



## **Key Income Support Issues for Aboriginal Australian's in the Northern Territory**

**A briefing paper prepared with input from North Australian Aboriginal Justice Agency (NAAJA), the Central Australian Aboriginal Legal Aid Service (CAALAS) and the Darwin Community Legal Centre (DCLS) and endorsed by the National Welfare Rights Network**

**March 2012**

## About the Welfare Rights Outreach Project

The North Australian Aboriginal Justice Agency (NAAJA), the Central Australian Aboriginal Legal Aid Service (CAALAS) are the primary sources of information, advice and assistance on welfare rights issues, including income management, social security law, and remote housing, for Aboriginal people<sup>1</sup> in the Northern Territory.

This briefing paper was prepared with input from the North Australian Aboriginal Justice Agency (NAAJA), the Central Australian Aboriginal Legal Aid Service (CAALAS) and the Darwin Community Legal Centre (DCLS).

All three organisations receive funding from the Commonwealth Attorney General's Department to provide legal advice, casework, community legal education and law reform input regarding welfare rights law, termed the Welfare Rights Outreach Project (WROP).

The Darwin Community Legal Centre DCLS' WROP provides assistance to Indigenous and non-Indigenous people largely located in the Darwin region on welfare rights issues.

CAALAS and NAAJA and DCLS are members of the National Welfare Rights Network (NWRN). The National Welfare Rights Network NWRN is a network of community legal centres throughout Australia which specialise in Social Security law and its administration by Centrelink. Based on the experience of clients of NWRN members, the Network also develops policy and advocates for reform.

NWRN member organisations provide casework assistance to their clients, generally by phone, at least in the first instance. NWRN members also conduct training and education for community workers and produce publications to help Social Security recipients and community organisations understand the system. The NWRN also engages in policy analysis and lobbying to improve the current Social Security system and its administration.

This issues paper was prepared for the March 2012 Delegation meetings that are held regularly between NWRN members and the Department of Human Services.

Over many years, NWRN's members have sought to bring a focus on service delivery issues that are of specific concerns to Aboriginal people on income support. In particular, we have focussed on overpayments, appeals, employment assistance and, of course, income management and the multitude of issues related to the Northern Territory intervention. The paper expands on these areas and focuses on improving communication, information on exemptions, BasicsCard issues and other important issues affecting remote clients and provides a series of options for improving access to services and opportunities for Aboriginal people.

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<sup>1</sup> In this briefing paper, "Aboriginal people" refers to Aboriginal and Torres Strait Islander peoples.

## Northern Territory Issues

### 1. Debt prevention in the Northern Territory

#### 1.1 Managing the high rate of Centrelink debt amongst Aboriginal people

##### 1.1.1 Issue: High rate of Aboriginal Centrelink debt

We are aware that the Northern Territory has a high rate of Centrelink debt. We are further aware that Aboriginal and Torres Strait Islander customers comprise the vast majority of this debt, approximately 90%.

There are a number of factors which impact on the lack of knowledge amongst Aboriginal people of reporting obligations to Centrelink about changes in circumstances and their ability to comply with Centrelink reporting obligations, including:

- the historical absence of Centrelink as a regular presence in remote communities. Some communities have only been receiving regular visits from the Remote Servicing Teams in the past three or four years;
- widespread language, literacy and numeracy barriers amongst Aboriginal people in the Northern Territory, which impacts on the utility of the written communication of Centrelink obligations (including Centrelink letters) and on the understanding of words widely used such as “income”, “circumstances”, “gross” and “net”;
- general lack of financial literacy skills and the historical absence of financial counselling services and money management services in remote communities; and
- remoteness from Centrelink.

Centrelink needs to take these factors into account. Firstly, when designing, planning and implementing its debt prevention strategies; and secondly, when making decisions to raise or waive debts.

We note that the National Indigenous Debt Strategy has not been updated for some time. It is unclear to what extent this strategy has been effective. However, CAALAS and NAAJA have not seen a reduction in the amount of Centrelink debt in our practices. We understand that the vast proportion of Aboriginal debt is preventable and is generally earnings related debt.

There are several interesting debt prevention projects being undertaken by the Indigenous Debt Reduction and Prevention Team, which is located in Darwin.

