



2020-2021

Annual Report

Growing to meet the *changing*
landscape of the legal assistance sector

ABOUT SSRV

Social Security Rights Victoria (SSRV) is an independent, state-wide community legal centre that specialises in social security and related law, policy and its administration.

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.

SSRV's contribution is the provision of legal and related services to vulnerable and disadvantaged Victorians, and those who support them, which assist them to secure and protect their right to equitable social security entitlements.

The values that underpin SSRV's work include respect, empowerment, quality, integrity and courage.

FUNDERS

SSRV gratefully acknowledges the funding and financial support from the following sources:

- Victorian Department of Justice and Community Safety;
- Australian Government Attorney-General's Department,
- Victoria Legal Aid;
- Victorian Legal Services Board and Commissioner; and
- Individual donors.

SUPPORTERS

SSRV sincerely appreciates the pro bono support provided by the following individuals and companies:

- John Berrill, Berrill & Watson Lawyers
- Colin Biggers & Paisley Lawyers
- Jamie Grant, Barrister
- Maurice Blackburn Lawyers
- Willem Drent, Barrister
- Greg Lewin & Josephine Illig, Sapphire Global Consulting Services

ACKNOWLEDGEMENT OF COUNTRY We acknowledge the traditional owners of the land on which the offices of Social Security Rights Victoria are located, and all the places across Victoria from where we work and provide services. We pay our respects to Elders past and present. We also pay our respects to First Nations people who access our services, with whom we collaborate and who may be reading this report.

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This annual report covers the period 1 July 2020 to 30 June 2021.

In this report we document our strategy, funds, people, services, impact and challenges during the financial year. Through this report SSRV informs and is accountable to its members, service users, funders, stakeholders and supporters.

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SSRV **Financial Statements** for the year ending 30 June 2021 can be viewed separately ssrv.org.au/our-work-and-impact/

Our People

BOARD

Tom Cobban
President

Jacinta Lewin
Vice President

Kirsty Gregory
Treasurer

Katy Woods
Membership Officer

Trevor Carroll
Member

Jacob Erlandsen
Member

Mark Kreuzer
Member

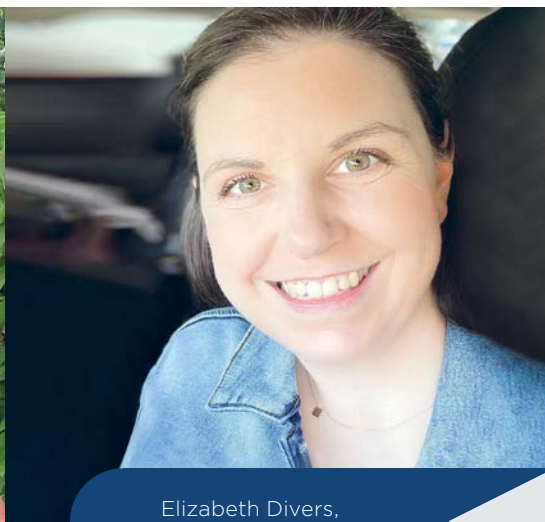
Ben Zika
Member

Mary Anne Noone
Member (Co-opted June 2021)

Heather Bruer
Member (to November 2020)



Liz Curran,
Quality, Improvement
and Impact Lead



Elizabeth Divers,
Community Lawyer

STAFF

Director

Gillian Wilks

Principal Lawyer

Bryn Overend *to Oct 2020*

Rachel Storey *Oct 2020 – Feb 2021*

John Berrill *Acting Pro Bono,
Feb - Jun 2021*

Emily Singh *(from Jul 2021)*

Operations and Information

Manager

Peter Horbury

Communications Officer

Margie Ambrose

Quality, Improvement and

Impact Lead

Liz Curran

Community Lawyers

Elizabeth Divers *May 2021*

Aidan McCarthy

Anna Morrow *to Jan 2021*

Karl Schaffarczyk *to Nov 2020*

Emily Singh *Senior Lawyer, Mar - Jun 2021*

Nhirushni Somasundaram

Pamela Taylor-Barnett

Dermott Williams

Paralegal

Nikki Thomson *May 2021*

Financial Counsellor

Patricia Bove *to May 2021*

Finance Officer

Wendy Foster

CONTRACTORS

ARA Property Services

Incus Consulting

Josef Legal

Kieran Prendergast

LANT3K IT Solutions

Nexia Australia

Paper Giant

Skilled Accountants

The Avenue Design

The Creative Works

Voiccomm

Our Year

PRESIDENT'S REPORT



Tom Cobban,
SSRV President

SSRV has had a busy year, as it set to work putting the additional funds that were secured last year to good use. The additional project funding has allowed us to take on new staff and extend our work in rural areas, as well as helping us and others to adapt to working remotely through Victoria's various COVID lockdowns.

During 2020-2021, SSRV has been able to take on several new staff members and extend the hours of others, in legal and administrative or communication roles. The new funding has directed SSRV's short-term focus to improving capacity to work remotely (and help others with the challenges that COVID related changes may present) and to assisting bushfire and disaster affected people, in addition to the other work that we do. Without doubt, the additional funding has been key to SSRV continuing to operate at a high level and supporting Victoria's most vulnerable during difficult times.

Highlights this year include:

- The continued success of the Disability Support Pension (DSP) Help Project. This includes the website, medical evidence chatbot and development of the existing DSP Toolkit to help individuals and their support workers in navigating the difficult DSP application process. Legal service provision to individuals, secondary consultation services and delivery of education sessions to other professionals are also features of the project. In year two, the project is focussed on the challenges to health professionals in providing evidence to support DSP applications. Through the DSP Help Project, SSRV made two submissions to the Senate Community Affairs Reference Committee Inquiry into Purpose, Intent and Adequacy of the Disability Support Pension. Importantly, this Project has been funded for two years by the Victorian Legal Service Board & Commissioner. We thank them for their support and commitment to innovation in addressing legal need and issues. While the VLSB+C has commended SSRV for this Project, at this stage they are unable to commit further

to funding beyond the completion of Year two in March 2022 due to a lack of available funds.

- The ongoing success of the Integrated Services Project, which is delivered in partnership between SSRV and Financial Counselling Victoria (FCVic). The Project explores ways in which social security lawyers and financial counsellors can work together to improve client outcomes. Project funds allow the organisation to employ a financial counsellor on staff. Doing so has benefits for the way that SSRV services are delivered to its clients across the whole organisation.

The Integrated Services Project is funded by the Department of Justice and Community Safety. We have recently been advised that a further three years' funding has been allocated to the Project. We thank the Department for its ongoing support and the Federation of Community Legal Centres for its strong advocacy about the benefits of integrated practice.

Over the coming 12 months, SSRV will continue to work using project funding to progress the above work and also to work with bushfire/ disaster and COVID affected individuals and communities. SSRV's role in assisting people after a disaster is clear given various government grants and support packages which are usually announced in the wake of such events. The organisation is committed to continuing this work.

Despite the growth in funding over the past few years, and especially in 2020-2021, the next 12 months will bring a number of challenges for SSRV as these various project/specific purpose funding streams dry up without any certainty as to whether they will be renewed or of alternate funding options. The SSRV Board's focus over the coming 12 months will be on considering how best to utilise these funds both for the benefit of the community and for the ongoing sustainability of the organisation as a whole. There will also be an ongoing focus on the future of the organisation. This is a particular focus of our most recent addition to the Board, Mary Anne Noone, who joined the Board in June.

My sincere thanks to all SSRV Board members for their steadiness, dedication and contributions during the year. As we welcome Mary Anne Noone to the Board we are also preparing to farewell Ben Zika at the 2021 Annual General Meeting. Ben has been a valued member of the Board over the past few years and has put in a lot of time to assist the organisation not just recently as a board member, but in his previous roles as a volunteer and employee (including as Director) of the organisation. Thanks Ben.

As in previous years, we would like to thank our Director, Gillian Wilks, for her hard work. The last 12 months has not been without its challenges and we appreciate her hard-work, resilience and dedication to the organisation. The organisation is, without doubt, in a better position due to her leadership. Thanks Gillian.

Otherwise, the Board acknowledges the hard work of Principal Lawyer, Emily Singh, who has come into the senior role during the first half of 2021. With input from other staff, Emily has done some great work to redesign the client triage and intake processes, and to establish a clinic model for legal advice services. The new approach is being implemented from mid September 2021. We expect to see benefits for clients and to maximise the impact of SSRV with its limited funding.

To all the other staff of SSRV, new and less new, we thank you for your work over the last 12 months and we look forward to meeting with and working with you in the future.

Tom Cobban,
SSRV President

DIRECTOR'S REPORT

Gillian Wilks,
SSRV Director

In 2020/2021, COVID-19 and the associated government responses continued to significantly impact SSRV's service users, partners and stakeholders, operations and funding. Our paid workforce grew as we welcomed staff and added positions focusing on areas including bushfire and COVID-19 responses and communications. The team was able to respond to shifts in the nature and demand for services and continue to work towards improvements and innovation. We navigated opportunities and challenges, and finished the financial year in a stronger position than ever before.

As always, so many have contributed to SSRV's work and impact during the year. We are fortunate to have a skilled, stable and dedicated Board led by Tom Cobban. There are significant legal, ethical and practical responsibilities associated with serving as a member of a not-for-profit board. We

are very grateful that Tom, Jacinta Lewin, Kirsty Gregory, Ben Zika, Trevor Carroll, Jacob Erlandsen, Mark Kreuzer, Katy Woods, Mary Anne Noone and Heather Bruer have volunteered to accept this responsibility. The Board has continued to provide strong and effective governance and leadership in an environment that is complex and dynamic. My personal and sincere thanks to all Board members for the confidence and support that has been provided during the year.

The SSRV staff team is very capable, professional and passionate. We have seen growth and change in personnel during the year, and have been buoyed by the interest received when we have advertised most positions and by the quality of candidates. I can confidently say that each staff member, and the team collectively, is every day purposefully striving to make a real and positive difference to the lives of vulnerable Victorians. The breadth of work undertaken, the types of people to whom and the issues about which the SSRV team has provided assistance, and examples of the outputs and outcomes that have been achieved, are described in the following pages of this Annual Report.

**Congratulations
and many thanks
to everyone in the
growing SSRV team
for their contributions
and achievements
during the year.**



I would like to especially acknowledge Peter Horbury, who will be celebrating 21 years of dedicated service with SSRV in October 2021, and Wendy Foster, whose role as Finance Officer has become increasingly demanding and complicated over the last few years. Dr Liz Curran held the position of Quality, Improvement & Impact Lead during most of the year, contributing to progress in a number of SSRV's priority areas including accreditation, cultural competency and evaluation.

