



NATIONAL
SOCIAL SECURITY
RIGHTS NETWORK

For Your Rights and a Better Social Security System

**National Social Security Rights
Network Inc**

Annual Report

2016—17

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About NSSRN

NSSRN (formerly National Welfare Rights Network) is a national peak body organisation in the area of Social Security and Family Assistance law, policy and administration. It has a funded secretariat and its members are community legal centres which provide free legal services directly to current and former income support recipients. The NSSRN draws on the direct experience of its members and their clients to provide input into policy and legislative processes and its advocacy.

NSSRN acknowledges funding received under the Families and Communities Services Improvement (FCSI) Activity, administered by the Department of Social Services.

Our members operate in all States and Territories of Australia.

Our Aim

NSSRN's aim is to reduce poverty, hardship and inequality in Australia by advocating for a Social Security and Family Assistance system which is fair, adequate and well administered.

Our Principles

The NSSRN, advocates for a Social Security System based on

- the right of all people in need to an adequate level of income support which is protected by law;
- the right of people to be treated with respect and dignity by the Department of Human Services and those administering the Social Security system;
- the right to accessible information about Social Security rights and entitlements, obligations and responsibilities;
- the right to receive prompt and appropriate service and Social Security payments without delay;
- the right to a free, independent, informal, efficient and fair appeal system;
- the right to an independent complaints system; and
- the right to independent advice and representation.

Our Member Centres

Australian Capital Territory

Canberra Community Law

New South Wales

Welfare Rights Centre (NSW)

Illawarra Legal Centre

Northern Territory

Darwin Community Legal Centre

Queensland

Basic Rights Queensland Inc

Townsville Community Legal Service

South Australia

Welfare Rights Centre (SA) Inc

Tasmania

Hobart Community Legal Service Inc

Launceston Community Legal Centre

Victoria

Barwon Community Legal Service

Social Security Rights, Victoria

Western Australia

Sussex Street Community Law Service

Freemantle Community Legal Centre

Welfare Rights and Advocacy Service

Associate Members

Central Australian Aboriginal Legal Service

Northern Australian Aboriginal Justice Agency

NSSRN People

NSSRN Secretariat

Executive Officer

Matthew Butt

Research and Policy Officer

Catherine Mahony (September to June 2017)

Research Project Officer

Sarra Mills (April to June 2017)

Administrative Officer

Alice Jones-Rabbitt (short term)

NSSRN Board

The Board members during the year ended 30 June 2017 were:

Chairperson

Genevieve Bolton OAM, Executive Director/
Principal Solicitor, Canberra Community Law

Vice Chairperson

Kate Beaumont, Executive Officer, Welfare Rights
and Advocacy Service (WA)

Secretary

Liz Turnbull, Lawyer, Illawarra Community Legal Centre

Treasurer

Peter Horbury, Manager (Operations and Information
Services), Social Security Rights (VIC)

Ordinary Board Member

Georgina Warrington, Director,
Basic Rights Queensland

Ordinary Board Member

Alex Whitney, Solicitor, Townsville Legal Service

Ordinary Board Member

Mark Leahy, Manager, Welfare Rights Centre (SA)

Message from the Chair of the Board

This is the first annual report, under our new name. At a general meeting held on 6 December 2016, it was resolved unanimously by the membership to change the name of the National Welfare Rights Network Inc in recognition of the long standing concerns about the derogatory connotations of “welfare” especially in the Aboriginal and Torres Strait Islander community. Whilst the Network’s name has changed, our commitment to advocating for a better Social Security and Family Assistance system remains resolute.

Important governance and organisational changes have also been made to reflect the changing scope and nature of NSSRN’s structure and function. Significantly, NSSRN is now governed by a Board. The NSSRN Executive Officer is the official spokesperson for the Network and responsible for the day-to-day management of the Secretariat leaving the Board to focus on governance and strategic matters.

For the NSSRN member centres and the broader community legal sector, the past year has been marked by great uncertainty, threats to services and impending National Partnership (NPA) funding cuts. Now administered at a State and Territory level, some NSSRN member centres were forced to go through tender processes for the NPA funding.

Unfortunately, the financial year ended on a very sad note with news that our South Australian member centre, was not successful in their tender process. Faced with such a drastic funding cut, the Welfare Rights Centre SA (WRC SA) is now looking at options for survival. Unless additional funding is secured WRC SA will be forced to close its doors, leaving behind over 30 years of expertise and experience in providing specialist Social Security rights services to some of the most disadvantaged people in the South Australian community. It is devastating that the WRC SA’s expertise, innovative service delivery model and client driven focus built up over three decades was not recognized in the recent tendering process. Our thoughts are with our colleagues at WRC SA at this very difficult time and hope a solution can be found.

