



# **National Welfare Rights Network Inc.**

## **Annual Report**

July 2007 to June 2008

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

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- **President:** Michael Raper, Director, Welfare Rights Centre, Sydney
- **Vice President:** Kate Beaumont, Executive Officer, Welfare Rights and Advocacy Service, Perth
- **Secretary/National Liaison Officer:** Genevieve Bolton, Supervising Solicitor, Welfare Rights and Legal Centre, Canberra
- **Treasurer:** Peter Horbury, Co-ordinator, Welfare Rights Unit, Melbourne
- **Committee Member:** Melissa Coad, Welfare Rights Centre, Sydney (resigned July 08)
- **Committee Member:** Samantha Purcell, Welfare Rights Advocate, Barwon Community Legal Service, Geelong
- **Committee Member:** Liz Turnbull, Welfare Rights Advocate, Illawarra Legal Centre Inc

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# President's Report

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## 1. The critical role of the National Welfare Rights Network

Over the last decade, and particularly since incorporation, the National Welfare Rights Network has built itself into a well organised national peak body with a strong and respected voice on Social Security policy and its administration by Centrelink. The great strength of the Network is that this voice comes from a clear, client oriented, values base that is grounded in the casework so diligently undertaken each day in Welfare Rights member organisations throughout Australia.

Such a voice forms a critical part of the public policy debate in Australia. Social Security constitutes some 45% of all Commonwealth Government outlays in each and every Budget, and this will not diminish over the decades to come. How that money is allocated and how it is administered are major policy issues that have an intimate and immense impact on the lives of Australia's lowest income citizens.

Playing a role in that debate to ensure, as best we can from our casework experience, that the recipient perspective is strongly represented, is not only very specialised and difficult, but also very privileged and important work. With such enormous and constant challenges, the Network must continue to focus its few resources on supporting its members to undertake this crucial casework and on its critical national policy and advocacy role.

## 2. The end of the Howard era

The NWRN has analysed a massive shift in the balance of risks and responsibilities in the Social Security system in Australia over the past 15 years. This is most clearly demonstrated in the area of debt. Whereas 15 years ago, not all overpayments were actually debts, now, regardless of the cause, almost all are. And even though Centrelink may be 99% guilty of having caused the debt, it cannot be waived if Centrelink can attribute 1% of the blame to the recipient.

The system - designed to take on much of life's risks collectively in relation to unemployment, disability and illness - has consistently pushed more and more of the risk back onto the individual and has demanded more and more individual responsibility for self financing both in the health and Social Security systems through private insurance, tougher waiting periods and tighter targeting. Further, the system has markedly exacerbated the risks by imposing a severe eight week no payment penalty system, generally on the most vulnerable people in the system, and increasingly as a "first strike" penalty.

The National Welfare Rights Network has been at the vanguard of exposing and opposing the negative consequences of this trend and in proposing positive alternatives. In each of the waves of "welfare reform" under the previous, Coalition Government - first "Australians Working Together" and then "Welfare to Work", - there have been large elements of this trend which it has been necessary to counter. It is always difficult to measure success in such drawn out struggles, with small gains and mini-victories here and there. However, we can take heart from the judgement of our opponents, the ideological perpetrators of the "work first" mantra at the core of "Welfare to Work".

In a final dying effort in June 2008, as he packed up and headed back to England, Peter Saunders of the Centre for Independent Studies (the Sydney based right-wing think tank) published "A whiff of compassion? The attack on mutual obligation". In this last hurrah, Professor Saunders claims that welfare groups such as the National Welfare Rights Network have constantly managed to curb the scope of "Welfare to Work" policies over the years and, since the election of the Rudd Government, have had great success in convincing it to water down the mutual obligation policies.

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### **3. Early successes with the new Government.**

It is true that the Network has had a number of early successes since the election of the ALP Government.

- Within weeks of taking office, Minister O'Connor announced a review of the excessive litigation policies of the former DEWR hot on the heels of a Welfare Rights case study based expose in the Sydney Morning Herald. The report of this review was fully adopted by the Minister and has already resulted in the implementation of new set of principles to guide not only DEEWR's litigation but that of FaHCSIA as well.
- In our first meeting with the Minister, NWRN urged the Government to move from a "work first" to a "work ready" approach in relation to activity requirements and employment services for unemployed people. In the Future of Employment Services discussion paper released in May, the Government not only adopted this approach but this very expression.
- A NWRN expose in March of the rapidly escalating breach and eight week no payment penalty rates resulted in a directive from the Minister to all employment service providers to take more care and to exercise more discretion in relation to the imposition of such alleged "participation failures". This has been followed up by a further letter directly from DEEWR aimed at reducing the number of eight week no payment penalties.
- The Government's Future of Employment Services discussion paper also proposes a new compliance regime designed to move the emphasis further from punishment towards compliance as the NWRN has consistently advocated over many years and in our submission to the Review.
- The NWRN has also been appointed to the Government's recently announced Participation Taskforce which is charged with the responsibility of reviewing the activity and participation requirements for parents and mature aged unemployed people.
- At last year's NWRN conference and in our subsequent statement of support for the Parliament's "apology" to Indigenous Australians, the NWRN pledged itself to actively work to overcome the legacy of Indigenous disadvantage throughout Australia. In conjunction with the NACLC we prepared a submission to the Attorney General which recently resulted in a grant of \$.5m to place four Welfare Rights workers into the Northern Territory for 12 months to address a wide range of "NT Intervention", income quarantining and related Welfare Rights issues.
- For almost two years, the NWRN had been anticipating the impact of a likely Emissions Trading Scheme on low income and disadvantaged households, particularly those on Social Security only, and has been at the forefront of raising the need for "equity in our national response to climate change". In the recent Garnaut Report and subsequent Government Green Paper on the design of the proposed ETS, this issue was recognised with recommendations to use substantial parts of the ETS revenue to provide compensation for low income households and to invest in renewable energy sources to lower the impact of the ETS on energy costs of such households. Whilst this does not go nearly far enough in terms of what needs to be invested to retro-fit low income households to reduce both energy costs and carbon footprint, it is nevertheless a major breakthrough.

These gains constitute substantial progress in a short time and provide a good foundation for sound working relations with the new Government.

### **4. Change of Government changes policy landscape**

"Change the Government and you change the country", as once claimed by Paul Keating, is proving to be a very accurate claim. After eleven years of the Conservative Howard dominated Government, the election of the Australian Labour Party has significantly changed the political and policy environment in which the National Welfare Rights Network is now operating.

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In 2008 -2009, this environment is likely to be characterised by the following:

- The Social Inclusion agenda of the new Government – which provides significant opportunities to advance a number of new Social Security policy issues and to repackage a number of old issues that clearly lead to social exclusion – eg: breaches/ penalties, New Zealanders and the two year waiting period.
- The Tax and Social Security Review – which provides positive opportunities to address such issues as Social Security payment rates, but includes the risk that only pensions and not allowances will be addressed.
- The existence of new funding opportunities through:
  - the CLC review at the national level (new funding formula); and
  - the NWRN submission for new Welfare Rights funding for which the political groundwork has been laid.
- The Government’s homelessness agenda – which provides opportunities on both policy and funding fronts.
- The Mental Health and Disability Employment review – which provides the opportunity to raise issues of mental illness in the Social Security system and activity test flaws.
- The review of NT Intervention – which provides policy opportunities to address the problems of the income quarantining regime in NT and to also take on the issue of the expansion of “conditional welfare” as child protection /neglect related income quarantining is expanded into other states.
- The review of employment services - Job Network, PSP and Job Capacity Assessment’s – which presents both big obligations and opportunities to help shape better provisions for Social Security recipients.
- A continuation of the shift in the balance of risks and responsibilities as outlined in the NWRN Budget Priorities Submission 2008, although hopefully with some general slowing of this.
- A considerable expansion of the notion of “conditional welfare” through the practice of imposing “income quarantining” or “income management”.
- A continuation of the system of payment suspensions and a very high level of eight week no payment penalties at least until the employment services changes commence in July 2009.
- The continued fragmentation of the system between FaHCSIA, DEEWR, DHS and Centrelink with ongoing policy and consistency problems along with increased casework difficulties as a result.
- Continuing high numbers of overpayment / debt cases and a propensity by the Government to confuse and / or misrepresent much of this as Social Security fraud.
- The further development of a trend towards the separation of Social Security recipients into three groups: parents /families; workforce age income support recipients; and aged people –with an accompanying discrimination in entitlements and obligations.

## **5. Farewell and thanks**

### **5.1 Making Network work central to Member Organisation work**

In signing off as NWRN President after five years, I want to place on record my sincere thanks for the privilege and the honour of leading an organisation that occupies such an important place in the public policy arena in Australia.

In order to maintain this into the future, I would also like to take this opportunity to urge all Member Organisations to consider taking the next step in terms of their level of engagement with the Network. In many ways the NWRN

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is definitely stronger and more capable now than at the time of incorporation, but in some ways it may not be. “The enthusiasm of infancy has faded and pressures on Member Organisations have caused them to increasingly focus their energies on clients and important individual needs leaving less time for NWRN meetings and the preventative policy ambitions of the Network” (2007 Annual Report). This is not the case for a number of Member Organisations which have placed engagement with the NWRN at the centre of their three yearly and annual plans. However, for some, engagement with the Network appears to be something of an out of body experience.

For the Member Organisations of the Network, and all the staff that work within them, to maximise the potential of the Network’s influence on Social Security legislation, policy and administration, all the Member Organisations must commit more to the NWRN. We are in a national policy arena and each Member Organisation must place support for, and working with, the Network above the policy and advocacy interests of the individual organisation. These needs to be done by placing engagement with the Network through such basics as attendance at monthly meetings, participation in relevant Sub-Committees, contributing to submissions or feedback on drafts as a central part of the Member Organisation’s own work plan, not just as an optional national tack on.

## **5.2 Acknowledgements**

### **Genevieve Bolton**

It is difficult to find the words to sufficiently express the depth of my thanks to Genevieve Bolton or my appreciation for the massive workload, extraordinary commitment and unparalleled support that she has contributed both to the NWRN as a whole and to me in my role as President. Genevieve’s work on behalf of us all has been absolutely fundamental to the success of the Network in all aspects of our achievements – internally, as a well run organisation, and externally in terms of our delegations preparation and assiduous follow up.

This dedication and commitment was no where more evident than in the extraordinary effort Genevieve put into the NT Intervention project, having spent weeks in the Northern Territory on arduous field visits and countless hours in the preparation of the submission and the negotiation of final arrangements with the two Aboriginal legal services in which the four Welfare Rights workers are to be placed.

Whilst Genevieve’s colleagues in the Canberra Welfare Rights and Legal Centre have backed and supported her in this, and her holding NLO role generally, for which we are extremely grateful, we all know that much of Genevieve’s Welfare Rights work and/or NWRN work is done after hours, well into the night and on weekends. She virtually works two full-time jobs. She has been a fabulous NLO, and fabulous colleague and friend without whom I could never have managed in the role of President.

### **Gerard Thomas**

Gerard Thomas has also made a monumental contribution to the policy and media profile of the Network. Backed by his colleagues at the Welfare Rights Centre, Sydney and notwithstanding a sustained period of illness, Gerard has doggedly briefed journalists, nagged bureaucrats and cajoled ministerial staff with enormous initiative and commitment over a wide range of pressing issues. Over the years, he has obtained for us and our issues more column inches without a media release than almost any other major NGO in the country. As a result, he has helped get many issues on the agenda and major policy gains on the ledger. He also has been a great colleague, friend and confidant and I record my enormous gratitude to and appreciation of Gerard.

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## **Committee members and delegations delegates**

The whole of the elected Committee has worked extremely hard and very well together throughout the year. They have all taken on extra and given so much to the NWRN. I would once again like to acknowledge the special efforts of Vice President, Kate Beaumont throughout the year, especially when acting as President on a number of occasions this year when I have been overseas on International Council on Social Welfare work. The number of meetings with the Ministers and high level departmental staff has increased enormously since the change of Government and Kate has often been called on to lead preparations and delegations on many complex issues. She has been a great back-up and support to me and to Genevieve and Gerard.

My thanks also go to Treasurer Peter Horbury and Committee Members Sam Purcell, Liz Turnbull and Melissa Coad who have also been outstanding in their commitment and contributions throughout the year.

I wish the National Welfare Rights Network, all its Member Organisations and, in particular, the new President and Committee every best wish and every success in the future in carrying out the very special and important work of Welfare Rights advocacy in Australia.

*Michael Raper*

*August 2008*

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## **NWRN Policy and Activity register, 1 July 2007 to 30 June 2008**

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The following register of activities provides a good account of the range and consistency of policy related work undertaken by, and on behalf of NWRN over the last 12 months.