Sincere thanks to Bryn Overend, Rachel Storey, John Berrill and Emily Singh who each carried significant responsibility in the Principal Lawyer/Senior Lawyer position during the year. Although he resigned to move interstate, thanks to the wonders of technology Bryn has been able to stay involved with SSRV, providing some client

legal services and taking up the position of Clinical Supervisor with the SSRV/Monash University Social Security Advocacy Clinic. Emily Singh worked closely with John Berrill to manage the legal practice in the second half of the year. She formally took up the role of Principal Lawyer at the start of July 2021.

Many organisations and individuals provided pro bono assistance to SSRV during the year. They are listed earlier in the report and their contributions to SSRV and its work are greatly appreciated.

On behalf of all at SSRV, I wish to highlight the pro bono support provided by John Berrill, which has been considerable in 2020/2021 and as in previous years. In this financial year John acted in the Principal Lawyer role from late February until the end of June and he continues to support for the



SSRV would like to thank John Berrill for his pro bono support, which has been considerable in 2020/2021.

Strategic Priorities

Throughout this report there is much evidence to demonstrate that during the year SSRV has continued to progress its work in relation to each of our strategic priorities.



View strategic plan online:
ssrv.org.au/our-work-and-impact

The key priority areas identified in our *Strategic Plan 2018-2021* include:

- We continue to strengthen our expertise in social security law, and use our knowledge and experience to provide high quality community legal services.
- We target our services at vulnerable and disadvantaged Victorians and to where they are most needed.
- We build the capacity and capability of other professionals, enabling them to better identify and assist people experiencing, or who may encounter, social security problems.
- We highlight and address injustice, enhance service outcomes and build knowledge by engaging and collaborating with others.
- Evidence informs our decisions, practice and advocacy.
- We are a high performing and sustainable organisation.

legal practice. John serves as member of the DSP Help Project Steering Committee and is a strong and active advocate for Disability Support Pension reform. He is well known for his passion for social justice, for making connections and for proposing and delivering practical solutions with a view to improving the situation of people experiencing vulnerability and disadvantage. John continues to be a great friend, guide and supporter of SSRV. Thank you, John.

SSRV works with a wide range of partners and stakeholders, many are mentioned throughout this report, all are valued and appreciated. In terms of project work and service delivery, in 2020/2021 SSRV has worked closely with Financial Counselling Victoria, Victoria Legal Aid, the Australian Federation of Disability Organisations, Gippsland Community Legal Service, Hume Riverina Community Legal Service, Monash University Law School and the National Debt Help Line. SSRV also acknowledges our appreciation for the leadership, advocacy and support of our peak bodies – the Victorian Federation of Community Legal Centres, Community Legal Centres Australia and Economic Justice Australia.

SSRV gratefully acknowledges the core and project funding it receives from a number of sources including the Victorian Department of Justice and Community Safety, the Australian Government Attorney-General's Department, the Victorian Legal Services Board and Commissioner (VLSB+C) and individual donors. We also note with thanks the work undertaken and support provided the Victoria Legal Aid Community

Legal Centre Funding and Development Program, VLSB+C Grants Program and the Federation of Community Legal Centres in administering the funds.

During the past few years, a variety of short and medium term project funding has provided SSRV with the opportunity to grow, provide more services and to innovate. The funds have supported SSRV to further demonstrate its capability and potential in identifying and responding to the social security legal and related needs of vulnerable and disadvantaged Victorians and those who assist them.

In the 2020/2021 and 2021/2022 financial years SSRV has had/will have the highest levels of overall funding and paid staff in the organisation's history. These are interesting times for the organisation. It is important to understand that the project funding has leveraged a very low core funding base and much of the current project funding is expected to end by 30 June 2022. Maintaining the momentum built over the past few years and ensuring the viability and continuity of specialist social security legal services in the Victorian community legal centre sector will be a key priority in the year ahead.

Gillian Wilks,
SSRV Director






Our Services

PRINCIPAL LAWYER REPORT

Emily Singh,
Principal Lawyer

Despite the challenges associated with working and operating remotely for most of the 2020/2021 year, SSRV continued to provide a variety of social security legal casework services including one off legal advice and information services, limited assistance (legal tasks) and ongoing representation in accordance with our eligibility guidelines and overarching strategic objectives. These services were provided by staff employed through SSRV's core and project funding, with some pro bono support and assistance from student interns.

During 2020/2021 SSRV provided:

	1359 legal advice services
	261 referral services
	183 information services
	76 legal task* services
	73 representation services

(*limited assistance)

Of the above, almost 450 advice and information services were provided to other professionals who were assisting their clients with Centrelink issues.

Case study - Liam's story*

In late 2020 a 24-year-old man, Liam, reached out to SSRV through our General Advice Line as he was experiencing severe financial hardship. He had suffered from a medical negligence event when he was a child that left him with a severe, permanent disabilities. After a lengthy legal battle for compensation, run by his mother on his behalf, he was awarded a \$2,500,000 compensation pay out. This was given to him on his 18th birthday, in full.

As a result of the compensation payout, Liam was precluded from accessing any form of Centrelink income support until 2033.

As an 18-year-old, with a cognitive impairment that affected his decision-making abilities and judgment, Liam was tasked with managing this huge sum of money and ensuring it lasted as his only source of financial support until 2033.

Liam was unable to do this and lost/spent the money (including through several scams, to gambling and excessive gifting) and was left without any savings or any source of ongoing income. When the COVID pandemic hit, his last remaining financial lifelines – his friends and family members – were no longer able to provide him the support he needed to simply survive. He tried to obtain financial assistance from Centrelink but, due to his preclusion period, this was denied.

SSRV assisted Liam to appeal Centrelink's decision arguing that his preclusion period should be waived, in its entirety, on the basis of special circumstance which included the fact that the money should not have been given to him as a lump sum in the first place given his vulnerabilities in being able to manage that amount.

Liam, with SSRV's assistance and advocacy at the AAT, was successful in obtaining a full waiver of his preclusion period. He was then able to obtain the income support he needs to survive.

**Names and some identifying details have been changed.*

The General Advice Line continued to be SSRV's primary point of initial contact for all new general enquiries/ individuals seeking legal assistance. The Worker Help Line was the primary entry point for other professionals assisting their clients with Centrelink matters.

SSRV continued to achieve successful results for clients at the Authorised Review Officer (ARO) stage and in the Administrative Appeals Tribunal (AAT) Social Services and Child Support Division and General Division, appealing wrongful Centrelink decisions relating to eligibility or cancellation of payments and having debts and preclusion periods waived on the basis of special circumstances.

SSRV continued to see a significant number of enquiries, and delivered casework services, relating to:

- debts/overpayments for a wide variety of payment types
- eligibility for the Disability Support Pension (DSP)
- family violence and its impact on payment eligibility and overpayments
- member of a couple and eligibility issues
- eligibility for payments for people on temporary visas
- COVID-19 supplements and other COVID-19 related social security measures, including the waiver of the assets test and the waiver of the Newly Arrived Residents Wait Period
- Robodebt related enquiries.

We continued to provide advice and assistance on Status Resolution Support Scheme (SRSS) overpayment debts and assistance to people seeking asylum in Australia, living in the community on temporary visas, acknowledging a gap in available legal services in Victoria for this particularly vulnerable client group.

Despite debt recovery having been paused for a large part of the 2020/2021 financial year due to the pandemic, debts/ overpayments still presented as a significant issue among our client group and remained a focus area for our casework, including for ongoing representation.

With our special purpose, project-based funding, SSRV continued to provide legal advice and casework services in a targeted and tailored way throughout 2020/2021. This funding allowed us to respond to areas of identified demand and need, including:

- COVID-19 related social security legal issues
- Disability Support Pension (DSP) eligibility
- The intersection between family violence and social security legal issues
- Bushfire affected communities and individuals
- Cases where integrated service delivery was essential, with a particular focus on working on matters with financial counsellors.

The project funding remained a critical part of SSRV's ability to grow as an organisation and deliver more services to the community/ have a greater impact. This was particularly critical in a year that saw Victoria hit hard by the COVID-19 pandemic and bushfires.

Case study - Abraham's story*

Abraham* is an Iranian national seeking asylum in Australia having suffered persecution and serious harm in his home country. He is here on a Bridging Visa E, a form of temporary visa that does not afford the holder access to any Department of Social Services social security benefits or family assistance payments, whilst waiting for the Department of Home Affairs (DHA) to process his application for a protection visa. He does not have the right to work in Australia.

In 2019 Abraham was assisted by the Red Cross to apply for Status Resolution Support Scheme (SRSS) and, after a difficult application process, was granted the payment. SRSS is roughly 89% of the JobSeeker payment, which makes it a payment that is almost impossible to live on, but this was the first time he had any form of income since arriving in Australia six years ago.

Abraham had some trouble understanding the information about SRSS payments as it was only provided in English, a language he doesn't read fluently. He did not realise he had to update Services Australia (the agency responsible for administering SRSS payments on behalf of DHA) about his visa status. When his Bridging Visa lapsed and DHA took many months to renew it, he became ineligible for the SRSS payments, but Services Australia continued to pay him. Later a debt was raised against him for more than \$2000. He still did not have the right to work in Australia was unable to make any repayments towards the debt.

Abraham was referred to SSRV by his caseworker at the Asylum Seeker Resource Centre through our Worker Helpline. SSRV assisted him and his caseworker to understand his debt waiver rights and the processes to apply for a waiver. With the assistance of SSRV, his caseworker was able to confidently assist him to apply for a waiver of the debt. His caseworker also informed SSRV that she would be able to use the information she had obtained in working with SSRV on this case to assist her other clients.

**Names and some identifying details have been changed.*



**Integrated practice
is an essential aspect
of SSRV's work given
the multi-layered and
complex issues our
clients experience.**

SSRV continued in its commitment to providing integrated service delivery to all clients, through all forms of legal service delivery. Integrated practice is an essential aspect of SSRV's work given the multi-layered and complex issues our clients are generally experiencing when they seek assistance in relation to their social security legal issues.

Whilst SSRV has a specialised Integrated Services Project (ISP), delivered in partnership with Financial Counselling Victoria (FCVic), we believe that integrated service delivery should form part of all SSRV's services, acknowledging that legal and non-legal workers, working together, gives our clients the best possible chance

of addressing their legal issues and improving their well-being. Throughout the year, we continued to ensure that integrated and holistic service was at the forefront of all SSRV's work. We are grateful for the continuing support from, and relationship with, FCoV and all other service providers/community organizations we work collaboratively with in the delivery of our legal services.

