



**Social  
Security  
Rights  
Victoria**

Our social and  
economic  
contribution to  
Victoria

**February 2020**



### Direct economic benefit

Every **\$1 of SSRV funding results in \$2.6 of benefits** through efficiency of social support services



### Economic benefit multiplier

People accessing social security entitlements are more likely to spend funds on basic needs and in local communities, generating **\$1.95 of economic benefits for every \$1 of entitlements**



### Reduced government costs

Vulnerable Victorians accessing social security result in flow-through benefits for **avoided costs to Government** and improved wellbeing of Victorians, through reduced pressure on the health, justice, housing and jobs systems



### SSRV's direct client advice

In 2019, provided **direct phone advice to over 860 vulnerable Victorians** regarding their social security issues, with **85% of surveyed clients recommending SSRV.**



### SSRV's professional support

In 2019, provided advice to workers supporting vulnerable Victorians – through workshops with **751 professionals attending and 644 direct pieces of advice**. 98% of workers intended to use their insights from SSRV to assist their clients.



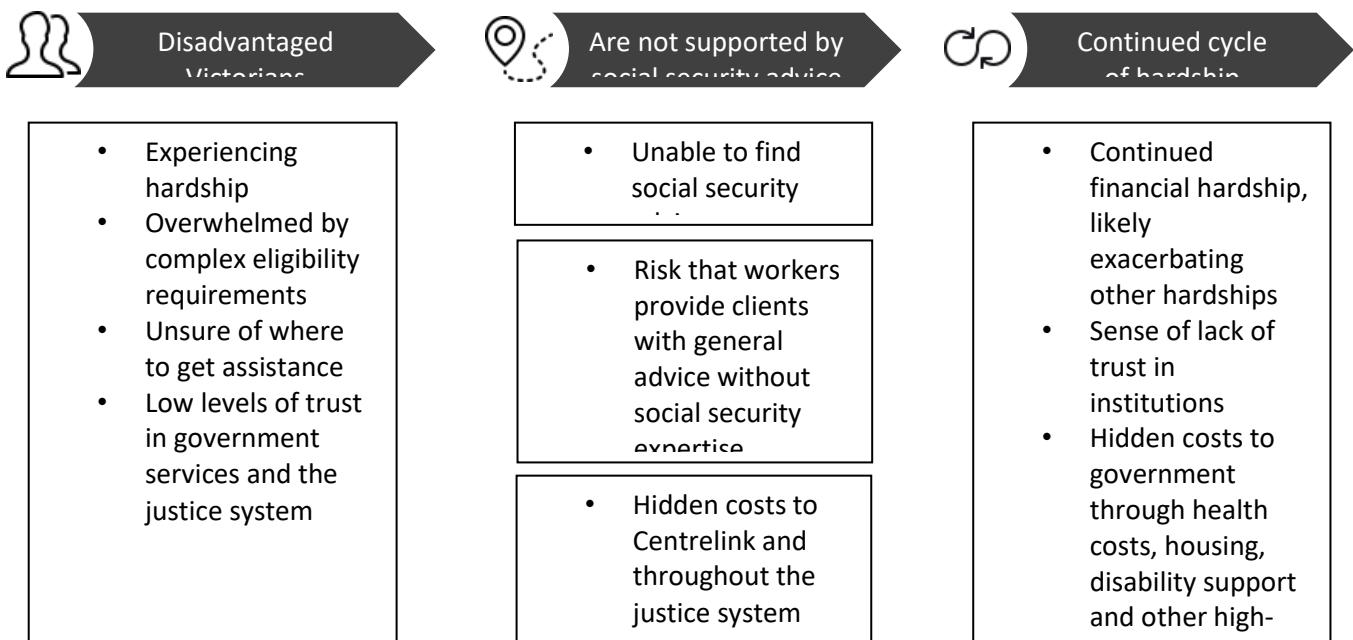
### SSRV's client legal work

In 2019, SSRV provided direct support in **resolving client issues through 99 legal tasks and representation services** – directly protecting our clients' human rights and dignity.

