



Welfare Rights Centre

Annual Report  
**2017-2018**








## Acknowledgement

The Welfare Rights Centre, its staff and directors would like to acknowledge the First Peoples and traditional owners of the lands and waterways on which we work and live and on which our clients across New South Wales work and live; the Gadigal people of the Eora Nation. We pay our respects to our elders both past and present, and all Aboriginal and Torres Strait Island peoples within our boundaries and the knowledge embedded forever within the Aboriginal Custodianship of Country.

# Contents

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From Our Coordinator/Principal Solicitor	<b>6</b>
About Us	<b>8</b>
35 years	<b>10</b>
Family and Domestic Violence	<b>12</b>
Community Worker	<b>15</b>
Robodebts	<b>16</b>
Family Payment Debts	<b>18</b>
Asylum Seekers and Migrants	<b>22</b>
Working with Indigenous Clients	<b>24</b>



Casework Practice	26
Disability Support Pension	30
Debt Clinic	31
Policy and Law Reform	32
Community Education and Engagement	33
Centre News	34
Volunteer Program	35
Our Staff, Board and Partners	36
Thank you	37

## From Our Coordinator/ Principal Solicitor

Katherine Boyle

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It has been a great privilege to lead the Welfare Rights Centre during a period of great change and funding uncertainty, and to be supported by a dedicated and highly skilled team who have devoted themselves to ensuring a fair, just and inclusive society where everyone has the resources they need to lead a meaningful life. The Centre's expertise in social security law and policy has resulted in significant and far-reaching decisions at the Administrative Appeals Tribunal which have not only improved the lives of the clients affected but have led to ongoing consultations with the Department of Human Services to change systems to prevent problems from occurring in the future.

Our casework has been central to informing a significant research project undertaken by the National Social Security Rights Network

into how well Australia's social security system supports victims of family and domestic violence. It is rewarding to see that the work we do ensuring victims of family and domestic violence have access to vital income support and are not crippled by unfair debts has contributed to a national call to improve the way Centrelink responds to victims of domestic violence.

This year we expanded our services to clients. With the extra funding made available during 2017-18, we employed a community worker whose primary role is to support clients who are off payment and have no other source of income, or who are otherwise in need of social support, while their substantive legal problem is resolved.

I hope you enjoy reading about our achievements in this Annual Report.



## About Us

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The Welfare Rights Centre is a non-for-profit Community Legal Centre (CLC). We provide free legal advice and representation to thousands of NSW residents every year who are adversely affected by Centrelink decisions. The Centre also provides education to improve knowledge and understanding about social security law in the community. The Centre contributes to the law reform and advocacy work of its peak organisation, the National Social Security Rights Network, by sharing its knowledge and experience of how social security law impacts on its clients.

The Welfare Rights Centre opened its doors in 1983, at a time when many other CLCs were being established. This was in response to the scarcity of affordable legal assistance available to marginalised members of society. Originally co-located with Redfern Legal Centre, the Centre opened its own premises in 1985. Since then it has experienced changes in location, staff, funding sources, law and policy. Throughout these changes, the Welfare Rights Centre has remained the lead service agency in NSW for social security law and policy.





35 years

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# 35 years of Welfare Rights Cen



May 2018 marked the 35th year anniversary of the Welfare Rights Centre helping the residents of New South Wales.





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## Family & Domestic Violence

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The Centre received funding during 2017-18 to enhance its services to, and to raise awareness of, clients experiencing or at risk of family or domestic violence who have a problem with Centrelink. We developed additional information resources aimed at assisting women leaving an abusive relationship. We presented information sessions to domestic violence services and forums on the kinds of payments women leaving domestic violence can access and what to do when problems, such as claim rejections or debts, arise.

These information resources and sessions have led to an increase in the number of people approaching our service who are experiencing or at risk of family or domestic violence. Overall, we provided assistance to 189 clients who are at risk of or have experienced family or domestic violence, representing 12.5% of all of the Centre's clients, an increase of over 55% on the previous year. Of the cases involving formal representation, including at the Administrative Appeals Tribunal, 17.5% involved clients were experiencing or at risk of family or domestic violence, an increase of 34% on the previous year.

In addition to the provision of information and high-level representation to clients, we also participated in the National Social Security Right Network's research projection into the social security system and supporting victims of family and domestic violence, which resulted in the launch of an influential and important report in August 2018.

## Factsheet Domestic Violence and Centrelink

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The Domestic Violence and Centrelink factsheet provides information about the steps a person should take after experiencing domestic violence or a relationship breakdown in order to get assistance from Centrelink and avoid problem with current payments.

It contains information about:

- Crisis Payment;
- exemptions from the requirement to claim Child Support;
- exemptions from the activity test due to family or domestic violence;
- threats to dox ex-partners into Centrelink; and
- appeal rights.

## Factsheet

### Are you single or a member of a couple?

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This factsheet explains the factors Centrelink considers when deciding if a person is single or a member of a couple, which can affect whether a person is eligible for a payment, their rate of payment and how the income and assets test is applied.