SSRV continued to engage with Gordon Legal Lawyers, Victoria Legal Aid (VLA) and other stakeholders around the latest developments in the Robodebt class action. In November 2020 the Australian Government, the Respondent in the class action, agreed to a settlement and this led

Case study - Ellie's story*

Ellie* is a single mum of three girls living in Melbourne's west. She is a survivor of an abusive relationship with the father of two of her daughters. In 2009, Ellie received a \$30,000 overpayment debt from Centrelink. Centrelink had made a decision that she had received the incorrect rate of Parenting Payment for a number of years leading up to 2009 as she had been paid the single rate of payment. Centrelink alleged that she was only eligible for the lower couple rate of Parenting Payment.

Ellie tried to challenge this decision on her own through the Authorised Review Officer (ARO) review process, and later to the AAT. This was an incredibly difficult task for her as she suffers from multiple, severe, mental health conditions as well as her experiences in having to recount the instances of violence perpetrated on her in the years prior to the debt being raised.

Ellie was unrepresented at the AAT in 2014 and was unaware that legal services might have been available to her at the time. She did not know she had a further right of review, to the General Decision of the AAT, and started the process of slowly paying off the large debt, which left her and her daughters in a position of severe financial hardship.

In 2020 Ellie was referred by another community legal centre to SSRV. SSRV assisted her to argue that she should be given an extension of time to have her matter reviewed by the General Division of the AAT, with the benefit of having legal representation, given the compelling circumstances in her case.

Ellie, with the assistance of SSRV as her representative, was successful in obtaining a six-year extension of time from the AAT and is now being represented by SSRV in an ongoing review application seeking to have the debt waived.

Ellie recently told her SSRV lawyer that she has felt a huge weight lifted knowing that she has someone helping her to navigate this complex appeals process and that she could not do it without the "caring, compassionate and dedicated support of the SSRV staff and students" she has worked with since coming to SSRV in 2020.

**Names and some identifying details have been changed.*



to an opportunity for all class action group members (people with debts who had been included in the class-action) to consider the terms of the settlement and decide whether they wanted to object. This was a complicated process and was confusing for many members of the class-action.

As a result, SSRV continued to receive referrals from Gordon Legal (who were unable to provide advice about the objection process) as well as general requests for assistance from members of the class action, requesting advice about the settlement, the impact on other avenues of legal redress for their Centrelink debts and whether they should accept the settlement or object. This was a particularly challenging area to provide advice on given the complexities associated with the overlap between the civil class action and the normal administrative decision review pathways available to people.

The Federal Court of Australia approved the Robodebt class action settlement on 11 June 2021. We were grateful to Gordon Legal for providing updates, information sessions and opportunities for consultation regarding the terms of the proposed settlement throughout the year.

In December 2020 SSRV launched the Pilot of the Social Security Advocacy Clinic in partnership with Monash Law School. We were thrilled to be able to launch this Clinic and partner with one of Melbourne's largest law schools through their clinical placement legal education model. As second clinical period commenced in March 2021. The Clinic provides an opportunity to increase our

overall capacity to delivery legal services to the community and for SSRV staff to work with and teach enthusiastic and talented students. This had an energising and positive impact on SSRV and has established a successful remote clinical model that can continue to be developed and utilised in years to come.

We appreciate the ongoing support and collegiality of our many pro-bono partners and sector colleagues. These relationships and offers of support and assistance to us as a team, and to our clients, have been essential to our ability to deliver services to as many people as possible during a particularly challenging time.

I would like to acknowledge the contributions of Bryn Overend, Rachel Storey and John Berrill who have also each held the Principal Lawyer role for a period during the year and have supervised, continued to develop and support the SSRV legal practice during that time. I am particularly grateful to John who has provided his time and expertise on a pro bono basis and for the ongoing mentoring support that he has provided as I have moved into the senior and principal lawyer roles.

Emily Singh,
Principal Lawyer

Case study - Gianni's story*

Gianni* was in receipt of Newstart (now called JobSeeker) payments for a period of six months in 2016 when he was relying on inadequate and unreliable casual work. Whilst receiving Newstart payments, he always reported his fluctuating fortnightly income as required.

In 2018 Gianni was surprised to receive a letter from Centrelink informing him he owed \$6000 due to overpayment of Newstart. He sought an internal review from Centrelink. They agreed with Centrelink's initial decision. The review decision informed him that Centrelink had relied on his tax returns from the 2016/2017 financial year to determine he was overpaid Newstart. This didn't make sense to him as he had always reported his income to Centrelink.

Gianni found the process of seeking review, and communicating with Centrelink about the debt, very stressful and he decided to start paying the debt off by a payment plan. Some money was also taken from his tax return to pay back the debt and eventually he paid back the debt in full.

In 2019, Gianni received a letter from Centrelink informing him he was a member of the Robodebt class-action lawsuit. He didn't understand what this meant and didn't do anything about it. He continued to receive letters about the matter. He found them very difficult to understand.

In January 2021, Gianni received another letter from Centrelink about the class-action informing him that the parties (the Applicants, represented by Gordon Legal, and Centrelink, the Respondent) had come to an agreement and were going to settle the lawsuit. The letter explained that he had the option to Object to the lawsuit or to not Object which would mean he would essentially be bound by the final terms of the settlement. He was very unsure what impact the class-action would have on him, whether he would have the money he had paid to Centrelink to pay off his Robodebt given back and whether he could be compensated in other ways.

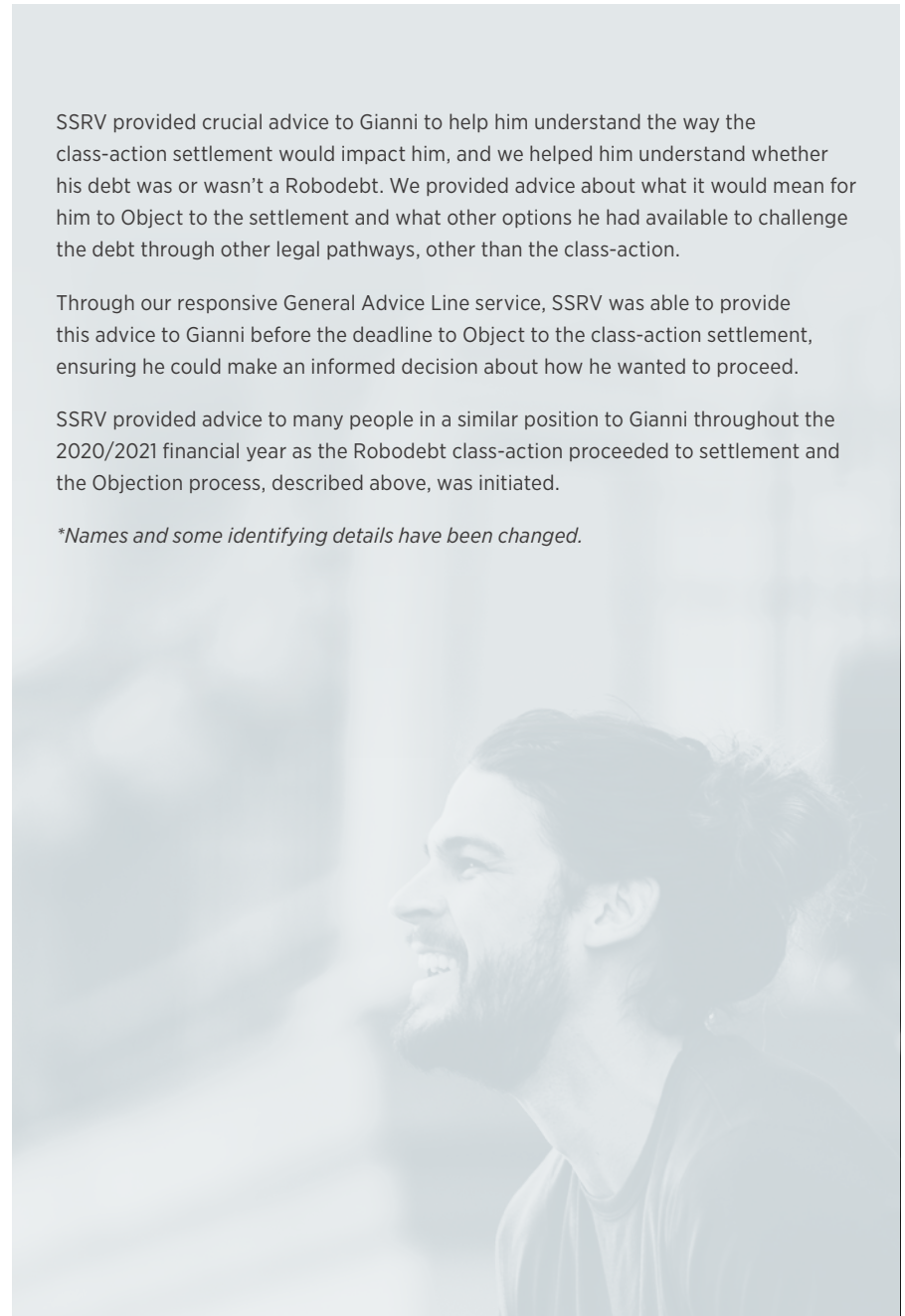
Gianni tried to obtain advice from Gordon Legal about whether he should object, and what impact the settlement would have on him, but they were not able to provide advice to him. Gordon Legal referred him to SSRV.

SSRV provided crucial advice to Gianni to help him understand the way the class-action settlement would impact him, and we helped him understand whether his debt was or wasn't a Robodebt. We provided advice about what it would mean for him to Object to the settlement and what other options he had available to challenge the debt through other legal pathways, other than the class-action.

Through our responsive General Advice Line service, SSRV was able to provide this advice to Gianni before the deadline to Object to the class-action settlement, ensuring he could make an informed decision about how he wanted to proceed.

SSRV provided advice to many people in a similar position to Gianni throughout the 2020/2021 financial year as the Robodebt class-action proceeded to settlement and the Objection process, described above, was initiated.

**Names and some identifying details have been changed.*



COMMUNITY LEGAL EDUCATION



SSRV's community legal education (CLE) resources and activities are generally targeted towards other professionals who assist their clients/patients and communities with social security issues. An objective is to build worker capability and confidence in identifying and responding to client social security issues.

Community legal education (CLE) and professional development continued to play a particularly important role within the context of changing social security payments and policies due to the pandemic. This important CLE work was undertaken by staff across the organisation throughout 2020/2021. Most of our CLE sessions were delivered online and resources are available on the SSRV website. Various activities are documented through the Annual Report.

