceding 18 months. I would like to take this opportunity to particularly acknowledge the work of

our former Policy and Media Officer, Gerard Thomas and our former Administrative Officer, Alice Jones Rabbit.

With the move to independence the NWRN underwent a restructure, moved to direct employment of Secretariat staff and to new office accommodation. Amie Meers worked tirelessly in this transition phase for the NWRN. In late March 2016 Matthew Butt was appointed to the NWRN Research and Policy Officer position and as Amie Meers has been on leave without pay to take up an opportunity to work at the Commonwealth Ombudsman's Office he has taken on the role of Executive Officer during her absence. Since March 2016 Alice Jones Rabbit has returned to the Secretariat as the National Engagement Officer for a three month period to assist with membership engagement and the organisation of the NWRN Conference. Recently Amie Meers has advised that she wished to extend her absence with the Ombudsman's Office and a decision was made to appoint Matthew Butt to the Executive Officer role. 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 thank the Committee of the NWRN for their continued contribution in 2015-2016. The Committee this year has included Mark Leahy (Vice President), Genevieve Bolton (Secretary), Peter Horbury (Treasurer) and our General Members, Georgina Warrington, Alex Whitney and Jessica Raffal. In the last year in addition to our regular monthly meetings the Committee had two planning days in Brisbane and Canberra and a post NWRN Conference Meeting in Melbourne. These face to face meetings have been productive and allowed the Committee to focus on the challenges ahead. I would like to acknowledge the work of Christine Carr from Welfare Rights & Advocacy Service in Perth for providing bookkeeping support to NWRN.

On a personal note I thank the Board and staff of Welfare Rights & Advocacy Service who have been supportive of me undertaking the role of President of the NWRN in 2015-2016. They understand the valuable work of the NWRN and the impact on the clients we provide services to.

Finally I would also like to recognise the welfare rights solicitors and caseworkers 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.



Kate Beaumont
NWRN President

Treasurer's Report

Due to the timing of the 2016 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 2015-16

NWRN has continued to contribute significantly to Government policy in the areas of social security and family assistance law in the 2015-2016 financial year. This was done primarily via submissions to various inquiries, submissions to the federal budget process and other formal review and consultation processes, production of research papers, participation in government consultation processes, regular engagement with government departments and advocacy on specific social security issues to those departments and responsible Ministers.

Submissions to Parliamentary Inquiries¹

During 2015-2016 NWRN made submissions to the following Parliamentary inquiries:

- Submission to *Retirement Incomes Review: A Better Tax System, A Better Australia*, 24 July 2015 available [here](#);
- Submission to the Senate Community Affairs Legislation Committee, *Social Security Legislation Amendment (Cashless Debit Card Trial) Bill 2015*, 18 September 2015 available [here](#);
- Supplementary Submission to the Senate Community Affairs Legislation Committee, *Social Security Legislation Amendment (Cashless Debit Card Trial) Bill 2015*, 18 September 2015 available [here](#);
- Submission to *Social Services Legislation Amendment (Further Strengthening Jobseeker Compliance) Bill 2015* available [here](#);
- *Social Services Legislation Amendment (More Generous Means Testing of Youth Payments) Bill 2015* available [here](#);
- *Social Services Legislation Amendment (No Job, No Pay) Bill 2015* available [here](#);
- *Social Services Legislation Amendment (Youth Employment) Bill 2015* available [here](#);
- *Social Services Legislation Amendment (Family Payments Structural Reform) Bill 2015* available [here](#);
- Submission on the *Social Services Legislation Amendment (Budget Repair) Bill 2015*, 27 October 2015 available [here](#);
- Submission on the *Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015*, available [here](#);
- Submission on the *Social Services Legislation Amendment (Family Payments Structural Reform) Bill (No 2) Bill 2015*, available [here](#);
- Submission on the *Social Services Legislation Amendment (Family Measures) Bill 2015*, available [here](#);
- Submission on the *Social Security Legislation Amendment (Community Development Program) Bill 2015*, 2 February 2016 available [here](#);
- Submission on the *Social Services Legislation Amendment (Interest Charge) Bill 2016*, available [here](#);
- Submission on the *Social Services Legislation Amendment (Welfare Payment Integrity) Bill 2016*, available [here](#);
- Submission to the Department of Prime Minister and Cabinet concerning the proposed changes to the Community Development Program available [here](#).

¹ All NWRN submissions listed here can be found on our website at <http://www.welfarerights.org.au/policy/submissions>.

NWRN's analysis was cited by other sources of authoritative advice such as Parliamentary Library publications and Parliamentary Committee reports and it also gave evidence at Parliamentary inquiries.

- The Senate Community Affairs Committee handed down its report on the *Social Security Legislation Amendment (Debit Card Trial) Bill 2015*. NWRN submissions and evidence were cited in the report available [here](#).
- NWRN provided evidence at the public hearing on the *Social Services Legislation Amendment (Youth Employment and Other Measures) Bill 2015*, 5 August 2015. This evidence and its submission was cited in the report [here](#);
- NWRN also gave evidence on 19 November 2015 to the *Social Services Legislation Amendment (Family Payments Structural Reform) Bill 2015* Inquiry. The NWRN submission and evidence was cited in the report of the committee [here](#).
- *Social Services Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015*. The relevant bills digest can be accessed [here](#);
- *Social Services Legislation Amendment (Family Payments Structural Reform) Bill 2015*. The relevant bills digest can be accessed [here](#).
- Submission on the *Social Services Legislation Amendment (Budget Repair) Bill 2015*, was cited extensively in the Senate Committee [report](#) and the Parliamentary Library's [Bills Digest](#).
- Submission on the *Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015*. The submission was cited extensively in the Senate Committee [report](#).
- Submission on the *Social Services Legislation Amendment (Family Payments Structural Reform) Bill (No 2) Bill 2015*, available [here](#) The NWRN gave evidence to the Senate Committee in public hearings held on 18 February 2016.
- Submission on the *Social Security Legislation Amendment (Community Development Program) Bill 2015* was cited extensively in the Senate Committee [report](#) and in the Parliamentary Library's [Bills Digest](#).

Research Projects

Independent research into compensation and redundancy poverty traps

During the year NWRN commissioned a research paper from the Australian National University Crawford School of Public Policy on income maintenance periods and compensation preclusion periods. The Researcher, Sue Regan, presented an interim report to the DSS at the December 2015 biannual meeting and is scheduled to present the final draft to DSS and DHS at the July 2016 biannual meeting. That paper examines the problem of people running out of money before the end of their exclusion period and makes a range of recommendations including suggesting a framework for considering policy responses and a range of possible innovations, including both public and market based tools. It will be published on our website shortly.

Student payments paper

NWRN also produced, in collaboration with Canberra Community Law, a policy paper on student payments informed by the experiences of our members delivering frontline legal services. This paper was produced in response to the Government's requests for our views on student payments in the context of the Welfare Payment Infrastructure Transformation's current focus on student payments and the broader welfare and payment reform context. Although it won't be published publically until the 2016-2017 year, a copy of the draft paper was provided to DSS for discussion in June 2016.

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.

For example, our **Federal Budget submission** contained:

- Six recommendations that would help improve support for victims of family violence by improving access to Crisis Payment and Special Benefit
- Three recommendations relating to the funding of community legal centres (CLCs) and Department of Human Services' (DHS) social workers to ensure adequate support to victims of family violence; and
- One recommendation relating to the rate of payment for family violence victims who are subject to financial abuse and are denied the co-efficiency of pooling resources with their partner.

Our submission to the **DSS Review of Carer Payments** provided detailed feedback and suggestions to DSS relating to:

- Problems with the current definition of constant care
- Options for measuring care needed
- Doctor and carer questionnaires
- Measuring both active and supervisory care
- Patterns of care
- Temporary cessation of care provisions
- Young carers and workforce connections
- Role for technology to improve administration and user experience

At the following biannual meeting with DHS, we received a report from its deregulation branch that a number of 'red tape' items raised by us in our submission to the review of carer payments had been taken on board and being actioned via legislative and administrative changes.

Our engagement with the **Welfare Payment Infrastructure Program (WPIT)** team received extremely good feedback from DHS who recognised our contribution as valuable and important. A formal two year plan for engagement was developed.

