

# Senate Finance and Public Administration Legislation Committee

## ANSWERS TO QUESTIONS ON NOTICE

### Human Services Portfolio

#### Department of Human Services

Additional Estimates February 2005

#### **Question: HS44**

**Outcome 1, Output 1.1 - Effective delivery of Australian Government services to eligible customers**

**Topic: Impact of 'marriage-like' relationships on payment recipients.**

**Hansard Page/Written Question on Notice: Written**

**Senator Evans** asked on 15 February 2005:

- (1) Can Centrelink supply data over the last two financial years, about the number and type of payments that have been cancelled and suspended as a result of a decision to find a person living in a 'marriage-like' relationship?
- (2) Could we have data on the number of Original Decision Maker (ODM) reviews into 'marriage-like' relationships, and the number of ODMs where the original decision being changed?
- (3) Could we have data on for the last two financial years of the number of reviews lodged at each stage (Authorised Review Officer (ARO), Social Security Appeals Tribunal (SSAT) and Administrative Appeals Tribunal (AAT)) and the outcome of the review? Could we have a further breakdown for each state?
- (4) Could we be provided with some categorisation of 'marriage-like' relationship debts raised by dollar amount i.e. how many debts are under \$15,000 or \$15,00 to \$30,000 or are over \$30,000?
- (5) Are decisions finding a 'marriage-like' relationship made at the same rates in each state?
- (6) How many Centrelink referrals are made to its in-house prosecutions team for 'marriage-like' relationship consideration and then, separately, how many consequential further referral to the DPP and what are the prosecution outcomes?
- (7) Is it the case that some clients have a permanent warning on their Centrelink screen that if they move in with 'X', an investigation is triggered? If this is so, how is this warning used so as to not bias the investigation and rights of the client involved?
- (8) How much is spent on domestic violence training by Centrelink of its staff who deal with marriage-like relationship matters?
- (9) And what about debt recovery compliance and prosecutions staff?
- (10) Could the committee be provided with copies of any electronic reference of other training material or other reference material on this subject matter?

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**Answer:**

(1) The data requested is not readily available.

(2) The following table shows the original decision maker decisions made during the relevant financial year. Decisions relating to lodgements made may not necessarily occur in the same financial year as the lodgement was made.

<b>Marriage-Like Relationship Cases – Original Decision Maker</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied (Changed)</b>	<b>Withdrawn</b>
<b>2002-03</b>	1,584	1,514	1303	207	4
<b>2003-04</b>	1,997	1,986	1,660	318	8

(3) The following tables show the Authorised Review Officer, Social Security Appeals Tribunal and Administrative Appeals Tribunal decisions made during the relevant financial year. Decisions relating to lodgements made may not necessarily occur in the same financial year as the lodgement was made.

**2002 - 03**

<b>Marriage-Like Relationship Cases - Authorised Review Officer (ARO)</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>NSW</b>	297	295	146	132	17
<b>ACT</b>	50	51	24	24	3
<b>QLD</b>	308	291	171	110	10
<b>VIC</b>	283	272	157	106	8
<b>WA</b>	119	119	74	44	1
<b>SA</b>	136	136	88	44	4
<b>TAS</b>	26	27	11	15	1
<b>NT</b>	16	21	9	12	

**2003 - 04**

<b>Marriage-Like Relationship Cases - Authorised Review Officer (ARO)</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>NSW</b>	331	321	172	133	16
<b>ACT</b>	50	42	14	27	1
<b>QLD</b>	402	408	261	125	22
<b>VIC</b>	320	325	176	140	9
<b>WA</b>	93	100	47	49	4
<b>SA</b>	196	193	114	69	10
<b>TAS</b>	42	36	20	16	
<b>NT</b>	10	13	9	4	

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**2002 - 03**

<b>Marriage-Like Relationship Cases - Social Security Appeals Tribunal</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>NSW</b>	64	71	26	35	6
<b>ACT</b>	8	8	3	5	
<b>QLD</b>	74	76	37	27	6
<b>VIC</b>	53	48	18	25	3
<b>WA</b>	32	32	12	17	1
<b>SA</b>	30	25	10	14	
<b>TAS</b>	2	6	3	3	
<b>NT</b>	1	9	3		6