Some highlights included:

- partnering with the Victorian Aboriginal Community Controlled Health Organisation Inc., Consumer Action Law Centre and the Victorian Aboriginal Legal Service to deliver a session on Centrelink and social security law basics;
- delivering a session on appealing Centrelink decisions and debts for the Sudanese community in Wyndham, in partnership with Wyndham Community & Education Centre;
- running a session on the Disability Support Pension at the Economic Justice Australia Conference;
- partnering with Tandem Carer's Victoria to deliver a session on Carers Payment eligibility, Carer Allowance eligibility and Disability Support Pension eligibility to their team of social workers, counsellors, carers and advocates;
- providing a session on the Robodebt class action settlement to members of the Karen community, including community leaders, in partnership with Eastern Community Legal Centre;
- partnering with Financial Counselling Victoria, Maurice Blackburn Lawyers and the Services Australia's Financial Information Services team to deliver a professional development workshop for financial counsellors on Retirement Challenges, including eligibility Age Pension.

Feedback from participants was generally very positive. In relation to the Retirement Challenges workshop, for example, participants provided the following feedback. Following SSRV's presentation:

- participant understanding of SSRV and its services had improved by - to some extent 48%, to a large extent 51%
- participant confidence in identifying and responding to client social security matters had improved to a large extent 49% and to some extent 46%
- participants anticipated that what they learned in the workshop would help them to better assist people using their service - to a large extent 58%, to some extent 38%.



GENERAL ADVICE LINE

Peter Horbury,
Operations and Information Manager

SSRV's General Advice Line (GAL) operated for four mornings a week for most of the 2020/2021 year. The GAL has been the main intake vehicle for individual clients contacting SSRV.

The two major issues we dealt with were Disability Support Pension (DSP) rejections and issues related to the changes to social security entitlements as a result of COVID-19. These included the Coronavirus Supplement and the lifting (and then reimposition) of the Newly Arrived Residents Waiting Period (NAWRP) as well as exemptions from the activity tests.

As a result of restrictions arising from COVID-19, SSRV's GAL moved to remote servicing for most of the reporting year.

This has worked well with the diversion of phone lines but has meant we haven't been able to utilise our volunteer staff for the GAL work as much as previously. In the second half of the year, the GAL on most Wednesdays has been run with the Social Security Advocacy Clinic run in conjunction with Monash University.

The GAL assists around 20 callers per week. About two-thirds of these are new callers and the majority are of work-force age. GAL assistance includes explanations of the relevant law, information about the reviews processes, assistance with Centrelink's procedures and assistance with understanding Centrelink documentation. The GAL is the primary intake pathway for further legal assistance and representation services.

WORKER HELP LINE

Pamela Taylor-Barnett,
Community Lawyer

The Worker Help Line (WHL) is a cornerstone in reaching SSRV's strategic goal of building the capacity and capability of other professionals, enabling them to better identify and assist people experiencing, or who may encounter, social security problems. The WHL provides valuable secondary consultation services and client referral pathways.

In 2020/2021 the SSRV WHL was available from 9.00am-5.00pm, Monday to Thursday for most weeks of the year. The service is co-ordinated by a community lawyer employed through a grant from the Department of Justice and Community Safety. The service is staffed by that community lawyer and other workers employed through SSRV's core and project funding.

The WHL is a reliable service for workers of many professions – financial counsellors, social workers, case workers, lawyers, advocates, psychologists and others all

use the service. These professionals all encounter clients who have social security problems or legal questions. They can call the WHL to receive information and improve their own understanding of the client's rights, responsibilities and options.

In the 2020/2021 year:

- SSRV delivered more than 450 WHL services to workers from 186 organisations across Victoria
- 23% of these were to workers in regional/rural Victoria
- 30% of calls came from financial counsellors, 26% from social/case workers, 15% came from disability workers/advocates, 11% came from legal workers, and the remainder from various other professions
- More than a third of calls to the WHL were about clients receiving the DSP. The next most common payment for clients of WHL callers was Job Seeker Payment (11%). The WHL fielded calls related to 21 other payment types, illustrating the breadth of the payments and problem types about which SSRV is able to assist.

Feedback from WHL callers is consistently very positive. Of the workers who provided feedback at the end of calls with WHL staff:

- 100% said that the service was accessible and useful
- 99.9% said that it was timely
- 98% said the conversation had helped them to better understand the matter and
- 95% said they felt more confident to deal with the issue after the call.

Examples of further feedback at the conclusion of calls included:

Your knowledge about what is likely to happen and the pitfalls the person might fall into was very helpful. Others didn't know this level of detail.

You have been a massive help. I can actually go back to my client with some information which is really great.

Really tremendous and really important, and available. Having a specific number for workers is fantastic.

Thank you very much for your help and for being persistent with this. This information now gives me context for the other party's position.

You explained two options I didn't know existed. Very happy.

There is nowhere [else] to go. Seriously, there is nowhere. [Other] CLCs just do not have this specialised area of knowledge.

I'm extremely happy that you're so reactive in terms of getting back to me.

You've answered all my questions, that's been really helpful.



The WHL allows SSRV to assist hundreds of individuals who would not otherwise call SSRV and perhaps many more still, who the worker passes the new knowledge on to.

Pamela Taylor-Barnett,
Community Lawyer



Anna Morrow,
Community Lawyer

During the year a mid-term feedback survey was undertaken with a sample of workers who had called the WHL during the previous weeks/months. All workers who responded to the question said that there was some, but usually a substantial, difference to client outcomes following assistance provided by WHL Line staff.

One worker told us that their client followed the information provided to the worker in the secondary consultation and that they had a successful appeal outcome. Several said that their clients were able to access payments they did not previously receive after SSRV's secondary consultations.

Other feedback included:

I would have probably spent a lot longer with getting the appropriate medical evidence. Would have had to go back and forth for months with Centrelink.

Client [now] knows the pathway to go down and the criteria they need to be eligible and appeal Centrelink decisions and obtain letters from the GP. Also, to inform medical workers how to help them. The service can totally change a person's life...

[Without the Worker Help Line] We would be flying blind. And trying to stumble along. We would fail in our applications. This could be life or death for some people. If they actually get a pension, that's the difference between being homeless and having a roof over your head. That knowledge is vital. And mental health issues it causes.

FAMILY VIOLENCE PROJECT

Pamela Taylor-Barnett,
Community Lawyer

SSRV continued its work with victim survivors of family violence in 2020/2021. The community lawyers funded through State family violence funding and Commonwealth/State COVID-19 legal assistance funding took primary responsibility for family violence related legal service provision and associated activities, although most SSRV staff contribute to this work.

SSRV staff see the intersection between family violence and social security most commonly for people who have left a relationship and are trying to re-start their lives. Financial need leads many victim survivors to rely upon social security as either their sole or primary source of income. But many people find out that they have substantial debts owing to Centrelink because their former partner either misled Centrelink, improperly estimated income or didn't lodge a tax return. Centrelink recovers this money through deductions each fortnight from an individual's payment.

By strategically selecting a variety of social security matters for ongoing representation or legal tasks, SSRV has been able to directly impact and test the effectiveness of different legal responses available to resolve an issue. SSRV is also often able to provide advice about how to seek a review of these debts for special circumstances waiver.

In 2020/2021, SSRV provided 271 services where there was an indicator of family violence. Overpayments account for over 40% of the problem types with a family violence indicator. Refusals/eligibility problems account for just over 25% of problems with a family violence indicator and problems about review of benefits make up 15%.

The most common payment type for matters with a family violence indicator is the Disability Support Pension (30% of payment types), followed by Family Tax Benefit (19%), Jobseeker/Newstart made (18%), Parenting Payment (16%). Some clients may have recorded two payment types, for example Parenting Payment and Family Tax Benefit. These statistics reflect the percentage of payment types recorded.

Examples of Parenting Payment matters may include where a parent has been refused eligibility or where they may have been in receipt of Parenting Payment (Single) while they were a member of a couple and were eligible for the reduced payment of Parenting Payment (Partnered). Family Tax Benefit problems commonly include overpayments, for example, where there has been an incorrect estimate of income.

Throughout the year SSRV staff participated in the Economic Abuse Reference Group and Smart Justice for Women coalition. The purpose of our involvement was to identify, highlight and address the intersections between social security issues, family violence and other factors such as financial abuse and involvement in the criminal justice system.

With new staff in positions with a primary focus on family violence, it was important during the year to focus on building relevant knowledge, skills and expertise, thereby supporting workers to be able to quickly and confidently identify family violence, the relevance to the Centrelink issue and assess the merits and risks of a matter. While not the only area where this is relevant, the focus on assisting with matters where family violence is a factor highlights the importance of person-centred and trauma informed approaches to our work at SSRV.

Case study - Sophie's story*

Sophie is a 29 year old mother of one child, Anna, who is four years old. Sophie moved to Australia after commencing a relationship with James who was an Australian Citizen. Sophie experienced significant family violence during her relationship with James. Twelve months ago she bravely walked away from the relationship despite having no family in Australia and a very limited support network.

Sophie received accommodation through a family violence refuge. Her family violence worker helped her apply for Centrelink payments. Since separating from James, She has been receiving Parenting Payment Single. Access to Parenting Payment has been crucial for her to have financial security as she rebuilds her life.

Sophie was notified by Centrelink, that James also lodged a claim for Parenting Payment. Only one parent can receive this payment. As James and Sophie only had the one child and shared equal care of Anna, Centrelink had to decide about which parent was most in need of the payment. Centrelink rejected James' claim. He then lodged an appeal with the Administrative Appeals Tribunal (AAT). If he succeeded at the AAT, Sophie would lose her payment and have a debt raised against her for the payments she had received. Sophie contacted SSRV seeking advice and assistance. The AAT had joined her as a party to the appeal given their decision would affect her payments.

After speaking with Sophie, SSRV offered to represent her. To prepare for the AAT hearing, the SSRV lawyer sought further instructions from Sophie to draft written submissions, explained the legislation and the appeal process to ensure Sophie understood her legal position, and provided representation during the hearing. The AAT member reserved their decision at the end of the hearing and requested further documentation from both Sophie and James.

The AAT agreed with the position of SSRV that Sophie was most in need of Parenting Payment and consequently rejected James' appeal. James then appealed this decision to the AAT General Division. SSRV again represented Sophie at the General Division. The lawyers representing Centrelink argued that they were taking a neutral position in relation to this matter. SSRV argued that Sophie was clearly in greater need of the payment, citing the dramatic disparity in assets between the parties, with her ex-husband owning multiple cars, real estate, and having access to superannuation, all worth well over \$1 million. Sophie contrastingly had no significant assets, and little savings. The AAT General Division again found that Sophie was the party in greater need and Sophie was able to continue receiving the Parenting Payment Single.

