

16 September 2024

Economic Inclusion Advisory Committee
EIAC Secretariat
Department of Social Services
By email: eiac@dss.gov.au

Dear EIAC Committee Members

Submission to the Economic Inclusion Advisory Committee

1. Economic Justice Australia (EJA) is the peak organisation for community legal centres providing specialist advice to people on their social security issues and rights. Our members across Australia have provided people with free and independent information, advice, education and representation in the area of social security for over 30 years.
2. EJA provides expert advice to government on social security reform to make it more effective and accessible. Our law and policy reform work:
 - strengthens the effectiveness and integrity of our social security system;
 - educates the community; and
 - improves people's lives by reducing poverty and inequality.
3. EJA welcomes the opportunity to provide a submission to the Economic Inclusion Advisory Committee (EIAC), noting EJA staff and member centre staff will also provide oral evidence during a panel discussion on 30 September 2024. At that time, we will be pleased to provide further examples of economic exclusion experienced by our members' clients as a result of outstanding reforms required to the social security system.
4. This submission focuses on:
 - i. the experiences of individuals and families receiving an income support payment
 - ii. issues faced by individuals and families who do not interact with the social security system or who are unable to engage effectively with the system due to system limitations
 - iii. what could be done to better support economic inclusion and tackle disadvantage.
5. This submission includes case studies from EJA member centres, as well as quotes from community service providers from around Australia who were interviewed as part of EJA's research into barriers to social security for women in regional, rural, remote and very remote areas.

i. The experiences of individuals and families receiving an income support payment

6. Economic inclusion of people dependent on social security is limited because many people are:
 - living in poverty
 - living on reduced payments due to social security debt recovery
 - struggling to survive on payments that include mutual obligation requirements despite having a work-limiting disability or being chronically ill
 - subject to suspensions as a result of mutual obligations despite having a genuine reason for not satisfying mutual obligations reporting requirements.
7. People are living in poverty as a result of the low rate and lack of indexation of social security working-age payments.

Increase and index working-age social security payments

8. EJA has long advocated for social security income support to be consistent with the right to social security and an adequate standard of living, in compliance with Australia's obligations under Articles 9 and 11 of the *International Covenant on Social, Economic and Cultural Rights*. This requires raising the rate of working-age income support payments to a level that affords basic dignity.
9. The gap between pension rates and working-age payments is significant, resulting in working-age payment recipients and their children living in poverty. Their economic exclusion is a result of a bias that is now built into the social security system despite it being overtly harmful.
10. The low rates of JobSeeker Payment, Youth Allowance, Austudy, ABSTUDY and Special Benefit reflect the steady decline of working-age payments against poverty measures over the last two decades. While the 2023 Federal Budget increase was significant, it was not enough to meet cost of living increases.
11. Low payments result in economic and social exclusion. Many people are struggling to afford rent and utility bills, undermining secure housing. People cannot afford essential food and medicines, placing their health at risk. Transport becomes unattainable, as do digital devices and connectivity, which are almost essential for meeting social security obligations and engaging with education institutions and potential employers.
12. People depending on social security payments over an extended period are particularly disadvantaged as the impact of low rates of income support compound, undermining the very purpose of payments – to act as a safety net while encouraging people to re-enter the workforce.

Mick was 43 and had been receiving JobSeeker Payment since becoming redundant four years earlier. As a single parent with a 14-year-old son, he found it extremely difficult to cover his rent and basic household expenses. He often ran out of money in the second week of his fortnightly payment period, leaving

him with no money for public transport, and unable to attend job interviews that weren't within walking distance of his home. Mick often couldn't afford to top up the credit on his phone, which made it hard for him to engage with employers and employment service providers. More than once, his JobSeeker Payment has been suspended, increasing his hardship and undermining his job hunting.

A lot of the time [our clients] don't have the means anyway. They don't have transport, a computer or credit or whatever it might be to [access Centrelink]. We do have some [support] workers in town that are quite good, but it's really for critical situations that arise if someone needs some sort of mental health support really quickly [not for driving to a Centrelink service centre]. (Rural community service)

13. The COVID-19 pandemic delivered an unexpected example of what happens when working-age payments are increased: JobSeeker recipients reported being able to pay the rent, afford nutritious food, fill prescriptions, attend long-delayed optometry or dental appointments, and buy their children school uniforms and school supplies. Further, those payments made a positive contribution to the economy, as people poured the Coronavirus Supplement straight back into basic goods and services.¹ Post-pandemic, unemployment has been at record lows.
 14. Social and economic inclusion require a level of stability undermined by low working-age payment rates, which should be increased to deliver parity with pensions.
- **Recommendation 1:** Increase social security income support payment rates to \$80/day to provide parity with pensions, with indexation linked to both inflation and wages.

Increase and raise the threshold of Commonwealth Rent Assistance

15. Housing security has become a national emergency, with shortages of affordable public, social and private housing. EJA recognises the complexity of the issue, and welcomes recent announcements to increase housing supply and plans to de-silo areas of housing responsibility via a National Housing and Homelessness Plan. We note the many ways in which social security overlaps with housing security.
16. People receiving social security payments are at increased risk of inadequate housing, insecure housing and homelessness, given their modest incomes and a shortage of properties at the lower end of the market. EJA members regularly see clients going without necessities as they try to meet escalating rents or lose their accommodation, using strategies to address homelessness including staying with friends or family, living in tents or cars, and using

¹ Klein E, Cook K, Maury S, Bowey K. An exploratory study examining the changes to Australia's social security system during COVID-19 lockdown measures Aust J Soc Issues. March 2022, 57(1), pp.51-69.

shelters.

Christian was in his early 60s and had been struggling with poorly controlled diabetes on JobSeeker Payment for two years when he approached our member centre. He regularly split his diabetes tablets in half to make them last longer, as he couldn't afford to buy them every few weeks. His doctor told him not to, explaining that that he needed to take the full dose or risk having serious complications, but Christian was convinced this was the only way he could ensure he had enough left over to pay for rent and groceries. He said he knew he should listen to his doctor but didn't see the point in taking medication if he was not going to have anything to eat. (EJA member)

17. EJA welcomes the increases to Commonwealth Rent Assistance (CRA) announced in the 2023 Federal Budget (15 per cent) and the 2024 Federal Budget (a further 10 per cent), with the latter due to come into effect on 20 September 2024. However, the 10 per cent increase in 2024 is not enough to meet need, and falls well below our 2023 ask (aligned with ACOSS) to increase RA by 60 per cent.
 18. Given current economic conditions, urgent attention is also required to the low CRA threshold, with a significant increase required to meet rental costs and provide genuine cost of living relief.
 19. EJA reiterates the recommendation of the Senate Standing Committee Inquiry into the Extent and Nature of Poverty in Australia that EIAC be tasked with a review of CRA 'to determine effectiveness and appropriateness at alleviating cost of living pressures'. Here we also note that CRA is never enough to meet a person's rent, with people drawing on their base social security payment or income from part-time work to meet rents – hence the urgent need to raise the rate of those payments as well (see above).
- **Recommendation 2:** Increase the maximum threshold for Commonwealth Rent Assistance by 50 per cent.