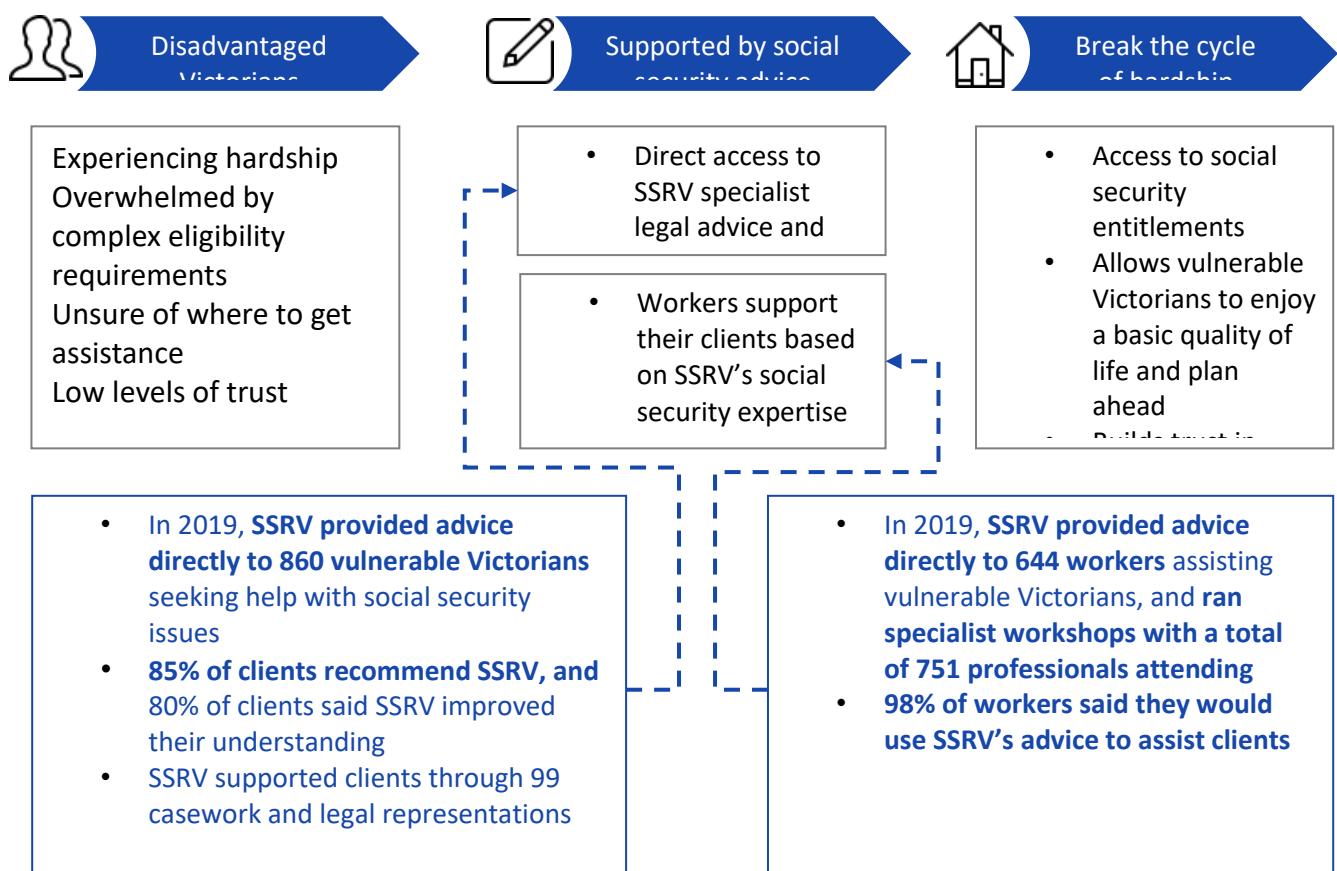
**SSRV's supports vulnerable Victorians experiencing hardship as a result of factors such as family violence, disability and mental health issues, consistent with the Australian and Victorian Governments' objectives.**

**Through the eyes of SSRV's clients:** *I didn't know what to do or where to go for help, but SSRV helped me make my way through a complex system and find my feet.*

### Journey map: Without SSRV's support



### Journey map: With SSRV's support



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## ***Disclaimer***

While the case studies in this report are real, all names used in this report are fictitious so as to protect the privacy of the individuals involved.