**Names and some identifying details have been changed.*

INTEGRATED SERVICES PROJECT

Aidan McCarthy,
Community Lawyer

The Integrated Services Project (ISP) is funded by the Victorian Department of Justice and Community Safety, with funding administered by the Federation of Community Legal Centres. The Project was first funded in 2018. During 2020/2021, the Project completed year two and commenced year three of funding. Through the grant of this funding, SSRV has been able to continue our partnership with Financial Counselling Victoria (FCVic) to bring together social security law experts and financial counsellors to work together to improve client outcomes.

A community lawyer and a financial counsellor are employed with project funds. During the year the staff in both positions worked across all areas of the project, including providing direct client services, secondary consultation to other workers, education, resource development, engagement and policy activities. They

championed and practiced integrated service delivery within SSRV and with financial counsellors across Victoria.

During 2020/2021, planned in-person rural and regional focussed stakeholder engagement was restricted due to the COVID-19 pandemic. However, the circumstances did present the great opportunity to engage with many in the financial counselling sector through video conferencing.

ISP staff created a postcard for easy reference for financial counsellors to complement other postcards we had previously created for the General Advice Line and Worker Help Line. Project staff also regularly contributed to FCVic's monthly newsletter, *The Devil's Advocate*.

The Project community lawyer has been rostered on the Worker Help Line one day a week to provide secondary consultation services to the financial counsellors and other professionals from across the wider community and legal assistance sectors. He also provided legal assistance to a number of clients, many matters related to debts raised by Centrelink. The financial counsellor



Aidan McCarthy,
Community Lawyer

assisted clients directly and worked collaboratively with SSRV lawyers in a variety of ways such as through offering financial health checks, assisting people to access entitlements and negotiate payments, making referrals to other social services and assisting in the preparation of financial statements to inform the conduct of legal matters.

Project staff have also joined one meeting of each FCVic regional network meeting. We had planned to participate in the FCVic annual conference, but unfortunately the conference was postponed due to COVID-19. The ISP financial counsellor was able to attend the Financial Counselling Australia conference that was held in Darwin during May 2021.

SSRV staff were able to continue to deliver professional development workshops to the financial counselling sector, with larger than usual numbers of attendees able to participate via video conference.

The sessions were convened by and run in conjunction with FCVic. We were pleased to take part in sessions on the following topics:

- Practical skills for dealing with Centrelink in July 2020, with 43 financial counsellors in attendance
- Centrelink debts in August 2020, with 65 financial counsellors in attendance
- Appealing Centrelink debts in September 2020, with 65 financial counsellors in attendance
- Introduction to Centrelink and SSRV in October 2020, with 40 financial counselling students in attendance
- Retirement Challenges in June 2021, with around 120 financial counsellors in attendance.

In September 2020, Gillian Wilks, SSRV Director, and Dr Sandy Ross, FCVic Executive Officer, presented about learnings from year one of the Integrated Services Project and project evaluation as part of a Victoria Law Foundation Research Network webinar titled *Building effective community pathways to justice*. ISP staff attended the FCVic Centrelink Working Group, which focusses on systemic issues arising in social security law.

Case study - Family violence*

ISP staff assisted a client who had experienced family violence to seek an extension of time to appeal to the General Division of the Administrative Appeals Tribunal. The client was represented at the hearing by counsel on a pro bono basis. This matter was reported as SPWX and Secretary, Department of Social Services (Social services second review) [2020] AATA 3883. In that decision, Senior Member Fenwick said, importantly, 'The existence of family violence is highly relevant to consideration of the merits.'

Case study - Parenting Payment*

In a matter where there was a dispute between a separated couple about which parent should receive Parenting Payment, the ISP financial counsellor spent time with the SSRV client, and carefully went through her bank statements for the relevant period and wrote a Statement of Financial Position. That statement was provided as supporting documentation to the Social Security and Child Support Division (SSCSD) of the Tribunal. The Member made a finding in favour of our client. The Statement of Financial Position contributed to the client being able to clearly explain her financial position in the relevant period.

**Some identifying details have been changed.*

The ISP Reference Group met once during the year in November 2020. We thank members - Dr Sandy Ross (Financial Counselling Victoria, Chair), Liz Stary (Women's Legal Service), Kelly Bowey (Centre for Excellence in Child and Family Welfare), Catherine Miller (Consumer Action Law Centre) and Gillian Wilks (Social Security Rights Victoria). Taimur Siddiqi (The Incus Group) continued during the year to oversee project monitoring and evaluation.

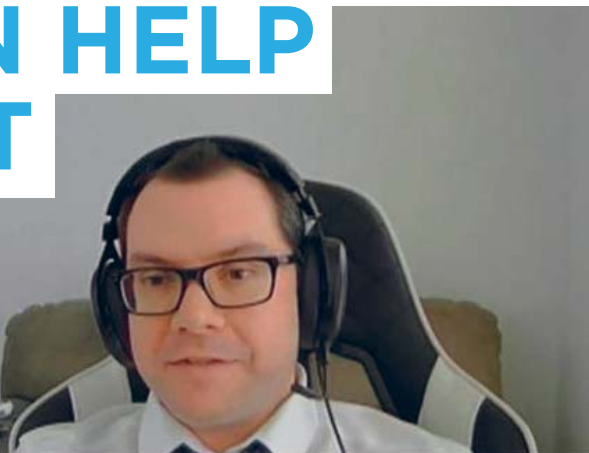
The team at FCVic continued to provide active encouragement, guidance and practical support to the project and its staff. The ISP was fortunate to continue to be able to leverage FCVic networks, communications

and professional development programs. Dr Sandy Ross generously assisted with chairing the Reference Group, recruitment of staff and navigating some of the challenges and complexities that presented during the year. SSRV acknowledges and is grateful for the assistance in its various forms that has been provided by FCVic.

During the 2021/2022 year, we look forward to engaging a new financial counsellor to join the team and to providing further specialist services to vulnerable clients. Additionally, we look forward to joining the FCVic conference and to further engaging with the financial counselling sector, to work together to improve client outcomes

DISABILITY SUPPORT PENSION HELP PROJECT

Dermott Williams,
Community Lawyer



In March 2020, SSRV began the second year of the Disability Support Pension (DSP) Help Project. The DSP Help Project aims to help people living with illness, injury or disability access income support. Specifically, the project aimed to create an online resource that helps applicants better understand and apply for the DSP. SSRV worked with service design firm Paper Giant to create and launch the online resource. DSP Help was officially launched in August 2020.

The online resource can be accessed here: dshelp.org.au/ and the Year One project report is available here: https://www.ssrv.org.au/wp-content/uploads/2021/07/SSRV_DSP-Help-report_Web.pdf

In the second year of the project SSRV shifted focus from applicants and support workers to medical practitioners and other health professionals. DSP applications and appeals are largely decided on the quality of the supporting medical evidence. The project's aim was to make it easier for the people giving that evidence to help their patients access the DSP. The project once again worked with Paper Giant and used a human-centred design approach to this challenge.

Through consultation with doctors, psychologists, psychiatrists and other health workers, several opportunities were identified. These included:

- Updates to the DSP Help online resource to better assist doctors and health workers.
- An educational and systemic advocacy campaign aimed at engaging doctors and health workers with the DSP.
- Feeding research and experience into ongoing policy activities, including the Senate Inquiry into the purpose, intent and adequacy of the Disability Support Pension.

The project continues to explore these opportunities into the new financial year.

DSP Help is more than an online resource. The project is providing a wraparound legal service where vulnerable DSP

applicants can access advice, casework and community legal education (CLE). It also provides CLE to other support workers. In June 2021, in conjunction with Economic Justice Australia, the DSP Help Community Lawyer delivered a national CLE session to over 100 community lawyers and other support workers. The session covered DSP eligibility and the challenges applicants face when applying, and also the resources available to make this process easier. This session can be viewed here: ssrv.org.au/disability-support-pension-eligibility-challenges-and-resources/

SSRV would like to thank Linda Forbes (Economic Justice Australia) for co-presenting this session, and Carly Hanson (Community Legal Centres Queensland) for coordinating the webinar infrastructure and facilitating the session.

DSP Help is much more than an online resource - providing a wraparound legal service where vulnerable DSP applicants can access advice, casework and community legal education.



DSP help website

Case study - Annarietta's story*

Annarietta* is living with Chronic Fatigue Syndrome, a spinal condition that limits movement of the back and neck, a blood pressure condition and mental health conditions. She was receiving the DSP in the early 2000's but lost eligibility when she moved overseas for several years. On returning to Australia she attempted to work but found she could not and eventually applied for the DSP again.

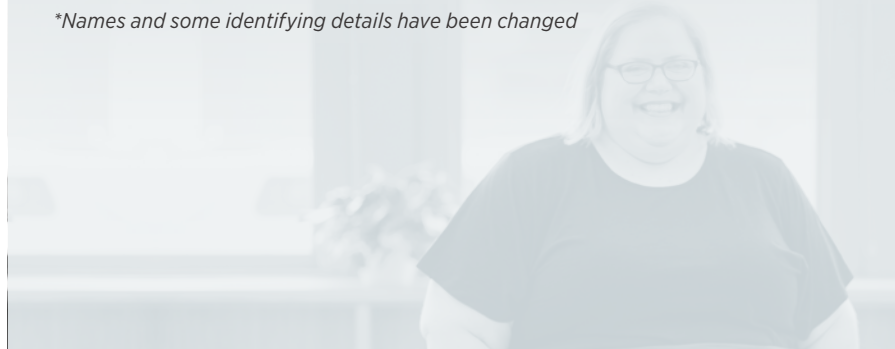
Annarietta was rejected by the original decision maker, by the Authorised Review Officer, by the first tier of the Administrative Appeals Tribunal, and had been through a number of conferences as part of the Tribunal's second tier processes, before seeking assistance from SSRV. During these conferences representatives for Services Australia maintained she was not eligible for the DSP.

SSRV assisted Annarietta to prepare submissions ahead of her hearing and had planned to represent her at the hearing itself. Fortunately, following the submissions Services Australia's representatives offered to settle the matter before the hearing proceeded, agreeing that she should receive the DSP. SSRV worked with her to ensure this agreement was implemented in a timely fashion.

Between the initial claim and the Secretary agreeing Annarietta was eligible three years had elapsed. She noted during debrief with SSRV that the entire process was traumatic and has worsened her conditions. She has some work capacity provided she is afforded flexibility. She believes this has been diminished by the worsening of her conditions which would not have been the case if the process was not drawn out to such an extent.

Annarietta's experience was fed into SSRV's systemic policy activities, and in particular into our submission to the Senate Community Affairs Committee Inquiry into the purpose, intent and adequacy of the Disability Support Pension.

