

special benefit for children

Over the last 12 months the Centre has assisted many Australian resident children under 16 get Special Benefit. This is often possible, regardless of their age, where they are in the care of their custodial parent who is not qualified for a Social Security payment in their own right because they are not residentially qualified (see article page one).

As these cases are becoming more regular we have dedicated this “practitioners’ guide” column to this issue to help community workers who may be assisting clients in these circumstances.

what is special benefit?

Special Benefit is a Social Security payment that can be paid to a person who is not eligible for any other payment and where they are “unable to earn a sufficient livelihood”. To qualify a person must be in financial hardship. The residency qualifications for Special Benefit are not as strict as what they are for other Social Security payments. Special Benefit can be paid to Australian residents, to people who have “qualifying residence exemption”, or to holders of temporary visas 309, 310, 820 and 826.

no age limit

There are no age restrictions for the payment of Special Benefit and a claim can be lodged by, or on behalf of a person of any age. So if a child aged one, for example, has no other means of earning a sufficient livelihood (that is their parents are unable to support them), then they may be able to receive Special Benefit.

rate of special benefit

The fortnightly rate of Special Benefit is discretionary but it cannot exceed the fortnightly rate of Newstart or Youth Allowance. Too often this means that the lowest common denominator approach is applied by Centrelink; that is the person receives a lower rate than what is payable. If you have a client who is not receiving the full rate of Special Benefit, then you should call the Welfare Rights Centre for help and/or appeal the decision.

rate paid to children

Where a child is in the custody of a person who is not residentially qualified for a Social Security payment, Centrelink **policy** restricts the fortnightly rate to no more than \$146.40 per fortnight (this is equal to the “at home” rate of Youth Allowance for people aged 16-18). However, this rate can be increased if you appeal to the Social Security Appeals Tribunal (SSAT). The SSAT has recently made a number of decisions about the rate paid in these cases and decided to increase the rate to \$267.40 per fortnight plus Rent Assistance, if qualified. This represents a significant gain for a person in this situation.

rent assistance and special benefit

Rent Assistance can be paid with Special Benefit at the maximum rate should the person or their parent be paying private rent above a certain amount.

full-time students and special benefit

Generally, Special Benefit cannot be paid where a person is a full-time student. Centrelink considers school age children to be full-time students and will generally not pay Special Benefit unless they are “homeless” or without stable accommodation, or the education has been approved by the Secretary of the Department of Family and Community Services. There are current legislation amendments before Parliament to allow 16 to 18 year old full-time students to access Special Benefit. The Centre has proposed that these amendments be extended to allow full-time students under the age of 18 access to Special Benefit (see article “special benefit extended to students” page 2).

newly arrived residents

Special Benefit is subject to the two-year Newly Arrived Residents Waiting Period.

However Special Benefit can be paid where a person is unable to earn sufficient livelihood and has suffered a “change in circumstances beyond their control”.

appealing decisions

Special Benefit is a tricky payment. Often a person is eligible for Special Benefit but may not be receiving it, or eligible for a higher rate than what they are receiving. If you are a community worker and your client is not receiving a Social Security payment or they are receiving Special Benefit at a reduced rate, you should contact Centrelink to discuss the matter and if you are not happy with any decision lodge an appeal on behalf of your client to a Centrelink Authorised Review Officer. You should lodge the appeal in writing and clearly set out the facts of the case. It is important to remember that a decision not to grant, or not to increase the rate of Special Benefit, can be appealed. If your client has no payment an urgent review should be sought and the Welfare Rights Centre contacted for advice. ▲