

The Law Handbook

YOUR PRACTICAL GUIDE TO THE LAW IN NEW SOUTH WALES

15th EDITION



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Social Security Entitlements

Katherine Boyle – Executive Director, Welfare Rights Centre

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Preliminary matters

[36.10] Where to find social security law?

Social security law is found in the following Commonwealth statutes:

- *Social Security Act 1991*. Unless otherwise stated, the section numbers given in this chapter refer to the *Social Security Act 1991*;
- *Social Security (Administration) Act 1999*;
- *Social Security (International Agreements) Act 1999*;
- *A New Tax System (Family Assistance) Act 1999 (Family Assistance Act)*;
- *A New Tax System (Family Assistance) (Administration) Act 1999*; and
- *Paid Parental Leave Act 2010*.

In addition, decisions of the Administrative Appeals Tribunal and the Federal Court may give some guidance as to the interpretation and application of these Acts. The Department of Social Services has prepared online guides for social security payments, family assistance payments, paid parental leave and Abstudy, which are often cited in decisions of the Administrative Appeals Tribunal (see [36.480]).

[36.20] Claiming a payment

Section 16 of the *Social Security (Administration) Act 1999* (Cth) states that a person may claim a social security payment or a concession card by lodging a written claim for payment or making a claim in the approved manner. In practice, all claims for payment may be made online via MyGov, a Federal Government portal (website) which provides online access to a range of government services, including Centrelink. To access the portal, an account needs to be created. Computers are available at Centrelink offices to set up MyGov accounts and claim payments. Paper claim forms are still available for some payments.

Right to claim

All people have a right to claim a payment and to test their eligibility, even if Centrelink has told them they are not eligible for a payment.

Generally, for a payment to be backdated to the date of contact with Centrelink, the claim must be lodged within 14 days of contact; however, there are restrictions.

Claimants for newstart allowance and youth allowance will not be paid unless they attend an interview with Centrelink or a job service provider (ss 547AA, 615). The start date for payment will usually be the date of the interview, as long as that date is within two days of Centrelink notifying the claimant of the interview date. If the interview date is more than two days from the date of the notification the payment will start on the date of the notification (*Social Security (Administration) Act*, Sch 2, cl 4A).

For a prescribed class of vulnerable persons, the first date of contact with Centrelink regarding a claim for a payment will be deemed the date of claim and, if the claim is successful, the payment will be backdated to the date of contact (*Social Security (Administration) Act*, ss 13, 14, 14A, *Social Security (Administration) (Class of Persons – Intent to Claim) Determination 2018*).

[36.30] Rates of payment

Different payment types have different rates of payment.

Current rate information

Rates of pensions, benefits and allowances, including one-off payments, change regularly. For current rate information, contact Centrelink or see *A Guide to Australian Government Payments* (<https://www.humanservices.gov.au/organisations/about-us/publications-and-resources/guide-australian-government-payments>). The rate payable to an individual will depend on the claimant's circumstances, including income, assets, marital status and dependants. Income and assets tests are discussed in detail at [36.40].

Age pension (ss 55, 1064, 1065), disability support pension (ss 117, 1064, 1065, 1066A, 1066B), carer payment (ss 210, 1064), bereavement allowance and wife pension receive the same rate of payment, which is \$843.60 per fortnight for a single person and \$635.90 for each member of a couple.

Newstart allowance (ss 643, 1068), sickness allowance (ss 709, 1068), partner allowance and widow allowance have the same or similar rates of payment (depending on the recipient's age), which is \$555.70 per fortnight for a single person with no dependent children and \$601.10 for a single person with dependent children. For members of a couple, with or without dependent children, the rate is \$501.70 per fortnight.

There are two rates of parenting payment – the parenting payment single rate (\$776.10 per fortnight) and the parenting payment partnered rate (\$501.70 per fortnight) (ss 503, 1068A, 1068B).

The rates for Austudy (ss 581, 1067L), Abstudy and youth allowance are generally lower than newstart allowance and related payments. With some exceptions, the rates of payment are the same and depend on a combination of whether the recipient is single or partnered and has dependent children. Youth allowance and Abstudy have a complex set of additional payment rates. Lower rates of payment apply to 16–17 years' old, and the rates change depending on whether the young person is living at home or away from home and is classified as independent or dependent.

The rate of special benefit is discretionary but cannot exceed the rate of newstart allowance (s 746).

[36.40] Income and assets tests

The rate of each payment is usually subject to an income test and assets test (unless the pensioner is permanently blind (s 1065)).

Income test

The rate of payment paid may be reduced by a person's income, their partner's income and, in the case of youth allowance, their parents' income (s 1067G). Details of income tests are set out in Pts 3.2–3.6A and Pt 3.10. The income test allows for an income amount that is not income tested, the level of which depends on the benefit they are receiving, the number of dependants and whether the recipient is partnered or single. For most payment types, once income above the "income-free limit" is received, the rate of benefit is progressively decreased according to the income test. For special benefit, a strict income test applies, so that the rate of payment is reduced \$1 for \$1 of the recipient's income, that is, there is no income-free area.

Income is broadly defined as amounts "earned, derived or received by the person for the person's own use or benefit" (s 8). Income includes bank interest, regular superannuation payments, rental profits and dividends – for compensation payments (see [36.380]). "Income" is generally gross income; however, in calculating business income, expenses incurred may be deducted (s 1074-5).

Several receipts of money can be ignored when calculating a person's income, for example:

- loans that a person receives;
- payments under the *Social Security Act 1991* (Cth);
- emergency relief;
- insurance payments for loss of property;
- NDIS payments (s 8); and
- refunds from Medicare or health insurance funds.

A complete list of exemptions appears in the definition of income in s 8(8) of the *Social Security Act*.

Income from financial investments is "deemed", without regard to the actual income it generates. Deeming means that income is assessed on a percentage rate of the sum of all investments; as a guide, the percentage rate resembles the current term deposit rate. Salary amounts sacrificed to superannuation are included as income.

Where a person is permanently blind, their rate of age pension or disability support pension is exempt from the income test (s 1065) unless they receive rent assistance. A person who is permanently blind is, however, subject to the compensation provisions of the Act.

The maintenance income test

"Maintenance" means financial support from either an ex-partner for the claimant (*spousal maintenance*) or a parent for a child (*child support*) (*Family Assistance Act*). Maintenance may include payments of cash (including lump sums), non-cash amounts and payments made to third parties such as mortgages, rent or school fees.

Under the *maintenance income test*, maintenance received is not assessed as ordinary income for payments under the *Social Security Act* but may affect the rate of family tax benefit. There is a maintenance income-free area, and receipts

above this limit will reduce the rate of benefit proportionately.