**Names and some identifying details have been changed*



SSRV's commitment to upskilling community and other support workers continues to inform decisions made by the DSP Help Project. In 2020-21 the project delivered Community Legal Education ('CLE') sessions to a variety of audiences, including financial counsellors, disability liaison officers in health services, and other community lawyers.

The capstone for CLE over this year was a presentation made to disability advocates through the Disability Advocacy Resource Unit's Conversations series in October 2020, where the project was able to introduce DSP Help to the entire disability advocacy sector, as well as help advocates maintain and improve their knowledge of the pension. The full session is available here: daru.org.au/resource/dsp-help-an-online-resource.

In June 2021 the Inquiry into the purpose, intent and adequacy of the Disability Support Pension was announced. SSRV immediately decided we were going to contribute to this process with the DSP Help Community Lawyer taking the lead and coordinating the submission. SSRV's main and supplementary submissions have both been accepted and published by the Committee. ssrv.org.au/ssrv-at-the-dsp-inquiry/

SSRV continues to be involved in the Technical Experts on Social Security (TESS) working group convened by the Australian Federation of Disability Organisations (AFDO). We have worked with the group on number of initiatives, including to develop submissions and recommendations for the

Senate Inquiry into the Commonwealth Response to COVID-19 for persons living with disability and carers in early 2020.

In 2021 the DSP Help Community Lawyer took over as SSRV's main contact and participant in TESS, contributing expert legal knowledge of the social security system – and in particular the DSP – to AFDO and other organisations involved in TESS. This engagement is two ways – SSRV's involvement has helped inform and strengthen our systemic and policy work and activities.

SSRV would like to thank and acknowledge the contributions of:

- The Victorian Legal Services Board + Commissioner
- Paper Giant (Reuben Stanton, Eily Williams, Emily Hamilton, and Willow Berzin)
- The DSP Help Project Steering Committee (Patrick McGee, Len Jaffit, John Berrill, Yvette Maker, and Natasha Thompson)
- Incus Group (Taimur Siddiqi)
- Everyone who has contributed their time, expertise and experience as part of the project's consultation and human-centred design processes.

BUSHFIRE RESPONSE

Dermott Williams,
Community Lawyer

The Victorian Government provided funding to SSRV to offer frontline legal assistance to people and communities affected by the 2019/2020 bushfires in North-East Victoria and Gippsland. SSRV's bushfire response work has so far had a focus on two key activities: direct legal service delivery to individuals affected by the bushfires, and education and empowerment of those communities through community legal education and resources.

SSRV worked with services on the ground to best understand the legal needs of affected communities, and then deliver service to meet those needs. A 'locally led model' was agreed on where the services operating in each region were responsible for coordinating the response and engaging specialist community legal centres, including to SSRV.

This meant Hume Riverina Community Legal Service (HRCLS) and Gippsland Community Legal Service (GCLS) were SSRV's main points of contact and closest relations in this area of work. We acknowledge the enormous amount of work that these community legal centres have done to respond to the bushfire related legal needs of their communities and to co-ordinate and work collaboratively with other services in this effort.

The most directly relevant social security issue is accessing Disaster Recovery Allowance and Payment, about which SSRV developed fact sheets and made these available online.



A range of legal issues experienced by people in disaster affected communities were identified, ranging from housing and insurance, to property boundary disputes, to family violence matters, to accessing social security and other supports in a time of crisis.

The most directly relevant social security issue is accessing Disaster Recovery Allowance and Payment, about which SSRV developed fact sheets and made these available online. These fact sheets are also relevant for other disasters and can be rapidly deployed. So far, this has allowed us to deliver information for people affected by storms and floods in 2021.

In addition to engagement, education and legal casework, community lawyers employed with project funds have also

contributed to staffing of the General Advice Line. This in turn has allowed that service to continually operate four mornings a week and allow SSRV to continue to be responsive to legal need.

SSRV continues to engage with GCLS and HRCLS and is hoping to deliver further community legal education sessions and resources on the ground to the affected communities, especially as we begin to exit COVID-19 restrictions and lockdowns.

SSRV worked closely with other state-wide specialist community legal centres to streamline engagement with centres in local areas and referral processes. SSRV representatives continue to participate in the CLC Bushfire/Disaster Co-ordination Group co-ordinated by the Federation of Community Legal Centres.

Case study - Judy's story*

Judy is an older person living in North-East Victoria. Judy lives with an intellectual disability and has been receiving the Disability Support Pension (DSP) for many years. Judy was referred to SSRV with a Mobility Allowance overpayment. The referrer had assisted Judy with seeking an internal review by an Authorised Review Officer but had been unsuccessful in having the debt waived. SSRV took over the matter and assisted with taking it to the Tribunal.

Judy's debt arose as a direct result of her intellectual disability. Judy volunteered with a local charity and believed she was doing eight hours per week, fulfilling the requirement to receive Mobility Allowance, however she was only doing seven. Because of this error the entire amount of Mobility Allowance paid over several years became due as a debt.

SSRV assisted Judy to appeal to the Administrative Appeals Tribunal and argued this should be waived on the basis of special circumstances, noting that intellectual disability has directly contributed to the overpayment, that it is manifestly unfair to raise the whole amount as a debt when Judy was only one hour short and her travel expenses were largely the same, and that Centrelink failed to identify this issue for several years and they have a moral obligation to do more to meet the needs of people living with intellectual disability.

The SSRV lawyer handling this matter worked closely with the SSRV financial counsellor to demonstrate the financial burden recovery of this debt would create for Judy, noting in particular that she had no future work capacity and would not likely be able to save for essentials while the debt was recovered (e.g. modifications to improve the safety of her bathroom). Financial counsellor involvement in this matter was critical in demonstrating this debt was not only unfair, but recovery would cause significant financial disadvantage to a person already reliant on long term social security payments. SSRV's financial counsellor was also able to conduct a financial checkup and provide general financial counselling services to Judy alongside the legal service, something that would have been more difficult if this matter had not been handled in an integrated manner.

The Tribunal accepted this situation was special, that Judy had not knowingly done anything wrong, and that her financial situation justified a waiver. The Tribunal chose to waive the overpayment in full.

**Name and some identifying details have been changed.*

Case study - Alice's story*

Alice is a young person living in East Gippsland. Alice lives with a cognitive impairment and has been receiving the DSP for several years. Alice is able to work a few hours each week and reports her income each fortnight. Alice and her mother had to flee the Gippsland bushfires; they were caught in an ember attack while escaping. While they were unharmed, they did suffer damage to property, including the loss of a car. Alice has also found the COVID-19 pandemic and restrictions particularly difficult due to her impairment.

In 2020 Centrelink raised several overpayments of Alice's DSP dating back several years. Neither Alice nor her mother have been able to understand how these have come about. Alice has a tendency to over-report her income precisely because she does not want a Centrelink debt and would rather be underpaid slightly 'just to be safe'. Alice has had her overpayments reviewed by an Authorised Review Officer who has decided not to waive the debts. Unfortunately, the decision did not explain the debts in a way that makes sense to Alice or her mother.

SSRV is currently assisting Alice with a Freedom of Information application to attempt to better understand the overpayments and assess further assistance options.

**Names and some identifying details have been changed.*



COVID-19 RESPONSE

Nhirushni Somasundaram,
Community Lawyer

Since the COVID-19 pandemic started in March 2020, the economic, health and social impacts of the pandemic have been significant. The prolonged periods of lockdown and various restrictions have resulted in many individuals being unable to work and therefore forced to rely on social security more heavily than before or first the first time in their lives.

In light of the foreshadowed increase in demand due to the predicted impacts of COVID-19, the State and Commonwealth governments provided additional fixed term funding to SSRV. This enabled SSRV to increase capacity to respond to more and changing demands across all areas of service delivery and to support communications and operations, including moving to remote operations and service delivery.

From the beginning of the COVID-19, SSRV began to see matters where it was a factor in problems being faced by SSRV clients. For example, loss of employment due to lockdown restrictions, people being stranded overseas due to travel restrictions, lack of understanding about the changes to social security payment eligibility criteria, such as the waiver of the assets test or waiver of the Newly Arrived Residents Wait Period.

Increasing SSRV's capacity to deliver services to more individuals, as well as establishing a position with a focus on COVID-19 matters, was important in responding to the changing needs due to the pandemic.



With increased funding SSRV was able to undertake more ongoing representation work, which has been important given the increased vulnerabilities and complexities our clients experienced as a result of COVID-19. These have included an increase in financial hardship due to the lack of financial support from family and/or friends, the complexities associated with changes to Centrelink processes, payments and the closure of Services Australia service centres, as well as lack of access to vital support services during Victoria's lockdowns.

The Victorian lockdowns impacted the ability of SSRV staff to adequately assist individuals. This was primarily driven by the fact that individuals seeking assistance from SSRV were unable to obtain /copy/

scan/review documents due to closure of libraries and printing/scanning services. This was combined with an inflexible approach from both Centrelink as well as the Administrative Appeals Tribunal in understanding these difficulties when requesting documentary evidence for clients. SSRV was able to advocate for individuals to ensure that Centrelink and the Administrative Appeals Tribunal released documents electronically.

The Community Lawyer employed with COVID-19 funding assisted a number of people who had a compensation preclusion period and had been impacted by COVID-19.

The main issues faced by such individuals was that they had no remaining money from the compensation pay out and therefore had to rely on family and friends for help. Due to COVID-19, their family and friends had lost their income and were no longer able to provide them with financial support, which led to some of these individuals becoming homeless. Challenges in accessing other essential services, such as financial counsellors, led to some individuals being unable to manage pay-outs and income, or to obtain necessary supports.

While SSRV welcomed the introduction by governments of various COVID-19 supplements, it was notable that some individuals were left out of this scheme. This included those with compensation preclusion periods who do not receive these supplements despite being equally impacted by the pandemic and despite their compensation preclusion period having been calculated against a Centrelink benefit amount.

SSRV received some enquiries from people waiting for consideration of Disability Support Pension applications (DSP) who were receiving JobSeeker which, at the time of the highest Coronavirus Supplement payment was higher than the DSP, and wanted to know if they would end up with a debt once DSP was granted with backpay. We have yet to see any subsequent debts due to this payment discrepancy and have not heard from Services Australia as to whether they will raise debts/pursue recovery in these circumstances.

Additionally, we received inquiries from individuals that were unable to return to Australia due to the restriction on international travel and were essentially stranded overseas with no access to their social security benefit.

