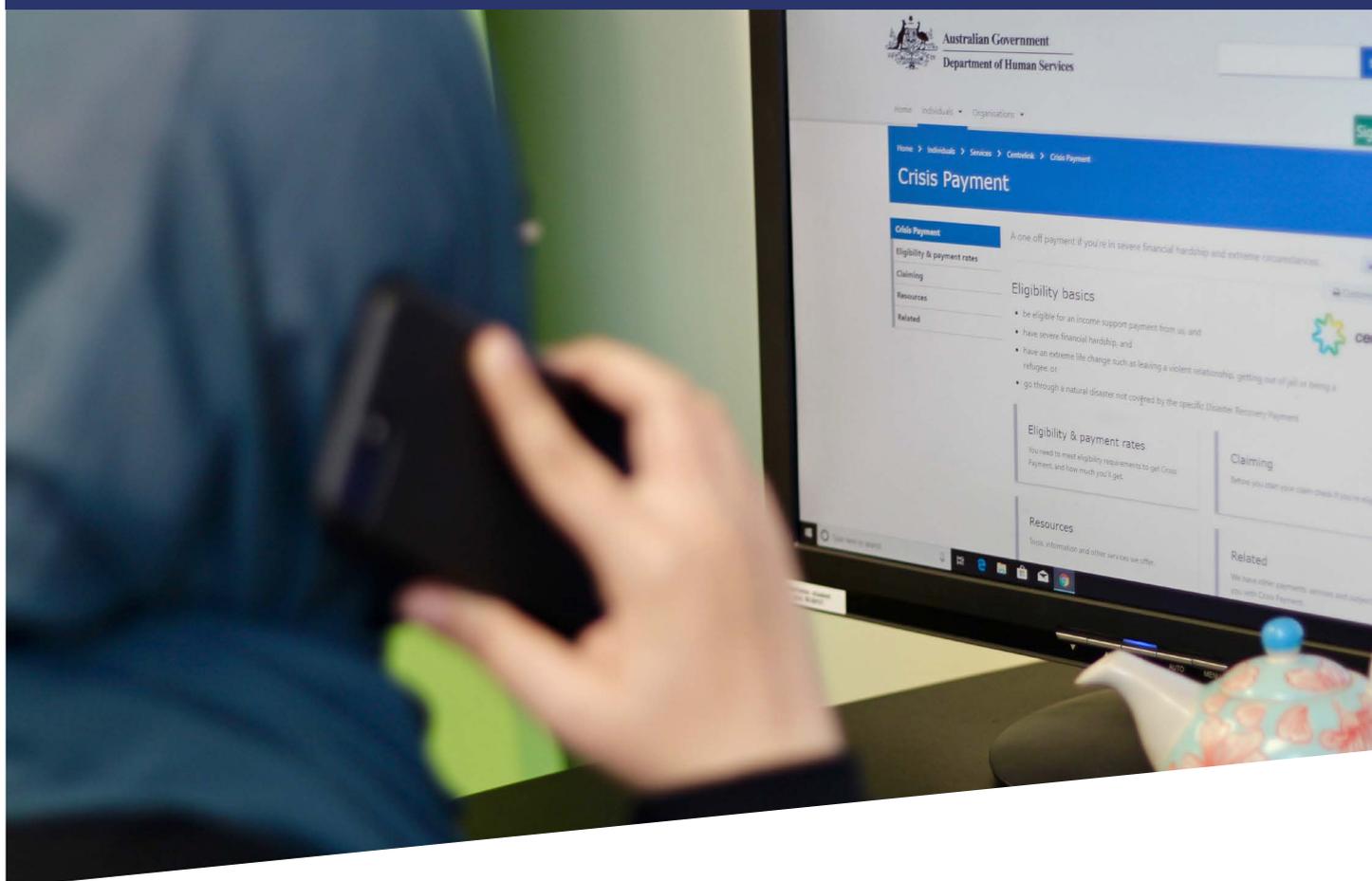




For Your Rights and a Better Social Security System



National Social Security Rights Network Inc

Annual Report
2017—18

Contents

- About NSSRN..... 1
- NSSRN People 3
- Message from the Chair of the Board 4
- Executive Officer’s Report 6
- Thanks to our partners 8
- Case Studies 9
- Treasurer’s Report 11

About NSSRN

NSSRN (formerly the National Welfare Rights Network) is a national peak body organisation in the area of Social Security and Family Assistance law, policy and administration. It has a funded secretariat and its members are community legal centres which provide free legal services to current and former income support recipients. The NSSRN draws on the direct experience of its members and their clients to provide input into policy and legislative processes and its advocacy.