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# 1. Our impact

## 1.1 Our aims

Social Security Rights Victoria's (SSRV) provides legal services to vulnerable and disadvantaged Victorians, and those who support them, to secure and protect their right to social security entitlements<sup>1</sup>.

Our vision is for a **fair and just society** in which **all people are able to receive a guaranteed adequate income in order to enjoy a decent standard of living.**

### What is the role of social security payments (i.e. 'welfare' payments)?

Social security payments provide financial support to people experiencing hardship.

Social security payments can provide temporary support, for example, after someone who has lost their job they may be eligible for the Newstart Allowance while they seek alternate employment. The payments can also provide long-term support, for example, Victorians with permanent impairments that limit their capacity to work may be eligible for the Disability Support Pension. Some payments assist people at certain stages of their life, such as the Family Tax Benefits and Age Pensions.

*"Social security, through its redistributive character, plays an important role in poverty reduction and alleviation (and) prevents social exclusion and promotes social inclusion."<sup>2</sup>*

### Access to social security is a basic human right

Article 25 of the **Universal Declaration of Human Rights** provides that:

*"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control ... Motherhood and childhood are entitled to special care and assistance".*

Further detail regarding the human rights is outlined in Section 1.5.

### Breaking the cycle of disadvantage: David's story

David has had a tough life. In 2018, during a period in prison, David received notice of overpayments from Centrelink. David's community caseworker didn't know how best to help David, so she contacted SSRV to discuss the approach to applying for a review of the overpayments based on special circumstances. Below is her feedback to SSRV:

"I was going to take a different strategy to getting David's debt waived by Centrelink, but SSRV advice was different. I changed my strategy based on their advice. On the advice of SSRV I was able to provide more specific details to Centrelink on behalf of the client and definitely improved the service I was able to give.

Centrelink took a long time (4 months) to make a decision but **they waived the debt**.

David received a letter of waiver from Centrelink. As well as leaving prison debt free, it also **starts to rebuild the relationship and trust in the system**. David's belief that someone can advocate for me and it will make a difference. Ex-prisoners often struggle with stigma and labelling. This good advice from SSRV will give him confidence in future for accessing services."

<sup>1</sup> As examples, common social security entitlements include the Disability Support Pension and Newstart Allowance

<sup>2</sup> Australian Government Attorney-General's Department, Public Sector Guidance Sheets – Right to social security, referring to UN Committee on Economic, Social and Cultural Rights statement

## 1.2 Our activities

In order to support access to social security entitlements and resolution of disputes regarding Centrelink decisions, we assist vulnerable Victorians (and those who support them) through our role as **the specialist social security community legal service in Victoria** through providing:

- Specialist information and advice directly to clients
- Specialist assistance to people supporting vulnerable clients (e.g. workers of community legal centres or other support services), through our worker helpline and community legal workshops
- Specialist legal casework and representation.

Further detail regarding each of our programs of work is provided in Section 2.

### Why is legal help needed for social security problems?

Unfortunately, the current social security system includes many technical and administrative hurdles which can impede access to entitlements or challenges to unfair decisions. *"The administration of social security generally can create legal need given its complexity and increasing compliance requirements of recipients, particularly when they find its administrative style to be inaccessible and confusing".<sup>3</sup>*

Australian social security law is substantial, complex and constantly changing. There are many policy guidelines and regulations underpinning the system. Navigating the law and the system can be challenging and confronting. People are often trying to do this at difficult periods in their life, such as when they are dealing with illness, loss of employment or family breakdown and domestic violence.

### Who does SSRV help?

SSRV targets its services at people who are experiencing financial disadvantage and forms of vulnerability such as disability or illness, and to those who are supporting them.

Our guidelines are consistent with the National Partnership Agreement on Legal Assistance Services (NPA) which identifies priority client groups for legal assistance, noting that *"their capability to resolve legal problems may be compromised by circumstances of vulnerability and/or disadvantage. People who fall within the priority client groups are more likely to experience legal problems, less likely to seek assistance and/or less able to access services for a range of reasons."<sup>4</sup>*

### A helping hand with a fresh start: Sarah's story

Sarah has struggled on and off with drug addiction.

She was seeking an exemption from Newstart payment job search/activity requirements while undertaking a drug treatment program.

After being contacted by a community legal centre lawyer representing Sarah, SSRV provided the lawyer with telephone information and advice, and follow-up research, advice, and referrals to other documents and resources.