Increase and raise the threshold of Remote Area Allowance

20. The high cost of living and high rates of poverty in remote areas, particularly in remote First Nations communities, necessitate urgent reassessment of the rationale and adequacy of Remote Area Allowance (RAA). RAA has lost significant value over time as it has not increased at all since 2000 and is not indexed. Simultaneously, the cost of fuel, food and rent have substantially increased, with food prices in remote areas far exceeding those in other locations.
21. People in remote areas are also bearing the brunt of digital exclusion, which often comes with a financial cost. As government and business have shifted to an increasing reliance on technology, people with very low incomes are being pushed to incur technology-related expenses, including purchasing phones and computers that can access myGov, phone and

internet credit, and/or traveling to places where such systems are available.

22. EJA joins the calls of others – including ACOSS, the Central Land Council, and the Aboriginal Peak Organisations Northern Territory – for RAA to be increased and indexed to address loss of value over time.
23. We note also, this is an issue the *Senate Standing Committee Inquiry into the Extent and Nature of Poverty in Australia* recommended for referral to EIAC, to review the adequacy of RAA, with a view to set an adequate rate of payment to address the higher costs of living in remote Australia, including appropriate indexation arrangements.

➤ **Recommendation 3:** Increase and index the Remote Area Allowance to reflect living costs in remote communities.

Remove problematic waiting periods

24. EJA continues to seek revocation of the Ordinary Waiting Period and the Liquid Assets Waiting Period, given the impact of delayed start dates for many social security income support payments. These delays force people with modest savings to expend all their savings, leaving them without a financial buffer to meet unexpected or large costs such as utility bills and car registration which are not always possible to cover on basic income support payments.
25. These waiting periods can also compound other issues, including undermining secure housing, access to medical care, mental health and capacity to study or seek employment. Here we also note the long-term consequences of people resorting to Afterpay or payday loans when unable to meet repayments.
26. EJA members see particular groups of people harshly affected by these waiting periods:
 - Older people who have not reached Age Pension age, who are forced to use a significant portion of their retirement savings before qualifying for income support (via an assets test that is lower than the Age Pension asset test), while facing age-related barriers to employment.
 - Younger people in insecure work who have had to decimate their minimal savings or borrow money to survive.
 - Single parents without a strong support network or financial buffer who are unable to adequately provide for their children, keep up to date with utility payments, and meet unexpected expenses such as car repairs.
 - Victim-survivors of domestic violence who are forced to use much-needed savings to escape and re-establish a safe home, or hesitate to leave as they find the financial complexity overwhelming.

➤ **Recommendation 4:** Amend the *Social Security Act* to abolish the Liquid Assets Waiting Period and Ordinary Waiting Period and replace it with a comprehensive means test.

Re-introduce time limit on social security debts

27. In 2017, legislative amendments to the *Social Security Act* resulted in the removal of the six-year limitation period on recovery of social security debts. The effect of this change is that Services Australia can raise and commence debt recovery of an historic alleged debt at any time.
 28. Removal of the six-year limit is problematic for a number of reasons, including that it has proven impossible for many to:
 - confirm the accuracy of an alleged debt, given people often have no access to old records to confirm information, and Services Australia does not provide details regarding the facts relied upon to quantify the debt
 - appeal an alleged debt, given difficulty recalling, obtaining or recovering evidence from Services Australia, former employers or other institutions with which they've previously had contact
 - seek legal advice relating to an alleged debt, given the absence of available evidence
 - navigate the appeals system given vulnerabilities associated with social security recipients as a cohort (noting the gross generalisation here), including lack of access to systems that might help people seek evidence and appeal alleged debts.
 29. This issue is particularly pressing given the public's significant loss of faith in the social security debt recovery process as a result of Robodebt, which arguably has been exacerbated by the recent findings of the Ombudsman into the unlawfulness of income apportionment.
 30. EJA notes the findings of the Royal Commissioner of the Robodebt inquiry, who suggests that as social security recipients are more likely to be in financial difficulty than others, 'there is every reason not to pursue ancient debts against them'.
 31. EJA supports the *Robodebt Royal Commission Report* recommendation that the Commonwealth:
 - repeal s 1234B of the *Social Security Act* and reinstate the effective limitation period of six years for the bringing of proceedings to recover debts under Part 5.2 of the Act formerly contained in s 1232 and s 1236 of that Act, before repeal of the relevant sub-sections by the *Budget Savings (Omnibus) Act (No 55) 2016 (Cth)*.
 32. This amendment should also be extended to include repeal of section 42B of the *Student Assistance Act*, section 93B of the *A New Tax System (Family Assistance) (Administration) Act 1999*, and section 192A of the *Paid Parental Leave Act*.
- **Recommendation 5:** Reinstate the limitation of six years on debt recovery on social security debts.

Allow debt waiver when domestic violence victim-survivor's debt results from statements made under duress or coercion

33. EJA's 2021 research found that victim-survivors of domestic violence are unfairly being held responsible for social security debts, including debts that are the direct result of actions of their abuser.² Since 2021, nothing has changed.
34. A social security debt can be waived under social security and family assistance law where there is financial hardship and 'special circumstances' that are unusual, uncommon or exceptional, if it is considered unfair or unduly harsh for the person to have to repay the debt.
35. This process requires the collection and consideration of evidence before a decision maker considers the facts, with the decision to waive discretionary. From time to time, this discretion is applied by Services Australia delegates or the Administrative Appeals Tribunal where domestic violence has played a part in accrual of a debt.
36. The impacts of domestic violence, particularly coercive control and financial abuse, were not within the purview of Parliament when special circumstances waiver provisions were introduced. As the legislation now stands, special circumstances waiver provisions cannot be applied where a victim-survivor has not complied with their social security obligations as a result of threat, coercion or violence - regardless of special or exceptional circumstances. That is because, discretionary debt waiver is not available if a debtor has 'knowingly made a false or misleading statement or failed to comply with an obligation under social security law' (s1237AAD, Social Security Act). That includes where those payments were their only source of income or the perpetrator stole or controlled expenditure of those funds.
37. These provisions are contrary to understandings of domestic violence which form the basis of the *National Plan to Prevent Violence against Women and Children*, and those currently being embedded in state-based legislation aiming to criminalise coercive control.

Hana has recently separated from her financially abusive ex-partner, Silo. They had lived together for five years. After they started dating, Hana fell pregnant quite quickly. When Hana updated Centrelink about the birth of her child, she asked Silo again to let her update her living arrangements. He refused, telling her that if Centrelink found out she would be in trouble and charged with fraud as by then she had been on the wrong payment for 18 months. She kept hoping he'd change his mind and they could really live together as a couple.

From the day he moved in, Silo refused to provide any financial support for Hana or the child. After they'd been together for a while, Silo bought a property in his name only, telling her he could not borrow much if the bank knew he had a partner

² *Debts, Duress and Dob-ins: Centrelink compliance processes and domestic violence*

and children, and that the property was his.