A parent in receipt of family tax benefit must take “reasonable action” to obtain child support. If such action is not taken, their family tax benefit will be reduced to the minimum rate. Exemptions from seeking child support can be obtained where there is fear of or actual violence from the other parent, the father’s identity is not known, or some other exceptional circumstance exists (eg, where the child was conceived through sexual assault).

Maintenance income affects parental income for the purposes of youth allowance, Abstudy and assistance for isolated children. Maintenance is considered as an expense for the person paying it. This expense is deducted from the payer’s taxable income for the purposes of the parental income test.

Pensioners who are blind are exempt from the maintenance income test.

Assets test

The assets test provisions are contained in s 11 and Pt 3.12 of the *Social Security Act*. The assets test is applied to all social security payments except for blind pensioners unless they receive rent assistance. All assets owned by claimants must be declared, although some may be treated as exempt assets, such as the principal home of residence (s 1118) and up to two hectares of land around the home used for domestic purposes (s 11A).

Assets that Centrelink will take into account include:

- money;
- jewellery;
- electrical appliances;
- surrender values;
- interest in a trust;
- loans from the payment recipient (s 1122).

A recently disposed asset may also be counted. The value is the current market value, less any debts owed on the asset.

Superannuation is exempt for claimants below pension age. A list of exempt assets appears in s 1118 of the *Social Security Act*.

If the value of the claimant’s assets exceeds the assets test limit, their rate of payment reduces or they may not qualify for the payment. The asset limit applicable will depend on whether the claimant is single or a member of a couple and

whether the claimant is a homeowner. Asset limits are not increased for dependent children. The asset test has an upper and lower limit. Once the lower limit is reached, the payment will gradually reduce until the upper limit is reached, at which point the payment is reduced to zero.

Asset hardship provisions

The value of an asset may be excluded from the assets test under the “hardship provisions” where the claimant can show that they cannot sell the asset or use it as security for a loan, or where to do so would be unreasonable.

The claimant must make a specific application to Centrelink for the hardship provisions to apply. Generally, claims are not backdated. Should the hardship provisions apply, the rate of benefit may still be reduced by the income that could be earned from the use of the asset (*Social Security Act*, ss 1129, 1130).

[36.50] Residency requirements

It is a basic qualification requirement for almost all Australian pensions, allowances and benefits that an applicant is an Australian resident and in Australia at the time they submit an application. To be considered an Australian resident, a person must reside in Australia and be either a citizen or the holder of a permanent resident or protected special category visa. Minimum periods of residence may also apply. A newly arrived resident’s waiting period of between 104 and 208 weeks applies depending on the payment type and when the claim was made (s 729A). Exceptions to these rules may apply for recent refugees and some people applying under an international agreement.

A recipient may also need to show continuing residence to continue to receive their benefit. This does not apply to the age pension, wife pension, widow B pension, bereavement allowance or, in some circumstances, youth allowance (student). Regardless, you must notify Centrelink of an intended overseas trip within 14 days of leaving Australia.

To lodge a claim for *Family Assistance Act* payments, a recipient must be an Australian resident and in Australia or be a special category visa holder.

[36.60] Waiting periods

Waiting periods may apply to a claim. There are different waiting periods depending on the pension or allowance applied for. Generally, people who have recently arrived in Australia may be subject to a two- or four-year waiting period for certain payments. A one-year waiting period applies to family tax benefit part A. There is no waiting period for family tax benefit part B (*Family Assistance Act*, s 61AA).

Claimants of newstart allowance, sickness allowance and youth allowance must generally wait seven days, and in the case of newstart allowance and youth allowance, they must have attended an interview before they can be paid (*Social Security (Administration) Act*, Sch 2). An “income maintenance period” may apply to persons claiming newstart allowance, disability support pension, parenting payment, sickness allowance, youth allowance, partner allowance, widow allowance and Austudy and takes any redundancy or leave payments into account (ss 1064, 1066A, 1067G, 1068, 1068A). Seasonal work, which is broadly defined, also attracts a waiting period (s 16A).

A “liquid assets waiting period” of up to 13 weeks may apply (ss 14A, 549A, 575A, 598, 676). Liquid assets may include shares and term deposits. This waiting period may be served simultaneously with the income maintenance period.

Exemptions apply in limited situations to all waiting periods. For example, it is possible to reduce waiting periods where a person can

demonstrate hardship or, for students, where the liquid assets are needed to meet certain course costs. A specific claim for hardship consideration is required, as hardship provisions cannot be applied retrospectively upon review.

[36.70] Income management

Income management involves the withholding of a proportion of social security payments which are then placed into an income management account (*Social Security (Administration) Act*, Pt 3B). Funds may be spent on priority needs using a basics card or through regular payments from the account directly (eg, for rent). Income management applies to people in declared areas who fit within the following categories:

- assessed as vulnerable by Centrelink;
- referred by a child protection agency;
- referred under the Cape York Welfare Reform;
- aged 15–24 and have been on payments for more than three months during the previous six months;
- aged 25 or over and have been receiving payments for more than one year during the previous two years;
- a person with a nominee who is subject to income management; or
- persons who volunteer for income management.

The proportion of income that is withheld is 50% except for the child protection category which is at the higher rate of 70%. In NSW, income management applies in Bankstown. It also applies to other specific areas within Australia.

Social security and family assistance payments

[36.80] Age pension

To be eligible for the age pension, a person must satisfy an age requirement (ss 23, 43). For men and women born after 1 July 1952, it is 65 years and six months, after 1 January 1954, it is 66 years and after 1 July 1955, it is 66 years and six months with a maximum qualification age of 67 applying for men and women born after 1 January 1957.

An applicant must have been an Australian resident for at least 10 years with one continuous period of at least five years’ Australian residence, unless an exemption applies (eg, a recently arrived

refugee). New Zealand residents have special requirements that depend on the date of arrival and type of payment. The law in relation to this is elaborate, and its application should be checked in each case as a person may be a *special category visa holder* without a passport stamp or documentation. On 1 July 2002, the current International Social Security Agreement began between Australia and New Zealand, which regulates pension payments to New Zealand citizens living in Australia. Pensions paid under the more generous former agreement will continue for as long as the pensioner remains entitled.