NSSRN acknowledges funding received under the Families and Communities Services Improvement (FCSI) Activity, administered by the Department of Social Services.

Our members operate in all States and Territories of Australia.

Our Aim

NSSRN's aim is to reduce poverty, hardship and inequality in Australia by advocating for a Social Security and Family Assistance system which is fair, adequate and well administered.

Our Principles

The NSSRN advocates for a Social Security System based on:

- the right of all people in need to an adequate level of income support which is protected by law;
- the right of people to be treated with respect and dignity by Centrelink and those administering the Social Security system;
- the right to accessible information about Social Security rights and entitlements, obligations and responsibilities;
- the right to receive prompt and appropriate service and Social Security payments without delay;
- the right to a free, independent, informal, efficient and fair appeal system;
- the right to an independent complaints system; and
- the right to independent advice and representation.

Our Member Centres

We have a national membership of community organisations that specialise in social security law and its administration, with 15 members and one associate member centre.

The Central Australian Aboriginal Legal Aid Service (CAALAS) ceased being an associate member at the beginning of 2018 as their service provision was subsumed by the North Australian Aboriginal Justice Agency (NAAJA) from 1 January 2018.

Australian Capital Territory



New South Wales



Northern Territory



Queensland



South Australia



Tasmania



Victoria



Western Australia



NSSRN People

NSSRN Secretariat

Executive Officer	Matthew Butt (to August 2017) Leanne Ho (from November 2017)
Legal Project Officer	Joni Gear (from August 2017)
Research Project Officer	Sally Cameron (March to June 2018)

NSSRN Board

The Board members during the year ended 30 June 2017 were:

Chairperson	Genevieve Bolton OAM, Executive Director/Principal Solicitor, Canberra Community Law
Vice Chairperson	Liz Turnbull, Lawyer, Illawarra Community Legal Centre
Treasurer	Kate Beaumont, Executive Officer, Welfare Rights and Advocacy Service
Secretary	Alex Whitney, Solicitor, Townsville Community Legal Service
Ordinary Board Members	Tamara Spence, Team Leader, Darwin Community Legal Service Carolyn Odgers, Assistant Principal Solicitor/ Volunteer Co-ordinator, Welfare Rights Centre (NSW) Gillian Wilks, Director, Social Security Rights Victoria Inc



Message from the Chair of the Board

It has been a remarkable year. Even more remarkable given that Matthew Butt resigned as NSSRN's Executive Officer in August 2018 shortly after Joni Gear had started with NSSRN as Legal Project Officer. Joni did an outstanding job holding the fort whilst NSSRN went through a recruitment process which resulted in Leanne Ho being appointed to the Executive Officer's role in the middle of November 2017. Since taking up the role Leanne has hit the ground running. Under Leanne's leadership, the NSSRN has increased its visibility with the community and our key stakeholders, secured a further 3 years of funding and enhanced the Secretariat's capacity to deliver projects through forging pro bono partnerships with law firms and establishing a student internship program.



Key achievements during this reporting period include:

- Adopting NSSRN's Strategic Plan for 2017-2020;
- Hosting a successful NSSRN Conference in August 2017;
- Delivering three online webinars in partnership with Community Legal Centres Queensland;
- Establishing the Status Resolution Support Services (SRSS) project to increase access to legal assistance and information on payments under the scheme;
- Producing a comprehensive Disability Support Pension (DSP) report using client casework data from Basic Rights Queensland, our member centre based in Brisbane;
- Holding a successful strategic planning day which resulted in the adoption of operational plans for the 2017-2018 and 2018-2019 financial years;
- Developing a Human Rights Advocacy tool with pro bono resources;
- Securing a further 3-year funding agreement with the Department of Social Services;
- Producing a research report highlighting the impact of Social Security laws, policies and its administration on victims of family and domestic violence in partnership with Welfare Rights Centre (NSW), our member centre based in Sydney; and
- Relocating to new premises.