Sarah's lawyer provided the following feedback: "with your help, Sarah was able to get the exemption. She went back to her doctor and referred to your email. The doctor put in a more detailed exemption ... and provided a letter explaining that she is detoxing under medical supervision and she detailed the effect of medications and also attendance at a day program over the next six weeks. She took it into Centrelink and the person she saw immediately approved exemption and told her she would not need to attend Job Active. Sarah was so pleased with your help and asked me to thank you...If Sarah hadn't got your help she would probably have just got cut off."

<sup>3</sup> The Law Council of Australia (2018) *The Justice Project – Final Report Part 1, People Experiencing Economic Disadvantage*, Sydney Page 3

<sup>4</sup> Commonwealth of Australia, p. B-1

## 1.3 Our economic impact

SSRV's economic impact is two-fold:

- Supporting access to social security entitlements increases the expenditure of social security beneficiaries with multiplier benefits for the broader economy, and
- Improving the administrative efficiency of access to entitlements and resolution of disputes.

Social Security beneficiaries tend to have lower incomes, and their benefits account for a significant part of those incomes. As a result, these households also spend a higher proportion of their income on necessities, such as food, shelter, furniture, and medical care. As a result, economists refer to social security recipients as having a larger 'marginal propensity to consume' than general households. The result is that funds provided to social security have a larger direct effect on the economy than other forms of government distributions.<sup>5</sup>

In quantifying this impact, research from the United States shows that every dollar of social security spending drives almost two dollars (\$1.95) in broader spending.<sup>6</sup> The overall economic impact of this expenditure was that social security expenditure accounted for 1 job out of every 20 in the US economy.

SSRV also contributes to a more efficient and equitable system for ensuring that Victorians access social security entitlements. It is inefficient for all support workers across Victoria to have a sophisticated knowledge of social security legal issues. SSRV's service model is to develop specialist knowledge within a single organisation, while at the same time informing support workers about:

- The importance of social security as a foundational support that can provide a circuit-breaker to address other related disadvantages and how to identify and respond to client social security matters
- The availability of social security specialist assistance to ensure that their clients are able to access their social security entitlements and resolve disputes with Centrelink decisions.

Across the community support system, SSRV's activities drive direct economic efficiency for:

- **Clients:** SSRV reduces the time clients spend trying to understand and deal with the legal system, collect evidence, communicate with Centrelink. SSRV's work also results in intangible benefits such as reducing stress, minimising the likelihood of being forced to meet inappropriate job capacity and work preparation requirements, and allows clients to be able to access assistance from other lawyers and agencies.

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<sup>5</sup> G Koenig and A Myles, Mississippi State University, Public Policy Institute, 2013. Available at [https://www.aarp.org/content/dam/aarp/research/public\\_policy\\_institute/econ\\_sec/2013/social-security-impact-national-economy-AARP-ppi-econ-sec.pdf](https://www.aarp.org/content/dam/aarp/research/public_policy_institute/econ_sec/2013/social-security-impact-national-economy-AARP-ppi-econ-sec.pdf)

<sup>6</sup> Ibid.

## Access to justice: Amanda's story

Amanda is a 50 year old Aboriginal single mother with Multiple Sclerosis, Arthritis, Anxiety and Depression. Her health conditions make simple chores difficult and social activities overwhelming. During acute MS episodes she is bed-ridden - sometimes for weeks.

As a result of her health conditions Amanda was incapable of working. For several years she was receiving NewStart Allowance, but as her health conditions deteriorated the ongoing Centrelink reporting requirements became more difficult and she needed additional financial support. Amanda applied for Disability Support Pension (DSP) three times and Centrelink rejected the claim each time.

Then the MS Society recommended she contact SSRV. SSRV worked with Amanda to prepare her appeal and represent her at the Administrative Appeals Tribunal. The appeal was not successful. SSRV and Amanda did not accept the decision, and appealed the case to the AAT General Division. SSRV made written representations. The Secretary accepted SSRV's legal argument and the matter settled in Amanda's favour before going to hearing – avoiding a time-consuming and expensive hearing at the General Division.

Prior to receiving SSRV's support Amanda was ready to give up. She did not believe that she would ever be granted the DSP, despite her crippling health conditions and her inability to work.

