

Welfare Rights Centre

Annual Report

July 2002 to June 2003

Prepared for 2003 *Annual General Meeting*

15 October 2003

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Introduction

The Welfare Rights Centre is a community legal centre which specialises in Social Security law, administration and policy. Established in 1983, the Centre provides expert advice and representation on all Social Security matters. Now in its twentieth year, the Centre currently employs 12 workers and benefits from the service of some 40 unpaid volunteer workers each year and 10 Board members to provide a wide range of services covering casework, policy analysis and advocacy, publications and community education.

1.0 Casework

1.1 Casework service

The Welfare Rights Centre provides a casework service to people with Social Security problems and agencies assisting people with Social Security problems. The aim of the Centre's casework is both to achieve outcomes for individual clients and classes of clients and to utilise our casework to improve equitable access to income security.

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

provided in complex cases, matters of wide application and matters in which the client has no money at all or may not adequately represent their own interests.

Telephone advice and assistance is available between 9 am and 5 pm Monday to Friday with phones staffed by volunteers and caseworkers.

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. All initial advice is provided by telephone. However, the Centre has an access and equity policy to ensure that people unable to obtain assistance by telephone are not disadvantaged.

The Centre's casework service could not function without the valuable contribution of unpaid volunteer workers. Their contribution, valued at over \$140,000 per annum, is gratefully acknowledged in sections 3.3 and 6.5 of this Annual Report.

1.2 Casework statistics

The following statistics are compiled from information provided to us by our clients. In many cases, clients choose not to provide some of their personal information. The percentages are calculated on the total number of people volunteering particular information and may not represent a complete picture.

Number of clients

From July 2002 to June 2003 the Centre provided advice or advocacy to 3,996 clients and agencies.

Age

The ages of clients providing a year of birth were:

0-17	1.6%
18-20	3.4%
21-30	16.7%
31-40	23.9%
41-50	23.7%
51-65	24.2%
66+	9.1%

Gender

The gender of clients was:

Female	55.7%
Male	40.94%
not supplied	3.99%

Country of birth

The top ten countries of birth disclosed by clients was:

Australia	62.26%
New Zealand	2.82%
England	2.34%
Lebanon	1.53%
Greece	1.24%
Philippines	0.91%
China	0.81%
Italy	0.79%
Vietnam	0.64%

Clients of Aboriginal or Torres Strait Islander background

3.8% of clients responding to this question identified themselves as being of Aboriginal or Torres Strait Islander background.

Type of payment

The most frequent contacts with the Centre related to the following types of payments:

Disability Support Pension	22.5%
Newstart Allowance	18.7%
Parenting Payment Single	12.7%
Age Pension	8.7%
Family Tax Benefit	8.1%
Youth Allowance	6.7%
Special Benefit	3.3%

Type of problem

The most frequent problem types dealt with by the Centre were:

Debt issues	26%
Income and assets test	8.3%
General eligibility queries	8.2%
Newstart and Youth Allowance activity test issues	6.1%
Disability and carer issues	6.1%
Marital status issues	5%

Residence/visa type issues	3.9%
Compensation preclusion/recovery	2.5%

1.3 Casework during 2002/2003

The Centre continues to assist clients who, despite the Social Security safety net, have no income at all due to activity test breach penalties, compensation preclusion periods, and waiting periods for new residents. However, the most resource-intensive issues continue to be related to Social Security debts - particularly where the client is at risk of criminal prosecution in respect of a debt. The Centre is regularly successful in having recovery of clients' debts waived, but even where there are no grounds to waive recovery of a client's debt, they may need assistance in establishing that the overpayment was not intentional. This can require time-consuming examination of large Freedom of Information (FOI) releases of Centrelink files.

1.4 Debt waiver rules

The need for legislative reform of the debt waiver provisions of the Social Security Act was further reinforced this year - particularly with regard to the need for the legislation to allow for waiver of recovery of a debt where a person would have been eligible for another payment if they had realised they were not entitled to the payment received. This issue particularly affects young people with ABSTUDY and Youth Allowance debts. The Centre regards resolution of this policy issue as a priority.