The impending NPA funding cuts were halted at the eleventh hour with the announcement of additional NPA funding to be targeted at family law and family violence work. NSSRN has continued to work closely with the National Association of Community Legal Centres (NACLC) to highlight to Government the critical and valuable impact of the specialist work undertaken by our member centres and the need for additional funding. As a result of NSSRN’s efforts, the NPA definition of family violence related services was amended to recognise the wide-ranging effects of family violence in the area of Social Security law.

In these very difficult times, the NSSRN Secretariat has worked tirelessly to support member centres and to represent the interests of our clients in its advocacy and law reform work. This work is complex, demanding and often is required to be done within very tight timeframes. Under the excellent leadership of Matthew Butt, the NSSRN Secretariat has produced a mountain of policy work to an exceptionally high standard. Two areas of focus have been responding to the implementation of the Online Compliance system (OCI) and changes to the Disability Support Pension (DSP) assessment processes both of which have had detrimental impacts on our clients. Many thanks to Basic Rights Queensland for hosting the DSP project. Thanks also to our member centres for sharing their client experiences and perspectives to help inform NSSRN’s policy work.

Over the reporting period, NSSRN has strengthened its support to member centres. NSSRN has a new website with a members' area. A range of factsheets and other training and information products have also been produced to support the work of member centres. The legislative and case updates have become a critical resource for our members in keeping up with frequent changes whilst juggling large casework loads.

Thank you to Catherine Mahony and Sarra Mills for your contributions to the work of NSSRN over the past year. We wish you well in your future endeavours. Thanks also to the fabulous Alice Jones-Rabbit who has stepped in at short notice on a couple of occasions this year.

In many ways, this year has been one of significant change as we have bedded down organisational and governance structures and undertaken a strategic planning process. Board members have generously given of their time and energy to NSSRN over the past year. Thank you for your commitment to NSSRN.

It has been a privilege chairing the Board over the past year. Thank you to NSSRN members for the opportunity to do so. Finally thanks to my colleagues at Canberra Community Law. This would not have been possible but for your support.

Genevieve Bolton OAM
Chairperson
NSSRN

Executive Officer's Report

The NSSRN Secretariat advances its objectives by seeking to:

- inform government policy development and Parliamentary deliberation about income support policy and administration
- disseminate information about government policy, including to its member services, government agencies, community organisations and the public, and
- undertake research by collating and analysing information from members services concerning their services and the experiences of their clients with the income support system.

Its main activities in these areas are outlined below.

Submissions parliamentary inquiries, government reviews and consultative processes

The NSSRN makes submissions to parliamentary inquiries, government reviews and other consultative processes relevant to Social Security and Family Assistance law, policy and administration. It frequently gives evidence in support of these submissions. Unless confidential, these submissions are published on its website.

The NSSRN consults with its members in the development of the policy positions in its submissions and seeks to ensure that their front line experience in the delivery of legal services to individuals interacting with the income support system is taken into account.

Its submissions and evidence are frequently cited, such as in the reports of Parliamentary inquiries.

In 2016/17, its submissions to parliamentary inquiries and reviews and consultative processes by government department and agencies included:

- Submission to the Senate inquiry into the *Social Services Legislation Amendment (Budget Repair) Bill 2016*
- Submission to the Senate inquiry into the *Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2016* and the *Social Services Legislation Amendment (Family Payments Structural Reform and Participation Measures) Bill 2016*
- Submission to the Department of Employment consultation on the Employability Skills Training element of the Youth Jobs PaTH program
- Submission to the Senate inquiry into the *Social Services Legislation Amendment (Transition Mobility Allowance to the National Disability Insurance Scheme) Bill 2016*
- Submission to the Senate inquiry into the *Budget Savings (Omnibus) Bill 2016*
- Submission to the Joint Committee of Public Accounts and Audit in relation the administration of DSP, based on the Auditor General's report 18 (2015-16)
- Submission to the Senate inquiry into the *Social Services Legislation Amendment (Simplifying Student Payments) Bill 2016*
- Submission to the Australian National Audit Office's audit of the administration