It provides information which will help people avoid debts when leaving an abusive relationship and also provides guidance on what evidence may be needed if Centrelink assesses a person as being a member of a couple and raises a debt.

### Community Engagement

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To raise awareness of the Centre's services, including our new factsheets, the Centre met with workers at the Women's Domestic Violence Court Assistance Services located in Sutherland, the Downing Centre Local Court, and Western

Sydney Community Legal Centre. We also held a lunchtime stall at the Conference of Women's Domestic Violence Court Assistance Program and presented on a panel Family Law/Family Violence Training Day.

### How well does Australia's Social Security System Support Victims of Family and Domestic Violence

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By the end of the reporting period, the National Social Security Rights Network completed the first draft of its research into the intersection of social security law, policy and practice with family and domestic violence. The Centre's advice and casework formed the foundation of this report. This was a major

project and all staff contributed to the report. A number of the Centre's volunteers contributed to the data analysis, findings and wrote up case studies for the report. The Centre provided extensive feedback on the findings and recommendations contained in the draft report and looks forward to the final report.

## Case study

### Victim of domestic violence received no payment for months

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Marie had an Apprehended Domestic Violence Order in place preventing her husband from living with her. She was receiving Parenting Payment Single and Family Tax Benefit to support her and her five children. In mid-July 2017, she received a letter from Centrelink stating that it was aware she was sharing accommodation with someone (her husband) and asking her for information about their relationship. Three weeks later she received another letter saying she had not provided enough information so her Parenting Payment and her Family Tax Benefit had been stopped.

Marie contacted Centrelink the next working day and was told to reclaim Parenting Payment which included a requirement to provide multiple documents, including bank statements. Approximately a month later, in late September, her Family Tax Benefit was restored. Her Parenting Payment was not.

In early October 2017, Marie notified Centrelink that she had experienced domestic violence. That report did not appear to trigger any action. The following day, she received a letter stating

she would be paid Parenting Payment Partnered. She received a second letter saying she must complete her claim.

The next day, Marie contacted Centrelink, requesting Parenting Payment. She told Centrelink that her partner had been convicted of domestic violence and was serving a prison sentence. Marie also said that she might allow him to return to the house when he was released so Centrelink decided she was not eligible for Crisis Payment, despite his removal from the home for domestic violence, her having no savings, and having been off payment for two and half months. She was paid a Family Tax Benefit Advance grant of \$500.

Another two and a half weeks passed and Marie was told that her claim for Parenting Payment Single (which there is no record of lodging), had been cancelled on the basis that weeks earlier she had told Centrelink staff she may allow her husband to return to the home when he was released. A week after that, Marie was told she would be paid Parenting Payment Partnered from 15 November 2017. The following week, she received

an overpayment notice of \$820 for Parenting Payment Single over a seven month period.

Marie received two payments for Parenting Payment Partnered before she received a notice saying her payment had been cancelled because she no longer had a partner. Her Family Tax Benefit was also cancelled. In January, Centrelink sent a series of letters stating her claim for Parenting Payment Single would be processed. She was also advised her Family Payment would be stopped if she did not take reasonable action to obtain Child Support.

With no money to live on, Marie fell behind in her rent and received a notice from her landlord they she was to be evicted. This was when Marie contacted the Centre for help.

We contacted Centrelink and explained that our client was a single mother who had experienced serious domestic violence, yet she not receiving any payments. Within five days Centrelink restored her Parenting Payment Single and Family Tax Benefit payments.

## Community Worker

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My name is Rayila. I joined the Centre in October 2017 as a community worker. My main responsibility is to assist client in dire need to access welfare services in their area. Prior to WRC I have worked with refugees for four years and I also work with women escaping domestic violence.

Since October 2017, I have assisted clients who are in urgent need of assistance pending resolution of their legal matters, which often takes some time. On some

occasions, support was provided when clients dropped into the Centre for information. Over 100 clients have been assigned to me since I started with the Centre. They are located in different areas of NSW, with various needs and different levels of understating about the other support services. These elements will determine, whether I will have to follow up with clients after the referral or not.

Given the nature of advice that the Centre provides, the majority of

clients contacting the Centre need a certain level of social support or other non-social security law related referrals.

My work in assisting those clients will give the solicitor/caseworker extra assistance in managing client stress levels, as well as having someone who has sufficient time and expertise about available community support to speak to clients about their non-legal matters.