The Centre's casework also continues to provide examples of the unfairness of the "special circumstances" waiver legislation, which prevents waiver of a debt where a person's

partner “knowingly” made a false statement or representation contributing to a debt.

Problems with Centrelink internal review and debt recovery practices continue to frustrate our efforts to encourage clients to pursue appeals on their own, with the most disadvantaged and vulnerable clients having the greatest difficulty instigating appeals. Without assistance, people can be needlessly left without income support or can be inappropriately convicted of a criminal offence in respect of a debt.

1.5 Breaches and Penalties

Although the number of people subject to breaches and penalties for non-compliance with Newstart Allowance and Youth Allowance obligations has decreased overall, some recent breach cases from regional and rural NSW highlight the particular issues faced by Aboriginal people in regional areas in negotiating and complying with Preparing for Work Agreements. Throughout this year the Centre gave this matter particular attention and engaged in extensive consultations with Centrelink to identify strategies to address this inequity.

1.6 Residence issues

A major issue to emerge during the year relates to the complex Social Security rules applying to New Zealand citizens living in Australia. These rules mean that although most New Zealand citizens have the right to live and work in Australia indefinitely, recent arrivals are generally only eligible for Australian Social Security income support if they

acquire a permanent visa. This is causing a great deal of hardship. The Centre will continue to seek reform such that New Zealanders living in Australia are at the very least given access to Special Benefit.

1.7 Family Tax Benefit

The Centre has represented a number of clients at the Administrative Appeals Tribunal in Family Tax Benefit debt matters. Both the legislation, and administration of this payment by Centrelink, are flawed and have resulted in hundreds of thousands of debts being raised (albeit small debts). The legislation provides that even where a debt is “solely due to Centrelink error” and the person “received the payments in good faith,” these FTB debts cannot be waived unless there is “severe financial hardship”. In our opinion, Centrelink’s definition of “severe financial hardship” is extremely harsh and restrictive. It has meant that families who are clearly struggling to survive solely on Social Security payments are still being required to repay debts caused by design fault or Centrelink error as they are found not to be in “severe financial hardship”. We have decided to represent a number of clients to challenge Centrelink’s definition of “severe financial hardship”.

2.0 Policy

2.1 Long term goal

The long term goal of the Centre's policy program is:

"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 in general, and for Social Security recipients in particular."

Throughout the year the Centre aimed to achieve this by focusing on the following key issues:

2.2 Major policy initiatives

The major policy area for the year was the ongoing campaign to reduce the impact of Social Security penalties. The Centre played an active role in debate over the passage of the Australians Working Together legislation, which saw for the first time a reduction in some penalties for some unemployed people. Along with the extension of the penalty system to parents and mature age unemployed people, the Federal Government agreed to establish a Breaches Taskforce to examine the fairness of Social Security penalties. The Taskforce will report in 2004. The Centre also provided detailed comments to the Department of Family and Community Services on the policy guidelines covering "participation requirements" for parents and mature age unemployed people.

The extent of youth debts was another significant area of

policy activity for the Centre, with the report *Runaway Debt – No allowance for youth*, receiving widespread media coverage.

2.3 Submissions

The major policy submission was a response to the simplification agenda and single workforce age payment discussion paper. Submissions were also made on:

- a review of Crisis Payment.
- activity testing of Temporary Protection Visa holders; and
- Australians Working Together legislation
- The Centre also gave evidence to Senate inquiries on these matters.

2.4 Policy and community liaison

Ongoing collaboration with a wide range of community organisations continued throughout the year, with close and continuing contacts with ACOSS, Brain Injury Association and various disability, charity and housing organisations. The Centre continues to play the formal role of a policy adviser to ACOSS on Social Security policy.

At least twenty nine meetings were held with Centrelink and the Department of Family and Community Services over the year covering issues such as Indigenous breaches, Social Security penalties, prosecutions, debts and welfare reform. Staff gave presentations at a number of community forums on a wide range of topics, though a particular focus was on welfare reform.