Amanda says that before she was receiving DSP, her life "was a highly stressful absurd circle of disrespect and unrealistic expectations of someone chronically ill". Now that she gets DSP, Amanda says "I can focus my remaining abilities and energy to look after myself and my child the best I can."

Amanda says SSRV's support during the appeal process "was respectful of my disabilities and the obvious effects on my life. Without the support of SSRV, there is no way I could have even completed the process, let alone be successful".

- **Centrelink:** As SSRV's work results in clients and support workers having a better understanding of client rights and responsibilities, improvements in their preparation of documents and appropriate supporting evidence leads to more efficient consideration of claims.
- **Administrative Appeals Tribunal:** SSRV's work results in self-represented persons (and their non-legal advocates) being better prepared, and improves the likelihood that they will be assisted by specialist lawyer/caseworker involvement which can streamline gathering of relevant evidence, preparation of submissions, pre-hearing negotiations and hearing processes. SSRV's work can result in resolution of the matter before it goes to a hearing or more efficient hearings due to better preparation and advice.
- **Other support workers:** Support workers are able to access specialist social security law knowledge and resources as needed rather than having to do all own research, and are able to seek assistance at different stages of helping a person, and are able to provide more holistic, place-based services. Support workers often use the information for more than one client and pass it on to other workers, meaning that SSRV's advice provides lasting benefits to the support workers, their organisations and their clients.
- **Related government services:** SSRV intervenes at a relatively early point in the client journey, meaning that more intensive and costly Government services can be minimised or avoided, such as the work of job agencies, housing, health, emergency relief and disability providers.

Across the community support system, SSRV's activities contribute to efficiency improvements of approximately \$2.6 for every \$1 of SSRV's expenditure in direct tangible economic benefits, but also drives significantly greater indirect and intangible economic benefits.

Unfortunately, **inability to access social security entitlements can reinforce cycles of disadvantage, and even accelerate hardship.**

Through accelerating these cycles of disadvantage, an inability for vulnerable Victorians to access their social security entitlements can also result in significant avoidable costs to Government, for example, through:

- Healthcare costs associated with avoidable hospital admissions
- Corrections and other justice-related costs associated with family violence, anti-social behaviour and/or abuse of alcohol and other drugs
- Housing and homelessness costs.

These costs to Government are among the most significant budget expenditure items each year, and represent a continued focus of Government expenditure at addressing the symptoms of disadvantage rather than the underlying causes.

This evidence has been reinforced by the Productivity Commission<sup>7</sup>:

*"The Productivity Commission emphasised that not providing legal assistance for civil matters 'can be a false economy as the costs of unresolved problems are often shifted to other areas of government spending such as health care, housing and child protection'. It recognised the important community benefits of providing legal assistance to people with civil legal problems. These included ensuring that legal rights were enforced across the community and deterring breaches of the law – an important rule of law effect – as well as preventing the escalation of civil disputes into criminal matters, improving the efficiency of court proceedings, and avoiding the costs of other government services."*

In seeking to protect human rights SSRV's involvement can lead to costs to the system – such as appeals against Centrelink decisions that may not have occurred because the person did not have the knowledge,

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<sup>7</sup> The Law Council of Australia (2018) *The Justice Project – Final Report Part 1, People Experiencing Economic Disadvantage*, Sydney Page 31

confidence or capability to do so. Likewise, AAT related negotiations and hearings may be required or become more complex because of lawyer involvement. However, this intervention may prevent or limit downstream costs (such as a person becoming homeless or their medical condition being exacerbated) and may be more than offset by other economic efficiencies.

### Protecting human rights and dignity: Carly's story

Carly is a survivor of breast cancer who has arthritis, severe depression, anxiety and several other serious health conditions. She cannot work due to poor health. She lives week to week, has no savings and survives on a minimal income insurance payment.

Several years ago Carly applied to Centrelink for support. The application was rejected. An appeal was lodged at the Administrative Appeals Tribunal (AAT), and the AAT found her eligible for the DSP and Carly received payment. The Secretary of Human Services then appealed and won. Carly's benefit was cancelled and she was left with no ability to work, no social security and a Centrelink debt of greater than \$15,000 to pay back. The existence of the debt was caused Carly severe financial hardship and drastically affected her mental health.

