

**Supporting better Centrelink services for Australians**

**2012-13 Federal Budget Submission aimed at assisting vulnerable Australians, and others, in their dealings with Centrelink and enhancing the quality of Government services**

**By the National Welfare Rights Network (NWRN)**

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# About the National Welfare Rights Network

### Our work

The National Welfare Rights Network (NWRN) is a network of community legal centres throughout Australia which specialise in Social Security law and its administration by Centrelink. Based on the experience of clients of NWRN members, the Network also develops policy and advocates for reform.

NWRN member organisations provide casework assistance to their clients, generally by phone, at least in the first instance. NWRN members also conduct training and education for community workers and produce publications to help Social Security recipients and community organisations understand the system. The NWRN also engages in policy analysis and lobbying to improve the current Social Security system and its administration.

### Our aim

NWRN member organisations, individual Welfare Rights centres and services throughout Australia, aim to reduce poverty, hardship and inequality in Australia by:

* providing casework advice and assistance to individuals to ensure they can exercise their rights, fulfil their obligations, meet their responsibilities and maximise their entitlements under the Australian Social Security system; and
* advocating for the maintenance of a Social Security system that has rights and entitlements, obligations and responsibilities, detailed under and protected by law.

### Our principles

The NWRN advocates that the Social Security system in Australia should be characterised by an uncompromising recognition of the following rights:

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

# Executive summary

The National Welfare Rights Network is a unique community organisation in Australia. It comprises a network of 16 community legal services who provide both one-off advice and ongoing assistance to Australians who experience problems with Centrelink’s services, its administration of benefits or the Social Security rules.

In our 2012-13 Federal Budget submission we urge the Federal Government to provide increased support for financially disadvantaged Australians by expanding access to Welfare Rights assistance to meet the growing and unmet need for this assistance.

This can be done by:

* as a matter of priority substantially increasing access to Welfare Rights assistance across Australia, especially for people living in regional areas, by providing an extra $3 million a year;
* providing the National Welfare Rights Network with National Secretariat policy and advice funding of $325,000 per annum; and
* ensuring the continuity of the *Online Independent Social Security Handbook National Community Access Project* developed by the Welfare Rights Centre, Sydney for $75,000 per annum, or $225,000 over 3 years. This represents only part of the total cost of the project. Subscriptions provide the balance of the cost of the project.

# Centrelink – large and complex

Over 7 million Australians or one in three people receive some type of assistance from Centrelink. It provides payments on behalf of more than 20 different Australian Government agencies, with almost $90 billion paid on behalf of the Australian Government in 2010-11.

Centrelink does an excellent job processing payments and the staff work hard. Indeed the report *Half A Citizen: Life on Welfare in Australia* edited by Dr John Murphy (et al), winner of the 2011 Human Rights Award for literature makes it clear that the staff are hard working. However, that report also illustrates clearly how many people “fall through the cracks”. In particular, decisions that require the application of discretion are ones that Centrelink most often gets wrong to the detriment of many individuals and families.

It is not surprising that Centrelink is the most complained about Government department in Australia according to successive Annual Reports of the Commonwealth Ombudsman. In 2010-11 there were over 4,954 complaints from individuals to the office of the Commonwealth Ombudsman.[[1]](#footnote-1) In the same period, over 195,277 individuals formally sought review through Centrelink’s internal review mechanisms, an increase of 4.4% on the previous year. In 2010-11, of appeals to an Authorised Review Officer, approximately 32.5 per cent of decisions were changed.[[2]](#footnote-2)

Table 1 below, which lists review activities from the 2010-11Centrelink Annual Report, highlights the number of reviews undertaken.

|  |  |
| --- | --- |
| **Type of Centrelink Reviews** | **No. of complaints** |
| Internal Reviews | 195,277 |
| Social Security Appeals Tribunal | 11,087 |
| Administrative Appeals Tribunal - client | 1,975 |
| Administrative Appeals Tribunal - secretary | 33 |

### Table 1: Review activity in 2010-11

Centrelink records indicate that in 2010-11 there were 46,818 individual complaints about Centrelink from a range of feedback mechanisms. The Centrelink Annual Report provides the most detailed analysis of complaints publicly available in an analysis of 10,016 complaints.[[3]](#footnote-3) The top five complaint categories by number of complainants were:

* staff knowledge and practice (24 per cent);
* problems with calls, including wait times and disconnections (18 per cent);
* employees attitude (11 per cent);
* decision making (11 per cent); and
* disagreement over a policy matter (6 per cent).

In 2010-11 Centrelink undertook a specific survey of those who had lodged a complaint about Centrelink. The *Post Complaints Survey* found that barely half of those surveyed – 51 per cent – were satisfied with the way their complaint was handled by Centrelink.[[4]](#footnote-4)

Significant numbers of Centrelink clients also complain to the Social Security Appeals Tribunal (SSAT), an independent body that investigates the Centrelink decision. In 2010-11 there were 11,087 reviews at the SSAT.[[5]](#footnote-5) Over three in every 10 decisions (32.5%) are overturned when independently examined by the SSAT.

