

# National Regional, Rural, Remote and Very Remote (4Rs) Community Legal Network

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Royal Commissioner Ms Catherine Holmes AC SC  
Royal Commission into the Robodebt Scheme  
Submission lodged by email:  
[RRC.enquiries@royalcommission.gov.au](mailto:RRC.enquiries@royalcommission.gov.au)

3 February 2023

Dear Royal Commissioner,

## **Submission by the National 4Rs Community Legal Network**

This is a submission to the Royal Commission by the National Regional, Rural, Remote (4Rs) Community Legal Network.

Thank you for your work the opportunity to provide input in relation to the Royal Commission’s Inquiry into the Robodebt Scheme.

## Contents

About the 4Rs Network.....	2
Introduction and summary .....	3
Terms of reference for the Royal Commission .....	4
1. Robodebt: non-metro under analysed .....	6
2. Profound lack of social security legal help .....	7
2.1 No federal funding program addressing 4Rs social security legal needs.....	11
2.2 Standards for access to social security legal help .....	12
3. De-siloing social security policy in 4Rs areas .....	13
3.1 De-siloing due to impacts in the 4Rs.....	13
3.2 De-siloing due to interdependencies in the 4Rs .....	14
3.2.1 Human toll.....	18
3.2.2 Centrelink cohorts in the 4Rs with fluctuating income .....	20
4. Contacts .....	21

## 4Rs Community Legal Network Members



The National Regional, Rural, Remote and Very Remote Community Legal Network ('the 4Rs Network') is a network of non-profit legal services in 4Rs areas which provide legal and related assistance via an incorporated non-profit structure or auspicing arrangement.

The 4Rs Network's services are based in, and/or service localities within 4 of the 5 classes of remoteness including:

- Inner Regional Australia
- Outer Regional Australia
- Remote Australia
- Very Remote Australia<sup>1</sup>

<sup>1</sup> Applying the Australian Bureau of Statistics Remoteness Structure, Latest release, Australian Statistical Geography Standard (ASGS) Edition 3, Reference period, July 2021 - June 2026 (due to be updated by the ABS on 21/03/2023).

The 4Rs Network’s members work with and for their communities and regions. Their methods and programs often reflect deep understanding and long-term efforts to address important community needs. Their programs, services and advocacy often reflect involvement in community issues that have not been addressed by other means, including by local, state, or federal governments.

The 4Rs Network has been facilitated from within and supported by Community Legal Centres Australia, and builds on a significant history of community legal centre-based networking from the mid 1990’s seeking to address the specific and nuanced legal needs and rights of regional, rural and remote and very remote communities and thereby increase the wellbeing those living within them.

By way of further background attached is a copy of:

1. The 4R Network’s federal pre-budget submission dated 27 January 2023, and
2. The South Australian Law Bulletin dated 6, July 2022 which contains a substantial article about the Network.

## Introduction and summary

As outlined above, the National Regional, Rural, Remote and Very Remote (4Rs) Community Legal Network aims to promote the rights, wellbeing, and inclusion of people living in 4Rs communities against a backdrop of chronic unmet legal needs and the compounding effects across multiple vulnerability indicators and policy priorities.

The current submission raises three issues which we submit are relevant to:

- each of the terms of reference
- the Royal Commission considering all evidence and material before it, and
- findings and recommendations by the Royal Commission.

The three issues are:

1. Robodebt: non-metro under analysed
2. Profound lack of social security legal help in 4Rs areas, and
3. De-siloing social security policy in 4Rs areas

### Summary of recommendations

#### **1. Specific consideration and analysis of Robodebt and the non-metro**

If the material before the Royal Commission is sufficient, we urge specific consideration and analysis relating to Robodebt and non-metro areas highlighting the lessons to be learned.

If this is not possible, that the Royal Commission make recommendations for the federal Government to ensure this work happens, via the Australian National Audit Office (‘ANAO’), or another appropriate body.

#### **2. 4Rs representatives be included in all relevant safeguarding mechanisms**

That representatives of 4Rs stakeholder groups for people, communities, and groups in the 4Rs be included in all relevant safeguarding mechanisms to guard against the many

failures which contributed to Robodebt.

**3. Federal investment in 4Rs networks to ensure policy and program input**

That the federal government invest in 4Rs networks to ensure capacity for policy and program input.

**4. Federal government fund 4Rs social security legal help correlated to needs and service delivery costs**

That the federal government increase funding for social security legal help applying a funding model which includes correlating funding to needs and costs of service delivery in 4R areas.

**5. De-silo social security policies and programs to reflect multiplicities of impacts, interdependencies and risks of human toll**

Social security policy and program development and implementation must be de-siloed to achieve full cross-portfolio involvement and collaboration given the multiplicity of impacts, interdependencies, and the risks of human toll.

**6. Support and promote awareness raising, organising and empowerment of social security recipients**

The #NotMyDebt initiative, strategic litigation, information dissemination, awareness raising, organising and empowerment and the efforts of many community-focused lawyers, helped stop Robodebt and achieve amends.

These approaches are important to support and enable individuals in relation to social security issues, and they should be supported and promoted in 4R areas.

**7. Principles or criteria needed regarding geographic targeting of social security measures**

There currently appear to be no principles or criteria relating to geographic targeting (whether intentional or not) of social security measures. The issue should be explored and clarified due to the nature and extent of social security impacts in 4Rs areas.