#### *Prison project*

The Indigenous Debt Reduction and Prevention Team are working with NT Corrections to identify persons incarcerated with non-lodger debts. Centrelink is being provided with a list of the persons incarcerated, which is cross-checked to identify those people with Centrelink debts. People incarcerated without submitting

application for payment forms (SU19s) are being assisted to complete those forms by the Centrelink Prison Outreach workers. To date, around 800 SU19s have been issued.

Centrelink is also resisting raising debts against people in custody and is aiming to get Prison Liaison Officers to speak to prisoners prior to a debt being raised.

#### *New Futures Alliance project*

The New Futures Alliance (NFA) is one of the contractors delivering services under the Strategic Indigenous Housing Infrastructure Project. It employs a number of Aboriginal workers.

NFA approached Centrelink seeking to streamline the process of providing payslips as its administrative staff were being overburdened with requests for payslips.

Centrelink has entered an agreement with NFA, whereby (with the consent of the customer) NFA provides payslips for those employees on Centrelink benefits direct to Centrelink on a fortnightly basis.

Centrelink then codes these payslips and makes a review of entitlement each fortnight - which looks at the amount on the payslip and the amount that has been declared by the customer. Once a review is conducted, the Remote Servicing Team (RST) speaks to the customer about their debt and reporting their earnings.

There has been a significant improvement in the amount of earnings that are being declared as a result and a consequent reduction in the number of customer debts being raised.

An unintended consequence of this initiative is an increase in the incidence of partner earnings debts. There are a number of reasons for the non-disclosure of true income between couples, despite the obligation to report partner earnings to Centrelink. People on limited incomes may be unwilling to fully disclose their income to their partner, for fear they will be made to share it or lose their income entirely, particularly in relationships characterised by domestic violence.

For this reason, we are supportive of Recommendation 9-7 of the Australian Law Reform Commission's (ALRC) *Family Violence and Commonwealth Laws – Improving Legal Frameworks* Report. This recommendation would allow the waiver of debts when a person or their nominee did not knowingly make a false statement or representation, or knowingly fail to comply, with a requirement of the social security laws.

We are broadly supportive of this approach provided that Centrelink properly codes the payslips. We are also supportive of this being expanded to other employers of Aboriginal people, namely the Aboriginal Interpreter Service (AIS), DET, the Shire Councils, the Northern Territory Department of Health and Commonwealth Agencies.

#### **Action: Further resources**

Whilst we are encouraged by the projects that the Indigenous Debt Reduction and Prevention Team is undertaking, we consider that it is imperative that Centrelink

invest further resources in debt prevention work. We are aware that there are only two dedicated workers in the Northern Territory dealing with these issues.

**Action: National Indigenous Debt Prevention Strategy**

We have yet to be provided with a current debt prevention strategy for Aboriginal people. Centrelink to provide our legal services with a current strategy, which takes in to account the different approaches required in the urban, regional and remote settings.

**Action: Appropriate communication of Centrelink obligations**

Centrelink to undertake to appropriately and comprehensively communicate to customers their reporting obligations in a range of culturally appropriate and accessible formats. For example, through radio advertisements and printed materials translated into language.

**Action: Debt Prevention Outreach**

Centrelink to allocate a debt prevention worker to travel with each RSDT to identify customers with repeated debts.

The aim of this position would be to provide information and support (with the assistance of AIS interpreters) to customers regarding their reporting obligations and how to report correctly.

## **2. Income management**

There are currently 17,215 people compulsorily and voluntarily income managed in the Northern Territory, of which 15,575 are Aboriginal. 90.5 per cent of income managed customers in the Northern Territory are Aboriginal.

The issues presented here should be viewed in light of the fact that they disproportionately affect Aboriginal people, despite the purported non-discriminatory intent of the income management regime.

### **2.1 Exemptions from Income Management**

WROP workers at NAAJA and CAALAS have guided clients through the process of claiming an exemption from the “new income management”. We have found the system to be onerous, difficult to navigate and to place an unfair administrative and proof burden on the individual seeking the exemption.

We consider that this is reflected in the low rate of exemptions granted to Aboriginal people. Aboriginal people represent nine out of ten people on income management but account for just 22.9 per cent of the exemptions granted by Centrelink.