Ninety per cent of all Centrelink decisions changed by this independent tribunal were overturned because the agency got its facts wrong or did not properly understand the legislation. Every year the SSAT Annual Report exposes the poor quality of Centrelink’s decision making and its failure to provide clear and legally sound explanations for its decisions. It is deeply frustrating that this situation is not improving.

Unfortunately, too many people experience problems with the Social Security system and when problems arise there are major consequences for society and significant implications for individuals’ financial and emotional wellbeing.

When difficulties with Centrelink arise NWRN Member Services can assist by providing casework advice and assistance to individuals to ensure they can exercise their rights, fulfil their obligations, meet their responsibilities and maximise their entitlements under the Australian Social Security system.

### Case study to illustrate the need for expansion of Welfare Rights Programs

### Compensation preclusion period reduced

Sandy received workers compensation after being victimised at work. This victimisation included being locked in a freezer and being constantly denigrated by her boss. As a result of this treatment Sandy received a lump sum compensation payment. However it had come at a heavy price, with her mental health taking a severe battering. She ended up with depression, anxiety and post-traumatic stress syndrome. She spent six weeks in a mental health hospital. She could not function properly and stopped socialising. She wasn’t thinking clearly or rationally. Clearly Sandy was not in a good frame of mind when she received the lump sum compensation payment.

The money did not last long. Her illnesses had made her thoughts irrational. Despite knowing that she was subject to a preclusion period for just under two years she spent the compensation money very quickly, as a result of a gambling addiction and irrational spending habits. The one sensible decision Sandy had made was to pay her rent until the end of the preclusion period as she knew if she did not she would become homeless.

For about a year after she had spent the money, Sandy relied on her family to feed her and sought the assistance of charities. She thought about suicide. She contacted Beyond Blue, the organisation that assists people suffering from depression. Eventually she was put in touch with the Welfare Rights Centre.

An appeal was lodged to the Social Security Appeals Tribunal (SSAT). We gathered evidence to support the claim that Sandy’s mental health had deteriorated to the extent that she was not thinking rationally when she received the compensation money. We submitted that this amounted to “special circumstances” which warranted a reduction to the preclusion period. We said that Sandy had already served about 90% of the preclusion period and that failing to reduce the preclusion period to enable her to purchase the necessities of life (such as medication for her illnesses) would be unnecessarily harsh. The SSAT agreed and ended the preclusion period enabling Sandy to be paid Social Security. Not only did Centrelink not appeal the SSAT decision it recognised the seriousness of Sandy’s predicament and implemented the decision within two days of receiving it.

### There are thousands of similar cases every year, many of whom never make it to our service providers.

The practical information, assistance and advice that is generally provided by Welfare Rights is invaluable, though the real benefit can be difficult to quantify.[[6]](#footnote-6) However, for example, in 2011 the Welfare Rights Centre located in Sydney assisted clients waive almost $2 million worth of Centrelink overpayments under very strict debt waiver provisions that a 2010 Senate Committee unanimously condemned as “onerous and unfair”.[[7]](#footnote-7)

It is important for the Government to consider that when Welfare Rights assists a person to obtain a payment, have an overpayment cancelled or obtain arrears of income support, this assists in ensuring that individuals and families are more secure financially and are able to meet the costs of rent, food, medicines and utilities. Importantly, our interventions can help prevent a personal crisis, and reduce others costs related to the use of emergency services and non-government organisations and other costs in health, housing and community and justice services.

NWRN’s legal and information services provide significant value for money. The Attorney-General’s *Access to Justice* report reviewed services like those provided by NWRN members and concluded that “services that can be described as early intervention services, such as advice and minor assistance, legal information and community legal education…deliver substantial benefit to the community”.[[8]](#footnote-8)

Additional taxpayer assistance for NWRN will bring tangible benefits for community members, but it also makes good financial sense. This is because solving problems at the earliest opportunity with Centrelink at the Original Decision Maker or Authorised Review Officer level means less expense in comparison to taking matters to the Social Security Appeals Tribunal *(*SSAT) or the Administrative Appeals Tribunal (AAT). For income support recipients, early resolution represents much quicker access to justice. In addition to being more efficient the experience for individuals and their families and carers can be less stressful and traumatic, as many lack the resources or capacity to pursue their appeals to more formal levels.

Welfare Rights Services contribute to ensuring that disadvantaged and low income Australians interact with an income support and employment services system that is significantly fairer for ordinary Australians as most are unrepresented at SSAT hearings. Of those appeals involving a Centrelink matter only about 3 per cent were represented by a legal representative.

This submission outlines three funding proposals for consideration in the 2012-13 Federal Budget. We believe that the proposals in this submission should be funded by contributions from across a range of Government agencies and departments because Welfare Rights services directly assist individuals and families across a wide range of Government departments and agencies. In addition, Welfare Rights services and NWRN, the peak body, provide a valuable contribution to service delivery and policy development, with other benefits that flow from our advice and law reform activities. The relevant departments include: the Department of the Attorney General, the Department of Families, Housing, Community Services and Indigenous Affairs, the Department of Education, Employment and Workplace Relations, the Department of Immigration and Citizenship, the Department of Human Services and Centrelink.