## Case study Community Support to get on Newstart Allowance

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Maddison was referred to the community worker while her caseworker assisted her with her claim for Newstart Allowance. Maddison is 63 years old and had experienced emotional and financial abuse over many years from her ex-husband, from whom she has separated under the same roof. She suffers from depression and some days it is very difficult for her to do anything on her own. The community worker explained to the client the Victim Services counselling option for domestic violence victims and referred her to the service. A Domestic Violence counsellor was arranged. The community worker ensured

that Maddison was connected to local community care services. An assigned social worker from community care services checked Maddison's wellbeing on a weekly basis and provided information about charity organisations which could assist the client's urgent needs, such as accessing food banks and paying overdue bills. The social worker also accompanied the client to her appointments and advocated for the client to access more services that are suitable. The community worker also kept in touch with Maddison to support her while her legal matter was still with the Centre. During this time, the community worker provided emotional support and

guided Maddison to information she needed. The community worker and the caseworker kept each other up to date regarding their work with Maddison. After three months of ongoing work, Maddison was granted Newstart Allowance, and showed clear signs of improvement in her ability to cope with stress and seek assistance if needed.

# Robodebts

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The Centre has continued to assist clients who have debts raised under the Centrelink’s “robodebt” system. A major challenge has been distinguishing between robodebts and other kinds of debts.

Many people contacting the Centre do not know they have a debt until they receive an “Account Payable” letter from Centrelink. This letter does not state one way or another how the debt has been raised. Apart from lodging a Freedom of Information request, the only way to know if the debt is a robodebt is if the person receives a letter from Centrelink titled “Important Information about Your Employment Income.” If the person never received this letter or did not respond to it because they did not understand what was being asked of them, a computer

program automatically calculates the debt based on averaging the income over the year (thus “robodebt”). Too often this letter was also not received, and the first many people knew they had a debt was a phone call from the debt collectors.

Many of our clients must spend hours, and sometimes days and weeks, gathering payslips from employers and bank statements dating back up to six years. Others simply give up.

The Centre has been active in highlighting the unfairness of robodebts and how the system of averaging earned income over a financial year results in inaccurate debt amounts being raised. The Centre’s Coordinator/ Principal Solicitor was interviewed

for the ABC’s podcast The Signal on its casework experience with robodebts where she highlighted the unfairness and unlawfulness of these debts [\(click here for the webpage\)](#).

The Centre also participated in testing Centrelink’s new “compliance communications” portal, i.e. the robodebt portal, where people targeted by the robodebt program are asked to confirm/update the employment information. The new portal is a vast improvement on earlier and current incarnations of the portal in terms of design and ease of navigation. However, the Centre remains concerned about aspects of the content and design of the portal, as well as the fundamental legal and ethical flaws of robodebts.



## Case study

### Debt reduced from \$16,000 to \$1500

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Jin contacted the Centre because she received a debt notice from Centrelink notifying her that she had a Newstart Allowance debt of approximately \$16,000 from August 2011 to June 2014. This amount included a 10% penalty because Centrelink decided that she had knowingly underreported her income. Jin said that she had noticed that she had received two emails from Centrelink but she had not opened them because she said the emails Centrelink usually send do not need any sort of response.

These emails were asking Jin to provide further information to Centrelink regarding her employment in the debt period and gave her a short time to respond. When there was no response Centrelink then sent a formal debt notice. Jin was very shocked to receive an accounts payable notice advising her to pay \$16,000. Jin contacted Centrelink and was required to commence repaying the debt.

Jin told the Centre that while she was receiving Newstart Allowance she worked as a translator. Some weeks she worked every day and would receive no NSA and then she may not work for months at a time, then she may work a day here and there but she always reported her income to Centrelink. Jin did her best to contact her past employers and gather her pay information. Doing this was a difficult and extremely time consuming task.

The Centre request a Freedom of Information to obtain the debt calculations from Centrelink. This schedule clearly showed that Centrelink had apportioned her income over long periods and had not obtained information from Jin's employers which would have allowed it to calculate whether or not there was an overpayment.

We advised Jin to appeal the debt. However, Centrelink did not refer the appeal to an Authorised Review Officer, and forwarded the request to a 'reassessment' team. Jin spent many hours uploading whatever payslips she was able to obtain from her past employers, information that Centrelink could have easily requested from them.

After some weeks, Jin was sent a notice advising her that after the reassessment Centrelink decided that she owed approximately \$1,500. There was no explanation as to why the debt had decreased and Jin did not accept she owed Centrelink that amount. Jin has since managed to lodge an appeal with an Authorised Review Officer and the Centre will advise her further once she receives the decision.

## Family Payment Debts

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During the previous year, the Centre has seen an increase in the number of people seeking assistance with debts that have arisen due to confusion about how they should report their income for Family Tax Benefit (FTB) purposes and for social security purposes.

Our clients quite reasonably thought that by reporting their income for FTB, they had also reported their income for their Centrelink payment, such as Parenting Payment. In fact, they need to report their income separately, something which Centrelink has not made sufficiently clear to many people, nor is it easy to navigate the website

to report income. The Centre has been representing these clients at the Administrative Appeals Tribunal and has been working with the National Social Security Rights Network on this issue.

## Case study 1

### Tribunal finds Centrelink letters “misleading and confusing”

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Ms Tomlin had a debt of approximately \$37,500 due to overpayment of her Parenting Payment (partnered) (PPP) for the period May 2011 to September 2015.