NWRN has continued to meet with DHS throughout the year to provide strategic advice on service delivery issues. Some examples of engagement over the 2015-16 financial year covered:

- Issues for Indigenous renal failure patients accessing DSP arising from use of incorrect impairment tables by job capacity assessors. DSS has advised that the Guide to Social Security Law will be amended to clarify assessment of renal failure under the relevant tables.
- Advice and feedback on the task cards used by DHS officers to prepare external tribunal papers. NWRN was able to provide advice about particular documents that should generally be included for the benefit of the tribunal and the applicant in particular types of matters. This will mean more complete papers and automatic inclusion of important documents which is a positive outcome for clients who are unaware of what may be missing, or could, be included on the tribunal papers.
- Identified two areas of possible unintended consequences in the new POI process for
 - longer term residents who only hold citizenship certificates as their commencement of identity document; and
 - young people with significant disability who transitioning to payments in their own right at the age of 16

NWRN made some suggestions for enhancements to policy and administration which will have positive outcomes for these two groups.

- DSS sought input from NWRN about its revised medical assessment process. NWRN surveyed its members and provided feedback on the experiences of disability support pension claimants who have been through the new medical assessment process.

The main channels through which feedback was provided included:

- Biannual meetings with DHS and DSS
- Meetings with Department of Employment
- Direct and regular correspondence with the NWRN Relationship Team at DHS
- Submissions and evidence to government and parliamentary inquiries
- Federal budget submission
- Participation in reference groups such as the National Multicultural Reference Group and the Centrepay Stakeholder group
- Participation in stakeholder consultations (eg the DSS Review of Carer Payments)

Changes to government policy as a result of NWRN advocacy

The NWRN makes concrete recommendations to address the issues it raises with both DHS and DSS. NWRN advocacy resulted in a review of a number of government policies, some of which are yet to be finalised:

- Following NWRN recommendations, DSS has indicated that it will make changes to the Guide to Social Security Law to clarify the treatment of people with end stage renal failure under the impairment tables. A lack of clarity has resulted in cases where job capacity assessors have used the wrong table to assess this disability for a number of vulnerable Indigenous clients.

- DSS has also responded to NWRN feedback that the impairment tables and guide are poorly designed for indigenous people (eg, questions that ask about ability to walk to local shops when there may not be any local shops). DSS agreed with the NWRN concerns and indicated that, while there is no review of the impairment tables currently underway, they will review the interpretation guidelines.
- Following a recommendation made by the NWRN, the Government advised it would enable payments to be suspended, rather than cancelled, for people serving short compensation preclusion periods.
- In response to NWRN feedback, the Reviews and Appeals Branch has amended internal task card guidelines for officers preparing tribunal papers.
- In response to NWRN advocacy, DSS has reviewed its policy in relation to self-paced learning via NSW TAFE OTEN. This has resulted in changes to the Guide to Social Security Law to clarify social security payments for students in this type of course.
- DHS introduced a new assurance process in response to concerns from the NWRN and consumer groups about abuse of Centrepay by unscrupulous lenders.
- The government responded to submissions by a number of organisations, including NWRN, removing a legislative proposal to exclude people from the possibility of receiving special benefit during an income maintenance period. The government also amended the Guide to Social Security Law around income maintenance period waiver.

Sector engagement

As a network of community legal centres specialising in social security and its administration, NWRN is uniquely placed in the community sector to contribute to and support the work of the community sector. NWRN was often called on to assist other peaks and organisations on social security matters. Our submissions were endorsed by other peaks including People With Disability Australia and Jobs Australia.

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 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 participate in relevant sector campaigns
- NWRN raised and resolved issues directly affecting vulnerable Australians
- DHS, DSS and DOE 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.welfarerights.org.au
- Factsheets: <http://www.welfarerights.org.au/factsheets>
- Media releases: <http://www.welfarerights.org.au/media-releases>.

- Our newsletter titled “*Welfare Rights Review*”: <http://www.welfarerights.org.au/welfare-rights-review>

NWRN also took part in regular community sector meetings and link-ups and contributed its expertise, such as through ACOSS.

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:

- Administrative law subcommittee (which has now annexed the Freedom of Information/Appeal Papers subcommittee) – tasked with coordinating the NWRN response to administrative law issues
- Welfare Reform subcommittee – tasked with guiding the NWRN’s input to the Government’s welfare reform agenda.
- Indigenous issues subcommittee – tasked with guiding the NWRN on Indigenous issues and responding to action items arising from meetings with DHS on Indigenous issues.
- Publications subcommittee – tasked with reviewing network publications.

Media

Media Releases

- Press Council find Daily Telegraph 'inaccurate' and 'unfair' over claims about 'bludging guides' for the Disability Support Pension, 14 July 2015.
- Parliament urged to abandon harsh 4-week waiting period, 5 August 2015.
- [JOINT MEDIA RELEASE - MYEFO 2015-16 will hurt migrant partners and children of Australian Citizens and permanent residents](#) 16th December 2015
- [NWRN Secretary, Genevieve Bolton, wins Human Rights Commission Law Award](#), 11th December 2015
- [NWRN Media Release, Time to rethink rollout of cashless welfare card, 9 October 2015](#), 9th October 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:

- Channel Ten National News, *Social Security Changes*, 1 July 2015.
- Meade, A. *Press Council rules against Daily Telegraph on pension 'bludgers'*, 14 July 2015.
- Jabour, B. *Newstart becomes de-facto disability pension for 25% of claimants*, The Guardian, 16 July 2015.
- [Jabour](#), B. *Coalition's \$21.8m move-for-a-job program taken up by only 454 people*, 31 July 2015.
- Chalmers, M. *Unfair On welfare: Daily telegraph Pinged By Press Council*, 14 July 2014.
- AAP, *Welfare group's press complaint upheld*, 14 July 2014.
- Mumbrella, *Daily Telegraph rapped for accusing welfare claimants of helping claimants to 'con' doctors*, 14 July 2015.
- Morton, Rick, *Number of young people getting off dole within four weeks fails*, The Australian 5 August 2015.
- ABC Mid Coast Radio News, *Four week waiting period for young people*, 6 August 2015.
- Xavier Smerdon, *No evidence that forced waiting for Dole Will Work*, ProBonoNews, 6 August 2015.
- Jenny Macklin, Media Release, *Pushing Young People Into Poverty Will Make It Harder For Them to Find Work*, 7 August 2015.
- Shalililah Medhora, *Plan to delay dole for young jobseekers unlikely to pass Senate*, The Guardian, 13 August NWRN's Goal: 2015.
- 2SM – *Ice and Centrelink payments*, 28 August 2015.
- Shalililah Medhora, *Scott Morrison: Senate must reconsider rejected dole waiting period for under 25s*, The Guardian, 10 September 2015.
- 9 October 2015 ABC News Radio interview with Dan Conifer on Cashless Debit Card
- 10 October 2015 ABC Radio AM program on Cashless Debit Card
- 10 October 2015 ABC article by Dan Conifer "Government Announces \$1Million Trial of Cashless Welfare Card" available [here](#).
- 13 October 2015 ABC NEWS Adelaide on Cashless Debit Card
- 15 October 2015 989FM Radio Queensland on Cashless Debit Card
- 3 November 2015 Interview with The Guardian on the Disability Support Pension
- 6 November 2015 ABC AM Program interview on Cashless Debit Card
- 15 December 2015 ABC AM Program interview with Tom Iggulden on MYEFO measures
- 11 January 2016 ABC Radio interview with Angela Lavoipierre for PM program, <http://www.abc.net.au/news/2016-01-11/disability-lawyers-say-cuts-to-support-have-gone/7082000>
- 6 February 2016 ABC Radio interview with Angela Lavoipierre for PM program, <http://www.abc.net.au/am/content/2015/s4401576.htm>
- 10 February 2016 FIVEAA Radio interview with Jeremy Cordeaux
- 7 March 2016 ABC Radio interview with Rachael Brown for PM program, <http://www.abc.net.au/pm/content/2016/s4420370.htm>
- 10 June 2016, ABC Radio National AM and online, <http://www.abc.net.au/news/2016-06-10/election-labor-to-unveil-tough-and-unpopular-savings-measures/7498400>
- 24 June 2016, ABC Radio National AM and online, <http://www.abc.net.au/am/content/2016/s4488159.htm>

NWRN Sub-Committee Reports

In 2015/16, a number of sub-committees were constituted to help the Secretariat survey members and drawn on their experience and expertise in social security law. Highlights included:

- A productive relationship with DHS regarding its process for preparing appeal papers for the Administrative Appeals Tribunal – a subcommittee was formed to review some key taskcards for this process and the subcommittee provided suggestions to DHS, many of which were taken up
- Review of factsheet needs of the Network by the Publications sub-committee, with the first set of consolidated factsheets due to be published very soon.

NWRN Member Centre Reports

Adelaide - Welfare Rights Centre (SA) Inc.

Not available at time of writing the NWRN Annual Report. Please see the Centre's annual report for more information.