Welfare Rights services across Australia are required to apply strict guidelines to determine who is eligible for help, resulting in unmet legal need. There is a significant unmet need for the independent practical advice and information about Social Security and Family Assistance legislation in Australia. Extra resourcing would allow many more vulnerable Australians to get the help they need to deal with their Centrelink matter.

# Expand access to Welfare Rights legal services and assistance

The Government should look to building the capacity of disadvantaged individuals, families and communities, to ensure they can benefit from and understand the increasingly complex Social Security system of obligations and responsibilities while ensuring access to their full suite of Social Security entitlements. NWRN seeks to improve the accountability of Centrelink’s delivery of around a third of the nation’s budget, and to enhance the capacity and responsiveness of Government policy departments. In undertaking our work we seek to ensure that the policy departments and Centrelink and Human Services have access to informed, credible, client-focussed, expert feedback on Centrelink practice and performance.

One of the most effective ways of achieving this is by expanding the network of specialist Social Security advice and advocacy services (Welfare Rights services) throughout Australia and making them more efficient by improving their coordination. Such assistance is particularly relevant to promote the Government’s initiatives to improve workforce participation, reduce homelessness and advance its social inclusion plans.

There continues to be a significant number of appeals and complaints about Centrelink services as reported in the Annual Reports of the Commonwealth Ombudsman, Centrelink and the Social Security Appeals Tribunal. This has resulted in increased demand for information and advice by those impacted by Centrelink decisions and the way it operates.

Centrelink practices that are undesirable or unhelpful could be significantly improved by an expansion of independent Social Security advice and advocacy services enabling pensioners, parents, carers, people with disabilities, students and unemployed people to receive independent advice and to challenge Centrelink decisions where necessary.

Due to current resource limitations, far too few people can obtain assistance from NWRN. This enables Centrelink to be less accountable and responsive than it should be. As Social Security law has become increasingly more complex and as workforce age payments have increasingly required higher levels of activity and participation the availability of independent advice on Social Security and Centrelink matters has diminished.

There is both a public and private benefit in an increased focus on improved access to independent information and advice regarding individuals’ rights and obligations on income support matters.

Currently there are just over 42,000 Department of Human Services staff making countless decisions each day and only 24 Commonwealth funded specialist Welfare Rights workers throughout Australia to provide independent information and legal advice. All of these Welfare Rights positions receive less funding than other Community Legal Centre positions and consequently many are only part-time.

## A history of Commonwealth funding for Welfare Rights legal services

From an historical perspective in 1993, the Commonwealth Government provided an initial $1 million for the establishment of a Welfare Rights Funding Program. The money was permanently ceded from the Department of Social Security to be administered by the Attorney General’s Department, as part of the Community Legal Services Program (CLSP). This funding program has received indexation increases since that time but has never been expanded despite an overall increase in the number of Social Security and Family Tax Benefit recipients, massive changes to Social Security and Family Assistance law and a substantial increase in activity testing and the complexity of many aspects of the system.

Over the last few years there has been some additional and welcome “one-off” funding provided by the Commonwealth Attorney General’s Department to some community legal centres across the Community Legal Service Program. The amounts provided varied between NWRN member centres and the “one off” funding was not provided across all NWRN member centres.

A 2011 Senate inquiry into recent changes to the Disability Support Pension provided current information regarding the Federal Government’s contribution to each Welfare Rights centre.

The following information was provided to the Senate by the Department of the Attorney-General in September 2011:

“The National Welfare Rights Network is a national peak body consisting of 14 community legal centres, specialising in Social Security law and policy. All 14 members of the National Welfare

Rights Network receive recurrent funding under the CCLSP for welfare rights services. In 2011-12, $1.8 million will be provided to these centres. CCLSP funding supports the delivery of legal assistance services but does not fund individual worker positions as such. In 2010-11, a one-off funding allocation of $70,000 was also provided to the National Welfare Rights Network, to provide Centrelink clients with independent and confidential legal information and advice about the same sex reforms.”[[9]](#footnote-9)

### Community Legal Services Program - Welfare Rights Funding, 2010-11

|  |  |  |
| --- | --- | --- |
| Australian Capital Territory | Canberra Welfare Rights and Legal Centre | $243,809 |
| New South Wales | Illawarra Legal Centre | $92,724 |
| New South Wales | Welfare Rights Centre | $231,199 |
| Northern Territory | Darwin Community Legal Service | $61,872 |
| Queensland | Welfare Rights Centre, Brisbane | $182,046 |
| Queensland | Townsville Community Legal Service | $70,203 |
| South Australia | Welfare Rights Centre (SA) | $194,010 |
| Tasmania | Hobart Community Legal Service | $61,364 |
| Tasmania | Launceston Community Legal Service | $62,236 |
| Victoria | Welfare Rights Unit | $193,623 |
| Victoria | Barwon Community Legal Service | $97,505 |
| Western Australia | Freemantle Community Legal Centre | $61,371 |
| Western Australia | Sussex St. Community Law Service | $61,371 |
| Western Australia | Welfare Rights & Advocacy Service | $195,119 |

The funding information provided above shows very clearly how inadequate the existing levels of Federal resourcing are, especially when considered against the numbers of income support recipients in Australia and where they are located.

