



5 August 2011

The Honourable Jenny Macklin  
Minister for Families, Housing,  
Community Services and Indigenous Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Minister

**RE: Stronger Futures Consultations**

Legal services acknowledge the Australian Government's commitment to work in partnership with Aboriginal people, leaders and communities. We commend the Government on this commitment. Legal services are concerned that the current consultation process does not conform with this commitment.

We are writing to reiterate the following issues which were raised with FaHCSIA representatives in relation to the Government's 'Stronger Futures' consultations in a meeting on 28 July 2011. We also attach a copy of a letter we sent to the Australian Government two years ago in relation to the Future Directions Consultations held in 2009. We note with some regret that many of the issues raised in relation to the 2009 consultations exist in relation to the 2011 consultations.

We preface the following comments by saying that these are a collection of comments raised by a range of legal services who have attended some consultations across the NT. Legal services have not attended all consultations and we acknowledge that not all consultations have the issues to which we refer.

In the spirit of providing feedback to the Australian Government in its commitment to re-setting the relationship with Indigenous Australians, we provide the following comments:

1. The first consultations were held within a week of the *Stronger Futures* Discussion Paper being released.<sup>1</sup> Given the breadth and impact of the NTER legislation on Aboriginal people's daily lives, if the government is seeking to genuinely consult with Aboriginal people, it should allow proper time for communities to digest the discussion paper, seek alternative information or advice and provide considered, whole of community responses.

<sup>1</sup> <http://www.pm.gov.au/press-office/delivering-better-future-indigenous-people-northern-territory>



It does not appear that communities consulted were asked whether the days and time for the consultations scheduled was appropriate or suitable. This clearly undercuts the Government's assertion that it intends on working in partnership with Aboriginal people, leaders and communities in the development of policies and directions.

2. Consultations materials were provided at community meetings and not before. Therefore, people attending did not have time to properly consider and discuss the topics they were being consulted on or indeed topics on which they were not consulted on but which they may wish to raise. Although the full text discussion paper was available on the Government's website<sup>2</sup>, this was not made available to the participants at consultations. Instead, a simple, pictorial based "discussion paper" was handed out at the time of consultations with no time given for participants to read it prior to consultations beginning.

3. The length of consultations were too short to properly cover the important topics to be discussed, ie 1 – 3 hours. This brevity of time does not allow for the proper ventilation of serious and systemic issues of poverty and disadvantage and the structural causes for this; it merely allows for simplified questions and simplified answers to be provided. We note that community member felt patronised by the questions, "You come and talk to us again and talk to us like little kids. We have plans, we have good plans..."

Such brief, perfunctory consultation is not an appropriate basis for the development of law and policy which will determine the future of Aboriginal people in the Northern Territory.

Although we understand that the process is to be longer than the consultations themselves, community members are not necessarily aware of this and the role of GBMS in further facilitating discussion is unclear.

4. There has been inconsistent use of interpreters. In some meetings they are not used at all although there is clearly a need. In some communities the interpreter is being used but not back translating what has been said to him in English. In some communities there is not an interpreter of both genders so if the groups break into genders, one group does not have an interpreter. We have advised Australian Government representatives of the locations where this has occurred.

5. The time of year for consultations does not fit in with community timetables and therefore will impact on availability of community members due to :

- School Holidays
- Bush Holidays (time of year which is good for travel, hunting and camping and many family groups leave the community).
- Long wet season meant some crossings had just opened so people took the opportunity to leave the area for shopping/services.



6. Department officers have advised that where significant numbers of people miss meetings or miss out on appropriately convened meetings, FAHSCIA will arrange an alternative meeting. We welcome this but note that the community needs to be advised of this.

7. It did not appear that ICC staff facilitating the consultations had been properly briefed on the community in which they were holding consultations. It did not appear that the ICC had made reference to the community's responses to the *Future Directions* consultations, or given access to a community profile which detailed school attendance, previous community plans, the level of overcrowding in the community and other local context.

This information is essential to eliciting nuanced, locally based responses rather than general, simplified comments.