Brisbane – Basic Rights Queensland (QLD)

Staff

The Centre employed the following staff at 30 June 2016:

Name	Role
Georgina Warrington	Director
Leisa Higgins	Office Manager
Patrick Cranitch	Principal Solicitor
Andrew Davison	Solicitor Social Security
Steve Irvine	Solicitor CLE, TAS
Andrew Kennedy	Solicitor Disability Discrimination, TAS
Ellen Jones	Solicitor TAS
Teresa Grahame	Social Worker
Caitlin Collins	Social Worker
Sue McComber	Bookkeeper

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	1715
Advices	2264
Cases opened during period	216
CLE Activities	17

Brief summary of casework trends

Basic Rights Qld provided advice most commonly in the area of pension/benefit eligibility and the issue of Centrelink refusal. Following that, recovery overpayment was the second highest issue with rate reduction being third.

Regional Initiatives and engagement

BRQ commenced a duty lawyer (clinic) at AAT in March this year. A review will be undertaken in July with a view to further improving and targeting service delivery.

Strategic opportunities

- Research partnerships, involvement with other agencies
- New sources of funding - private enterprise collaboration

Strategic challenges

- Potential funding cuts from July 2017 (total Qld CLC funding to be cut by a 1/3)
- Staff turnover resulting from cuts
- Increased demand without capacity/processes to adequately respond
- Forced amalgamations

Case Studies

BRQ represents highly vulnerable people who are unable to advocate for themselves, whose lives are in precarious situations on account of uncertainty of income and whose cases have merit. BRQ also represents vulnerable people who have experienced disability discrimination. Below are two de-identified examples of our work.

- S was a newly arrived refugee from Africa who had a \$6000 Youth Allowance debt raised due to ceasing to attend high school at age 17 and failing to enrol in some other form of study for over 6 months. She became homeless at age 16 after becoming pregnant at age 15. She had been residing with her aunt with whom she had disputes over the care and finances for the baby. It took her 6 months of couch surfing to get onto a Centrelink payment and to get into emergency housing. She continued to have disputes with her aunt who had care of the baby. Some of the disputes occurred at the school. S's aunt's sister would sometimes have the baby during the day so S would spend time with them without her aunt knowing. All of these factors led to her ceasing school. Her support workers advised Centrelink of this however she was intending to enrol in another course at that time. She did not enrol partly due to difficulties with a number of potential external course providers and communication problems. She did not get into another course for over 6 months and during this time did not advise Centrelink of what was happening. BRQ worked with her support workers to gather evidence about what had occurred and represented her at AAT1. She was successful in having the debt waived in full. This assisted the client to begin to move forward. She now has stable accommodation, has recommenced study and has had her child returned to her care.

- T had been on Disability Support Pension for a number of years. T suffered from, Acquired Brain Injury and Mental health issues. When the changes to the DSP criteria were introduced in 2015, T no longer qualified for DSP. T’s conditions were not considered to be “fully diagnosed treated and stabilised” under the new rules as there were not diagnosed by the relevant medical professional.

T managed to approach us after his payment had been cut off. We helped him appeal his matter and to be granted “payment pending review”. We appealed on his behalf to the Administrative Appeals Tribunal. We were then able to obtain his Centrelink file. It was clear to us from the file that T had been treated for these conditions for a number of years and all his treatment options had been exhausted. We managed to have T’s medical matters examined by a relevant professional to confirm that his conditions were “Fully Diagnosed Treated and Stabilised”, which meant he could be awarded points under the Impairment Tables. We wrote submissions on T’s behalf and appeared before the Administrative Appeals Tribunal.

On Review to the Tribunal the decision favoured T. He was found to have a “severe” impairment and awarded 30 impairment points. T’s DSP was reinstated.

Canberra – Canberra Community Law (ACT)

Canberra Community Law (CCL) 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 matters
- Street Law – generalist outreach service for people who are homeless or experiencing homelessness.
- Socio-Legal Practice (SLP) Clinic – intensive legal and social worker support with a particular focus on helping victims of family violence with housing issues
- 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.

Current Staff in our Social Security and Tenancy program

Name	Position
Genevieve Bolton	Executive Director/Principal Solicitor
Sarah Hein	Advice Line Co-ordinator (part time)
Amelia McCormick	Solicitor (finishing mid August)
Louisa Bartlett	Solicitor (replacing Amelia McCormick)
Radhika Chaudhri	Solicitor

Naomi Gould	Solicitor (part time)
Matthew Butt	Solicitor (one day per week)
Jordan Bulley	Adviser/Office Manager
Catherine Murnane	Social Worker

Total number, under our Social Security and Tenancy program, of the following:

	Advice by Problem Type	Percentage
Tenancy	896	74%
Social Security	302	25%
Other	8	1%
Total	1206	100%

Cases	
Total number open of files as at 30 June 2015	28
Total number of cases opened from 1 July 2015 to 30 June 2016	112

Brief summary of casework trends/client profiles

During the reporting period, we have noticed that Social Security advice is being sought on a broader range of Centrelink issues and by more clients from outside the ACT but within our area of south-west NSW. In addition to the frequent problem of Centrelink overpayment debts, we have advised regularly on refusal of Disability Support Pension claims, compensation preclusion periods causing significant financial hardship, suspension of payments for alleged breaches of activity requirements and problems arising from increasing restrictions on payments to people while they are overseas.

Many clients have complained bitterly this year about the difficulties of communicating with Centrelink, particularly its very unresponsive telephone system. Long waiting times on hold, unanswered calls, and dealing with unproductive automated systems are frequently reported problems. These difficulties lead to such anger and frustration that some of our most vulnerable clients are banned from attending any Centrelink office, ringing or even writing to Centrelink,

obviously compounding the frustration, disempowerment and inability to comply with their reporting obligations.

Case Studies

Case Study 1: AAT First Tier Appeal, Disability Support Pension, Portability Period

Our client had been granted Disability Support Pension (DSP) in the late 90s on the basis of chronic substance abuse and chronic depression. Last year, our client travelled overseas to visit his mother. On exceeding his portability period, Centrelink suspended and later cancelled our client's DSP. This was despite two requests which he had made to have his portability period extended because he was unable to return to Australia due to his mother's illness.

His mother was seriously ill prior to our client leaving Australia. The question before the Tribunal was whether our client had been prevented from returning to Australia due to an event which occurred or began after he had left Australia. The Centre assisted our client to obtain medical documentation and argued before the Tribunal that his mother had developed a further serious mental problem after he had left Australia. The Tribunal accepted our arguments and extended the portability period by a couple of weeks.

The question then arose to whether our client's DSP could be restored on his return to Australia as he had not returned to Australia prior to the extended period ending. We argued and the Tribunal accepted that as he had returned to Australia within 13 weeks of his payment stopping, in line with Centrelink policy, his DSP should be restored from the date of his return.

Case Study 2: AAT Second Tier Appeal, Compensation Preclusion Period

Our client had sought review against Centrelink's decision to impose a compensation preclusion period. We represented our client before the AAT and successfully argued that there were special circumstances justifying a reduction in the preclusion period. The effect of the AAT decision was that the preclusion period had ended in November 2013.

Our client had received compensation payments following a motor vehicle accident when he was 17 years old. The accident left him a paraplegic. His compensation lawyers had told him that his preclusion period would last 8 years not 22 years and his evidence before the Tribunal was that he had not received the letter from Centrelink advising him of the correct length of the preclusion period.

In dealing with Centrelink's compensation preclusion period letter, the Tribunal rejected the submissions of Centrelink that our client ought to have been deemed to have received the letter "unless the contrary was proved." The Tribunal found that the deeming provisions did not apply as the letter was not a notice under Social Security law.

The circumstances of his case that the Tribunal found special included the law firm's wrong advice about the preclusion period, his unexpected ill health, the impediments on him selling his home (including that his property had been substantially modified due to his disability and other similar suitable accommodation would be difficult to obtain) and his financial hardship.

NWRN Engagement

CCL was represented on NWRN's Management Committee during the year holding the position of Secretary.

CCL partnered with the NWRN to produce its Commonwealth Budget Submission 2016/17 focused on recommendations for improving income support for victims of family violence.

CCL also partnered with NWRN to produce a draft discussion paper on Student Income Reform. The draft paper was discussed at the recent Department of Social Services Biannual meeting. Once finalised the paper will also be provided to the WPIT process. Thank you to NWRN members who provided case studies and input into this report.

Future Directions

We are currently in discussions with the Canberra Registry of the AAT to trial a duty lawyer service at first tier review level.

We are currently finalising Social Security factsheets on debts and appeals and some materials on DSP to assist clients to obtain medical reports from their doctors.

Threats to the Centre/Service

Funding continues to be an ongoing issue for the Centre. During the last 12 months, we have done a lot of media work around highlighting the issue and the impact that the anticipated 30% reduction in funding from 1 July 2017 will have on our clients and the Canberra community in general.