## Proposed Welfare Rights program expansion

NWRN proposes that from 1 January 2013 the Welfare Rights service program should be expanded initially by $3 million, as was originally intended in 1993. The Welfare Rights Program would be further augmented with $2.5 million in 2015 once the initial expansion has been accomplished. The expansion of funding would enable a significant increase in the capacity of Welfare Rights services to both assist greater numbers of clients and to hold Centrelink more accountable for the services it provides and the decisions it makes.

An investment of $3 million, allocated as recommended, would mean that thousands of additional Centrelink clients throughout Australia would be able to gain independent Social Security and Family Assistance advice each year. Such an increase would also significantly increase the capacity to capture independent casework data on which to base feedback and advice to Centrelink and the policy departments (the Department of Human Services, the Department of Families, Housing, Community Services and Indigenous Affairs and the Department of Education, Employment and Workplace Relations) regarding emerging and systemic problems.

### Case study to illustrate the need for expansion of Welfare Rights Programs

### Arrears paid

Karen had separated from her husband in 2009 and lodged a claim for Carer Payment as she was looking after her mother. A number of months after the claim was lodged Centrelink rejected the claim on the basis that she had failed to provide relevant documents to Centrelink. Centrelink required documents relating to the company that Karen had operated with her ex-husband. Karen had provided numerous documents relating to the company and its asset value but Centrelink kept on wanting more documents. This was proving difficult for her as her ex-husband was being uncooperative.

An appeal was lodged to an Authorised Review Officer (ARO). The ARO simply rubber stamped the previous Centrelink decision stating that Centrelink could not process the claim without the “relevant” documents. An appeal was lodged to the Social Security Appeals Tribunal (SSAT) and Karen sought the advice of the Welfare Rights Centre to prepare for the appeal.

We advised that if the SSAT concluded there was insufficient evidence to assess the Carer Payment it had the power under Social Security legislation (as did Centrelink) to write to Karen’s ex-husband and to his accountant to request the relevant documents.

However, the SSAT changed Centrelink’s decision stating that Centrelink in fact had sufficient information to work out whether Karen was eligible for Carer Payment. As the case had dragged on for over one year from the date of the claim Karen was paid $20,000 in arrears. While Karen was pleased with the decision and happy to finally receive Carer Payment, she was not at all happy with Centrelink’s approach to her case which had left her without income support for one year while she cared for her elderly mother.

### There are thousands of similar cases every year, many of whom never make it to our service providers.

Social Security and Family Assistance law is very complex and is constantly being updated. Centrelink’s administration and its delivery of services and programs are also regularly renewed. Major reforms since 2009, with the legislation heralding a new focus on service delivery, culminated with the Department of Human Services in July 2011 as the Government’s main service delivery agency.

The most effective expansion of Welfare Rights services would ensure that current Centres and advocates have a sufficient critical mass of expertise to keep all staff up-to-date and able to support each other and to provide a state-wide telephone service throughout the week. This requires capital city centres to have at least four to six casework advisers. These centres need to be brought up to at least minimum effective size as the first priority.

Once that priority has been met, extra resources from Government would allow for additional Welfare Rights positions in areas of greatest need – outer suburbs and disadvantaged locations.[[10]](#footnote-10) For example, NWRN believes that there is a need for specialist social security advice and information services in the five locations that have been earmarked for the extension of income management from 1 July 2012.

At present there are only five regional areas with a Welfare Rights service but there are many other areas throughout Australia in need of a local Welfare Rights service, for example Logan, Toowoomba, Cairns, Newcastle, Dubbo, Bendigo, La Trobe Valley, Devonport, Mt Gambier, Rockingham, Kununurra, Geraldton, Alice Springs and the western suburbs of Sydney, Melbourne and Adelaide. Two Welfare Rights workers are needed in each of these areas.

NWRN draws attention to Attachment 3, a copy of a media release on 4 October 2004 from the current Treasurer, the Hon. Wayne Swan. The release commits Labor in government to extra funding for the important work NWRN member centres perform. The statement, released during the 2004 Federal election campaign, highlights difficulties facing individuals and families in dealing with Centrelink debts and Family Tax Benefit overpayments. These problems are major service delivery and policy challenges that Welfare Rights is still engaged in and which persist to this day, and need to be urgently addressed.

**NWRN recommends that from 1 January 2013 the Government substantially increase access to Welfare Rights assistance across Australia, especially for people living in regional areas, by providing an extra $3 million per annum.**

# National Secretariat Funding for the National Welfare Rights Network

Government recognises the need to support and closely collaborate with non-government organisations and values the contribution that that community organisations make to Australian society. Government’s role in this area has been long-standing and the current Government formally recognised its responsibilities in this area in the National Compact between the Government and the non-government sector.

The Commonwealth Government provides funding for a range of peak community organisations to provide advice, feedback and to represent the interests of their constituents. Some of the key organisations that receive funding include: the Australian Council of Social Service; the Federation of Ethnic Communities Council Australia; the Council on the Ageing (Australia); Carers Australia and the Australian Federation of Disability Organisations. Many of these “peaks” are supported by the National Secretariat Support Program in the Department of Families, Community Services and Indigenous Affairs.

