

## What you can expect from HPLS

- Legal help from HPLS is free.
- HPLS will respect your right to privacy: everything you talk about with the lawyer will be confidential unless you agree otherwise.
- HPLS will treat you with respect.
- HPLS will give you advice, but it is your decision how you use it.
- If HPLS can't help with your legal problem, we will tell you who can.

### To contact HPLS

Visit one of the HPLS Clinics.

Phone: (02) 8898 6545

E-mail: [homelessproject@piac.asn.au](mailto:homelessproject@piac.asn.au)

For an electronic copy of this newsletter send us an e-mail to the above address.

## Your views and ideas

HPLS welcomes contributions to *STREET RIGHTS NSW*. If you have a comment about anything that's covered in this newsletter please contact HPLS.

HPLS would also love to hear from artists and cartoonists who want to contribute.

HPLS is very keen to get contributions from people who are homeless or at risk of homelessness.

## Acknowledgements

Special thanks to Dianne Anagnos from Welfare Rights Centre and Matthew Greenaway from Legal Aid for their assistance with this edition.

Also thanks to the firms that provide lawyers for the clinics: Allens Arthur Robinson, Baker & McKenzie, Clayton Utz, DLA Phillips Fox, Ebsworth & Ebsworth, Gilbert + Tobin, Henry Davis York and Minter Ellison.

And to the host welfare agencies: Edward Eagar Lodge; Matthew Talbot Hostel; Newtown Mission and Newtown Neighbourhood Centre; Parramatta Mission; The Station Ltd; Street Level Café; Women's and Girls' Emergency Centre.

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## Contributors to this edition of *STREET RIGHTS NSW*

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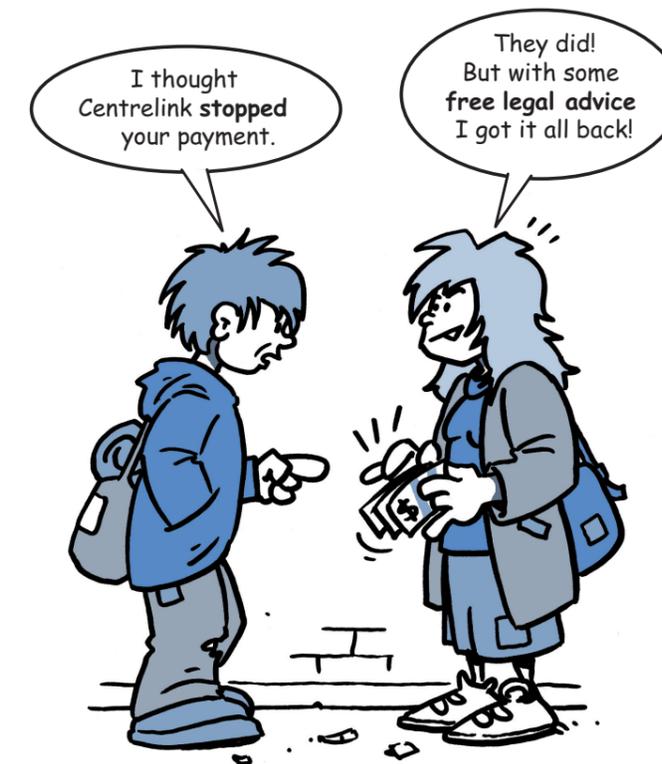
## THE HPLS CLINICS

Day (weekly)	Time	Location
Monday	10:00 am - 12:00 noon	The Station Ltd 82 Erskine Street, Sydney
Tuesday	11:00 am - 1:00 pm	Matthew Talbot Hostel 22 Talbot Lane, Woolloomooloo
Wednesday	11:00 am - 1:30 pm	Parramatta Mission 119 Macquarie Street, Parramatta
Wednesday	12:30 pm - 2:00 pm	Streetlevel Mission Derby Lane (off Albion St), Surry Hills
Thursday	1:00 pm - 3:00 pm	Edward Eagar Lodge 348a Bourke Street, Darlinghurst
Friday	11:00 am - 1:00 pm	Women's & Girl's Emergency Centre 177 Albion Street, Surry Hills
Friday	1:30 pm - 2:30 pm	Newtown Mission 2 Erskineville Road, Newtown

## Have you got a Centrelink decision you don't understand?

Centrelink makes thousands of decisions about payments to people every day. If you think about that, it's easy to see how they could get some wrong. Maybe one of the wrong ones is about your benefit or pension! You don't need a lawyer to challenge a Centrelink decision, and it's free. If you need help to challenge a decision, you can get free legal advice from the Homeless Persons' Legal Service.

If you have a letter from Centrelink that you don't understand, or you go to get money you are owed and you find that there isn't any, or there is less than you expected, you can ask Centrelink to check it out.



### What to do first

Go to your local Centrelink office, or call Centrelink. If you have a letter from Centrelink, make sure you have it with you. Tell the person you speak to at Centrelink that you don't understand what has happened, and ask them to explain it. This might be all you need to do. But, it might be that the decision was based on some wrong information, and you can tell Centrelink why it's wrong. If you are owed money, Centrelink will organise to get it paid to you.

### What if that doesn't work?

If you still disagree with or don't understand the decision, tell the person at Centrelink that you want the decision reviewed by an authorised review officer (ARO). An ARO is a person who works for Centrelink, and has the job of checking decisions. They will check to make sure that all the processes have worked properly and the decision is legal. They can change the decision if it is wrong. The ARO might want to talk to you, and it is good to talk to the ARO to give them your side of the story.

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Have you been cut off Centrelink for 8 weeks? Is Centrelink saying it's because you haven't done what you're supposed to? Talk to a lawyer from Homeless Persons' Legal Service as soon as possible. Don't just accept it!