Whilst we have been able to obtain some funding from a couple of the law firms' foundations in the ACT to support our tenancy and public housing work, this has not been possible for Social Security project work as the major law firms are often conflicted out due to having Commonwealth Government Departments as clients.

Darwin - Darwin Community Legal Service (NT)

Staff

DCLS funding no longer includes a WR component however we continue to prioritise WR work, which is undertaken by one of our Community Solicitors. Ex Welfare Rights then Community Solicitor Shelly Eder left DCLS in early 2016 to take up a position at Charles Darwin Uni.

Name	Role
Priscilla Lavery with the assistance of the community solicitors	Community Solicitor with carriage of welfare rights matters.

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	70
Advices	40
Cases opened during period	58
CLE Activities	33

Brief summary of casework trends

Most of our cases concerned debt or disability pensions matters. As regards DSP we had a high number of renal patient matters but in recent times this appears to have subsided with DSS granting rather than refusing DSP.

Regional Initiatives and engagement

- CLE at Bagot Indigenous Community
- Attendance at Administrative Law Workshop
- Provided chapters on welfare rights to the NT Law Handbook now available on Austlii
- CLE to Salvation Army hostel residents at Sunrise Centre
- Attendance at Social Security training at NAAJA
- CLE at Darwin Prison
- Attendance at Income Management Session at Somerville
- Ongoing outreach at RDH Renal Unit and at Nightcliff Renal Unit.
- Attendance at Anti Discrimination Training
- Attendance and participation in Multicultural Affairs Forum
- Attendance and participation in Child Support Stakeholder Engagement Meeting
- TEABBA radio presentations.

Strategic opportunities

We have two new community solicitors commencing 3 August, one of whom has extensive experience in welfare rights law. We will re-engage with key client groups and stakeholders as a matter of priority: NAAJA and other community legal organisations, Bagot Community, RDH renal unit and generally, Somerville Financial Services, Anti Discrimination Commission, Darwin prison, Centrelink, Child Support Stakeholder meetings

Strategic challenges

Nil aside from funding issues from July 2017.

Case Studies

Matter of EK

EK is an indigenous woman with end stage renal failure and heart disease. She was referred to our service on 11 November 2015 having been twice rejected for a DSP. On 16 November we lodged a request for a review of this decision by an ARO. In the meantime we assisted the applicant to make a further claim on 15 December 2015.

The application lodged 15 December 2016 was rejected. A further ARO was successful and the claim was backdated to 15 December 2015.

We lodged a complaint with the Commonwealth Ombudsman regarding this matter and 4 other matters.

As a result of our intervention the client received DSP.

We have had a significant reduction in refusals for end stage renal patients following our complaint to the Ombudsman.

Matter of BR

Mr R's claim for DSP was rejected on 19 May 2015. Mr R suffered from fibromyalgia among other conditions. This decision was affirmed by an ARO on 9 October 2015. On 12 November Mr R applied to the AAT for a review of the decision. We represented Mr R at the AAT and the decision was affirmed. We applied for a tier 2 review. A key aspect of our appeal was the Tribunal failed to consider all applicable tables. In preparation for the tier 2 hearing we commissioned several further reports from the client's gp. Eventually we forwarded the NWRN's own template which the client's gp completed. The Department has now proposed terms of agreement for the AAT to direct that the applicant satisfies the requirements of section 94(1)(a), (b) and (c) of the Act.

Mr R is in the process of signing the agreement.

The outcome is that Mr R will receive DSP backdated to 19 March 2015. This will improve his standard of living and give him some certainty about future income.

Geelong - Barwon Community Legal Service (VIC)

Staff

The Centre employed the following staff at 30 June 2016:

Name	Role
NICK HUDSON	EXECUTIVE OFFICER
MANDI HYLAND	PRINCIPAL LAWYER
JEANETTE CONNOLLY	LAWYER
ELSIE STOKIE	LAWYER

GEORDIE KONIECZKA	LAWYER
SAM HAWKINS	LAWYER
MIKALA McINTYRE	LAWYER AND FAMILY VIOLENCE PROJECT WORKER
LEE BOLTON	LAWYER
MARIJANA GRALJUK	LAWYER AND SEEKING REFUGE PROJECT WORKER
LOUISE THORSEN	LAWYER
JILLIAN CHAPMAN	COMMUNITY LEGAL EDUCATION OFFICER
GRACE FORREST	ADMINISTRATION
CHARMAINE FLOYD	ADMINISTRATION
LIZ FLYNN	ADMINISTRATION
LEE FITZROY	SOCIAL WORKER AND SOCIAL WORK PROJECT WORKER

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	88
Advices	108
Cases opened during period	55
CLE Activities	6

Brief summary of casework trends

BCLS received overwhelming numbers of requests for assistance with rejections of Disability Support Pension Applications and cancellations following review. Unfortunately, these requests far outweighed BCLS capacity to assist. BCLS assisted with Carer Payment cancellations and debts as well as other payment debt matters also.

Regional Initiatives and engagement

Locally, BCLS continue to convene the Barwon DHS Centrelink Network. 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 12 August 2015, 11 November 2015, 10 February 2016 and 11 May 2016.

Strategic opportunities

BCLS are continuing to provide advice and casework in Social Security matters. We provide a triage service to assist more of our clients living with disability unable to access Disability Support Pension. Our triage focuses on increasing client understanding of the complex eligibility criteria and to gain targeted medical evidence to meet the high evidentiary requirements for Disability Support Pension. We advocate for social security law reform on the inadequacy of Newstart allowance and other payments that reduce our clients to living in poverty. We advocate in areas of need caused by Federal government legislative changes and informed by our casework and community.

Strategic challenges

The funding cliff BCLS is facing in the coming year will negatively effect the services we can provide and increase our client turn away rate.

Case Studies

Bob is homeless in his late forties, he has no income and no savings. He has been living in his car (only asset value \$2 thousand approximately) on beach since February 2015, surviving assisted by Salvation Army, the previous two years he was couch surfing at family and friends.

Bob suffered a workplace injury in 2007. Bob was on Work cover periodic payments for less than two years, then in receipt of Centrelink. In 2011, Bob received a lump sum compensation payment of \$200,000. Bob was precluded from Centrelink income support until March 2015. Bob was notified of this in 2011. Bob repaid Centrelink for income support, paid the legal costs for the matter, repaid loans, helped his adult children out, and following his relationship breakdown, lived at his mothers; the money was nearly all gone by 2013. (Note: no alcohol 10+ years, no drugs 28+ years, no gambling)

Physical conditions: back injury(low mobility), heart attack , high blood pressure, memory loss, ABI, mental health – suicidal ideation , severe depression and anxiety.

Other challenges: homeless, no income, no savings, no HCC, no accommodation, no fixed address, no credit to call back on phone or receive messages, no power to charge phone, no petrol or money for petrol for appointments with services i.e.: Centrelink, doctor, me, bank etc.

Bob couldn't remember when the preclusion period ended. When Bob first came to me at the end of November 2015, the compensation preclusion period had ended 9 months previously. Bob was assisted to get a low income HCC to get access to crisis housing for 2 weeks and filled out the DSP application form and the assets and income form. The Salvation Army facilitated the appointments with warm referrals, making appointments and providing Petrol vouchers. Bob could get to me once and Centrelink but not to the bank or the doctor with the petrol provided. Bob was not eligible for housing without any HCC or income.

Bob attended Centrelink and submitted his application to Centrelink unsigned. This wasn't picked up by the service officer. Centrelink tried to contact client by telephone without success. This caused a delay in processing.

Centrelink needed to get a compensation clearance before the payments could be processed. This caused a delay of more than a week. The Centrelink system could not process any hardship or other payments without this.

A diligent team leader from DHS Centrelink Geelong Service Centre followed up the compensation clearance. Salvation Army provided another petrol voucher to get Bob back into Centrelink to sign the application form so it could be processed. Bob received Newstart Allowance from Centrelink into his bank account the next day and is exempted from participation requirements .

Bob's Disability Support Pension was rejected as he had little medical evidence to support his application. Unfortunately, as Bob has had no income for over two years, he hasn't been regularly attending any doctor or mental health provider though he spent time in a mental health facility and local hospital.

Current

Bob is still homeless, now living in a shed. The Salvation Army assist Bob in many ways eg bought him a heater as it is a very cold winter. Due to his living circumstances, Bob has been hospitalized several times for pneumonia and pleurisy in the past two months. Due to his mental health conditions, sharing a property is not suitable. Newstart Allowance is not sufficient for Bob to afford a stand alone property according to the Salvation Army workers assisting Bob so Bob remains homeless.

