

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Vulnerability indicators

Question reference number: IQ20-000119

Member: Rex Patrick

Type of question: Hansard page: 6

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

Senator PATRICK: Thank you. That was very helpful. I want to now go to a second line of questioning relating to mental health. Ms Campbell described mental health as quite a complex thing. How do your case officers identify someone who may have mental health issues in conversation on the phone? Often, that sort of thing can be a bit nuanced or perhaps deliberately hidden.

Ms Musolino: I'll ask Ms Lees to help me with this, but I'll start off. Our officers are trained to look for indicators of vulnerability. They could be mental health issues, they could be homelessness and they could be domestic violence; there can be a whole range of factors that can feed into people's vulnerability or susceptibility. Our officers are trained to look for recognise those issues and then to escalate them appropriately. We have an extensive social-worker network that we can tap into so that, when we identify those flags, the person can be referred to get help through the social-worker network.

Senator PATRICK: Are those flags written down in procedure somewhere?

Ms Musolino: We do have vulnerability indicators, and we do have guidelines for staff on the kinds of factors they would look for to determine vulnerability.

Senator PATRICK: Could you please, on notice, make that available to the committee, if that's possible?

Ms Musolino: Yes.

Answer:

Services Australia (the Agency) provides operational guidelines to its staff to assist them to understand the circumstances of each individual customer and determine the existence of any vulnerability experienced by the customer that may require tailored servicing, referrals or interventions for the customer.

The guidelines can be found on the Agency's website:

<http://operational.humanservices.gov.au/public/Pages/help-in-an-emergency/003-06010030-01.html>

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

Answers to Question on Notice

Services Australia

Topic: Mental Health

Question reference number: IQ20-000120

Member: Rex Patrick

Type of question: Hansard page: 7

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 2

Question:

Senator PATRICK: And just a final question: under your legislation—and I don't mean to ambush you here, but it is under section 127AAD of the Social Security Act 1991—there is the ability for the secretariat to waive a debt in particular circumstances, and that might include if people are suffering from mental illness or some sort of domestic violence issue. Is that piece of information actively provided to customers when they call to point out to them actively that there is a waiver provision in the act?

Ms Musolino: I'll probably take that on notice and come back with a bit more detail.

Obviously our staff would be aware of those provisions when they're reviewing debts. But I'll take it on notice and come back with a bit more detail around how—

Senator PATRICK: The context in which I'm asking it is simply that if someone does have a mental illness and it's not detected in the phone call then at least understanding that there's a waiver possibility for people with those sorts of illnesses should perhaps be actively communicated to people.

Answer:

Services Australia (the Agency) is committed to supporting people who are suffering from mental illness or are affected by family and domestic violence. Agency social workers provide support and professional consultation to debt staff in their engagement with customers.

Depending on the payment, write off or waiver of a debt is undertaken in accordance with the *Social Security Act 1991*, *A New Tax System (Family Assistance) (Administration) Act 1999*, *Student Assistance Act 1973*, and *Paid Parental Leave Act 2010*.

The Agency processes debt waivers and write offs manually based on an assessment of individual circumstances.

Debts can be waived in a number of circumstances. This includes where special circumstances exist, other than financial hardship alone, that make it desirable to waive the debt (for example section 1237AAD of the *Social Security Act 1991*).

Operational information about how the Agency manages debt is available online.
<http://operational.humanservices.gov.au/public/Pages/debts/107-05120000-01.html>

The Guide to the Social Security Law sets out what constitutes special circumstances.
<https://guides.dss.gov.au/guide-social-security-law/6/7/3/40>

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Tax Garnishees

Question reference number: IQ20-000122

Member: Rachel Siewert

Type of question: Hansard page: 9

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 2

Question:

CHAIR: Okay. Why did debts go to be garnished when people had entered into a repayment plan?

Ms Musolino: I might need to take the detail on notice, but my understanding is that, even if you had a payment arrangement, if you were due for a tax refund then the agency had the capacity to obtain that to pay the debt. We talked last time about the process around this, which is that the agency would identify that a debt existed and would ask the tax office to put an indicator on the person's file. That would just sit there. Then the person might be repaying over here but, when the tax office became aware the person was due to receive a refund, they would then notify Services Australia, and Services Australia would tell them at that point if there was still a debt to be collected or not. If there were no debt to be collected or if, as we do at the moment, we had a debt pause, Services Australia would respond 'nil', and the indicator would be switched off if there were nothing to be collected. Otherwise we would collect that amount.