Data released during Senate Estimates shows that non-Aboriginal people account for 9.5 per cent of those on income management, but 77.1 per cent of all exemptions granted in the Northern Territory.

There are a number of factors which impact on the low rate of exemptions from income management for Aboriginal people including:

- the restrictive nature of the exemption criteria;
- lack of communication by Centrelink regarding the ability and criteria to obtain an exemption and the process by which to do so;
- lack of knowledge amongst Centrelink staff regarding the correct criteria for obtaining an exemption;
- lack of co-ordination by Centrelink with Northern Territory Department of Education and Training (DET) and Job Services Australia (JSA) staff around the ability of customers to obtain an exemption and to facilitate the pathways to an exemption, in particular in relation to the full time study exemption;
- Centrelink's failure to clearly communicate with people who request exemptions;
- Centrelink's lack of follow up of people who request exemptions but are rejected;
- Centrelink's failure to log customer complaints about income management as a request for a review or an opportunity to provide information on exemptions;
- difficulties encountered by people trying to get immunisation and health check information/evidence from health clinics – some clinics are helpful, some can be hostile and uncooperative.

There are a number of legislative changes that would assist to further the aims of the income management regime. We have detailed these changes elsewhere however, in brief, we propose:

- amending the 15 hours of work per week requirement to allow the hours to be averaged out over the test period, to allow for people whose work hours may fluctuate between weeks;
- allowing CDEP participants and voluntary workers who average 15 hours of work per week over the test period to be eligible for an exemption;
- extending the above criteria to enable an exemption for people who combine part time study and part time work to;
- allowing exemptions for persons who otherwise comply with the requirements for an exemption, but do not have access to work or study opportunities in their home community; and
- greater flexibility in the application of 5 unexplained absences rule.

**2.1.1 Issue: Lack of communication regarding the ability and criteria to obtain an exemption and the process by which to do so.**

The ability to gain an exemption is not widely understood in the Northern Territory, nor is it widely promoted by Centrelink.

**Action: Developing and implementing a communication strategy**

Centrelink to develop and implement a comprehensive communication strategy including radio, print, notifications on Indigenous Call Centre and BasicsCard line and other forms of culturally appropriate communication detailing the ability and criteria to obtain an exemption and how to approach Centrelink.

Critically, this needs to include direct and repeated targeting of remote school staff, including cultural liaison and home liaison officers, many whom are still unaware of the exemption opportunities both for parents whose children have good school attendance and adults who undertake full time study.

**Action: Training of Centrelink workers**

Centrelink to provide regular and on-going training to all Centrelink workers to ensure they are aware of the criteria for obtaining an exemption.

**Action: Incorporate exemption messaging into Centrelink scripts**

Centrelink to include exemption messaging into Centrelink scripts and provide a positive obligation onto Centrelink workers to discuss exemptions.

**2.1.2 Issue: Lack of information in exemption rejection letters**

Centrelink advises people that their request for an exemption has been rejected via letter. The letter states "Your exemption request has been rejected".

The letter does not detail the reason why the person has been rejected or the steps that can be taken to successfully apply for an exemption in the future. As a result, the person will need to approach Centrelink or a WROP lawyer for an explanation as to why their exemption request was rejected.

This clearly impacts on recipients' understanding of the reasons they have been rejected and their ability to satisfy exemption criteria in future. We consider that this impacts on the number of people who successfully obtain exemptions.

**Action: Improving rejection letters**

The transparency and clarity of the process would be greatly improved if rejection letters included each of the below:

- i. Clear information as to the reason(s) why the request has been rejected.
- ii. Clear information on any outstanding evidence to support the exemption request.

For example:

*“ To get an exemption from income management, you need to show that your child had no more than 5 unexplained absences from school in the last two school two terms.*

*Your request for an exemption was rejected because your child Sean had more than 5 unexplained absences from school in the last school term.”*

or

*“To get an exemption from income management you must have worked 15 hours a week over the past 6 months for more than the minimum wage.*

*Your request for an exemption was rejected because you did not work over 15 hours per week over the past 6 months.”*

- a) Information regarding what the person needs to do to be successfully exempted from IM.

For example:

*“You can reapply for an exemption in 6 months. You will need to show you have worked 15 hours per week during that time”.*

- b) The person’s rights of review and how to exercise those rights.