Bob is still to get supporting information targeted to the Disability Support Pension Criteria required from the doctor following treatment and waiting to see a psychiatrist/ clinical psychologist for diagnosis and sourcing information about past treatment for a future new DSP application. In Geelong, psychiatrist/ clinical psychologists are difficult to access and there can be long waiting periods. Barwon Community Legal Service continues to try to assist Bob to get medical evidence required.

Unfortunately, Bob is not alone in living with significant disability yet unable to access adequate income support to cover the basic requirements of life.

Hobart - Hobart Community Legal Service (TAS)

Not available at time of writing the NWRN Annual Report. Please see the Centre's annual report for more information.

Launceston – Launceston Community Legal Service Inc. (TAS)

Not available at time of writing the NWRN Annual Report. Please see the Centre's annual report for more information.

Melbourne - Social Security Rights Victoria Inc (VIC)

Staff

Name	Position
Deborah Itzkowic (until December)	Director/Principal Solicitor
Ben Zika (From December)	Acting Director
Graham Wells	Clinical Supervisor/Senior Solicitor
Peter Horbury	Manager (Operations and Information Services)

Total number of the following:

Clients	1592
Advices	2312
Cases	209
CLE Activities	18

Brief summary of casework trends/client profiles

- Major area DSP – most as a result of re-assessments under either the ‘under-35s’ changes or overseas issues (‘permanent portability’ or being cancelled for being overseas for too long).
- Child Care Benefit debts due to issues to do with home-based childcare income
- Compensation preclusion and long-term income maintenance periods.

Case Studies

Rachel was a young student who had suffered from severe (ADHD) since early adolescence and had been in receipt of the Disability Support Pension since 2011. Growing up, Rachel was the victim of a number of distressing and traumatic experiences which eventually caused her to leave home at the age of 17. Consequently, Rachel had a history of unstable housing, unemployment and self-harm.. Nevertheless, Rachel was determined to complete her VCE and with the support of dedicated counsellors was able to make some progress.

Following a routine review by Centrelink, Rachel’s Disability Support Pension (**DSP**) was cancelled. This was despite substantial evidence from supporting clinical psychologists and medical practitioners confirming the severe impact this disorder had on Rachel’s ability to engage in social activities, manage independent living and concentrate on tasks.

SSRV assisted Rachel to appeal the Centrelink decision to cancel her DSP to the Administrative Appeals Tribunal. The Tribunal agreed with SSRV that Rachel's condition did in fact warrant an impairment rating of 20 points and resulted in an inability to work 15 hours or more per week. The Tribunal also agreed that the Job Capacity Assessor was at error in determining Rachel's ability to work on the basis of her TAFE attendance, particularly as Rachel had withdrawn from full-time study.

Abdul was a gent in his 80s who came to us via the Elder Abuse clinic. His family had forced him out of his home and he couldn't pay his Aged Care fees. Centrelink was treating the family home as a gifted asset rather than him being the victim of abuse as it actually was. SSRV's complex assessment expert worked on getting his pension reinstated and the resultant debt waived. In the end the Centrelink legal staff accepted what had happened and Abdul's aged care fees are being paid.

Regional Initiatives

A project has been funded to assist migrant women in the outer Western suburbs in Melbourne with CLE in relation to debts raised as a result of home-based childcare income.

Future Directions

SSRV's casework priorities for 2016/2017 year are:

- Income maintenance periods (particularly for those workers being laid off as a result of the car industry close-down)
- DSP re-assessments
- Changes to Work for the Dole

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.

Moving Premises

SSRV's is exploring opportunities to co-locate with other community legal centres or other community services.

Threats to the Centre/Service

SSRV is concerned about its level of recurrent funding and there are likely to be changes made to the service if the promised funding cuts are made.

Perth - Fremantle Community Legal Centre (WA)

Staff

The Centre employed the following staff at 30 June 2016:

Name	Role
Judy McLean	Co-ordinator – Principal Solicitor
Celeste Saxon	Senior Solicitor
Aoning Li	Solicitor
Ally Skala	Paralegal
Jenny Cecil	Financial Counsellor
Lauren Moore	Tenant Advocate
Danika Adair-La	Tenant Advocate
Antonio Gonzalez	Welfare Rights Advocate

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	265
Advices	300
Information only	360
Cases opened during period	60
CLE/Non case work activities such as meetings/networking	22

Brief summary of casework trends

According to CLSIS codes the break-down by problem type of most common matters were as follows: refusal of benefit/eligibility issues [3910] ranks at 42% of work load; general and other queries [3990] at 38%; overpayments and debt recovery issues [3920] at 15% and activity test, suspension or participation payment cut [3930] at 5%. The trends indicate a high clients' demand for

assistance at claim and processing stages. An increase of queries arising from long delays in processing DSP and Student claims in particular has been noted this last financial year.

Most common payment problem types were DSP with [33.6%] of the overall matters. Eligibility criteria, rejection, cancellation, portability issues and medical appeals have taken a great deal of time and resources. The second most common problem payment type is FTB with [15%]. FTB issues ranged from claim stages, change of care and non-lodger debts. Significant issues with payment types include: age pension [13.7%]; NSA with [13.3%]; YA with [5%] and a wide range of other payment types such as: CP/CA, PPS/PPP among others makes up the rest [19.4%].

Regional Initiatives and engagement

Welfare Rights liaised regularly with Government and non-government agencies within Fremantle and Southwest coastal region including Mandurah and Bunbury and maintained ongoing close working relationship with the regional Centrelink offices. Welfare Rights has participated in the Department of Human Services' Fremantle and Success Community Meetings with stakeholders held in Success as well as attended at the Department of Human Services Consultative Meetings in Perth. Welfare Rights also attended at the Commonwealth Ombudsman 'Round Table Consultation' on resolving systemic issues which predominantly affect Indigenous people. The Service responded to DHS Indigenous Services survey and AAT user survey.

Welfare Rights participated in the "White Ribbon Day" Event organised by FCLC and the City of Fremantle with the aim to raise public awareness about prevention of domestic violence. Also contributed towards the successful "Law Week" public event organised by FCLC by providing a wide range of information about Centrelink payments and promote appeal rights. Collaborative interagency work with key community agencies (including social workers & rural financial counsellors) has occurred on an ongoing basis to deal with issues relating to Centrelink and appeal rights. Welfare Rights has maintained from time to time a level of involvement in the NWRN by participating in link ups, casework issues and contributing with feedback on policy activities.

Strategic opportunities

The Service plans to continue to respond to the complex and high needs faced by vulnerable clients and disadvantaged groups in society.

Case Studies

Mysterious Debt Waived

Paula sought assistance from FCLC about a Centrelink debt of about \$10,500 that she allegedly incurred during her claim for worker's compensation following a traumatic accident at work. She sustained physical and psychological injuries and in spite of long treatment she still continues to suffer from post-traumatic stress, panic attack and depression. When she received the bill she told Centrelink that there must be a mistake as her lawyers' had re-assured her that all compensation charges had been repaid in full. In her mind she did not owe this money and not being believed was exacerbating her fragile state of mental health as debt recovery was demanding she repay the debt.

Advocate contacted Centrelink and asked for an explanation. The officer advised that the debt was correct and that it must be repaid. Subsequent enquiries suggested that there may have been an issue with sick leave payment but the dates did not coincide so that some overlapping may have occurred. Advocate requested a review seeking that, if a debt existed at all, to consider waiver because of the special circumstances of the case. Shortly after, an Officer phoned to advise that Paula has no debt. Paula was relieved as she was not expecting to have this debt as she has expensive medication and treatment so now she can focus on taking care of herself.”

DSP Cancellation Overturn

Michael 64 approached our Service for assistance with a medical appeal following the cancellation of his DSP caused by overstay of the portability for a period of 2 months. Whilst overseas he initiated his appeal against the decision to cancel his payment and the appeal progressed past the ARO. On his return he went to the local office to ask for his pension back but the officer advised him that he had to lodge a fresh claim; which he did and was put on NSA provisional. The new claim was rejected on the grounds that he only had an impairment rate of 10 points.

The Service assisted Michael through the appeal process, firstly with the ARO and then AAT1. A fresh medical opinion was organised from his Specialist at FSH as to the impact of his condition on his ability to function. Evidence from a close friend was also obtained. A detailed submission was prepared and represented him at the Tribunal hearing. It was argued that client’s chronic pain and heart condition was progressively getting worse and that he remained medically qualified for DSP. [An issue that caused client much confusion is that he was under the impression he had unlimited portability because the International Agreement with Italy and the fact that when he queried to go overseas, no one explained to him that he only had a limited portability of 6 weeks]. The Tribunal accepted the argument and decided to overturn the decision. Michael was able to catch up with rent arrears and care for his health and welfare.