**2003 - 2004**

<b>Marriage-Like Relationship Cases - Social Security Appeals Tribunal</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>NSW</b>	69	59	18	22	9
<b>ACT</b>	7	9	1	8	
<b>QLD</b>	99	93	42	38	9
<b>VIC</b>	87	68	36	28	4
<b>WA</b>	19	22	3	14	2
<b>SA</b>	53	49	21	22	4
<b>TAS</b>	8	7	3	4	
<b>NT</b>	7	6	2	4	

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**2002 - 03**

<b>Marriage-Like Relationship Cases - Administrative Appeals Tribunal</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>Customer Appeals</b>					
NSW	7	6	5		
ACT	-	-			
QLD	15	6	2	2	1
VIC	4	7	2		4
WA	5	1			
SA	8	7		4	1
TAS	2	-			
NT	-	1		1	
<b>Secretary Appeals</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
NSW	5	4			4
ACT	-	-			
QLD	4	2	1		1
VIC	6	1		1	
WA	2	1			
SA	-	1		1	
TAS	-	-			
NT	-	-			

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**2003 - 04**

<b>Marriage-Like Relationship Cases - Administrative Appeals Tribunal</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>Customer Appeals</b>					
<b>NSW</b>	9	3	1	1	
<b>ACT</b>	-	-			
<b>QLD</b>	16	12	6	3	3
<b>VIC</b>	9	5	-	1	
<b>WA</b>	4	6	1	3	1
<b>SA</b>	8	7	1		2
<b>TAS</b>	1	2	2		
<b>NT</b>	-	-			
<b>Secretary Appeals</b>					
	<b>Lodgements</b>	<b>Decisions</b>	<b>Affirmed</b>	<b>Set Aside / Varied</b>	<b>Withdrawn</b>
<b>NSW</b>	10	6	5		1
<b>ACT</b>	-				
<b>QLD</b>	2	1	1		
<b>VIC</b>	3	3	1	2	
<b>WA</b>	2	4	1		3
<b>SA</b>	1				
<b>TAS</b>	1				
<b>NT</b>	-				

Source of data: Centrelink APL system, as at 2/3/2005 (by Data Analysis & Reporting - Service Recovery Team)

(4) The following table provides the number of debts raised by dollar amount .

	<b>Less than \$5000</b>	<b>\$5000-\$30000</b>	<b>More than \$30000</b>
<b>2002-03</b>	2673	139	84
<b>2003-04</b>	3488	177	124

(5) There is no specific data available, however, appeal data supplied above is relevant.

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(6) The following table shows the number of marriage-like relationship cases referred to Centrelink fraud investigators (in-house prosecution teams) and the number of cases considered by Centrelink fraud investigators for referral to the Commonwealth Director of Public Prosecutions.

	<b>Centrelink Assessments</b>	<b>Cases Referred to the DPP</b>
<b>2002-2003</b>	735	192
<b>2003-2004</b>	833	176

The outcomes of cases referred to the Director of Public Prosecution for prosecution action may not necessarily occur in the same financial year as the case was referred. The following table shows the prosecution outcomes for those cases prosecuted in the years shown. There is not necessarily a direct relationship with cases referred in that year.

<b>Prosecution Outcomes – marriage-like relationships</b>			
	<b>Prosecuted</b>	<b>Convicted</b>	<b>Dismissed</b>
<b>2002-2003</b>	100	98	2
<b>2003-2004</b>	113	111	2

(7) No. It is not Centrelink policy for specific cases to have a permanent warning recorded on a customer's record relating to the triggering of an investigation.

All Centrelink fraud investigations are carried out in accordance with the procedures set out in the Centrelink Investigation and Prosecutions Manual, which is based on the Australian Government Investigation Standards (AGIS). These procedures require that investigators document the customer's electronic record with details of the progress and outcome of any investigation undertaken.

In order to minimise any subsequent action which may result in an overpayment, the record of the investigation may also include further recommendations or notes regarding the customer's ongoing circumstances.

(8) and (9) The data requested is not available.

(10) The training material requested is not in a format that is readily available to be provided. Training and other information is readily available to Centrelink staff via the Centrelink intranet through various links to relevant pages.