### **July**

- 4 July ACOSS teleconference on quarantining of Social Security payments
- 12 July, Presentation at Social Policy Research Centre Conference, UNSW, Advocacy and Consumer Participation
- 13 July, Presentation at Social Policy Research Centre Conference, UNSW on Equity in Response to climate change
- 11-13 July, Participant, Social Policy Research Centre Conference, UNSW
- 14 July, NWRN Centrelink Bi-annual preparations link up
- 17 July, NWRN Delegation Preparation link up
- 23 July, NWRN Delegation Preparation meeting
- 23 July, ACOSS link up, on Income Maintenance proposals
- 24 July, NWRN Delegations Meeting, Centrelink, Canberra
- 27 July, NWRN post Centrelink meeting delegations link up
- 30 July, NWRN Committee link up

### **August**

- 2 August, Paper at Job Capacity Assessment provider forum on 1<sup>st</sup> year of JCA's – consumer's experiences
- 6 August, ACOSS Economics and Tax policy advisers meeting, teleconference
- 9 August, paper at Commonwealth Ombudsman's 30<sup>th</sup> anniversary conference on rebalancing the risks in the Social Security system
- 14 August, NWRN Marriage-like relationships Sub-Committee meeting link up
- 15 August, NWRN Members Meeting, link up
- 20 August, Whitlam Institute meeting, advice on welfare reform and Social Security policy, Sydney
- 22 August, Presentation at Fabian Society on equity and response to climate change, Sydney
- 23 August, Talk at HESTA dinner on Australia's Social Security system, Melbourne
- 23 August, Meeting with Brotherhood of St Lawrence on reform of Australia's Social Security system, Melbourne
- 27 August, NWRN Committee link up
- 28 August, Meeting with Tanya Plibersek, Opposition spokesperson on Human Services
- 31 August, Participation on ALP roundtable on social inclusion and the community sector with Deputy Prime Minister, Julia Gillard

### **September**

- 6-8 September, NWRN Annual Conference, Brisbane
- 6 September, NWRN Public Meeting with Tom Calma, Aboriginal and Torres Strait Islander, Social Justice Commissioner and Race Discrimination Commissioner,
- HREOC 10 September, Presentation at NACLC
- Conference on Equity and Response to Climate Change, Brisbane
- 10-12 September, Participation at NACLC Conference, Brisbane
- 11 September, Meeting with Professor Tony Blunn, consultant undertaking review of Child Carer Payment

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and Allowance issues for Federal Government

- 12-13 September, ACOSS Board Meeting, Sydney
- 17 September, NSW Nurses Association Meeting on report on welfare reform and mental health, Sydney
- 17-19 September, Meetings with politicians, including Penny Wong, Chris Ellison, Rachel Siewart, Andrew Bartlett, Joe Hockey, Tanya Plibersek, Jenny Macklin Canberra. ANAO audit office

## October

- 4 October, Meeting with Professor Julian Disney on Housing and Social Security policy
- 8 October, NWRN Committee Meeting link up
- 9 October, ACOSS Mtg, Sydney
- 10 October, Meeting with Jo Gaha, Centrelink, on NT intervention. Sydney
- 11-14 October, Forum on Civil Society in the Pacific, Tonga
- 16 October, Anti-poverty week forum, Climate change and equity, Marrickville
- 16 October, Presentation to Public Health Association, Social Determinants of Health
- 17 October, Benevolent Society, Anti-poverty week
- 17 October, NCOSS Anti-poverty week forum
- 18 October, PIAC Anti-poverty week futures
- 22 October, ABC Radio National on climate change
- 23-25 October, ASEAN People's Assembly Conference, Philippines
- 29 October, NWRN Committee Meeting link up
- 31 October, ACOSS Mtg, Simplifying the Social Security system

## November

- 1 November, Presentation at Jobs Australia Conference, Adelaide
- 1 November, Talk at State Library: Sweet Charity: the politics of welfare, Sydney
- 6 November, Meeting with journalists from the Sydney Morning Herald on DEWR appeals, Sydney
- 9 November, Meeting with NACLIC on NT intervention, Sydney
- 13 November, WACOSS Conference, Keynote address on Welfare to Work, talk on Social Security: the basics, Perth
- 15 November, NSW Shelter, Presentation on equity and climate change, Sydney
- 15 November NWRN members link up
- 21 November, ACOSS AGM and Sector Development Day, Adelaide
- 22-23, ACOSS Conference, Presentation on equity and climate change, Adelaide
- 22 November, Natasha Mitchell, ABC, All in the Mind, on DSP changes and Job capacity changes
- 26 November, NWRN Committee Meeting link up

## December

- 2-5 December, ASEAN/NGO Forum on comparative analysis of Social Security systems in Australia and ASEAN countries, Hanoi
- 3-20 December, NT project, Darwin
- 12 December, ABC Radio NT, interview on Indigenous policies
- 13 December, Meeting with Minister for Employment Participation on welfare reform and compliance issues
- 17 December, NWRN Members Meeting link up
- 17 December, ACOSS Economics and Tax Advisers Meeting link up
- 19 December, ACOSS Board Meeting link up

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## January

- 11 January, Tele-conference with Centrelink on future of Participation and other Reference Groups, via telephone
- 17 January, Meeting with Policy Officer at Homeless Person's Legal Centre, PIAC, Sydney.
- 21 January, NWRN Welfare to Work sub committee link up
- 25 January, The Australian, *Welfare fraud on Rudd's hit list*
- 29 January, DEEWR Litigation Steering Committee, Canberra
- 31 January, Welfare to Work, Employment Services review community sector link up.

## February

- 4 February, NWRN Committee link up
- 5 February, Meeting with Centrelink Debt Customer Solutions Manager, Sydney
- 6 February, Letter to Editor, Australian Financial Review on superannuation contributions in lieu of tax cuts.
- 7 February, Letter to PM, Treasurer and various ministers and backbenchers on superannuation contributions in lieu of tax cuts.
- 8 February, Talk to Shelter NSW on Equity and Climate Change, Sydney.
- 11 February, Talk to Shelter ACT on Equity and Climate Change, Canberra.
- 11 February, ABC 702 Radio, program on social issues.
- 12 February, various meetings with politicians and advisers on funding proposal for the National Welfare Rights Network.
- 17 February, ACOSS Briefing on Social Exclusion and the Federal Government's National Reform Agenda, Sydney.
- 18 February, Submission on NWRN funding increase proposal.
- 18 February, Social Security and expenditure cuts submission to Government.
- 20 February, Meetings with Minister for Human Services, Joe Ludwig and Minister for Employment Participation, Brendan O'Connor, Canberra.
- 20 February, Meeting with adviser to Minister for Climate Change, Penny Wong, Canberra.
- 21 February, meetings with various advisers on NWRN funding, Canberra.
- 21 February, NWRN Members link up.
- 25 February, Tanya Plibersek, Minister for Housing, Sydney.
- 27 February, Letter to all Government members supporting "sorry" speech to Indigenous Australians on behalf of Federal Government.
- 27 February, Meeting with Community Public Sector Union on Centrelink funding cuts, Sydney.
- 28 February, Submission to Minister for Human Services, Joe Ludwig on review of Job Capacity Assessments.
- 28/29 February, ACOSS Board Meeting, Sydney.

## March

- 3 March, NWRN Committee Meeting link up.
- 3 March, Sydney Morning Herald, *Intervention policy does not wash*.
- 5 March, Radio National interview on Equity and Climate Change.
- 6 March, Talk to Total Environment Centre on Equity and Climate Change, Sydney.
- 6 March, Talk to Warrane College on social justice, Sydney.
- 7 March, Meeting with Jacky Fogarty on JCA's, Assistant Secretary, Job Capacity Branch, Sydney.
- 7 March, Talk to Business Roundtable on Equity and Climate Change, Sydney.
- 10 March – NWRN Administrative Review Subcommittee link up to draft submission to DEEWR litigation review

- 12 March, Meeting with Rick Moloney, Acting National Manager, Centrelink, Community Sector and Business Partnerships, Sydney.
- 13 March, Submission to Department of Employment, Education and Workplace Relations Litigation Review.
- 14 March, The Australian, *Rudd to change rules on welfare for single mums*.
- 14 March, The Australian, Editorial, *Easier handouts bad news for single mums*.
- 14 March, ACOSS penalties meeting, Sydney.
- 15 March, Meeting with Department of Employment, Education and Workplace Relations in Litigation Principles Review, Canberra.
- 19 March, Letter to the Sydney Morning Herald, *Fairness and so-called "self-funded retirees"*.
- 20 March, NWRN members link up
- 20 March, meeting with Centrelink, Community Sector and Business Partnerships, Canberra
- 20 March, Daily Telegraph, *Nannying the bonus – problem parents spending to be controlled by debit card*.
- 21 March, Comments in Daily Telegraph on lump sum versus weekly payment of "baby bonus".
- 26 March, Letter to Treasurer on NWRN funding.
- 27 March, Participation in Institute of Applied Economics Conference, Melbourne.
- 28 March, Sydney Morning Herald, *Pensioner car rego reviewed*.
- 28 March, Presentation on Social Security and homeless issues, FaHCSIA/Homelessness Australia Homeless Green Paper roundtable, Sydney.
- 31 March, NWRN Committee Meeting link up.
- 31 March, NWRN Delegation Preparation meeting

## April

- 2 April, Participation in the Bi-Annual delegations with Centrelink, Canberra.
- 3 April, Letter to the Adelaide Advertiser on *Social Security Payments for young people and Centrelink's failings*.
- 6 April, Submission to Homelessness Green Paper.
- 7 April, NWRN Members Committee link up.
- 9/10 April, ACOSS Conference: Participation in conference on Social Exclusion, Melbourne.
- 10 April, Presentation on Climate change and equity – ACOSS Conference, Melbourne.
- 10 April, Submission to review of Job Capacity Assessment, Department of Human Services.
- 11 April, Letter to Minister for Employment Participation, Brendan O'Connor on 8 week no payment penalties.
- 11 April, Media release and data on eight week no payment penalties and Indigenous Australians.
- 14 April, NWRN Post Delegation link up
- 15 April, ABC PM Radio program Minister *tells Centrelink to give jobseekers a second chance*, and various Indigenous radio, ABC radio Darwin, SBS Radio, on 8 week no payment penalties media release
- 20 March, NWRN Members Meeting.
- 15 April, The Australian, *Welfare rules hit worst-off hardest*.
- 16 April, Meeting with National Manager, Centrelink Social Work Services on Youth Protocols and Special Benefit eligibility for young people under 15.
- 16 April, mention in editorial in The Australian, *Foolish Edict*.
- 17 April, NWRN Members link up.
- 18 April, Meeting with Booze, Allen Consulting Group on climate change, Sydney.
- 23 April, Meeting with NSW Cancer Council on income support issues, Sydney.
- 25 April, Launch of reports on single parents and Welfare to Work by NSW Minister for Women, Sydney.
- 28 April, NWRN Committee Meeting.

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- 30 April, Submission to Review of Employment Services, Department of Employment, Education and Workplace Relations.

## May

- 5 May, Participants, Consultations on Strategy into Mental Health and Disability Employment Strategy, Sydney
- 5 May, NWRN breakfast meeting with Barry Sandison, DEEWR
- 7 May, Presentation on Social Security entitlements and Centrelink services at NSW Cancer Council State advocates meeting, Sydney
- 8 May, Pre Budget FaHCSIA meeting, Canberra
- 9 May, DEEWR Litigation Working Party meeting, Canberra
- 9 May, Meeting with Commonwealth Attorney General, Canberra
- 12 May, NWRN Budget Link Up
- 13 May, DEEWR Budget briefing with Minister Brendan O'Connor
- 13 May, Post Budget meeting Minister O'Connor's advisers to discuss proposed changes to the compliance framework
- 20 May, WRC Policy Meeting on Federal Budget, Sydney
- 20-21 May, ACOSS Board meeting, Sydney
- May 26, NWRN Committee link up
- May 26, Opening Address to Financial Counsellors Meeting, Sydney

## June 2008

- 3 June, NSW Multi-Cultural Advisory Committee, Sydney
- 5-6 June, Centrelink Multi-Cultural Advisory Reference Group, Canberra
- 11 June, Participant in Homelessness Green Paper consultations, Sydney 12 June, Post Budget DEEWR Meeting, Canberra
- 13 June, Post Budget FaHCSIA meeting, Canberra
- 15 June, Submission to Future of Employment Services discussion paper
- 16-17 June, Centrelink Participation Reference Group, Canberra
- 16 June, Talk at NSW Shelter on Welfare Reform and changes to public housing, Sydney
- 30 June, Submission to Green Paper on homelessness, *Which Way Home?*
- 30 June, Link up with FaHCSIA on National Child Protection Framework
- 30 June NWRN Committee link up

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## Vice President's Report

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The last year has been a busy time for the Network and with the change of government there have been some additional challenges for the NWRN to respond to the numerous inquiries which have occurred over the last six months. There appears to have been greater capacity and space for the NWRN to engage in meaningful dialogue with the government to work toward addressing areas of concern for our Network and the clients we assist. The completion of our first Strategic Plan has also been a milestone for the NWRN; as we have moved on to firmly look at the future of our network and its sustainability and growth.

The announcement of Michael Raper's departure from both the Sydney Welfare Rights Centre and the Network came as a shock to most in the Network. Michael Raper has been a constant in the NWRN since its inception as an informal network and has played a key role in the incorporation of the Network and its emergence as an independent peak body. Since incorporation Michael has worked tirelessly to advance the agenda of the Network and has shown his ability as President of the NWRN to lead this organisation. Michael has provided a legacy which will be felt by the Network into the future. The loss of Michael's skills and drive from the NWRN will be sorely missed. On a personal note I must acknowledge the assistance Michael has provided to me over many years firstly as a Committee Member and then more recently in my role as Vice President of the NWRN.

I would like to acknowledge and extend my thanks to Genevieve Bolton, Gerard Thomas and Sam Purcell who have been colleagues and participants in various NWRN Delegations over the last year for the support and generosity they have shown me. I would also like to thank the other committee members on the NWRN Executive for their assistance over the last year. It is likely the year ahead will be a demanding time for the Network and I look forward to working with those in the NWRN to advance the cause of the clients we assist in our Member Centres.

Kate Beaumont  
Vice President  
NWRN

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## Delegations Report

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During the reporting period, NWRN delegations were held in April, July 07, September 07, and then in April, May and June 2008. In addition, meetings were organized with Government and opposition parties in the lead up to the Federal Election and a block of meetings also took place shortly after the election of the New Government. Michael Raper, in his capacity as President led the teams of delegates assembled to represent NWRN at the various meetings. NWRN delegates during the year included Gerard Thomas, Liz Turnbull, Catherine Eagle, Kate Beaumont, Samantha Purcell and Genevieve Bolton.

The ongoing fragmentation of the policy and service delivery arms of the social security system and in recent years the loss of the specific FaHCSIA funding for delegations has continued to place a significant strain on the human and financial resources of NWRN. More trips are now required to Canberra each year to effectively execute the policy agenda of the Network, resulting in both an increased workload on welfare rights workers participating in the delegation work of NWRN and a greater reliance on the Network's limited resources to fund these delegations. Executing the policy agenda of the Network requires constant application on a daily basis, a dexterous approach to taking advantage of opportunities as they arise together with the capacity to follow up on issues in between the formal delegations, which has become a crucial tool in holding the Government and bureaucracy accountable for the promises and undertakings made at the formal meetings.

This ongoing work can not be undertaken by one person alone, let alone a NLO who is employed for one day per fortnight. This work would not be possible without to date the 'honorary' contribution of the Welfare Rights Centre Sydney through enabling its Policy and Media Officer to undertake NWRN policy work virtually on a full time basis and the ongoing support and assistance of the President and delegates in the pre and post delegation work.

### **Centrelink Biannual meetings:**

The biannual meetings with Centrelink were held as part of the July 07 and April 08 delegations.