Perth - Welfare Rights & Advocacy Service (WA)

Staff

Name	Position
Kate Beaumont	Executive Officer
Catherine Eagle	Principal Solicitor
Chris Belcher	Welfare Rights Advocate/Tenant Advocate
Jeanie Bryant	Welfare Rights Advocate
Matthew Davey	Solicitor from September 2015
Rhea Thomas	Solicitor from March 2016
Paul Harrison	Tenant Advocate
Christine Carr	Admin Officer/Bookkeeper

Total number, under the Welfare Rights funding program, of the following:

Clients	579
Advices	766
Cases	101
CLE Activities	15

Brief summary of casework trends/client profiles

Demand for welfare rights assistance in 2015/2016 has increased. Our client numbers have increased slightly and at the same time the numbers of advices has increased by 17%. There has been a 25% reduction in the numbers of welfare rights cases undertaken in 2015/2016 from 2014/2015. This change in advice and casework activities reflects the nature of the increased demand for welfare rights help. Apart from assistance with welfare rights the service continues to provide Social Security Prosecution and Tenancy assistance. Across the entire service there has been a 13% increase in the number of clients and a 27% increase in the advice work undertaken in 2015/2016.

Similar to last year 30% of welfare rights matters related to Disability Support Pension (DSP), the majority of which related to refusal of entitlement. Of those where DSP entitlement was refused there was a mix of clients whose conditions were not fully diagnosed, treated and stabilised and so not attracting impairment points and those without the required 20 impairment points in a single table who had not completed a Program of Support (POS). There has been the expected increase in matters where changes to the processing requirements (including the abolition of the Treating Doctor’s Report and the introduction of the Government Contracted Doctor (GCD) assessment) has been an aspect of the DSP cases dealt with by us. There have been particular issues about the delays in processing of DSP claims, as a result of the GCD assessment and difficulties for clients outside of metropolitan areas who do not have access to face to face assessments.

Apart from DSP refusal there have been increasing numbers of DSP cancellations following medical review of entitlement which has included under 35 year old reviews, indefinite portability assessments and long term DSP recipients who had not been reviewed before under the 2012 impairment tables. It is expected there will be an increase in DSP cancellations over coming years, as a result of the 90,000 reviews to be conducted, as part of the 2016 Budget measure to complete medical reviews of DSP recipients who were assessed under the old impairment tables.

The second largest client group assisted is those receiving Newstart Allowance (20%) followed by Family Tax Benefit (9%) and Age Pensions and Parenting Payment which each make up 8% of the welfare rights population assisted. Debts continue to be 18.5% of the welfare rights work undertaken and of those 30% related to waiver, 25% related to prosecution, 18% were general overpayment inquiries and 14% related to the amount of the debt.

There has been a trend in our advice and casework where increased delays in DHS processing of claims has resulted in clients making contact with us for assistance. In the past many of these clients

would have been advised to contact DHS directly about the progress of their claim. Unfortunately the long call wait times and drop out rates to the DHS telephone lines has resulted in us having to make contact with DHS to follow up cases which in the past there would have been no intervention required apart from advice. It is likely that this trend will further increase if Government does not resource DHS appropriately to deal with demand through its call, office and online channels.

There was an increase in the numbers of community legal education activities and law reform activities undertaken by Welfare Rights & Advocacy Service in 2015/2016. Of particular note are the activities directed toward young people. As part of these activities the service's new website was launched and a number of fact sheets developed for use in our advice and casework assistance.

Case Studies

Case Study 1

Facts of the Case – Our client had a claim for Carer Payment rejected in January 2015. She had been receiving Carer Allowance in respect of her 17 year old son with Down' Syndrome. She was from Ethiopia and was receiving Newstart Allowance and working part time 15 hours per week when her son was attending school. She was working as many hours as she was able to as the remainder of the time when her son was not at school she had to care for and constantly supervise him. If unsupervised her son would take off and go missing – taking a bus to the city and then not being able to get home. Her son has major difficulties with communication and gets into trouble as a result. He is also very aggressive toward both our client and her 20 year old student daughter and as a result the daughter has to study away from the home due to the disruptions caused by her brother. Our client had also had a problem over the preceding six months with her knee which was injured during an incident with her son. Our client was also having difficulties with her Job Active provider as they were insisting on her attending regular appointments and seeking alternative employment even though she was unable to work any more hours. She had been to Centrelink to find out the reasons the claim was rejected but they just gave her more claim forms to complete. Our client had been trying to sort this out for the preceding 13 months without success and could not understand why she did not qualify for Carer Payment as the mother of another pupil in similar circumstances had qualified for the payment. Our client did not remember getting a letter from Centrelink explaining the reasons for the claim being rejected and gave permission for us to contact Centrelink to find out when and why the claim had been rejected.

Advice Provided – We advised our client about eligibility for Carer Payment and about the new claim process. We contacted the Multicultural Services Officer (MSO) at the local Centrelink outlet. He confirmed that our client had applied for Carer Payment in January 2015 but that the claim had been rejected because her son's doctor had said that he was unsure about the hours of care he needed. We explained to our client that Carer Payment Adult is not paid on the basis of the type of disability of the person being cared for and that it was dependent on the score attained using an Adult Disability Assessment Tool using information provided by her and her son's doctor. The MSO had been unable to tell us the ADAT score or when a letter had been sent to our client about the decision to reject the claim.

We contacted Centrelink again to ascertain the date of claim and when it was rejected. Centrelink advised us of these dates and confirmed a rejection letter had been sent to the client. The ADAT

score more than satisfied the score to qualify for Carer Payment, the doctor had confirmed that the condition was permanent and unlikely to improve in the next 12 months but had put that he was unsure of the number of hours care being provided. This was the reason the claim had been rejected as it was not clear that our client had to care for her son equivalent to the hours of a job and that he required 'constant care'. The assessor had not contacted the doctor or our client to clarify the hours of care provided. Our client had gone to Centrelink within 13 weeks of the rejection letter to query why the Carer Payment claim had been rejected. Rather than lodging a request for review Centrelink had issued our client with a new claim for payment and did not explain the reasons for rejection of the initial claim. Our client did not lodge the paperwork for a new claim as she did not know what was wrong with the initial claim. About 7 months later our client again went to ask about Carer Payment and was issued a further new claim which she did not lodge.

After speaking to Centrelink we contacted our client to explain why the initial claim for Carer Payment had been rejected. We advised her to lodge a new claim for Carer Payment and at the same time ask for a review of the original rejection decision. We explained that we would assert that she had sought review of the decision within 13 weeks of the original decision when she went into Centrelink to ask about her claim and was issued with a new claim for Carer Payment. We asked our client to ask her son's doctor to provide a letter which corroborated that the care requirements for her son had been the equivalent of a full time job since before the original claim was lodged. The new claim was to ensure that if the review request was unsuccessful that a new claim had been lodged. Our client said that she was worn out and did not have the energy to be able to lodge an intention to claim or to ask for a review of the original decision. She authorised us to do this on her behalf and to ask for a temporary exemption from activity requirements. We contacted a Team Leader lodged an intention to claim Carer Payment, requested a review of the original decision and requested a 4 week activity test exemption. Later on the same day the Team Leader contacted us to say that she could not see a reason to proceed with the request for review as the client had been on a payment and working 30 hours per fortnight and that as she had not sought review within 13 weeks she would have been required to lodge a new claim. We requested an ARO review and explained that there was no bar on a person lodging a request for review outside of 13 weeks. The Team Leader also indicated that they thought that our client may end up with a debt because she was working 30 hours per fortnight. We explained to the Team Leader that rather than a debt that there is a substantial difference between the rate of Carer Payment and Newstart Allowance and in the assessment of income for a person in our client's circumstances and no likelihood of a debt arising.

Two days later we were contacted by a Subject Matter Expert (SME) in the Carer Payment Team in relation to the request for review. We discussed our client's circumstances and her historical and ongoing care situation. The SME was of the opinion that the original claim should be granted and that at the time of the assessment of the claim that they should have spoken to our client to get extra information about the caring situation. She agreed that the claim should never have been rejected with such a high ADAT score. The SME said that she was willing to change the decision and backdate the grant of payment once she had spoken to our client. We facilitated contact between the SME and the client.

Outcome - The outcome for our client was that she was granted Carer Payment from her original claim and received arrears for a 13 month period - approximately \$9,000. She was not required to

provide further medical evidence or to lodge a further new claim for payment. Without the intervention and advocacy provided by us it is likely that our client would still be struggling financially on Newstart Allowance trying to care for her disabled son, work and undertake activity requirements and be subject to financial penalties if she failed in her activity requirements. Instead our client is on her correct entitlement, Carer Payment and Carer Allowance and is able to concentrate her efforts on the care of her disabled son.