Answer:

The garnishee of tax refunds for repayment of social welfare debts is permissible under sections 1230C and 1233 of the *Social Security Act 1991*, sections 82 and 89 of the *A New Tax System (Family Assistance) (Administration) Act 1999*, section 182 and 184 of the *Paid Parental Leave Act 2010* and section 42 of the *Student Assistance Act 1973*.

The garnishee of tax returns applies to debts arising across Services Australia's (the Agency) programs, including the income compliance program.

The Agency does not garnishee the tax refunds of people who have reasonable repayment arrangements in place to repay their debts and who are fulfilling those arrangements. The Agency can garnishee the tax refunds of people who have failed to enter into a reasonable payment arrangement to repay their debt, or having entered into an arrangement, have failed to make a payment in accordance with that arrangement. The Agency does not require the consent of a person owing money to take garnishee action.

The *A New Tax System (Family Assistance) (Administration) Act 1999*, allows for:

- family assistance debts to be offset from tax refunds;
- family assistance, social security, student assistance and Paid Parental Leave scheme debts to be offset from Family Tax Benefit (FTB) arrears, reconciliation top-ups and lump sum claim payments; and
- tax debts to be offset from FTB reconciliation top-ups and lump sum claim payments.

These processes are not garnishee arrangements and can occur whenever the funds become available, even if a person has a current payment arrangement in place for any outstanding social welfare debt. These actions do not require consent but the person does receive advice when recovery occurs.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Tax Garnishee Correspondence

Question reference number: IQ20-000123

Member: Rachel Siewert

Type of question: Hansard page: 9

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 7

Question:

CHAIR: But there was no consultation with the person whose debt it was before that decision was made to garnish it. Can you understand why people were upset that their tax return was garnished when they thought they had an arrangement with the department or Services Australia to repay the debts?

Ms Musolino: I'm happy to take on notice what kind of correspondence there was and how we communicated to people about the garnisheeing of tax returns. We certainly have material on the website, but I can take on notice what we did in terms of communication with customers. I don't have that to hand.

Answer:

Services Australia (the Agency) seeks to negotiate repayment of a debt, prior to taking tax garnishee action through voluntary payment methods, including:

- a direct debit automatic deduction from a bank account;
- BPAY payments through phone or internet banking;
- paying money in person at Australia Post; or
- using a Visa or Mastercard through the Agency's Money You Owe online service.

Prior to the Agency taking garnishee action, the Agency sends a Tax Garnishee Warning letter (Attachment A refers) to a person's last known address or myGov account if they are registered to receive notices electronically. Once the garnishee action has occurred, the Agency sends a Garnishee Notice letter (Attachment B refers) as above to the person advising garnishee action has occurred.



CLK2LETTER

Customer Reference Number: [REDACTED]

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



Australian Government
Department of Human Services

centrelink

{RECIP.TITLE.FULLNAME}
{RECIP.POST.ADD.ONE}
{RECIP.POST.ADD.TWO}
{RECIP.POST.ADD.THREE}

15 April 2019

Dear

How we may recover money you owe us

Our records show that you have a debt of [REDACTED] that you need to pay back.

What you need to know

We may ask the Australian Taxation Office to recover money you owe from tax refunds or available credits that may be due to you. This may happen if you have not paid the debt in full or you have no payment arrangement in place. It can also occur if you are not making the agreed repayments towards your debt.

You can make a payment using one of the payment methods listed in the Payment Slip.

Online services

You can make a payment or view the amount you owe and your payment details online by:

- going to **my.gov.au** and signing in to access your Centrelink online account. Select 'Money You Owe' from the menu. If you do not have a myGov account, you can create one and link it to your Centrelink online account.
- using the **Express Plus Centrelink mobile app**. From the home screen select 'More' from the menu then 'Money You Owe'. You can download the free app to your mobile device. Make sure you have the latest version installed. For information, go to humanservices.gov.au/expressplus

Continued on the back

Payment Slip



*802

Pay Online - you can make a payment using Visa or Mastercard by logging into your myGov account. If you do not have a myGov account you can create one by going to my.gov.au

To arrange automatic deductions from your financial institution, log in to your myGov account or call us on 1800 076 072



© Registered to BPAY Pty Ltd
ABN 69 079 137 516

Biller Code: [REDACTED]
Ref:

Telephone & Internet Banking - BPAY®

Contact your bank or financial institution to make this payment from your cheque or savings account. More info: bpay.com.au



Use **POSTbillpay** to pay by phone on 131 816 or on the internet at postbillpay.com.au

Billpay Code: [REDACTED]
Ref:

Pay in person at any Australia Post office or postal outlet.

humanservices.gov.au



What you need to know if you do not pay

To recover money you owe, we can:

- use your tax refund
- reduce payments you receive from us
- use your Family Tax Benefit arrears, lump sum, top up and supplement payments
- refer your debt to an external collection agency
- use your wages, other assets and income (including money you may have in a bank account)
- refer your case to our solicitors for legal action
- issue a Departure Prohibition Order, which will stop you from travelling overseas.