When Ms Tomlin originally applied for PPP and Family Tax Benefit, she told Centrelink her partner’s income was about \$800 a fortnight and Centrelink recorded this information. She was also told by the Centrelink officer that it would all be worked out at the end of the year.

Ms Tomlin received letters from Centrelink from May 2011 to December 2011 some of which referred to her partner’s annual income as being zero with a statement requiring her to contact Centrelink if she had a change in circumstances and if her partner’s income went over \$808.00 per fortnight.

In December 2011, Ms Tomlin received a letter titled ‘Your Centrelink payments’. Nowhere in the letter was her partner’s fortnightly income referred to, however, her partner’s annual

income was correctly recorded. Ms Tomlin continued to update Centrelink about her partner’s income for FTB purposes and in April 2013 lodged an online FTB and baby bonus claim when her second child was born and again in July 2015 when her third child was born.

Ms Tomlin received very few letters relating to her Parenting Payment after December 2011 and none of these letters made reference to a fortnightly income. One of the letters stated that her reporting arrangements have not changed.

The overpayment was discovered when Ms Tomlin called Centrelink in September 2015 to report her partner’s change of employer. A \$37,000 debt was subsequently raised.

Ms Tomlin appealed her PPP debt to an Authorised Review Officer and to the first tier of the Administrative Appeals Tribunal (AAT1). Both Reviews resulted in waiver on the basis of sole administrative error on the part of Centrelink.

Centrelink appealed the AAT1 decision to the General Division of the AAT (the Tribunal). The Tribunal upheld the AAT1 decision and decided that the debt for the period December 2011 to September 2015 should be waived due to sole administrative error and that the remainder of the debt from May 2011 to December 2011 was recoverable by the Commonwealth.

The Tribunal found Ms Tomlin complied with all reporting requirements set out in Centrelink documents sent to her after December 2011. Further the Tribunal noted “... The Tribunal is not satisfied that Ms Tomlin – or any other person of reasonable mind – would be able to understand there are different reporting requirements for the income of a person’s partner for family tax benefit and parent payment (partnered)... By conflating information about the payment types of parenting payments (partnered) and family tax benefit, the information provided in the documents from Centrelink dated 8 December 2011 was not only confusing, but misleading. This was solely the administrative responsibility and error of Centrelink.”

Citation: (*Tomlin; Secretary, Department of Social Services and (Social services second review) [2017] AATA 1810*)(20 October 2017)

## Advocating for change to Centrelink's letters

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The Centre and the National Social Security Rights Network met with the Department of Social Security and the Department of Human Services (DHS) to discuss the Tomlin decision, and how Centrelink's standard letters can be improved so that these kind of debts can be avoided. As

standard letters are produced by different sections of Centrelink, the departmental officers had not previously understood how the letters, combined, created a false impression. There was agreement for the Centre and DHS to continue to work together and improve the content and format of the letters.

## Case study 2 Debt waived due to sole administrative error

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Susan was overpaid approximately \$37,000 over a four year period and Centrelink subsequently raised a Parenting Payment debt. Centrelink decided the debt arose because Susan failed to report her husband's income from employment, which would have affected her rate of Parenting Payment throughout the period.

When Susan applied for Parenting Payment she declared her husband's income and Centrelink failed to place her on fortnightly

reporting. Susan reported her husband's annual income estimate every year during the debt period, as a required by Family Tax Benefit system.

Susan believed Centrelink knew about her husband's income because she had declared his income initially and updated the family income every year for Family Tax Benefit purposes. On this basis she appealed the decision to raise the debt.

Susan was successful in having

the decision varied at the Social Services and Child Support Division of the Administrative Appeals Tribunal. However Centrelink appealed this decision. The Centre represented Susan at the General Division of the AAT and the appeal was successful, with approximately 90% of the debt waived.



## Asylum Seekers & Migrants

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The Centre has received many calls from asylum seekers and newly arrived migrants who have no money to live on and are relying on charities for food and other necessities. Some are homeless or living in crisis accommodation after escaping family or domestic violence.

The Centre has been pro-active in assisting this vulnerable group of clients. The SRSS Debt Pro Bono Project was expanded to include certain kinds of payment cancellations, with a suite of new pro bono law firms coming on board. We have also assisted many

clients to obtain Special Benefit, including representing clients at the Administrative Appeals Tribunal (AAT).

### Helping asylum seekers

#### The Staus Resolution Support Service debt pro bono project

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While their claim for refugee status is being processed, some people may receive support under the Status Resolution Support Service (SRSS) program. This may include a small allowance, called an SRSS payment, which is less than Newstart Allowance. The Centre has been approached by a significant number of clients who have subsequently had their SRSS payment cancelled and a debt raised, often with no explanation or warning.

Referrals to the SRSS Pro Bono Project continue to flow into the Centre. Twenty-eight clients are currently being assisted.

