

Welfare Rights Centre

Annual Report

July 2003 to June 2004

Prepared for 2004
Annual General Meeting

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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 twenty first 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 and Family Assistance problems and to agencies assisting people with Social Security problems. The aim of the Centre's casework service is both to achieve outcomes for individual clients and for 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 and Family Assistance 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 where they may not adequately represent their own interests.

Telephone advice and assistance is available between 9am and 5pm 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 generally provided by telephone. However, the Centre has an access and equity policy to ensure that people unable to obtain assistance by telephone are not disadvantaged.

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 2003 to June 2004 the Centre provided advice or advocacy to 3496 clients. We opened cases for 1085 of these matters.

Age

Clients' age:

0-18	2%
18-34	21%
35-49	28%
50-64	18%
65+	7%
not supplied	24%

Gender

Female	40%
Male	57%
notsupplied	3%

Country of birth

The top ten countries of birth disclosed by clients was:

Australia	78%
United Kingdom	3.4%
New Zealand & Cook Is.	2.4%
Lebanon	2%
Greece	1.1%
Italy	1%
Vietnam	.9%
China	.8%
Fiji	.7%
Philippines	.6%

Clients of Aboriginal or Torres Strait Islander background

2% of clients responding to this question identified themselves as being of Aboriginal or Torres Strait Islander background, or both.

1.3 Casework during 2003/2004

Debt waiver rules

The most common and 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.

There remains a need for legislative reform of the debt waiver provisions of the Social Security Act - particularly the need to allow for waiver of recovery of a debt where a person would have been eligible for another payment if they had understood that they were not entitled to the payment received. The Centre has an ongoing commitment to resolving this issue as a matter of priority.

The unfairness of the “special circumstances” waiver legislation is also unresolved. We continue to advise clients with compelling grounds for debt waiver who had no idea that they were incurring a debt, yet the legislation still prevents waiver of a debt if another person (eg, their partner or parent), “knowingly” made a false statement or representation contributing to the debt.

Student debts

We continue to see many Youth Allowance, Austudy and ABSTUDY debts - generally caused by a student’s failure to advise of discontinuation of study or of a change from full-time to part-time status. These cases can be disturbing - particularly where a young person is not only in hardship because of the debt recovery but where they also face criminal prosecution. This issue continues particularly to affect young people with Austudy, Abstudy and Youth Allowance debts and unfortunately, we see many cases where young people with deep-seated family problems have incurred debts due to their inability to maintain adequate study levels. Caseworkers are often successful in having recovery of these debts waived, or at times having such debts cancelled.

We are concerned that a number of these cases are referred to the Director of Public Prosecutions. We consider that many of these referrals to be totally unjustified. For the very reasons that the young people involved may have had difficulties maintaining study, they are often unable to advocate for themselves in the appeals system and are, understandably, overwhelmed by the prospect of prosecution and the effect of a criminal conviction on their career prospects.

Data-matching debts

We also continue to see many pension and Parenting Payment debts caused by Centrelink's failure to adjust payment rates despite the fact that the client provided full information about their earnings to Centrelink. These debts often arise where, for example, a Parenting Payment recipient contacts Centrelink regularly to advise of their partner's earnings and Centrelink notes Family Tax Benefit system but not the pension system. Such debts can continue to accrue for years and clients are justifiably distressed when they are raised, and when Centrelink refuses to accept responsibility for the debt.

This means that even pensioners with good income reporting histories can end up with significant debts following a data-match, due to re-assessment of pension entitlements over whole financial years on the basis of Tax Office assessment of taxable income for the year. We have had to act quickly on these cases because debts over \$5,000 are being referred to Centrelink Prosecutions Units, for consideration of whether to refer the matter for criminal charges.

Debts and criminal prosecutions

We are concerned that many people facing criminal charges in relation to Social Security debts inappropriately plead guilty. This prompted us to make submissions to the Senate's Legal and Constitutional References Committee's "Inquiry into Current Legal Aid and Justice Arrangements". Our overall message to the Committee was that many people with complex Social Security criminal cases cannot access adequate legal assistance. Working on these submissions focused us on the issues and the need to push for reform. We shall be undertaking a project designed to identify both the extent of the problem and solutions to it.

Debt recovery

Problems with Centrelink internal review and debt recovery practices persist, however, the Government and Centrelink having expressed commitment to resolving some of the debt recovery issues highlighted in a recent National Audit Office report.

Residence issues

A major issue throughout the year was that of New Zealand citizens living in Australia who have been denied Social Security income support under the complex rules that have been in place since early 2001. 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 and confusion. Although some people can return to New Zealand if they lose or cannot find work, for others - such as people who have established a family here, and women who have fled domestic violence - this is not an option. The Centre will continue to seek reform such that New Zealanders living in Australia are at the very least given access to Special Benefit.

