



Welfare Rights Centre

Annual Report

July 2015 to June 2016

Prepared for the 2016 Annual General Meeting

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Introduction

The Welfare Rights Centre is an independent, not for profit, community legal centre which provides specialist legal advice about social security and family assistance law. Advocacy with a rights-based approach is a hallmark of the Centre.

The Centre strives to make Australia a fairer society by protecting and advancing the rights of those entitled to benefits under the Social Security system. We aim to help reduce poverty, hardship and inequality, by constructively promoting the development and maintenance of a social security payment and review system which is grounded in law, which provides adequate levels of payment, and which is equitable, accessible and well-run.

The Welfare Rights Centre employs a multi-dimensional approach centred around our provision of a casework service. All our work is grounded in the casework that is undertaken on behalf of social security recipients. The perspective gained from providing this assistance therefore informs all the other dimensions of the Centre's work, including community education, publications, policy and advocacy. Through this output, we seek to give voice to the income security interests and concerns of the largely voiceless and unrepresented recipients of social security in NSW. The Centre provides a direct economic benefit to the state of NSW by ensuring that NSW residents receive their maximum entitlement to Commonwealth social security payments.

The Centre regularly assists vulnerable groups, including people with disabilities, the unemployed, people suffering from mental illness, the homeless, families, carers, the elderly, students and single parents.

The Centre uses its resources and experience in casework, community education, publications and policy, to contribute to the work of the National Welfare Rights Network Inc, an incorporated body of Welfare Rights Centres and services throughout Australia which are committed to similar goals.

The Centre is staffed by both paid workers and volunteers. We could not operate without our dedicated volunteers.

The Centre would also like to thank the National Tertiary Education Union, from whom we lease our offices, for its generosity in agreeing to reduce our rent for part of the year.

Affiliations: In 2015-2016 the Welfare Rights Centre was a member of the Australian Council of Social Services and the NSW Council of Social Services. The Centre's peak National organisation is the National Welfare Rights Network (NWRN) which undertakes policy development and law reform work on behalf of its members and their client bases. The Centre is also an accredited member of the National Association of Community Legal Centres and Community Legal Centres NSW.

1. Casework

1.1 Information, advice and casework service

The Welfare Rights Centre provides legal information, advice and casework services to people with income support problems related to social security and family assistance law, and to agencies assisting people with such problems. The aim of the Centre's casework service is to achieve beneficial outcomes for both individual clients and for classes of clients.

The casework service comprises a telephone advice service, research, assistance with self-advocacy, interventions directly with Centrelink, written advocacy on behalf of clients and written or personal representation before the Administrative Appeals Tribunal (AAT), or in some cases the Federal Court. Advice is given on almost all aspects of social security and family assistance. Further representation may be provided in complex cases, particularly where children are at risk, in matters of wide application, in matters where the client has no money at all or where they may not adequately represent their own interests.

Until November 2015, telephone advice and public assistance was available four days per week for a three and a half hour shift per day. However due to lack of resources, the Centre has been forced to reduce its advice shifts to three times per week from November 2015 onwards. 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 impairments. Initial advice is generally provided by telephone; however, the Centre has an access and equity policy to ensure that people who are unable to obtain assistance by telephone are not disadvantaged.

In 2015-16 the Centre also established a Disability Support Pension clinic. It was staffed by volunteer workers and supervised by caseworkers. The clinic was very successful in providing specialised advice to many clients experiencing difficulty in claiming DSP or appealing the cancellation of their DSP.

The Centre's casework service could not function without the valuable contribution of unpaid volunteer workers. Their contribution is gratefully acknowledged in section 6.3 of this Annual Report.

1.2 Casework statistics

The following statistics are compiled from information provided to us by our clients. Some clients choose not to provide some of their personal information.