Towards the last 12 months of their relationship, he became physically violent, and Hana left. Hana approached our member centre asking what she could do, but our member centre was unable to assure her that if a debt was raised there was a mechanism that could allow consideration of debt waiver.

38. EJA is seeking amendment to special circumstances debt waiver rules, to allow consideration of debt waiver where false statements have been made under duress or as a result of coercion.

- **Recommendation 6:** Amend the relevant legislation to allow access to special circumstances debt waiver provisions where ‘the debt did not result wholly or partly from the debtor or another person knowingly and willingly’ making a false statement, representation or omission (s 1237AAD of the *Social Security Act 1991*, s 101 of the *A New Tax System (Family Assistance) Act 1999*, and s 43F of the *Student Assistance Act 1973*).

Allow debt waiver when victim-survivor's debt results from statement made by perpetrator

39. A victim-survivor of domestic violence may also be liable for a debt directly incurred by another person, including where a perpetrator makes false statements to Centrelink that affect the victim-survivor’s payments. That includes where a perpetrator has lied directly to Centrelink without the victim’s knowledge, and the money has been paid to the victim but spent by the perpetrator.

40. EJA seeks changes to section 1237AAD of the *Social Security Act* and section 101 of the *Family Assistance Act*) which preclude waiver where the debt was caused by a false statement, misrepresentation, or failure to comply by “another person”, so that victim-survivors of domestic violence are not forced to repay debts that are the direct result of abuse.

41. We propose that the wording of those sections be amended to ensure that access to special circumstances provisions is not precluded by conduct that is not authorised by the debtor.

- **Recommendation 7:** Enable waiver of a victim-survivor’s debt where it results from the false statement or false representation of “another person” where unknown to the victim/survivor or having occurred under coercion or duress, by amendment to section 1237AAD of the *Social Security Act* or section 101 of the *Family Assistance Act*.

Fix the targeted compliance framework

42. As outlined in EIAC’s 2024 report, ‘It has been clear to observers for a long time that our current employment services system is not working’. In many instances, counter-productive measures are limiting access to employment, furthering economic and social exclusion, and

exacerbating disadvantage.

43. EJA understands that reform of employment services is a complex public policy operation but seeks urgent action to employment services reform, noting more than 700,000 people are currently required to engage with employment services. The system is very expensive to run (with the Government's planning to spend almost \$10 billion dollars during the next four years) but provides minimal assistance to people looking for work.

44. EJA concurs with the findings of the Inquiry into Workforce Australia Employment Services, that:

the current rigid approach to mutual obligations is killing unemployed people's intrinsic motivations and efforts to seek work, by drowning them and those paid to help them in a mountain of red tape, compliance requirements and pointless mandatory activity.

45. Meanwhile, businesses are frustrated by the never-ending cascade of inappropriate applications sent only to meet applicant's activity tests. And an extraordinary number of people are being threatened with payment suspensions, largely as an administrative practice to 'encourage' reporting of activities already undertaken. This system undermines economic inclusion.

46. The employment services system cannot be fixed by tweaks. EJA urges the Government to commit to major structural reforms, and EJA seeks a clear timeline for change, including legislative change and restructuring of the administrative arms of the system, consistent with the recommendations of the Select Committee on Workforce Australia Employment Services, including those supported in recommendations in the 2025 EIAC report.

➤ **Recommendation 8:** Commit to major structural reforms of the employment services system, including providing a timeline of measures to be undertaken.

47. To reduce ongoing harms resulting from the employment services structure, EJA urges the Government to bring forward specific reforms from the Workforce Australia Inquiry as quickly as possible, particularly recommendations 57 and 62 which relate to the JobSeeker compliance system.

48. Our member centres report an overrepresentation of vulnerable groups among payment suspensions, which can have significant consequences, including undermining job seeking efforts.

Rita, who is from a CALD background, is self-employed, working causally when she can, while receiving part Parenting Payment Single. She has separated from her abusive partner but continues to receive constant abusive messages, including threats to take her 5-year-old child, as well as an incident where he damaged her car. When she contacted our member centre, she was waiting for an Apprehended Violence Order to be heard.

Rita was overwhelmed with the ongoing domestic violence, pending Apprehended Violence Order hearing, needing to sort out pressing family law matters, and trying to work out what to do as she could no longer pay her mortgage. She was trying to ensure her son got to school each day, and was also having counselling. She had described her situation to her employment services provider but kept being sent texts and emails threatening her with payment suspension if she didn't meet her points requirements.

Our member centre caseworker met with Rita and, aiming to bypass the employment services provider, contacted Services Australia. Some weeks later, a senior social worker contacted Rita, apologised for the delay, and organised Rita's exemption from the activity test.

49. There are many reasons why a person may have difficulty meeting or reporting requirements, not all of which are in their control. Practical factors such as homelessness, lack of access to a mobile phone or the internet, or personal issues such as mental illness are not always considered a 'reasonable excuse' under current arrangements, with decision makers allowed limited discretion.
 50. We understand guidelines limit employment service providers referring to Services Australia for exemptions but suggest this process could be improved to meet the principles of 'no wrong door', and 'tell your story once'. Employment service providers could be authorised to provide exemptions (as they were under ParentsNext).
- **Recommendation 9:** Pending abolition of the Targeted Compliance Framework, introduce a non-punitive approach to mutual obligations developed in consultation with people directly affected by the system, peak bodies and experts, that allows decision makers to consider the full set of circumstances informing individuals' ability to comply, including each person's specific situation and the impact of natural disasters.
51. Following a natural disaster, mutual obligations are often paused for a short period (commonly four weeks) for people in specific local government areas. These short pauses barely scratch the sides of longer-term disruption many individuals face while entire communities scramble to recover housing, essential services and infrastructure. In some instances, people can seek extensions but the onus remains on them to appeal while managing the consequences of the disaster.
 52. Instead, mutual obligation extension periods should be based on realistic assessment of post-disaster recovery, with decision makers able to make discretionary decisions that extend beyond the current powers of the Secretary to make large-scale determinations regarding the exemption of classes of people or the limited list of factors that can be considered a 'reasonable excuse' for failing to fulfil mutual obligations.

53. EJA supports Sweltering Cities ask to pause mutual obligation requirements involving travel from a person's home to an activity or provider, during heatwaves and other extreme weather events such as high winds and extensive rainfall.

➤ **Recommendation 10:** Introduce mutual obligation pauses that adequately respond to post-disaster recovery, including longer pauses in regions still affected by disaster and in areas experiencing extreme weather.

54. Pressuring people to engage in activities that are not useful can be alienating and expensive, increasing economic exclusion. The time and financial cost of attending employment service provider appointments can actively undermine participants' efforts to look for work, noting many people do not always have the funds to cover petrol or public transport.

55. Frequency of contact and appointments should be participant led. While frequent contacts might be beneficial in limited circumstances (for example, when a participant requests them), they should not be used as measures to 'hassle' people to get off payments quickly by taking the first available job – which a person may or not be able to sustain.