[36.90] Disability support pension

To be eligible for the disability support pension, the person must:

-
- be permanently blind or have a permanent physical, intellectual or psychiatric impairment to the extent required under the relevant “Impairment Table” (*Social Security (Tables for the Assessment of Work-related Impairment for Disability Support Pension) Determination 2011*);
- have an inability to work 15 hours per week or undertake educational or vocational training for at least the next two years as a result of the disability;
- satisfy the same residential requirements as the age pension (unless their disability occurred while being an Australian resident, which gives immediate qualification) (ss 7, 94, 95); and
- have actively participated in a program of support unless exempt from this requirement.

Details of the extent of the disability and blindness required under the *Social Security Act* can be obtained from Centrelink.

[36.100] Carer payment

A person may be paid a carer payment if they personally provide constant care to a disabled adult, a “profoundly disabled child”, two or more disabled children, or a disabled adult and the disabled adult’s dependent child (s 197A). Details of the extent of the disability required can be obtained from Centrelink. Payment may continue for up to 63 days in a year during a period of respite (s 198AC).

[36.110] Carer allowance

This allowance is an income supplement paid to a person who provides daily care to a person with a disability or medical condition (Pt 2.19). Where the person being cared for is aged 16 or over, the disability must cause a substantial functional impairment. Generally, the person being cared for must be a family member of the carer and reside in the same home. On some occasions, a person other than a family member may qualify. Where the care receiver and care giver do not live together, the care giver may qualify if they provide daily care

and attention of at least 20 hours per week which is related to the bodily functioning or survival of the care receiver, provided that this occurs in their own home or that of the care receiver.

Where the person being cared for is a child under 16, the child must be a dependent child of the carer with a physical, intellectual or psychiatric disability and the child must reside in the same home as the carer.

In order to qualify, the care receiver must be rated under the Adult Disability Assessment Tool (s 198) or in the case of children under 16 the Disability Care Load Assessment (s 38E).

The fortnightly carer allowance of \$129.80 is not subject to an income or assets test.

[36.120] Newstart allowance

Newstart allowance is intended as income support for unemployed persons (s 593). To be eligible for newstart allowance, a person must be aged over 21 years and below age pension age. The person must:

- be unemployed (s 593);
- satisfy the activity test (unless an exemption applies) (s 601);
- be prepared to enter into an employment pathway plan and take reasonable steps to comply with the plan (s 605); and
- not be involved in industrial action (s 596).

The activity test requires the recipient to show that they are either:

- actively seeking and willing to undertake suitable paid work; or
- taking reasonable steps to comply with an employment pathway plan or Centrelink direction requiring participation in unpaid work or training.

Recipients aged over 55 may have specific activity test requirements that may be satisfied by 30 hours of paid or voluntary work, or a combination of both, per fortnight (s 603AA).

Employment pathway plans

Employment pathway plans (now known as Job Plans) are written agreements “negotiated” between Centrelink and a newstart allowance recipient (ss 605, 606, 607, 607A, 607B, 607C). The agreement may cover:

- how many fortnightly job contacts are expected;
- an undertaking to attend a job network provider training;

- mutual obligation activities (eg, “work for the dole”); and/or
- a training program deemed suitable.

Temporarily sick unemployed persons may obtain an exemption for up to 13 weeks per medical certificate (s 603C). This is termed newstart allowance (incapacitated) and should not be confused with sickness allowance (see [36.130]).

A non-payment period of 26 weeks may be imposed if a person reduces their employment prospects by moving to a new area where the likelihood of finding work is deemed lower (s 634). The only exceptions to this non-payment period are when the person has moved to join a family member who has already established residence in that area, for treatment of illness, to undertake approved rehabilitation or training, or where they have moved from their original place of residence due to an “extreme circumstance” such as domestic violence (s 634(3)).

[36.130] Sickness allowance

To qualify for sickness allowance, a person must:

- be aged 22 or over but under age pension age;
- be temporarily incapacitated for work and have been in employment immediately before the incapacitation (employment may include self-employment); or
- be temporarily incapacitated for full-time study and in receipt of Austudy or Abstudy; and
- have a job or full-time study to which they can return; and
- supply a medical certificate from a qualified medical practitioner (s 666).

The incapacity must be caused by a medical condition arising from sickness or an accident. Incapacity for work is judged by assessing the extent to which a person’s medical condition limits their ability to engage in paid work. “Work” is defined as full-time, part-time, permanent or casual work of at least eight hours per week at award wages or above.

Recipients of sickness allowance are subject to a “maximum allowance period” of 13 weeks if the claim is supported by a medical certificate, although this period may be extended (s 669). A person who claims sickness allowance within five weeks of becoming incapacitated for work may be paid from the date of incapacity

(*Social Security (Administration) Act*, Sch 2, cl 11).

[36.140] Youth allowance

Youth allowance is available to full-time students or jobseekers (ss 7, 540). Full-time students must be aged 16–24 years (up to 25 years if continuing a course of study). In some cases, a 15-year old may be paid youth allowance. Jobseekers and part-time students must be 16–21 years of age, after which they must claim newstart allowance.

Youth allowance claimants under the age of 18 years must:

- have completed year 12 or equivalent; or
- be undertaking full-time study;
- be a full-time Australian Apprentice; or
- exempt from the requirement to be in full-time study or training; or
- have entered into a Job Plan and be undertaking education, training or other approved activities.

The rate of youth allowance is complex and is determined by whether the claimant is classified as “dependent and required to live away from home” (s 1067D) or “independent” (s 1067A).

Dependent away from home

A claimant is classified as dependent away from home if they:

- are not independent;
- do not live at the home of a parent; and
- need to live away from home for education and training or to significantly increase their job prospects.

Independent

A claimant is independent if they:

- have reached the age of 22;
- are an orphan, a refugee or in state care;
- have been supporting through self-employment;
- are or have been married or a member of a couple for at least 12 months;
- have a dependent child;
- have parents who cannot exercise their responsibilities;
- cannot live at home due to extreme family breakdown, serious risk to physical or mental wellbeing or lack of stable accommodation

and are not in receipt of support from a parent, guardian or the state.

[36.150] Austudy

To be eligible for Austudy, a person must be undertaking qualifying study and be aged 25 years or over (Pt 2.11A).

Qualifying study is the full-time study in an approved course at an approved institution. It does not include PhD level study. Allowable study time rules apply. Generally a student may only be paid for the normal time it will take to do the course plus one extra semester. Further, Austudy students are generally only eligible to undertake one course at each level of study within a 10-year period.

Students may also be eligible for a Health Care Card, a lump sum advance and a student start-up scholarship.