Other important organisations that only recently received renewed national secretariat funding include National Shelter (Australasia) and the Australian Youth Affairs Coalition, funded by the Department of Education, Employment and Workplace Relations.

NWRN proposes that from 1 January 2013 the Federal Government provide National Secretariat funding of $325,000 per annum to NWRN. Rationale to support this funding proposal is outlined below.

The National Welfare Rights Network (NWRN) has been incorporated since 2002 and is a peak body of specialist legal services that work on social security and family assistance law and its administration by Centrelink. While NWRN is recognised as a peak body it receives no Federal funding to assist in its functioning or to support its advice to government or industry.

NWRN plays a significant role in the community in which it is located. NWRN is actively engaged in advice and policy work on general issues, such as income support, carer issues, employment, disability, housing and homelessness. NWRN expertise and focus includes ongoing work in a number of areas of policy, law and service delivery which are addressed by few other organisations. These include: social security overpayments, social security compliance, job seeker participation and penalties, social security prosecutions and Centrelink reviews and appeals.

In addition to the unique casework that Welfare Rights members provide, NWRN as the peak body delivers:

* policy advice across income support, social security, housing, disability and employment services;
* strategic advice on service delivery;
* feedback on people’s experiences across a wide range of Government policy departments;
* representatives for government working parties and advisory groups;
* advice and feedback to a broad range of Government inquiries and reviews;
* a credible source of information and advice on government policies and services for low income and disadvantaged Australians; and,
* a voice that portrays the lived experiences of people on low incomes that challenges negative stereotypes and inaccurate perceptions.

NWRN has regular, ongoing contact with Centrelink (DHS) and, as the Centrelink Annual Reports make clear, NWRN plays an important role and is a key conduit for providing information to and from Centrelink about its services and performance and how they can be enhanced and improved to better meet community needs and expectations.

In addition, NWRN fosters and maintains strong links with a wide variety of community, stakeholder and consumer organisations, which often look to and expect our organisation to pay close attention to social security policy and related reforms that are being discussed publicly or considered by Government.

As well as closely collaborating with a broad range of community sector organisations, NWRN also maintains strong and productive relationships with employment service provider peaks and organisations. NWRN also engages with the main departments and agencies with responsibility for income support, social policy and participation and engagement in Australia. They include: the Department of Human Services, Department of Families, Housing, Community Services and Indigenous Affairs and the Department of Education, Employment and Workplace Relations.

NWRN members currently sit on more than 20 local, state or national Centrelink advisory bodies or working parties.

NWRN’s activities and achievements are too numerous to detail and often go unheralded, but our work is extensive, considerable and credible. As specialists and experts on social security law, NWRN frequently focuses attention on critical and important matters that can be overlooked. One such important area that has been a focus of dedicated work over many years is the issue of debts to Centrelink, overpayments and prosecutions. NWRN facilitated coordinated meetings across Government departments and agencies to address unfairness in the current debt waiver rules. A 2010 Senate Legal and Constitutional Affairs inquiry supported reforming the debt waiver rules along the lines proposed by NWRN, and the Government has indicated a willingness to address the deficiencies in the existing policies.

NWRN works within our limited means to draw attention to Government services and policies which need improving. NWRN members close contact with people receiving income support payments means that, at times, we are able to alert Government when policies are misunderstood, or have unintended consequences. Our voice and views, and our policy proposals for law reform and policy renewal stem directly from the experiences of many of the disadvantaged Australians who regularly seek our advice and assistance.

## Snapshot of NWRN activities

Below we include a snapshot of NWRN submissions, media releases and an outline of some of the committees that NWRN members were involved on over the last year.

### Policy and other submissions

The major submissions during 2010-11 are listed below:

* 2010 Federal Election Policy Platform
* Submission to the Independent Review into Job Seeker Compliance
* Submission to Senate Legal and Constitutional Affairs Inquiry into Government Compensation Schemes
* Submission to House of Representatives Community Affairs Committee Inquiry into a Children’s Commissioner
* Non-Government Organisation’s Submission to UN Committee on the Rights of the Child
* Submission to Australian Law Reform Commission Discussion Paper – Family Violence and Social Security Law
* Submission to Joint Parliamentary Inquiry into Gambling (including the pre-commitment scheme)
* Submission to Social Security Legislation Amendment Bill Job Seeker Compliance Bill, 2011
* 2011-12 Federal Budget Priorities Policy Statement
* 2011-12 Federal Budget NWRN services and secretariat funding submission
* Submission to the Minister for Employment Participation: *The future of employment services, 2012-2015*
* Appearance before the House of Representatives Standing Committee on Education, Employment and Workplace Relations - Jobseeker compliance Bill, Canberra
* Submission to Family Assistance and Other Legislation Amendment Bill 2011
* Final submission Australian Law Reform Commission Discussion Paper – Family Violence and Social Security Law
* Submission to Senate Standing Committee on Economics re: Inquiry into Schedule 4 of the *Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Further Election Commitments and Other Measure) Bill 2011*
* Submission to Senate Community Affairs Committee inquiry into revised Impairment Tables for the Disability Support Pension
* Submission to Tax Forum, October 2011, Canberra

### Engagement with Government departments and agencies

NWRN meets regularly with Centrelink (DHS), as part of our bi-annual delegation meetings. NWRN members are also involved in a wide range of meetings with Government agencies. The following list is not exhaustive, but includes some of the main meetings that we take part in.