56. Employment service provider contacts could also vary over phases of service such that a series of appointments at the beginning of an employment preparation period might be beneficial, while later in the service, it would not have to be as frequent.

➤ **Recommendation 11:** Make explicit the options for flexible scheduling of appointments, noting costs associated with appointments, foregrounding the needs of participants and tangible benefits to participants.

Developing job plans in employment services

57. EJA seeks urgent attention to policy and practice determining the development of job plans, bringing forward recommendation 40 off the Workforce Australia Inquiry. Job plans should reflect the reciprocal obligations of providers to support people when they are looking for paid work. Most importantly, job plans should set out a pathway that has been genuinely negotiated, focused on building the capability of participants in a way that empowers them with choice and confidence.

58. Mutual obligations should be replaced with reciprocity-based practice, like 'The Deal' used by the Brotherhood of Saint Laurence in their work with young people. The Deal makes clear what each party will commit to doing to increase participants' confidence achieve their employment goals.

➤ **Recommendation 12:** Replace mutual obligations with reciprocity-based practice, making clear what each party will do to achieve the participant's goals.

People with Disability in the new Specialist Disability Employment Services

59. People with disability have a specific right to social security outlined in article 28 of the *Convention on the Rights of Persons with Disability* (CRPD), which provides that they have the right to 'social protection' and 'an adequate standard of living', with States required to 'ensure people with disability access to social protection programs. EJA maintains that the restrictive eligibility criteria for DSP leads to this standard not being met.
 60. There is current draft policy proposing that engagement with disability employment services is based on 'meaningful engagement', however, it is unclear how this term is to be interpreted. It is vital that this term be clearly defined, outlining activities or behaviours that constitute meaningful engagement, with examples provided to ensure consistent and fair implementation of the intent of the policy.
 61. EJA suggests this definition be included in DES guidelines and in the *Social Security Guide*, using phrases that have a clear and simple meaning in English.
 62. Access to review of a decision regarding meaningful employment will be vital to the successful implementation of its policy intent.
- **Recommendation 13:** That 'meaningful engagement' be clearly defined, based on consultation with people with lived experiences of disability employment services, to ensure it satisfies its intention to deliver flexible and effective mutual obligation requirements.
63. EJA welcomes the 2024 Federal Budget measure to extend the higher rate of JobSeeker Payment to single recipients with a partial capacity to work under 15 hours a week, benefiting almost 5000 people with limited work capacity. Unfortunately, that measure falls short of the reform required to increase economic and social inclusion of people with disability or ill-health who have limited capacity to work but remain trapped on JobSeeker or other low-rate payments.
 64. EJA also supports measures to recognise and enable people who are extremely-long-term unemployed to be granted a Disability Support Pension.

Harriet is a trained registered nurse with intermittent work history due to crippling and increasingly frequent bouts of depression. When she was referred to the EJA member centre by her support worker, Harriet clearly satisfied the 'severe impairment' rating for Impairment Table 5 (the Table for assessing psychiatric impairment), as she was unable to complete daily tasks such as meal preparation,

washing and cleaning without support from mental health workers. However, Harriet's condition would fluctuate and there were periods where she could undertake the kinds of activities that would give her an assessment of 10 points under the same Table. Given these fluctuations, throughout the prior 10 years Harriet was unable to sustain employment due to regular, severe episodes of depression. Harriet's applications for DSP had been rejected based on assessments of short periods when she was well.

- **Recommendation 14:** Review the current Disability Support Pension legislative framework to enable people with disability or chronic debilitating health conditions who are extremely-long term unemployed to be granted Disability Support Pension.
65. Our primary concern regarding access to Disability Support Pension remains the operation of the program of support (POS) as set out in the Ministerial Instrument, the *Social Security (Active Participation for Disability Support Pension) Determination 2014* (the Instrument).
 66. A person who is assessed as having an impairment rating of at least 20 points under the Impairment Tables is considered to have a 'continuing inability to work' if they score at least 20 points under a single Impairment Table, or they score at least 20 points but not 20 points from a single table AND they have actively participated in a POS for at least 18 months over the previous three years.
 67. Consequently, a person who has scored 20 points or more across more than one Impairment Table but not 20 points from any single Table, will generally not qualify for DSP until they meet the 18-month POS requirement. This applies to many people who have scored more than 20 points across multiple tables. If a person gets a medical exemption while undertaking the POS requirement, that time does not count towards the 18-month threshold, and extends the period until they satisfy the POS requirement.
 68. EJA has long argued that there is no rational basis for differentiating a person who scores an impairment rating of 20 or more under the DSP Impairment Tables from someone with multiple impairments that, in combination, are equally if not more severe in functional impact.
 69. Many people do not find out about the POS requirement until they have spent many months on a protracted DSP claim resulting from the need to gather specific medical evidence and delays in Services Australia processing. When the claims process is added to the POS requirement, this means it can take more than two years for a person to be granted DSP.
 70. In fact, there is no actual program (or funding allocation) named 'program of support'. The requirement is met by engaging with a government-funded employment services provider. Rather than finding the POS supportive, many people experience it as unproductive, and the process distressing, particularly when they are in pain and needing to turn up routinely to appointments for 18 months. Further, they find the long wait for DSP frustrating and demoralising.

71. There is provision under the Instrument to terminate a POS and to excuse a person from having to complete a POS for DSP eligibility if ‘the person was unable, solely because of his or her impairment, to improve his or her capacity to prepare for, find or maintain work through continued participation in the program’.
72. Unfortunately, our members report that they find it difficult or impossible to get service providers to release individuals from their POS, including when they fit the criteria or their condition has deteriorated and they are very ill, noting there is no incentive for service providers to do so. This leaves people trapped undertaking a POS despite there being no possibility of their being able to undertake paid work at the end of the 18-month period.
73. This complexity of the claims process, including the POS requirement, can constitute an insurmountable barrier for people with psycho-social disability, intellectual disability or cognitive impairment, especially for people in regional and remote Australia. That leaves people trapped on the low-rate JobSeeker Payment, despite them having a disability, injury or chronic illness that satisfies the 20-point Impairment Table rules
- **Recommendation 15:** Amend DSP qualification criteria outlined in section 94 of the *Social Security Act* to remove the program of support requirement, or include clear criteria for exempting a person from the requirement.

ii. Issues faced by individuals and families who do not interact with the social security system or who are unable to engage effectively with the system

74. EJA is extremely concerned that some eligible people are not on payments and are living in absolute poverty. That includes people who have completely disengaged with the system because they just find it too difficult.

A reduction in the reliance on call centres and more frontline [workers] that would be helpful. An extra person that could sit down and explain to those that fall through the gaps, yeah, it would go a long way. (Legal service, rural Tasmania)

75. EJA is also aware that in some families comprising two parents and children, only one parent (usually the woman) is on an income support payment, while the other refuses to engage with Services Australia, forcing the family into poverty.