of student payments

- Submission in response to the Australian Law Reform Commission (ALRC) Elder Abuse Discussion Paper, following up our earlier submission in response to the ALRC's issues paper and focussing on issues relating to access to income support for parent visa holders
- Federal Budget Submission, focussing on the unmet legal need of social security recipients and funding for community legal centres
- Submission to the Commonwealth Attorney-General's Department in relation to its review of options for harmonising Administrative Appeals Tribunal practice and procedure
- Submission to the Senate inquiry into the *Social Services Legislation Amendment (Omnibus Savings and Child Care Reform) Bill 2017*
- Submission to the Senate inquiry into the Better Management of Social Welfare System initiative (March 2017)
- Submission to the Senate inquiry into the Community Development Program (June 2017)
- Submission to the Senate inquiry into the *Social Services Legislation Amendment (Ending Carbon Tax Compensation) Bill 2017*

Engagement with government

In addition to submissions, the NSSRN regularly engages with government departments and agencies in relation to income support policy and administration.

In 2016/17, this included:

- Participation in biannual meetings with the Departments of Social Services and Human Services
- Participation in the Department of Human Services National Multicultural Advisory Group (NMAG)
- Participation in the Department of Human Services consultations around Centrepay
- Engagement with the Commonwealth Ombudsman's social services team
- Participation in the Commonwealth Attorney-General's human rights forum, UNSW
- Consultation and input to the Department of Human Services on a range of specific issues including its projects around the cessation of cash and cheques, urgent payments policy and administration, the online compliance intervention (employment income confirmation) and disability support pension streamlined assessment process.

Analysis of data, case studies and experiences of member services

NSSRN seeks to collate and analyse the views, experiences and data held by its member services and contribute this frontline experience to government payment and service delivery policy development and review. It does this in a range of ways: regular members linkups, consultation in relation to submissions

and research projects and requests for data and case studies and an annual national conference.

In 2016/17 the NSSRN published a research paper it commissioned from the Australian National University Crawford School of Public Policy. The paper drew on data and case studies from member services which provided legal assistance to people whose access to income support was affected by compensation preclusion and income maintenance periods.

One area for potential reform identified in the research was tailored information products for personal injury compensation recipients. We were in contact with the ASIC MoneySmart service about this, as well as providing some feedback in relation to its information about redundancy.

Towards the end of 2016/17 the NSSRN commenced a research project in collaboration with its member service Basic Rights Queensland. This project is looking at the experience of people claiming the disability support pension with the current assessment process. A review of case files is complete, and the NSSRN will be collating and analysing the results of this review in the coming year.

Disseminating information income support policy and administration

The NSSRN aims to contribute to understanding of Australia's income support system by disseminating information about it in a range of forums to community organisations, members and the public.

In 2016/17 it revamped its website (nssrn.org.au) and factsheets. Factsheets remain an important source of information for member services, community organisations and members of the public. Our factsheet about the "online compliance intervention" was one of the first attempts to disseminate accurate information about the new debt recovery initiative and was widely circulated.

The NSSRN also organises and provides training sessions for members. This year it provided training in relation to residence and the online compliance intervention (employment income confirmation).

The NSSRN also regularly engages with community organisations such as the Australian Council of Social Services. It frequently provides expert advice and information to these organisations, for instance:

- Attendance and support to a meeting of community organisations hosted by the Aboriginal Peak Organisations of the NT (APONT) concerning the Community Development Program (CDP) concerning the job seeker compliance framework, and
- Input into the NGO sector's "shadow report" report to the UN Committee on Economic, Social and Cultural Rights periodic review of Australia's compliance with this instrument, as well as support to NGO representatives.

The NSSRN also provides information to its member services through its website, factsheets, a members area containing papers and precedents and a regular case and legislation update bulletin.

It also writes and produces a regular email bulletin about income support law and policy which is emailed to subscribers and available on the website.

The NSSRN also regularly makes public statements and provides media comment about social security issues.

Case Studies

The following case studies illustrate the work undertaken by our member centres.

Sarah*

Sarah is an Aboriginal woman with several children. Sarah and her children all suffered from severe family violence at the hands of her ex-partner. Fearing further serious harm, Sarah and her family were forced to relocate to a refuge. Due to a Centrelink error, Sarah had a debt raised against her for overpayment of her benefits. The news of her debt came at a terrible time for Sarah, who was already in significant debt due to leaving her abusive ex-partner.