Number of clients

From July 2015 to June 2016 the Centre provided assistance to 2602 clients. We provided 5811 advice activities and ran 437 cases throughout the period. Advocacy included representing clients in internal Centrelink reviews and with appeals to the Administrative Appeals Tribunal.

Clients of Aboriginal or Torres Strait Islander background

In 2015-2016, approximately 4% of all clients identified themselves as being of Aboriginal or Torres Strait Islander background.

Payment types

The most common payment types for matters over the period and the proportion of total advice matters were:

Disability Support Pension	34%
Newstart Allowance	19%
Age Pension	9%
Family Tax Benefit A	5.6%

Country of birth

The most common birth countries stated by clients and the proportion of total advice matters were:

Australia	51%
New Zealand	2.1%
China	1%
Lebanon	1.3%

England	1.5%
Iran	1.3%
Iraq	1.2%

1.3 Casework issues during 2015-2016

The Centre provides advice and representation with respect to all aspects of social security and family assistance law. This extends from assistance to vulnerable clients in dealing with Centrelink prior to or at the time of an original ARO decision, to representation at all levels of internal and external appeal. The Centre also provides assistance to clients facing prosecution by conducting administrative reviews, and making representations to the Commonwealth Department of Public Prosecutions in certain cases.

The practice is integrated in that all caseworkers advise and represent at all levels of appeal, which feeds back into the quality of advice and representation to clients.

In 2015- 2016 our casework matters included:

- compensation preclusion period cases;
- income maintenance period cases;
- rejection of DSP claims and cancellation of existing claims;
- constant care in relation to carer payment cases;
- member of a couple debts;
- family tax benefit maintenance debts;
- waiver of debts;
- student debts arising from loss of qualification;
- income maintenance period cases;
- eligibility for special benefit;
- waiting period cases, including newly arrived residents waiting periods; and

- youth allowance cases where it is 'unreasonable to live at home'.

Advice regarding disability support pension is a significant area of our practice. We provide advice regarding the appeal of disability support pension decisions from the original decision maker and authorised review officers at Centrelink as well as advice in relation to their appeals at the AAT.

Tribunal Representation

The Centre regularly appears at the AAT. Most tribunal representation involves the first level of the AAT and these cases were generally in the priority areas identified above.

In making a decision to represent at the Administrative Appeals Tribunal, the Centre considers its casework guidelines as to the merits of the case, the material difference that involvement from the Centre could make, and the client's ability to self-advocate effectively. For this reason, representation often takes place for clients with intellectual and physical disabilities, clients who are very young, elderly clients, clients experiencing mental health problems, clients from Aboriginal or Torres Strait Islander communities, people from cultural and linguistically diverse backgrounds, and people experiencing homelessness or other life crisis.

Other trends

Our main areas of work remained consistent with previous years, especially:

- debt matters, particularly between \$10,000 to \$20,000;
- periods of no payment due to income maintenance periods, residence issues and compensation preclusion periods; and
- rejection of Disability Support Pension claims and cancellation of DSP.

A large percentage of the Centre's queries continue to relate to DSP. It is increasingly difficult for clients to be granted DSP and there has been a high number of exiting claimants who have had their payment cancelled.

1.4 Case studies

Case study one

Steve is aged 60. After 30 years working in mining he was medically retired. He applied for and was granted the Disability Support Pension (DSP). Steve decided to take a short trip overseas after he qualified for the DSP. Before he went overseas, Steve attended his local Centrelink office and was advised that he could be absent from Australia for 13 weeks and upon returning his pension would be restored. Steve got specific advice about what day he had to return by for his pension to be automatically restored. Steve then went overseas. He returned on the day that Centrelink said he had to return by in order to have his pension automatically restored. Centrelink, however, told Steve that it had made a mistake and he should have returned a day earlier. His DSP was cancelled. He had to apply for DSP again.