The two research projects undertaken during the year, has highlighted the unique client informed perspective which NSSRN is able to bring to its law reform and policy work. It was pleasing to see strong engagement from both the Department of Social Services and the Department of Human Services on the findings and recommendations contained in both reports. The Family and Domestic Violence research report will be officially launched by Moo Baulch, Chief Executive Officer of Domestic Violence NSW at our annual conference this year.

During the reporting period further work has been done to strengthen NSSRN's organisational and governance structures including the development of additional policies and procedures. Importantly, NSSRN Secretariat staff now have access to an Employee Assistance Program. We also welcomed a new member centre, Uniting Communities (South Australia), into the Network in December 2017.

I would like to thank all our Secretariat staff, Leanne Ho, Joni Gear and Sally Cameron, for their excellent work during the year. Special thanks to Matthew Butt who we farewelled at the start of the reporting period. Huge thanks to the many volunteers, friends and supporters of NSSRN who have during the year partnered with us on projects and made invaluable contributions to our work.

Thank you to member centres for your work every day in assisting some of the most vulnerable and disadvantaged people in our community to navigate the Social Security system. You are the backbone of NSSRN.

Finally, I would like to record my appreciation to fellow NSSRN Board members for another successful year.

Genevieve Bolton, OAM
Chairperson
August 2018

Executive Officer's Report

I joined the NSSRN as Executive Officer in November 2017 with a long history in social security rights which made me aware of the important role that the Secretariat plays in ensuring that the expertise of the Network's member centres is effectively communicated to government decision-makers, colleagues in the community sector and the broader community.



The Network advocates in the interests of people who are receiving social security and family assistance payments, while maintaining the strong relationships it has built with those in a position to influence how the system works for these people. We do this by ensuring our advice is always evidence-based and draws on the casework experience of our members.

For example, while the Network completely opposed the introduction of the so-called "Robodebt" automated Centrelink debt raising system, we have provided advice to government which influenced the administration of Robodebt to reduce the negative impacts on people affected by it. The Secretariat has facilitated media opportunities for member centres to speak out about AAT decisions which have cast doubt on the legality of the system.

Other major welfare reforms on which the Secretariat has represented the views of its members by opposing them include the drug testing of welfare recipients, expansion of the Cashless Debit Card, and an increase in the waiting period for newly arrived migrants to access income support. We have shared our expertise with our colleagues in the broader community sector and provided specialist advice to various community organisations on the likely impact of this and other draft social security legislation. A full list of submissions is below.

Submissions and evidence in relation to social security legislation and administration

- Submission and oral evidence to the Senate inquiry into the Social Services Legislation Amendment (Welfare Reform) Bill 2017
- Submission and oral evidence to the Senate inquiry into the Social Services Legislation Amendment (Better Targeting Student Payments) Bill 2017
- Submission and oral evidence to the Senate inquiry into the Social Services Legislation Amendment (Payment Integrity) Bill 2017
- Submission to the Senate inquiry into the Social Services Legislation Amendment (Cashless Debit Card) Bill 2017.
- Submission and oral evidence to the Senate inquiry into the Social Services Legislation Amendment (Housing Affordability) Bill 2017.
- Submission to the Senate inquiry into the Commonwealth Redress Scheme for Institutional Child Sexual Abuse Bill 2017 and related bill
- Submission and oral evidence to the Senate inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018
- Submission to the Senate inquiry into the Social Services Legislation Amendment (Drug Testing Trial) Bill 2018.
- Submission to the Senate inquiry into the National Redress Scheme for Institutional Child Sexual Abuse Bill 2018.

All of these submissions are published on our website (nssrn.org.au).

Over the past year, our consultations with government have included participation in biannual meetings with DHS and DSS, post-Budget briefings with DSS, meetings with the DHS National Multicultural Advisory Group, Welfare Payment Infrastructure Transformative (WPIT) Civil Society Advisory Group, DHS Online Compliance Intervention team and DHS Centrepay Stakeholder Consultations. We also participated in consultations with the Department of Employment on a range of measures including expansion of the ParentsNext Program, the Targeted Compliance Framework Measure and the Online Job Seeker Classification Instrument (JSCI) trial, and the Department of Foreign Affairs and Trade Human Rights Forum.