[36.160] Abstudy

Abstudy is paid under the Abstudy scheme which is designed to address particular education disadvantages faced by Aboriginal and Torres Strait Islander people. The scheme is set out in the Abstudy Policy Manual (<http://guides.dss.gov.au/abstudy-policy-manual>). To be eligible for Abstudy, a person must be:

- of Aboriginal or Torres Strait Islander descent;
- an Australian citizen and normally live in Australia;
- undertaking approved testing and assessment activities to determine their suitability to undertake an approved course or Indigenous Youth Mobility Program or is an Australian Apprentice;
- not receiving other government assistance for study.

The rate is determined by their age, whether the claimant is dependent and required to live away from home or independent. Dependents receive a lower rate and will be subject to the parental income and assets test. A person who is classified as independent is not subject to the parental income or assets test.

The qualification criteria for independent status are complicated. It includes situations where a person may be granted independent status on a permanent basis or where independent status may change (reviewable independent status).

[36.170] Parenting payment

Parenting payment is payable to claimants with a dependent child under six years for partnered parents and under eight years for single parents (ss 500, 500D). “Dependent child” includes a natural or adopted child for whose daily care, welfare and development a claimant is responsible (s 5(2)). For parenting payment purposes, children can be the dependent child of only one person at a time.

Parenting payment partnered is paid to a member of a couple, whether married or in a de facto relationship, and parenting payment single is paid to a parent who is not a “member of a couple” (s 4(3)). See [36.370] for information about couples. The rates of payment are different for parenting payment partnered and parenting payment single (see [36.30]). Payments are taxable and paid subject to income and assets tests.

A claimant or recipient may be requested to provide Centrelink with information on their living arrangements and relationship with a person. Failure to provide the information may lead to refusal or cancellation of parenting payment single. Third parties can be compelled to respond under s 192 of the *Social Security (Administration) Act*.

Parenting payments will not be made if:

- Another person is receiving the parenting payment for the same child.
- The person’s partner is receiving parenting payment.
- The person is receiving another social security payment or a payment under another Commonwealth scheme.

A waiting period may apply.

[36.180] Child care subsidy

Child care subsidy will be available for parents and carers for children under 13 years of age and not attending secondary school for approved child care services (*Family Assistance Act*, s 85BA). The child must meet immunisation requirements.

The amount of child care subsidy is dependent on the recipient and their partner’s combined annual income, the type of approved child care service used, whether the child attends school, as well as the “activity level” of the recipients and their partner, unless they are exempt. Recognised

activities include paid work, an approved course of education or study, training to improve work skills or employment prospects and unpaid voluntary work (*Family Assistance Act*, Sch 2, cl 12).

An additional child care subsidy may be available to where there are barriers to accessing affordable child care and the families and children are disadvantaged (*Family Assistance Act*, s 85CA).

[36.190] Newborn upfront payment and newborn supplement

For children born or placed in adoption from 1 March 2014, a person may receive newborn supplement and newborn upfront payment.

Newborn supplement is available to families who qualify for family tax benefit part A and who do not access parental leave pay. It is paid as an increase to the family tax benefit part A rate for 13 weeks to help with the costs of a newborn child or child placed for adoption. Families who are eligible for newborn supplement may also receive the newborn upfront payment.

Newborn supplement is paid with family tax benefit through regular fortnightly payments or as a lump sum at the end of the financial year.

If newborn supplement is payable, the recipient is also entitled to receive the newborn upfront payment of \$500 (*Family Assistance Act*, s 58AA).

A still born baby payment is available for families who experience loss of their child as a result of still birth.

[36.200] Paid parental leave

Paid parental leave is a payment for working parents. It provides financial support for up to 18 weeks for parents who have a recently born or adopted child.

To be eligible for paid parental leave, a person must:

- be the primary carer of a newborn or recently adopted child;
- meet a work and income test; and
- be on leave or not working from the time they become the child's primary carer until the end of the paid parental leave period.

A person cannot be paid both parental leave pay and newborn upfront payment and newborn supplement for the same child.

[36.210] Family assistance (family tax benefit)

There are two components to family tax benefit – part A and part B.

To be eligible for family tax benefit part A, an adult must have a dependent child aged up to 15 years, or aged 16–19, and in full-time secondary study or exempt from this requirement. Family tax benefit part B is paid to single parents or for two parent families with a dependent child where one parent is on a low income or not in paid employment. Many temporary visa holders may qualify for family tax benefit.

Payment at more than the base rate of family tax benefit can be paid for the first six weeks of a temporary absence from Australia. After six weeks of a temporary absence, payment of family tax benefit part A may continue at the base rate.

Family tax benefit can be paid as a fortnightly payment, a reduced tax instalment or a lump sum tax rebate. Unless the recipient has informed Centrelink that they are not required to lodge a tax return, failure to lodge a tax return may result in suspension of family tax benefit (*A New Tax System (Family Assistance) (Administration) Act 1999*, s 28).

There is no assets test for family tax benefit and, for shared care, the minimum proportion of care is 35% (*Family Assistance Act*, Pt 4, Div 1).

[36.220] Bereavement allowance

The bereavement allowance is made as a temporary continuation of deceased person's payment to the surviving partner. To qualify for bereavement allowance, the person must have stopped being a member of "a couple" (as defined in s 4) because their partner died. For full payment, a claim must be lodged within four weeks of the partner's death.

Bereavement allowance is payable for a maximum of 14 weeks after the death of the person's partner. A woman who is pregnant at the time of her partner's death can have the payment extended to the end of the pregnancy (when she would generally become eligible for parenting payment single).

This payment is income and assets tested. The allowance will stop if a person obtains another social security pension (s 321). A careful choice should be made where there are multiple entitlements (eg, the bereavement allowance is higher than newstart allowance).

[36.230] Crisis payment

Crisis payment (Pt 2.23A) may be paid where:

- There are extreme circumstances, such as the family home burning down or domestic and family violence.
- The claimant is a humanitarian entrant.
- The claimants are recently released prisoners.

To qualify for crisis payment, the claimant must be in severe financial hardship (s 19D).

Claims for crisis payment must be made within seven days of the “extreme circumstance”. A person who is experiencing family or domestic violence will satisfy the seven-day claim period by contacting Centrelink within seven days of the “extreme circumstances” occurring and lodging the claim within 14 days after the date of contact. The rate of crisis payment is half the fortnightly amount of the maximum basis rate of social security payment that is payable to the claimant, for example, if the person is eligible for age pension, they will receive one week’s worth of age pension.

[36.240] Special benefit

Special benefit is a “safety net” which may provide income support for people who do not qualify for another income support payment (except for family tax or childcare benefits) and who need financial support. It is a discretionary payment.