Help people establish Proof of Identify

76. EJA acknowledges the importance of proof of identity (POI) processes in protecting the integrity of the social security system, securing individuals’ personal information and ensuring payments are made to the correct person.
77. People are required to provide specific POI and sometimes other documentation when claiming a social security entitlement, but these requirements can prove unduly onerous or

impossible, locking people out of payments for weeks, months, or longer. In some cases, people just give up.

They don't have ID. They go to Centrelink. They're just turned away. (Regional service provider)

These women are leaving [the Centrelink office] with nothing, no money and potentially weeks to months waiting to get copies of ID. (Rural service provider)

I could talk to you about a 50-year-old Indigenous woman that was living underneath the stairs of our building for three weeks. ... She had no identification. She won [money] on the pokies ... but couldn't cash her cheque because she didn't have any ID. ... She was living under my stairs, in the pouring rain. She had a massive infection ... and went to hospital for a week. [The local First Nations organisation] was phenomenal and got her cheque cashed. ... The only thing that we couldn't navigate for her was getting her a Centrelink payment. (Regional service provider)

78. Problems establishing POI impact some victim-survivors wanting to leave a violent relationship.

People say, oh I really want to leave but I can't get Centrelink because I don't have access to my bank account, I don't have my ID card, I don't have this, and I don't have that. It's a major barrier. (Regional service provider)

79. When people do leave, they often leave in a hurry. Some may leave without even basic POI, but many leave without the full range of documentation required to claim or maintain social security payments. Delays and the cost of securing new documents can significantly add to a person's stress and can delay their Centrelink claim, both of which increase a victim-survivor's vulnerability and the likelihood they will return to the violent relationship.

80. Victim-survivors face particular challenges where the perpetrator has tightly controlled access to all documents and records, it is not safe to return to a property to collect documents, or an order prevents contact between the parties. Some perpetrators will deliberately hide or destroy documents.

Some victim-survivors are turned away from Centrelink offices when they do not have required POI. They don't have ID. They go to Centrelink. They're just turned away. (Rural service provider)

I recently attended a local Centrelink service centre with Susan, my client who's in her 60s, who had fled domestic violence just days prior. Susan was without any income or savings. Centrelink told Susan that she didn't have the correct ID and her claim couldn't be processed until she provided them. We were told to use a computer in the corner of the public waiting room to try to get what she needed. I could see that Susan was becoming increasingly uncomfortable and distressed as she 'isn't great with a computer' and was also uncomfortable trying to access personal information in the public space. We left and basically, I helped her get the documents over a period of

weeks which she then provided to Centrelink and her claim was lodged. It's common for women to have to rely on emergency relief payments while gathering correct POI for Centrelink. (Regional service provider)

81. During our discussions with senior SA staff responsible for POI, they have asserted that lack of POI should not prevent a person accessing their social security entitlement as SA has processes available to assist with identification where a person is unable to otherwise satisfy requirements, but that is not born out on the ground.
 82. The POI issue has a major cross over into banking, which also requires POI to establish a bank account. Our members see clients in particularly vulnerable circumstances who lack the POI required to set up a bank account, noting that even if Centrelink payments are secured, they cannot be paid unless the person has a bank account.
- **Recommendation 16:** That Services Australia use its information gathering powers to access required documents held by other government departments, including Births, Deaths and Marriages, to proactively assist victim-survivors to satisfy POI and other documentary requirements.
 - **Recommendation 17:** That Services Australia and financial institutions investigate ways to work together to support victim-survivors of financial abuse to source ID that can then be used to access social security, financial services and other relevant services.

Address Digital Exclusion

83. The *Digital Inclusion Index* reveals that more than a quarter of the population are digitally excluded. Among them, one in ten are highly excluded, including many elderly individuals, those with limited education, people living outside capital cities, and First Nations communities.
84. Further, a recent myGov review found that 37% of Australians have difficulties navigating digital government services, with only 44% able to find help when needed. There must be alternatives to online digital services for Centrepay that are easy to access and understand.
85. First Nations people can experience significant barriers satisfying online identity verification requirements, including for myGov and Digital ID authentication due to lack proof of identify (POI) documentation. Pathfinders National Aboriginal Birth Certificate³ program estimates that there are approximately 160,000 First Nations' people whose births were never registered with the relevant state Births, Deaths and Marriage bureau.
86. There is a pressing need for efforts to address this issue, which continues to have significant impact and causes long-term and serious consequences for people who are most vulnerable, including people who go without social security payment for months or years solely because they cannot navigate POI requirements.

87. Access to reliable, connected individual digital devices is a significant barrier for some First Nations people in regional, rural and remote areas. Multi-factor authentication processes can be problematic when First Nations people do not have access to devices or online accounts where passwords have been stored. Multi-factor authentication generates a code which is sent to a previously linked mobile phone and this requirement regularly excludes people from accessing their online services.
88. There is a need to ensure that people with accessibility issues are consulted in the design of Digital ID verification processes to prevent inadvertent risks or harms. Identity verification systems should be designed with a practical understanding the accessibility problems experienced by First Nations people. Recommendation: Additional safeguards are needed for people for whom the creation and ongoing use of a Digital IDs and identity verification processes are problematic Recommendation: Inclusive design should

One community had one phone and one computer. The phone was down for a week and the computer was down for 12 months with no one who could fix it. They couldn't do things to notify Centrelink, couldn't use income management to buy food. It is hard for Centrelink offices or people in major cities to understand this. (Remote service provider)

In First Nations communities, one person in the family may be receiving payment because it is so difficult for the rest of the family to stay engaged because they can't meet mutual obligations, don't have internet, and can't find a job because the nearest town is 200k away. (Very remote service provider)

89. Specific steps must also be taken to ensure all people can access the social security safety net. That includes consultative systems design, which should always include input from, and testing by, users.

➤ **Recommendation 18:** Engage in genuine co-design in the development of digital and automated systems.

Introduce a Digital Allowance

People don't have access to technology because they are in poverty. They don't have reception. They don't have internet. They don't have a smart phone. (EJA member centre)

90. Poverty remains a significant factor in digital exclusion, with EJA's research into automation and digitisation in social security service delivery revealing many Centrelink recipients are trying to access Services Australia from old phones and devices on which they are unable to install current versions of software. Further, Centrelink recipients' phone access is regularly affected by their ability to afford a phone plan, internet plan or pay-as-you-go data.
91. EJS commends the 2024-2025 budget initiative to provide \$20 million over three years to provide free community Wi-Fi in remote communities. However, it does not address the basic

problem of affordability. The cost of information and communications technology drastically undermines Centrelink recipients' capacity to engage with employment services and maintain reporting requirements (including changes in income, changes in circumstances, and mutual obligations), causing distress as people genuinely struggle to access and retain social security income. It also undermines capacity to engage socially, and with business and educational institutions.

92. While the Telephone Allowance can be paid to people on a few select payments, the current rate of \$35.60/quarter does little to meet the cost of even the cheapest mobile phone or internet service plan.