Case Study 2

Facts of the Case - Our client is a 55 year old man who contacted us as his claim for DSP was rejected. We provided him with initial advice about the appeal process and about DSP eligibility and asked him to provide a copy of the ARO decision so we could assess the merits of the matter. He had already lodged an appeal to the Administrative Appeals Tribunal Tier 1. Our client suffers from Systemic Lupus Erythematosus (SLE), PTSD, chronic pain, and degenerative arthritis in both knees. The ARO found that he had 25 impairment points across two tables in relation to the permanent conditions of lupus and PTSD. The other disabilities were regarded as temporary conditions and therefore did not attract any impairment points. The ARO found that as our client did not have 20 impairment points in one table that he did not have a severe impairment and therefore was required to complete a program of support for 18 months within the 36 months prior to his claim. He had not completed a program of support. The ARO found that he had a work capacity of between 15 to 22 hours within the next two years and therefore did not have a continuing inability to work 15 hours per week or more because of his impairment.

Advice Provided – We reviewed the supporting medical evidence and identified deficiencies in the medical evidence that had been provided about our client’s lupus and PTSD. We obtained authorities from our client to secure additional medical evidence and provided copies of the relevant impairment tables to the medical practitioners. We obtained useful additional medical evidence and provided a submission to the AAT and attended the hearing with our client.

Outcome – The AAT found that our client had 60 impairment points. The impairment points for the SLE included severe functional impairment of upper limb function generating 20 points, moderate functional impairment of lower limb function generating 10 points and severe impairment of functions requiring healthy undamaged skin generating 20 points. In relation to PTSD it was found that our client had a mild impairment of mental health function generating 5 points. It was found that his gastritis was a permanent condition which has a mild impact on digestive function generating 5 points. The Tribunal found that as he had a severe impairment he was not required to complete a program of support. The Tribunal noted and accepted the opinion of our client’s Consultant Physician that he would be unable to work for 15 hours per week within the next two years. As a result of the assessment made the AAT found that our client was qualified for DSP from the date of his initial claim in August 2015. The Department did not appeal the decision and so our client’s DSP claim has been back paid to August 2015.

Without our assistance it is unlikely that our client would have been successful in his appeal as it was as a result of additional medical evidence provided which referenced the Impairment tables and an assessment of his continuing inability to work for more than 2 years that a compelling case was presented to the AAT. If our client had been unsuccessful with his appeal it is likely that because of

the Job Capacity Assessment undertaken for his DSP claim that he would have remained on the lower rate of Newstart Allowance and been required to look for work and been subject to financial penalties for infractions once he was required to participate.

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. We prioritise conducting CLE in a rural, regional or remote location within this catchment area and secured funding from the Public Purposes Trust to assist with this project in 2015/2016. As part of that project we conducted CLE sessions in Geraldton, Broome, Kalgoorlie, Boulder, Leonora, Karratha and Albany.

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, Fact Sheets and Indigenous Issues. In 2015/2016 the agency has also participated in consultations with the Commonwealth Ombudsman's Office, the Administrative Appeals Tribunal and the Office of the Australian Information Commissioner. Staff of the service have also been involved in NWRN activities including participation in Bi-Annual Meetings with the Department of Human Services and the Department of Social Services and providing evidence to a number of Senate Inquiries relating to prospective legislation before the Parliament. Two staff of the service were involved in the joint WIPT/NWRN workshop conducted in Brisbane in December 2015.

Future Directions

In March 2015 Welfare Rights & Advocacy Service was relieved to be advised that the level of Commonwealth funding provided for the service under the National Partnership Agreement on Legal Assistance Services would remain at previous levels for 2015/2016 and 2016/2017. Unfortunately there appears to be no reprieve on the horizon from cuts in Commonwealth funding which will impact from July 2017. For our service there will be a 28% reduction in CLSP funding from that time. We have also been advised in the last week that funding previously provided under the Legal Contributions Trust will not be forthcoming in the current year. That funding has supported a welfare rights project directed toward young people. Additionally from 1 January 2017 there is to be a 25% cut applied to our tenancy program. The future looks very bleak about how we will meet increased demand in a reduced funding environment.

Opportunities/plans for Centre/Service

In the last year we finalised our new Strategic Plan and launched our new website.

At present we are finalising a new Enterprise Bargaining Agreement which has been lodged with the Western Australian Industrial Relations Commission (WAIRC) which will impact on the employment conditions of staff of the service.

Our service still wants to pursue with the Administrative Appeals Tribunal the option of providing a Duty Advocate Service at Tier One of the AAT and will actively pursue local options in 2016/2017.

Threats to the Centre/Service

Funding now and into the future is a major issue for Welfare Rights & Advocacy Service as the 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 as resources are reduced demand for assistance is likely to continue to increase.

Perth - Sussex Street Community Law Service (WA)

Staff

The Centre employed the following staff at 30 June 2016:

Name	Role
Tim Safe	Welfare Rights Advocate

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	141
Advices	264
Cases opened during period	7
CLE Activities	11

Brief summary of casework trends

Again, the casework centred on rejection of DSP claims and cancellation on review. The predominant reasons were conditions failing to be fully treated and stabilised , less than 20 points on the tables and continuing inability to work issues.

Non lodgement of returns formed the main reason for cancellation of FTB.

Regional Initiatives and engagement

The usual CLE activities, with emphasis on groups at adult mental health facilities. Commonwealth Ombudsman Service outreach visit here next week

Strategic opportunities

Possible engagement with AAT by way of duty advocate service in conjunction with the other 2 local welfare rights agencies.

Strategic challenges

Crucially, CLC funding cuts if effected will likely impact on welfare rights advocacy services .

Case Studies

1. Pensioner Bonus Scheme appeal.

We assisted a client whose claim for the scheme was rejected on the grounds that she had not lodged the requisite registration form. Documentary evidence relating to numerous consultations by the client with her financial advisor supported the intention to lodge the registration form, but there were no records of the department receiving the form. There were pieces of evidence, namely records from her financial advisor referring to his advice to her to lodge the form along with emails between client and advisor indicating her intention to lodge the registration form on the day in question. As detailed in last year's report, the client was successful at the Tier1 appeal. The Secretary appealed and again, the case was based on circumstantial evidence, including DHS records and the client's account of a call from a CSO erroneously advising that they were to make a payment of the bonus *before* the client had finished working. Again, there was no record of the call on Centrelink records, but the CRAM report we requested did indicate an accessing of the client's file at the time of the contended phone call.

The tribunal accepted the client's account and affirmed the Tier 1 decision resulting in her being about \$40,000 not less well off and a maintained faith in the system.

The broader implication is that regardless of the department's policy of recording all contacts including lodgement of papers, the process is not failsafe and it is possible in a busy office for documents to be lodged without such noting of the records. Hopefully things are improved as scanning of documents is now the go. Also, the benefit of requesting a CRAM report in these cases is evidenced, as although no notes were made in the subsequent contact by the department, a tell tale was left by way of the customer records being accessed ,thus adding to a circumstantial case.

<http://www.austlii.edu.au/au/cases/cth/AATA/2016/399.html> (link provided with client consent)

Cancellation of DSP on Portability review.

Our client had been on DSP with a range of mental health conditions since 2004. She applied for indefinite portability and willingly agreed to a medical review. Consequently, the client's DSP was cancelled for the usual reasons. The client was unsuccessful at ARO and Tier1 appeal and a Tier2 appeal was lodged on her behalf by a support agency. Additional medical evidence was provided including a report from the *Senior Medical Officer in Psychiatry* at a local adult mental health facility. The report diagnosed BPAD and PTSD within the relevant time but the Secretary's representative was not beguiled by the medical officer's title or hospital type and established that the person was not a psychiatrist, thereby invalidating the diagnosis. The tribunal was then directed to another report by a doctor who was in fact a psychiatrist and who provided a diagnosis of PTSD but who saw the client after the date of determination to cancel and prior to the actual date of cancellation.

In subsequent post hearing submissions, we argued that the relevant date could be interpreted as the date of cancellation, in accord with s118(13)(b) of the Administration Act and other grounds .

In any case, the tribunal was unmoved, referred to *Freeman* 19 FCR 342 and in respect to other conditions assigned less than 20 points, affirming the Tier 1 decision.

The broader implication is that clients requesting portability and who have been on DSP for extended periods may be agreeing to a portability medical review, unaware of the more stringent rules applying now. Consequently, more than portability is on the line. It would be beneficial if clients sought advice earlier rather than after lodging a Tier 2 appeal. Though understandably, in the real world alarm bells don't ring earlier.