The Federal Government has recently introduced some very harsh measures which will potentially result in thousands of people having their SRSS payment cancelled. As a consequence, the Centre has experienced an increase in demand. This came at

a time with the pro bono lawyers are facing particular challenges in establishing the reasons for the debts and/or cancellations. Without this vital piece of information, the lawyers have not been able to progress our clients' matters. The pro bono law firms are considering referring clients' matters to the Commonwealth Ombudsman.

### Helping newly arrived migrants

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With few exceptions, all migrants to Australia must wait two years before they can access most social security payments. We have seen an increase in the number of newly arrived migrants approaching our service who need financial support

because they cannot support themselves due to their illness or a family member's illness, fleeing family or domestic violence or the loss of a job. The only payment that may be available is Special Benefit, which will only be granted

if the person can prove that there has been a substantial change to their circumstances beyond their control.

## Case study 1

### Victim of domestic violence granted special benefit

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Christine came to Australia in 2015 on a temporary visa and was granted permanent residency in January 2017. Christine was in a violent relationship with her husband, the latest episode resulted in an Apprehended Violence Order (AVO) against her. Christine had two children with her husband and was eight months pregnant with her third child.

As a result of the AVO Christine left the family home and was staying on a friend's couch. She was homeless, had no income and no savings. She was not eligible for public housing because she was not in receipt of a

Centrelink payment. Christine applied for Special Benefit but her application was rejected because the original decision maker decided the circumstances were not beyond her control and did not warrant the waiver of the two year wait period.

When Christine contacted the Centre for advice, we advised her to appeal the decision and assisted her by gathering evidence and writing a submission to the Authorised Review Officer.

The Authorised Review Officer considered the evidence and agreed that there had been a substantial change in her circumstances beyond her control setting aside the original decision. Christine was back paid to the date of her claim and is now able to apply for public housing.

## Case study 2

### Homeless man granted Special Benefit

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Ivan was residing in his car when he first contacted the Centre. He had separated from his wife and as a newly arrived resident he was subject to the newly arrived resident waiting period. This meant Ivan would have to wait 104 weeks before being granted payment. Ivan applied for Newstart Allowance (NSA) but Centrelink advised him that he was not eligible due to the

Newly Arrived Resident's Waiting Period (NARWP). We interviewed Ivan and advised him that he should lodge a claim for Special Benefit as he was not residentially qualified for NSA. In our submission to Centrelink, we argued that due to substantial changes in his circumstances which were beyond his control, Ivan should not be subject to the NARWP.

Centrelink accepted our submission. Special Benefit was granted. Arrears were paid. Ivan now has stable accommodation.

## Working with Aboriginal & Torres Strait Islanders

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In line with the Centre's 2017-20 Strategic Plan, we have increased our efforts to reach Aboriginal and Torres Strait Islander people who have a problem with Centrelink. This is particularly important as Aboriginal and Torres Strait Islander people are over represented in certain categories of payment, in particular

Carers Payment (almost 6% of all recipients are Indigenous) and Disability Support Pension (over 6% of all recipients are Indigenous). In view of this, the Centre is meeting its (informal) target of assisting a similar proportion of clients of Aboriginal or Torres Strait Islander background. We provided assistance to a total

of 92 Indigenous Australians, representing just over 6% of all of the Centre's clients, compared to just over 5% in 2016/17.

## Aboriginal & Torres Strait Islander Financial Counsellors Network

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In September 2017 the Centre delivered training to the Aboriginal & Torres Strait Islander Network of Financial Counsellors in Port Macquarie. The presentation covered debts and the treatment of lump sum payments made under the Stolen Generation Reparations Scheme.

## Cultural Safety for Aboriginal & Torres Strait Islander clients

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The Centre has adopted a Cultural Safety for Aboriginal and Torres Strait Islander Client Policy. This Policy expresses the Centre's acknowledgement that its office is

located on the lands of the Gadigal people of the Eora nation and sets out its commitment to ensuring the cultural safety of its Aboriginal and Torres Strait Islander clients.



## Case Study

### Indigenous woman's debt waived due to special circumstances

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At the Social Security and Child Support Division of the Administrative Appeals Tribunal we represented Maria, an Aboriginal woman living in Broken Hill. Maria is the mother of 4 children and under the age of ten and currently receives Disability Support Pension.

Maria was receiving Family Tax Benefit and Parenting Payment during September 2016 to December 2017. In September 2016 Maria was in a motor vehicle accident and went into a coma.

Centrelink raised debts of \$11,000 on the basis that she was no longer caring for her children. The Authorised Review Officer decided that waiver of the debt was not applicable.

The Centre represented Maria at the AAT via video conference. The entire debt waived due to Maria's circumstances, which included her financial and serious health issues.

## Our Casework Practice

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The 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 practice 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 law. 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 or where they may not adequately represent their own interests.

During 2017/18, the Centre held two advice shifts per week, on Mondays and Wednesdays from 9:30 am to 1:00 pm. During the advice shift people can call our free call number 1800 226 028. One of our trained volunteers will provide information or basic

advice, or will assign clients to a solicitor or caseworker who will provide more complex advice. The Centre holds weekly casework meetings to discuss client cases. At the casework meeting a decision is made as to whether the client's problem meets our Advice & Casework Policy and whether we have the capacity to take on the client's matter.