One community had one phone and one computer. The phone was down for a week and the computer was down for 12 months with no one who could fix it. They couldn't do things to notify Centrelink, couldn't use income management to buy food. It is hard for Centrelink offices or people in major cities to understand this. (Remote service provider)

93. EJA calls for the introduction of a digital allowance. This recommendation is consistent with the rationale of the First Nations Digital Inclusion Advisory Group in their Initial Report, which noted that the \$33.40 rate of Telephone Allowance did little to meet 'the \$450 costs per quarter paid by some customers in remote First Nations communities'. The Advisory Group recommended that Telephone Allowance be increased to \$35/month to reflect contemporary costs, or that all Centrelink recipients be provided a universal data subsidy.

- **Recommendation 19:** Establish a Digital Allowance (i.e. reworking and expanding Telephone Allowance) to assist all people receiving income support to afford mobile phones and data.

Crisis Payment for domestic violence victim-survivors – Nexus with 'home'

94. Under the *Social Security Act*, Crisis Payment can only be paid to a victim-survivor of domestic violence if they are forced to leave their home (s1061JH), or they remain in their home after the perpetrator is removed (s1061JHA).

95. Definitions of 'home' are narrowly defined in the *Social Security Guide*, as a 'house or other shelter that is the fixed residence the person would have lived in for the foreseeable future', including 'a house, apartment, on-site caravan, long-term boarding house or moored boat' but not a 'refuge, overnight hostel, squat or other temporary accommodation'. This excludes people who have been living in substandard accommodation, including a caravan on private property or a tent, even when they have lived there long-term. That is particularly problematic given the current housing crisis.

***Nina** has lived with her violent partner for more than 10 years. Recently he forced her and their two small children from the family home, saying if she couldn't keep the house clean she could look after a smaller place – the caravan in their backyard. He gave her 10 minutes to pack and took her house keys. She found herself stuck in the*

unairconditioned caravan with two kids, no food or the kid's school uniforms. The following day, she tried to claim Crisis Payment but was knocked back as Centrelink maintained she had not left 'home'.

96. EJA suggests the intention of this provision was never to exclude people who are particularly financially vulnerable, but instead to provide support for people forced to move and/or re-establish themselves. Crisis Payment could be more effectively targeted if 'home' were replaced with language such as 'the place where the person has been living' or 'has been residing'.

- **Recommendation 20:** That the Government extend the definition of 'home' to reflect the broad range of situations in which people live: Replace the word 'home' with a term encompassing a broader range of residential arrangements, for example, 'where the person has been residing' (s1061JH, Social Security Act). Or Extend the definition of 'home' to include a broader range of residential arrangements (3.7.4.20, Social Security Guide).

97. Eligibility for Crisis Payment also requires that a victim-survivor of domestic violence has not only left their home but has established, or intends to establish, a new home. The requirement is unnecessary given section s1061JH of the *Social Security Act* already requires that a person cannot return to their home, and it is unreasonable to expect them to do so. It also denies the fact that many victim survivors are forced out of their home and in crisis but hope to reconcile with their partner.

98. Further, s1061JH requires evidence that a person has or is looking for new permanent accommodation – which is completely out of reach of many, given the current housing crisis.

- **Recommendation 21:** That the Government repeal the requirement that a person has or intends to establish a new home (s1061JH, (1)(c), Social Security Act).

iii. What could be done to better support economic inclusion and tackle disadvantage?

99. In the last financial year, more than 9 million people received a Centrelink payment and/or concession card, requiring regular engagement with Services Australia staff or online systems. The sheer number of engagements points to the critical role Services Australia can play in identifying, preventing and responding to financial abuse.

Increase access to Social Workers

100. Centrelink social workers are uniquely equipped to work with clients with complex needs, helping vulnerable people and those in crisis to access correct payments, avoid debts and access appeals processes. Their input also removes the burden from front-line staff struggling to manage heightened behaviours of people who are angry or in distress.

101. For example, EJA notes that access to DSP can be particularly problematic for people with psychosocial disability across already vulnerable cohorts - including people in remote First Nations communities and refugees. While a person may have strong claims for DSP, without access to support to navigate the claim process many are effectively relegated to JobSeeker Payment or other activity tested payments indefinitely or until they reach Age Pension age. They can also be at high risk of payment suspensions and non-payment penalties due to an inability to comply with mutual obligation requirements.
102. Unfortunately, our members report that many people in crisis struggle to access Centrelink social worker support, often waiting days or longer to speak to a social worker, including when an appointment has been offered during the person's initial contact with Centrelink. Access has declined since social workers were removed from Centrelink offices.
- I recently assisted one of my clients, who was experiencing FADV, to attend her local Centrelink office. She was in a state of crisis and asked to speak to a social worker. She was directed to a phone in the public waiting area and told to call the general line, wait on hold and then ask to speak with a social worker. (Regional NSW)*
103. EJA research into the experience of women escaping domestic violence⁷ clearly indicates better outcomes for clients when they have timely access to Centrelink social workers. Unfortunately, our members report many people in crisis struggle to access Centrelink social worker support, often waiting two to three days to speak to a social worker even when appointments are offered during initial Centrelink contact.
- In our local [Centrelink] office, we used to have a team of at least three social workers...And then during COVID they dropped off...One of them in particular was an excellent social worker, always accessible. We could phone or email them directly with questions. They were really good about getting payments through. They were just a real ally in that space. (xxx)*
104. EJA members lament the removal of social workers from Centrelink offices. Face-to-face interviews increase the likelihood of disclosure of difficult or traumatic issues given workers are better able to build rapport than during a telephone call. Further, local Centrelink social workers are well placed to make warm referrals to relevant local community support organisations.
105. EJA is pleased that Services Australia is currently recruiting for 50 additional social worker positions which will make a difference to the bottom line. EJA understands that efforts are being made to ensure that where social workers are located in service centres (rather than providing telephone services) they are being allocated to services centres with greatest demand. Still, these efforts are unlikely to go far enough.
106. EJA calls for the re-establishment of Centrelink office social work units, staffed to respond to local need. This would include additional social workers contactable by phone, and face-to-face services noting face-to-face interviews increase the likelihood of disclosure of difficult or traumatic issues given workers are better able to build rapport than during a

telephone call, also increasing people's confidence that the social worker understands them and the gravity of their circumstances.

- **Recommendation 22:** Allocate additional funding to enable Services Australia to employ more Centrelink social workers, locating more social workers in Centrelink offices.

Increase capacity for specialist outreach

107. Services Australia provides a range of outreach services, often undertaken by specialist officers including Indigenous Service Officers and Multicultural Service Officers, as well as staff from Mobile Service Centres. Services Australia has also recently begun placing specialist staff in non-government organisations through the Community Partnership Program, to considerable success.
108. Similar to the critical role played by social workers, our members consistently see how the involvement of specialist outreach staff make a critical difference - establishing basic access for people with complex needs who are otherwise locked out of the system, and making appropriate referrals to address urgent issues including family and domestic violence and homelessness.
109. Spending in this area has the potential to provide targeted engagement with disadvantaged clients at critical points, including addressing issues before they escalate into legal problems. Ultimately, these services provide a streamlined mechanism to help people struggling with Centrelink's systems to claim and maintain correct payments.