Important outcomes flowed from the July 07 biannual including Centrelink's release of the E-ref disc to NWRN members and its implementation of a modified ODM reconsideration process enabling applicants to go straight to an Authorised Review Officer. Centrelink also recommitted to maintaining the Debt Recovery Customer Solutions Manager role, as the central contact for NWRN members on debt recovery matters. Additional resources were allocated to the Centrelink National Participation Solutions Teams to address the unjustifiable phone and decision making delays. The 'blocking' of payments issue was taken up and NWRN fiercely argued against the practice on the basis that it was unlawful. The matter was pursued post the July delegation and our work in league with the Commonwealth Ombudsman's report ultimately led to the practice being abandoned.

Due to the timing of the Federal Election and the election of a New Government, the next Centrelink biannual meeting was delayed until April 2008. NWRN took advantage of this opportunity to recast our relationship with Centrelink and reassert the key role that the Network plays in identifying issues/problems that low income and disadvantaged people face in their dealings with Centrelink and interactions with the social security system. The Network argued the case for Centrelink to re examine a number of service delivery issues and practices in light of the New Government's Social inclusion and homelessness agenda. NWRN also laid the ground work for its NWRN Budget Priorities Submission highlighting a number of areas in need of reform to arrest the serious imbalance in the weight of risk and responsibility in the social security system. Significantly, flowing from the discussions with Centrelink at the biannual meeting, NWRN obtained support for its proposal to establish a debt prevention working group including NWRN, Centrelink, FaHCSIA, DEEWR and DHS. NWRN subsequently

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obtained in principle agreement from FaHCSIA and DEEWR and is now working on getting the first meeting convened.

### **Departmental meetings:**

After a period in the wilderness, NWRN was able to re-establish its relationship with FaHCSIA in the context of the New Government and the change in MOG arrangements resulting in the transfer of policy responsibility for Disability Support Pension payments back to that Department. This resulted in a round of meetings both pre and both Budget. The centre piece for these meetings was NWRN Budget Priorities Submission with a particular emphasis on the social security debt provisions, debt prevention proposals and the tears in the social security safety net. As reported above, a significant outcome of these meetings was FaHCSIA's agreement to participate in a debt prevention working group. FaHCSIA also committed to an examination of our proposals on the social security debt provisions. The meetings also provided NWRN with the opportunity to discuss with FaHCSIA its involvement in the NT project and problems of the income quarantining regime in the NT.

A series of meetings were held with DEEWR post budget around the NWRN Budget Priorities Submission, the Employment Services Review and the Participation Taskforce. As a consequence of these meetings, NWRN was subsequently invited to nominate a representative on the Participation Taskforce. NWRN successfully argued for DEEWR to undertake further consultation around the design of the new compliance framework. This has subsequently resulted in DEEWR convening two meetings with NWRN and ACOSS which has produced some positive outcomes and a commitment for further consultation in the legislative stages.

During this period, NWRN also met with DHS around the job capacity assessment system drawing on the extensive casework experience of its member organisations and highlighting the problems and flaws in the design of the current system. A number of NWRN proposals for reform in this area are now under active consideration.

### **NWRN Funding Submission:**

In the lead up to the Election and first Budget of the New Government, a massive amount of work was undertaken in obtaining meetings with and engaging in ongoing discussions with key politicians, political advisers and senior bureaucrats for new Welfare Rights funding. In this regard, the mountain of campaign work undertaken by Michael Raper and his constant application to the task requires special acknowledgement. Through his tireless work, the political groundwork has certainly been laid for a further campaign to be undertaken in the lead up to the 2009 Federal Budget.

### **Conclusion:**

The delegations report this year would not be complete without acknowledging Michael Raper's extraordinary dedication and commitment to advancing the policy agenda of NWRN for just short of two decades. Since incorporation, a significant component of this work has been undertaken through the delegations process.

Notwithstanding that for the majority of this time, NWRN's policy and advocacy work has been undertaken within a hostile political and policy environment, the delegations under Michael Raper's leadership have produced outstanding outcomes. This work has directly led to better service delivery and policy outcomes for Social Security recipients.

The delegations will never quite be the same again without Michael's vision, intellect, dexterity and energy. He will be greatly missed.

*Genevieve Bolton  
National Liaison Officer*

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# Centre Reports

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## Towsville Community Legal Service Inc.

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### 1. Staff

- Anne Lewis, Coordinator (full time) (on leave)
- Michele Lovejoy, Locum Coordinator (part time)
- John Brown, Financial Administrator (part time)
- Stacey Bain, Administration (full time)
- Bill Mitchell, Principal Solicitor (full time)
- Sian Thomas, Solicitor (full time)
- Saskia ten Dam, Financial Counsellor (full time)
- Anna Cody, Solicitor – Senior’s Legal and Support Service (full time)
- Kay Dodd, Social Worker – Senior’s Legal and Support Service (full time)

### 2. Casework Trends

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

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

Our casework shows that we have assisted people with matters at various stages of review and appeal. Some clients were assisted over several stages of review and appeal.

ODM	ARO	SSAT	AAT	Federal Court	FOI	Criminal	Other
38	27	15	11	3	24	13	19

\* Other includes General advice about rights and entitlements, review processes and complaints and impacts associated with New Zealanders/NZ entitlements.

Areas commonly encountered by the service included:

- Newstart allowance including negotiation of newstart activity agreements, participation failures, job network complaints
- Disability support pension including qualification and cancellations
- Parenting payment including overpayments, marriage-like relationships, mutual obligation issues
- Age Pension including overpayments, income and assets testing, rent assistance qualification
- Overpayments including waiver issues
- Criminal Prosecutions though we only provide initial advice and referral

TCLS did not have any face to face hearings with either the SSAT or the AAT during the year and conducted all matters by telephone or video conference.

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

TCLS has supported the work of the National Welfare Rights Network throughout the year when resources allowed.

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

TCLS has worked throughout the year on its own website which will be launched in the second half of 2008.

TCLS has worked with the Mackay Regional Community Legal Centre to assist clients with welfare rights issues and we will continue to foster that relationship. We have previously identified the need for the NWRN to locate and establish regional partners to assist in the provision of welfare rights services. Large geographic states such as Queensland require such an approach in the absence of further funds.

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

TCLS will be undertaking three significant projects in addition to its existing welfare rights work in the next 12 months.

- **Palm Island outreach**

TCLS is in the process of establishing an outreach advice service to the Palm Island Community. Palm Island, also known as Great Palm Island, or by the Aboriginal name Bukaman, is a tropical island with a resident community of about 2,000 people. The island is situated 65 kilometres north-west of Townsville, on the east coast of Queensland.

TCLS is working with the Palm Island Aboriginal Shire Council and other service providers to improve access to legal services for local community members. We anticipate welfare rights to be a substantial area of work.

- **Assistance for homeless persons**

TCLS worked with QPILCH and local lawyers to establish a Homeless Persons Legal Clinic in Townsville, the second regional clinic in Australia. This service operates at three venues, which include emergency support service, the women's centre and a youth service.

Additionally, TCLS is in the process of establishing an outreach welfare rights service at the newly established Homeless Hub operated by Life is More Inc.

- **Senior's Legal and Support Service**

The Senior's Legal and Support Service has been funded for another twelve months and will continue to assist seniors in welfare rights matters where they are connected to the target areas of elder abuse, mistreatment or financial exploitation.

### **6. Other news to tell?**

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

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# **Brisbane – Welfare Rights Centre**

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## **1. Staff**

- Gail Middleton – Co-ordinator
- John Stannard – Principal Solicitor
- Patrick Cranitch – Solicitor
- Sue O’Shea – Solicitor P/T
- Larry Laikind – Solicitor P/T
- Bronwyn Wex – Policy and Research Officer P/T
- Nicole O’Keane – Admin Officer
- Sue Mc Comber – Finance Officer P/T
- Teresa Grahame – Caseworker P/T

## **2. Casework Trends**

Using CLSIS “Client Activities” data the following summaries can be made about our service trends:

- We have had a slight reduction in debt matters, but more prosecution issues are within the category.
- Our “Participation Failure” matters have increased threefold.
- We have also had a significant increase in matters relating to eligibility and the top 5 matters relate to DSP, MLR, Activity Issues, Residence and Care Issues (in that order). There has been a slight reduction in DSP matters although they still dominate, followed very closely by MLR.
- Significant increase in matters relating to the following payment types; DSP, NSA, Parenting Payment Single, Rent Assistance and Special Benefit. This is consistent with what we expected as a fall out from Welfare to Work legislation.

## **Clients**

- 70% of our client report having a disability. In the last 12 months clients with a psychiatric condition have more than doubled and are now on a par with people with a physical disability.
- The significant majority of our clients come from Australia, New Zealand and the UK.
- Most people find us on their own, but Legal Aid makes the majority referrals to us. Referrals from Centrelink have dropped but referrals from Community Organisations have significantly increased.

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

Primarily through submissions to:

- Carers Review (date)
- 2020 Summit
- National Employment Strategy Mental Health

## **4. Projects/publications**

- DSP Self Help Kit
- Falling Out of Welfare Report
- Financial Case Management Research Paper
- Introduction of our members e bulletin

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

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

- Viability money from the Queensland Government has given us opportunities to grow into additional office space and improve salary and conditions for staff.
- Money through Queensland State Government initiative “Participating in Prosperity” has enabled the development of the pilot Job Network Advocate Pilot Project to be situated in Logan.
- Falling out of Welfare Solutions include looking at the feasibility of developing resources to deliver AQF units on line which are tailored towards Advocacy and Appeals in Centrelink and Employment Services.
- Restructured staffing from the Commonwealth one off money introduces a new role so the TAS (6 hours intake per week) is abolished and we take calls at all times using “Casework Co-ordinator” and volunteers. This position will take an early intervention approach to our work. We have also engaged a Counsellor Advocate who will be doing short term support and advocacy (using a non therapeutic empowerment model) with the most vulnerable of our clients.

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

- Measuring outcomes.
- Being heard by policy and decision makers.
- Recognition, by the State Government, of the value of our work to the overall community.

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# Sydney – Welfare Rights Centre

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## 1. Staff

The Centre employed the following staff in 2007-2008:

- Dianne Anagnos Solicitor/Caseworker
- Melissa Coad Caseworker/Education & Community Liaison Officer
- Lua De Burgh Administrative Secretary (part-time)
- Jackie Finlay Principal Solicitor
- Linda Forbes Casework Coordinator
- Catalina Loyola Administrator
- Melissa Lubowski Solicitor/Caseworker (temporary)
- Amie Meers Caseworker/Handbook Researcher
- Jemima Mowbray Administrative Secretary (part-time)
- Michael Raper Director
- Danny Shaw Publications and Funding Officer
- Gerard Thomas Policy and Media Officer
- Sam Trinity Financial Administrator (part-time)

However, in recent times there have been a number of staff changes . For details of these, see section 6.

## 2. Casework trends

The Centre’s casework comprises a telephone advice service, assistance with self-advocacy, written advocacy on behalf of clients and written or personal representation before the Social Security Appeals Tribunal (SSAT), the Administrative Appeals Tribunal (AAT), or the Federal Court in some cases. Advice is given on all aspects of Social Security and Family Assistance law and appeals.

Telephone advice is provided daily for a four hour period. The Centre has a toll free number to facilitate access for clients in country and outer-metropolitan areas and a TTY for people with hearing impairment. Initial advice is generally provided by telephone, however, the Centre has an access and equity policy to ensure that people unable to obtain assistance by telephone are not disadvantaged.

### 2.1 Number of clients

From July 2007 to June 2008 the Centre provided assistance to 3,239 clients. We provided 4,156 “advice activities” and opened 514 new cases in the period. Of the cases closed over the year, 37 involved Tribunal and/or court representation.

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

- DSP 664
- AP 332

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- FTB 210
  - NSA 589
  - PPS 469
  - YA 204

## 2.2 Casework issues

The most resource-intensive issue for our advice and casework service in 2007-2008 continued to be related to the raising and recovery of Social Security and Family Tax Benefit debts - particularly where the client was at risk of criminal prosecution in respect of their debt.

### Debts

This year the Centre continued to focus on debts caused by the non-assessment of income for income support payments, where clients were overpaid despite the fact that their income was duly reported and properly assessed by Centrelink for the purpose of assessing Family Tax Benefit entitlement.

One standout case this year involved a \$12,000 Carer Payment debt incurred by a woman who also received Family Tax Benefit. Our client advised Centrelink of her and her husband's income when she claimed Carer Payment, but did not advise of later changes in her income until a date about half way through the debt period. From that point she started giving reasonably accurate annual estimates of her income to the Family Assistance Office. Even though our client's rate of Family Tax Benefit was then properly assessed in the light of the income details she provided, Centrelink continued to assess her Carer Payment on the basis of the earnings she declared when she claimed.

Centrelink argued that there was no administrative error in this case; that the client had a separate obligation to advise Centrelink of the changes in her income on top of advising the Family Assistance Office of income estimates. However, the AAT said that sole administrative error was made out from the date of the first Family Tax Benefit income update. This meant that the debt was effectively reduced from about \$12,000 to \$5,000 - a great result for the client. The AAT made this observation:

"It was submitted that carer payment and FTB are governed by different pieces of legislation with different definitions of "income" applying to each payment type. While this is undoubtedly the case, I do not think that the ordinary Centrelink beneficiary should be expected to appreciate this subtlety..."

The Department appealed this matter to the Federal Court, which has remitted the case back to the AAT, so the client is still in limbo.

Clients are justifiably perplexed by the plethora of income tests for different payment types, and are often surprised to be told about the existence of a "Family Assistance Office" when all their dealings have been with "Centrelink"!

At a practical level, we have found close scrutiny of FOI documents invaluable for revealing administrative error where the client received more than one payment over the period in question. In several cases we have located document screen notes showing that Centrelink firstly accessed, for example, Parenting Payment records, when the client rang a Call Centre to update income, only to immediately flip to the Family Assistance screen and run the script for FTB estimate updates – without updating the Parenting Payment record. We will keep lodging FOI's and appealing, and will continue to use what we learn from casework for our policy activities.

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## **Prosecution and debt waiver**

The Centre is regularly contacted by clients who need advice as they have been asked to attend a Centrelink prosecution interview, because their matter is being referred to the Director of Public Prosecutions, or because they received a Court Attendance Notice. If there is a chance that a debt could be waived, the Centre will generally assist the client, in the hope that criminal proceedings will be dropped (although this is not always the case). What is distressing is that many of our clients cannot be assisted through administrative review but need experienced representation before the criminal courts, and this is often not available or not affordable. It highlights a major gap in our casework service that we are attempting to remedy in 2008 - 2009. See Future Directions - 5.1.