## Terms of reference for the Royal Commission

We note that the terms of reference for the Royal Commission are set out in the Letters Patent dated 18 August 2022, which are set out in full on the Royal Commission's web site. In addition the web site contains a plain English version which we have included below, by way of background.

"The preamble (or introduction) to the Letters Patent explains what the Robodebt Scheme ("the Scheme") was and why a Royal Commission into the Robodebt Scheme has been established.

For example, the preamble:

- describes the debt assessment and recovery programs covered by the Scheme
- acknowledges that harm was caused to individuals by the Scheme
- acknowledges that in November 2019, the Federal Court of Australia declared that demands for payment of alleged debts under the Scheme were not valid and

- acknowledges that over 400,000 debts raised under the Scheme will be adjusted to zero or repaid.

The terms of reference require the Royal Commission to look at:

### **1. The establishment, design and implementation of the Robodebt scheme**

This includes information about:

- who was responsible for its design, development and establishment
- why it was considered necessary or desirable
- any advice or processes that informed its design or implementation
- any concerns raised about its legality or fairness

### **2. The use of third party debt collectors under the Robodebt scheme**

### **3. Concerns raised following the implementation of the Robodebt scheme**

This includes information about:

- how risks were identified, assessed and managed in response to concerns raised
- the systems, processes or arrangements in place to handle complaints about the Robodebt scheme
- whether complaints were handled in accordance with those systems, processes or arrangements
- whether complaints were handled fairly
- how the Australian Government responded to legal challenges, including decisions made by the Administrative Appeals Tribunal
- when the Australian Government knew, or ought to have known that debts were not, or may not have been, validly raised
- whether the Australian Government sought to prevent, inhibit or discourage scrutiny of the Robodebt scheme

### **4. The intended or actual outcomes of the Robodebt scheme**

This includes information about:

- the impacts that the scheme had on individuals and families
- the costs of implementing, administering, suspending and winding back the scheme, including associated costs such as obtaining advice and legal costs

The Royal Commission will be able to make any recommendations it considers appropriate. This includes ways to prevent any public administration failures identified from happening again.

The Royal Commission will focus (but not limit) its inquiry and any recommendations on the decisions and actions of people in senior positions.

The Royal Commission is not required to look into matters that it is satisfied have already been dealt with or will be dealt with by another investigation or proceeding.”<sup>2</sup>

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<sup>2</sup> <https://robodebt.royalcommission.gov.au/publications/letters-patent>

## 1. Robodebt: non-metro under analysed

Despite the scale and impacts of Robodebt, the level of inquiry and analysis,<sup>3</sup> the full legal, social and political geography of Robodebt is yet to be reflected and analysed.

Metro aspects of Robodebt are centrally important in understanding what occurred and how – but this is not sufficient to reveal how this mammoth darkle related to *non-metro stakeholders* and to learn from this dimension.

That is, it is not sufficient to reveal how Robodebt related to non-metro stakeholders during its:

- inception
- development
- piloting
- implementation
- monitoring
- promotion and defence (governmental, ministerial, departmental, and operational levels)
- reappraisal
- halting / abandonment, and
- aftermath - which is continuing.

Non-metro stakeholders include:

- Social security recipients subjected to Robodebt and those close to them who were impacted.
- Services and agencies in regions or communities including emergency relief, crisis services, health service, counselling, social welfare programs, and non-profit legal services.
- Services and agencies relied upon by groups including Aboriginal and Torres Strait Islander people, women, younger people, older people, people with disability, people from CALD backgrounds.
- Current and former employers.
- Housing providers including social housing and private landlords.
- NGOs and NGO networks.
- Areas of state and territory government.

About two years into Robodebt, the former federal Government considered extending the regime to individuals considered ‘sensitive’ by the department being:

“those aged 65 and over, those living in remote areas, and others considered vulnerable by Centrelink, including people who are homeless and those who have disabilities.”<sup>4</sup>

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<sup>3</sup> For overviews see, for example Peter Whiteford, [‘Debt by design: The anatomy of a social policy fiasco – Or was it something worse?’](#) (2021) 80 *Australian Journal of Public Administration* 340; Valerie Braithwaite, [Beyond the bubble that is Robodebt: How governments that lose integrity threaten democracy](#) (2020) 55 *Australian Journal of Social Issues*, 242; Terry Carney, [Robo-debt illegality: The seven veils of failed guarantees of the rule of law?](#) (2019) 41(1) *Alternative Law Journal*, 4

<sup>4</sup> Luke Henriques-Gomes, [Robodebt could target pensioners and ‘sensitive’ groups, leaked documents show](#), *The Guardian*, 23 August 2019

Although this did not proceed, that it was raised at all is of grave concern considering the effects which would have arisen for individuals, families, and communities. The effects would have been reflected in increased support needs - distributing the impacts locally, regionally, and jurisdictionally - away from the Commonwealth.

Non -metro appraisal of Robodebt is needed to fully reflect on its nature, impacts and lessons to be learned. This should include consideration of the presence and effects of metro-bias from the governmental level through to the operational. Metro-bias is bias which treats metro policy and program perspectives as pre-eminent and entitled and the non-metro as subordinate and peripheral.

*Rec 1: Specific consideration and analysis of Robodebt and the non-metro*

If the material before the Royal Commission is sufficient, we urge specific consideration and analysis relating to Robodebt and non-metro areas highlighting the lessons to be learned.

If this is not possible, that the Royal Commission make recommendations for the federal Government to ensure this work happens, via Australian National Audit Office ('ANAO'), or another appropriate body.