For example:

*“If you think that Centrelink has made a mistake, you can seek a review of the decision by contacting Centrelink on (number). If you need help to seek a review, you can contact any of the legal services detailed on the back of this notice”.*

### **2.1.3 Issue: No follow up by Centrelink regarding exemptions**

Centrelink is neither engaging with nor following up people whose exemption requests are rejected, including those people who simply fail to provide the required evidence within 28 days.

CAALAS has provided advice and assistance to a number of people who had failed to provide the required evidence to progress their request for an exemption within 28 days. Often the person did not provide the evidence because they did not understand what information Centrelink needed and were unaware of the time frame within which they were required to provide the evidence.

In most cases, CAALAS was able to assist these people to quickly obtain an exemption once the person understood what was required of them.

If the aim of the exemption regime is to either reward people for engaging in work or study or provide an incentive, by way of coming off income management, for people to engage in work and study, Centrelink should be (in conjunction with DET and JSA) providing support and engaging with people seeking to be exempted from income

management.

**Action: Improving Centrelink follow up of exemption requests**

Centrelink social workers to contact customers whose requests for exemptions have been rejected to explain the reason why the request was rejected, including those people who have failed to provide the required evidence, and offer supports/referrals to enable the customer to fulfil the requirements of the legislation.

It would assist if this was internally diarised, so six months after a request is rejected, a Centrelink social worker would contact the customer to follow up on their progress in satisfying the exemption criteria.

**2.1.4 Issue: Lack of engagement with Department of Education and Training and Job Services Australia**

We are deeply concerned with the ongoing lack of engagement between FaHCSIA, Centrelink and DET and JSA regarding the income management regime generally and, more specifically, the requirements for obtaining an exemption from income management.

Our on the ground experience is that JSA workers in remote communities have neither been trained in the basics of the income management regime nor in the criteria for obtaining an exemption on the basis of full time study or employment. Further, JSA workers have not been trained or guided to assist people to identify study and work opportunities that would qualify them for an exemption.

JSA's are the agencies that have the most contact with people who are seeking work or study opportunities. JSA workers should be supporting the income management regime by directing people into study and employment opportunities that would allow them to become exempted from income management over time.

At present, the ability of the income management regime to achieve its stated purpose to "encourage people to enter into work and study" is greatly compromised by this lack of coordination.

**Action: Centrelink engagement with DET and JSA**

Centrelink to develop an engagement strategy with DET and JSA to train workers in the criteria required for an exemption from income management and put it into the worker's work flow when the person is on income management.

**2.2 State or Territory authority referrals for income management**

We detail our concerns about government agencies external to Centrelink imposing income management in the APO NT Submission to the *Stronger Futures* Senate Community Affairs Committee ("the APO NT Submission").<sup>2</sup>

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<sup>2</sup> Submission 330, available at [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate\\_Committees?url=clac\\_ctte/strong\\_future\\_nt\\_11/submissions.htm](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=clac_ctte/strong_future_nt_11/submissions.htm)

### 2.2.1 Issue: Capacity and suitability of state and territory authorities to make referrals for income management

In brief, our concerns are as follows:

- The Secretary (Centrelink) has no discretion to review or consider a state or territory authority's referral of a person for income management. The Secretary is unable to evaluate whether the referral has been made in accordance with the authority's internal policies and procedures or if the referral meets the aims of the particular income management measure.
- As the substantive decision to impose income management is not made by the Secretary, Centrelink's appeal process is not available to a person adversely affected by the decision.
- The Centrelink appeal mechanism can only be accessed in relation to peripheral decisions made by Centrelink such as whether a notice was received from a state or territory authority or whether the customer was in receipt of an eligible income support payment. To appeal the substantive decision placing the person on income management, the person must access the appeal or review mechanism particular to the referring state or territory authority.
- The appeal mechanisms within each referring state and territory authority will differ widely. There is no tribunal which reviews administrative decisions in the Northern Territory and has binding decision-making powers. A person wishing to appeal an administrative decision, having exhausted review processes internal to the relevant state or territory authority, must go through the Court system. For instance, a person referred to income management by the Northern Territory Alcohol and Other Drugs Tribunal ('AOD Tribunal') would have to appeal the decision to the Local Court.
- To review a decision made by any territory authority (other than the AOD Tribunal) to income manage someone would require the person affected to lodge an originating motion in the Federal Court. To do so costs money, would likely require the assistance of a lawyer and has attendant costs implications. This differs significantly from an appeal through Centrelink appeals mechanisms which are free, designed to operate without the need for legal representation, and in which orders for costs are not awarded.
- The Northern Territory Department of Children and Families (DCF), the only authority currently able to refer a person to income management in the Northern Territory, does not publically publish its guidelines or criteria for assessing whether child protection income management is suitable for a person where child protection issues have been raised.
- State and territory authorities lack the expertise to make a decision that is better vested in Centrelink social workers, who are already trained in the income management regime and its purposes.
- The decision to income manage someone should not rest with an authority whose core role is divorced from the operation of the social security system.