## **New Zealand and residence issues**

In 2007-2008, the Centre witnessed a resurgence of cases involving residence issues, in particular a large number of New Zealand citizens living in Australia who are able to live, work and pay taxes in Australia indefinitely, yet are excluded from the Australian Social Security system. The Centre has submitted numerous Act of Grace requests on behalf of New Zealanders facing destitution, but these are generally unsuccessful. It would seem that these people's destitution is not an unintended consequence of removing New Zealand citizens from access to Special Benefit.

A student undertaking her social work student placement at the Centre has prepared a discussion paper on the issue which highlights the many ways in which domestic Social Security policies fail to support the good will implicit to the Trans Tasman Agreement. See projects - 3.7

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

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

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

### **3.2 Papers and presentations**

In 2007-2008, the Centre addressed and/or presented papers at the following conferences:

- 12 July, Presentation at Social Policy Research Centre Conference, UNSW, Advocacy and Consumer Participation.
- 13 July 2007, Presentation at Social Policy Research Centre Conference, UNSW on Equity in Response to Climate Change.
- 7 May 2008, NSW Cancer Council conference presentation on income support and Centrelink issues.
- 26 June 2008, Presentation at NSW Shelter Conference on Welfare Reform and the changing face of public housing policy.

### **3.3 Submissions**

The Centre contributed to the preparation and presentation of a number of submissions to various inquiries:

- Review of Carer Payment (child)
- Senate Inquiry into NT Emergency Intervention

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- Employment Services Review
  - Response to Future of Employment Services in Australia
  - Review of Job Capacity Assessments
  - Green Paper on Homelessness
  - Response to “Which Way Home?” Green Paper on Homelessness
  - 12 Point Plan: 2007-08 Budget Priorities Submission: Re-balancing Risks and Responsibilities.

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

Over the year the Centre contributed to the Network’s delegations in which we met with representatives from a range of Government departments and agencies, including Centrelink; Department of Education, Employment and Workplace Relations; the Department of Families, Housing, Community Services and Indigenous Affairs and the Job Capacity Assessment Branch of the Department of Human Services.

In addition, the Centre took part in NSW Nurses Association project steering group on research into mental health and welfare to work, and facilitated the launch of a report into work and family policy in “Welfare to Work” policy by the NSW Minister for Women. The Centre was involved in four activities during Anti-Poverty Week and was a member of the NSW Multi-Cultural Advisory Committee. We also held a number of meetings with the NSW Cancer Council and spoke at its conference on income support and Centrelink issues. The Centre addressed the NSW Shelter Conference on Welfare Reform and changes to public housing policies, took part in Sydney consultations over the new Government’s disability and mental health and employment strategy as well as consultations around homelessness policies.

### **3.5 Media**

The Centre regularly provided background to the media on a wide variety of Centrelink and income support issues, with the most consistent topics being the new compliance regime, eight week no payment penalties, proposed Social Security changes, Disability Support Pension, income management and equity in relations to climate change. We also did a regular spot on Political Forum at ABC 702 drive time radio on welfare policy.

### **3.6 Other policy issues**

The first year of the Welfare to Work changes for parents resulted in a busy and challenging time for the Welfare Rights Centre, as did the change of Government from October 2007. Highlights of major policy work undertaken by the Centre, mostly in conjunction with the NWRN, included: the NT intervention; Social Security compliance regime and penalties; Employment Services Review, and reform of Job Capacity Assessments. The impact of Government policies and Centrelink practices in contributing to, and exacerbating homelessness, was also an important part of the Centre’s contribution over the past year.

### **3.7 Projects**

Anna Doyle, a 4<sup>th</sup> Year Social Work student from the University of New South Wales did a placement at the Centre during which she undertook intensive casework and wrote a draft submission on the impact of Social Security policies on New Zealanders since 2001.

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

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

In 2007-2008, the Centre continued with the aim of targeting the most disadvantaged groups for education. The

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Centre held over 50 training seminars for community organisations, including youth centres, Migrant Resource Centres, women’s refuges, accommodation services, hospitals, youth and migrant interagency meetings and financial counsellors. Information was provided about the rights and entitlements of Social Security recipients and the role of the Welfare Rights Centre. More in depth training about specific Social Security payments was also provided to youth organisations and financial counsellors in particular.

Regional training was also held in Lismore for staff of Lismore Community Legal Centre and to community workers in the area. Also, training for the Centre’s Community Legal Centre /Legal Aid Commission Network was undertaken. Workshops and presentations were provided at the NSW State CLC conference.

In addition, throughout 2007-2008, the Centre continued to be involved in the NSW Multicultural Advisory Forum as community co-convenor.

#### **4.2 Volunteer workers**

The Centre’s volunteer workers program continued with a number of individual induction sessions for prospective volunteer workers being held throughout the year. The number of volunteer workers at the Centre remained at about 15 at any point in time with some people leaving due to paid employment or study commitments. Ongoing training was provided to volunteer workers and their contribution acknowledged with two social functions each year as a small token of our thanks. Feedback from volunteer workers suggests that people enjoy their time with the Centre and feel they gain both skills and knowledge from the work at the Centre. The best evidence of this is that seven of the staff at the Centre throughout the year have been volunteer workers at the Centre at some stage before they were employed.

#### **4.3 Publications**

The Centre’s overall publication goals are to produce and distribute clear, informed, effective and targeted information and policy advocacy material designed to, increase accessibility to the Social Security system; educate and empower the community about Social Security issues, payments and rights; and improve the Social Security system in Australia.

In pursuit of these goals, the Centre’s key publications for 2007-2008 were:

- “rights review” quarterly newsletter
- Independent Social Security Handbook ONLINE
- Independent Social Security Handbook 6<sup>th</sup> edition hardcopy
- Factsheets
- website

#### **“rights review”**

The Centre published four issues of “rights review” in 2007-2008, reporting every three months on changes to Social Security law and administration, raising awareness of Social Security matters, and assisting community workers to help their clients.

#### **Independent Social Security Handbook ONLINE and 6<sup>th</sup> edition hardcopy**

The Centre updated the ONLINE Handbook four times during 2007-2008 to take into account changes to Social Security law and policy. The Handbook ONLINE continued to be available free to community workers in NSW, Western Australia, Tasmania, and Queensland due to arrangements made between the Centre and the relevant state

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government community /welfare department.

In addition, a major rewrite and edit of the Handbook was undertaken to take into account all the major changes to Social Security law and policy to publish and produce the 6<sup>th</sup> hardcopy edition of the Handbook at the start of 2008-2009. See Future Directions paragraph 5.1.

## **Factsheets**

The Centre updated the 30 Factsheets, published on the website and in print, to assist and inform people about Social Security matters.

## **National Welfare Rights Network website**

The NWRN website, which is hosted by the Welfare Rights Centre, Sydney, continued to be updated and maintained by the Centre's Administrator.

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

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

In 2007-2008, the Centre, submitted a funding submission to the Law and Justice Foundation of NSW, to instigate a Social Security prosecutions project that would enable us to employ a criminal law solicitor who would specialise in Social Security prosecution matters. The aim is to enable us, for a period of at least two years, to expand our service to represent clients in Social Security criminal prosecution matters. We would also undertake research on the justice issues that flow from these matters and the fact that almost 100% of people prosecuted for alleged Social Security fraud are unrepresented, and most plead guilty to Social Security fraud despite the fact that they did not knowingly make false statements to Centrelink or the Department. This submission is in the final stages of approval from the Law and Justice Foundation of NSW, and if successful, would be implemented in 2008-2009.

This year the Centre did a major overhaul of the Independent Social Security Handbook to incorporate all changes in Social Security law and policy. This involved a substantial rewrite and edit of the Handbook by all caseworkers (on top of their normal large casework load), and a demanding task of desktopping it all by the Centre's Administrator. The 6<sup>th</sup> edition of the Handbook is to be published in September with the official launch being 12 September 2008.

### **5.2 Threats to the Centre/service**

Whilst there are challenges a plenty, many of them set out in 6 below and many more in the policy arena but thankfully, there are no real threats confronting the Centre.

## **6. Other news to tell?**

With the recent resignation of three of our longstanding and venerable staff members, Danny Shaw, Melissa Coad and Michael Raper, the Centre is set to experience some big challenges and exciting changes in the next year.

The Centre has employed Melissa Lubowski into the permanent position of Caseworker/Publications Officer, Amelia Meers has moved to be employed as Education & Community Liaison Officer, Cass Wong has been employed as Solicitor / Caseworker, and at the time of writing, the person to fill the position of Director was unknown but appropriate candidates were being interviewed and shortlisted.

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# Wollongong – Illawarra Legal Centre Inc

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## Staff

### Liz Turnbull

#### Casework Trends/Law reform and policy

Welfare rights undertook 208 advice activities in the 2007/08 financial year. 60 files were opened during this period however this figure includes minor assistance matters.

Debts raised for the whole gambit of possible reasons continue to make up a substantial amount of the casework load and we have achieved some good outcomes at ARO and SSAT level in these matters.

Welfare rights has also successfully advocated to achieve reductions in preclusion periods on behalf of clients who experience a range of issues including gambling, alcohol/ drug dependency and short-term memory loss.

In the past year there has been an increase in representation and assistance in Disability Support Pension (DSP) eligibility matters as a consequence of Centrelink accepting job capacity assessments that are problematic (ie inadequate, contrary to expert medical opinion and/or factually and legally incorrect).

The project contributed to Illawarra Legal Centre submissions to the Homelessness Green Paper and 2020 Summit and participated in NWRN activities and committees.

#### Community Development/Community Legal Education/ Projects/Publications

Welfare rights welcomed the opportunity to work closely with Sheryl Davis, Aboriginal Legal Access Worker, in promoting welfare rights, and Illawarra Legal Centre services generally, with local Indigenous communities and agencies.

The project has participated in a range of community legal education and community events including South Coast Youth Conference, parenting support group workshops, domestic violence workshop, Anti-Poverty Week, Refugee Week and International Women's Day. We recently distributed the booklet 'Relationships & Centrelink: Frequently asked questions' again.

#### Future Directions

In view of the Federal Government's commitment to recognising same sex relationships for social security purposes we expect a new addition of the MLR (or member of couple) brochure will need to be developed in the coming year.

The service will also be calling on the Federal Government to honour its pre election commitment to expand services provided at the local Centrelink office.

Challenges to the service include the perennial issue of one worker and limited resources.

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# Canberra: Welfare Rights and Legal Centre Limited

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## 1. Staff

- John Alati: Solicitor/Clinical Legal Education Co-ordinator (F/T)
- Cheryl Bateman: Community Development Worker/Caseworker
- Genevieve Bolton: Supervising Solicitor (F/T)
- Alison Creet: Administrative Support
- Helen Dalley: Solicitor (DDLS and WRLC)
- Jaleh Johannessen: Senior Litigation Solicitor (DDLS and WRLC)
- Jan Moerkerke: NTLAS Supervising Solicitor
- Yen Musgrove: Librarian
- Liz O'Brien: Administrator
- Annabel Pengilly: Solicitor/caseworker (F/T)
- Pat Wilkinson: Part Time Administrative Support
- Anne Yuille: Telephone Advice Co-ordinator/Caseworker (F/T)

## 2. Services:

The Centre operates the following services:

- (a) Welfare Rights and Legal Centre (main service: legal advice, casework, advocacy, community legal education and law reform in the legal areas of social security, public housing, and tenancy).
- (b) Night Time Legal Advice Service (NTLAS): operates on a Tuesday evening and provides free one off legal advice and referral on all areas of law. The service is run with the assistance of volunteer solicitors and law students from the ACT Community.
- (c) Part time Disability Discrimination Legal Service (DDLS): advice, some representation, community legal education and law reform on disability discrimination matters.

In its main service, the Centre operates telephone advice sessions each weekday morning (except Wednesdays). The DDLS operates two telephone advice sessions a week.

In addition the Centre provides legal supervision to the Tenants Union incorporating the Tenants Advice Service.

## 3. Advice/ Casework Trends:

### 3.1 Main Service

In 2007/08, the Centre provided 3161 advices/services in all problem types of which 391 were specifically Centrelink related problems. The Centre opened 30 Centrelink files (106 total files were opened for the year). This compared to 2006/07 figures of 3592 advices/services, with 456 specifically Centrelink related problems and 69 Centrelink files.

In addition during 2007/08, the Centre opened 150 minor assistance (MA) matters. These are matters coming through the advice line where some ongoing advocacy is required but not of a quantity or complexity that requires case allocation. Generally speaking, MA matters involve a degree of representation, advocacy or negotiation on behalf of a client, which can range from making a phone call, writing a letter or making a substantial submission. Under the Centre's policy MA matters are limited to 6 hours work. At or before the 6 hour limit, the matter needs to have been closed or referred to the Legal Practice Meeting for case allocation.

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In the social security area, the most common cases continue to involve ‘marriage like relationship’ assessments and debts. In the 2007/08, there appeared to be an increase in Disability Support Pension matters especially the transitional cases. The Centre took on a larger number of appeals before the Commonwealth Administrative Appeals Tribunal than in the previous year. Some of the matters were settled prior to hearing. Of the 4 matters that proceeded to hearing, 3 were successful and 1 was unsuccessful.

Two of the social security matters that were heard by the AAT involved review applications by the Secretary of the respective Departments of the decisions of the SSAT in favour of the centre’s clients. The Centre was successful on both occasions.

In the public housing and tenancy area, the Centre appeared before the Residential Tenancies Tribunal on behalf of its clients on 63 matters of which over 95% were successful. A majority of these matters were defending eviction or conditional orders applications by the Housing Commissioner, while others involved the Centre’s applications on behalf of its clients on issues related to repair, damages and remedy.

The Centre appeared before the Administrative Appeals Tribunal of the ACT on two of the public housing matters. One was successful, of which the Commissioner appealed to the Supreme Court. The Centre appeared on behalf of the client and successfully defended the Commissioner’s application for leave to appeal. The second matter before the AAT was unsuccessful and the Centre lodged an application for leave to appeal before the Supreme Court. The Housing Commissioner subsequently settled the matter prior to the application for leave being heard.

The Centre also appeared on a matter before the Supreme Court involving an appeal against a RTT decision which had terminated our client’s occupancy agreement with a community housing provider in circumstances where there had been no breach. The Centre’s application for leave to appeal was successful with the matter ultimately being settled in our client’s favour prior to the substantive application being heard.