Carly asked SSRV for help. An SSRV lawyer wrote a legal submission to Centrelink and argued that the debt should have been waived due to special circumstances. Centrelink refused. SSRV then helped Carly appeal the debt at the Administrative Appeals Tribunal. In preparation for the AAT hearing, an SSRV lawyer and the SSRV financial counsellor worked with Carly to put together arguments about Carly's financial hardship and personal vulnerability.

During the hearing, the AAT Member heard arguments from Carly's SSRV lawyer about why it was appropriate to waive the debt. The AAT found there were special circumstances to warrant waiving the entire debt – noting Carly's significant financial hardship, the profound negative impact on her mental health and that even if the debt were reduced to a minimal repayment of \$15 a fortnight it would take 42 years to repay.

The entire debt has now been waived. This is Carly's story as told to her lawyer:

*"I was worried, stressed and confused about where I was going to find the money to pay back the Centrelink debt. It took an emotional toll on me and my family. The debt meant I struggled to pay my bills on a fortnightly basis. Sometimes I had the money but sometimes I didn't. I had to get help from my adult daughter the majority of the time. I had a very tight budget."*

*"Without help from the SSRV lawyer and financial counsellor I would still be stuck in a position where I'd have to pay off the debt. My lawyer stood by me 101%. He fought for me and did not give up until he achieved the right outcome. Without SSRV's help, my life would be so different right now."*

*"Knowing that I am debt free has lifted a burden off my shoulders. I can finally breathe again. I am able to go to bed at night and wake up the next morning knowing that the debt is not there. I feel happy and relieved, walking around with the biggest smile on my face thanks to SSRV."*

## 1.4 Our social impact

The majority of clients accessing generalist and specialist community legal centre support in Victoria (along with many other social and community services) are experiencing financial disadvantage.

A large percentage of these people would have contact with Centrelink and many would have been/may be subject to unfavourable Centrelink decisions.

When asked the right questions, we believe that many community legal centre clients could be better helped to identify and address their social security problems as legally enforceable rights.

Most importantly, inability to access social security entitlements harms the wellbeing of vulnerable Victorians, and restricts their ability to thrive and enjoy their lives.

Social security payments are the cornerstone of the safety net for Australians. Without access to financial support, people experiencing short-term and long-term hardship will have their hardships exacerbated. As a result, people may also experience difficulties in other areas of their life such as in housing, health and relationships.

For many Victorians, social security payments provide relief from hardship so that they have guaranteed access to basic standards of living. Social security payments help people to put food on the table and a roof over their heads. This security may provide the confidence to plan longer term, for example, through education and employment or removing themselves from a violent relationship.

Beyond the components above, when a Victorian is entitled to social security, SSRV believes that the social system should be set up to support that person to access their entitlement in a fair, transparent and timely manner.

### **Common issues in accessing the Disability Support Pension**

For many of SSRV's clients, and for the clients of workers we assist, issues associated with eligibility for and maintenance of entitlement to the Disability Support Pension (DSP) are of primary concern. The DSP provides financial support to working age Australians who have a permanent physical, intellectual or psychiatric impairment that prevents or limits their capacity to engage in employment.

A common issue is that in order to get a medical exemption for Newstart activity requirements the recipient's health problems must only be temporary. To qualify for the Disability Support Pension, health problems must be deemed permanent. All too often, clients complain that their Newstart medical exemptions are not accepted because their health conditions are deemed permanent by their doctor, but when they apply for the DSP, Centrelink rejects that their problems meet the legal definition of permanent. They are too unwell for Newstart exemptions but not sufficiently impaired for DSP.

## **1.5 Protecting basic human rights**

The right to social security is addressed in a number of international human rights instruments:

*"the right of everyone to social security, including social insurance". According to the United Nations Committee on Economic Social and Cultural Rights, the right to social security encompasses "the right to access and maintain benefits, whether in cash or in kind, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly children and adult dependents"*<sup>8</sup>

*"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of*

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<sup>8</sup> Article 9 of the International Covenant on Economic, Social and Cultural Rights (ESCR) recognises (General Comment 19).