The Centre continued to participate in a number of consultative groups, including the Centrelink AWT Implementation Working Party, Centrelink's Multi-cultural Advisory Committee, the Centrelink Student Servicing Partnership and the Centrelink Young Jobseekers at Risk Partnership Group.

2.5 Media

The profile of both the Centre and the National Welfare Rights Network grew significantly in the media, with over 37 primary mentions in various forms of media. Seven media releases were produced, covering a range of subjects, including transport concessions, welfare reform and Social Security breaches.

3.0 Community Education and Training and Volunteer Workers

3.1 Long term goals

The community education and training goals are:

“To inform non-government welfare and community workers, relevant trade union officials and lawyers, of the rights of present and potential Social Security recipients and the processes available to exercise those rights in order to gain their entitlements.”

3.2 Education and community liaison

In 2002/2003, the Centre continued with the aim of targeting the most disadvantaged groups for community education. The Centre held over 50 training seminars for community organisations, including youth centres, Migrant Resource Centres, women’s refuges, accommodation services, youth and migrant interagency meetings, financial counsellors and TAFE colleges. Information was provided about the rights and entitlements of Social Security recipients and the role of the Welfare Rights Centre. More in-depth training about specific Social Security payments was also provided to youth organisations, migrant services and financial counsellors in particular.

Two regional/ rural trips were made during the year as a means to expand the Centre’s education program. In

November 2002 training was provided to a number of youth and general services in the north coast region. This trip was in association with the Youth Action and Policy Association. In May 2002 the Centre went to Dubbo and surrounding areas, primarily to visit Indigenous agencies and services to raise awareness of the Centre and Social Security rights and entitlements, particularly in relation to breaches and penalties.

3.3 Continuing education for legal practitioners

A series of training sessions was held specifically for other Community Legal Centres (CLC) in the Centre's network of CLCs which undertake Social Security work. The aim of this network is to resource and train workers in other CLCs who provide Social Security advice and representation. The network has proven to be very popular with training sessions held quarterly. The format of the training includes practical tips for advocacy, updates on recent changes and in depth coverage of particular Social Security law topics.

3.4 Volunteer workers

The Centre's volunteer program has continued with a number of individual induction sessions for prospective volunteer workers being held. The number of volunteers working at the Centre has remained around 25 at any point in time with some people leaving due to paid employment and study commitments. Ongoing training is provided to volunteers and their contribution is acknowledged with two social functions each year as a small token of our thanks.

Feedback from volunteer workers suggests that people enjoy their time with the Centre and feel they gain both skills and knowledge from the work at the Centre. The best evidence of this is that seven of the current staff at the Centre have been volunteer workers at the Centre at some stage before they were employed. (See also 6.5).

4.0 Publications

4.1 Long term goals

The Centre's overall publication goals are:

"To produce and distribute clear, informed, effective and targeted, information and policy advocacy material designed to:

- increase accessibility to the Social Security system;
- educate and empower the community about Social Security issues, payments and rights; and;
- improve the Social Security system in Australia".

In pursuit of these goals, the key publications for 2002/2003 were:

4.2 "rights review"

"rights review" is the quarterly newsletter of the Welfare Rights Centre. Its purpose is to:

- provide information on recent changes to Social Security law and administration;
- raise awareness of Social Security matters;
- assist community workers to help their clients; and
- promote the services provided by the Centre.

In 2002/2003 "rights review" reported extensively on changes to Social Security law and administration. "rights review" also contained many case studies to highlight

deficiencies in Social Security law and policy and the difficulties people experience in trying to assert their rights and to obtain their correct Social Security entitlement.

4.3 The Independent Social Security Handbook

In 2002/2003 the Centre produced the ONLINE EDITION of “The Independent Social Security Handbook”. This has been a major achievement, the first of its kind in the community, and not-for-profit Sector in Australia. The primary purpose of the Handbook is to inform community workers about Social Security law and Centrelink administrative practices and to assist them to better advocate for their clients with regard to Social Security payments. The ONLINE EDITION of is updated by the Centre each quarter.