### **3.2 DDLS**

In 2007 the DDLS position was split between two workers, which resulted in an increase in our capacity to run discrimination litigation (sorely needed in a jurisdiction as small as the ACT). The major non-casework issue in this area is the upcoming amalgamation of the Territory’s various Tribunals into a single Tribunal system, similar to that in Victoria and Western Australia. The Centre (in conjunction with the Tenants Union ACT) made an extensive submission to the ACT Government regarding the proposed new Tribunal structure, which will incorporate the Discrimination, Administrative Appeals Tribunal (ACT) and Residential Tenancies Tribunal.

### **4. Policy work/issues:**

At a local level, two major non casework issues dominated the Centre’s policy work. This included the Tribunals’ review (see above) and the ACT Government’s review into the Residential Tenancies Act (see below for more detail).

The Centre continued to contribute to NWRN’s policy advocacy work through hosting the National Liaison Officer position.

### **5. Community Development/CLE**

#### **Community Development**

The CDW commenced work with the Centre in late October 2007 and has been settling into a new and challenging role as an Advice Line worker in addition to their CD/CLE role.

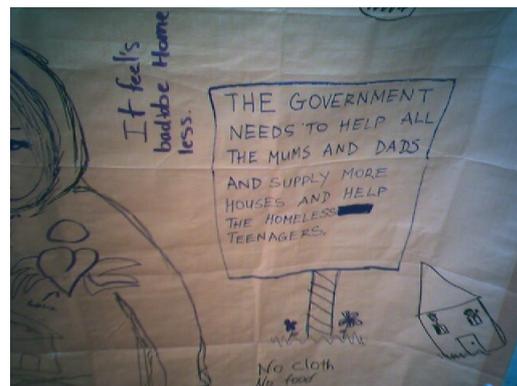
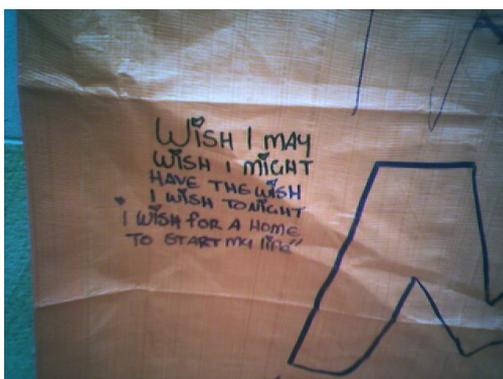
Initially work included site visiting with the CDW’s existing professional networks and contacts within the community sector, inclusive of key agencies (those dealing with mutual client bases) and their caseworkers/

community workers to audit current community needs, trends and gaps. This work informed the development of an overarching Community Development Work Plan for 2007/2008, which was presented to Centre staff at the Planning Day.

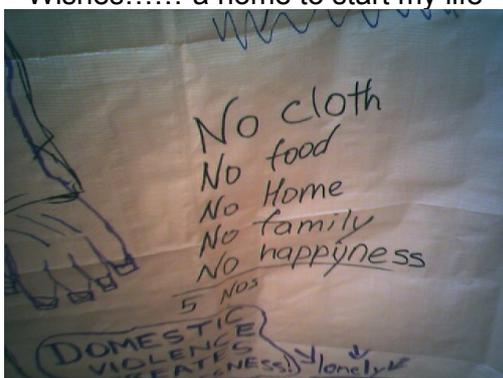
During ongoing networking activities with the community sector it became apparent that the extra-ordinary turnover of staff within the sector presented a major barrier to the effective promotion, education, and client service delivery by the Centre to those mutual client groups who were at greater risk of tenancy breakdown or of experiencing income support problems. While generally accepted CD theory and practice relies on the use of networks to reach larger client bases, the extremely high staff turnover has meant that this approach required some rethinking. The CLE proposed on housing matters has been developed mindful of the need to support and develop the sector on an ongoing basis. The Centre's ability to confidently make referrals to other services for clients, who have complex needs requiring additional social supports, is also effected by such high staff turnover.

In response to this problem, networking with the community sector has been a priority for the CDW. The networking has also benefited the Centre through by being able to track changes to current services and hear about new services as they become available and provide information and resources to Centre staff. Attendance at Inter-Agency Meetings, Hub Days (community outreach by multiple agencies at one central location), Health Neighbourhood Network meetings, Community Service Providers Forum, and participation on Tenants' Union Tenancy Week Committee have assisted in the Centre's promotion.

Outreach has included attendance at major public events like Canberra Connect, Youth Homelessness Day and Naidoc Week - Family Fun Day,



Wishes....."a home to start my life" Signpost.....



The 5 Nos.....



Decorated pillars..."Housing as a human right posters".

Youth Homelessness Matters Day –

(Visual impact statement in the City Centre tarpaulins were used as graffiti boards by youth refuge residents).



### **Multicultural Festival - Canberra Connect – Community Agency Expo in the City Centre.**

#### **ACT CLC's**

In addition to representing WRLC at these various fora, the CDW has also promoted the other ACT CLC's whenever possible, this included the ANU Law Schools Careers day.



Keeping up appearances.....our stall was very well attended by prospective and current Law Students.

In support of this interagency work a pop up banner (pictured throughout) was produced in consultation with all ACT CLC's. The banner has been successful in attracting enquires at public events stalls through the identification of the logo's or 'branding', in particular the Tenants' Union and Women's Legal Centre. This is directly attributable to their extensive and committed work to outreach and public event attendance. In time it is envisaged that WRLC logo will also gain such 'brand' status with more constant and committed public and community exposure.

#### **Community Legal Education**

While the need to target the Community Workers was initially planned for, the emergent needs of this group have altered the timeline for CLE delivery, with more time taken to develop a CLE module of education that will service those new to the sector who have little or no knowledge of what constitutes a legal problem for their clients.

The Centre was responsive to a request from the MS Society for a joint CLE exercise with Women's Legal Centre, the ACT Human Rights Commission, and our Centre on Disability Discrimination and the Workplace. The CDW worker liaised with all parties and developed a PowerPoint presentation and 'take home packs' of information for the group. The small nature of the group, 7 participants in total, enabled a lively and engaged CLE session with the DDLS Solicitor (Jaleh Johannessen).

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It has been planned that the next DDLS seminar for the CLED Students should be opened up to the community sector. This will serve two purposes; economize on the Centre's staff capacities and expose the students to a broad cross section of the community sector who have an interest in supporting or working with clients who have a disability and their families.

As noted in **Section 7.** (following) there will be a seminar to step community workers through the Fact Sheets post the launch on 1 September 2008. At this seminar participants will also be advised that there will be a ½ day workshop, time to be advised, where a more in -depth look at tenancy and the law will be possible.

## **6. Projects:**

### **6.1 NT project (shared with NWRN and NACLCL)**

Our Centre staff and board made active contributions to the NT project during the year. The Centre supported by NACLCL, NWRN and the Darwin Community Legal Service seconded a worker to the project to conduct a scoping project on how best to support service delivery by NT CLC's in dealing with social security issues arising from the Australian Government's NT Emergency Response.

This led to the development of draft fact sheets and information bulletins which were distributed to relevant legal agencies/services in the NT and the drafting of a funding submission to the Commonwealth Attorney General's Department to pilot a NTER Welfare Rights outreach pilot for 12 months. The drafting of the information products were undertaken by a couple of workers within the Centre and have been left in draft form in recognition of the need for the input and experience of local workers.

Following Cth AG's decision to fund the 12 month pilot project through the allocation of \$250 000 each to the NT indigenous legal aid services (NAAJA and CAALAS), the Centre was proactive in brokering a partnership agreement with NAAJA and CAALAS on behalf of NACLCL to deliver the project. The Centre has subsequently agreed to second two workers (Annabel Pengilly and Jan Moerkerke) to the project from early September for a 12 month period. The other 2 positions have subsequently filled by community legal centre workers.

### **6.2 Narrabundah Long Stay Caravan Park**

The Centre continued its involvement in the fight to prevent the eviction by new private-enterprise owners of 102 residents from the Narrabundah Long Stay Caravan Park. An intense political campaign by residents and their advocates resulted in a land swap, with the new private owner being granted a similar block of land by the ACT Government, securing the future of the existing park as home for 102 residents. WRLC has been providing ongoing support and assistance through this process, particularly in relation to advice on occupancy agreements between residents and the interim park management, Housing ACT. With the land swap now in place, WRLC will step back from the process to allow us to fulfil our core function, legal advice and advocacy for individual residents in dispute with park management.

### **6.3 Residential Tenancies Act (RTA) Roundtable Process**

A joint substantial submission between the TU and our Centre to the ACT Attorney General arguing the case for reform of the RTA to address the growing imbalances in the market between landlords and tenants quite unexpectedly resulted in the ACT Government announcing a major review into the operation of the Residential Tenancies Act and a flurry of intensive media attention to the issue.

Since the review was announced the Centre and TU have made a series of further submissions highlighting the issues of most concern to tenants. Whilst the Government's focus for the review in an election year is on addressing the housing affordability crisis and apparent distortions in the private rental market, the Centre has used the review

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process to also press for much needed reforms to the RTA that particularly impact on public housing tenants. The Centre was also an active participant in the round table which was convened recently to discuss amendments to the RTA.

## **6.4 Community Law Clinical Program:**

### **CLED (Clinical Legal Education) Program**

The CLED program is a legal clinic run in partnership with the Australian National University in Canberra. We currently take six students per semester, who work in the centre for two full days each week. Our centre provides an on-site convenor (John Alati) and four solicitors to supervise the students, as well as supervision from staff in other roles. Their work involves telephone advice line, case work, fielding at the front desk and other general office duties. Students undertake a critical reflection on their work every week, and a tutorial session. Other activities include off-site visits and a mock hearing in the Residential Tenancies Tribunal. The course is assessed and aims to provide students with legal work experience and the capacity to reflect on legal ethics and social justice in the context of a legal practice.

Please enjoy some images of our mock hearings, conducted in a hearing room of the Residential Tenancies Tribunal, Canberra on 17 April 2008. We learned that Genevieve is incredibly tough, but fair. Thanks to Deb Phippen of the ACT Tenants' Union for the pictures.



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## 7. Publications

**Law Handbooks:** The Centre updated the social security chapter for the Northern Territory handbook. The Centre is currently writing chapters on social security law, public housing and disability discrimination law for the ACT Law Handbook.

**Social Security Reporter (SSR):** The Centre continued to contribute to the SSR during 2007/08.

**Public Housing Factsheets:** The Centre updated its factsheets to take account of the massive changes that took place in public housing law and policy during the reporting period.

A launch has been set for September. Tanya Plibersek in her role as Minister for Housing has agreed to launch the factsheets. A workshop for community workers on how to make the most out of the factsheets when helping their clients and communities will follow the official launch of the factsheets.

**Website:** The Centre is currently reviewing its website with the view to giving it a major overhaul.

## 8. Future Directions – the next 12 months

**8.1 Opportunities/plans for the Centre:** The Centre plans to further expand its community development program in the coming year especially in the area of community legal education.

Any further expansion of the Centre's activities (including possible outreach work) is depended on the outcome of the CLSP review and consequent funding decisions.

**8.2 Threats to the Centre/service:** The Centre allocated part of the one off additional funding to much needed salary increases. The Centre will come under some financial pressure in the coming year, if the increase in additional recurrent funding anticipated is not delivered.

## 9. Other news to tell?

Richard Refshauge, the Centre's longest serving board member (over 20 year's service) resigned at the end of last year on being appointed a Justice of the Supreme Court. The Centre held an event in May this year to celebrate his significant achievement which brought together the ACT private legal profession, community legal sector and community sector.

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## Melbourne – Welfare Rights Unit

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### Unit Staff

- Dale Nelson (CLE officer)
- Sally Allman (Caseworker)
- Joanne Joosten (Solicitor)
- Liz Flynn (CLISIS Stats)
- Joan Thong (Caseworker)
- Jerome Willens (Campaigns)
- Marilyn Summers (Publications)
- Robyn Barnard (Casework)

Work continues on the ‘Welfare to Work’ factsheets including a greater number of factsheets and reviews of those already circulating.

Casework continued to have a significant role in the Unit’s work. As usual about one thousand clients were assisted at various levels. As no doubt noted in other centres the nature of our presenting clientele have more long-term difficulties and less coping skills than often in the past. Debts, family and illness issues remain the mainstay of our work. The reversal of the ‘client departments’ over-litigious responses to innocuous SSAT victories in the wake of the Federal election is a particular highlight - of which the Network should be justifiably proud.

Regular casework meetings are held with Samantha Purcell, our esteemed colleague from Geelong.

The Unit continued its significant work in community education and have begun an on-going partnership with ‘Victorian Relief + Foodbank’ in providing CLE services to community workers in drought affected areas of Victoria. This has included three three-day courses for indigenous workers.

There were four editions of the Unit’s newsletter ‘Red Tape’ distributed to members and interested parties during the year.

Dale Nelson continued his role as the NWRN’s representative on Centrelink’s Disability Customer Reference Group.

The Unit has a new website at [www.wru.org.au](http://www.wru.org.au) which includes a significant amount of Unit history.

Due to VCOSS deciding to focus on ‘state’ issues, the Unit has taken over the coordination of an inter-agency group called the ‘Work and Welfare Roundtable’ which meets bi-monthly to discuss issues of concern raised in their work in relation to social security, job network and related financial issues.

As usual the Unit contributed the chapter on Social Security to the (Fitzroy Legal Service’s - Victorian) ‘the Law Handbook’.

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## **Launceston – Community Legal Centre**

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### **Launceston – Community Legal Centre**

#### **Staff**

Rose Diamond Welfare Rights Advocate (Tue-Fri)

#### **Casework Trends**

Casework was mostly comprised of DSP, MLR and overpayment matters. Many clients still report difficulties understanding the JCAR process and often experience a worsening of their health conditions whilst trying to attend vocational rehabilitation activities. Most continue to attend activities although this has sometimes resulted in customers putting their health at risk for fear of having their payments stopped. Casual/contract workers still appear to be having great difficulties in understanding how to declare casual income and prevent a debt. Contributing factors to debts because of incorrectly declared earnings have included incorrect or inadequate advice from CSOs (particularly in relation to salary packaging and salary sacrifice arrangements) and poor customer literacy and numeracy. MLR matters also continue to be a central focus for the service, with carers and those being cared for being found to be in MLRs due to ongoing commitment being weighted heavily by decision makers. These matters have all been successfully appealed, however it has taken substantial evidence in the form of letters from treating doctors to confirm the nature of a relationship, often at a cost to the client.