We may charge interest on money you owe us. We charge compound interest daily. To avoid this you must:

- pay your debt in full or
- make payments under an acceptable payment arrangement.

More information

Even if you are not receiving Centrelink payments, you still need to tell us about any change to your address or contact details. This needs to be **within 14 days** of the change. You can do this by using your Centrelink online account or Express Plus Centrelink mobile app.

If you have questions or would like more information, please call us on **1800 076 072** (call charges may apply).

If you would like to speak to us in your language

If you would like to speak to us in your language, please call 131 202. You can also go to humanservices.gov.au/yourlanguage where you can read, listen to or watch information in your language.

Yours sincerely

Manager
Delegate of the Chief Executive Centrelink

Your reference number is [REDACTED]

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.
- Contact the Administrative Appeals Tribunal (AAT) if you do not agree with the review officer's decision.
- If you do not agree with the decision of the AAT you may be able to appeal further. For more information about the AAT, please go to aat.gov.au

All of the above are free of charge.

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.

Privacy and your personal information

Your personal information is protected by law (including the *Privacy Act 1988*) and is collected by the Australian Government Department of Human Services for the assessment and administration of payments and services.

Your information may be used by the department, or given to other parties where you have agreed to that, or where it is required or authorised by law (including for the purpose of research or conducting investigations).

You can get more information about the way in which the department will manage your personal information, including our privacy policy, at humanservices.gov.au/privacy

To make a complaint or give us feedback

We aim to resolve your concerns as quickly as possible. If you want to make a complaint or give us feedback you can:

- call our feedback and complaints line on **1800 132 468**
- go to humanservices.gov.au/feedback for other options.

If we are not able to resolve your complaint to your satisfaction, you can contact the Commonwealth Ombudsman by going to their website ombudsman.gov.au or calling them on **1300 362 072**.

Data-matching

We data-match with the Australian Taxation Office (ATO) to help recover debts. Our data-matching meets guidelines issued by the Office of the Australian Information Commissioner.

To help pay back the money you owe us, we can ask the ATO to withhold or garnishee money from tax refunds or available credits due to you. For more information go to humanservices.gov.au/owingmoney





CLK2LETTER

Customer Reference Number: [REDACTED]

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



Australian Government
Department of Human Services

{RECIP.TITLE.FULLNAME}
{RECIP.POST.ADD.ONE}
{RECIP.POST.ADD.TWO}

centrelink

16 April 2019

Dear

Recovery of the money you owe us

Our records show that you have a debt of [REDACTED] that you need to pay back.

What you need to know

We have asked the Australian Taxation Office to recover [REDACTED] or the total of the money due to you, whichever is smaller, from your tax refund or available credits due to you. This will reduce the outstanding amount of your debt.

This is a notice of decision made under section 1233 of the *Social Security Act 1991*.

Information about what to do if you disagree with this decision is on the back of this letter.

Online services

You can make a payment or view the amount you owe and your payment details online by:

- going to **my.gov.au** and signing in to access your Centrelink online account. Select 'Money You Owe' from the menu. If you do not have a myGov account, you can create one and link it to your Centrelink online account.
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What you need to know if you do not pay

To recover money you owe, we can:

- use your tax refund
- reduce payments you receive from us
- use your Family Tax Benefit arrears, lump sum, top up and supplement payments
- refer your debt to an external collection agency
- use your wages, other assets and income (including money you may have in a bank account)
- refer your case to our solicitors for legal action
- issue a Departure Prohibition Order, which will stop you from travelling overseas.

We may charge interest on money you owe us. We charge compound interest daily. To avoid this you must:

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Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Deceased refund recipients

Question reference number: IQ20-000124

Member: Rachel Siewert

Type of question: Hansard page: 12

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

a) CHAIR: Hang on, Senator O'Neill. You've run out of time. I'm going to go to the government, but, while we're here, could you perhaps tell us—you may have to take it on notice—how many people have died that you're aware of in terms of when you have tried to contact them for a refund? Does that make sense?