4.4 Factsheets and brochures

The Centre has more than 30 Factsheets available to assist and inform people about Social Security matters. A complete list of the publications produced by the Centre and the NWRN can be found on the NWRN website - www.welfarerights.org.au

4.5 National Welfare Rights Network Website - www.welfarerights.org.au

The National Welfare Rights Network's website has been in operation since 2001/2002. The website has over 300 pages of information to assist people with Social Security and welfare rights matters and is constantly maintained and updated by the Centre's Administrator.

5.0 Funding

1.1 Major funders

Funding for the period 1 July 2002 to 30 June 2003 was received from:

- NSW Department of Community Services
\$313,304
- Commonwealth Government - Welfare Rights Program
\$170,595
- CLC Funding Program - (NSW and Commonwealth Governments)
\$127,461

5.2 Welfare Rights Trade Union and HESTA Programs

During this period the Centre continued to provide service to and receive support from the following unions involved in its Trade Union Program:

- NSW Teachers Federation;
- NSW Nurses Association;
- NSW Independent Education Union;
- Australian Liquor, Hospitality and Miscellaneous Worker's Union (Miscellaneous Workers Division);
- 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 Disability Income Benefit (DIB).

The Centre is greatly appreciative of this support and the opportunity it provides the Centre to assist low income working people. Throughout the 2002/2003 period, the main features were:

- advising and representing trade union and HESTA members with regard to their Social Security matters; and
- writing articles for publication in trade union journals to inform readers about their correct Social Security entitlements.

5.3 Income generation

The Centre continues to generate further income through sales of the newsletter (“rights review”) and sales of the ONLINE EDITION of the Independent Social Security Handbook.

5.4 Auditor’s Report

The audit for this period was conducted by Kazzi and Associates. The Auditor’s Report forms part of this Report and is attached at section 7.

6.0 Management

6.1 Board of Directors

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

6.2 The directors who held office at any time during 2002/2003 were:

Estelle Adamek

Liz Biok

James Campbell

Diana Covell

Michael Deane#

Angela Garvey#

Tony Eardley

Carol Howard

Tracey McDonald*

Rod Plant (Chairperson)*

Terry Mason

Alan Kirkland#

Details of each of these Board Members are set out in the Auditors Report.

* indicates left the Board during the period

indicates joined the Board during the period

6.3 Paid workers

Throughout the period, the following people were employed in a full-time capacity.

Dianne Anagnos	Solicitor/Caseworker
Melissa Coad	Education & Community Liaison Officer
Sandy Clark*	Principal Solicitor
Jackie Finlay	Principal Solicitor
Linda Forbes	Casework Coordinator
Leanne Ho#	Caseworker/Researcher
Catalina Loyola	Administrator
Gerard Thomas#	Policy and Media Officer
Michael Raper	Director
Danny Shaw	Publications Officer

6.4 Paid workers - part time

The following people were employed in a part-time capacity.

Heather Fisher	Casework Administrative Assistant
Kerry Perkins	Casework Administrative Assistant
Sam Trinity	Financial Administrator

* indicates left the Centre during the period

indicates joined the Centre during the period

6.5 Volunteer workers

Any success the Centre had in 2002/2003 could not have been achieved without the help of our unpaid volunteer workers. The Centre had about 40 people helping us through the year. At any given time the Centre has about 25 casework assistant volunteers who provide an invaluable service each week. Special mention should also go to our administration volunteers who help with the administrative functions in the office. These volunteers perform their duties with style, diligence, patience and much skill.

The casework volunteers, who have the challenging task of interviewing clients who contact us for advice, assisted nearly 4,000 people through the year. They displayed excellent communication and interpersonal skills in assisting many highly distressed clients. Their dedication and enthusiasm provides an inspiration to all of us at the Centre.

The Centre gratefully acknowledges the role played by all our volunteers. These workers contribute services to the Centre valued at over \$150,000 each year. We hope they have enjoyed being here as much as we have enjoyed having them and we look forward to their continuing involvement with the Centre.

7.0 Auditor's Report

The Auditor's Report, prepared by Kazzi and Associates forms part of this Annual Report but as it is produced in a different format, is available on request.