- For example, there is a current proposal to expand the authorities empowered to make income management referrals to include Territory Housing. Territory Housing may refer a person to compulsory income management if their rent is in arrears.
- Territory Housing manages public housing tenancies in urban and remote areas in the Northern Territory. It does not have social workers or financial counsellors who have the capacity to assess whether income management will assist a person to pay their rent arrears.
- Territory Housing currently lacks the capacity to account for the rent payments of a large number of its remote tenants. For the majority of its remote tenants, Territory Housing does not keep individualised records of rent payments which are referenced to the property in which the person lives. This means that Territory Housing is often unable to determine when a person is in rent arrears or has overpaid their rent.
- Given this existing limitation, we submit that Territory Housing does not have the capacity to correctly assess tenants and issue referrals for income management.

### 2.2.2 Issue: Referral processes between NT Department of Children and Families and Centrelink

We are concerned that the referral processes between DCF and Centrelink are inadequate. CAALAS has provided the following case study which also appears in the APO NT Submission.

Sophie is a 24 year old Aboriginal woman with a 6 year old daughter in her care. Sophie was forced to move to Alice Springs from a remote community in order to escape domestic violence. Sophie had 50% of her Centrelink benefits compulsorily income managed. Sophie approached CAALAS, worried she was not receiving enough money in her bank account. When CAALAS contacted Centrelink to ask about the lack of funds, Centrelink advised that Sophie had been placed on CPIM. Sophie had not been notified that she had been placed on CPIM.

CAALAS assisted Sophie in requesting a copy of the documentation regarding DCF's decision to refer her for CPIM.

Upon obtaining this documentation, it was apparent that the referral had not been made correctly in accordance with DCF policies or decision-making principles. The referring document lacked relevant information, and no evidence was provided as to why CPIM would help Sophie or her child. No assessment had been made as to whether quarantining an extra 20% of Sophie's benefits would be in the best interests of Sophie or her child. Importantly, mandatory sections of the referral form had been left blank.

Centrelink received only basic notification from DCF that Sophie was to be placed on CPIM. Centrelink's lack of discretion as to whether to implement a notice from DCF contributed to Sophie being placed on CPIM unnecessarily and contrary to DCF policy and the objectives of CPIM. In this instance, Centrelink were forced to implement a notice that was defective.

CAALAS spoke to DCF about the referral. After protracted communications, DCF agreed that the referral had not been made correctly and agreed to revoke the notification to Centrelink. Because of 'system issues' with the electronic notification between Centrelink and DCF, it took four business days for this revocation to occur. During this time, Sophie and her child were left without funds over a long weekend.

CAALAS referred this matter to the Commonwealth Ombudsman for investigation, particularly in relation to Centrelink's failure to notify 'Sophie' that she was being income managed under the child protection measure.

Centrelink advised the Commonwealth Ombudsman that notification letters should normally be sent to customers in regards to changes in their payments. Centrelink could not determine why a letter was not sent to 'Sophie'. An apology was issued.

#### **Action: Review of referral processes**

We are concerned that Centrelink was unable to determine why a letter was not sent in this instance. Accordingly, we consider that a comprehensive review of the referral processes between Centrelink and DCF be undertaken.

#### **Action: Publication of referral decision processes**

We consider the policies, procedures and practices establishing the DCF guidelines and criteria for assessing a person for referral to child protection income management and the process by which the referral is conveyed to Centrelink should be made available for comment by the National Welfare Rights Network and the WROP lawyers.