- **Recommendation 23:** Allocate additional funding to enable Services Australia to employ more expert offers to provide specialist and outreach services including Indigenous Service Officers, Multicultural Service Officers, Mobile Outreach teams.

Reinstate and improve prison pre-release programs

110. People leaving prison often require assistance to secure income security upon release, which is essential for a successful transition from prison back into the community. This support needs to be commenced prior to release to organise the claiming of Centrelink payments, engagement with employment service providers, and referral to community organisations for essential services.
111. Services Australia's Prison Liaison Officers (PLO) program provides valuable support to prisoners via phone appointment prior to release, however, phone services are often not as effective as face-to-face services which have recently become difficult to access.
112. Further, our members are seeing clients who have not been offered pre-release support, or they have been given only rudimentary advice to go to the closest Centrelink office and claim Jobseeker Payment. This has resulted in payment delays that were entirely predictable as people had not been informed that in order to claim a Centrelink payment, they require:
 - proof of identity documents

- a contact address
 - a bank account (which they cannot open as they lack proof of identity)
113. Such rudimentary issues are preventing claims being lodged or assessed and leaving people who have just been released from prison with absolutely no money, with consequent flow on effects. In the Northern Territory, our member centre NAAJA's Throughcare service has found it necessary for staff to meet Aboriginal people from remote communities upon their release and take them immediately to Centrelink, where they have stood together in line sometimes for two hours or more to claim payment, to avoid the probability of clients otherwise sleeping rough or in the long grass.
114. Here, we note the need for targeted PLO services for First Nations people given higher rates of incarceration but also mutual obligation suspensions and penalties, disability, chronic illness, general disengagement from the social security system, and homelessness.
115. Our members are also seeing people struggling to reclaim payments they were receiving prior to incarceration, with terrible consequences, where adequate pre-release support could have facilitated an effective claims process. This includes claims for Disability Support Pension, Carer Payment, Parenting Payment Single and Family Tax Benefit.
116. We are concerned that the dropping away of Services Australia's presence in custodial settings over recent years is placing highly vulnerable people at risk of homelessness and triggering long-term issues regarding resettling into the community and re-engaging in work, with further knock-on effects.
- **Recommendation 24:** Allocate additional funding to boost SA PLO servicing in custodial settings, to enable comprehensive face-to-face pre-release servicing in all prison settings to facilitate Centrelink claims and referrals to community organisations to assist with travel and accommodation requirements.

Increase access and improve face-to-face services

[Women] spend hours, bloody hours queuing at Centrelink, often in the heat, often with people who don't understand them and to be honest, don't want to understand them sometimes. (Remote service provider)

117. Nothing is more effective than face-to-face engagement with clients who are vulnerable, distressed and/or experiencing a crisis. Face-to-face engagement often gets people on payment quicker and increases the likelihood of people being paid the correct payment because they feel more comfortable disclosing their full circumstances.
118. The Government has committed to putting people back at the centre of Centrelink service provision. That requires increased accessibility to expert staff in local Centrelink offices. As recommended by the Robodebt Royal Commission, 'More "face-to-face" customer service support options should be available for vulnerable recipients needing support.'

Centrelink are no longer staffed to assist people when they come in the door. Instead, they put people on the phone and wait to contact the relevant team and leave them

sitting there. The decision-maker is not in the office – they are somewhere else. In the old structure the decision was made locally. They could ask ‘Jane’ who did DSP matters, and she would come out and help. (EJA member centre)

It feels like our current Centrelink system is meant for you to give up. So instead of having a window in, where you talk to somebody face-to-face, there is a system of barriers where you can’t even have that conversation. (Statewide service provider)

I’m glad [our Centrelink office] is there, but at times the workers say, ‘Just call the hotline or call this and call that or try it online.’ But for a lot of our clients, it’s just not doable in their mental state. They can barely eat, let alone apply for things online. And often they’ve mustered up the courage to actually go into the office. They’ve got themselves out of bed and dressed and use their energy to get to the office only to be told that that’s not going to work that day. (Rural service provider)

[Centrelink workers have] told me to use the phone in the office, but what do I need to say on the phone? They might say ‘oh, go and phone them then and ask blah, blah, blah.’ But why can’t they just sit and help me. (Very remote service provider)

119. The capacity of frontline staff is critical.

A client had her Parenting Payments cut off – because English was not her first language and she didn’t really understand what was being asked of her online. (EJA member)

Social security is so complicated, and there are so many situations where clients think they need A, but should actually be looking at B, C, and D... Given the communication difficulties of a lot of clients, without someone who can be flexible in their communication, they often miss out on what they could be pursuing. (EJA member)

120. EJA members regularly report that frontline staff are not proactive in the way they engage with people. Centrelink customer service officers at the front counter do not routinely ask questions which would help identify whether someone may be at risk of family violence and consequently support systems are not triggered, including access to appropriate payments and social work support.

121. Our members and other community service providers also commonly report that clients are not aware that Centrelink has social workers as other staff do not tell them.

A single referral to a social worker would have prevented that cascading of events. (EJA member centre)

122. Frontline staff may realise that a person is unable to engage with Centrelink appropriately as a result of trauma, or they may perceive behaviours arising from trauma as aggression and harassment. These same clients are often referred to online systems with which they repeatedly fail to engage. This can be particularly difficult for clients who are overwhelmed as a result of ongoing violence or the turmoil associated with leaving a violent relationship and establishing a new, separate life.

123. EJA calls for increased training and support of frontline staff to provide a proactive and responsive service to people experiencing FADV and other forms of abuse. That includes a focus on hiring and retaining frontline staff with the relevant experience and education qualifications needed to provide a trauma informed service.

- **Recommendation 25:** Allocate additional funding to get more Services Australia onto the frontline, so vulnerable people can access face-to-face' support.
- **Recommendation 26:** Ensure frontline staff are trained to provide consistent and correct social security information, and to engage with people in a supportive manner.

Increase access to subject expert and senior staff

124. Social security is inordinately complicated, and most people do not understand the system of payments administered by Centrelink or the many specific conditions attached to their payments. Consequently, the role of Centrelink officers is critical to people accessing and maintaining correct payments.

125. Centrelink staff face a challenging task administering and explaining payments with rigid and sometimes complex criteria to large numbers of people, many of whom are stressed and frustrated by the time they come into contact with staff. Staff members need as much training and support as possible to effectively assist people, including those who are in crisis or present with heightened behaviours.

126. Training thousands of staff to expertly fulfil their role no doubt poses enormous challenges but is an issue requiring utmost priority. EJA support the Robodebt Royal Commission's recommendation of the establishment of a 'Knowledge College' within Services Australia to provide much needed training, noting in-depth training used to be a standard requirement for Centrelink (Department of Social Security) staff.

127. Particular effort is required to boost the capacity of Authorised Review Officers (AROs). Our member centres are seeing long delays in completion of internal reviews and time pressured AROs making hasty review decisions that fail to address all relevant issues. Further, the quality of decisions appears to have been reduced by a reliance on 'template decisions' instead of customised decisions, with ARO decision letters being increasingly opaque.

