

CENTRELINK DEBTS

This factsheet provides information on what to do if you have a Centrelink debt



This factsheet covers:

- What is a Centrelink debt?
- How will I know if I have a Centrelink debt?
- How do I negotiate repayment of a debt?
- What can I do if I disagree with the Centrelink debt?
- What about 'robodebts'?
- What can I do if I am being prosecuted in relation to a Centrelink debt?

What is a Centrelink debt?



Centrelink will raise a debt if it believes you have been paid more than you were entitled to receive. If Centrelink decides that you have been overpaid, Centrelink will raise a debt and ask you to repay it.

Centrelink will raise a debt if, for example:

- You under-reported or did not report your income
- You received the single rate of payment when you were in a relationship
- You received the full-time student rate of payment when you were studying part-time
- Your property is worth more than you declared
- You stopped being a carer while receiving carer payment
- You received Family Tax Benefit for a child who had left your care.

How will I know if I have a Centrelink debt?



The most common way people find out that they have a debt is when they receive a letter from Centrelink. This is called an 'Account Payable' letter - also known as a debt notice. This letter will tell you the reason for the debt, the debt amount, the due date to repay the debt, and how to repay it.

If you have a debt but have not received the Account Payable letter, or have lost it, ask Centrelink for a copy of the letter. The letter is important because it explains why Centrelink believes you were overpaid.

If you are unsure about whether you have a debt you can contact your closest [member centre](#) or call Centrelink's debt recovery line on 1800 076 072.

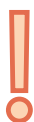


You can request a Statement of Debt via myGov, or by phone. Their statement should show details about your debt(s) for the last 5 years, including:

- the total outstanding debt amount
- the date raised or notified
- debt repayments, including garnisheed amounts, repayment reversals and refunds
- any changes to the debt amount, and amounts waived
- any periods recovery was paused.

You can request multiple Statements of Debt if your debt(s) go back more than 5 years. You can also request a copy of the original debt notice(s). Information about how to get a Statement of Debt is available on the Services Australia website - [here](#).

How do I negotiate repayment of a debt?



If you receive an account payable for a new debt, it is a good idea to enter into a repayment plan before the due date. Otherwise Centrelink may:

- add a 10 % penalty charge
- withhold an amount from your Centrelink payments
- garnish or take the amount from your bank account or tax return
- refer your debt to a private debt collection agency
- add interest to the debt amount.

When you enter into a repayment plan, try to negotiate a repayment rate that will not cause you financial hardship. You should contact Centrelink every 13 weeks to let them know whether you would like to continue repaying the debt at the negotiated rate. If you don't contact Centrelink, your repayment may increase to the automatic higher amount.

If you appeal the debt and it is decided that you do not have to pay the debt back, the money you have already repaid will be returned to you.

How do I change repayment arrangements?

You can ask to negotiate a new repayment plan at any time. You can do this by calling Centrelink's Debt Recovery number on 1800 076 072.

What can I do if Centrelink has referred my debt to a debt collection agency?

If Centrelink refers your debt to a debt collection agency, you may get a call, a letter or a text from the agency. You should respond as soon as possible to discuss repayment of the debt. Negotiate a repayment arrangement that you can afford.

If you are unhappy with how the debt collection agency treats you, or if they refuse a reasonable repayment plan, you can:



- Call Centrelink's feedback and complaints line on 1800 132 468
- Complain to the Commonwealth Ombudsman on 1300 362 072
- Call one of our member centres for advice - <http://ejaustralia.org.au/legal-help-centrelink/>

What about 'robodebts'?



From 2015 until recently thousands of Centrelink debts were calculated solely on averaged income data provided by the Tax Office - without proper assessment of the person's actual earnings over a particular period under the applicable Social Security income test. These are known as 'robodebts'.

Many people appealed against these debts because the Tax Office's averaging of income did not reflect their actual earnings each fortnight for the debt period.

In November 2019 the legal firm [Gordon Legal](#) lodged a class action in the Federal Court on behalf of people with robodebts. The robodebt class action in the Federal Court argued that robodebts are illegal because the automated robodebt system did not provide a valid basis for establishing legally recoverable debts. The action sought refunds of amounts repaid, interest, and compensation for distress and inconvenience.

Refunds of robodebt repayments



In response to the Federal Court class action, the Government announced that all robodebts would be cancelled; and that people with robodebts would be refunded the amount they had repaid.

If you have previously paid off a robodebt, had your tax refund withheld by the ATO to pay off a robodebt, or had your social security payments automatically deducted to pay off a robodebt, you should by now have received a refund of the amount you repaid.

For more information about refunds of robodebt repayments see the Services Australia website at: <https://www.servicesaustralia.gov.au/individuals/subjects/information-about-refunds-income-compliance-program>

Federal Court settlement

In November 2020, the Commonwealth and Gordon Legal agreed on a proposed settlement of the Federal Court class action. The Federal Court approved the settlement on 11 June 2021.

Not all class action group members will be eligible for a settlement payment. Eligibility for a settlement payment depends on the category of the debt. If you are a group member of the Federal Court class action, Services Australia should have sent you a letter about your debt category and eligibility for a settlement payment by 19 November 2021.

For more information about the class action and settlement, see the Services Australia website, here: <https://www.servicesaustralia.gov.au/individuals/subjects/information-about-refunds-income-compliance-program/class-action-settlement>

What can I do if I disagree with a Centrelink debt?



Centrelink is not always right when it says someone has a debt, and even if the debt is correct there may be reasons why it would be unfair to recover it.

You may choose to appeal a debt because:

- You believe you were entitled to the payments you received and were not overpaid, e.g. Centrelink is saying you were a member of a couple for the debt period but you were not
- You agree that you have a debt but believe that Centrelink has incorrectly calculated the debt amount, e.g. Centrelink has over-assessed your earnings
- You agree you have a debt but do not think you should have to repay some or all of it because Centrelink made a mistake that caused the debt or contributed to it
- You agree you have a debt but it would be unfair for Centrelink to recover it due to your difficult circumstances, for example chronic ill health, significant medical expenses, domestic violence or homelessness.

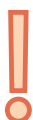
There can be risks involved in appealing Centrelink debts. Centrelink may do more investigations and review the period of the debt and the amount of the debt. This means your debt could decrease, but it could also increase.

If Centrelink believes you deliberately or recklessly made false statements, or deliberately failed to provide Centrelink with correct information to receive more money than you were entitled to, you may get a letter from Centrelink saying that your debt is being considered for prosecution. Centrelink may ask you to attend a taped interview or make a statement.

The information you provide to Centrelink could be used to make a referral to the Commonwealth Department of Public Prosecution if Centrelink believes you deliberately or 'knowingly' tried to receive more Centrelink payments than you were entitled to.

It is a good idea to get advice from one of our member centres if Centrelink asks you to attend a recorded interview.

What can I do if I am being prosecuted in relation to a Centrelink debt?



Get legal advice ASAP if you receive a summons saying you have been charged with an offence, and that you must attend court.

Where can I get advice about appealing a debt?



You can get free legal advice from your closest member centre - see <http://ejaustralia.org.au/legal-help-centrelink/>

This factsheet does not constitute legal advice.

Please contact any of our member centres if you wish to obtain free legal advice.
Find your closest member centre at www.ejaustralia.org.au