



**NATIONAL**  
**SOCIAL SECURITY**  
RIGHTS NETWORK

National Social Security Rights Network

Federal Budget Submission

2017 – 2018

## **Overview and recommendations**

The National Social Security Rights Network (NSSRN), formerly the National Welfare Rights Network, is the peak body for community legal centres (CLCs) in Australia which provide specialist legal assistance in relation to social security and family assistance law, policy and administration.

In the past, the NSSRN's budget submissions have sought to inform the Federal Government's decision-making about the Budget by focussing on priority areas for reform in social security law and policy. There are pressing areas for reform, including:

- immediately lifting the rate of newstart allowance to ensure an adequate standard of living for the unemployed;
- restoring adequate benchmarking and indexation of family tax benefit;
- urgent reform of the Community Development Program to halt the staggering escalation of penalties impoverishing Indigenous Australians living in remote communities; and
- immediate suspension and reform of the Department of Human Services' (DHS) online compliance platform to put in place a fair approach to debt management.

This submission, however, highlights the significant impact that the \$12.1 million cut to Commonwealth funding for CLCs on 1 July 2017 will have on the ability of our member CLCs to provide vital frontline legal assistance to people who need help to access their social security entitlements.

We therefore make two recommendations:

1. Reverse the cuts to funding for CLCs for the period 2017-2018 to 2019-2020, at a total cost to the Budget of \$34.83 million.
2. Provide additional funding of \$14.4 million per year over the period 2017-2018 to 2019-2020, at a total cost to the Budget of \$43.2 million, as recommended by the National Association of Community Legal Centres.

These short-term funding measures need to be followed by a commitment by Australian governments to long-term, rationalised funding of the legal assistance sector to enable stable and effective planning and co-ordination of legal assistance, including by CLCs.

### **The impact of funding cuts on the services provided by our members**

Our members provide free specialist legal assistance to help people access their social security entitlements.

The Australian social security system is highly targeted to the most vulnerable in our community who are unable to support themselves. Although highly efficient, this targeting also results in a complex system that is difficult to understand, navigate and access in a timely fashion.

Accessing a basic level of income is a fundamental element of Australia's safety net. It is also fundamental to a range of social policy outcomes pursued by Australian governments. For example, our members regularly help individuals seeking to leave violent relationships to access their entitlements in a timely fashion, enabling them to establish stable housing as quickly as possible.

Investment in service delivery by DHS is critical. But there is also a need for specialist legal assistance, especially in those areas where the law and policy are complex, or their application discretionary. In many cases the assistance our members provide helps DHS reach the correct decision in a timely fashion by ensuring people supply it with the necessary information. Independent and specialist legal assistance is also a necessary condition for vulnerable people to have effective access to merits review and to ensure the accountability of DHS decision-making.

In 2015-2016 our 14 members provided:

- advice on more than 12,000 occasions, and
- opened more than 1100 cases, the majority of which involved representation of clients in appeals within Centrelink or at the Administrative Appeals Tribunal.

They also provided information to community workers and contributed their and their clients' experience to the work of the NSSRN to inform government policy development and reform.

This vital and unique service will suffer immediately if the funding cuts take effect on 1 July 2017. Our members are small, efficiently run not-for-profit organisations which direct as much of their resources as possible to their front-line legal assistance services. A cut to funding will inevitably mean cuts to their services, such as reduced office or phone advice line hours or closure of outreach services. Clients will miss out on assistance or will wait longer to get assistance despite their often urgent need for legal help.

There is no alternative source of help for these clients. Social security law is not an area of private practice. Whilst the Legal Aid Commissions in some (but not all) jurisdictions generally provide assistance in this area this help is mostly limited to assistance at the Administrative Appeals Tribunal and often by generalist civil lawyers faced with a range of competing priorities and demands on their time.

### **Case Studies**

The following case studies demonstrate the work undertaken by our member centres and the outcomes achieved.

#### *Sarah\**

Sarah is an Aboriginal woman with several children. Sarah and her children all suffered from severe family violence at the hands of her ex partner. Fearing further serious harm, Sarah and her family were forced to relocate to a refuge. Due to Centrelink error, Sarah had a debt raised against her for overpayment of her benefits. The news of her debt came at a terrible time for Sarah, who was already in significant debt due to leaving her abusive ex partner.

Our member centre met with Sarah and her support worker at the refuge. Our member centre was able to assist Sarah to lodge a request for an internal review of the decision, advise Sarah on the type of documentary evidence she would require and draft submissions to Centrelink's Authorised Review Officer. Based on these submissions and the evidence Centrelink decided to waive the entire debt due to its administrative error.

#### *Dee\**

Dee had moved to Canberra with her young family to escape family violence. They were living in a refuge. Dee was seeking Special Childcare Benefit payments to enable her children to attend childcare to give her time to attend to family law, housing and health issues. Also given her

children's circumstances she believed that they would significantly benefit from being in childcare and mixing with other children.

Our member centre gathered the necessary evidence and made detailed submissions to Centrelink's Authorised Review Officer. She also discussed the matter in depth the officer. The appeal was successful and Dee was paid Special Child Care Benefit. This enabled Dee to continue accessing childcare and gave her time to attend to other critical matters including establishing a safe and secure home for her and her family.

*Abby\**

Abby contacted our member centre because she had no source of income and had run out of money. She was unable to apply for Centrelink income because of a compensation preclusion period in place for another 3 years. She had withdrawn most of her super.

Our member centre assisted Abby to lodge an appeal and to challenge the preclusion period on the grounds of special circumstances. After many interviews our member centre identified, and obtained evidence of, the special circumstances applying to Abby's case including her mental and physical health problems, a history of family violence and trauma and high legal fees incurred in relation to her compensation.

The last two factors in particular were significant for the Administrative Appeals Tribunal which found in Abby's favour, reducing the preclusion period to end on the date of decision. Abby is now in receipt of Newstart Allowance.

\*Names changed

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