## Casework statistics



Total number  
of clients

**1488**



Referrals

**1495**



Information

**395**



Discrete  
non-legal  
support

**311**



Legal  
Advices

**1344**



Legal  
Tasks

**528**



Other  
representation  
tasks opened

**118**



Other  
representation  
tasks closed

**90**



Court/Tribunal  
cases opened

**47**



Court/Tribunal  
cases closed

**47**

## Client Satisfaction Survey

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As required under our funding agreement, the Centre conducted a client survey over a two week period. We surveyed 64 clients, 53% were in city centres and 47% in rural and remote locations in NSW.

A range of services were surveyed including information, referrals, legal advice and tasks, non-legal support and Tribunal representation. A high percentage of responses were very positive to all questions.

### Case study

#### Success at the General Division of the Administrative Appeals Tribunal

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The Centre was successful in having a combined debt of \$192,000 waived in full at the General Division of the Administrative Appeals Tribunal. Mr and Mrs Obradovic had incurred the debts as a property had been put in the name of Mr Obradovic without him or his wife knowing about it.

Mr Obradovic has a serious medical condition which prevented him from receiving an education and from working. He is 51 years old and has received the Disability Support Pension since leaving school. He married his wife when she was a teenager. Mrs Obradovic

came to Australia in the 1990s, her husband having moved to Australia with his parents in the 1970s. Mr Obradovic's parents purchased a house for him in the 1980s. His parents intended to give it to him as a present for his fiftieth birthday. However, when he was forty nine, Centrelink found out that Mr Obradovic was the owner of the property and that the value of the asset precluded the Obradovics from receiving a social security payment. A debt of \$192,000 was raised.

The Obradovics stated that they were not aware that the property

was bought for Mr Obradovic or that the property was in his name. At the Tribunal, the Centre submitted that the signatures on the relevant documents was not Mr Obradovic's signature, which supported his claim that he did not know he was the owner of the property.

The Tribunal accepted this and found that Mr and Mrs Obradovic did not knowingly mislead Centrelink. The Tribunal found that Mr and Mrs Obradovic would probably have to sell their home to repay the debt, and as this would be disruptive to them, the debts were waived in full.

*\*Obradovic; Secretary, Department of Social Services and (Social services second review) [2018] AATA 41 (17 January 2018).*

### Case study

#### Youth Allowance debt waived

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In the Social Services & Child Support Division of the Administrative Appeals Tribunal, the Centre represented a young person with a Youth Allowance debt of \$15,977 raised on the basis that our client was not a full-time student. The Centre argued that

administrative error was at the heart of the debt, as Centrelink was on notice that our client was not a full-time student and should have reviewed our client's eligibility. The AAT accepted the Centre's argument and waived the entire debt.

## Case study

### Homeless client

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Robert rang the Centre at around 10:30 am during a very busy Monday morning advice shift. He was using the phone in the electoral office of Tanya Plibersek MP as he had run out of credit on his mobile phone.

Robert has been sleeping rough in a park in the Sydney CBD with his elderly mother, whom he cares for. He and his mother had been homeless since December 2016, and had recently moved from Victoria to New South Wales. Robert notified Centrelink of the move upon his arrival in Sydney.

Robert received Carers Payment and his mother receives Disability Support Pension (DSP). Despite being homeless, Robert makes sure his mother attends all her doctor's appointments, he finds her food to eat and sets up the tent for her at night. Robert liaises with all the services who are assisting him, including Homeless Health at St Vincent's Hospital and Housing NSW. Robert has been told that permanent housing will be found for his mother and himself in four to six weeks.

In August 2017, Robert discovered that he had not received his Carers Payment as expected. He attended a local Centrelink Office and asked why. He was told that his Carers Payment has been cancelled

because he is not providing care in "a private residence that is the home of the care receiver", i.e. his Carer Payment was cancelled because his mother is homeless. Robert had received no warning that his Carer Payment was cancelled. Centrelink told him that he had to apply for Newstart Allowance.

Robert had 50c in his account, no credit on his mobile phone, no food, and no shelter and had to look after his mother. Furious, Robert stormed out of the Centrelink Office.

The Centre spoke to him over the phone and then asked him to come into the office and have a cup of tea while we tried to get him back on payment. During the afternoon Homeless Health dropped off Robert's mother at the Centre.

The Centre contacted Centrelink and requested an urgent appeal of the decision to cancel his Carers Payment. Payment Pending Review was also requested but was refused. The Centre also requested that funds be deposited immediately into Robert's account.

While the Centre waited for Centrelink to process its request, numerous calls were made to various charities to obtain immediate assistance for Robert

in the event that no funds were deposited in his account that day. The Centre spent many hours trying to get through to services who were clearly overwhelmed with requests for assistance. Eventually the Centre made appointments at services which could provide him with food and petrol vouchers. Robert said he and his mother would get their dinner from the food van that visited their park.