*livelihood in circumstances beyond his control ... Motherhood and childhood are entitled to special care and assistance".<sup>9</sup>*

*"Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families ... and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability".<sup>10</sup>*

### **Protecting human rights and dignity: Peter's story**

Peter has end-stage renal failure. His two kidneys are the size of footballs and he is on dialysis for seven hours every second day. Peter also has other medical conditions. Centrelink refused his claim for the Disability Support Pension, stating that his condition was not fully treated and stabilised. A SSRV lawyer helped Peter obtain further medical evidence from his doctor and represented him at the Administrative Appeals Tribunal hearing. The Tribunal found him eligible for the Disability Support Pension.

In Peter's words as told to his lawyer:

*"I would be lost without SSRV and wouldn't have got there if it wasn't for them. They have made a big difference in my life and have allowed me to focus more on my life and enjoy it while I can as life can be too short.*

*Getting my DSP has made a huge difference. It's something they owed me from the time I was fighting this case more than over 15 months ago. If Centrelink had've been fair in the first place, they wouldn't have had to pay that much pay back – that's my advice."*

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<sup>9</sup> Article 25 of the Universal Declaration of Human Rights provides that

<sup>10</sup> Article 28 of the Convention of the Rights of Persons with Disability states that

## 2. Our work

This section outlines the key services that SSRV delivers in order to contribute to Victoria's economy and society.

### 2.1 Telephone advice service

 Description
SSRV provides free telephone advice regarding social security legal matters available to the general public on Monday and Wednesday mornings between 9.30am and 12.30pm.
 Outputs and impact
<ul style="list-style-type: none"> <li>• 860 advices provided in 2019</li> <li>• 80% or more of clients surveyed told us that SSRV helped them to: <ul style="list-style-type: none"> <li>○ understand how to deal with their legal problem</li> <li>○ understand their rights and responsibilities</li> <li>○ know where to get help if they have a legal problem in the future.</li> </ul> </li> <li>• 85% of clients surveyed said that they would recommend SSRV to other people.</li> </ul>

### 2.2 Worker Help Line (Worker Advice and Assistance)

 Description
Social, community, health and legal workers who are assisting their clients with social security issues can access information and secondary consultation services from SSRV lawyers. The Worker Help Line operates from 9.00am to 5.00pm, Monday to Thursday each week.
 Outputs and impact
<ul style="list-style-type: none"> <li>• Assistance provided to more than 644 professionals in 2019. The impact of these advices is multiplied through flow-through benefits for their co-workers, organisations and clients – likely benefiting over 7,600 clients in 2019.</li> <li>• Almost all professionals who provided feedback advised that the service was accessible, timely and useful.</li> </ul>

## 2.3 Community legal education

 Description
<p>SSRV delivers workshops and training sessions to other professionals to strengthen their skills in identifying and responding to client social security problems. Specialist information materials were developed for other professionals and members of the public.</p> <p>In response to the high demand for assistance in this area, a Disability Support Pension Toolkit was developed, rolled out and training commenced.</p> <p>Three brochures to help professionals identify and provide initial assistance to people who may be at high risk of experiencing social security legal problems were developed and distributed.</p>
 Outputs and impact
<ul style="list-style-type: none"> <li>SSRV delivered 29 workshops and conference presentations during July – December 2019. More than 751 social and community services, financial counselling, disability, health and legal professionals attended.</li> <li>98% of workers who completed feedback sheets said they anticipated using what they had learned to better assist their clients.</li> </ul>

## 2.4 Specialist Legal Casework and Representation

 Description
<p>SSRV's specialist lawyers provide more extensive legal assistance to vulnerable and disadvantaged Victorians in relation to complex social security legal matters. Given our limited resources, SSRV's updated casework decision-making matrix ensures that this assistance is directed to those most in need and to where our help can make the most difference.</p>
 Outputs and impact
<ul style="list-style-type: none"> <li>99 casework and representation services provided during 2019</li> <li>In 2019 SSRV formed a partnership with the Financial and Consumer Rights Council to explore how social security law experts and financial counsellors could work more effectively together to improve client outcomes (the Integrated Services Project).</li> <li>An in-house financial counsellor provided clients with related assistance.</li> <li>Through the Family Violence Project, specialist legal assistance was provided in matters where there was an intersection between social security and family violence issues.</li> </ul>

**Contact SSRV for further information on our impact**

Monday-Thursday

9.00am-5.00pm

(03) 9481 0299

<http://www.ssrv.org.au/>