Sydney – Welfare Rights Centre Ltd (NSW)

Staff

The Centre employed the following staff at 30 June 2016:

Name	Role
Leanne Ho	Acting Principal Solicitor
Carolyn Odgers	Caseworker (part-time)
Danny Shaw	Caseworker (full-time)
Sharissa Thirukumar	Caseworker (Full-time)
Gerard Thomas	Policy and Media Officer (full-time)
Ian Turtin	Locum caseworker (part-time)

Total numbers, under the Welfare Rights funding program, for the period 1 July 2015 to 30 June 2016

Clients	2602
Advices	5811
Cases opened during period	240
CLE Activities	7

Brief summary of casework trends

The Centre provides advice and representation in all aspects of social security and family assistance law. The Centre provides advice to clients who are considering or have made a claim for payment, and advice and representation following original decision, authorised review officer and both tiers of the Administrative Decisions Tribunal.

Advice shifts are held 9:30 am to 1 pm 3 times a week. Where possible, clients are given advice over the phone based on the information they have provided about their legal problem. In many cases clients are requested to send in documentation, such as correspondence received from Centrelink, to assist caseworkers to provide correct and complete advice. Caseworkers often need to call Centrelink to obtain further clarification about a client's situation before advice is given.

Depending on the nature of the client's legal problem a case may be opened for the client in accordance with the Centre's casework guidelines.

The following trends in advice are noteworthy:

- 57% and 50% increases in advices given about Abstudy and Austudy payments, respectively.
- 31% increase in advices given about assistance for isolated children
- 16% increase in advices given about Carer Payment (adult)
- 56% decrease in advices given about Child care benefit
- 18% increase in advices given about DSP
- 9% increase in advices given about Newstart payment

The single largest area of advice remains DSP payment, followed by Newstart Allowance, with casework focussing on:

- Member of a couple debts over \$10,000
- Income related debts
- Compensation preclusion period debts

Regional Initiatives and engagement

In July 2015 the Centre staffed a table at Homeless Connect at Sydney Town Hall. This assisted in raising awareness of the Centre to increase the number and quality of referrals to and from the centre and to network with other community organisations.

In August 2015 the Centre presented a paper at the NACLCL Conference on member of a couple cases.

In September 2015 the Centre trained staff at knowmore and Legal Aid in general social security law.

In the first half of 2016 the Centre's capacity to undertake further projects such as CLE has been due to staff shortages.

The Centre met with the Commonwealth Ombudsman and his staff in late 2015 where we highlighted a number of client's experiences that we of concern. The Ombudsman's office agreed to follow up on a number of issues the Centre raised

The Centre also with the NSW Department of Housing and provided feedback on its approach to Compulsory Rent Deductions and made suggestions to improve the agencies debt recovery practices.

The Centre sought to put a spotlight on problems with Centrelink services, its information technology systems and the letters and correspondence sent to people on payments and net with the DHS to raise a number of priority including:

- the unacceptable delays in answering calls through its network of 'Smart Centres';
- the costs of calling Centrelink and lack of 1800 Freecall numbers;
- extensive delays in processing 80,000 student payments;

Strategic opportunities

The Centre is in discussions with other Community Legal Centres in the Inner City regarding potential cost savings through co-location and/or sharing of services, such as IT and accounting.

The Centre has received funding under the CLSP which may be used for outreach to specified regional areas.

Strategic challenges

The impending cuts to funding of the CLC sector remain the single largest risk to the Centre's ability to meet its strategic objectives.

Case Studies

Case study 1

The Centre represented a client at the Social Services and Child Support Division of the Administrative Appeals Tribunal (AAT 1) in relation to the appeal of his compensation preclusion period, the client was not eligible for a Centrelink payment until the end of 2017.

The client was involved in a workplace accident in 2007 and as a result received a large compensation payment in 2012. He had no money when he contacted the Centre late last year. He was surviving only through the support of charities and friends who lent him money to pay his rent. The client had special circumstances including drug, alcohol and gambling addictions. The Centre was able to gather evidence about these circumstances from the services that the client had sought assistance from. The Centre also wrote to the client's doctors asking for confirmation of his medical conditions and his current medications. The evidence indicated that the client was in poor health, affected by chronic pain and was experiencing mental health issues.

The Tribunal found that the factors identified by the Centre, including the client's financial hardship, amounted to special circumstances making it appropriate to exercise the discretion in the Act to reduce the lump sum preclusion period to disregard the amount of compensation ending the preclusion period on the date of the Tribunal hearing.

The client is now in receipt of Newstart Allowance while his claim for Disability Support Pension is assessed.

Case study 2

The Centre advocated for a client, who had been living in a de facto relationship for several years prior to lodging a claim for Austudy. However, she had not declared this in her application. She had a long and troubled personal history, which included a history of mental health problems and drug abuse. She also had been a victim of sexual assault.

The client called the Centre for advice after calling the Centrelink tip off line and dobbing herself in. She was facing a very large debt and a risk of prosecution given that she had declared that she was single in her claim form.

The Centre advised her to gather evidence regarding her previous health problems while obtaining her case files from medical practitioners. The Centre prepared a summary report and arranged an interview at her local office with social work coordinator. The Centre attended the interview with the client, also providing a submission accompanied by extensive medical evidence.

The social worker accepted that the client's history of abuse and problems had affected her capacity to report her circumstances to Centrelink, and furthermore accepted that her partner had not been supportive both financially and with regard to her mental health problems. The social worker said that she would record that special circumstances existed for the client. The matter has been finalised and the Centre is satisfied that this early intervention minimised the risk of prosecution for this client.

Townsville - Townsville Community Legal Service Inc (QLD)

Staff

Townsville has maintained its distinctive approach to staffing of the welfare rights service. Despite the funding being less than 1EFT, TCLS continues to use all caseworks to provide welfare rights services. All solicitors of the service share the welfare rights work on a rotational basis, with the work tending to be major casework such as intensive representation in the Administrative Appeals Tribunal. This approach ensures the continuous provision of welfare rights advice and representation all year round, and also broadens the experience and professional development for all solicitors at the service.

TCLS farewelled Genevieve Nuttall, Solicitor and Kathy Munro, Seniors Support Social Worker, in 2016, and welcomed Cheryl Bonnefin who commenced employment as the Administrative Support Worker in May 2016.

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

Numbers under the Welfare Rights funding program

Clients	96
Advices	50
Cases	68
CLE Activities	7

Summary of casework trends

TCLS provides advice and representation in all aspects of social security law, with the most common issues experienced by our client base being issues with benefit refusals and eligibility.

The assistance provided to clients include one-off advice, written advice with respect to merits and evidence, assistance writing submissions, drafting submissions on behalf of clients or representation. In accordance with guidelines, caseworkers generally decide the level of assistance provided, which is determined by, among other factors, merit, public interest and the vulnerability of the client.

As has been the trend for a number of years, DSP refusals and eligibility were generally the most common issues the service was approached for. However, 2015/2016 also saw a significant increase in clients seeking advice or representation for matters relating to Centrelink debts and various issues relating to Family Tax Benefit.

Notably, a number of significant outcomes were achieved throughout 2015/2016, including:

1. A number of successes in the AAT regarding eligibility for DSP for non-terminal cancer, which is still undergoing treatment.
2. A number of successes regarding waiver of debt due to administrative error and special circumstances, including remoteness of clients, at the ARO and AAT level.
3. Success arguing against Centrelink's policy in relation to calculation of study periods for students undertaking a Graduate Diploma of Legal Practice.

Future Directions and Opportunities for the Service

In conjunction with James Cook University, the Clinical Legal Studies Program, which TCLS has operated for over 20 years, has now significantly expanded.

This expansion includes the establishment of a legal clinic conducted at the James Cook University campus in the Townsville CBD. This clinic is operated by students, and supervised by solicitors from TCLS. The clinic has generated a further 12 appointments per week for clients seeking advice regarding a range of legal matters, including welfare rights matters.

In addition to increasing the availability of community legal services for clients, the expansion of the clinic also expands TCLS' commitment to provide work experience opportunities in the field of social justice to law students.

The Service also continues focus on assisting those living in rural and remote communities surrounding Townsville, including those residing in Ingham, Ayr, Bowen, Charters Towers and Palm Island.

Threats to the Service

The ongoing threat is the changed arrangements for Commonwealth funding and loss of a dedicated welfare rights funding program. Where this leaves TCLS is unclear.

[Wollongong - Illawarra Legal Centre \(NSW\)](#)

Not available at time of writing the NWRN Annual Report. Please see the Centre's annual report for more information.

Associate Members

In 2015-16, the NWRN had three Associate Members. They were:

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

Our association and engagement with these agencies is greatly valued.