Steve appealed the decision to cancel his DSP to an Authorised Review Officer (ARO). The ARO upheld the original decision. Steve then appealed to the Administrative Appeals Tribunal (AAT). The Welfare Rights Centre represented Steve at the AAT. The AAT overturned Centrelink's decision and restored Steve's DSP. The AAT found that Centrelink's policy did not override the law, and that it would have been more appropriate to suspend rather than cancel Steve's DSP.

Case study two

Angela was born overseas but arrived in Australia in the 1980s. Angela married in Australia and raised her three children here. Her children attended school in Australia and Angela and her husband worked for decades in Australia. Her children are now young adults. In 2008 her youngest son moved overseas to further his career. He returned to his mother's birth country. Angela visited her son and decided to stay overseas longer than expected, as her son's wife had a child and Angela was providing support for her son and his family. After three years overseas, Angela returned to reside in Australia. She applied for social security. Her claim was rejected as Centrelink said that she did not reside in Australia. Centrelink was effectively stating that Australia was not Angela's home, despite the fact that she has lived here since the 1980s. An appeal to the Authorised Review Officer was not successful.

An appeal was lodged to the AAT. The Welfare Rights Centre represented Angela at the AAT. By the time the case reached the AAT, Angela had been without any financial support from Centrelink for

five months. During this period her family were supporting her. We pointed out to the AAT that Angela had been in Australia since the 1980s, that she had raised her family here, that she still had two children in Australia and that all her siblings were in Australia as well as her elderly mother. The AAT amended their decision. Angela was granted the Age Pension and arrears paid from date of claim.

2. Policy Report

The Australian social security system is complex and is acknowledged as one of the most highly targeted of the developed nations. The Welfare Rights Centre NSW has a clear set of goals to guide its important law reform and policy activities. These goals are to develop and advocate proposals for reform of social security legislation, administration and Government policy in order to minimise hardship and poverty in Australian society and for social security recipients and their children in particular.

Our policy work seeks to ensure the social security system is:

- based on rights and entitlements, responsibilities and obligations which are clearly stated in legislation and enforceable;
- administered under clear, publicly accessible policy guidelines;
- characterised by a robust review and appeals system that allows individual decisions to be challenged; and
- able to promote fair and accessible administrative law particularly in the field of income support.

The Welfare Rights Centre Sydney undertakes the majority of its policy and media work in conjunction with its peak body, the National Welfare Rights Network (NWRN), to facilitate a strong National presence. Separately, the WRC has undertaken a number of law reform activities over the past year.

In the 2015-16 financial year, the Federal Government introduced a number of bills to change existing income support arrangements. The Welfare Rights Centre NSW made submissions to seven Parliamentary inquiries, including the *Budget Repair Bill* (which sought to remove the Pensioner Education Supplement and the Education Entry Payment), legislation to reduce family payments, and revised legislation to introduce a four week waiting period for young people under 25. Our submissions were cited extensively in committee reports.

The Centre also collaborated with the Australian Council of Social Service and other community sector organisations, to highlight the impact of harsh income support changes on low income and disadvantaged Australians. The inadequate rate of the Newstart Allowance continues to be a policy priority for the Centre, as is the increasing number of people denied the Disability Support Pension. Newstart Allowance is increasingly becoming the payment received by a growing number of people with disability.

The Centre additionally provided evidence to the Senate inquiry investigating the *Community Development Program* legislation. This legislation sought to introduce a radical, unprecedented set of regulations that would establish a separate social security payments system for remote Indigenous job seekers.

The Centre developed a 2015-16 *Federal Budget Priorities Statement* and attended the budget lockup.

Client experiences have informed our Centre's advocacy campaigns, community engagement and media strategies over the previous year. We identified problems with Centrelink services, including its information technology systems and the letters it sends to people on payments.