As Robodebt involved:

- the failure of departmental, ministerial, and governmental mechanisms,
- targeting groups, and
- multiple failures pointing to a clear need for more effective safeguards

we urge inclusion of representative stakeholder groups for people, communities, and groups in the 4Rs in all relevant safeguarding mechanisms going forward.

Further, that where relevant 4R networks do not have sufficient capacity that the federal government invest to ensure capacity for policy and program input.

*Rec 2: Support and promote awareness raising, organising and empowerment of social security recipients.*

That representatives of 4Rs stakeholder groups for people, communities, and groups in the 4Rs be included in all relevant safeguarding mechanisms to guard against the many failures which contributed to Robodebt.

*Rec 3: Federal investment in 4Rs networks to ensure policy and program input*

That the federal government invest in 4Rs networks to ensure capacity for policy and program input.

## 2. Profound lack of social security legal help in 4Rs areas

The Royal Commission has received evidence from Economic Justice Australia ('EJA') about the profound lack of access to legal assistance in relation to social security issues in Australia.<sup>5</sup>

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<sup>5</sup> [Genevieve Bolton, EJA Chair, written statement dated 20 October 2022](#); [Katherine Boyle, Executive Director, Welfare Rights Centre NSW, written statement 20 October 2022](#); [Catherine Eagle, Principal Solicitor Welfare Rights and Advocacy Service, Perth, written statement 20 October 2022](#)

The issues were amplified in the collective evidence to the Royal Commission by EJA Chair, Genevieve Bolton, Catherine Eagle, Principal Solicitor, Welfare Rights & Advocacy Centre Western Australia and Katherine Boyle, Executive Director Welfare Rights Centre NSW via their written statements and in person.<sup>6</sup>

The Law Council of Australia, National Legal Aid, National Aboriginal and Torres Strait Islander Legal Services and EJA have also raised these concerns during earlier inquiries.

For example, the Law Council stated in a submission dated 31 October 2019 to the Senate Standing Committee on Community Affairs Inquiry into Centrelink's Compliance Program, that:

"115. Community legal centres and legal aid commissions across Australia have limited resources for meeting the demands for assistance with Centrelink debts. This results in many members of our community who are already marginalised and vulnerable, being left in a position where they are not able to access legal advice or secure representation in a timely manner. As noted above, less than three per cent of legal aid grants are made for civil matters nationally, while community legal centres reported turning away nearly 170,000 people in 2015-16. The Law Council notes experiences such as that of the Welfare Rights Centre, which reported in 2017 having to turn away 20 to 30 per cent of people seeking assistance for related issues, and which it understands is not an isolated occurrence. Additionally, significant resources are required of legal services to deal with individual cases, which often involve attempting to ascertain pay, locate payslips and contact previous employers on behalf of clients."<sup>7</sup>

Lack of access by people in 4Rs areas to social security legal help was also raised by NT Women's Legal Services<sup>8</sup> and Darwin Community Legal Service<sup>9</sup> in their submissions in August 2022 to the Senate Community Affairs Legislation Committee Inquiry into the Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022.<sup>10</sup>

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Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022

Submission 16

CAWLS  
Women's Legal Service

KWILS  
KATHERINE WOMEN'S LEGAL SERVICE



TOP END WOMEN'S  
LEGAL SERVICE INC.  
FREE LEGAL ADVICE FOR WOMEN  
Advice | Information | Referral | Advocacy

These issues were also expressed by the North Australian Aboriginal Justice Agency, Tangentyere Council (see below) and by the Aboriginal Peak Organisation NT. Others included Economic Justice Australia, the Accountable Income Management, the Australian Council of Social Service.<sup>11</sup>

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<sup>6</sup> Robodebt Royal Commission [Transcript, Hearing Block 2 Hearing Day 11 on 11 November 2022](#), from page 989

<sup>7</sup> Senate Standing Committee on Community Affairs Inquiry into Centrelink's Compliance Program, [Submission 60](#)

<sup>8</sup> Senate Community Affairs Legislation Committee Inquiry into the Social Security (Administration) Amendment (Repeal of Cashless Debit Card and Other Measures) Bill 2022, Women's Legal Services NT, [submission no 16](#)

<sup>9</sup> Ibid, DCLS, [submission no 26](#)

<sup>10</sup> [Committee's inquiry page on the APH web site.](#)

<sup>11</sup> [Submissions](#) 17, 29, 32, 8, 10 and 6



For many maintaining income support in face of punitive responses to mutual obligation can be a challenge. TCAC acknowledges the lack of specialist social security legal advice and assistance. Support<sup>1</sup> is required to ensure that individuals understand penalties, payment plans and payment eligibility. **TCAC supports the resourcing of specialist social security legal support to address these gaps.**

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TCAC, Submission to the Senate Inquiry into the Social Security (Administration) Amendment Bill 2022: Repeal of Cashless Debit Card

7

The 4Rs Network's pre-budget submission (attached) focused on factors relating to lack of access to legal help in 4Rs areas, including access to social security legal help. The submission outlined the need for:

- i. A National Strategy and Action Plan about Regional, Rural, Remote and Very Remote Access to Justice.
- ii. Awareness and capacity on the part of numerous federal portfolio areas to identify and help respond to 4Rs legal needs arising from their initiatives and areas of responsibility.
- iii. A major injection of funds to increase the availability of legal assistance in 4Rs areas.
- iv. Assistance for 4Rs legal services to collaborate, build capacity and increase policy and program input.
- v. Resources for a national gathering of 4Rs legal services to share about issues and needs.