Ms Musolino: Yes. Can I just clarify that question, Senator: there are some people we know are deceased because it's on their record.

CHAIR: Yes.

Ms Musolino: They'll be included in the refund cohort. Are you asking about people who we try to pay and then we get a bounce back because they've passed away? Is it that cohort?

CHAIR: Yes.

Ms Musolino: I can take that on notice.

b) Senator O'NEILL: And, if you could, the comparator number to the 2,030. How many more people have died, using the same metric? Two thousand and thirty people died after receiving a robodebt notice which was—

Ms Campbell: We'll take that on notice, Senator, but I think Ms Musolino has just explained to you the broad parameters in which that figure was given many years ago. We'll take it on notice.

Answer:

a) While some refund payments have been returned or rejected by a financial institution due to incorrect or outdated account details, Services Australia (the Agency) is not aware of any instances where this occurred because a customer had passed away.

b) When a person passes away their next of kin or executor may advise Services Australia, to enable the Agency to update the person's record and to provide support to the bereaved family. Such notification is generally not provided with respect to former customers. Therefore, the fact that a former customer has passed away will generally not be known to the Agency.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Vulnerability Indicators

Question reference number: IQ20-000127

Member: Rachel Siewert

Type of question: Hansard page: 17

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

CHAIR: Okay. Thank you. I want to go to an issue I have traversed for a while: the flagging of people's vulnerabilities on the system. I am told that, if I'm a Centrelink employee or Services Australia employee, I can choose to turn the flags off and have them immediately turn up when someone's record comes up. Is that true? Is vulnerability flagged on someone's record? Is that correct?

Ms Lees: The vulnerability indicated is flagged on the report. The [inaudible] doesn't have to try to turn it on or off or access it. If we have established that someone has a particular vulnerability, it will stay on that customer record until we have conducted a review at a point in time. If the person is no longer considered vulnerable then we might take that indicator off their record, but it isn't that it's turned off and on each time. It is there on the record, and the staff member would take account of that.

CHAIR: Does it pop up every time the record is opened?

Ms Lees: It is. One of the types of indicators that is available for staff is that, if they look at the summary, there are certain aspects of a person's record that would immediately be available. Yes, the vulnerability indicator is there. I can take on notice and come back with some specifics on how it shows, if that is helpful.

Answer:

When assisting customers, Services Australia staff see a comprehensive overview of the customer's individual circumstances through a Customer Summary screen. This screen provides information about vulnerabilities previously noted on the customer's record. Further information on each circumstance can be viewed.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Ministerial Briefing

Question reference number: IQ20-000128

Member: Murray Watt

Type of question: Hansard page: 19

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

Senator WATT: My real question is: was the minister's office involved in the decision to describe what has occurred as a legal insufficiency?

Ms Campbell: I think the lawyers said it, but we'll take it on notice and see what we can find. Without wanting to go into legal advice, we'll find out where we got that from

Answer:

No.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Refund line

Question reference number: IQ20-000129

Member: Rachel Siewert

Type of question: Hansard page: 20

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

CHAIR: Can you tell me how many calls have you had on that or whether there's a heavy demand on that line?

Ms Musolino: I can come back on notice—unless I can get it today. We will have the number of calls and the average speed of answer on the refund line somewhere

Answer:

The income compliance refund phone line has received 24,387 calls from 1 July 2020 to 20 August 2020. The average speed of answer over that period is 12 seconds.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Refunds – wrong bank account

Question reference number: IQ20-000130

Member: Rachel Siewert

Type of question: Hansard page: 21

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

CHAIR: Have any been paid into the wrong bank account?

Ms Musolino: Not that I am not aware of, but I'll take it on notice because I would have to check.

CHAIR: Could you take it on notice.

Answer:

As at 20 August 2020, Services Australia is not aware of any payments having been delivered into the incorrect bank account. Refund for current customers are paid into the same bank account in which they receive their regular payments. Refunds for former customers are paid into the bank account they nominate.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Income Reporting

Question reference number: IQ20-000131

Member: Rachel Siewert

Type of question: Hansard page: 25

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 2

Question:

- a) CHAIR: While it's reporting, there's a different sort of reporting for earnings. Centrelink has now introduced this new tool so that you can go online, as I understand it, and update any mistakes that you've made in terms of your income reporting. That's correct, isn't it? Ms Campbell: Ms Lees might be able to provide more information about this. Ms Lees: What we have available now is that, if someone has reported for a previous period, they still need to be able to report changes to a previous period online.