128. These changes are concerning as poor internal decision-making standards inhibit procedural fairness for individuals and point to rule of law issues on a systemic level. They also reduce faith in the system and leave people uncertain about whether Centrelink decisions are correct, including whether they are receiving correct payment.

- **Recommendation 27:** Allocate funding to employ and train additional staff, particularly expert staff, to assist with claims and appeals.

Fix debt letters

129. Urgent investment is required to address IT systems constraints which are producing social security debt notices that, in EJA's view, fail to meet legislative requirements. At the very

least, notices need to meet the requirement prescribed by s 1229 of the *Social Security Act*, that a debt notice specify ‘the reason the debt was incurred, including a brief explanation of the circumstances that led to the debt being incurred.’ This standard applies regardless of whether the debt notices are generated by a person or an automated system.

130. Currently, debt notices (and the MyGov screens to which people are referred) simply state the amount a person was over-paid over a specific period, the amount that they were entitled to, and the difference that they owe. For example:

*You received \$6500 based on your estimated family's income of \$60,000.
However, as your actual family's income was \$80,000 you were only entitled to
\$5000. The excess amount of \$1500 is a debt you owed us.*

131. This does not provide the person with sufficient information regarding ‘the reason the debt was incurred’, or an ‘explanation’ of the circumstances that led to it.

All Family Tax Benefit letters say is ‘your family circumstances have changed’. Does this mean your kids have left home? That you have received more income this financial year? That something has changed with child support? The person has to call and talk to someone who may have no idea about it. (EJA member)

Receiving a debt letter out of the blue with little information about why the debt was incurred can be highly distressing, particularly for vulnerable recipients. (EJA member)

Effectively Centrelink decisions are verbal because you only get an actual explanation when you call. And many don’t call or don’t have that level of understanding needed to make a phone call. People need a proper decision letter that they can show an advocate who can then know how to help them. Since Tier 1 AAT decisions are often verbal, sometimes the first time you receive a written decision is on appeal at the AAT. (EJA member)

132. EJA members have observed that clients receiving debt notices are often bewildered and upset as they cannot understand why they have a debt, so cannot work out what to do next: whether to accept they owe a legal debt; whether to appeal the quantum; or whether to seek waiver of recovery on the grounds of administrative error and/or ‘special circumstances.
133. Further, debt notices are so opaque that our members’ expert caseworkers and lawyers are also unable to advise their clients of the best means to proceed. Current debt notices are not fit-for-purpose.
134. Services Australia is consulting with EJA and other national peak organisations on developing new iterations of standard debt letters but we remain concerned that IT system constraints have resulted in revised templates which in EJA’s view, continue to fail to meet statutory requirements. That includes a lack of information regarding the cause of the debt.

- **Recommendation 28:** Allocate funding to the development of Services Australia’s IT systems to enable preparation of fit-for-purpose correspondence with Centrelink recipients that meets legal standards.

Guarantee social security expert, community solicitors access to Services Australia staff

135. EJA's member centres provide social security legal advice to thousands of people each year, prioritising those who are unable to navigate Centrelink's systems and facing serious financial difficulty.
 136. Over the last few years, our members' social security legal services have been hampered by the erosion of advocates' access to Services Australia decision-makers who have the knowledge and capacity to exercise discretion in the interests of vulnerable clients. This administrative issue has undermined access to justice for those trying to access the social security safety net.
 137. We applaud the Government's adoption of the Robodebt Royal Commission's recommendation to create a 'national advocate's line' to enable more effective engagement with advocacy groups, launching a pilot advocates' channel to streamline access for EJA member centre advocates to appropriate Services Australia staff.
 138. The advocates' channel pilot is currently being evaluated but early analysis shows it has proven successful for both EJA members and Services Australias, streamline consideration of difficult cases, while ensuring that highly vulnerable clients are dealt with promptly.
 139. We seek ongoing funding to ensure the findings of the pilot inform roll-out of a permanent and properly resourced advocate's channel in 2024/25.
- **Recommendation 29:** Allocate funding to enable Services Australia to establish a permanent and well-resourced advocates channel for community legal centre solicitors/caseworkers to communicate directly with Centrelink staff regarding client matters.

Designated funding stream for social security legal services under the National Access to Justice Partnership

140. EJA is seeking increased funding and a designated funding stream for social security legal work under the National Access to Justice Partnership (NAJP) to address urgent need for specialist social security legal assistance and programs provided by our member centres.
141. The Government recently announced it will commit an additional \$800 million uplift on the last five-year partnership agreement but that is not sufficient to meet legal need for social security matters. Allocated across four distinct types of legal services, it will do little to increase much needed services to vulnerable community members with social security legal issues.
142. The social security system is complex and difficult for individuals to navigate. Many people are in desperate straits after:
 - being unable to access the system and left with no income support
 - remaining on the wrong payment despite repeated attempts to claim the correct payment
 - having a debt raised which is wrong or for the wrong amount

- being unable to access the review/appeals system.

143. Lack of access to legal assistance can have long-term consequences. For the most vulnerable, barriers to accessing Centrelink entitlements and appeal rights can contribute to a snowballing series of issues that can become catastrophic. Yet we know that many people are unable to get through on our members' advice lines or are being turned away.

There needs to be either an increase in the level of assistance for CLCs, or government should stop relying so heavily on CLCs to step in. (EJA member)

144. Despite the broadly recognised value of our members' work, successive changes to the legal assistance funding framework have reduced the capacity of community legal services to deliver specialist social security legal advice and representation, limiting access to justice and undermining the integrity of the social security system.

145. Our member centres' capacity is critical given:

- There is no private sector equivalent where people can seek legal advice, and Legal Aid does not provide representation for internal Centrelink appeals in any state or territory, and limited or no assistance for Administrative Appeals Tribunal (AAT) appeals in most jurisdictions.
- Structural changes have decreased access to appeals mechanisms. That includes ARO decision letters becoming increasingly opaque, the abolition of the Social Security Appeals Tribunal, and now the proposal to abolish the less formal first tier of the AAT. Currently, in the AAT General Division, applicants who cannot access Legal Aid or assistance from an EJA member centre frequently represent themselves against the Commonwealth's legal representatives, who are often from a large top tier law firm. That can result in hearings where the legal process includes a serious risk of unfairness due to the imbalance of power and resources available to both parties. Abolition of the first tier in the new ART is likely to exacerbate this issue.
- Successive budget cuts reducing staff numbers and training, the introduction of IT systems which have undermined effective interactions with staff, and the long-term effects of the Covid response and fall out from Robodebt have undermined Services Australia's provision of effective services.

146. It is also essential that the Government recognises the importance of the public interest role played by our members, in line with Recommendation 12.4 of the Robodebt Royal Commission, and increase funding to allow EJA and members to fulfill that role.

- **Recommendation 31:** Include a specialist social security funding stream of \$5 million per year in the National Access to Justice Partnership.