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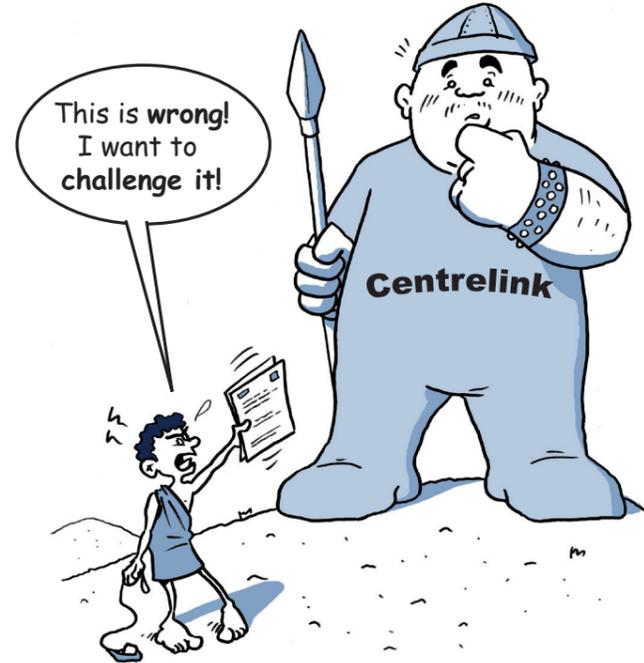
## Time Limits

It's important to ask for a review as soon as possible. You can challenge a decision at any time, BUT if you ask for a review of a decision more than 13 weeks after it was made, and you win, you may not be paid all your back money.

## Still not happy?

If you still don't think the decision is right, you can appeal against it to the Social Security Appeals Tribunal (SSAT). This is an independent tribunal that looks at Centrelink's decisions to see if they are legally right. You can make an appeal by phone, in person, or on a form you can get from any Centrelink office. The SSAT will organise a hearing so that you can tell your side of the story.

Nobody from Centrelink comes to the hearing, you don't need a lawyer, and it's free. If you want a lawyer, the Homeless Persons' Legal Service can help you or refer you to the Welfare Rights Centre, which specialises in helping people challenge Centrelink decisions. Again, it's best to contact the SSAT within 13 weeks of getting the ARO's decision, otherwise you may miss out on back-pay, even if the original decision was wrong. The SSAT will still deal with your appeal even if you are appealing well after the 13 weeks are up.



## After That?

If you don't like the SSAT's decision, you can appeal to the Administrative Appeals Tribunal (AAT). You can represent yourself, but it helps a lot to have a lawyer or advocate who understands the system and can present your case in the best way.

Remember: You don't have to put up with not understanding what is going on with your Centrelink payment!

## Child Support Hassles?

Families break down. If yours does, it can be really hard to cope with. For some, the payment of child support really affects their ability to manage their life. Sometimes you may believe the amount of child support that you get, or that you are required to pay, doesn't take account of your circumstances. If that happens, you have some options to try to change your child support assessment.

## What to do

Call the Child Support Agency (CSA) on 131 272 and tell them why you think the assessment isn't right. You may be able to fix the problem by giving CSA an estimate of your income or by giving details about how often you take care of your children.

Otherwise you could lodge a Change of Assessment application with the CSA. CSA can send you the application form to fill in. Some of the reasons for seeking a change of your child support assessment are:

- You don't earn the amount of money that your child support assessment says that you earn. If you lose your job or go to jail, your assessment may still be based on your old income.
- Your expenses are higher than most people's because of something unusual about your circumstances.

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- You have to spend more money bringing up your children because they have some type of special need, such as a disability.
- It costs you a lot more to have contact with your kids than it costs other people (for example, if your ex-partner has taken them interstate).
- You have a legal duty to support other people and that affects your ability to pay child support.

If you want to apply for a Change of Assessment for a period more than 18 months ago and up to seven years ago, you must first apply to a Court for 'leave' (court permission) to apply to CSA. If the Court allows this, you can then lodge your application with CSA. A court or CSA can not change any assessment that is more than seven years old.

## Applying to Change the Assessment

Fill in the application form and send it back to CSA. CSA will send a copy to your ex-partner. They will also get a form so they can respond to your application. If they respond, you will be sent a copy of their response.

The CSA will then organise a hearing before a Senior Case Officer (SCO). The SCO will speak to both of you, if possible. The SCO will then consider the application and responses and decide if the assessment should be changed. CSA will provide you with a copy of the decision in writing within about two weeks.

## Objecting

If you don't agree with any decision made by the CSA, including change of assessment decisions, you have a right to object. You must lodge an objection within 28 days of the decision you want to object to. If you object more than 28 days later, you have to apply for an extension of time to lodge the objection. CSA may refuse to accept your objection.

An Objections Officer from the CSA will investigate your objection and let you know the outcome.

## "They've still got it wrong!"

If you think the CSA's objection decision is wrong, you can lodge an appeal to the Social Security Appeals Tribunal (SSAT). The SSAT is an independent tribunal that deals with reviews of the CSA's decisions. You can lodge an appeal by phone, in person, or on a form you can get from the CSA or SSAT. You must lodge your appeal within 28 days of the CSA objection decision. If you object more than 28 days later, you have to apply for an extension of time to lodge the appeal. The SSAT may refuse to accept your objection.

The SSAT will organise a hearing so that you can tell your side of the story. They will also invite your ex-partner to the hearing. You can represent yourself and it's free.

## Legal Aid?

If you want to talk to a lawyer about child support problems, you can call Legal Aid's Child Support Service (CSS) on 1800 451 784 or 9744 3883 to make an appointment. CSS is independent of Centrelink and the Child Support Agency. CSS see people at various locations throughout NSW. The Homeless Persons' Legal Service can also help you contact the Child Support Service.