8. The following issues were not provided sufficient focus in the version of the discussion paper which has been provided to community members:

- child abuse and the prevention of child abuse;
- compulsory income management. Legal services do not agree with the assertion that income management is now non-discriminatory. Putting that issue aside, it is and remains a hallmark of the intervention and legal services do not understand why it has not been an explicit topic for discussion especially as the income management legislation allows 'community designed' income management.
- customary law amendments;
- powers of the Australian Crime Commission;
- 5 year leases;
- Substance abuse, including marijuana and volatile substances;
- GBMs and their current and future role;
- Police powers of entry on prescribed premises;
- Racial Discrimination;
- Issues with pornography.

9. The discussion paper includes extensive statistics but there are no references to the sources of the statistics. We requested sources for the information.

More broadly, we have asked the FaHCSIA representatives whether the consultations will be relied on to support the Government making the case that proposed or existing programs are 'special measures' in relation to the *Racial Discrimination Act*? FaHCSIA have taken this question on notice. If this is the case, we refer to the concerns raised on this issue by legal services and the Law Society of the NT when the Future Directions Consultations were held.



Should you wish to discuss any aspect of this letter or if you require any further information, please do not hesitate to contact the writer.

Yours faithfully,

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**Suzan Cox QC**  
**Director**  
**NT Legal Aid Commission**

*and on behalf of:*

**Ms Priscilla Collins, CEO, North Australian Aboriginal Justice Agency**  
**Ms Patricia Miller, CEO, Central Australian Aboriginal Legal Aid Service**  
**Ms Caitlin Perry, Executive Director, Darwin Community Legal Service**



5 August 2009

**Mr Brian Stacey**

State Manager

Northern Territory State Office

Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

GPO Box 9820

DARWIN NT 0801

Dear Mr Stacey

**Re NTER Future Directions Consultations**

As discussed with your officers in our meetings of 10 July and 17 July 2009, NAAJA, CAALAS, DCLS and NTLAC have a number of concerns in relation to the Government's current "Future Directions" consultation process.

Legal services acknowledge the difficulties involved in organising and holding consultations with diverse remote communities. However, having observed a number of community meetings and having received reports and comments from community members in relation to the consultation process, we wish to raise the following concerns:

1. To our knowledge, there has been only limited public awareness campaigning (for example, advertisements on local radio and TV) in relation to the consultations. In our view, in order to maximize meaningful participation in the process, affected people needed sufficient advance notice, both in order to raise awareness of the consultations and to enable community members to discuss and consider the issues prior to meeting with Government. We are aware that the consultations are occurring in 4 'Tiers',

however we do not consider the time periods between the tiers to be sufficient to enable community members to properly consider the issues involved;

2. Limited information was disseminated to NGOs and other organizations about the consultation process. For example, NAAJA has only learnt of the process by actively monitoring the Minister's website and the Future Directions website and by repeatedly seeking advice from FAHSCIA;
3. To our knowledge, the community meetings schedule was not disseminated to NGOs and other organisations at the start of the process;
4. Up until around 15 July 2009, the internet meeting schedule was not up to date to reflect changes in meeting dates;
5. The internet information page on the consultation process ([http://www.fahcsia.gov.au/sa/indigenous/progserv/ntresponse/future\\_directions/Pages/default.aspx](http://www.fahcsia.gov.au/sa/indigenous/progserv/ntresponse/future_directions/Pages/default.aspx)) which provides information about the tiers and has the dates for the regional workshops is hard to find. One has to go through a redirect to the FAHSCIA website . We suggest it be included under the "providing feedback" link at [http://www.fahcsia.gov.au/sa/indigenous/pubs/nter\\_reports/future\\_directions\\_discussion\\_paper/Pages/providing\\_feedback.aspx](http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Pages/providing_feedback.aspx);
6. Reports we have had from communities indicate some residents received only very short notice (in some case less than 24 hours prior to the community meeting being held);
7. Our reports and observations indicate few people have had the opportunity to read or review the discussion paper prior the community meetings;