* Department of Families, Housing, Community Services and Indigenous Affairs Household Assistance Working Party
* Department of Human Services Service Delivery Advisory Group
* Department of Human Services Mental Health Service Delivery Working Party
* Centrelink No Not Attend Appointments Working Party
* Department of Human Services Homelessness Advisory Group (various states)
* Department of Human Services Mental Health Advisory Group (various states)
* Department of Human Services Aboriginal Advisory Group, Sydney
* Department of Families, Housing, Community Services and Indigenous Affairs Medical Equipment Payment Working Party – Carbon Tax
* Department of Families, Housing, Community Services and Indigenous Affairs Disability Support Pension Advisory Group
* ACOSS Board Member and policy advisor on employment and social security issues
* Department of Education, Employment and Workplace Relations Indicators for Quality Panel
* Participants at Tax Forum, October 2011, Canberra.

### Welfare Rights Media Releases, 2010-11

* 28 July 2010, *Both major parties wrong on Income management*
* 2 August, 2010, *$150 Family Tax Benefits payments increase welcome*
* 10 August 2010, *The real issues in the 2010 Election*
* 17 August 2010, *Coalition jobs policy: lack of skills the problem, not motivation*
* 10 September 2010, *Welfare challenges for the new Parliament*
* 20 September, 2010*, Pension rise welcome, but too many miss out*
* 25 November 2010, *Quality of Centrelink decisions under attack as review tribunal cuts costs*
* 16 December 2010, *New poll urges crackdown on tax loopholes for the wealthy*
* 31 December 2010, *New Year heralds good news and bad news for Australians on social security*
* 5 January 2011, *New poll paints bleak picture for jobless*
* 31 January 2011, *Relocation for floods good news, but must be handled with care*
* 7 February 2011, *Flood levy supported*
* 16 March 2011, *Ombudsman exposes broken Centrelink review process*
* 29 March, *Abbott welfare plan deficient and divisive*
* 18 April 2011, *Centrelink penalties surge, Indigenous job seekers hardest hit*
* 6 May 2011, *Teen parents need support, not a ‘crackdown’*
* 11 May 2011, *A mixed welfare Budget creates winners and losers*

## What are the benefits for government of secretariat funding for the NWRN?

Secretariat funding would enable greater capacity to provide government agencies feedback of gaps and improvements that are essential to ensuring an inclusive and engaged community.

NWRN places a high priority on achieving National Secretariat funding as members believe that secretariat support will result in greater capacity to provide government and stakeholders with much considered service delivery feedback and policy advice.

Secretarial funding would also increase our capacity to provide more immediate policy and law reform feedback. At present NWRN’s ability to respond immediately to requests from Government departments and agencies undertaking reviews and inquiries can be challenging as most NWRN workers are principally caseworkers and Member Centres often have heavy caseloads. As such there is a continual tension between the desire to have input into law reform and legal policy work to achieve systemic improvements and the daily demands of casework in assisting individuals with immediate and pressing problems with the law or the way that it is administered.

A peak body funding base would also allow NWRN members to focus on seeking other resources that would assist our goals of resourcing, developing, publishing and distribution additional information products and resources to assist people in their dealings with social security issues and employment issues. For example, we would seek to re-publish our extremely popular Job seeker penalties wallet card.

The National Welfare Rights Network currently levies its members to provide a small but highly valued coordination role and some travel requirements. The centre in Sydney hosts and runs the NWRN website, which updates over 30 current Factsheets which are used by all Welfare Rights Centres, many community organisations and members of the public. All submissions, meetings and other engagements with government are undertaken out of the goodwill and energy of staff members located at services across the Network on top of their ordinary workload.

NWRN’s contribution to improved service delivery, a better informed community sector and an increased policy capacity and enhanced feedback mechanisms capacity and could be improved substantially through the employment of a small number of staff to undertake secretarial and coordination roles. National Secretariat funding would most importantly, enable Welfare Rights members to improve client services, while maximising feedback to Government, its policy departments and Centrelink.

**From 1 January 2013 the Federal Government should provide the National Welfare Rights Network with National Secretariat coordination, policy and advice funding of $325,000 per annum.**

# Funding for an Online Independent Social Security Handbook National Community Access Project

For over a quarter of a century the Welfare Rights Centre Sydney has published the *Independent Social Security Handbook*. The Online Handbook seeks to meet the needs of community agencies, social workers, financial counsellors, politician’s electorate staff – and the like – for a credible and informative range of information and advice about social security issues and Centrelink.

The Welfare Rights Centre Sydney researches, updates and publishes the highly acclaimed *Online Independent Social Security Handbook.*The 900 page Online *Independent Social Security Handbook is* updated quarterly with changes to the Social Security Act, family assistance legislation and its administration.

The Handbook is tailored towards community workers or advisors across Australia who have little or no previous knowledge in the area, and for those who have some experience, but who are not experts. The Handbook fills the gap that exists between the publicly available highly technical information in the legislation and policy, and the plain English information which is provided by Centrelink which is not independently produced.