### Painting the picture

Non-profit legal services participating in the 4Rs Network include the Welfare Rights & Advocacy Service WA ('WRASWA'), which has sufficient funding for 4 full-time staff focusing on social security legal help, however, the service area is Western Australia.

Other WA participants in the Network include:

- Kimberley Community Legal Service (KCLS)
- Pilbara Community Legal Service (PCLS)
- Regional Alliance West (RAW)
- South West Community Legal Service (SWCLS)
- Peel Community Legal Service (Peel), and
- Albany Community Legal Centre (ALCLC)

None of these receive funding to provide social security legal help.

Focusing on the Kimberley, as an example:

- The Kimberley is twice the size of Victoria.
- KCLS is the only generalist community legal service, but KCLS does not receive funding to provide social security legal help.
- The other non-profit legal services with offices in the Kimberley are:
  - Aboriginal Legal Service of WA ('ALSWA')
  - Aboriginal Family Legal Service WA ('AFLS'), and
  - Legal Aid WA ('LAWA')but none receive funds to provide social security legal help.
- A high proportion of clients are receiving Centrelink or are reliant on others who are.

Images below are Facebook posts by WRASWA, AFLS, ALSWA and KCLS relating to the January 2023 Kimberley floods.

**New factsheets**  
for people affected by the **2023 Kimberley Floods**

- Disaster Recovery Payment
- Disaster Recovery Allowance
- Pausing your debts
- Pausing your mutual obligations

Welfare Rights & Advocacy Service WA  
1 d ·

NEW FACTSHEETS

Are you impacted by the 2023 Kimberley Floods and having trouble with Centrelink?

We have produced 4 factsheets to help you understand which payments may be available to you and how to solve common Centrelink issues.

You can find the factsheets on our website here - [wraswa.org.au/resources/](https://www.wraswa.org.au/resources/)  
... See more

**All AFLS Offices are now accepting donations to help the victims of West Kimberley flooding.**

**We are accepting**

- ☑ Clothes (men, women, kids)
- ☑ Non perishable food
- ☑ Hygiene Items
- ☑ Baby supplies (nappies, wipes, formula etc)

Kimberley Community Legal Services Inc.  
12 January at 09:33 ·

**FINANCIAL HELP AVAILABLE**

**DISASTER RECOVERY ALLOWANCE**

SUPPORT IF YOU'VE LOST INCOME AS A DIRECT RESULT OF WESTERN AUSTRALIA EX-TROPICAL CYCLONE ELLIE THAT STARTED IN DECEMBER 2022. THIS IS AN ALLOWANCE THAT DEPENDS ON THE NUMBER OF DAYS AND HOURS YOU WORK

- To claim online, you need a myGov account linked to Centrelink.
- You can use a nominee for this process
- If you can't use your Centrelink online account, you can call them on 180 22 66 for help claiming this payment.
- They will ask you to give evidence of your loss of income. If you earn a salary or wage, they may ask you for documents that show your income for the 4 weeks before the ex-tropical cyclone. If your income changes each week, they may ask you to show your income for the 8 weeks before the ex-tropical cyclone.
  - Evidence can include any of the following:
    - pay slips from your employer
    - bank statements showing previous bank deposits from your employer
    - a letter from your employer.

**WA DEPARTMENT OF COMMUNITIES IMMEDIATE CRISIS PAYMENTS**

A ONE OFF PAYMENT FOR IMMEDIATE CRISIS  
FOR MORE INFORMATION ON HOW TO CLAIM CALL  
DEPT OF COMMUNITIES HOTLINE 1800 032 965

Marra Worra Worra  
10 January at 11:57 ·

📌 We have updated info about financial help for Kimberley Flood victims. One is a one off lump sum payment avail through Dept of Communities WA, the other is if ... See more

Aboriginal Legal Service of WA Limited  
8 January at 01:39 ·

**THE PEOPLE OF THE FITZROY VALLEY NEED YOUR SUPPORT**

These vulnerable people get the essential items they need to restart their lives.

Make a donation [www.shorturl.at/pTWYS](https://www.shorturl.at/pTWYS)

National Indigenous Times  
6 January at 15:30 ·

The communities in the Kimberley Region have experienced a humanitarian crisis from the largest flood on record in the area. People have lost their homes, are i... See more

In the Northern Territory, there is no specified funding for social security legal help. Darwin Community Legal Service is the only generalist community legal service in the NT but DCLS and the other non-profit

legal service in the NT receive no specified funding to provide social security legal help.<sup>12</sup> Similar patterns apply in South Australia and Tasmania.

While Welfare Rights Centre NSW, Social Security Rights Victoria, Basic Rights Queensland, and Canberra Community Law provide specialist social security assistance – funding is vastly insufficient and is not relative to levels of legal need.

In North Queensland, 4Rs Network participants include:

- Townsville Community Law ('TCL')
- North Queensland Women's Legal Service ('NQWLS')
- Aboriginal and Torres Strait Islander Legal Service Queensland ('ATSILSQ')
- Mackay Regional Community Legal Centre ('MRCLC')

of which TCL has committed to using generalist legal service funds for a fraction of a community lawyer position to provide specialist social security legal help while receiving no specified funds. The others receive no specified funding to provide social security legal help.