A person satisfies the residential qualifications for special benefit where they are:

- an Australian resident (a citizen, permanent resident or New Zealander who arrived prior to 26 February 2001) and residing in Australia; or

- the holder of a temporary visa subclass. This is complicated and visa categories can change. A person may check their eligibility at [guides.dss.gov.au/guide-social-security-law/9/2](https://dss.gov.au/guide-social-security-law/9/2).

To qualify for special benefit, a person must:

- be in financial hardship;
- not be disqualified from receiving newstart allowance or youth allowance;
- be unable to earn a sufficient livelihood.

Centrelink has a discretion to decide whether a person is “unable to earn a sufficient livelihood” and to allow payment. This will be affected by:

- the reasons behind their lack of support; and
- the nature and extent of their financial hardship.

Examples where special benefit may be paid include where a person:

- is age pension age but not residentially qualified for the age pension; or
- is subject to the newly arrived resident’s waiting period for social security payments. In this situation, the person will need to have had a substantial change to their circumstances beyond their control to qualify.

Payment of special benefit is subject to either the short term available funds test or the long term available funds test. Where a person is subject to the short term available funds test, special benefit will generally not be payable where the person has more than the equivalent of a fortnight’s rate of social security in liquid funds. Where a person is subject to the long term available funds test, special benefit is generally not payable where the person has more than \$5,000 in liquid funds.

A refusal to grant special benefit where the person is in extreme financial hardship should be met with an urgent request for review by an Authorised Review Officer.

Eligibility is generally reviewed every 13 weeks.

Other benefits

[36.250] Concession cards

Health Care Card

People on certain benefits may be automatically issued with a Health Care Card. People who are

living on a low income may claim the Low Income Health Care Card. Eligibility will be based on their earnings for the eight weeks immediately prior to application.

The card is also issued to those receiving the maximum rate of family tax benefit part A and

those receiving carer allowance for a child with a disability. Parents who have a child with a disability who do not receive the carer allowance may be issued with a Health Care Card subject to an income test (s 1061ZK).

Refugees, humanitarian visa holders and their immediate family are entitled to a Health Care Card on arrival in Australia (*Social Security (Administration) Act*, s 240B(4A)).

Pensioner concession card

The pensioner concession card is issued to a person receiving a pension from Centrelink or the Department of Veterans' Affairs. Recipients assessed as having a partial capacity also qualify for the pensioner concession card.

Where a person is aged 60 or over and has been in receipt of newstart allowance, partner allowance, widow allowance, sickness allowance, special benefit or parenting payment partnered for more than nine months, they will also be entitled to a pensioner concession card.

Commonwealth Seniors Health Card

A person of age pension age who does not receive a pension because of their assets or income levels

or any payments from the Department of Veterans' Affairs may be entitled to the Commonwealth Seniors Health Card. The card is income tested.

[36.260] Rent assistance

Where a person receives family tax benefit, a pension, an allowance or benefit, they may qualify for rent assistance (Pt 3.7). Recipients of newstart allowance or sickness allowance are not eligible for rent assistance if they are living in the principal home of a parent and are under the age of 25 years (s 11A(1)). For recipients of the disability support pension the age is 21 years (s 1070F(2)(b)).

Rent assistance is not a payment in its own right but as a supplement to an entitlement. A Centrelink decision to alter or cease payment of rent assistance may be made without specific notice. It is the recipient's responsibility to check the payment summary and query any change with Centrelink.

Rent assistance may be payable for rent, lodging or board. No assistance is payable for rent below the minimum amount (set quarterly by Centrelink). Rent assistance is not payable for rent to a public housing authority (such as the Department of Housing).

Targeted compliance framework

[36.270] Penalties

Recipients of newstart allowance, Austudy, youth allowance, special benefit and some parenting payment recipients may be penalised if they fail to follow Centrelink's participation requirements. A failure to comply is termed a failure and may result in the application of a penalty. A penalty is a period of non-payment. A participation failure should be challenged if there is a reasonable

excuse, even if there is no immediate loss of income. Where a person has a reasonable excuse for being unable to make an appointment, they must generally advise the reason in advance to the person who has arranged the appointment. There is a sliding scale of penalties which may be applied ranging from a reduction in a fortnightly payment to non-payment for eight weeks.

There are complex rules for penalties. If in doubt, seek assistance.

Moving between Australia and other countries

[36.280] Portability

Many Centrelink payments are portable; that is, they may be received during a temporary absence from Australia. A person is temporarily absent from Australia if they remain an Australian

resident while overseas. The person must remain otherwise qualified for payment.

The period a payment may be paid overseas will vary. For age pension, unlimited portability is available if the recipient has lived in Australia for 24 months prior to going overseas.

For the disability support pension, the period is up to four weeks in a 12-month period. The days do not have to be consecutive and days when the recipient is not being paid the pension are excluded. Unlimited portability may be available to recipients of disability support pension where they are severely impaired (s 1218AAA) or they are terminally ill (s 1218AA). The recipient's medical condition will be reviewed before unlimited portability is granted, which can result in some recipients being reviewed off DSP. Therefore, caution is needed before applying for unlimited portability.

Disability support pension for a severe impairment, bereavement allowance and certain recipients of wife pension and widow B pension may be paid for periods in excess of six weeks; however, the payment rate for these pensions is determined by the proportion of the person's working life spent in Australia.

A working life of 35 years gives full entitlement, although add-ons such as rent assistance cease after 26 weeks; fewer working years in Australia create an entitlement as a proportion of 35 years. This is termed *proportional portability* (s 1221).

Until they return to Australia, disability support pension recipients who moved overseas before 1 July 2004 are subject to the rules in force at the beginning of their overseas residence.

Newstart allowance, youth allowance (jobseeker), sickness allowance and special benefit are payable for up to six weeks in restricted circumstances, namely:

- an acute family crisis;
- to receive eligible medical treatment;
- to attend Reserve Forces training; or
- for humanitarian purposes.

The rules governing portability are very complex and beyond the capacity of this chapter. A person is advised to contact Centrelink's international services before leaving or re-entering Australia. Persons who received a Centrelink payment while overseas prior to either the 20 September 2000 or 1 July 2004 cut-off dates should inquire whether future portability will be affected *before* returning to Australia.

[36.290] International agreements

Formal social security agreements exist between the Australian government and a range of other nations. The full list of nations is set out in Pt 4 of the *Social Security (International Agreements) Act 1999* (Cth). These agreements allow residents who move between Australia and one of these countries to qualify for certain pensions without meeting the normal residency requirements. However, these residents may need to satisfy requirements contained within the relevant agreement, for example, foreign nationals entering Australia must certify that they intend to remain in Australia permanently.

