



TWES Consultation

Department of Employment and Workplace Relations

By email: TWESconsultation@dewr.gov.au

About Economic Justice Australia

Economic Justice Australia (EJA) is the peak organisation for community legal centres (CLCs) across Australia that provide specialist advice to people on their social security issues and rights. Our members have provided people with free and independent information, advice, education and representation in the area of social security for over 30 years.

EJA provides expert advice to government on social security reform to make it more effective and accessible. Our law and policy reform work:

- Strengthens the effectiveness and integrity of our social security system;
- Educates the community; and
- Improves people's lives by reducing poverty and inequality.

EJA's member organisations are listed at <https://www.ejaustralia.org.au/legal-help-centrelink/>

Responses to consultation questions

- **What sorts of supports does the service need to provide to participants while they are in prison?**
- **How can the service help First Nations people who have been incarcerated after release (including connection to mainstream services, family supports or paid work)?**

Fundamental to supporting a person in making a successful transition from prison to work is ensuring income security on release. For people who will be reliant on social security income support upon release, this means being offered information and support regarding social security income support *before* they are released, together with referrals to community organisations.

Given that incarceration rates for First Nations people are grossly disproportionate to rates for non-Indigenous Australians, and that First Nations people also have disproportionately high rates of Centrelink mutual obligation suspensions and penalties – together with high rates of disengagement from the SS system generally, high rates of homelessness, and high rates of disability and chronic illness – there is a clear need for targeted support for Aboriginal and Torres Strait Islander people pre-release.

Services Australia operates a Prison Liaison Officers (PLO) program. Prisoners may connect with a PLO via a phone appointment prior to their release. The PLO's role is to advise prisoners on either pre-claiming Centrelink entitlements online prior to release, if possible, and/or on making immediate contact with a Centrelink office on release – to claim ongoing SS income support, together with prisoner release emergency payments. PLOs can also provide pre-release advice and referrals regarding claims for more tailored payments, e.g, on lodging a new claim for Disability Support Pension.

Unfortunately, resourcing of PLO positions has diminished over the years, and the nature of assistance has changed. Whilst PLOs previously provided outreach servicing in prisons, face to face, we understand that most PLO servicing is now predominantly, if not solely, by phone.

We do not have information on the number of PLOs currently operating in different states/territories but we understand that there was a substantial reduction in the number of filled PLO positions during the COVID due to public health restrictions, staff shortages and redeployments. We understand that the resourcing of PLO positions has not returned to pre-COVID levels in WA.

We are also advised that PLO servicing has fallen away in the Northern Territory, with SA no longer providing PLO services at Darwin Correctional Centre and Alice Springs Correctional Centre. NAAJA's Throughcare service advises that when providing support to Aboriginal people from remote communities upon release from prison, it's essential that they take clients immediately to Centrelink or their only option will be the long grass. Throughcare's practice is to collect people from the prison on release, then stand in line with them at Centrelink, sometimes for two hours or more. This is increasingly necessary since the cessation of face to face SA PLO servicing pre-release.

EJA member organisations routinely provide social security advice and advocacy to Aboriginal and Torres Strait Islander people with social security issues who have recently been released from prison. In our members' experience such clients have often either not been offered any advice or support pre-release, or have been given rudimentary advice to go straight to the closest Centrelink office and claim Jobseeker Payment. Delays in initiating payment can relate to:

- Inadequate proof of identity (POI) for Centrelink purposes where documents have been lost or are inaccessible
- Problems associated with not being able to provide a contact address
- Issues establishing POI for the purpose of opening a bank account for crediting SS entitlements
- Problems reclaiming past entitlements such as Disability Support Pension, Carer Payment, Parenting Payment Single, or Family Tax Benefit.

Issues of this type are entirely predictable, and should be addressed pre-release.

We are concerned that the dropping away of SA's presence in custodial settings over recent years is placing highly vulnerable First Nations people at risk of homelessness and long-term issues resettling onto the community – and undermining any prospects of meaningful engagement with employment services. Providing targeted assistance to First Nations prisoners pre-release to avert issues causing delays in grant of income support would substantially address the risk of homelessness for Aboriginal and Torres Strait Islander people released from prison, thereby enabling faster engagement with Workforce Australia employment services.

Recent case studies from EJA member centres

Max

Max is a long-term DSP recipient. His DSP was suspended on the day he was incarcerated, and then (incorrectly) cancelled on the same day without notice to him. His DSP should not have been cancelled – instead his payment should have been suspended for up to 2 years once he was incarcerated. When Max was released after 12 months incarceration, he was advised to go straight to Centrelink, where he was told he had no entitlement to DSP as it had been cancelled. Centrelink assisted him to apply for Jobseeker Payment because he had no funds, and Max sought a review of the cancellation of his DSP. Max's appeal was unsuccessful, for reasons that Max could not understand. Max remained on JobSeeker – he believed that nothing could be done to get his DSP reinstated, so did not seek advice or appeal further. Max experiences profound mental ill health and struggles to engage with the medical and social services needed to reapply for DSP. Because of his psycho-social disability, he is also unable to consistently comply with his mutual obligations for Jobseeker Payment and as a result his payments are often suspended and left without funds. Max recently approached our member centre for advice re getting back onto DSP. He is currently homeless and has been reliant on charities and shelters.

Had Max been provided with support pre-release to get his DSP reinstated, and been linked to local support services, he would not now be in this position. He would also not have been inappropriately required to engage with a Workforce Australia provider and enter onto a Job Plan with unrealistic requirements that meant he would inevitably incur suspensions and penalties.

Brad

Sophie is the Centrelink nominee for her 40 year-old son, Brad, who was released from prison into homelessness two weeks ago. On release from prison Brad was known to have a long history of drug abuse, and had no phone and no bank account. Sophie took him to Centrelink where he claimed JobSeeker Payment. Brad was granted payment with a 14-day exemption from mutual obligations. Sophie found Brad on the street a week later and tried to get him to go to the doctor refused to do so. Sophie contacted our member centre and the solicitor contacted SA. Brad now has a 13 week exemption.

Brad's case should have been sorted out before he was released, to ensure stable income support. Given his history, SA could have organised a Job Capacity Assessment before he was released, with a view to facilitating a claim for DSP.

➤ Recommendations

- **That DEWR consult with Services Australia with a view to collaborating on development and funding of a comprehensive pre-release program for First Nations people in prison settings to ensure:**
 - **Pre-release facilitation of Centrelink claims and referrals to community organisations, including for assistance with travel to home community and establishing accommodation**
 - **Pre-release assessments for Workforce Australia triaging, including Employment Services Assessments and JobSeeker Classification Instrument assessments.**
- **That funding for SA PLO servicing in custodial settings be substantially boosted, to enable availability of face-to-face servicing in all prison settings.**

Contact

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