## 2.1 No federal funding program addressing 4Rs social security legal needs

There is currently no federal funding program addressing social security legal needs in 4Rs areas, or generally.

Consequently, specialist legal assistance in relation to social security debts, including purported debts raised under Robodebt is largely absent. The same applies to legal help in relation to other social security issues which impact on people's rights, wellbeing, and inclusion.

Further, the conceptualisation of social security problems and how legal help and advocacy can factor in, is highly under-developed. This appears to be contributing to lack of federal portfolio involvement by multiple relevant portfolios (also highlighted in the Network's pre-budget submission).

Consequently, at this stage how social security legal issues can manifest in relation to

- social determinants of health – has not resulted in Health portfolio involvement,
- women's experiences of violence and abuse – has not resulted in the Attorney-General's portfolio, Health, National Indigenous Australians Agency or Prime Minister and Cabinet involvement
- housing and homelessness - has not resulted in Housing and Homelessness, Health or other portfolio involvement

The same applies to how social security legal issues can impinge on the rights and wellbeing of younger people, people with disability and older people.

Despite high levels of policy activity relating to these issues –none have focused, or focused adequately, on access to social security legal help.

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<sup>12</sup> Ibid submissions by DCLS and NT Women's Legal Services

## 2.2 Standards for access to social security legal help

Despite the call by Kimberley Community Legal Services in 2019 (highlighted in the excerpt below), and similar calls by many others – there are still no standards for access to social security legal help in 4Rs Australia or in Australia generally.<sup>13</sup>

### 6. Standards for access to social security legal help especially in RRR Australia

*Recommendation 5: In consultation with relevant NGO peaks and service sectors, the federal Government should establish standards regarding access to legal help in relation to social security and income support with particular emphasis on those in remote, regional and rural areas in Australia.*

*Recommendation 6: The Government should provide dedicated funding for on the ground specialist social security legal help in the Kimberley.*

There are currently no standards regarding access to social security legal help in Australia.<sup>41</sup>

Additionally, while there are various examples of legislated and program targeted social security measures which translate to a *geographic footprint* these are often experienced as externalist, top down, metro ('Canberra') originated and administered - deployments.

The above submission by KCLS also called for:

- A culturally safe place-based approach
- Research in and with communities to assess and guide about the program suitability and program logic in light of:
  - principles of cultural safety, self-determination, and a strengths-based approach,
  - local relevance, accountability, and participation, and
  - the need for 'realistic supports to increase opportunities for economic inclusion and improved wellbeing among Aboriginal people<sup>14</sup>

All of which highlights how social security programs and implementation can be so distant, foreign and problematic in 4Rs communities.

*Rec 4: Federal government fund 4Rs social security legal help correlated to needs and service delivery costs*

That the federal government increase funding for social security legal help applying a funding model which includes correlating funding to needs and costs of service delivery in 4R areas.

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<sup>13</sup> Kimberley Community Legal Service [Submission to the Senate Community Affairs References Committee Inquiry into the ParentsNext program, 15 March 2019](#), p. 15-19

<sup>14</sup> *Ibid*, p.9-10

### 3. De-siloing social security policy in 4Rs areas

The Robodebt fiasco demonstrates intense siloing (compartmentalisation) of social security portfolio interests at the ministerial and departmental levels. In the case of Robodebt, compartmentalisation took many forms but included not taking responsibility for:

- the human consequences, and
- how resources contributed to communities by other federal, state and territory portfolio areas may have been drawn upon to ameliorate the effects.

#### 3.1 De-siloing due to impacts in the 4Rs

De-siloing due to impacts can include:

- using multiple perspectives (including multiple portfolio perspectives) to test and critique proposed program and policy changes, and
- making sure that effects are understood, and safety nets are in place.

Jenny's Case Study by the Mackay Regional Community Legal Centre - which focuses on the Mackay, Whitsunday, and Isaac Regional Local Government Areas in Queensland (see map below) - indicates why both of these kinds of de-siloing, were needed in relation to Robodebt.

#### Case Study - Jenny

Jenny\* was being pursued by Centrelink for a "robodebt". Centrelink alleged she had been overpaid approximately \$3,000 during a period of time over seven years ago. Jenny was employed during the overpayment period, but she could not prove her earnings to Centrelink as her former employer paid her in cash and did not issue her any payslips. During the claimed overpayment period Jenny's daughter took her own life. Jenny therefore found it difficult to provide instructions about that period of time. Jenny has a diagnosis of PTSD.

Jenny was in severe financial hardship when she contacted MRCLC as Centrelink was withholding amounts from her Disability Support Pension. We assisted Jenny by speaking with Centrelink on her behalf, as her PTSD prevented her from doing so herself. We arranged for Centrelink to pause the debt recovery during the debt reassessment process. We then successfully requested a waiver of the overpayment debt based on Jenny's special circumstances. Jenny was also refunded the money that Centrelink had withheld from her pension.<sup>15</sup>



<sup>15</sup> [Mackay Regional Community Legal Centre, 2018-9 Annual Report](#), p 25

The impacts of Robodebt were predictable, which increases concerns about the ministerial and departmental approach.

For example, the study by the National Social Security Rights Network in 2014 which consisted of:

- 30 closed cases with specialist social security community legal services, and
- a quantitative survey of 218 clients.