Debts

[36.300] Chapter 5 of the *Social Security Act* deals with overpayments. Similar, though not identical, provisions relating to family assistance overpayments can be found in Pt 4 of the *A New Tax System (Family Assistance) (Administration) Act 1999* (Cth).

[36.310] Reasons for debts

Where a person receives any payment from Centrelink they are not entitled to, a debt may be due to the Commonwealth.

Debts to Centrelink may arise for a wide variety of reasons, including:

- incorrectly declaring or not declaring assets or income (s 1223);

- robodebts (see [36.320]);
- not being qualified for a particular payment (s 1223);
- being assessed as a member of a couple (see [36.370]);
- unexplained deposits into the payment recipient's account;
- debts arising from prepayments (s 1223AA);
- liability to pay an assurance of support (s 1227);
- compensation-related debts (Pt 3.14).

[36.320] Robodebts

Under the *Data-Matching Program (Assistance and Tax) Act 1990* (Cth), the Department of Human

Services (Centrelink) and the Australian Taxation Office may transfer data between them, including a person's declared earnings. Where there is a discrepancy between the income details provided by the Australian Taxation Office and the details of income reported by the payment recipient to Centrelink, a letter may be sent to the (current or former) payment recipient requiring them to confirm or update their employment information, including employer details, dates worked and income for each fortnight.

If the payment recipient confirms or updates their employment information, they will receive a letter notifying the payment recipient of the outcome, if there is a debt owed and the amount of the debt.

If the payment recipient does *not* confirm or update their employment information by the due date (requests for extension of time will be considered), Centrelink's computer system will automatically use the data obtained from the ATO to calculate whether there is debt. In most cases, the debt will be calculated by averaging the total annual income declared to the Australian Taxation Office to work out fortnightly income, that is, it is assumed that the income recipient earned the same amount each fortnight over the entire year or parts of the year. This is commonly known as a "robodebt".

Debts raised under the data-matching program are recoverable (s 1224C).

Robodebts may be inaccurate

As the payment recipient may have earned different amounts of income each fortnight, it is possible, even likely, that the debt calculated is inaccurate as it is not based on the actual amount earned each fortnight. The actual debt amount may be lower, higher or may not exist. Due to the risk of the debt increasing specialist legal advice should be obtained before appealing a robodebt.

[36.330] Interest charges and penalties

Debts may be subject to an interest charge or a 10% penalty.

Interest charge

An interest charge will be applied to outstanding social security, family assistance and paid parental leave debts of former payment recipients who have not repaid the debt or have failed to enter

into an acceptable payment arrangement within 28 days of the date in the debt notice (s 1229A), or have not complied with a repayment arrangement (s 1229B) (see [36.360] for recovery of debts). An interest charge may also apply to robodebts. Exemptions apply where a person is in receipt of a social security payment (s 1229E). Centrelink has the discretion to determine that an interest charge is not payable in special circumstances (s 1229F).

The rate of the interest charge is calculated by reference to interest rates published by the Reserve Bank of Australia (s 1229D). It is compounded on a daily basis and applied to the debt monthly.

An interest charge may be appealed independently of the debt amount.

10% penalty

Centrelink will impose a 10% recovery fee on a debt where the (current or former) payment recipient has refused or failed, without reasonable excuse, to provide information, or has knowingly or recklessly provided false information (s 1228B).

When determining whether the payment recipient has a reasonable excuse for failing to declare the income, the person's circumstances may be considered, such as their age, health, level of education and literacy and other personal factors which may have affected their ability to correctly declare their income. The 10% penalty may also apply to robodebts.

[36.340] Appealing debts

A person who does not agree with a debt raised by Centrelink should first contact Centrelink to obtain more information about the debt. If not satisfied with their response, advice should be obtained from a local welfare rights centre or community legal centre before appealing the debt. There is no time limit for appealing debts to the Authorised Review Officer or to the Social Services and Child Support Division of the Administrative Appeals Tribunal; however, there is a 28-day time limit for appeals to the General Division.

Centrelink has the discretion to waive recovery of the debt, but may only waive recovery in certain defined circumstances (ss 1237–1237AB). A debt may be waived where administrative error was the sole reason for the debt and the payment was received in good faith (s 1237A), or where special circumstances exist and the person did not knowingly contravene the *Social Security Act* (s 1237AAD).

[36.350] Prosecutions

If the overpayment results from withholding information from Centrelink or deliberately providing incorrect information to Centrelink, criminal charges may be laid (see Ch 25, Pt 11: Dishonesty offences). Information provided to Centrelink or to the Administrative Appeals Tribunal may be used in determining whether to refer a payment recipient to the Commonwealth Director of Public Prosecutions and in the course of any criminal proceedings. If Centrelink invites a (current or former) income recipient for an interview regarding a debt, legal advice should be sought before attending.

[36.360] Recovery of debts

If a person is currently receiving a payment from Centrelink, a debt may be recovered by withholding part of this payment (s 1231). The Commonwealth government may also recover an overpayment by civil court proceedings (s 1232). Other means of recovery include:

- taking funds from wages or bank accounts;
- repayment by instalments (s 1234); and
- recovery from a third party (s 1233).

It is prudent to enter into an agreement to repay the amount to Centrelink even if debt is appealed. If on appeal all or part of the debt is found not to exist or is waived, all or part of the amount repaid will be refunded.

Single or member of a couple issues

[36.370] Debts and cancellations

Generally, the rate of payment for single people is higher than the rate of payment for each member of a couple and does not take account of the income or assets of any other person. If a payment recipient has received their payment at the single rate and Centrelink assesses at a later date that the person is a member of the couple, a debt may be raised based on the difference between the single and the couple rate or by taking into account the alleged partner's income and assets.

Section 4 of the *Social Security Act* sets out the criteria used to establish whether a person is a member of a couple or not. The criteria used to establish whether a person is a member of a couple includes:

- financial aspects of a relationship including joint ownership of assets, whether resources are pooled and the basis for sharing household expenses;

- the nature of the household including the living arrangements of the people and joint responsibility for the care and support of children;
- social aspects of the relationship and whether the people hold themselves out as being a member of couple;
- whether a sexual relationship exists; and
- the nature of the people's commitment to each other.

A person may be a member of a couple if they are legally married or in a de facto relationship (this applies to same sex and opposite sex relationships).

It is often difficult to assess whether a person is a member of a couple. Where Centrelink makes a determination that a person is a member of a couple and the decision is disputed, an appeal may be lodged. The evidential requirements can be onerous, and expert legal advice should be sought before appealing.

In special circumstances, a person may be treated as single, even though they are a member of a couple (s 24).