### **2.3 Practical issues with income management**

#### **2.3.1 Issue: BasicsCard balances**

Income managed customers issued with a BasicsCard continue to lack sufficient means to check the balance of that card, without having to go to significant effort to do so. Unlike a key card, the balance of the BasicsCard cannot be obtained via the ATM system – where the account balance is printed on a receipt at withdrawal or displayed on screen or a user can insert their card in an ATM and check the account balance for a fee.

Whilst the range of mechanisms for obtaining BasicsCard balances has expanded, there remain limitations to their universality and accessibility.

A person can obtain the balance of their BasicsCard via the following mechanisms:

- by attending a Centrelink office or remote service delivery site;
- via the internet;
- via a very small number of swipe card balance readers located in certain locations in the Northern Territory, generally in town centres;

- by contacting the Centrelink Indigenous Call Centre (ICC) by telephone; or
- by contacting the Centrelink 1800 BasicsCard number by telephone.

In order to be confident that their BasicsCard has sufficient funds (and avoid the attendant shame of being advised at a checkout that they do not have sufficient funds to purchase their items), a person would need to use one of the above methods **prior** to shopping.

There are a number of factors that limit the effectiveness of the above mechanisms:

- Permanent Centrelink offices are not widely distributed across the Northern Territory.
- Centrelink Remote Service Delivery teams generally visit communities on a six weekly basis.
- The majority of remote communities access Centrelink services via a Centrelink agent, which has limited functionality and is primarily designed to assist with completing claim forms and lodging application for payment forms.
- Internet access is not widespread due to limited internet connections and computers; language and literacy barriers; and other issues.
- Balance readers are not widely distributed, and in CAALAS' experience are often offline. Being located within stores, they are not available outside store opening hours, which can be erratic in some communities.
- Centrelink offices and the ICC are closed on weekends and outside standard business hours.
- Home phones are relatively uncommon; mobile phone reception is only available in some communities (large portions of Central Australia, the Katherine region and communities in more remote locations do not have mobile phone coverage). There is a heavy reliance on public phones, which are usually present in low numbers in remote communities and may be absent at outstations.
- The 1800 number incurs a charge from mobile phones and thus imposes a cost on income-managed customers for accessing their balance.

We have been advised that Centrelink has entered into an agreement with Woolworths, Coles and a number of other retailers to allow the balance of the BasicsCard to be printed on the bottom of a customer's receipt.

This will assist in certain circumstances, but we note that Woolworths and Coles stores are only located in the major centres of Alice Springs, Darwin and Katherine. The majority of remote customers would do their regular shopping at remote community stores, which are operated by a range of organisations, including the Arnhem Land Progress Association and Outback Stores. We are concerned that agreements have not been entered into with these retailers.

### **Action: Improving access to BasicsCard balances**

Centrelink to prioritise entering into agreements to provide BasicsCard balances with retailers that operate in remote communities.

#### **2.3.2 Issue: Mobility**

The introduction of the BasicsCard and the increased number of BasicsCard merchants in the Northern Territory and across Australia has, to some extent, ameliorated the restriction on mobility that income management imposed. However, restrictions remain.

A person travelling out of the Northern Territory, for example to South Australia or Queensland for any reason, including medical treatment, to visit family or to attend to cultural business, will be limited in the range of merchants from whom they can purchase goods using their income managed funds.

By and large, interstate BasicsCard merchants are comprised of major retailers and generally do not include second hand stores, smaller retailers, independent grocers, hotels or accommodation, for example.

A person travelling interstate would need to contact Centrelink in advance to arrange for the direct payment of such expenses, which can be cumbersome, particularly when the travel is unexpected.

If a person were not able to contact Centrelink to arrange direct payments, they would have to subsist on the 50% of their social security payment that is directed into their bank account, or rely on friends or family.

### **Action: Expand BasicsCard merchants**

Centrelink to continue to expand the range of BasicsCard merchants, with a focus on smaller and second hand retailers.

## **3. School Enrolment and Attendance Measure**

NAAJA and CAALAS have commented on the expansion of the School Enrolment and Attendance Measure (SEAM) in the APO NT Submission. We are supportive of direct, one on one contact with parents by Centrelink staff, Indigenous Service Officers and social workers with the assistance of AIS interpreters and consider this approach to be key to the measure achieving the best outcomes possible.