The study reported that the impacts of financial instability experienced by people whose social security income was suspended, reduced, cancelled or where they had a debt raised, as follows:

- some people experienced a serious decline in physical and mental health
- some people could no longer afford medicines
- some experienced an increase in pain levels, others reported significant weight loss
- many became socially isolated and struggled to look after children
- feeling disbelieved or misjudged by Centrelink affected self-esteem levels and the ability to relate to other people, and
- some people fell further into depression and 13 of the 30 people studied had considered suicide during their dispute with Centrelink.<sup>16</sup>

These findings underscore the potential for harm and the policy and program impacts to be guarded against. The potential for different geographic impacts is also present, due to factors such as levels of access to assistance, supports and services.

### 3.2 De-siloing due to interdependencies in the 4Rs

De-siloing due to interdependencies refers to identifying and assessing interdependencies as a prerequisite for policy and program development and implementation, in the 4Rs.



Central Australian Youth Link-Up Service (CAYLS), Tangentyere Council, Submission to the Regional Telecommunications Review Sept 2021 (quote below)<sup>17</sup>

<sup>16</sup> NSSRN, [Specialist Social Security Community Legal Services in Australia Impact Report](#) (National Social Security Rights Network 2018),

<sup>17</sup> <https://www.infrastructure.gov.au/sites/default/files/documents/rtr2021-submission-no-584-caylus.pdf>

*These are all stories from people out bush about mobile phones.*

- When you buy your new phone, it has to be activated. You have to have an email address and ID to activate the phone. You don't have an email address, so you have to find someone who does who is willing to help you get the phone activated. The local community store can't help you.*
- When someone steals your simcard and you can't ring your parole officer. They can't ring you either. Warrant gets issued. This makes you nervous about contacting Centrelink or any other government service because now you have a warrant.*
- If your phone is lost or broken you can't contact family, so you have to look for a phone you can borrow.*
- Mobile phone goes flat on hold for Centrelink. Get breached by Centrelink and lose your payments.*
- Have to use the powerpoint at the basketball court or wait until the computer room is open to recharge your phone because no-one at home has got any money for power cards. The Council won't let you use their phone or power points.*
- All your daily data allowance at the wifi hotspot gets used up by the phone updating itself, so no data left to do internet banking or Centrelink reporting.*
- All your daily data at the wifi hotspot gets used up with the 20 apps your kids have open on the phone refreshing.*

The above highlights how Centrelink is positioned, spatially, technologically, and functionally according to these user journey experiences in Central Australia.

The failure to factor non-metro challenges into the Centrelink process logics – which underpin user experience – can be repudiating for non-metro Centrelink recipients who find themselves 'off the process map' or 'off the flow-chart' – resulting in requirements which are highly unreasonable or impossible.

While the recent *Human Rights and Technology Report* by the Australian Human Rights Commission relayed the situation blandly, the lived experience is clearer from the CAYLS excerpt above and the account by Ben Wyatt,<sup>18</sup> below.

#### *Human Rights and Technology Report*

"Internet access

People with disability experience lower rates of broadband internet access compared with the rest of the Australian population. This gap is sometimes called the 'digital divide'. People with disability in regional and remote areas can experience inadequate and unreliable internet coverage."<sup>19</sup>

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<sup>18</sup> Ben Wyatt, former Western Australian Minister for Aboriginal Affairs, who witnessed the scene in the remote community of Warburton, in November 2019. The article is 'They haven't the remotest idea' [The Australian \(Online 12 November 2019\)](#)

<sup>19</sup> Sophie Farthing, John Howell, Katerina Lecchi, Zoe Paleologos, Phoebe Saintilan and Human Rights Commissioner, Edward Santow, [Human Rights and Technology: Final Report](#), (Australian Human Rights Commission, 2021) p. 172

## They haven't the remotest idea

BEN WYATT



11:00PM NOVEMBER 12, 2019  
91 COMMENTS



Local community members at the Tjuluru Cultural and Civic Centre, at Warburton, WA.

Last week I drove from Perth to Warburton and Warakurna, two of the most remote communities on Earth.

Arriving at Warburton, population about 500 people, I visited the community's administration office and became instantly immersed in the madness people there were dealing with. A single mother was desperately contacting a distant call centre hoping to have her bank account reactivated after keying the wrong pass code given to her. Unable to produce the required evidence to identify herself she was told to

Part of the article:

““Last week I drove from Perth to Warburton and Warakurna, two of the most remote communities on Earth. Arriving at Warburton, population about 500 people, I visited the community's administration office and became instantly immersed in the madness people there were dealing with. A single mother was desperately contacting a distant call centre hoping to have her bank account reactivated after keying the wrong pass code given to her. Unable to produce the required evidence to identify herself she was told to travel a thousand kilometres to Alice Springs to front in person. She was desperate and broken. Another woman with children to feed sought emergency relief after her income was



suspended by Centrelink for breaching her work-for-the-dole conditions under the Community Development Program. At the counter a range of community people queued, demanding that overwhelmed staff help them navigate a social security income and banking system that to anyone appears impossibly complex.

This happens regularly, I was told repeatedly, where people have their income cancelled if they fail to report to Centrelink fortnightly on any changes to their living circumstances, miss a monthly report to Jobactive, which runs the CDP scheme, or do not comply with the requirement to work 20 hours a week for the dole all year round.

Given that English is generally not Ngaanyatjarra people's first language, lack of phone access and the reality that people move between communities for all sorts of cultural and social reasons, the numbers of people denied social security payments is, of course, growing.