CHAIR: How far back can they go?

Ms Lees: I'll have to take that on notice. I'm not sure whether there's a limit that applies, but we can take that on notice. This wasn't available previously; you could only report for the current reporting period previously.

- b) CHAIR: If you can take on notice how far back you can go that would be appreciated. When was this tool introduced?

Ms Lees: I'll take that on notice as well. It was certainly post the response for COVID earlier this year.

CHAIR: So you didn't think of introducing it when the income compliance program was first introduced or as we've been rolling it out. We've been having so many problems with it over the years.

Ms Lees: I'll need to take on notice when this was first thought through and rolled out.

CHAIR: I thought you said it was part of the COVID response.

Ms Lees: To clarify, in terms of when it became available, it was certainly earlier this year, but I would need to check whether it was specifically part of our COVID response.

- c) CHAIR: Okay. Could you also take on notice why it wasn't introduced earlier? Quite obviously, built into the system prior to the Single Touch Payroll approach, people were having to estimate what they earned rather than saying actually what they earned because of the nature of the reporting. How are you letting people know this is a new tool?

Ms Lees: I'll need to take that on notice. I don't have that information available to me.

Answer:

Services Australia introduced the Update Employment Income service on 9 May 2020. The service reduces the need for a customer to call Services Australia to correct their reported earnings. It allows customers to edit their submitted report on the same day. This helps customers who need to update their reported earnings after submitting their first report, due to being called into work for a shift on the same day.

On 23 May 2020, Services Australia enhanced the Update Employment Income service. The service allows a customer to retrospectively update their employment income up to 12 weeks in the past (6 fortnights). Prior to this customers had the ability to retrospectively update their earnings through the staff-assisted (phone) channel.

The enhanced service was one component of a broader upgrade to online functionality to improve the customer experience for job seekers and ensure a larger number of job seekers were able to fully self-manage changes to their circumstances. Upgrades to the job seeker online experience were essential at this time to support Services Australia in assisting the significantly higher number of job seekers applying for, and managing, benefits for the first time.

Information was published on 25 May 2020 advising customers of this new functionality and encouraging them to make updates online through:

- Income Reporting webpage;
- Tips for Reporting news article;
- Reporting JobKeeper Payment news article; and
- social media posts on Facebook and Twitter.

In addition to the above, staff promote this service when interacting with customers.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Refunds

Question reference number: IQ20-000132

Member: Rachel Siewert

Type of question: Hansard page: 27

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

- a) CHAIR: Of the 218 who have received their prerefund letters, how many have now gone through to completion—have been refunded?

Ms Lees: I don't have the specific figure for the current customers going through. I just have the rolled up figure of the current and former customers who have received a refund and also had their debt zeroed. We would have to take that on notice if you wanted a split

- b) CHAIR: If you could. You've got 77 who've completed the online task. To date, how many overall have had refunds and what is the value of them—the most current figure?

Ms Lees: As at close of business Friday 14 August, around 338,000 people have had their refunds processed or their debt zeroed. The total value of refunds is \$545 million, as at the close of business last Friday.

CHAIR: Five hundred and—

Ms Lees: forty-five million.

CHAIR: They've had their debt processed, so that means they've been paid?

Ms Lees: That's right. They've had their refunds processed, so that means the money has been refunded to the individuals.

CHAIR: Is that people or debts

Ms Lees: That's people.

CHAIR: And how many debts does that cover?

Ms Lees: In terms of the total number of debts, I'd have to take that on notice

Answer:

As at 20 August 2020, 213,184 current customers and 84,675 former customers had received a refund. This totalled \$568 million in refunds to 297,859 people for 339,720 debts.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Proof points

Question reference number: IQ20-000133

Member: Murray Watt

Type of question: Hansard page: 28

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

Senator WATT: Will bank statements form part of those proof points in the future?

Ms Musolino: Bank statements can form part of those proof points. Of course, in the administrative decision, we're looking at the customers circumstances holistically. So it's whatever can be provided that helps inform us about the accurate rate of payment and whether there was an overpayment.

Senator WATT: I thought the department had received legal advice to the effect that it is not possible to use bank account information to raise debts.

Ms Campbell: Was that in a question on notice?

Senator WATT: I thought it had come up in previous hearings—and I appreciate that I have only just joined this one today.

Ms Campbell: We can take that on notice and try and find the source of the advice that you're talking about

Answer:

Legal advice has been provided about various aspects of the Income Compliance Program.