#### **Projects/publications**

Camilla Hughes from the Social Action and Research Centre at Anglicare produced a report “Caught in the Safety Net” earlier this year which researched the effects of Centrelink debt and prosecution on welfare recipients. A number of LCLC clients were involved in the project and the research findings were invaluable in providing insight into welfare recipient experiences. The report revealed that most welfare recipients and their dependents were significantly affected by Centrelink debt and prosecutions having both short and long term impacts on both families and individuals. The report made numerous recommendations in relation to MLR assessment policy guidelines, debt prevention strategies, debt recovery processes and access to legal advice and representation in prosecution matters. The report can be accessed in full at [http://www.anglicare-tas.org.au/index.php?option=com\\_docman&task=cat\\_view&gid=34&Itemid=81](http://www.anglicare-tas.org.au/index.php?option=com_docman&task=cat_view&gid=34&Itemid=81)

The service continues to conduct CLEs with community service workers and students at TAFE, the University of Tasmania, Ability employment and Anglicare. The service is also focusing on increasing CLE sessions in the north, north-west and north-east of Tasmania.

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

The service has been in regular contact with the local member Jodie Campbell and there is very good support from her office in relation to welfare issues. We hope to continue this good relationship and work collaboratively towards addressing policy and procedural issues, particularly in relation to DSP and Carer payments.



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who was severely disabled following a car accident on the way to an emergency, was held not to have ‘special circumstances’ after he spent his almost \$1,000,000 Workers Compensation payout in just 3 years and requested that his preclusion period be reduced to allow him to obtain a Disability Support Pension.

The case was extremely hard fought with Centrelink briefing both the Australian Government Solicitor and Counsel. The case was run over 4 days in both Burnie and Hobart. Following the hearing but prior to the decision being handed down, the client was forced to sell his only remaining asset, his house and has since moved into rental accommodation. The Tribunal found that he should utilise the money from the sale of his house (approximately \$100,000) before applying once again for a Disability Support Pension.

We also have a significant compensation preclusion period test case currently before the Administrative Appeals Tribunal which will be heard by the President of the AAT, Justice Garry Downes AM and Deputy President Groom in early October. The case follows on from the earlier decision of *Secretary, Department of Families, Housing, Community Services and Indigenous Affairs v Magrath* [2008] AATA 380 in which the Tribunal decided that more than 300 invoices for medical expenses should be assessed as part of the ‘lump-sum’ paid to our client as part of their workers compensation payment. Whilst the respondent was unable to appeal this decision, there are 6 clients on our books with similar factual scenarios and which will be heard before the Administrative Appeals Tribunal in the coming months. Both parties to the appeal have briefed counsel and it is likely that the matter will be appealed to the Federal Court irrespective of the outcome.

### **Publications:**

We are happy to report that with our assistance Ms Camilla Hughes, a research officer with Anglicare Tasmania, published her research report titled, “Caught in the Safety Net: the costs of Centrelink debt recovery and prosecution”. The launch of this report received significant public attention and media coverage in Hobart.

The report specifically looked at patterns of overpayments, marriage-like relationships, access to assistance and independent advice and the impact of Centrelink debt. Anglicare made recommendations covering all of these areas and focused on the importance of preventing prosecution.

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## **Geelong – Barwon Community Legal Service**

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In late 2007 the members of Geelong Community Legal Service decided to change our name from Geelong to Barwon, to more accurately reflect our catchment area. It is our aim over the coming year to investigate a range of options to provide a more accessible service to some of the more outer-lying parts of this catchment.

### **Staff**

- Carolyn Stuart- Manager, full time
- Neil Longmore- Principal Supervising Lawyer
- Ros Muir Morris- Finance Administrator, part time
- Grace Forrest- Receptionist/Admin, part time
- Liz Flynn- Admin, part time
- Joanne Blyth- Child support worker, part time
- Geordie Koniescka- Lawyer, full time
- Elly Knigge – Lawyer, full time
- Elsie Stokie- Lawyer, part time
- Wendy Brett- Locum lawyer, part time
- Samantha Purcell- Welfare Rights Advocate, full time

There has been a quite significant amount of staff change in this year, so for brevity I have listed all staff who were working at BCLS on June 30 2008.

Since that date a number of further additional staff have come on board. We have recently employed a community development worker (this was an existing position but had been vacant since late 2007) and we have also decided to spend our one-off funding from the Attorney General by employing a 2 day per week family lawyer and a 3 day per week Welfare Rights Lawyer. Wendy Brett is the family lawyer and I have been joined in Welfare Rights by Jeanette Parrott. This is a very exciting development for us, and we hope that Welfare Rights can also better service all of our large catchment area with these additional caseworker hours, but also perhaps the extra time affords us more opportunities to take on more complex and time consuming matters.

### **Casework**

There have been various trends throughout the course of the year. The first half of the year saw me somewhat inundated with 8 week non payment period cases, however the numbers of those types of cases dropped off in early 2008. I can only hope that this decrease reflected a decrease in my community. As usual, debts, disability support pension qualification and marriage-like relationships also featured strongly.

### **Policy/Community Legal Education/Other**

As has been the case in the past, the bulk of the policy type work was conducted as a member of the NWRN and as a committee member. As a (previously!) sole worker in a generalist centre, I rely heavily and feel tremendous gratitude for the work of the network in this area. It is invaluable to be part of a framework that enables collaborative work in policy submissions etc. I also participated in 3 delegations during the year, meeting with Centrelink, DEEWR and FaHCSIA.

Locally, I continue to convene the Barwon Centrelink Liaison Group, which meets quarterly and provides the opportunity for local community agencies to meet with Centrelink managers and relevant staff to highlight and

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resolve problems with a local flavour, develop good working relationships, but also to keep those workers and organisations up to date with information about changes in Social Security. We also get many referrals from the relationships developed with these organisations, as well as case studies. Given the numbers of people in our area, it is necessary to keep our community sector workers really well informed as they all do some welfare rights work in their own roles working with people on income support.

I have also been working to develop stronger links between our welfare rights service and our local Legal Aid office. This became a higher priority due to the expectation that a social security lawyer was likely to be employed in this regional office. This has not eventuated as yet, (and now may not occur) but it did highlight the need to generate ideas on how best we might be able to work collaboratively, sharing out work based on skills and resources etc.

I ran community legal education sessions as requested, to groups including TAFE community welfare students, youth workers, mental health peer support group, and young people in a training program who have left formal schooling. I also hosted a student from the local TAFE Diploma of Community Welfare Work.

Following the lead of other centres who keep records of monies obtained via arrears, debt waivers, compensation etc, I began this partway through the year and recorded an amount of \$119 075 at the end of the year.

We face a further challenging period in our service over the coming year as more staff changes occur. Our current manager is with us only for several more months. I am also somewhat nervous about creating a community expectation of a higher level of service provision and maintaining this after 12 months in the event that no further additional ongoing funding is made available. Nonetheless, I look forward to the coming year with great anticipation in respect of the additional resources in welfare rights and once again working as part of a team.

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# Adelaide – Welfare Rights Centre

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## 1. Staff

• Manager	Mark Leahy	9 days pf
• Volunteer/SSAT Co-ordinator	Jo Harmer	4 days pw
• AAT Co-ordinator/ Solicitor	Margaret Riley	3 days per week
• HPLC Co-ordinator	Bill Manallack	4 days pw
• Outreach Caseworker	Amanda Tsoundarou	3 days pw
• Admin Officer/Caseworker	Mark Shepley	3 days pw
• Data entry/IT support	Andrew Prince	3 days pw

## 2. Casework Trends

MLRs are still a constant issue; we have had an increase in the number of clients experiencing problems with separated under the one roof issues.

DSP issues relating to reviews and subsequent disqualification under 15 hour rule; inadequate and incomprehensible JCAs continue to cause problems. In one case a DSP client with cystic fibrosis who tries to work was cancelled for not reporting that he was in hospital for reoxygenation. The client did, in fact report this, but it was not recorded on the correct screen. The decision was set aside and his grandfathered status restored.

We have had quite a few clients who have either had their residency status challenged (on the basis of having lived overseas) or who are not being granted portability. There seem to have been a spate of these.

Comp Preclusion – we have had numerous clients seeking a reduction due to lump sum expenditure.

YA UTLAH – issues with meeting strict criteria.

We had 859 clients this year. We represented at 44 SSATs, 48 Preliminary Conferences at the AAT and 16 hearings, stays and directions hearings. The amount of money we saved for our clients at the AAT amounted to \$112 882.

## 4. Projects

We received a further two years funding for our Housing Legal Clinic. We have expanded the Clinic to Port Adelaide so we now have five agencies and five law firms contributing around seventy five lawyers. We have, over the last two years, provided pro bono legal services to over 600 people, to the tune of well over \$1.5 million.

## 5. Future Directions – the next 12 months

Opportunities/plans for the Centre/Service

We are developing two outer metropolitan outreach services over the next two years with the extra Commonwealth money we received. We hope to build on this and establish some partnerships with local Councils. We are targeting the Port Adelaide and Port Noarlunga areas.

We have also received a grant to undertake rural outreach during the year, which we hope to be able to do with the Commonwealth Ombudsman and the SSAT in Berri and Mt Gambier.

Threats to the Centre/service

The State Government is trying to make agencies move out of the Torrens Building for a London-based university. We are currently fighting this.

## 6. Other news to tell?

The espresso machine is still doing well.

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## Perth – Welfare Rights and Advocacy Service

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### 1. Staff

- Kate Beaumont – Executive Officer/Welfare Advocate (F/T)
- Catherine Eagle – Solicitor (P/T)
- Chris Belcher – Welfare Advocate (P/T)
- Marilyn Marvelli – Welfare Advocate (P/T)
- Jeanie Bryant – Welfare/Tenant Advocate - Service WA Drug Court (F/T)
- Susie Byers – Welfare Rights Advocate (P/T)
- Georgia Pickering - Youth Welfare Rights Advocate (P/T)
- Paul Harrison – Tenant Advocate (P/T)
- Tom Milton – Administrative Officer (P/T)
- Yvonne Mulder – Administrative Officer (P/T)

### 2. Casework Trends

Welfare Rights assistance provided by our centre over 2007/2008 financial year includes:

#### Total Number

- Advices: 816
- Face to Face: 72
- Telephone: 726
- Mail: 6
- Email: 13
- Cases open at beginning of period: 65
- Opened cases: 309
- Closed cases: 306

In terms of casework undertaken the agency has completed a similar number of advices but has had an increase in the number of cases undertaken in the current year than the previous year. Through the last year there has continued to be a high proportion of those presenting for assistance with issues which have come as a result of Welfare to Work changes across the spectrum from serious participation failures, to activity requirements, to those with partial capacity through to eligibility for and retaining various payments including Disability Support Pension, Parenting Payment and Newstart Allowance. The other major issues for presenting clients of the agency continue to be marriage like relationships, overpayments and prosecution matters. Within the casework undertaken by the agency the area of prosecutions for Social Security offences continues to take up a considerable amount of the agency's casework resources as Welfare Rights & Advocacy Service has a part time solicitor who deals with such matters. There has been an increasing demand for assistance in prosecution matters and clients are regularly referred to the service by staff of Centrelink Prosecutions Team.

### 3. Policy work/issues

Staff of Welfare Rights & Advocacy Service participate in a number of NWRN Sub Committees which address specific policy/law reform issues and in the last year have included: MLR Sub Committee, Youth Sub Committee, Prosecutions Sub Committee and Welfare to Work Sub Committee. At a local level staff of the agency are involved on a regular basis with the local Centrelink Community Consultative Meeting, Centrelink Mental Health Consultative

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Meeting, Centrelink Aboriginal Consultative Meeting, Linking Offenders to Services Meeting, local Welfare Rights Sub Committee and other forums as they arise. Additional to these activities Kate Beaumont has continued to be a member of the Executive of the NWRN as Vice President of the network and has participated in Members Meetings and Executive Meetings through the year. In her role as Vice President of the Network, Kate Beaumont has undertaken media activities on behalf of the Network in the absence of Michael Raper when he has been unavailable. Over the last year Catherine Eagle and Kate Beaumont have both participated in NWRN Delegations to Canberra. The delegations which staff from Welfare Rights & Advocacy Service have participated in have met on a number of occasions with Centrelink, FaHCSIA, and DEEWR. With the change of Federal Government there has also been an opportunity for lobbying with the Commonwealth Attorney General, Minister for Employment Participation and Minister for Human Services and Kate Beaumont has participated in these meetings in her role as the Vice President of the Network. It is recognised that this participation in NWRN Delegations is an important aspect of the agency's contribution to law reform and policy work and it is an opportunity to provide casework examples from Western Australia in the Network's lobbying activities.

The agency conducted 20 Community Legal Education activities throughout the year which included singular and multiple sessions conducted with/at: Murdoch Law Students, Legal Aid Criminal Law and also WA Rural Lawyers, Curtin University Social Work students, Women's Law Centre, Legal Aid WA Articled Clerks, Balga Young Mums, Joondalup Life Skills, YPAVE, Trinity Young Mums Project, Miriuwung Gajerrong Corporation, Create Youth, Kimberley Community Legal Service, Central TAFE, Swan TAFE, and the Court Assessment and Treatment Service.

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

**Prosecution and Women in Prisons Project** – The agency has been successful in receiving funding for a fifth year to employ a lawyer three days per week funded through the Public Purposes Trust of the Law Society of Western Australia and our funding has been continued in the current year. The project is in collaboration with Women's Law Centre where another lawyer works one day per week with our project specifically in the women's prisons in Perth. Catherine Eagle continues to provide advice and assistance to clients contacting in relation to Centrelink prosecution matters but does not represent in court due to time constraints. Catherine Eagle has also completed a number of Community Legal Education activities in relation to prosecution matters with solicitors and other Legal Aid WA staff and students at Murdoch University during the year. Catherine Eagle has been a great assistance to paralegals that work in the centre who have been able to provide additional casework assistance in challenging debts administratively where the client is at risk of prosecution for social security offences.

**Welfare and Tenancy Support to clients referred by the Court Assessment and Treatment Service of the Department of Corrective Services** – Over the last seven years the agency has had a full time advocate, Jeanie Bryant employed to work with clients who participate in the Drug Court of Western Australia. Over that time funding of this position has passed from the Drug and Alcohol Office to the Department of Justice and then to the Department of Corrective Services and we are currently contracted to provide services up to February 2009 with the potential for a further one year extension to continue to provide these services working with offenders and ex offenders.