One of our member centres met with Sarah and her support worker at the refuge. The specialist lawyer discussed the possibility of making a Freedom of Information application for Sarah's Centrelink's file as one way of working out where things went wrong. In Sarah's case, the letters she had received from Centrelink combined with her documents about her own income allowed the lawyer to find where the Centrelink error had occurred.

The lawyer then worked with Sarah to lodge a request for internal review with an Authorised Review Officer. In putting together this request for review, the lawyer assisted Sarah to obtain comprehensive documentary evidence of her circumstances, and the lawyer also drafted detailed submissions to clarify how the error had arisen, explaining the nature of the miscalculation by reference to Centrelink's legislation and practices. Based on these submissions and the evidence, Centrelink decided to waive the entire debt due to its administrative error. This meant that repayments were no longer being taken out of Sarah's Centrelink payment allowing her to meet her accommodation and living expenses and look after her children.

Darren*

Darren had applied for Disability Support Pension and got rejected. In a workplace accident, Darren had sustained serious physical, neurological injuries and the traumas that followed. He was hospitalised and treated for several months. He was treated by various Specialists when one of the treating Doctors sexually abused him, who subsequently took his own life after being reported. This left Darren traumatised and scared. Subsequently, he managed to work for many years helping out in his parents' small business until his father passed away and the business ceased operating. In recent times he continued to live with his elderly mother who is over 80 years old and she provides ongoing support. He applied for DSP but got rejected due to insufficient evidence.

Darren and his mother sought assistance from one of our services with appealing the decision. When Darren and his mother came to the office to discuss his case, it was apparent that he had suffered a great deal with his permanent injuries and was very traumatized by the sexual abuse incident. His mother was in tears as she was concerned about her own fragile state of health and seeing that her son needed ongoing support. The Social Security Rights Advocate liaised with the ARO who already had affirmed the decision but agreed to consider taking a fresh look at the case if more evidence came to light. Through his GP and a Clinical Psychologist, comprehensive reports backed by past medical records were submitted. The ARO reconsidered her decision in light of the new medical evidence, got a Job Capacity Assessor to confirm the eligibility and decided that Darren met the criteria for DSP.

Carolyn*

Carolyn received youth allowance from Centrelink when she was a university student between 2009 and 2014. During her studies, she supported herself with seven part-time or casual jobs and reported her income every two weeks to Centrelink.

When she finished her studies, she moved for work and she did not receive the initial letter generated by the OCI system. She received notices of debts over periods from 2010/2011 to 2014/2015 totalling over \$14,000 with a 10% penalty added and was contacted by debt collectors. Although she didn't think the debt was correct, she felt she had to make a repayment and paid \$500 with her credit card. She continued to receive phone calls from the debt collectors.

She began to put together her payslips with the help of an accountant. She still had some payslips, but others were online and she could not access them as she no longer worked for the employer. One employer told her it had moved its corporate services overseas, and she had trouble calling the overseas service centre and getting a response. Another employer did not provide payslips in response to her request.

Carolyn appealed with the information that she was able to collect. After reassessment and review the debt was reduced to about \$8000 and the penalty removed. Some income had been double counted, as one of her employers was a business that was in fact owned by a unit trust and the OCI system had treated the unit trust as an additional employer. Income from her employers had also been averaged, and this was partly removed for periods where she provided payslips. However, as she had not been able to obtain all her payslips, some of her income was still averaged. One of our services helped her to appeal her debt to the Administrative Appeals Tribunal. A lawyer contacted the employer that had not provided payslips and now has them. They went through the revised debt calculations to identify where averaging has still been applied and made submissions to the tribunal. The tribunal agreed that the debt was incorrect, set it aside and ordered DHS to reassess it.

*Names have been changed

Treasurer's Report

Once again the National Social Security Rights Network Inc. (but for the first time with that moniker) has turned in a budget result that would have mandarins in Canberra tearing up. A 1% surplus involving a minor deficit on our DSS money & a slightly larger surplus on our NSSRN money, means that the result is very pleasing.

As I sign off on my final report as Treasurer it's amusing to look back at the first Network budget I was involved in, with the princely income of \$30,000, two-thirds of that a grant and a \$2,000 budget for the annual conference. Things have certainly progressed since then.

Very significant thanks must go to Christine and Kate at WRASWA for doing all the hard slog for the last two years above and beyond what could reasonably be expected.

I leave this role knowing that the Network's finances are in good hands and shape.

Peter Horbury

Appendix: Auditor's Report