At 4 pm, Centrelink informed the Centre that if Robert attended the Darlinghurst office by 4:30 pm, he would be provided with an Eftpos card with \$540, representing a fortnight's payment of Newstart Allowance, which has been granted to him on an urgent basis (i.e. no waiting period). He would be exempt from the activity test until mid-September.

Leaving his mother at the office, Robert raced to the Darlinghurst office to get the card, arriving just in time. After thanking staff at the Centre, Robert and his mother left to get petrol for his car and set up camp for the night.

The Authorised Review Officer found in Robert's favour, reinstated his Carer Payment and Carer Allowance and he received arrears to the date of cancellation.

## Disability Support Pension Clinic

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On Tuesday afternoon two trained volunteers provide both telephone and written advice to clients seeking assistance in appealing Centrelink's rejection of their Disability Support Pension claim. The volunteers provide advice in preparing and appealing Centrelink's decision to the first tier of the Administrative Appeals Tribunal. Volunteers also provide advice to clients who are appealing rejection of their DSP claim to the Authorised Review Officer (ARO).

These clients contact the Centre during the advice shift. The advice shift volunteer provides advice and asks the person to send in their ARO decision. The client is told they will be contacted during the DSP Clinic. Additionally, when clients call and are in the process of appealing their matter to the ARO, the DSP Clinic can provide

template treating doctors' reports and Impairment Tables to help them gather the right medical evidence.

The solicitor supervises the two DSP Clinic volunteers. The volunteers initially discuss with the DSP Clinic supervisor what they understand the issues to be and the advice they intend to provide. The supervisor confirms the advice before the volunteers contact the client and provide advice over the phone. Following this, the volunteers prepare written advice, checked and signed by the supervisor, along with supporting documents such as impairment tables and template treating doctor's reports. On occasion the volunteers may also speak to the client's doctor or other health care professionals to assist in the preparation of gathering evidence.

## Debt Clinic

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The Centre operates a Debt Clinic on Wednesday afternoons. The Debt Clinic volunteers are specially trained to provide advice about social security debts of \$5,000 or under. Initially, clients are referred to the clinic through the advice shift.

Once the referral has been made, the volunteer interviews the client to determine what level of assistance the Centre is able

to offer them. All clients will be provided with a debt factsheet.

The volunteers will draft a letter of advice based on circumstances of the client's debt.

The Debt Clinic assists clients with in-depth advice about their Social Security debt and enables the Centre to run more smoothly. As debts generally do not have time limits, volunteer workers are able to assist clients by

getting instructions to thoroughly understand their circumstances.

Following this, the caseworker will discuss the issues and confirm the advice required for the client.

These clinics provide valuable training to volunteers as they are able to gain further legal experience by interviewing clients, identifying legal issues and providing advice.

## Policy & Law Reform

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The Australian social security system is complex and tightly targeted. The Welfare Rights Centre has a clear set of goals to guide its important law reform and policy activities. These goals are to:

- identify priority areas of social security law and policy in need of reform and advocate for change; and
- effectively challenge Centrelink policies and practices through our casework and advocacy.

The Welfare Rights Centre undertakes the majority of its policy and media work in conjunction with its peak body The National Social Security Rights Network (NSSRN), to facilitate a strong national presence.

The Centre has worked closely with the NSSRN on its family and domestic violence research project (the Report was released in August 2018), establishing the SRSS Pro Bono Project and family payment debts (detailed earlier in this Report).

Information on the significant policy and law reform work undertaken by the NSSRN can be found in its 2018 Annual Report.



## Homeless Connect

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The Centre attended the yearly event, Homeless Connect, where we assisted many people with their Centrelink matters. Some clients had had their payments reduced as they were repaying debts and did not know they could appeal against the raising of the debt or the amount recovered each fortnight. Some were not in receipt of payment due to the imposition of a

compensation preclusion period or alleged failure of the activity test. We also advised a number of New Zealand citizens that they could receive a social security payment for six months if they had been residing in Australia for 10 years.

Often a homeless client will have problems with producing the identification required for a

Centrelink payment. At Homeless Connect we were able to refer people to a representative from the Registry of Births Deaths & Marriages and also advise that Centrelink has an alternative proof of identity form that can be completed.



# Community Education & Engagement

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The Welfare Rights Centre is committed to:

- developing resources which increase awareness of social security law and entitlements;
- increasing public understanding of clients' experience of social security administration and policy; and
- raising awareness and understanding in the community sector of social security law and entitlements.

In addition to the activities referred to earlier in the report, the Centre conducted training programs, including presented information sessions to social workers at hospitals and community organisations, and to various other community legal centres.

### National Accreditation Scheme (NAS)

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The Centre has maintained its Accreditation under the National Accreditation Scheme (NAS). The NAS is a sector led accreditation and certification process for community legal centres across Australia. The aim of the NAS is

to support and give recognition to good practice in the delivery of community legal services. The Centre met all the NAS primary requirements within the required time frame.