Impact of compensation on entitlements

[36.380] Lump sum compensation

A person who receives a compensation payment which falls within the definition of s 17 may not be

eligible for a social security payment for a period of time (s 1169). The length of the preclusion period is calculated in accordance with s 1170. A lump sum of compensation may affect the social security payment of the compensation recipient's partner

Where a person has received social security payments and later receives lump sum compensation or damages for loss of income (wholly or in part), the person may be liable to repay some or all of these monies to Centrelink (s 1178).

Not all compensation amounts will impact a person's social security payment.

Claiming a payment

A person who is subject to a lump sum preclusion period is still entitled to claim a payment and may appeal the decision to reject the claim to an Authorised Review Officer (see [36.420] for Appeals).

[36.390] Periodic payments of compensation

Periodic compensation payments are made on a regular basis, usually fortnightly. These payments affect social security payments and may also affect the social security payment of the partner of the compensation recipient. Most periodic compensation payments affect the social security payment for the period represented by the periodic compensation payment, including when arrears of periodic payment are paid in a

lump sum payment, although there are exceptions (s 1173).

[36.400] Compensation charge

Centrelink may recover social security payments made to its "customer" from the party liable to pay compensation or damages to that person – that is, Centrelink may compel an employer or insurance company to deduct an amount (equivalent to some or all of the social security payments) from the lump sum compensation or damages payment due to the person and to pay that amount directly to Centrelink (s 1184).

Centrelink should advise on the effect of a settlement prior to formal acceptance.

[36.410] Waiver of preclusion period

If there are special circumstances, some or all of the compensation amount may be disregarded (s 1184K). This may decrease either the preclusion period or the amount to be repaid to Centrelink, or both. Special circumstances are not restricted and may include poor health, financial misadventure, unusual circumstances or evidence of unfairness due to strict application of the lump sum calculation rule.

Appeal rights

[36.420] An appeal process is available to anyone affected by a Centrelink decision. It costs nothing to appeal. Appeals are called reviews. In seeking review, a person should first speak to the original decision maker and then seek review by an Authorised Review Officer. Where the matter is unresolved, a person has the right to appeal to the Administrative Appeals Tribunal.

[36.430] Authorised Review Officers

A request for an Authorised Review Officer review may be lodged orally or in writing with Centrelink (*Social Security (Administration) Act*, s 129). The Authorised Review Officer will provide a decision in writing, noting relevant facts, any departmental guidelines followed and the relevant law and policy. An application for review must be

made within 13 weeks of receiving the original decision to ensure that full arrears are payable should the review be successful (*Social Security (Administration) Act*, s 109(2)). There is no time limit when appealing a debt.

[36.440] The Administrative Appeals Tribunal

Most Centrelink decisions can be appealed to the Administrative Appeals Tribunal.

The Social Services and Child Support Division is the first tier of appeal and the second tier of appeal is in the General Division. Those decisions not reviewable by the Tribunal are listed in s 144 of the *Social Security (Administration) Act*, and include decisions requiring persons to give information to Centrelink.

Appealing a decision is free, and no costs order can be made.

An appeal to the Administrative Appeals Tribunal can be lodged by phone, online or in writing and may be posted or hand-delivered to the Tribunal. An appeal form is available from the Tribunal or its website.

Social Services and Child Support Division

The Social Services and Child Support Division of the Administrative Appeals Tribunal is the first tier of review of an Authorised Review Officer's decision. A Centrelink representative is not normally present at hearings of this Division.

Although there is no time limit for an appeal, an appeal should be lodged within 13 weeks of the Authorised Review Officer's decision to ensure that full arrears are payable from the date of the original decision, while appeals lodged more than 13 weeks after the Centrelink decision can only take effect from the date of the appeal (*Social Security (Administration) Act*, s 147). There is no time limit for appealing Centrelink debts from the Authorised Review Officer to the Social Services and Child Support Division.

When the appeal is made to the Tribunal, Centrelink should produce a copy of every relevant document in its possession (*Social Security (Administration) Act*, s 165A). The Tribunal's general practice is then to provide a copy of relevant documents to the person appealing. Applicants can request additional documents from the Tribunal file.

General Division of the Administrative Appeals Tribunal

The General Division of the Administrative Appeals Tribunal is the second tier of review. Both parties have a right of appeal from the Social Services and Child Support Division of the Tribunal to the General Division. A person affected by a Social Services and Child Support Division decision (including Centrelink) may apply to the General Division of the Tribunal for review of that decision (*Social Security (Administration) Act*, s 179).

An appeal must be lodged within 28 days of receiving the decision of the Social Services and Child Support Division for the appeal to be accepted (this applies for all appeals, including

Centrelink debts). Where an appeal is lodged more than 28 days after receiving the decision, an extension of time application must be made. There is no financial charge for lodging the appeal, and no legal costs can be awarded against an unsuccessful party. (For more information about the Administrative Appeals Tribunal, see Complaints about government in Chapter 9, Complaints.)

The hearing

The Administrative Appeals Tribunal is not bound by the requirements of usual court procedure. The Tribunal may require Centrelink to provide further relevant information in its possession (*Social Security (Administration) Act*, s 165) and to exercise its powers to demand information on behalf of the Tribunal (*Social Security (Administration) Act*, s 166).

In both Divisions of the Tribunal, the appellant and respondent may make oral or written submissions to the Tribunal and may be represented by another person (although Centrelink is not usually represented in the Social Services and Child Support Division).

In the Social Services and Child Support Division of the Tribunal, the hearing is held in private and the Tribunal may direct a person present at the hearing to not disclose information revealed during the hearing (*Social Security (Administration) Act*, s 168). Hearings in the General Division of the Tribunal are public.

Hearings may also be conducted by telephone or video conference in remote areas, and the Tribunal will provide an interpreter upon request.

Parties are generally responsible for their own legal costs and other expenses. However, the Tribunal may order reimbursement for travel and accommodation expenses and for medical expenses where the Tribunal requires a medical examination (*Social Security (Administration) Act*, s 176).

Information provided to the Tribunal is not privileged and can therefore be used against a party in a later prosecution. Tribunal decisions are provided to Centrelink and may be relevant to prosecutions. It is possible that Centrelink may prosecute a party in relation to the decision a party wishes to appeal; in such cases, legal advice should be sought prior to lodging an appeal.

[36.450] The Tribunal's powers

The Administrative Appeals Tribunal has wide and determinative powers (*Administrative Appeals Tribunal Act 1975* (Cth), s 43), including:

- to set the original decision aside and:
 - substitute a new decision (eg, to grant or restore a benefit); or
 - send the matter back to Centrelink for reconsideration;
- to set aside a Centrelink debt; or
- to affirm or vary the decision.