8. Neither the discussion paper nor the FAHSCIA summary powerpoint of the discussion paper issues have been translated into relevant community languages;
9. Little advance notice means people are unprepared for discussion, in turn, limiting the potential for discussion to canvass a range of views;
10. At Tiers 1 and 2, there is no facility for people to put their views other than in community meeting run by FAHSCIA with GBM and IEO present, or in smaller less formal meetings with the GBM and IEO. We are of the view that this is a critical flaw in the process. Legal services are strongly of the view that there needs to be a way for people to put their views which does not require direct interface with FAHSCIA, GBM or IEO. This is because in some cases people may have a bad relationship with the FAHSCIA personnel, mistrust FAHSCIA personnel, or feel intimidated by FAHSCIA personnel. People have expressed that they would like to be able to make submissions without going through the GBM or being involved in a community meeting context. Legal services suggest that people be invited to write in with their views with the relevant address – post, fax and email – to be made available immediately on the “Providing feedback” web link, at meetings, and in communications about the consultations. We also suggest that a 1800 number for voice messages be considered as a matter of urgency;
11. At meetings we have observed, people are not being advised that the consultations may be relied on to support the Government making a case that proposed or existing programs are “special measures”; in fact, in the meetings legal services have observed there is no linkage made between the meetings and whether the Government’s proposed models are to be considered special measures. Both from a legal perspective and for the sake of completeness in information provision, it is crucial that this information should be provided to people attending these meetings if the special measures argument is to be relied upon when the *Racial Discrimination Act* is reinstated;

12. At community meetings, there appears to be inadequate use of interpreters, including no interpreters at a number of meetings. While we understand booked interpreters may fall through, we are not sure that interpreters are being booked for every meeting nor whether at meetings without interpreters people are being offered the opportunity to attend an alternative meeting with an interpreter present;
13. There is no formal process for separate men's and women's Tier 2 meetings to take place. We understand these would only take place at the request of community members and may only be with the GBM;
14. Your officers have said where significant numbers of people miss out meetings or miss out on appropriately convened meetings, FAHSCIA will arrange an alternative meeting. We welcome this but note that this option needs to be broadly advertised;
15. It appears (and your officers have subsequently advised us) that independent monitoring is not taking place at all meetings;
16. We have observed that on some occasions there appears to have been insufficient advice and support being provided to people at Tier 2 meetings on registration at regional workshops and on FAHSCIA's support for transport and accommodation for attendees. Further, in some cases, community meetings are being held after the closing date for registration at regional workshops, meaning some people will miss out the opportunity to attend a regional workshop;
17. Meeting discussion on income management does not canvass any options other than the limited two options proposed by government in the paper, other than asking open questions along the lines "is it good or bad". Discussion is steered to eliciting a response on the exemption proposal without, in our view, sufficient space or context being given



to alternatives, such as the NTER Review Board's recommendation for an approach based on "behavioral triggers" as well as a voluntary option;

18. At the meetings legal services have observed there has been no definition or in appropriate definitions of key terms such as "pornography"; and

19. Meetings that legal services have observed have lacked attendance by personnel with comprehensive, accurate and up to date knowledge of the legal intricacies and practical effects of income management and other measures, meaning that in some cases, there was a risk of discussion based on incorrect or partially incorrect information..

Should you wish to discuss any aspect of this letter or if you require any further information, please do not hesitate to contact the writer.

Yours faithfully,

North Australian Aboriginal Justice Agency Ltd

**Priscilla Collins**

Chief Executive Officer

*and on behalf of:*

**Ms Pat Miller, CEO, Central Australian Aboriginal Legal Aid Service**

**Ms Caitlin Perry, Co-ordinator, Darwin Community Legal Service**

**Ms Suzan Cox QC, Director, Northern Territory Legal Aid Commission**





## **North Australian Aboriginal Justice Agency Ltd**

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October 2013

### **LEGAL & CONFIDENTIAL**

Mr Patrick Cremen

National Manager

Deductions, Confirmations, Service Strategy and Policy Division

Department of Human Services

PO Box 7788

Canberra Business Centre ACT 2610

### ***Income management exemptions***

Dear Mr Cremen,

The North Australian Aboriginal Justice Agency (NAAJA) is an Aboriginal legal service that provides advice and legal representation to Aboriginal and Torres Strait Islander clients in the Top End of the Northern Territory.

The Welfare Rights lawyers at NAAJA travel to over 27 remote Aboriginal communities in the Top End, and among other things, provide advice and support to clients seeking assistance with income management exemptions.

We consider that the current income management exemption process and the lack of clear information available about exemptions in remote communities is contributing to the low rate of exemptions for Aboriginal and Torres Strait Islander people living in the Northern Territory.