Among the issues on which government has engaged with the issues we have raised from our membership are: debts arising from dual reporting obligations for Family Tax Benefit and Social Security payments; processes for Centrelink internal appeals; and the desirability of an Indigenous specific appeals unit within DHS/Centrelink.

Our two major research projects have not only engaged government, but also provided our fellow community organisations with strong evidence to support their advocacy efforts. The Disability Support Pension (DSP) research we undertook in partnership with our member centre, Basic Rights Queensland, provides a unique snapshot of the experiences of people claiming DSP since the introduction of the new medical assessment process which has been referenced by disability organisations in their work to improve access to DSP.

Our e-newsletter “Social Security Rights Review” and webinars are other examples of the specialist expertise we provide to build capacity in the sector. We regularly engage with the Australian Council of Social Service (ACOSS) and the Commonwealth Ombudsman, and participated in the Australian Human Rights Commission’s NGO forum.

We intend for our most recent research into the relationship between Family and Domestic Violence and Social Security we undertook in partnership with our member centre, Welfare Rights Centre (NSW), to inform a wide range of decision-makers and advocates in this area. This research report has benefited from the generous contributions of pro bono legal resources from partner law firms and the leadership of a diverse and expert Advisory Group. This support will help to ensure that the report’s findings and recommendations are broadly disseminated and have the best chance of having a positive impact on the lives of people who need income support to leave a situation of violence.



Leanne Ho
Executive Officer
August 2018

Thanks to our partners

Pro bono partners



NSSRN’s capacity to deliver a high volume and quality of expert law reform and policy advice and research to support our aim of reducing poverty, hardship and inequality in Australia has been increased by generous pro-bono contributions from law firms.

Lawyers from Hall & Wilcox supported our major research project on family and domestic violence by undertaking a case review of Administrative Appeal Tribunal (AAT) cases and a literature review, and providing comment on the draft report. The firm also assisted us with graphic design for the final report, and hosted the NSSRN’s annual planning day.

Wotton + Kearney also provided support to our major research project on family and domestic violence and is hosting the launch of the project report at the upcoming NSSRN Conference. The firm provided pro bono resources to assist with the development of our human rights advocacy tool and property law advice to assist NSSRN to ensure a smooth transition from the old Goulburn Street office to our new premises at 410 Elizabeth St, Surry Hills.

Internship program



Two student interns from the Thomas More Law School (TMLS) at the Australian Catholic University completed internships with the NSSRN in 2018 as part of the School’s Law Pro Bono Program.

Our interns, Rebecca Krajancic and Lauren Murray, provided invaluable support to our major research project on family and domestic violence assisting with case identification, case summaries and commentary on the draft.

The TMLS’s commitment to the pursuit of knowledge, the dignity of the human person and the common good aligns well with the NSSRN’s values and we look forward to continuing this valuable internship program in partnership with the TMLS with new interns starting shortly.

Case Studies

The following case studies provide a snapshot of the diverse and impactful work our member centres have undertaken this year. All names have been changed to protect our clients' privacy.

“Robodebt” found to be no debt on appeal

Sarah had a Youth Allowance debt of \$6,900. The debt was raised by Centrelink on apportionment of Sarah's annualised Australian Tax Office (ATO) information about her earnings from casual employment. To raise the debt Centrelink had not obtained any information directly from Sarah's employers, which it had the power to do so under the *Social Security Act 1991*. Rather Centrelink had relied on Sarah's ATO records and annualised her earnings over the relevant financial year.

Our member centre helped Sarah to appeal the decision to raise the debt to the Administrative Appeals Tribunal.

The Tribunal found that no debt could be founded on extrapolations from ATO records. The AAT further found that any recalculated debt must be based on and confined to any fortnightly salary records which it was required to obtain to establish whether a debt existed.