### Workplace Health & Safety Audit

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The Centre thanks the NSW Nurses & Midwives Association for conducting a workplace health and safety audit and preparing a report. No major workplace health and safety issues were identified.

### Planned Renovations

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The Centre was successful in obtaining a grant under the Stronger Communities Program to partially fund the commission of an office designer to assess our office space. The designer has reinvisioned the Centre's office space and has produced a design

which uses the available space more efficiently and enables the Centre to better accommodate face to face client interviews. The office designer has prepared designs which have been costed and which will be rolled out in 2019-20.

## Volunteer Program

The Centre could not operate without the assistance of our volunteers. The Centre has approximately 20 volunteers who assist in our delivery of legal services. The Centre recruits and provides training sessions for new volunteers to ensure they have adequate skills and expertise.

We thank all the volunteers who assisted us at the Centre in 2017/2018.



"Thank you for being such wonderful people to work with! It's quite rare that someone can honestly say that they love their job, but I have loved my job here, and it's because of your kindness and your support.

It's also quite inspiring for me, as a young lawyer, to see the incredible work you all do under tough conditions. I'm glad that I got to be part of it.

I'll miss working with such great people. Hopefully we'll meet again soon. Until then, keep up the good fight! "

Sean, previous volunteer.



## Our Volunteers

Stella Antoniou  
Erin Bailey  
Jerson Balaton  
Sean Bowes  
Shancy Chen  
Emily Chow  
Rose Cox  
Kasia Czarnota  
Isabelle Rabbit  
Max Rabie  
Joanne Knight  
Richard Yu  
Raisa Trina  
Dania Ibrahim  
Grace Kessling

Mariam Jaber  
Gabi Possati  
Isabel Owen  
Lianne Wong  
Anjali Iyer  
Anna Nelson  
Anthony Anisseh  
Renata Cvetkovska  
Camille Gray  
Amanda Kandilis  
Sarfraz Khan  
Jonathan Ren  
Patil Sevagian  
Flora Wu Dan  
Beycan Irmako

Savanna Rehayem  
Shanshan Guo  
Vien Siu  
Sophia Cheng  
Vivian Tran  
Darren Lim  
Sanjay Alapaklam  
Veronica Sebesfi  
Michelle Mon  
Kelly Gu  
Amy Giang  
Smriti Srivastava  
Ravi Dutta  
Fancesca Mendoza  
Gavin Luu

James Hall  
Alice Petch  
Cecilia Tran  
Jonathan Djasmeini  
Isaac Kwong  
Catherine Moore  
Bonnie Huang  
Petrina Slaytor  
Jazz Osvald  
Rebecca Gad

## Our Staff

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During 2017/18 the Centre employed the following staff members

Katherine Boyle,  
Coordinator/Principal Solicitor

Carolyn Odgers,  
Assistant Principal Solicitor & Volunteer  
Program Coordinator

Danny Shaw,  
Senior Solicitor & Funding Officer

Gerard Thomas,  
Caseworker, Media & Policy

Daniel Turner,  
Solicitor

Ian Turtin,  
Solicitor

Amrita Saluja,  
Caseworker & Communications

Julia Hong,  
Caseworker & Factsheets

Rayila Maimaiti,  
Community Worker

Donna Flood,  
Office Administrator

Mariam Jaber,  
Administrative Assistant

Sean Bowes,  
Administrative Assistant

## Our Board

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Michael Raper, Chair

Clancy King, Deputy Chair

James Jankulovski, Secretary

Lua De Burgh, Director

Sam Clay, Director

Marc Hopkins, Director

Laura Lombardo, Director

Jacqueline Phillips, Director

Scarlet Wilcox, Director

# Thank You

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The Centre thanks the following people and organisations for their vital support and contribution:

Our trade union supporters, for looking after your members and us: Independent Education Union, NSW Nurses & Midwives Association of NSW, Police Association of NSW, Public Service Association of NSW, NSW Teachers Federation and, United Voice NSW.

HESTA, for your ongoing support and for being a progressive leader in the superannuation industry.

Legal Aid NSW for managing the CLC Program,.

Our pro bono partners for the SRSS Pro Bono Project and legal work with the Centre: Baker + McKenzie, Hall & Wilcox, Makinson d'Apice Lawyers, Wotton & Kearney and many other firms who have provided pro bono and in kind support.

National Social Security Rights Network, in particular the Secretariat Leanne Ho and Joni Gear, for their excellent work in policy and law reform and for keeping the Centre up to date with the changing social security landscape.

Community Legal Centres NSW for their leadership, support and for establishing the shared financial service.

National Tertiary Education Union, our land lords, for generously offering their meeting space for all of our Board meetings. Our volunteers, for your commitment to our Centre, your vital support in keeping the Centre running and responding to our clients.

Finally, the Centre would like to acknowledge all the people who contact us for help. Your willingness to stand up for your rights is inspiring and it is our pleasure to help you to do this.