In particular, we are concerned about:

1. The lack of accessibility of the exemption process, particularly for remote clients
2. The lack of information about exemptions in remote communities in the Northern Territory, and
3. The lack of clear information about Centrelink's decisions provided to remote Aboriginal customers in exemption rejection letters.

The Commonwealth Ombudsman acknowledged in June 2012 that income management decisions have a significant impact on people who live remotely, and who may be disadvantaged by language, literacy and knowledge barriers (Review of Centrelink Income Management Decisions, Commonwealth Ombudsman, June 2012) (the report).

Those concerns were echoed by the Auditor General, who stated in the Audit Report No. 19, 2012-13 Performance Audit that:

“there would be benefit in Centrelink investigating whether there are any unintended barriers which either discourage particular customer groups from applying for an exemption, or affect the likelihood of their application being successful, and taking any necessary remedial action.”

We consider that Aboriginal people, and particularly Aboriginal people with language and literacy barriers, are currently discouraged from applying for exemptions. Aboriginal customers, particularly those living in remote communities in the Northern Territory, are among the most vulnerable and least empowered to pursue review rights or complaints mechanisms. We consider that Centrelink has an obligation to provide adequate support and assistance to these customers.

We consider that Centrelink must ensure that vulnerable Aboriginal customers, and service delivery organisations providing assistance to these customers, are supported and provided with clear, accessible information and advice about exemptions.

### **1. Lack of accessibility of the exemption process**

On 4 September 2013, a NAAJA lawyer assisted several Aboriginal clients from a remote community in the Northern Territory seek exemptions from income management. The practical difficulties faced by clients seeking exemptions in remote Aboriginal communities are demonstrated in the below case study.

The following case studies demonstrate some of the reasons why Aboriginal customers in remote communities are dissuaded from going through the exemption process, and if they rejected, are unwilling to try again.

#### **Case study 1**

On 4 September 2013, NAAJA lawyer Ms Sarah Bury, assisted a client in Borroloola who wanted to apply for an exemption from income management.

Borroloola is a small Aboriginal community in the Northern Territory, about 1000 kilometres south east of Darwin.

The client instructed Ms Bury that her children regularly play sport in Darwin and she often cannot give them money for food and transport, as she can't get cash out from her Basiccard. The client had previously visited the remote service centre in Borroloola to seek an exemption from income management. The client instructed Ms Bury that Centrelink staff told her she needed to speak to a lawyer if she wanted to seek an exemption from income management.

The client spoke very limited English, and instructed Ms Bury that she generally did not understand letters from Centrelink.

Ms Bury was with the client, she tried to call the income management team on the contact number provided ((02) 6222 5511), however, was told that this was not the correct number. She was then referred to four different Centrelink teams, and provided with a range of different contact numbers for the income management team. These numbers were either not answered, or no one was able to assist her. Eventually, she called the Centrelink Darwin CSC Team Leader on (08) 8936 3414. Ms Bury was advised to go into the remote service centre and apply for the exemption there.

There was no information available in the remote service centre on exemptions from income management. There were no pamphlets to assist Ms Bury and the client. The Centrelink staff said that they didn't know how to apply for an exemption. Ms Bury was then advised to call the income management line on 1800 132 594.

Ms Bury called this number, however, was on hold for over half an hour before she was able to speak to anyone.

Ms Bury introduced herself as the client's lawyer, and informed Centrelink that she was assisting the client with an exemption request. The client was then put through to the exemption team, and was on the phone for another half an hour answering questions about her situation. The client was advised that she had passed the financial vulnerability test, but that Centrelink would call her childrens' school to find out about their school attendance.

On 17 September 2013, Ms Bury called Centrelink's income management line (1800 132 594), to seek an update on the client's exemption request. She was on hold for over 20 minutes before getting through to the income management team.

Centrelink would not talk to Ms Bury without a copy of the client's signed authority. This is despite the fact that she was with the client when she made the exemption request, and introduced herself as representing the client in this matter.

Centrelink requested Ms Bury to fax through the client's signed authority, however, said that processing faxes can take half a day, so she would have to wait and call back another time.

Ms Bury subsequently provided the requested authority and was told that the client's children had not attended school enough in the last two terms, so the client's application for an exemption had been rejected.

Centrelink advised Ms Bury that the client was sent the **enclosed** letter.