When reviewing a decision, the Tribunal has the powers that the *Social Security Act* gives to Centrelink. While evidence gathering is informal, the Tribunal may request a witness to swear an oath or affirmation.

The Tribunal is required to arrive at the preferable decision on the material before it. It may, but is not required to, warn a person if it is considering increasing a debt. This possibility should be considered.

Decisions of the Social Services and Child Support Division may be delivered orally or

in writing. If a decision is delivered orally, the applicant has 14 days to request the decision in writing (s 178, *Social Security (Administration) Act*).

Continuation of payment pending appeal

On application to Centrelink, payment of a benefit may continue pending an appeal. This continuation is at Centrelink's discretion. This only applies to the Social Services and Child Support Division of the Tribunal (*Social Security (Administration) Act*, s 145). At the General Division, the appellant (if they are the person receiving the benefit) must apply for a Stay Order from the Tribunal if they wish to stay the decision of the previous Tribunal in order for a payment to continue (*Administrative Appeals Tribunal Act*, s 41).

A party may also request that Centrelink reduce or cease withholdings during the review process. Otherwise, Centrelink's decision will operate until the Tribunal decides to vary it or set it aside. Where a party is suffering financial hardship due to non-payment pending appeal, the Tribunal may hear the matter as a matter of urgency.

Negligence and complaints about Centrelink

[36.460] Compensation for Detriment caused by Defective Administration

The Scheme for Compensation for Detriment caused by Defective Administration (CDDA) exists to compensate people for economic loss that has been incurred where Centrelink error or negligence was the cause of the loss. There must be a direct connection between the error and/or negligence and the economic loss for a CDDA claim to succeed.

The decision to compensate is purely discretionary. Centrelink accepts no legal obligation to approve payments in any particular case.

To apply for a CDDA payment, a person should put their request in writing, detailing the error or negligence that caused them their financial loss. A person may also contact the Commonwealth Ombudsman who may recommend that Centrelink grant a CDDA payment.

[36.470] Complaints

A person who is dissatisfied with Centrelink's actions, for example, the manner in which their claim for payment was handled, may contact the Centrelink Customer Relations Unit or make a complaint online. If the person is not satisfied with Centrelink's response to their complaint, they may complain to the Commonwealth Ombudsman.

Further information

[36.480] The Department of Social Services (www.dss.gov.au) offers links to relevant legislation and the *Social Security Guide*, which sets out the rules

to follow in administering Centrelink payments. Centrelink also uses an internal electronic guide called "E-Reference" (E-Ref). While this guide is

not publicly available, Centrelink officers should, if requested, provide a copy of any section of E-Ref used in making a decision.

The text of the *Social Security Act*, with annotations based on Administrative Appeals Tribunal and Federal Court decisions, is set out in *Social Security and Family Assistance Law* (3rd ed, 2013), published by Federation Press.

The Department of Human Services provides information about the range of social security and family tax benefit payments available (www.humanservices.gov.au).

It also produces *A Guide to Australian Government Payments* on a quarterly basis which provides current rates and qualifying requirements for all Centrelink payments (www.humanservices.gov.au/corporate/publications-and-resources/a-guide-to-australian-government-payments). The Administrative Appeals Tribunal and Federal Court decisions regarding social security law are freely available on the website of the Australasian Legal Information Institute (www.austlii.edu.au).

Contact points

[36.490] If you have a hearing or speech impairment and/or you use a TTY, you can ring any number through the National Relay Service by phoning **133 677** (TTY users, chargeable calls) or **1800 555 677** (TTY users, to call an 1800 number) or **1300 555 727** (Speak and Listen, chargeable calls) or **1800 555 727** (Speak and Listen, to call an 1800 number). For more information, see www.relayservice.gov.au

Non-English speakers can contact the Translating and Interpreting Service (TIS National) on **131 450** to use an interpreter over the telephone to ring any number. For more information or to book an interpreter online, see www.tisnational.gov.au

Changes are expected to the websites for many NSW government departments that were not available at the time of printing. See www.service.nsw.gov.au for further details.

Administrative Appeals Tribunal

www.aat.gov.au

ph: 1800 228 333

Decisions of the Administrative Appeal Tribunal

www6.austlii.edu.au/cgi-bin/viewdb/au/cases/cth/AATA/

Australian Council of Social Service (ACOSS)

www.acoss.org.au

ph: 9310 6200

Australian Taxation Office

www.ato.gov.au

Centrelink

www.centrelink.gov.au

For a full list of telephone numbers for different payments and problem types, go to www.humanservices.gov.au/individuals/contact-us/phone-us.

Centrelink offices are located around NSW. To find a particular Centrelink office, go to www.findus.humanservices.gov.au/findnearest.asp.

Combined Pensioners and Superannuants Association

www.cpsa.org.au

ph: 1800 451 488 or 8836 2100

Communities and Justice, Department of – previously Department of Family and Community Services (FACS)

www.dcj.nsw.gov.au

Child Protection helpline: 132 111

Link2home Homelessness: 1800 152 152

Domestic Violence line: 1800 656 463

For a list of the department's regional offices and other services, see Contact points of Chapter 7, Children and Young People.

Human Services, Department of

www.humanservices.gov.au

LawAccess NSW

www.lawaccess.nsw.gov.au

ph: 1300 888 529

Legal Aid NSW

www.legalaid.nsw.gov.au

ph: 9219 5000

Social security law: 9391 2400

Legal Aid Youth Hotline: 1800 101 810

Veterans' Advocacy Service

ph: 9219 5148

NSW Council of Social Service (NCOSS)

www.ncoss.org.au

ph: 9211 2599

Ombudsman, Commonwealth

www.ombudsman.gov.au

ph: 1300 362 072 or 9286 1000

Ombudsman, NSW

www.ombo.nsw.gov.au

ph: 1800 451 524

Senior Rights Service

www.seniorsrightsservice.org.au/

ph: 1800 424 079

Social Services, Department of

www.dss.gov.au

Veterans' Affairs, Department of

www.dva.gov.au

ph: 1800 555 254

Veterans' Review Board

www.vrb.gov.au

ph: 1300 550 460 (city) or 1800 550 460 (country)

For information and advice on social security rights:

Welfare Rights Centre (State-wide service)

ph: 02 9211 5300 or Freecall 1800 226 028

www.welfarerightscentre.org.au

Illawarra Legal Centre (Wollongong)

ph: 02 4276 1939

www.illawarralegalcentre.org.au/