Priority issues that we raised with the Department of Human Services (DHS) included:

- unacceptable delays in answering phone calls through its network of 'Smart Centres';
- the cost of calling Centrelink for mobile users and the absence of 1800 Freecall numbers;
- unacceptable delays in processing 80,000 student payments;
- the impact of Centrelink staff cuts on client services;
- difficulties contacting social workers;
- inaccurate and confusing information on the DHS website about Budget measures not yet legislated;

- problems resulting from the decision to phase out cheque payments from January 2016; and
- extensive delays in finalising reviews and appeals and in processing claims.

2.1 Working with Government and its Agencies

The Centre also took part in Department of Social Service (DSS) consultations over the Government's childcare reforms, and participated in consultations into the review of the effectiveness of Disability Employment Services.

The Centre also met on a number of occasions with the Department of Employment to discuss the Youth Employment legislation before the Parliament. The Department also sought feedback on its new employment services system, Jobactive, which started operating on 1 July 2015.

The Centre met with the Commonwealth Ombudsman and their staff in late 2015 where we highlighted a number of client experiences that were of concern. The Centre also took part in the Commonwealth Ombudsman Indigenous Complaint Handling Forum in Canberra on 29 July 2015.

The Centre provided feedback to the NSW Department of Housing on its approach to Compulsory Rent Deductions. The Centre provided comments on the 2015 Review of the *Residential Tenancies Act*.

Other highlights in the Centre's policy and community engagement in 2015-16 included:

- participating in the Australian Unemployed Workers Union conference,
- developing community sector, welfare and union responses to address Centrelink staff cuts and telephone wait times, and
- participation in the ACOSS Child Poverty Roundtable.

2.2 Community and Stakeholder Engagement

In addition to one-off meetings with various government Departments, community sector organisations, the Centre participated in a number of formal and informal policy networks, including:

- Commonwealth Ombudsman *Indigenous Right To Complain* Campaign;
- The Accountable Income Management Network;

- Department of Human Services Centrepay Stakeholder Forum;
- ACOSS Tax Policy Network;
- ACOSS Social Security & Employment Policy Network; and
- ACOSS Media Network; and

2.3 Media

During 2015-16, the Centre regularly briefed journalists. We responded to a wide range of issues in the media, including: Centrelink delays; client wait times and telephone problems; Centrelink complaints; defined pension benefit changes; review of Carer Payment; fraud and data matching measures; changes to the Disability Support Pension; Work for The Dole issues; Indigenous job seeker penalties; inequality; jobactive and employment complaints and media vilification of people receiving income support.

The Centre also has a twitter account, @welfare_rights.

3. Community Legal Education and Community Liaison

The community legal education and training goals are:

- to provide high quality, accessible and targeted community legal education; and
- to provide specialist support to other NSW community agencies.

In 2015-16 the Centre continued to target disadvantaged groups for education, by delivering education to those groups directly and by providing targeted social security training to community workers that support disadvantaged groups.

4. Publications

The Welfare Rights Centre's overall publication goals are to produce and distribute clear, informed, effective and targeted information and policy material designed to:

- increase accessibility to the social security system;

- educate and increase community awareness 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 2015-16 were:

- Factsheets and self-help guides; and
- The Centre's Website.

5. Funding

5.1 Major funders

Funding for the period 1 July 2015 to 30 June 2016 was received from:

- Legal Aid NSW State CLC grant - \$134,601
- Legal Aid Federal CLC grant - \$250,487
- Commonwealth WRC funding - \$100,000
- NSW Government Social and Community Services Equal Remuneration Order - \$17,726
- Legal Aid Commonwealth contract funding - \$12,670

In June 2015 the Centre received an additional \$60,000 for 2015-2016 to be used for community legal education and/or co-location costs. The Centre intends to pursue further discussions about co-location with other community legal centres.

5.2 Welfare Rights Trade Union and HESTA programs

Throughout the year the Centre continued to provide service to and receive support from the following unions involved in its Trade Union Welfare Rights Program:

- NSW Independent Education Union;
- NSW Nurses and Midwives' Association;
- NSW Teachers Federation;

- NSW Branch of United Voice;
- Public Service Association (NSW); and
- Police Association of NSW.