## **Case study 2**

'Paula' is from a remote community in West Arnhem Land. She has limited English language skills. She is on Parenting Payment (Partnered) and she has been income managed since 2008. She has a 10 year old daughter.

The client sought assistance from NAAJA to 'come off the BasicsCard' and 'get cash'. A NAAJA lawyer, Ms Lauren Walker, assisted Paula to request an exemption from income management on two occasions, in August 2012 and again in February 2013.

On both occasions, Paula wanted to speak with someone in person, but Ms Walker was advised that she could only apply over the phone.

On the first occasion, Ms Walker contacted the income management call centre with Paula. The Centrelink representative told Paula what she needed to do to gain an exemption. At Ms Walker's request, the Centrelink representative obtained Paula's child school attendance records first. Centrelink advised the client that her daughter had not been attending school regularly enough. Centrelink refused the exemption request.

Six months later, Paula spoke to Ms Walker again and asked for assistance to be exempted from income management. Ms Walker assisted Paula to contact Centrelink. She asked Centrelink to arrange for an interpreter, but Centrelink could not locate an interpreter.

Given Paula's child's history of school attendance, we asked Centrelink to contact the school first; before doing the extensive financial vulnerability test. This request was refused.

The Centrelink representative asked a series of questions about Paula's financial situation. The client gets embarrassed speaking in English. The Centrelink worker alternated between speaking in patronizing language and very high level English to Paula. Ms Walker 'interpreted' Centrelink's questions into plain English.

At the end of a very long conversation, where Paula was asked many questions, she was visibly agitated and demoralised. The Centrelink representative advised that she had passed the financial vulnerability test. Half an hour later, the Centrelink representative called Ms Walker and advised that Paula's child had not attended school enough and so Paula was not eligible for an exemption.

These two recent case studies demonstrate many of the barriers faced by remote Aboriginal customers who wish to seek information about income management from Centrelink or apply for an exemption.

This is particularly the case for customers not represented by a support agency or legal service. NAAJA is particularly concerned about:

- The lack of information available in remote service centres about exemptions (as outlined below),
- The lack of staff knowledge of the exemption process,
- The time it takes to get through to the income management team on the number provided,
- The resistance to using interpreters when it is clearly necessary, and
- The inability for the income management team to provide an update to legal services representing clients with their exemption request.

We are concerned that our experiences are not isolated incidents.

NAAJA visits a range of communities in the Northern Territory, however, only travels to some remote communities for one day every two months to assist clients with a wide range of legal issues.

This current process diverts valuable resources away from vulnerable and remote Aboriginal clients.

## **2. Lack of information about exemptions in remote service centres**

There is currently no information or pamphlets available on exemptions in a number of key remote service centres in the Northern Territory, including Maningrida, Borroloola and Wadeye (Port Keats).

This is particularly concerning; given the difficulties involved in trying to advise our clients about the process for requesting an exemption, and obtaining the correct number for the income management team.

It appears that the only way that remote clients are able to obtain any information about the exemption process is by calling 1800 132 594. As outlined above, gaining access to information and assistance via this phone number can be a difficult and time consuming process.

We consider that Centrelink should prioritise making this information readily available in all Centrelink offices in the Northern Territory, and training staff and agents to support and advise clients in remote Aboriginal communities about the exemption process.

It would also benefit remote Aboriginal customers if remote service staff were able to process exemption requests, or at least collect the relevant information when approached by a client requesting an exemption.

## **3. Exemption rejection letter**

Centrelink sent the **enclosed** de-identified income management exemption rejection letter to our client on 5 September 2013.

As outlined in the case study above, this client does not speak English well, and advised NAAJA that she often does not understand Centrelink letters, as she only "reads and writes a little bit". Based on NAAJA's experience with the client, we consider that she will not be able to understand the content of this letter, or the reasons for Centrelink's decision to reject her exemption request.

In 2011, the Ombudsman's report raised concerns about the content of Centrelink's exemption rejection letters.

The Ombudsman found that these letters were inadequate and unclear, failed to inform customers of their review rights, and failed to provide sufficient reasons for the decision. The Ombudsman noted that many income management letters did not contain enough information for a customer to understand the basis for the rejection. The letters also did not let the customer know that they can reapply for an exemption.