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 a campaign to explore the extent, impact and causes of Social Security debt, and to propose changes to make the debt recovery process fairer and to prevent debts from occurring. The Centre played an active role in the ongoing monitoring of the Australian's

Working Together legislation and actively participated in the Breaches Taskforce which is charged with examining the impact of and the fairness of Social Security penalties. The Taskforce will report in late 2004. The other major policy area for the Centre has been, with the Network, exploring problems and solutions to the Family Tax Benefit payments system.

2.3 Policy

In addition to debt recovery and debt prevention issues the Centre also lobbied for:

- access to Crisis Payment for ABSTUDY recipients;
- changes to pension portability for people with severe disabilities; and
- the Family Tax Benefit “Extension of Time” legislation.

The Centre also gave evidence to a Senate inquiry into access to justice and assisted the Network to provide evidence to a Senate inquiry into the new Medicare Plus arrangements and their relationship with the Family Tax Benefit. In conjunction with the National Welfare rights Network (NWRN) we contributed to a submission to the House of Representatives Inquiry into Shared Care. Our analysis of the problems of shared care and its implications for Social Security payments was acknowledged in the final report from the inquiry.

We also participated in the community debate over the merits of increased spending on initiatives to address health, homelessness, aged care and relief from poverty, as opposed to tax cuts.

Comments on major legislation throughout the period were also provided to Government, opposition, the minor parties and independents. Of note was our proposal to remove the requirement that Family Tax Benefit debts that arose solely due to Centrelink error can only be waived if recovery of the debt would cause “severe financial hardship”. This proposal was supported by the Opposition and Democrats, but opposed by the Government.

2.4 Liaison with the community and politicians

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

At least 24 meetings were held with Centrelink and the Department of Family and Community Services over the year covering issues such as Social Security debts, working credit, Social Security penalties, Indigenous services and participation 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 also exchanged views of policy matters with a wide range of other organisations, including the Commonwealth Ombudsman and the Australian National Audit Office.

The Centre continued to participate in a number of consultative groups, including the Centrelink AWT Reference Group and Centrelink's Multicultural Advisory Committee,.

Staff members have been involved in a considerable amount of work in cooperation with other NWRN members in various policy sub committees, including the debt, Family Tax Benefit, residency, young people and students and administrative law committees. In total, staff members participated in 30 NWRN committee meetings, and took part in 2 NWRN delegations that met with various politicians, advisers and staff from Centrelink and FaCS.

Two students on placement at the Centre provided significant assistance with the research capacity of the Centre in 2003-04. Vanessa Faulder, a Law/ Social Work student from UNSW analysed debt data and Jacqueline Lees, a Bachelor of Economics Macquarie University student began research with a grant from the Ronald Henderson Foundation into key issues in income support for young people in Australia.

2.5 Media

The profile of both the Centre and the National Welfare Rights Network grew

significantly in the media over the period, with over 60 primary mentions in various forms of media. Five media releases were produced, covering a range of subjects, including Social Security debt, Family Tax Benefit, the Federal Budget, spending priorities, and poverty. Research commissioned by Roy Morgan Newspan on the debate around spending or tax cuts gained, considerable mention.

3.0 Community Education and Training and Volunteer Workers

3.1 Long term goals

The community education and training goals are:

- To provide high quality, accessible and targeted community legal education.
- To ensure that the work of the Welfare Rights Centre is widely known and supported throughout NSW in order to maximize its accessibility and strengthen community support for the Centre.

To ensure that the Welfare Rights Centre plays an appropriate role within, and for the advancement of, the CLC movement in Australia.

3.2 Education and community liaison

In 2003/2004, 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.

In May 2003 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 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;

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- 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 2003/2004 “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 2003/2004 the Centre produced, as sole publisher the 5th edition of “The Independent Social Security Handbook”.

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 Handbook is also available ONLINE and in 2003/2004 the ONLINE edition of the Handbook was made available for free to community workers in NSW, Western Australia and South Australia due to arrangements made between the Centre and the relevant state government welfare departments in each state. The ONLINE edition was updated each quarter to take into account the major changes to Social Security law and its administration.

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 2003 to 30 June 2004 was received from:

- NSW Department of Community Services \$320,573
- Commonwealth Government - Welfare Rights Program \$156,066
- CLC Funding Program - (NSW and Commonwealth Governments) \$146,072

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;

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- 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 2003/2004 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 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

Tony Eardley

Angela Garvey

Carol Howard

Alan Kirkland (Chairperson)

Terry Mason

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
Liva De Burgh	Administrative Secretary#
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 2003/2004 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.