Other people complained they could not access funds from their bank because they had been conscripted on to the commonwealth's income management debit card scheme — usually while spending time in Kalgoorlie — without fully understanding the consequences. The scheme, which quarantines 80 per cent of social security payments to a special bank card that can be used only at certain vendors and cannot be used to buy alcohol and gamble, is being rolled out in Kalgoorlie and the Goldfields as part of a national trial. The grog-free Ngaanyatjarra lands are not part of the trial and Ngaanyatjarra people who have been ensnared in the scheme through their visits to Kalgoorlie and other Goldfields towns are joining the increasing number of destitute people who rely on their already impoverished families to survive.

A line of these cards is kept behind the office reception in an attempt by the community's administration to, somehow, turn these cards, inoperable in the lands, into cash. Clearly there has been significant problems in implementing the scheme, with its Canberra-based designers having no idea how the Goldfields and Ngaanyatjarra Lands operate as an integrated region.

Visiting these communities I was struck by an overwhelming sense that people are disempowered and punished by a digital world of faceless and distant bureaucratic controllers. Centrelink no longer posts cheques, and financial transfers to personalised bank accounts assume people have access to computers and banks. There are no banks in remote communities.

This, combined with declining finances coming into the lands through increased payment cancellations as punishment and the increasing conscriptions on to the cashless card scheme has meant the Warburton community council has had to establish its own quasi banking system through recirculating money from the community store.

This situation is unsustainable. There is already a crisis of financial security in Warburton and other Ngaanyatjarra communities. I sense the next phase of this crisis is community implosion resulting in a major population relocation to towns such as Kalgoorlie and Laverton if policies aimed at supporting remote communities don't change; a dynamic that would be replicated throughout remote Australia...."

De-siloing is critical to model how policies and programs would operate in 4R areas, including identifying pre-requisites. When pre-requisites, such as adequate locally suitable access to Centrelink – are not present – the response cannot be to ignore it and plough on.

### 3.2.1 Human toll

The human toll of harmful social security policies and programs impacts people in metro and non-metro areas but may also take additional forms in both. The following excerpts are examples.

#### **Australian Council of Social Service, September 2019**

“People have reported their life being ruined as a result of robodebt. People have experienced breakdown, anxiety, depression requiring medication, sleeplessness, stress causing physical illness, and fear. Many have reported suicide ideation, and there has been at least one story of someone committing suicide after receiving a robodebt.”<sup>20</sup>

#### **Northern Territory Government submission, September 2019**

“The nature of the Northern Territory population has implications for the appropriate application of Centrelink's compliance program, as factors such as remoteness give rise to challenges regarding access to services, access to internet, telecommunications and online banking and access to translators or services and resources in language. The lived application of this approach means that if recipients are cut from payments, connecting back to the correct income support is not straightforward, and delays in accessing payments mean that women and children go without material basics.”<sup>21</sup>

#### **Case study UnitingCare Qld, 2017**

“5.20 Withholding part of a Centrelink payment can have a substantial impact on the recipient who is relying on the payment, as Case Study 5.1 reveals below.

##### Case study 5.1—UnitingCare Queensland

This is a client that has come to our service, and shows the vulnerability of a client who does owe a Centrelink debt. This client presented to our service. She is 68 years old. She is on the Centrelink age pension. She lives alone. She has no social or family support. She has no assets, no financial support and no savings. She lives in a remote town, approximately an hour away from Bundaberg—so it is pretty isolated. This client presented to our service. She was very distressed and was having suicide ideation. She had been notified by Centrelink that she was to pay 100 per cent of an \$11 000 debt that was generated when she was employed by Queensland Health as a nurse. As this client had no financial means to pay this, being on the age pension and with minimum computer skills, the financial counsellor advocated for this client.

What the financial counsellor had to do in the first instance was connect her with a generalist counsellor because she was suicidal, just to make sure that harm was minimised. She attended

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<sup>20</sup> ACOSS [Submission 7](#) to the Senate Committee Inquiry into Centrelink's compliance program, September 2019. Senate Community Affairs References Committee [Inquiry into the Centrelink compliance program](#). The inquiry started on 31 July 2019 and continued until May 2020, producing six reports.

<sup>21</sup> Northern Territory Government [Submission no 5](#) dated 19 September 2019 to the Parliamentary Committee inquiry into Centrelink's Compliance program

those appointments. Then they sat down and investigated the debt. It was her debt; it was a real debt for her.”<sup>22</sup>

### Queensland Advocacy for Inclusion (QAI), September 2019

“We also note that many people with disability living in rural and remote areas without access to a telephone have been forced to travel an extensive distance into Centrelink office in an attempt to resolve their issue. This is inappropriate and compensation should be provided to those individuals who have been forced to do so.”<sup>23</sup>

The above outline highlights why social security policy and program development and implementation must be de-siloed to achieve full cross-portfolio involvement and collaboration given the multiplicity of impacts, interdependencies, and the potential human toll.

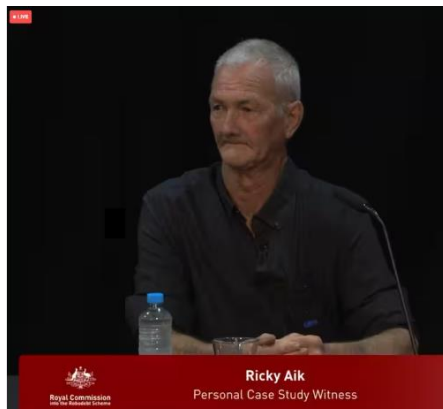
#### *Rec 5: De-silo social security policies and programs to reflect multiplicities of impacts, interdependencies and risks of human toll*

Social security policy and program development and implementation must be de-siloed to achieve full cross-portfolio involvement and collaboration given the multiplicity of impacts, interdependencies and the human toll.