Regarding extension of portability payments, the *Social Security (Administration) Act 1991* does allow for the extension of portability in situations where a Centrelink recipient has already exhausted their portability payments and is overseas on a suspended payment. In circumstances where a person cannot return to Australia within 13 weeks, for reasons outside their control, there is no discretion available to not cancel their payment. Cancellation is automatic after 13 weeks of suspended payment.

Embedding greater discretions within social security law to account for exceptional/unique circumstances, such as a global pandemic, would give Services Australia, and the Secretary for Social Services, greater powers to reinstate/not cancel social security benefits/pensions in unforeseeable circumstances.

Other activities undertaken by the Community Lawyer and other staff employed with the COVID-19 funds included:

- working with the SSRV Family Violence Project Community Lawyer to assist clients whose social security legal issues also intersect with experiencing family violence and, at times, with COVID related factors such as lockdowns and loss of income
- taking on responsibility for the implementation and co-ordination of a Social Security Advocacy Clinic in partnership with Monash University Law School, increase SSRV's capacity to provide advice services and undertake legal casework and policy work
- contributing to Economic Justice Australia's (EJA) policy submission on the impact of the Pandemic on compensation preclusion period affected people through the provision of insights from SSRV's casework and case studies
- collaborating on an article for EJA Social Security Rights Review about the impact of the COVID-19 Supplement, with a focus on the impact of reduction/cessation of the COVID-19 Supplement to Victorians
- preparing and delivering a community legal education session on the Robodebt Class-Action in conjunction with Eastern Community Legal Centre
- contributing to SSRV's work in planning and the development of a Reconciliation Action Plan

- engaging with stakeholders such as Victoria Legal Aid, EJA member centres and various community legal centres in Victoria including, the Asylum Seeker Resource Centre, to produce community legal education around income eligibility during the Pandemic for people on temporary visas
- working with SSRV's Communications Officer to deliver timely news updates about the constantly changing nature of government financial support through SSRV's website and social media.

The case studies reflect on the impact of SSRV's increase in overall casework capacity as outlined above, and ability to represent clients who were significantly impacted.



Case study - Anna's story*

In 2000, Anna* (45) sustained permanent injuries, including physical and significant mental health conditions, as a result of medical negligence. The injuries prevented her from working. Anna was awarded a lump sum compensation payout of \$2,000,000 to cover her medical expenses, legal fees, renovations to her house to accommodate her disabilities, disability support equipment and to cover her loss of income. Centrelink imposed a Compensation Preclusion Period (CPP) of 25 years, requiring Anna to manage what was left of the payout as her sole source of income.

Before COVID-19, Anna relied on some financial support from family and friends and food parcels from the local church. This support reduced drastically as a result of the 2020 bushfires and the pandemic. Anna applied for JobSeeker Payments which Centrelink rejected due to her CPP, despite having the power to waive part or all of the period due to special circumstances.

Anna lodged an appeal to a Centrelink Authorised Review Officer (ARO) who agreed with original decision. She then lodged a review application to of the Administrative Appeals Tribunal (AAT). The AAT refused to waive any of Anna's CPP, as she was unable to provide evidence of how she had spent the compensation money.

Being isolated and struggling with ongoing disabilities contributed to Anna's inability to provide the information requested by AAT. She needed face to face support from community organisations, legal representatives and engagement with institutions such as her bank in order to obtain the information required. This was largely unavailable to her due to the lockdown.

In SSRV's opinion, the ARO and the AAT did not have regard to the totality of Anna's circumstances – ongoing financial hardship, inability to pay medical expenses, her mental health conditions and the other reasons why she had not been able to extend the compensation payout to last as income for 25 years - in assessing whether the discretion to waive her CCP period should be applied. SSRV also formed the view that the AAT did not adequately take into account the impact of COVID-19 and associated lockdowns, which restricted Anna's access to vital support services and drastically reduced her ability to rely on family or friends for support.

SSRV assisted Anna with advice and limited assistance. She has now lodged an application for further review to of the AAT and is being represented by SSRV. We anticipate that the matter will settle through the provision of additional evidence.

**Names and some identifying details have been changed.*

Case study - Sully's story*

Sully*, a 67-year-old retired Australian teacher, was travelling in South East Asia at the beginning of 2020 when COVID-19 hit. He had intended to be back in Australia by his 67th birthday – the day he would become eligible to receive the Age Pension. Sully retired 10 years earlier due to health issues. Having lived and worked in Australia as a teacher most of his life, he was counting on being eligible for the Age Pension.

Sully spent months trying to return to Australia. Finding a flight was difficult due to limited availability and expense. Despite contacting the Department of Foreign Affairs and Trade, and registering as a stranded Australian, he could not get back to Australia. This left Sully stuck in a foreign country with no source of income, no right to work and no way to either support himself or fund his return.

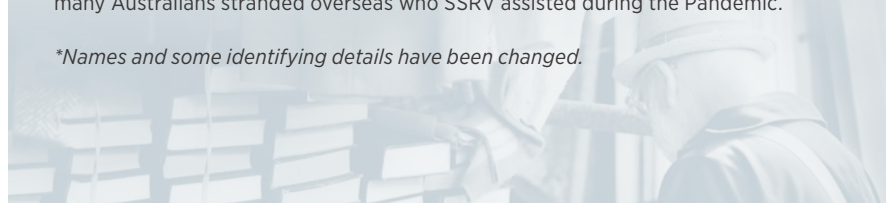
Sully turned 67 whilst stranded overseas. He applied for the Age Pension. Centrelink rejected this application as he was outside of Australia. He sought a review of this decision, first internally within Centrelink and then to the Administrative Appeals Tribunal (AAT). Both Centrelink and the AAT had no power to override this eligibility criteria as there is no discretion within Australia's social security law that allows someone to apply for the Age Pension whilst outside Australia.

Sully contacted SSRV for advice about whether he had any further review pathway and whether Centrelink's decision, and the subsequent decision of the AAT, were legally correct. SSRV assisted Sully, who was understandably distressed, to understand the decisions made about his application and to understand that the law.

SSRV assisted Sully to apply for an alternative form of financial support, known as an Act of Grace Payment. Act of Grace Payments are discretionary and administered by the Department of Finance. They can be granted in exceptional circumstances where there has been an 'unintended consequence of legislation'.

SSRV were not able to contact Sully after the Act of Grace application had been lodged to find out if he was successful. This case demonstrates the lack of discretion within social security law in Australia and the way this rigidity leaves vulnerable Australians without crucial financial support at times of great need. Sully was one of many Australians stranded overseas who SSRV assisted during the Pandemic.

**Names and some identifying details have been changed.*



SOCIAL SECURITY ADVOCACY CLINIC

Nhirushni Somasundaram,
Community Lawyer

Staff and Students,
Clinical Pilot Period

In December 2020, SSRV, in partnership with Monash University, established the Social Security Advocacy Clinic (Clinic). The Clinic offered law students an opportunity to expand their knowledge of social security law, and administrative law more generally, as well as deepen their understanding of economic justice issues.

Over a period of 12 weeks, the students were able to gain practical experience by assisting individuals seeking legal advice through the General Advice Line (GAL) as well as undertaking legal and policy tasks, under the supervision of the Clinical Supervisor and SSRV supervisor. In doing so, the Clinic expanded SSRV's client services and policy/project work capacity, whilst also offering SSRV staff an opportunity to develop clinical supervision and mentoring skills by contributing to the development of individuals entering the legal profession in Victoria.

The Clinic was a source of both increased advice capacity as well as an opportunity for SSRV to trial different models of General Advice Line service delivery including triaging live calls on the day and pre-booking some appointments ahead of time.

Despite the challenges of being established and run remotely due to the COVID-19 Pandemic restrictions in Victoria, the clinic was able to provide 57 separate legal advice/information services, assisted SSRV lawyers on 22 individual legal tasks and contributed to 9 separate policy tasks which included a combination of case studies for advocacy work and legal research memorandums.

The increase in advice capacity is reflected in the way that the Clinic was able to call back a greater percentage of unanswered advice line calls.

The Clinic also provided casework assistance and support to all SSRV lawyers as students were able to review documents to prepare case summaries, assist in taking instructions for witness statements for Administrative Appeals Tribunal matters, contact external organisations to request documents, draft briefs to Counsel and Authorised Review Officer requests as well as conduct specific research to assist in legal submissions. In doing so, the Clinic was able to contribute to a successful ARO decision as well as the grant of a six-year extension of time from the Administrative Appeals Tribunal.

The second iteration of the Clinic commenced in March 2021, with a combination of online and face to face learning due to the COVID-19 restrictions. The Clinic continued to support SSRV service delivery by providing 118 separate legal advice/information services through the General Advice Line, assisted on 13 legal tasks, and contributed to 2 policy tasks. A third Clinic began in the new financial year.

SSRV is proud to continue its partnership with Monash University and looks forward to working closely with the students in upcoming Clinics to develop their practical legal skills and in doing so, expand SSRV's client services.

Clinical Pilot Period Students: Asher Wright, Joy Rao, Nicholas McNamara, Nikki Thomson, Vai Amituanai, Victoria Saunders
Clinical Period Two Students: Anneke Tykocinski, Brandan Tan, Dean Jarvis, Kate Rumble, Lauren Connolly, Vidhi Sood.

Student feedback - Nikki

One of the first cohort of Clinic students, Nikki Thomson, provided the following reflection about the skills she developed during her time with the Clinic:

"The SSRV Clinical Placement was challenging, insightful, and has provided an invaluable foundation for my future legal career. Before commencing my placement, I was heading into my final year of law school with uncertainty and dread about whether I wanted to pursue a career as a legal practitioner. Despite having some experience within the legal industry, it was not until completing the SSRV placement that I gained purpose and clarity on my future career aspirations to work in the community legal sector.

Being surrounded and supported by highly intelligent, experienced and passionate legal professionals enabled me to gain a practical understanding of a legal practitioner's role and the broad scope of legal work ranging from casework and representation to research and policy projects. Further, working closely with other placement students and sharing our different experiences and perspectives facilitated in-depth exploration of issues within the legal industry and faced by practitioners.

One of the many stand-out highlights I often reflect on is the first task I was assigned to assist a client in submitting an Authorised Review Officer request of a Centrelink decision to raise a debt based on an alleged overpayment. While the task was challenging and confronting, particularly in working closely with the client to recount their trauma and exceptional circumstances, it was an incredibly instrumental experience. It supported the development of my client interaction skills and understanding of the value of reflective practice with my peers and supervisors. The experience was made even more fulfilling when in the last week of the SSRV placement, I received a call from the client advising that Centrelink had decided to waive the debt raised entirely.

This is only one of the many examples of why the SSRV Clinical Placement is an experience that I will never forget. It has shaped me both as a future legal practitioner and an individual within society. I am forever grateful to the SSRV team and Monash Clinics for facilitating the placement."