Disability support pension granted after appeal

Quan recently arrived in Australia after many years spent in a refugee camp and is a permanent resident. As a result of the treatment received during her time in the refugee camp Quan lives with severe and permanent physical and mental disabilities. She cannot work, has difficulty understanding both her own language and English and finds it difficult to perform daily tasks. Luckily she has family to help her. When Quan applied (with assistance) for a Disability Support Pension her application was rejected. Ruth her caseworker from another organisation helped Quan make and attend an appointment with a lawyer for advice regarding the application. Our member centre drafted an appeal to Centrelink's Authorised Review Officer and explained to Quan and Ruth what medical information was needed to meet the technical requirements to qualify for DSP. Ruth then helped Quan to obtain a medical report which confirmed that the condition was fully treated and stabilised. Quan's application for DSP was subsequently successful and the payment was backdated.

Age Pension granted after member centre contacted Centrelink

Susie contacted one of our member centres in mid-December 2016 following a referral from the Commonwealth Ombudsman. She is a 72-year-old widow who had applied for Age Pension in early July 2016 and no decision had been made about her claim. She had made a complaint to the Commonwealth Ombudsman because her claim had not been granted and Centrelink kept asking her to provide additional information. The client had been earning wages up until the time that she had claimed Age Pension. Her circumstances were straightforward however her claim had been referred to the Complex Assessment team within Centrelink for assessment as she and her daughter had a \$200.00 trust bank account for her granddaughter.

Our member centre provided advice to the client about the Centrelink new claim process, complex assessment and the complaints process. They assisted the client by contacting Centrelink to request urgent processing of the claim.

Two days after contacting Centrelink on the client's behalf, her Age Pension was granted and she received arrears of over \$10 000.

Parenting Payment debt 90% waived on appeal

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

When Susan applied for Parenting Payment she declared her husband's income and Centrelink failed to place her on fortnightly reporting. Susan reported her husband's annual income estimate every year during the debt period as required by Family Tax Benefit.

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

Susan was successful in having the decision varied AAT Tier 1 however Centrelink appealed this matter. The Centre represented Susan at the AAT Tier 2 and the appeal was successful with approximately 90% of the debt waived.

Special Benefit restored and backpaid

Imran's Special Benefit was cancelled in June 2016 with date of effect January 2016. This meant that in addition to having no income Imran also had a debt of just over \$5000.

Centrelink cancelled the payment on the basis that Imran's wife had gifted the property in which she lived to their son. The property was a modest unit, which was originally purchased in the name of Imran's wife and their son. Imran's children had put up the money for the deposit. The intention was for Imran and his wife to take over the mortgage repayments after they had established themselves in Australia. However neither Imran nor his wife got a job in Australia. Therefore they could not contribute to the mortgage. The mortgage was paid for primarily by their son, who also lived in the unit with them.

As their son was paying the mortgage Imran and his wife thought it was only fair that the unit be transferred into his name. However Centrelink considered this to be a gift and cancelled Imran's Special Benefit. Imran's wife does not receive Social Security as she is subject to a 10-year Assurance of Support.

Our member centre represented Imran at the AAT. The AAT accepted our member centre's submission that the unit was effectively always owned by Imran's son, meaning no gift took place. Centrelink did not appeal. Imran's Special Benefit payment was restored and he was paid arrears of just over \$16 000.

Treasurer's Report

The last year has seen the National Social Security Rights Network Inc. (NSSRN) achieve a small surplus in terms of income and expenditure similar to the previous year. The Secretariat funding which was provided for a further twelve months by the Department of Social Services (DSS) was fully expended in 2017-2018. The small surplus came from the NSSRN income received for the year with the majority of the income and expenditure related to the annual NSSRN Conference, member levies, and Social Services subscriptions. It is pleasing that the NSSRN has secured Secretariat funding up until 30 June 2021 from DSS.

In terms of the balance sheet the assets of the association at 30 June 2018 was almost \$49,000 including cash at bank of \$35,843 and trade debtors, prepayments and security deposit (bond) of \$6,951. The total liabilities for the association at 30 June 2018 were \$17,182. As such the NSSRN continues to be in a position to pay all of its liabilities when they fall due.

I would like to acknowledge Peter Horbury for his work as the past Treasurer of the NSSRN from incorporation of the network up until August 2017. Thanks must also be extended to Christine Carr for her continued work as the Bookkeeper for the NSSRN for another year.

Kate Beaumont
Treasurer



For Your Rights and a Better Social Security System