A typical community worker who might use the Handbook is a local family support worker, a homelessness support worker or a financial counsellor. Often they use the information provided in the Handbook to assist their clients to obtain payment, have the payment increased, avoid getting debts or to have a Centrelink debt reduced. There are significant financial benefits for individuals when a Social Security problem is positively resolved. Depending on an individual’s circumstances and family situation, the financial costs to both State and Federal Governments of being denied access to income support to both State and Federal Governments is considerable.

The *Online Independent Social Security Handbook* is seen as a valuable, even essential resource, by many of the key organisations and stakeholder groups in the Australian community, welfare and legal sector. Endorsements from organisations including the Australian Council of Social Service, Jobs Australia, the Federation of Ethnic Communities Councils of Australia, the Commonwealth Ombudsman, Financial Counsellors Association, Legal Aid NSW and the Brotherhood of St Laurence can be found at Attachment 2.

Some community groups, women’s refuges and homeless organisations and others that rely on this information find that they are often not in a position to afford even the modest costs of the publication. To ensure the continuity of the *Online Independent Social Security Handbook* we urgethe Federal Government to support the *National Community Access Project* developed by the Welfare Rights Centre, Sydney for $75,000 per annum, or $225,000 over 3 years. This represents only part of the total cost of the project.

The Commonwealth Government would purchase a bulk *Online Handbook* subscription which would partially cover the cost of a Handbook researcher and other publication and administration costs. The Government would effectively partner with the Welfare Rights Centre Sydney in the publication of the *Online Independent Social Security Handbook*.

This would help facilitate access to the Online Handbook for all Australians, all community organisations, Federal and State Government Departments and agencies, public libraries, State Legal Aid Commissions and Job Services Australia providers. While a subscription base would still be needed, it would also enable free access to be provided to individuals and community organisations on a needs basis.

**From 1 January 2013 the Federal Government would fund the *National Community Access Project*, which would allow free community access to the *Online Independent Social Security Handbook,* at a cost of $75,000 per annum, or $225,000 over 3 years.**

# Attachment 1.

### Information about Social Security published for NWRN members by the Welfare Rights Centre, Sydney

Access to information about income support entitlements and rights and obligations is essential. The Welfare Rights Centre places a high priority on producing and distributing clear information for use across Australia.

The Centre provides the following publications for the NWRN which are available to individuals, community agencies and Government departments.

The key Welfare Rights publications are:

* *rights review*, a quarterly newsletter which includes policy analysis, summaries of impending policy reforms, case studies and a practitioners guides;
* The *Social Security Reporter* with case summaries of Administrative Appeals tribunal decisions. More information is available at: [www.ssr.org.au](http://www.ssr.org.au);
* 30 factsheets covering all aspects of Social Security and Family Assistance law. The fact sheet on appeals is translated into Arabic, Chinese, Serbian, Spanish and Vietnamese;
* The *Online Independent Social Security Handbook*;
* Relationships and Centrelink (produced by Illawarra Legal Centre);
* *Get Paid Not Penalised!* (Booklet on compliance – funded by DEEWR);
* *A self-help guide to the Social Security Appeals Tribunal* (written with Legal Aid NSW); and
* Welfare Rights Website, which can be accesses at: [www.welfarerights.org.au](http://www.welfarerights.org.au)

A range of “self-help” booklets and forms are also produced by the Centre to assist individual clients and their advocate or community support worker to deal any problems with Centrelink. There are separate booklets to assist at the Social Security Appeals Tribunal and the Administrative Appeals Tribunal. In addition there are more detailed self-help forms which provide information to assist people with the following:

* Freedom of Information requests;
* Appealing to an Authorised Review Officer;
* Act of Grace claims;
* Complaining about a Centrelink decision or service;
* Dealing with Centrelink about a debt recovery issue; and
* Completing a claim for compensation from Centrelink.

# Attachment 2.

### What key organisations and stakeholder groups in the Australian community, welfare and legal sector *say about the Online Independent Social Security Handbook*

“To be able to apply for your rights, you first have to know the rules of the game. This Handbook is an invaluable tool.”

### Commonwealth Ombudsman

“In an era of increasing social security complexities, this Handbook guides community and welfare workers through the maze to provide improved advice to clients. It’s clear, logical and easy to read.”

### President, Australian Council of Social Services

“This Handbook captures the wealth of practical casework experience of the Welfare Rights Centre to produce a fully updated, comprehensive guide for community and welfare workers. It untangles the complex web of Social Security and Centrelink rules. A must for community welfare agencies.”

### Tony Nicholson, CEO, Brotherhood of St Laurence

“This handbook provides invaluable insight into rights, entitlements and obligation in a clear and concise manner. It provides a clear pathway into the Social Security and Centrelink systems and is an essential resource for Legal Aid and community workers in this field.”

### Legal Aid Commission of NSW

“Clients of diverse cultural and linguistic backgrounds often face barriers in accessing social security. This handbook is an essential resource for community workers assisting people from non-English speaking backgrounds in obtaining their entitlements.”

### Chairperson, Federation of Ethnic Communities Councils of Australia

“As well as subscribing to the OLINE version, every employment service provider should have at least one copy of this invaluable handbook.”