Partnership feedback - Monash University

Professor Jeff Giddings, Associate Dean (Experiential Education), Monash Law Faculty

I am delighted with the development of the SSRV-Monash Law Clinics partnership that enables senior Monash Law students to contribute to the work of SSRV. Great work was done during lockdown in the second half of 2020 to create this new clinic and six students started their virtual clinic experience last November. There have now been three groups of students who have had the benefit of the transformative nature of clinic-based learning the law.

There are a host of people to thank for their contributions. On behalf of Monash Law Clinics, I offer heartfelt thanks to SSRV and its staff. It was great to work with Gillian Wilks and Bryn Overend in scoping out the possibilities for a student clinic. Planning a new clinic in the midst of lockdown was a novel experience and the Monash Law Clinics team (Melissa Fletcher, Ross Hyams and myself) really appreciated the 'can do' attitude that everyone brought to the process.

We were blessed to have Bryn then able to supervise the students involved in each of the first three clinics. Bryn's deep knowledge of SSRV, his legal experience and his clinic experience when he studied at Monash meant he was uniquely placed to work through the issues to bring the clinic into operation.

The SSRV staff have been pivotal to enabling the students to contribute to the service's work. Emily Singh was a great source of action and ideas for structures that enabled the students to work on the client advice line, client files and important policy issues. We are now very lucky to have had Nhirushni Somasundaram take on the key role of coordinating the involvement of the students in SSRV's services.

There is real scope for clinic students to add value to the services offered by community legal centres. The students benefit greatly through their engagement with clients, peers, supervisors and other SSRV staff, showing them how they can contribute to addressing important social justice issues. And the energy of the students can be uplifting for clients, lawyers and other workers alike. Monash Law Clinics very much look forward to continuing this great partnership.

Bryn Overend (Monash Clinical Supervisor) and Clinic Period 2 students



COMMUNICATIONS



SSRV used three key assets for our front-facing communications in 2020-21: our website, social media, and the new monthly eBulletin. All continue to see a growth in reach and engagement, at a time when Victoria's most vulnerable, and the agencies that support them, needed it the most.

During 2020-21, the SSRV website had 15,315 individual visitors, who accessed the website 22,370 times. The top pages visited were contact us or factsheets.

SSRV launched its new eBulletin in June, 2021, with very pleasing results. There was a huge spike of 1,400 visitors to the website around the time the eBulletin was sent out, our goal of reaching organisations supporting social security clients surpassing expectations.

Getting the eBulletin off the ground was key focus of work this year, and a lot of work was put into compiling data and segmenting it into areas of work that will allow us to target specific cohorts.



Bushfire Legal Support

SSRV Social Security Rights Victoria

Support for temporary visa holders experiencing violence

SSRV Social Security Rights Victoria

Pleasingly, of the 400+ initial contacts emails, there were just 4 unsubscribes resulting from the first eBulletin, an incredibly small number, suggesting an appetite for information and trust in the organisation.

Regular posting on Facebook throughout the year has seen our number of followers increase by around 10 per cent, and the reach of our posts grow by 151 per cent. It remains a key communications tool for sharing information in a timely manner, as well as increasing the reach and perceived relevance of SSRV.



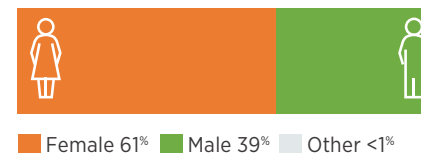
Client and service data

1 July 2020 through to 30 June 2021

Client Demographics

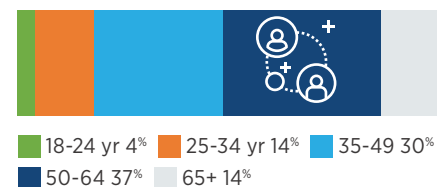
Gender

This graph identifies the gender of our individual clients.



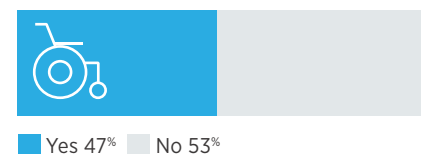
Age

This graph identifies the age groups that our individual clients fall into.



Disability Status

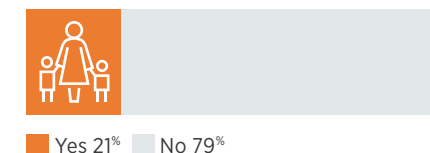
This graph highlights the number of individual SSRV clients who identify as living with a disability.



Note that all demographic data are for individual clients except where noted and cover all SSRV funding sources.

Family Violence Indicator

This chart outlines the number of SSRV clients who identify that they themselves or a family member have experienced family violence.



Location (Client LGAs)

This graph shows the breakdown of clients from metro, non-metro and interstate areas. This includes both individuals and organisations.



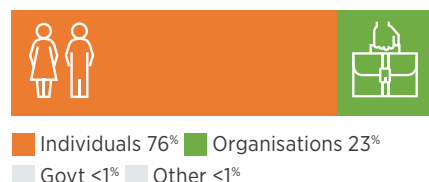
Income Level

This graph outlines the levels of income clients report to us when they first contact us. A significant number of clients have no current income at all



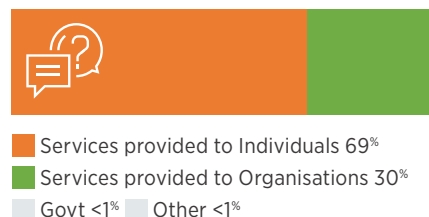
Client Types

This graph indicates the types of clients who contact SSRV.



Client Types Advice Services

This graph breaks the types of clients and the numbers of advices provided to each type of client. Note that due to changes in the way SSRV deals with organisational clients, for this graph, 'advices' includes 'secondary consultations'.



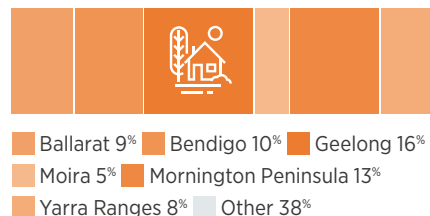
Advice by Contact Type

This graph identifies how people contacted the advice services. The great majority was by phone.



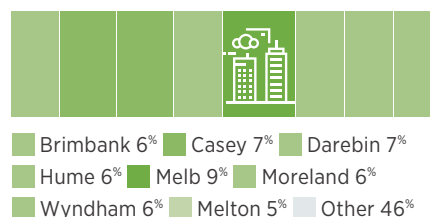
Non-metro Clients

This outlines the spread of SSRV clientele (both individuals and organisations) in the non-metro areas of Victoria. The six most represented LGAs are identified individually, the rest are included in 'other'. Other includes clients from twenty-six (26) Victorian LGAs.



Metro Clients

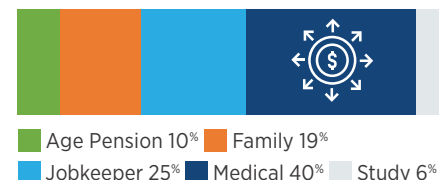
This graph identifies the local government areas (LGAs) in greater metropolitan Melbourne where clients are from. The top seven LGAs are noted. All others are in 'other'. There are twenty-three (23) LGAs represented in the 'other' category.



Client Payments

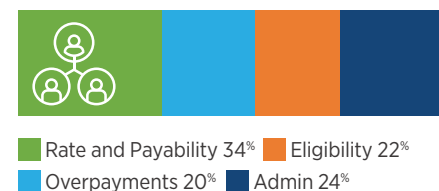
This graph shows the types of payments our clients call us about. Smaller payments are aligned with larger ones of the same nature*.

*For example: Age Pension includes Bereavement Allowance; Family includes Family Tax Benefits and Parenting Payments; Jobkeeper includes NewStart Allowance; Medical covers Disability Support Pension and Carer payments; and Study includes Austudy Payment and Youth Allowance.



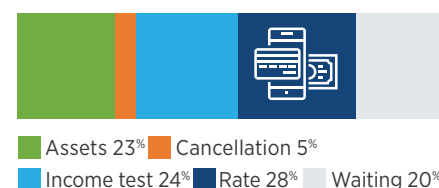
Presenting Issues

This graph outlines the overall presenting issues clients contact us with. Some clients have more than one issue. Notably 'Rate and Payability' was much higher in 20-21.



Rate and Payability

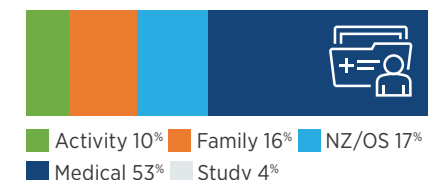
The main areas in rate and payability are: the income test, waiting periods, cancellation (or suspension) the assets tests and the rate people are paid.



Eligibility

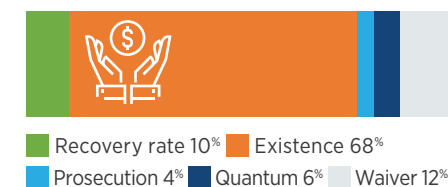
This graph shows the main issues clients have with eligibility**.

**For example: activity issues; family issues (such as membership of a couple); overseas (including NZ) issues; medical - carer and disability; and study issues (full-time status etc.).



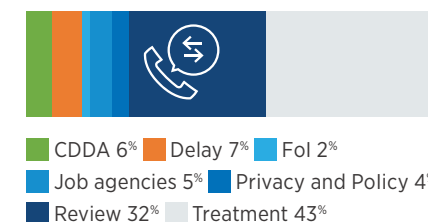
Debts and Recovery

The main areas in debts and repayments are: the rate of recovery, the existence of the overpayment, possibility of prosecution, the quantum (that is, the amount) of the overpayment and requests for waiver.



Administration Issues

Administration issues covers areas such as complaints about treatment (by Centrelink staff), issues to do with job providers, delays and the review processes.



Support SSRV

You can support SSRV's work in social security advice and advocacy, visit ssrv.org.au/donate. Give generously so that SSRV can continue to serve vulnerable Victorians experiencing disadvantage.

Donations of \$2 and over are tax deductible. SSRV is a Public Benevolent Institution (PBI).
Incorporation number: A0015461X

Social Security Rights Victoria

PO Box 4226 Fitzroy 3065

Legal Assistance Line (03) 9481 0355 or
1800 094 164 (Toll free outside Melbourne)
Mon–Fri, 9am–5pm. Closed 1–2pm.

Administration Line (03) 9481 0299
Mon–Fri, 9am–5pm.

Worker Help Line (03) 9481 0655
Mon–Fri, 9am–5pm.

info@ssrv.org.au
ssrv.org.au



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