Information about any specific advice provided, including the timing and cost of that advice, is the subject of a claim of public interest immunity by the Minister for Government Services, dated 29 July 2020.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Legal fees – class action

Question reference number: IQ20-000134

Member: Catryna Bilyk

Type of question: Hansard page: 30

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 2

Question:

Senator BILYK: Okay. Are you able to tell me if it's correct that the bill for the robodebt class action attracted a separate bill to the price of contract for other legal services paid for by the taxpayer?

Ms Campbell: Ms Musolino might be able to answer that.

Ms Musolino: Yes. I think your question was: is it separate? It's separate. I think the newspaper article was referencing some AusTender notices. That's where we go out to tender for services. Those tender notices will indicate the maximum spend, not the actual spend. So we're actually tendering for services—

Senator BILYK: But is the robodebt class action attracting a separate bill?

Ms Musolino: Sorry, Senator, could you repeat that?

Ms Campbell: Is it attracting—

Senator BILYK: A separate bill?

Ms Campbell: A separate account?

Senator BILYK: Yes.

Ms Campbell: I'm just checking if Ms Musolino knows who the tender documents were for, which—

Ms Musolino: I don't have that information, but as I understand it the AusTender documents are not relevant to this litigation.

Ms Campbell: It may be that this litigation is being managed by an entity that's not outlined in those tender documents.

Senator O'NEILL: It may be, or it is?

Senator BILYK: Are you able to tell me how much—

Ms Campbell: I don't have it, Senator.

Senator BILYK: Can you take that on notice?

Ms Campbell: Yes.

Answer:

Government entities that are subject to the Commonwealth Procurement Rules (CPRs) must report a contract notice on AusTender when the expenditure meets the reporting threshold as defined in the CPRs.

Both the Department of Social Services and Services Australia report legal contracts on AusTender in compliance with the CPRs. When legal contracts are reported, they represent an arrangement between the Department or Agency (as the case may be) and the relevant legal services provider for the provision of legal services.

The legal contracts reported on AusTender referenced in the question are separate from arrangements for the engagement of a legal services provider in relation to legal services for the class action.

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Legal fees - Amato

Question reference number: IQ20-000135

Member: Rachel Siewert

Type of question: Hansard page: 31

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

a) CHAIR: While we're on the legal fees, are you able to tell me how much the Amato case cost, as opposed to the class action?

Ms Campbell: We'll take that on notice.

b) CHAIR: Okay. Could you take it on notice and let me know the amount or whether you consider it is covered by the public interest immunity. Thank you. Are you able to tell us how much has been allocated in this budget to the class action?

Ms Campbell: Again, Senator, I think that matter would be subject to the public interest immunity claim that Minister Robert has made to the committee.

CHAIR: Okay. If you could take that on notice and, again, clarify that, that would be appreciated.

Answer:

The Minister for Government Services made a public interest immunity claim on 29 July 2020 in respect of any request for information about legal advice relating to the Income Compliance Programme. The claim extends to costs of legal advice in relation to the Income Compliance Programme, which includes costs for the matter of *Amato v The Commonwealth of Australia* (VID 611/2019) and the matter of *Prygodicz v The Commonwealth of Australia* (VID1252/2019).

Senate Standing Committee on Community Affairs

INQUIRY INTO CENTRELINK'S COMPLIANCE PROGRAM

PUBLIC HEARING 17 August 2020

ANSWER TO QUESTION ON NOTICE

Services Australia

Topic: Zeroed debts

Question reference number: IQ20-000136

Member: Rachel Siewert

Type of question: Hansard page: 32

Date set by the committee for the return of answer: 28 August 2020

Number of pages: 1

Question:

CHAIR: Can I go back to this: you said that 49,000 people had had their debt zeroed. What was the estimated amount of money that those debts were for?

Ms Lees: For the 49,000?

CHAIR: Yes.

Ms Lees: I don't have that figure available to me.

CHAIR: Could you take it on notice?

Ms Lees: Yes.

CHAIR: Thank you. Can you just clarify for me: of the 338,000 people who have so far had their debts zeroed or paid, how many debts were they?

Ms Campbell: I think we've already indicated that we will take that on notice

Answer:

As at 20 August 2020 the debts of 346,759 people had been zeroed and, where the person had made a payment, the relevant debt had been refunded.

Of these:

- 48,900 people had their debts (valued at \$229 million) zeroed only.
- 339,720 debts for 297,859 people were refunded and zeroed.