The evidence by Mr Ricky Aik to the Royal Commission on 23 January 2023 highlights these and additional issues. As noted in the introduction to his evidence:

“Mr Aik lived in rural Victoria and received Newstart allowance. In 2018, he was issued with a Robodebt notice in the amount of \$5,254.53. The alleged debt related to the period 2014 to 2016, and the debt was ultimately reduced to nil as it was based on income averaging. His evidence is a case study on the impact of those living in rural areas, and those with limited support networks.”<sup>24</sup>

In his evidence, Mr Aik outlined how Robodebt impacted on him.<sup>25</sup>



#### **'Struggling to stay afloat'**

Ricky Aik revealed he had “no idea” how Centrelink produced a debt notice for \$5,2 in 2018, having accurately reported his fortnightly income.

Mr Aik described himself as “struggling just to stay afloat” at the time, saying there was “not a chance” he would be able to repay that amount.

The debt notice had a profound impact on his wellbeing, including depression and thoughts of self-harm, he said.

“Every cent of income I had was going out, just to be able to live, survive ... [I] didn't feel like eating much, didn't want to socialise. [I] just didn't want contact with anybody,” he said.

<sup>22</sup> Senate Standing Committees on Community Affairs, Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, Report, 21 June 2017, p. 94-5

<sup>23</sup> QAI [Submission 6](#) into Centrelink's Compliance Program, 19 September 2019

<sup>24</sup> Robodebt Royal Commission Transcripts, [Hearing Day 23, 23 January 2023](#), evidence by Ricky pp. 2156 - 2176

<sup>25</sup> Photo and excerpt below are from the second part of the following article: Finn McHugh, [SBS Pensioner tells of sheer terror she felt over false \\$65,000 robodebt](#), 23 January 2023

Mr Aik had to spend time and money, which he didn't have, travelling to the Centrelink office from his rural location but nothing achieved progress.

However, Mr Aik found the #NotMyDebt Facebook group and started to draw information and help from the group. His debt was finally expunged.

*Rec 6: Support and promote awareness raising, organising and empowerment of social security recipients*

The #NotMyDebt initiative, strategic litigation, information dissemination, awareness raising, organising and empowerment and the efforts of many community-focused lawyers, helped stop Robodebt and achieve amends.

These approaches are important to support and enable individuals in relation to social security issues, and they should be supported and promoted in 4R areas.

### 3.2.2 Centrelink cohorts in the 4Rs with fluctuating income

Economic, demographic, local, and individual factors impact on when and whether people exercise their rights to receive social security. That Robodebt used income averaging to estimate income, meant that people whose income fluctuated were particularly vulnerable to being impacted.

Robodebt encompassed people receiving Centrelink who had fluctuating income by choice and those whose access to income was limited by factors such as the nature of available employment. The latter can include factors relating to geographic location, such as rurality.

#### **Queensland Council of Social Service, September 2019**

“For many people looking to move from income support to work, casual and seasonal work is the first step. Indeed for many, particularly in regional and remote areas, it is the only pathway available. This is particularly true for young people and those with low skill levels. These are the people the system should be helping. The Robo-debt process targets those people doing their best to get into the labour market, doing their best to navigate complex systems of work, income support, and taxation. It is targeting those that have been able to gain some work, often sporadic. It is these people for whom a process of ‘averaging’ is clearly problematic. QCOSS is concerned that these people will be deterred from seeking further work, given their negative experiences of government systems like Robo-debt. We are also concerned that those who have yet to make the transition to work will also be deterred. In this system, the incentive to find work has been transformed into a process of stress, anxiety and of burden.”<sup>26</sup>

Employment patterns, including the availability of work and seasonality – have metro and non-metro dimensions and jurisdictional, regional, and local characteristics.<sup>27</sup>

It is consequently likely that locational attributes had a precipitative and a protective effect for different people in relation to Robodebt.

There currently appear to be no principles, criteria or safeguards relating to geographic targeting (whether intentional or not) relating to social security.

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<sup>26</sup> QCOSS [Submission no 10](#) into Centrelink's Compliance Program, September 2019

<sup>27</sup> The ACTU canvassed many of these issues in its [submission no 112](#) to the Select Committee on the Future of Work and Workers, titled 'Regional inequality in Australia and the Future of Work, June 2018.

This issue should be explored and clarified due to the nature and extent of social security impacts in 4Rs areas.

*Rec 7: Principles or criteria needed regarding geographic targeting of social security measures*

There currently appear to be no principles or criteria relating to geographic targeting (whether intentional or not) of social security measures. The issue should be explored and clarified due to the nature and extent of social security impacts in 4Rs areas.

## 4. Contacts

For follow up on this submission please contact 4 Rs Network Co-Convenors, Bill Mitchell, and Judy Harrison (contacts above). Email addresses provided separately.

Regards,



for Bill Mitchell OAM and Judy Harrison  
Co-convenors National 4Rs Community Legal Network

Attachments:

1. Network's pre-budget submission dated 27 January 2023
2. Attachment to pre-budget submission – SA Law Bulletin, 6 July 2022 containing article about the Network