### **3.1 Rollout of SEAM**

We understand that the expansion of SEAM will take place gradually over the following two years.

#### **3.1.1 Issue: Understanding of SEAM in current trial locations**

There was no qualitative research undertaken by the Commonwealth Department of Education Employment and Workplace Relations about the dissemination of information about and understanding of SEAM in the Northern Territory as part of the

2010 evaluation of SEAM. Consequently, the level of understanding about SEAM amongst customers in the trial locations is unclear.

The 2010 evaluation of SEAM showed that there was a relatively low awareness of SEAM amongst parents in Queensland who were surveyed. There were also inconsistencies identified in the way information was disseminated about SEAM in Queensland.

We have concerns regarding how widespread knowledge and understanding of SEAM is within the existing SEAM trial locations. We note that residents of Ntaria (also known as Hermannsburg) have suggested that SEAM be trialled in their community, unaware that it is already in operation.

### **Action: Evaluation of customers' understanding and knowledge of SEAM**

The Commonwealth Government to undertake a qualitative evaluation of "in scope" customers' understanding and knowledge of SEAM in the NT.

#### **3.1.2 Issue: Communication of expansion of SEAM**

We are concerned that the communities affected by the expansion of SEAM will not be adequately prepared for or briefed on the measure. We have been advised that information on SEAM will be primarily presented to affected communities via *Stronger Futures* information sessions, which will detail all of the *Stronger Futures* legislative changes (should they be assented to).

We refer to a letter to Minister Macklin dated 4 August 2011 from several NT legal services outlining our concerns with the adequacy of the *Stronger Futures* consultation process.

NAAJA and CAALAS attended a number of the *Stronger Futures* consultations held in 2011. The duration of the consultation was generally one to two hours. During this time, the facilitators sought input from the community on the following areas:

- a) School attendance and educational achievement
- b) Economic development and employment
- c) Tackling alcohol abuse
- d) Community safety and the protection of children
- e) Health
- f) Food security
- g) Housing
- h) Governance

The allocated one or two hours was clearly inadequate for proper and meaningful consultations with communities.

We refer to the report of the Senate Community Affairs Committee into *Stronger Futures* legislation and particularly Chapter 4, which deals with the consultation process, an extract of which appears below.

4.1 During the inquiry the committee considered significant evidence to indicate that there was a high degree of confusion amongst people in the communities who will be most affected by the measures in the *Stronger Futures* bills. There continues to be great confusion between the previous Emergency Response and the new process, and this too was reflected in the evidence given by submitters and the questions that witnesses asked of the committee during hearings.

4.2 In Ntaria the committee heard that people did not understand the difference between the Intervention and the Stronger Futures package.

“All [the people] want to know is what is the difference between Stronger Futures and the intervention. That is what they want to know. What are the changes”

4.3 Many submitters and witnesses also expressed their frustration with the consultation that took place around the Stronger Futures measures. There was a lot of concern about the perceived lack of consultation, but also about the way in which the consultation occurred, with evidence to suggest that officers and consultants running the consultations need to be better prepared for the task, and that more time needed to be taken building relationships with people to support effective communication.<sup>2</sup>

We are concerned the current information dissemination model proposed by FaHCSIA will not adequately inform communities and individuals about the legislative changes. This will inevitably impact upon the awareness and understanding of SEAM in affected communities. We urge Centrelink to heed recommendations 7, 8, 9 and 10 of the Senate Community Affairs report.

We also understand that letters will be sent to parents “in scope”. We support Centrelink continuing to personally deliver and explain these letters to parents in affected communities.

**Action: Appropriate communication and information dissemination in line with recommendation 7, 8, 9 and 10 of the Senate Community Affairs Committee report into *Stronger Futures***

It is imperative that SEAM be comprehensively communicated to those communities and individuals affected by it, including those communities where trials are currently operating.

The Commonwealth Government should convene public meetings specifically on SEAM in each affected community.

In addition, information on SEAM should be presented and available in a variety of culturally appropriate and accessible formats (such as via public meetings, radio advertisements in language, printed publications in accessible language, personally delivered letters to participants “in scope”.)