**Youth Welfare Rights Advocate** - Over the last two years the agency has been funded by the Legal Contribution's Fund as part of a project identified to meet the unmet legal need of young people in accessing assistance to challenge Centrelink decisions. In the last year the personnel in this project has changed with the employment of Georgia Pickering who replaced Susie Byers as a part time Youth Welfare Rights Advocate from April 2008. As part of this project it has been a priority to connect with young people and those who work with young people. The agency has continued funding for this project to June 2009.

**Tenant Advocate** – Over a number of years the agency has provided tenancy assistance in the Northern Metropolitan suburbs of Perth, however in 2007/2008 funding for this program increased. As a result the agency is now providing

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tenancy assistance four days per week which has resulted in a greater capacity to deal with previously unmet demand for tenancy advice and assistance and to complete additional community legal education and law reform work in this area.

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

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

The One Off Funding to be received from the Commonwealth Attorney General's Department will assist the agency to complete some extensions to our building and to deal with some maintenance issues including addressing our rising damp problem and painting the building. Additionally it is planned to employ a further welfare rights advocate to augment our service delivery with an emphasis on exploring outsourcing options in order to connect with those within our community who may be socially excluded.

### **Threats to the Centre/service**

Whilst the injection of additional One Off funds in 2008/2009 has been opportune we remain cautious about the 2009/2010 financial year and the levels of funding to be provided by the Commonwealth Attorney General on an ongoing basis. It would be shameful if enhanced services embarked on in 2008/2009 could not be continued beyond the end of that financial year due to lack of appropriate funding. Funding for our Prosecution Project is precarious and reliant upon an annual grant process to the Public Purposes Trust of the Law Society of Western Australia. If the agency were unsuccessful in the future this would significantly reduce the assistance provided in Western Australia to those who are at risk of prosecution for Social Security offences. It is also unlikely that the agency will be able to continue its project with young people as funding through the Legal Contributions Trust was granted only for a three year period.

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# Perth – Sussex Street Community Law Service Inc

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## 1. Staff

• Acting General Manager	Denise Beer
• Acting Principal Solicitor and Belmont Solicitor	Luciano Sales
• Family and Civil Solicitors	Karen Bond Penny Robbins
• Disability Discrimination Solicitor	Rebecca Tedder
• Disability Advocate	Rose Ngoga
• Disability CLE Worker	Bruce Horwood
• Tenancy Advocate	Jenny Cogan
• Tenancy Intake Worker	Zoe McNeill
• Welfare Rights Solicitor	David Pugh
• Financial Counsellor	Iris Watt Marise Resuggen
• Administration /Finance Officer	Steen Johansen
• Administrative Staff	Shirley Newington
• Students/Volunteers	Karen Bird

There is one solicitor employed as a Welfare Rights Advocate, David Pugh, with Penny Robbins, the former Welfare Rights Advocate, providing support.

## 2. Casework Trends

Data from CLSIS for 2007/2008 is as follows:

• Total Advice Activities	425
• Total number of clients	114
• Cases open at the beginning of period	10
• Cases closed during period	20

Client Demographics

• ATSI	4.3%
• CALD	5.2%
• DISABILITY	35%

The service continues to address the needs of clients across a wide range of issues and payment types. As in previous years MARRIAGE LIKE relationships continue to be prominent and pose a particular advocacy challenge. Other frequent occurring issues include Youth Allowance (Austudy) cases, debt recovery and disability support pension cases.

## 3. Projects/Publications

### CLE

The Centre recently celebrated its 30<sup>th</sup> anniversary in March. The Hon Kim Beazley and Helen Creed were the

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Guests of Honour. Mr Beazley in opening the celebration recognized the invaluable work carried out by the staff of Sussex Street. Many former staff members were able to join in the celebrations.

The Centre held a public information session during Law Week during which sausages were dispensed by the staff as well as information.

#### **4. Future Directions**

The Centre's plans for a major renovation of its premises foreshadowed in last year's report are about to come to fruition with the work expected to begin within the month. The renovations apart from updating the premises in general will provide accommodation for two additional caseworkers.

Welfare Rights Advocacy work has for most of the past year been split between two solicitors. In the earlier part of the year the work was shared between Penny Robbins and Rebecca Tedder and more recently between David Pugh and Penny Robbins.

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## **Fremantle – Community Legal Centre**

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### **1. Staff**

- Centre Co-ordinator
- Administrative Assistant
- Principal Solicitor
- Part-time Solicitor ( Family Law )
- Part-time Solicitor ( Restraining Orders )
- Tenancy Advocate/Part-time Financial Counsellor
- Part-time CLE/ELS Co-ordinator/Part-time Financial Counsellor
- Welfare Rights Advocate

### **2. Casework Trends**

Welfare Rights Service has provided information and advice, advocacy, casework and representation at the SSAT and AAT in a broad range of Centrelink matters. In the 2007/2008 financial year the service assisted 225 clients. A good relationship with Centrelink in general and the LSB has resulted in almost all the appeals being resolved and/or able to be settled at AAT.

The most common problem types over the period were: Centrelink debts, entitlement/eligibility issues and W2W issues including participation requirements/failures.

#### **2.1 Centrelink Debts**

Debt matters relating to income and assets, loss of care of children and Marriage-like relationships make up a large proportion of casework load. Data-match debts, tip offs investigations, MLRs and prosecution remained high. Student debts have decreased this year.

#### **2.2 Entitlements and Eligibility Criteria**

An increase number of enquiries regarding benefit entitlements at the initial claim stage have been noted. Many clients experienced difficulties in lodging their claim for income support and following through paperwork requirements causing delays and in some cases people missed out on entitlement. The homeless and indigenous youth experienced greater difficulties often caused by POI issues and lack of support to follow through with their claim. Anecdotal evidence from Elders within the indigenous groups suggests that some young people find it too hard to get onto income support and/or stay on payment.

#### **2.3 W2W Issues**

Participation failures/eight-weeks nonpayment issues continue to increase case workload up to (21) new cases affecting young people, parents and mature age clients. Long delays in contacting the original decision makers and getting the matters reviewed as well as problems with communication between the NPST and APST – lack of clarity as to who is responsible for what including the making of decisions about payment pending review. Notwithstanding these difficulties the majority of these cases were successfully resolved through intensive negotiation and/or through the ARO, SSAT and AAT appeal processes. Following the NWRN meeting with the NPST in Sydney communication has improved and payment pending review is now more accessible.

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Disputes about Job Capacity Assessments to determine work capacity for DSP claims and clients seeking exemptions from the activity test remained high (18). Some concerns about the assessments included the Assessors conducting file assessment without seeing the client and often not taking into account the impact of non medical factors on the person's ability to work, cope with intervention or comply with activity test. Consequently the number of DSP appeals has increased (10 ) with many cases being overturned at ARO and SSAT stages. More challenging have been having to prove *fully treated and fully stabilized* and *CITW*.

Parents Activity Test issues continue to increase with more queries about whether voluntary work, self employment and/or a combination of these activities and causal work should be included in activity agreement to meet the test.

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

The Service continued ongoing liaison with Regional Centrelink Offices and Community Agencies to raise awareness about the impact of the W2W changes and in particular promote awareness of appeal rights of clients facing an eight-week non payment period.

The Service contributed to the policy and law reform work of the Network through W2W Subcommittee link ups and submissions arising from various reviews including: Job Capacity assessments, Future of employment services and homelessness.

Throughout the year, the Service has continued to provide CLE and information about Appeal Rights and around W2W changes through 'Senior's Week', 'Law Week', Schools, Centrelink Community Forum and Indigenous Parents and Grandparents groups.

Where possible, the Centre continues to network and participate in the Centrelink Consultative Committee, Centrelink training, WRSC and NWRN link ups.

### **5. Other news**

In a recent ceremony the City of Fremantle acknowledged the Nyoogar people as the traditional owners of this land and said sorry to the Aboriginal community.

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## Darwin – Darwin Community Legal Service Inc

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Darwin Community Legal Service is a generalist CLC which operates a variety of programs. Programs include the CLSP funded programs of **General Legal Service**, **Disability Discrimination Service** and **Welfare Rights**, an **Aged & Disability Rights Service** funded by the Commonwealth (DoHA & FaCSIA) and NT Health & Community Services and a **Tenants' Advice Service** (NT Govt). Underpinning these services are thrice weekly out of hours Free Community Legal Advice Sessions staffed by volunteer lawyers drawn from the ranks of the Darwin profession. A one semester Clinical Legal Program for final year law students is also conducted partnership with the law faculty at Charles Darwin University.

### 1. Staff

- Caitlin Perry Coordinator
- Karen Neville Office Administrator
- Linda Watson Volunteer Coordinator/Reception
- Ian Tranthem Principal Solicitor
- Kala Marshall GLS Solicitor
- Felicity Wardle CLE/ Community Development Worker
- Cathy Davies WR Caseworker (until mid November 2007)
- Katie O'Connor Tenancy Solicitor
- Johanna Daby Tenancy Caseworker
- Lorraine Gibbs Aged&Disability Senior Advocate
- Pat Pine Aged&Disability Advocate
- Robyn Armitage Aged&Disability Advocate

Since November 2007 when Cathy Davies resigned, DCLS has been unable to successfully recruit a WR caseworker. The WR service delivery has since November 2007 been undertaken by the Principal Solicitor taking on a larger caseload which is shared with the GLS Solicitor.

### 2. Casework trends

The make-up of casework remains the expected mix of Debt (arising out of rising asset values, MLRs and employment) Eligibility (Carer, DSP and Age Pension disputes) and administrative shortcomings. We have to date had no increase in casework arising out of the SSAT jurisdiction to review child support decisions. Surprisingly the NTER initiatives have generated no casework, which was against our expectations. I expect "change fatigue" is a factor in the remote Aboriginal NT.

### 3. Policy:

Consequent upon recruitment difficulties, Darwin's capacity for involvement with the NWRN, particularly with regard to input into member phone linkups, sub-committee activity and national policy participation has this year unfortunately been reduced. This is particularly unfortunate in the context of the Commonwealth's Northern Territory Emergency Response initiative.

### 4. Publications:

Staff doing WR casework continue to support the Social Security Reporter by way of case summaries as allocated by the Editor

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## **5. Future Directions:**

Our ongoing difficulties relating to staff recruitment and retention are shared by all NGO's in the NT. Staff with the skill sets required are not being attracted, let alone retained, and quality of service delivery is undoubtedly compromised as a result.

Whilst recognising that some elements of this crisis are beyond our control, our existing staff and Management Committee determined early in 2008 to embark on a rigorous introspection with a view to identifying what we are able to do within the service to address these issues. This process is raising fundamental questions concerning models of service delivery and certainly include the spectre of restructuring. Did I mention "fatigue" somewhere?

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# Subcommittee Reports

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## NWRN Administrative Review Subcommittee

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### Terms of Reference:

#### Adopted at Members Meeting:

20 May 2004

#### Reviewed/Updated at:

Conference August 2004, Conference, October 2005, Conference August 2006, Conference September 2007

#### Specific Terms of Reference (Strategies/Actions):

1. To monitor developments in administrative review processes and prepare NWRN submission on any Bill that seeks to change the process
2. To identify key issues of concern impacting on administrative review processes and practices that NWRN considers ought to be addressed and to propose relevant solutions to each
3. In particular, identify and propose strategies to hold Departments accountable to complying with the model litigant guidelines and countering the increased numbers of Departmental appeals and use of outsourced legal services

### Membership:

Bill, Catherine, Jackie, Penny, Antonio, Genevieve

### Convenor:

Bill

### Activities to Date

The Subcommittee made submissions to the **Review of DEEWR Social Security Appeals and Litigation Arrangements**. This involved areas of significant systemic concern for the Network.

The Subcommittee made submissions to the Administrative Appeals Tribunal in respect of the **Administrative Appeals Tribunal – Guide to the Social Security Jurisdiction** published in April 2008.

### Future of the Subcommittee

The Subcommittee recommends that it remain a standing subcommittee of the Network

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## Indigenous Issues

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### 1. Current Terms of Reference

- To monitor the impact of the “NT Emergency Response” legislation and related legislative policy measures in relation to income management, CDEP and other social security issues
- To identify the existing and desirable links between NWRN and relevant Indigenous organisations and communities with which NWRN should consult and develop partnerships

### 2. Current Membership:

Gerard (Convenor), Bill, Ian, Terry Stedman (Brisbane WRC Management Committee), Chris

### 3. Activities to Date

The Subcommittee did not meet during the year.

However, NWRN undertook work on the NT Emergency Response legislation and other related legislative measures through the ‘NT project’. As a partner in the ‘NT project’, NWRN also undertook considerable work fostering and building relationships with key Indigenous organisations and communities. This included taking a proactive approach in providing specialist advice and assistance to Centres, agencies and other practitioners undertaking social security legal work in the Northern Territory (especially in response to the NT intervention measures).

NWRN has also highlighted through its Canberra delegations and ongoing discussions with Centrelink and FaHCSIA the casework and policy impacts flowing from the ‘NT Emergency Response’ legislation and related measures.

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## Induction and Mentoring

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### Members

Mark Leahy (Convener), Penny Robbins, Melissa Coad and Sam Purcell

The committee looked at the Strategic Plan as it relates to the Mentoring of new Welfare Rights advocates. It divided the issues into two main sections – mentoring and induction. We discussed ways in which we might provide more formal mechanisms for identifying and sharing expertise within the Network.

### A. To develop mentoring programmes when requested by member organisations:

#### 1. Utilising resources of specialist centres

Where possible, new workers could be invited to attend a specialist centre for a few days as part of their induction process. Specialist centres (such as Sydney or Adelaide) are better equipped to provide induction due to their larger Welfare Rights staff component; such visits could be funded through the Centre’s staff development/training budget and would be an efficient way of developing skills within the network. In some cases it might be possible to link this to the annual Network Meeting, with workers going to the host centre earlier or remaining on after the Meeting.

#### 2. Identifying Expertise

Caseworkers develop expertise in specific areas through their casework but this is rarely shared outside of their centres. A simple means of listing expertise to enable Network members to identify workers to talk to could resolve

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this. We suggest getting rid of the questions and answers folder, which never gets used, replacing it with a folder where workers are encouraged to list their areas of expertise. For example, a worker who has undertaken a number of cases in a particular area and who wishes to share their legal research or tribunal outcomes, could post in this folder. This would make it easier for workers to share information.