The Ombudsman made a number of recommendations in this report relating to income management decision letters. We remain concerned that these recommendations have not been implemented or addressed effectively.

In particular, recommendation 18 recommends that Centrelink should aim to improve letters to advise clients in clear and simple language:

- The decision that has been made, including an explanation of the applicable program or measure
- The reason for the decision, including relevant evidence
- The consequences of the decision, and
- What the customer can do about the decision if they disagree with it.

We consider that this letter fails to advise the client or the person reading the letter in clear and simple language:

- The reason for the decision, including relevant evidence

Although this letter provides the reason for the decision, it does not do so in a way that the client would be able to understand. Additionally, this letter fails to provide the client with relevant evidence that this decision was based on. NAAJA had to contact Centrelink to get an explanation of the reason for the rejection.

In this case, Centrelink advised NAAJA that the client's children had too many unauthorised absences from school in the past two school terms. We consider that this information should have been provided directly to the client, as it is the reason for Centrelink's decision to reject the exemption request. Instead, this letter refers to the client's children failing to "undertake activities that meet the Income Management exemption requirements," and provides no further information or explanation for the decision.

Additionally, the letter then directs the client to call the income management line on 1800 132 594 for information about what activities her children need to be doing. Given the delays and issues with the accessibility of this phone



line, we have significant concerns about clients being referred to this number to obtain details about their exemption application.

- What the customer can do about the decision if they disagree with it

Although the letter provides basic information about review rights, and advises the client that she can reapply for an exemption, it fails to inform the client what she needs to do to get an exemption in the future.

The letter again refers to children “undertaking approved activities”, rather than explaining that her children need to be attending school regularly. We consider that this letter should explain clearly what the client needs to do to apply for an exemption in the future. For example, the letter could state that:

- You will need to make sure your children go to school regularly.
- Going to school regularly means your children can't miss more than 5 days of school each term without a good reason.
- Each time your children miss school, you need to talk to the school and tell them the reason why.

We consider that this letter does not provide sufficient information to our client, and we will now need to provide additional advice and support to the client to explain Centrelink's decision, and what she needs to do to reapply for an exemption in the future.

## **Recommendations**

Based on our experience seeking exemptions on behalf of our clients, we consider the following recommendations should be implemented as soon as possible, to improve accessibility of the exemption process.

1. Ensure information and pamphlets on exemptions are available in all remote service centres in the Northern Territory. This information should be provided in English and all major Aboriginal languages
2. Reduce the time it takes to get through to the income management team, particularly on the 1800 132 594 number
3. Train Centrelink staff and agents in exemption requirements and the exemption process. Given staff turnover, we recommend that such training be compulsory for new staff members and existing staff moving to the NT, and be held regularly.
4. Enable remote service team staff and agents to take exemption requests in person – remote service staff could assist customers with exemption requests, and collect the relevant information about financial vulnerability/school attendance in person.
5. Routinely use interpreters in all exemption interviews for Aboriginal clients living in remote communities, unless the customer specifically advises they are not required

6. Train Centrelink staff and agents in implied authority, to ensure Centrelink staff can efficiently provide updates to legal services representing clients with their exemption request, and
7. Amend exemption rejection letters, to provide relevant evidence for the decision to reject the exemption request, and explain clearly what the client needs to do to apply for an exemption in the future. If you would like further feedback or suggested wording to assist to improve these rejection letters, please do not hesitate to contact us on our details below.

Please do not hesitate to contact us if you have any questions or would like any further information.

Yours faithfully,

**Priscilla Collins**  
**North Australian Aboriginal Justice Agency**  
Tel (08) 8982 5100 | Fax (08) 8982 5199  
[www.naaja.org.au](http://www.naaja.org.au)

***Enclosure***

Income management exemption letter (de-identified)

***Copied to:***

Ms Liz Hefren-Webb  
Branch Manager  
Welfare Payments Reform and Money Management Branch  
Department of Social Services

Greg West  
Top End Regional Manager  
Department of Social Services

Caroline McDonald  
Top End Regional Program Manager  
Department of Social Services

Commonwealth Ombudsman  
GPO Box 442  
Canberra ACT 2601

Lb 3 Regents Park Dc NSW 2143



CLK2LETTERB171699516001

Customer Reference Number:



Australian Government  
Department of Human Services

**centrelink**

05 September 2013

Dear

### **Your claim for an exemption from Income Management**

We spoke to you recently about Income Management and what it means for you.