### David Thompson, CEO, Jobs Australia.

“This comprehensive Handbook is an invaluable tool for financial counsellors in their daily work. In client advocacy with Centrelink and others, the Handbook is of great assistance, providing clear guidelines and self-help forma and other such things as appealing, income and assets tests, debts and compensation.”

### Chairperson, AFCRA, (Australian Financial Counselling and Credit Reform Association)

# Attachment 3.

### Media Release, 4 October 2004.

Wayne Swan MP

Shadow Minister for Family and Community Services

### Labor’s new Charter for fairer Centrelink service delivery

A Latham Government will work with Centrelink to improve its services to the 6.4 million Australians who receive pensions, family payments and income support.

Each year around 56% of all family payments made to parents are wrong.

Recently the Auditor-General found a total of $1 billion of outstanding Centrelink overpayments and debt owed by pensioners and people on income support payments.

Labor believes Centrelink’s highest priority should be to pay people the correct amount fortnightly when they need it most.

A consumer reference group
A Latham Government will appoint a Consumer Reference Group to develop a new Centrelink Service Charter.

Labor’s Consumer Reference Group will include pensioners, families and individuals who use Centrelink services regularly as well as representatives from the National Welfare Rights Network.

A focus on debt prevention
A Latham Government will boost Centrelink compliance activities that focus on debt and fraud prevention.

Labor’s better family payment policy outlines a series of reforms to prevent family payment debts.

Labor will also develop new strategies to inform clients about their entitlements and to prevent overpayments and debts which cause chaos to household budgets.

The current Government is happy to pay the wrong amounts to clients and then recover the money up to five years down the track.

Labor will reduce taxpayers funds wrongfully paid out each year. Labor will:

* ensure all Centrelink correspondence more clearly warns clients of their legal responsibilities.
* immediately abolish the current practice of allowing people to repay debts using credit cards which leaves them with additional interest charges.
* guarantee that no age pensioner is forced to sell or refinance their family home to pay debts except in cases where fraud has been proven.
* toughen criminal penalties for those who wilfully defraud the system.

Greater accountability

Pensioners, families and income support recipients will be given greater assistance to appeal Centrelink decisions they believe are wrong

Centrelink clients currently have access to internal and external review if they believe a decision is wrong. Within Centrelink these review processes are also duplicated with a customer complaints phone line.

Labor will retain internal review processes in Centrelink but abolish its customer complaints phone line and give the $2 million a year saved to the National Welfare Rights Network.

These additional funds will strengthen resources within the National Welfare Rights Network to provide independent advice and legal assistance to families and pensioners who are considering appealing a decision.

Centrelink clients will still be able to make complaints concerning service through the general customer phone line and direct to Centrelink Office Managers.

Closer to the community

Labor will ensure Centrelink customer service centres work more closely with local communities.

Local church and charities are forced to pick up the pieces when Centrelink cannot help.

Labor will:

* ensure Centrelink clients requiring emergency relief payments are not referred to organisations with no funds.
* ask local Centrelink staff to provide advice on funding decisions for local community projects.
* encourage the outposting and outreach of Centrelink staff into community centres, maternal and child health centres and homeless services.

These simple measures will go a long way to improving Centrelink service, reducing overpayments and improving accountability.

1. Commonwealth Ombudsman, *2010-11 Annual Report* (unpublished). [↑](#footnote-ref-1)
2. Centrelink, *Annual Reports*, 2009-10 and 2010-11. [↑](#footnote-ref-2)
3. Ibid. p. 46. These complaints are received by the Customer Relations Unit Free call Number, Centrelink Call and Customer Service Centres. [↑](#footnote-ref-3)
4. Ibid, p. 48. [↑](#footnote-ref-4)
5. Social Security Appeals Tribunal, *Annual Report,* 2010-11. [↑](#footnote-ref-5)
6. See Attachment 1: Information and factsheets published by Welfare Rights. View at: www.welfarerights.org.au [↑](#footnote-ref-6)
7. Senate Legal and Constitutional Affairs Reference Committee, *Report into Government Compensation Payments*, 6 December 2010. [↑](#footnote-ref-7)
8. Attorney-General’s Department, *A Strategic Framework for Access to Justice Access to Justice in the Federal Civil Justice System*, 2010. [↑](#footnote-ref-8)
9. Senate Inquiry into the Social Security and Other Legislation Amendment Bill 2011, *Written Question on Notice No. 2, at the hearing on 8 September 2011: Access to advice and assistance and information for people experiencing problems.* [↑](#footnote-ref-9)
10. The Welfare Rights Centre Sydney has raised this issue with the Government Action Leader for Bankstown – even though we remain opposed to income management and its expansion to new locations. Similar discussions regarding the need for independent information for income support recipients in other locations, such as Shepparton in Victoria, has also been raised in discussions with local communities. NWRN notes and welcomes the Attorney General’s Department’s funding of the Welfare Rights Outreach Project to provide information and advice about income support issues related to welfare reform and income management matters in the Northern Territory since 2007. NWRN collaborates closely with CAALAS and NAAJA, the legal agencies involved in the program. [↑](#footnote-ref-10)