This information should communicate:

- the intention of SEAM;
- the process followed by Centrelink when a person has been identified as being “in scope”;
- the consequences of failing to comply with conference notices and school attendance plans;
- how to comply with various notices and the timeframes within which to comply; and
- review and appeal rights and mechanisms.

This information was not provided to persons “in scope” in the trial locations except in an ad hoc fashion.

## 4. Overcoming Aboriginal language barriers

### 4.1 Interpreter usage

#### 4.1.1 Issue: Usage of Aboriginal Interpreter Service by Centrelink

We have received complaints that Centrelink do not use interpreters in all cases where there is a clear need to do so.

#### **Action: Appropriate and optimal use of interpreters**

Centrelink to provide regular training to its RST and all Centrelink staff regarding the importance of the use of interpreters, how to assess the need for an interpreter and the process by which to engage and properly utilise interpreters.

## 5. Review and Appeals

### 5.1 Delays in ARO decision making

#### 5.1.1 Issue: ARO delays

Both NAAJA and CAALAS have experienced extended delays in the processing of ARO decisions. Both NAAJA and CAALAS have matters where the ARO decision was lodged in excess of 120 days ago, and a decision is yet to be made.

We understand that there is a large backlog of ARO decisions and this is not confined to the Northern Territory ARO Hub.

#### **Action: Allocate more resources to the ARO Hubs to enable timely decision making in accordance with time limits prescribed in the social security law.**

### 5.2 Low rate of Indigenous appeals

#### 5.2.1 Issue: Low rate of Indigenous appeals

Centrelink acknowledged the low rate of Indigenous appeals in its Reconciliation Action Plan. It does not appear that this is replicated in the Department of Human Services Reconciliation Action Plan.

NAAJAA and CAALAS work to increase the awareness of and access to the review process within its client base and also amongst organisations which service our clients. We do not have the reach or resources of Centrelink.

We consider that this is still an issue and so request information on what the Department of Human Services is doing to address it.

### 5.3 Access to Social Security Appeals Tribunal

#### 5.3.1 Issue: Access to Social Security Appeals Tribunal

We understand that the Social Security Appeals Tribunal (SSAT) does not permanently sit in Darwin. We understand that the SSAT undertakes a circuit from the Brisbane registry, every three or so months depending on the amount of appeals. The SSAT does not sit anywhere else in the Northern Territory but Darwin.

As there are historically low levels of Centrelink appeals generally, this has impacted on the regularity of SSAT sittings in the NT.

The facilities that the SSAT uses in Darwin for hearings do not have video link facilities, which has clear impacts on the accessibility of the SSAT for appeals heard outside of Darwin. If an applicant wants to use video conferencing facilities there is generally a delay in the scheduling of the hearing.

CAALAS assisted a person in Alice Springs who was appealing a decision to impose vulnerable welfare payment recipient income management. The SSAT advised that the appeal would have to be delayed a further one and a half months if their videoconference facilities were required. The applicant proceeded via teleconference, because he did not want to extend the time period that he was income managed.

CAALAS advised that it would have assisted the SSAT to see and observe their client and his presentation – particularly as it was making a decision as to whether he was “vulnerable”. CAALAS also advised that the client would have had a better experience and understanding of the SSAT process if videoconference facilities had been available.

CAALAS has experience of representing a person in the SSAT via teleconference. CAALAS traveled to the remote community where the person lived and the SSAT sat in Darwin. The applicant required the assistance of an interpreter. CAALAS has advised that it was a difficult experience to run a hearing over the telephone with three participants on one end of the line and the SSAT on the other.

All parties found it difficult to know when to speak, when another person had paused to contemplate but had not finished speaking and to get a sense of the people involved. CAALAS continually needed to advise the SSAT who was speaking – the client or the interpreter as the women were of similar age and both spoke a mixture of Arrernte and English during the hearing.

CAALAS advised that teleconferencing of hearings exacerbated the language divide.

There is also a low level of awareness of the SSAT generally and we consider that the SSAT should take action to address this.

**Action: SSAT to undertake sittings outside of Darwin in the Northern Territory, more regular hearings in Darwin and ensure the availability of videoconference facilities for all hearings.**

**Action: SSAT to conduct awareness raising activities.**