In addition, the Centre has continued its service arrangement with HESTA, under which HESTA members who are injured or ill and without income support, are provided with advice and assistance in relation to their social security entitlements and income protection.

The Centre is appreciative of this support and the opportunity the Trade Unions and HESTA program provides the Centre to assist low income working people.

5.3 Auditor's Report

The audit for the period was conducted by Steven J Miller & Co. The Auditor's Report forms part of this Annual Report. See section 7 of this Report for more details

6 Management

6.1 Board of Directors

Throughout the period the following people played the very important role of strategic planning, governance, risk management and overseeing the Centre's work in their capacity as members of the Board of Directors.

The Directors who held office at any time during 2014-2015

- Liz Biok - retired in August 2015
- Diana Covell - Chairperson – until April 2016
- Marc Hopkins – appointed October 2015
- Carol Howard
- James Jankulovski
- Clancy King – appointed December 2015

- Terry Mason
- Michael Raper – appointed April 2016 – elected Chairperson
- Stella Topaz – resigned February 2016
- Scarlet Wilcock – appointed December 2015

6.2 Staff Members

The Centre employed the following staff at the end of June 2015:

Alice Jones-Rabbitt	Administration Officer (employed on a casual basis) – resigned January 2016
Aaron Neal	Principal Solicitor – November 2015 to January 2016
Carolyn Odgers	Acting Principal Solicitor (3 ½ days)
Jessica Raffal	Acting Assistant Principal Solicitor/Community Legal Education Coordinator – resigned March 2016
Danny Shaw	Senior Caseworker (part time)
Claire Stimpson	Solicitor –resigned February 2016
Sharissa Thirukumar	Solicitor
Gerard Thomas	Policy and Media Officer

In addition the Centre hosted and project managed the National Welfare Rights Network (NWRN) until November 2015. On behalf of the NWRN, the Centre directly employed the following staff:

Amie Meers	Executive Officer (3 days per week)
Gerard Thomas	Policy and Media Officer (4 days per week)
Alice Jones-Rabbitt	Administration Officer (2 days per week)

6.3 Volunteer Workers

The Centre's success could not have been achieved without the help of our volunteer workers throughout the 2015-2016 year. At any given time the Centre has about 15 volunteers who provide an invaluable service each week on and off our advice shifts. These volunteer workers perform their duties with style, diligence, patience and much skill.

The casework volunteer workers have the challenging task of direct contact with people who contact us for advice or referral. They assisted the Centre to interview over 2500 clients throughout the year. They displayed excellent communication and interpersonal skills in assisting many highly distressed clients. Their dedication and enthusiasm proved an inspiration to all of us at the Centre. Administrative volunteers assist the Centre with administrative duties, data entry, as well as paralegal and research tasks.

The Centre gratefully acknowledges the role played by all our volunteer workers.

These workers contribute services to the Centre valued at over \$200,000 each year. We hope they enjoyed being at the Centre as much as we have enjoyed having them and we look forward to their continuing involvement with the Centre. To those who left us in 2014-2015 we wish them well in their future endeavours and thank them for their years of service.

The volunteer workers at the Centre in 2015-2016 were:

Sharlene Han, Doha Abdulkhalek, Khushaal Vyas, Sarah McIntyre, Xavier Fenerci, Ben Fawcett, Natalie Ross, Natalie Zhen, Suami Campos, Petrina Slaytor, Michelle Mon, Chris Chiam, Dania Ibrahim, Emily Paterson, Jonathon Hetherington, Aisyah Farrer, Samanta Lestavel, Amy Giang, Kate Griffiths, Pat Griffiths and Ainsley Halbmeyer.

7 Auditor's Report

The Auditor's Report, prepared by Steven J Miller & Co, is part of this Annual Report. It is available on request.