

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Department of Human Services and agencies

Supplementary Budget Estimates 2005-2006, 1 November 2005

**Question: HS 35**

**Outcome 1, Output 1.1**

**Topic: Centrelink - Breach numbers and appeal numbers**

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

**SENATOR EVANS** asked on 1/11/05:

1. For 2004 and 2005 (to date), please indicate:
  - a) The total number of customers who appeal a breach penalty to an Authorised Review Officer
  - b) The number of breach decisions that were rejected/upheld by AROs
  - c) The total number of customers who appeal a breach penalty to the SSAT
  - d) The number of breach decisions that were rejected/upheld by the SSAT
  - e) The total number of customers who appeal a breach penalty to the AAT
  - f) The number of breach decisions that were rejected/upheld by the AAT.
2. How many breaches have been imposed on recipients of Parenting Payment Single since September 2003? Please supply these figures for the 2003-04, 2004-05 and 2005-06 (to date) financial years.
3. Is there an internal policy to not impose breaches on Parenting Payment recipients? If so, why? Hasn't it been the law to impose a breach on Parenting Payment customers who do not comply with participation requirements since September 2003? Why isn't this being enforced?
4. Can we have the total number of breaches for Indigenous clients in 2004-05 and 2005-06 (to date). Please break this information down by state and territory and payment type.
5. For 2004 and 2005 (to date), please indicate:
  - a) The total number of Indigenous customers who appeal a breach penalty to an Authorised Review Officer
  - b) The number of breach decisions against Indigenous customers that were rejected/upheld by AROs
  - c) The total number of Indigenous customers who appeal a breach penalty to the SSAT
  - d) The number of breach decisions against Indigenous customers that were rejected/upheld by the SSAT
  - e) The total number of Indigenous customers who appeal a breach penalty to the AAT
  - f) The number of breach decisions against Indigenous customers that were rejected/upheld by the AAT.
6. Please supply a full breakdown of all multiple breaches (both activity and administrative) for the last two financial years.
7. Please supply a full breakdown of all multiple breaches by Indigenous customers (both activity and administrative) for the last two financial years.

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**Answer:**

1.

- a) The total number of customers who appealed a breach penalty to an Authorised Review Officer:

2004-05	1064
2005-06	570

- b) The number of breach decisions that were rejected/upheld by Authorised Review Officers:

Financial Year	Rejected	Upheld
2004-05	341	618
2005-06	172	335

- c) The total number of customers who appealed a breach penalty to the Social Security Appeals Tribunal (SSAT):

2004-05	85
2005-06	63

- d) The number of breach decisions that were rejected/upheld by the SSAT:

Financial Year	Rejected	Upheld
2004-05	19	46
2005-06	16	34

- e) The total number of customers who appealed a breach penalty to the Administrative Appeals Tribunal (AAT):

2004-05	9
2005-06	7

- f) The number of breach decisions that were rejected/upheld by the AAT:

Financial Year	Rejected	Upheld
2004-05	1	3
2005-06	0	3

2. 2003-04 - 3 Maintained Participation Agreement Breaches  
2004-05 - 5 Maintained Participation Agreement Breaches  
2005-06 - 0 Maintained Participation Agreement Breaches (July 2005 to October 2005 period).

Note: "Maintained breaches" are breaches that have been maintained once the appeal and review process has been finalised

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3.

- a) No, Centrelink examines each case individually before making a decision regarding whether a breach should be applied to a Parenting Payment customer.
- b) Yes, under Section 500ZB of the *Social Security Act 1991* Centrelink is able to apply a breach to a Parenting Payment customer if they fail to comply with the terms of their Participation Agreement.
- c) The policy is being implemented. Before a decision to apply a breach is made, Centrelink must investigate each case to determine the reasons why a customer has not complied with the terms of their Participation Agreement and if these reasons are accepted, negotiate a new mutually agreeable plan.

4.

Maintained Breaches on Indigenous Customers 2004-05 Financial Year

Maintained as values	Newstart Allowance	Youth Allowance	Total
Australian Capital Territory	38	29	67
New South Wales	1,935	1,232	3,167
Northern Territory	210	66	276
Queensland	2,664	1,302	3,966
South Australia	465	234	699
Tasmania	56	56	112
Victoria	281	181	462
Western Australia	1,078	625	1,703
Total	6,727	3,725	10,452

Maintained Breaches on Indigenous Customers 2005-06 Financial Year

Maintained as values	Newstart Allowance	Youth Allowance	Total)
Australian Capital Territory	<20	<20	28
New South Wales	811	542	1,353
Northern Territory	122	38	160
Queensland	1,007	542	1,549
South Australia	184	110	294
Tasmania	41	23	64
Victoria	111	95	206
Western Australia	620	303	923
Total	N/A	N/A	4,577

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5.

- a) The total number of Indigenous customers who appealed a breach penalty to an Authorised Review Officer:

2004-05	44
2005-06	29

- b) The number of breach decisions against Indigenous customers that were rejected/upheld by Authorised Review Officers:

Financial Year	Rejected	Upheld
2004-05	19	23
2005-06	4	20

- c) The total number of Indigenous customers who appealed a breach penalty to the SSAT:

2004-05	3
2005-06	6

- d) The number of breach decisions against Indigenous customers that were rejected/upheld by the SSAT:

Financial Year	Rejected	Upheld
2004-05	1	1
2005-06	3	1

- e) The total number of Indigenous customers who appealed a breach penalty to the AAT:

2004-05	0
2005-06	0

- f) The number of breach decisions against Indigenous customers that were rejected/upheld by the AAT:

2004-05	0
2005-06	0

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6. Please supply a full breakdown of all multiple breaches (both activity and administrative) for the last two financial years.

**Number of Imposed Breach Occurrences by Date of Decision For All Customers**

Occurrences	2003-04		2004-05	
	Activity test breaches	Administrative breaches	Activity test breaches	Administrative breaches
1	61,026	22,650	42,424	21,728
2	7,373	6,717	12,937	10,304
3	1,653	2,161	4,835	5,074
4	492	774	2,093	2,457
5	173	279	963	1,242
6	76	107	449	641
7	25	43	236	308
8	<20	21	111	164
9	<20	<20	56	70
10	<20	<20	23	35
11	<20	<20	<20	<20
12	0	0	<20	<20
13	0	0	<20	<20
14	0	0	<20	<20
15	0	0	<20	<20
16	0	0	<20	<20

7. Please supply a full breakdown of all multiple breaches by Indigenous customers (both activity and administrative) for the last two financial years.

**Number of Imposed Breach Occurrences by Date of Decision For Indigenous Customers**

Occurrences	2003-04		2004-05	
	Activity test breaches	Administrative breaches	Activity test breaches	Administrative breaches
1	3,648	2,391	3,058	2,890
2	579	682	1,300	1,281
3	137	199	489	623
4	33	63	199	276
5	<20	<20	83	119
6	<20	<20	34	55
7	0	<20	<20	22
8	0	<20	<20	<20
9	0	0	<20	<20
10	0	0	<20	0

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**Please Note**

Due to privacy provisions Centrelink is not able to provide information in relation to breaching where there are less than 20 cases in the category. All fields with values of less than 20, other than zero, have been displayed as <20.

The 2005-06 financial year to date data consists of data for the period 1 July 2005 to 31 October 2005.

Information about appeals by indigenous customers to AROs, the SSAT and the AAT is provided in the response to Question HS45.

To prepare this answer, it has taken 68 hours and 15 minutes at an estimated cost of \$2,805.