After considering your circumstances, a decision has been made to reject your claim for an exemption from Income Management.

Your claim for an exemption has been rejected because the documentation you gave us shows that your children are not undertaking activities that meet the Income Management exemption requirements.

To find out what activities your children need to be doing for you to be granted an exemption, please call us on **1800 132 594**.

#### **If you do not agree with a decision we have made**

This letter is a notice of decision under social security law. If you think the decision to income manage your payments is wrong, contact us. There is also information on the back of the letter about what you need to do to ask us to review this decision.

#### **What this means for you**

- Your payments will continue to be income managed.
- The expenses we are paying from your income managed money will continue to be paid as detailed below.

#### **You can reapply for an exemption from Income Management**

If you believe your payments should not be income managed you can reapply for an exemption if you:

- are a full-time student
- are a student apprentice
- are in regular paid employment
- are participating in an approved Centrelink exemption activity, or
- have dependent children who are participating in approved activities.

If you would like to talk to us about your options for exemption, please contact us.

**Your expenses**

You have told us that you would like us to pay the below expenses from your income managed money.

<b>Current Allocations</b>	<b>For</b>	<b>Amount</b>	<b>How Often</b>	<b>Next Payable</b>
MABUNJI ABORIGINAL RESOURCE ASSOCIATION INC	IM General Community Housing	\$65.00	Fortnightly	18/09/2013
BORROLOOLA CEC COUNCIL	IM Nutrition Program	\$127.28	Fortnightly	09/09/2013
BasicsCard	IM Food	\$180.00	Fortnightly	09/09/2013

We will continue paying these expenses from your next available payment. If you want to change your expenses, please call us on 1800 132 594.

**Information you should know**

If you have any questions or would like more information, go to our website [humanservices.gov.au](http://humanservices.gov.au) or call us on 1800 132 594. Please note call charges may apply when you call us from mobile phones.

Yours sincerely

Lynne Abbott  
Manager

## Your reference number is

This is an information notice given under social security law or under the *Student Assistance Act 1973* if it relates to an ABSTUDY or Assistance for Isolated Children payment.

### Your rights

If you do not agree with a decision we have made:

- Contact us so we can check the details and explain the decision.
- Contact us and ask for a review of the decision. We will change it if it is wrong.
- Go to the Social Security Appeals Tribunal if you disagree with the review officer's decision.
- Go to the Administrative Appeals Tribunal if you disagree with the Social Security Appeals Tribunal's decision.

All of the above are free of charge.

If you disagree with a decision, contact us as soon as possible. It is important to ask for a review within 13 weeks of being notified about the decision. If your request for a review is more than 13 weeks after being notified and the decision can be changed, you may only receive your entitlement from the date you requested the review.

*There is no time limit for a review of a decision about money you owe us. However you may have to pay back the money while the decision is being reviewed.*

### Your right to privacy

Your personal information is protected by law and can only be released to someone else in special circumstances, where Commonwealth legislation authorises or requires, or where you give your permission. The law does, however, allow us to check the information you provide with other organisations to ensure you are being paid correctly. If you have concerns about your personal information, you can:

- Call us or come in to one of our Service Centres and ask to speak to a Privacy Officer. We can tell you about your rights if you wish to see and amend your information under the *Freedom of Information Act 1982*.
- Go to our website [humanservices.gov.au/privacy](http://humanservices.gov.au/privacy) and access our factsheet titled *Your Right to Privacy*.

### To comment on our service

- To comment on the quality of service you received from us go to our website [humanservices.gov.au/feedback](http://humanservices.gov.au/feedback)
- If you have a concern that our Customer Relations staff have not resolved to your satisfaction, you can call the Commonwealth Ombudsman on 1300 362 072\*.

### What you must tell us

You must tell us within 14 days (28 days if living outside Australia) if any of the changes listed below happen or are likely to happen to you and/or your partner (if you have one). If you get a Reporting and Income Statement, report your earnings or changes in circumstances on your reporting day.