### **3. Identifying mentors**

We also suggest the BBS has a folder which lists people who are willing to act as mentors. New workers would be able to contact mentors via phone and/or email; the list could contain a brief bio of the mentors, outlining their experience in the Network.

#### **B. Induction material:**

1. The current Induction Manual is horrendously out-of-date and needs to be re-written. There are two issues here: who takes on the responsibility for rewriting it and how do we maintain it in the future. We suggest one of two ways:
  - (1) nominate an individual to take responsibility;
  - (2) establish a sub-committee which would act as an editorial committee to undertake rewriting the manual; this would be an ongoing committee and would be re-established at each annual Network Meeting to undertake maintenance of the manual in the upcoming year.

## **Marriage Like Relationships**

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#### **Terms of Reference:**

1. To investigate issues of marriage-like relationship with a view to documenting evidence and case studies in relation to the issues and providing proposals for dealing with these.

#### **2. In particular to deal with:**

- Centrelink's interpretation of the legislation, including policy considerations
- Centrelink's investigation practices
- Centrelink's decision making processes, and
- Whether the current statutory criteria is the most appropriate for determining entitlement to payment

#### **Current Membership:**

Ben, John, Sam, Gerard, Di, Catherine, Jo, Rose and Liz (Convenor)

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

The Commonwealth Ombudsman finally released the long-awaited own motion report into MLR. The subcommittee provided a NWRN response in support of the report's recommendations. We have also monitored implementation of the recommendations (well Di has) and are in process of drafting follow up correspondence.

Our subcommittee met 3 times over the year.

#### **Future of the Subcommittee (including recommendations as to whether the subcommittee should continue and whether changes, if any, are required to the terms of reference):**

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We recommend that the subcommittee should continue given the ongoing Network concerns with Centrelink decision-making and practices in this area. Work over the coming year would include following up implementation of the Ombudsman recommendations and proposed review. Other work by the subcommittee is likely to include monitoring MLR prosecution processes and monitoring policy and E-refs and the continuing problems with interpretation of the legislation and policy by Centrelink staff.

The big news is the expected introduction of same sex recognition July 2009 and the terms of reference of the subcommittee may require minor amendment to reflect the work that will need to be done in this area.

## **Prosecutions**

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### **1. Current Terms of Reference**

1. Liaise with Legal Aid, the Commonwealth Director of Public Prosecutions, Centrelink, the Department of Employment and Workplace Relations, the Department of Family, Community Services and Indigenous Affairs and private solicitors regarding issues of concern to NWRN
2. Obtain, analyse and disseminate a range of data on prosecutions;
3. Respond to Government announcements on prosecutions where appropriate;
4. Address training issues with state governments and legal aid commissions; and
5. Examine casework advice in relation to prosecution matters

### **2. Current Membership**

- Catherine Eagle
- Ian Tranthem
- Di Anagnos
- Penny Robbins
- John Stannard
- Sian Thomas
- Sanny Diamond

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

The NWRN paper, 'A briefing paper to Centrelink on NWRN issues of concern in relation to prosecution matters November 2006' was presented to Centrelink at the delegations on 7 November 2006 following discussion of the draft paper at the NWRN conference in 2006. A response was received from Centrelink on 23 July 2007 at the delegations.

The 2006/07 year has been a quiet one for the prosecutions subcommittee. The convenor has been too busy to organise meetings or follow up with the things we were supposed to do at a national level.

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

We recommend that the subcommittee should continue. Its first task will be to coordinate the NWRN response to Centrelink's reply to our briefing paper. The subcommittee will also need to take up both the issues raised in the paper and the Centrelink response with legal aid and DPP.

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## Strategic Planning Subcommittee

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This sub-committee was not convened and did not meet as the function of completing and implementing the Strategic Plan was deemed to be far more appropriate for the Committee itself to take on. As the Strategic Plan is so central to the operations of the NWRN, the Committee is of the view that this approach should continue in the future.

## Welfare to Work Subcommittee

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### Terms of Reference

- To monitor impact of penalties
- To monitor processes relating to activity testing and penalties

### Current Membership

Dale (Convenor); Gerard; Marilyn; Gail, Antonio, Liz

### Activities to Date

- The sub-committee has advised on the ongoing concerns with the current compliance regime post-election, particularly with the continuing steady flow of breaches.
- Response to Employment Services Review
- Input into Network's lobbying around new compliance structure post-July 2009

**Recommendation** that the sub-committee continue, probably under a new name (eg, Activity-testing and Penalties Sub-committee), and focus on the July 2009 changes, as well as an ongoing role in monitoring the existing system.

## Youth Subcommittee

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### 1. Terms of Reference

The Terms of Reference for the subcommittee are currently being redrafted and will be presented to the Annual General Meeting for ratification.

### 2. Current Membership

- Georgia Pickering (Welfare Rights & Advocacy Service) –Convenor
- Melissa Coad (Welfare Rights Centre) –no longer in the Network
- Liz Turnbull (Illawarra Legal Centre)
- Susie Byers (Welfare Rights & Advocacy Service) –outgoing Convenor

Susie Byers was unable to continue as Convenor of the subcommittee due to reduced working hours at Welfare Rights & Advocacy Service. Unfortunately Melissa has now left the Network and Liz will have reduced capacity to contribute in the near future. We are therefore interested in hearing from any members of the Network who would like to join the subcommittee to continue its important work.

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

The Youth Subcommittee has only met once since the last AGM due to a change in membership. We had a discussion about the multiple welfare rights issues that young people face and the need to continue the subcommittee. We agreed to contribute to the Network response to the Homelessness Green Paper, and also to prepare a submission and to attend the consultations for the Review into Australian Higher Education.

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

We recommend that the subcommittee continue, as there are many important welfare rights issues faced by young people. The terms of reference will be updated and new members sought for the coming year.

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

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### **Centrelink Disability Customer Reference Group**

#### **1. Frequency of Meetings in 2007-08**

There were two DCRG meetings for the 2007-08 financial year, held in September and April. However, as the September meeting coincided with the NWRN National Meeting, I only attended the April meeting.

#### **2. Membership of the Reference Group**

The organisations represented in the reference group for 2007-09 is listed below.

Community Sector Representatives

- ACE National Network
- Disability Advocacy Service, Alice Springs
- National Association of People Living with HIV/AIDS
- Brain Injury Australia
- Mental Health Council of Australia
- ACROD
- Blind Citizens Australia
- Royal Victorian Institute for the Blind
- Australian Association of the Deaf
- National Welfare Rights Network
- Physical Disability Council of Australia
- National Ethnic Disability Alliance
- Women with Disabilities Australia
- National Council on Intellectual Disability

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- Carers Australia
  - National Indigenous Disability Network

### **3. Role of the Group**

The role of the Disability Customer Reference Group has been discussed extensively. Its role is to advise Centrelink on service delivery matters, and somewhat more controversially, to monitor and report on the impact of policy on Centrelink's service delivery.

The Disability Customer Reference Group provides advice in some key areas:

- Centrelink staff training
- The experience of people with disabilities when dealing with Centrelink
- Employment assistance service delivery
- Activity-testing & compliance for people with disabilities
- Job Capacity Assessments
- Centrelink communication

Secretariat: Centrelink provides all secretariat services, and meets the basic travel and accommodation costs of members as required.

### **4. Issues Explored**

- Welfare to work

Community members continued to push for the reversal of the DEWR decision to subject DSP recipients to a Job Capacity Assessment, should they wish to volunteer for government-funded labour market support and assistance. Even with a change of government, this policy appears to still be in place.

- Job Capacity Assessments

These continue to be a problem, in particular inadequate assessments for people with an intellectual disability, mental illness, brain injury, and episodic illness.

- Compliance

Members raised the impact of the current W2W breaching regime on the health of people with disabilities, and were pushing for an alternative.

### **5. Work Ahead**

The new government has been assessing all Customer Reference Groups, with a view to some "standardisation". This could have an impact on the Reference Group's future.

Other than that, the July 2009 Employment Services and compliance changes are likely to be at the forefront.

*Dale Nelson*  
*NWRN Nominee*

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# Report to NWRN on the Centrelink National Multicultural Reference Group 2007/2008

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Frequency of meetings in 2007/08

One Meeting was held during 2007/2008 in June 2008. A planned meeting for October 2007 did not go ahead due to the Federal Election.

A telephone link up between community members of the reference group was held in January 2008 to check progress of issues from previous meeting and raise agenda items for the next meeting.

## Membership of the Reference Group

- Community
- NWRN
- Federation of Ethnic Communities Council
- Centre for Multicultural Youth Issues
- Refugee Council of Australia
- National Council of Migrant Resource and Settlement Agencies
- National Ethnic Disability Alliance
- National Association for Multicultural and Ethnic Children's Services
- Government
- Centrelink Multicultural Services staff
- Representatives from FaHCSIA and DEEWR
- Minister for Human Services or representative

## Role of the Group

The role of the NMRG is to provide advice to Centrelink on all aspects of service to customers from diverse cultural and linguistic backgrounds, including;

- The quality and effectiveness of service provided by Centrelink
- The impact of new and existing policies and /legislation on customer service
- Future service delivery developments and
- Opportunities to build a stronger community in partnership with Centrelink

## Issues explored during the reporting period

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

- issues relating to lack of access to data for CALD clients and participation failures
- payment structure issue/problems particularly for African communities
- Evaluations of Welfare to Work
- Access to affordable housing and child care and the impacts of these on ability to meet Centrelink activity test and other requirements
- Newly arrived residents waiting period
- Income Management child protection pilot in WA
- Interrelation between access to English classes and Centrelink requirements
- Crisis payment limitations

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- New Zealand citizen issue, especially those with refugee status in NZ
  - National Employment participation strategy
  - Job Capacity Assessments

Community raised issues remaining unresolved or answered will be raised at the next reference group meeting, planned to be held in early 2009.

The reference group had presentations/discussions on;

- Key service delivery issues for multicultural customers
- Centrelink multicultural communications strategy update
- Update on the African community consultations and servicing strategy
- Reviews of Homelessness, Job Capacity Assessments and Employment Services

A visit was organised to the Centrelink concept office in Tuggeranong

The Minister for Human Services attended the reference group for wide ranging discussions on service delivery issues affecting multicultural clients.

*Melissa Coad*

*NWRN nominee*

## **Centrelink Participation Reference Group**

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There were three meetings of the Centrelink Participation Reference Group in the past year. The dates were June and November 2007 and 16-17 June 2008 all being held in Canberra.

The June meeting focused on the implementation of Welfare to Work, with a particular focus on parents. The group was advised about a forthcoming review of the various Centrelink Reference Groups. Presentations looked at Indigenous Servicing which gave NWRN the opportunity to discuss the problem of the high level of Indigenous penalties. Compliance arrangements and activity requirements were also discussed.

The November Centrelink Participation Reference Group took place soon after the change of Government and there was some discussion about the new priorities of the new Government and a sense of greater opportunities to address some difficulties that had arisen regarding participation issues and the previous Government. Centrelink provided a number of presentations on recent changes to Centrelink's service delivery.

The next Reference Group meeting was held on 16-17 June 2008. Members were given a tour of the new 'concept' office at Tuggeranong on the afternoon of the first day. Jeff Whalen, Centrelink CEO addressed the meeting – the last before his departure from the position. He spoke confidently about Centrelink's future and the challenges ahead. NWRN raised our long standing concerns that we had regarding numbers of Indigenous people who were not in receipt of any income support payments. Jeff committed to providing NWRN with further information on this issue, and he indicated that Centrelink would share what had been found during the NT intervention, and what more could be done to address this problem.

Centrelink reported on the ongoing review that was occurring in relation to the future of various Centrelink Reference Groups. Previously NWRN had held a number of formal and informal discussions with Centrelink regarding the future of the reference groups. The option that would go to the Minister for Human Services was that the Participation Reference Group would be restructured to have it able to provide more strategic advice around service delivery, and that the main customer reference groups, such as seniors, carers, disability and multicultural would remain with a broadly similar structure. The thinking was that more substantial use could be made of the participants of a broader

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group which would look at some strategic and long term directions. A re-commitment to establish a Centrelink young person's reference group was also made.

As it had been a long time since the previous reference group, the agenda was full mainly of reports from Centrelink, leaving very limited time for discussion, which was somewhat unsatisfactory from the participant's point of view. Issues discussed included recent initiatives in the Federal Budget to expand automatic data matching with the major banks and the proposals to extend "member of a couple" legislation to same sex relationships. The Department of Human Services also provided an update on the letters and form project and agreed to provide the Reference Group members with standards that had been adopted.

*Gerard Thomas*

*NWRN nominee*

## **Treasurers Report**

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Once again the NWRN has un-'Great White Shark'-like achieved something spectacular despite all the logical presumptions. We have turned in a \$4,000 surplus against a budgeted one of \$5. This is almost completely due to the very generous donation from Welfare Rights and Legal Centre in Canberra through invoicing NWRN for less than 50% of the usual fee for NLO services (which, let's be honest, covers only about 1% of the work she does for us!). Without this (and assuming the same level of expenditure) the Network would have run a \$1,000 loss.

Particular thanks to Sam Purcell for regularly signing off on authorities. Kudos also to those who send their corporate card receipts.

NWRN still hits well above its weight as 'members delegates' often meet many of the expenses of their trips (phone calls etc) out of their own pockets. Without these generous folk, the work would be much less effective - heaven help us if we had to rely on our present budget!

Furthermore once again, big thanks to Harold H Dalton, our wonderful auditor who keeps me accountable (best of all, he couldn't find the \$1 I couldn't find either).

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# Auditor's Report

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*Dalton Williamson & Company*  
Chartered Accountants

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

## Scope

We have audited the financial report, being a special purpose financial report, of National Welfare Rights Network Inc. for the year ended 30th June, 2008. The Committee is responsible for the financial report and has determined that the accounting policies used are appropriate to meet the requirements of the Associations Incorporation Act 1991 Australian Capital Territory and are appropriate to meet the needs of the members. We have conducted an independent audit of this financial report in order to express an opinion on it to the members of National Welfare Rights Network Inc. No opinion is expressed as to whether the accounting policies used are appropriate to the needs of the members.

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

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

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

## Audit Opinion

In our opinion, the financial report of National Welfare Rights Network Inc. presents a true and fair view of the financial position of National Welfare Rights Network Inc. as at 30th June, 2008 and the results of its operations for the period ended 30th June, 2008.

DALTON WILLIAMSON & COMPANY  
Chartered Accountants



HAROLD HERBERT DALTON  
Partner

Melbourne  
28th July, 2008