- **Income:** Your or your partner's gross income changes. Changes means your income starts, stops, recommences or amounts vary. Gross income includes, but is not limited to:
  - **Earnings:** Employment income; if you voluntarily salary sacrifice earnings into a superannuation fund; paid leave such as annual, long service or sick leave, sick or accident insurance; or commissions, director's fees and non-cash fringe benefits from your employer.
  - **Business:** Net profit from sole trader or business operation, private company or trust that you control; director's fees, dividends and distributions; or any new involvement or changes to your involvement in a business, company or trust.

- **Pensions and annuities:** An income stream from an allocated, lifetime or term pensions and annuities, defined benefit pensions or income streams or pensions from other countries.
- **Other income:** Income from rent, boarders or lodgers, lump sum payments, one-off payments, other regular payments, regular gifts or allowances, other government payments, matured life insurance policies, fringe benefits, or any other income from any source (including income from other countries).
- **Financial investments:** Financial investments attract deemed income. Tell us if there is a change of \$2,000 or more to the value of your and/or your partner's combined financial investments. Including but not limited to buying and selling shares or managed investments, receiving any bonus shares, changes to bank account balances, changes to details of loans made or you open any new accounts.
- **Assets:** If the value of your and/or your partner's combined assessable assets change by \$1,000 or more. Changes include buying, receiving, selling or giving away assets. Assets include, but are not limited to, the value of goods, cars, boats, furniture, money, investments, real estate (including real estate in other countries), personal property, any interest in any property, trust or company, home equity conversion loans, money/loans owed and any other right or interest in any other asset (including assets in other countries).
- **Gifting assets:** When you give away any assets (including cash or investment) or sell any assets for less than market value.
- **Start or stop work:** Including unpaid or voluntary work, seasonal work, any form of profession, trade, business or self-employment.
- **Sick or injured:** If you become sick or injured and cannot look for work or continue studying.
- **Change student status:** If you stop studying or apply for, or change your enrolment or study-load at school, college, university or other technical institution.
- **Leave a training course:** If you leave before it ends or are absent for any period.
- **Household:** Tell us if you marry; are in or commence a registered or de facto relationship (either opposite or same sex); reconcile with a former partner or start living with someone as their partner; separate from your partner or your partner dies; have a baby or have a child come into your care, start to share the care of a child, change the amount of time the child spends living with you or if an immediate family member dies.
- **Maintenance:** If you start to get child support/maintenance or the amount you get changes.
- **Child Under 22:** (even if the change is temporary) Leaves home, is granted a pension, benefit or allowance, leaves or decides to leave Australia or returns to Australia after travelling overseas, stops being a full-time student, starts working or has increased income, goes to prison, is admitted to a psychiatric institution or turns 18.
- **Address:** Tell us when you change your residential or postal address. If your mail is returned to us because you are not at your address your payments may stop.
- **Rent Assistance:** (If you get Rent Assistance) Tell us if you stop paying rent or the amount of rent changes, start or stop sharing your accommodation or start to pay rent to a State, Territory or Commonwealth Housing Authority.
- **Telephone:** Have a telephone or the telephone is no longer in your name.
- **Prison:** If you are sent to prison or charged with an offence and are in custody on remand.
- **Admission into institution:** If you are admitted to an institution.

**What you must also tell us**

- **Travel outside Australia:** Tell us before you leave. If you want to know how your payment and/or cards will be affected while you are away, we recommend you contact us approximately six weeks before your departure where possible. Please note you must also tell us if you are going to Norfolk Island.
- **Compensation:** Tell us within seven days if you and/or your partner will receive, have received or are likely to receive compensation.
- **Bank account:** Tell us if you close, change or can no longer use the account your payments are sent to.

**How to tell us**

You can tell us about these changes via Self Service (online or phone), in writing (fax or post) or by visiting one of our Service Centres.

**Not telling us or giving false or misleading information is a serious offence.**

*If you are not sure about the information you need to provide, please contact us as soon as possible.*

## Contact information



**1800 132 594\*** or  
**13 1202\*** for languages other than English  
Monday to Friday 8.00am — 5.00pm

Please quote customer reference number 400 413 945H

\* Call charges apply for '13' numbers and may apply for '1800' numbers.



Your local Service Centre:

Borroloola Centrelink  
337 Robinson Road  
Borroloola NT 0854

Monday to Friday 8.30am — 12pm and 1pm — 4pm



[humanservices.gov.au](http://humanservices.gov.au)