

# **Summary: Amy Law – Youth Allowance – Alleged Overpayment - Senate Inquiry**

## **Executive Summary**

On 23 October 2016 Centrelink commenced a 'robo-debt' action against Amy Law. I am her father, and was authorised to act on her behalf. Centrelink failed to acknowledge this until 11 January 2017 (unsigned letter dated 6 January 2017),

After numerous unsatisfactory contacts between me and Centrelink staff, and a complaint forwarded to the Minister by our local member, the matter went from an alleged debt of \$5,521.87, to nil owing. Requests for information as to how the 'debt' was calculated, and complaints about a viable way for Amy to update her details have not been resolved.

These actions are wrong in many ways, including:

- the failure of Centrelink to act as a model litigant. As a minimum, there should be clear evidence of a debt before one is raised. All recovery action should be stayed while an alleged debt is disputed;
- audit reports and staff whistleblowing make it clear that only a tiny proportion of 'debts' are genuine. Those who claim 70% or 80% are being deliberately deceptive;
- the stress placed on highly vulnerable people;
- the lack of advocacy options for people in these situations;
- acquiescence through fear or inability to handle Centrelink processes. I spent at least 30 hours fighting Amy's debt!
- the squeaky wheel (me) got the grease. However, it took at least 30 hours of my time to do this;
- Centrelink communications options are seemingly deliberately designed to prevent access by 'clients'. MyGov does not work properly, email access denied, etc.

## **Details**

Centrelink letter dated 23 October 2016 arrived 2 November 2016. Required confirming employment income online by 11 November 2016. Impossible to meet request because:

- Amy is overseas and was not able to check any employment records for work in Australia in this time;
- Amy does not have a phone that can make international calls;
- her current phone is not linked to MyGov, so she cannot access her MyGov account which requires a validation sent to the mobile phone recorded by MyGov. The number is her old one, but she is not able to change the number, because that requires a validation sent to the old number!;

- my daughter authorized me to act on her behalf (referred by Centrelink as a nominee), but Centrelink staff did not register my status until several requests were made;
- the income recorded by Centrelink seemed to be correct, so she had no cause to think there was any urgency. Despite this, I tried to find information to help her reply.

On 17 November 2016 Centrelink issued a letter alleging a debt of \$5,5521.87, including a recovery fee of \$458.79. It only offered a conduit to the inaccessible MyGov to respond. An account attached claimed overpayments from 31 January 2014 to 4 December 2014. It demanded payment by 13 December 2016.

On 25 November 2016 Amy prepared a letter disputing the alleged debt. I posted this with my covering letter on 28 November 2016 asking that it be noted that I was authorized to act for her, requesting an explanation and a review of the decision.

On 21 December 2016, having not even received a response to the letters sent 4 weeks ago, I emailed Hank Jongen, believing that as “General Manager” he would take some steps to resolve the situation. The response from his staff clarified that he had no apparent scope to do anything, except to refer it to ‘the relevant expert area’

On 21 December I made an enquiry with my local member, Mark Butler. His office forwarded my letter to Alan Tudge’s office. They also suggested that I needed to contact Centrelink’s debt recovery area to try to stop further action.

I contacted debt recovery, and received a totally unsatisfactory response: an arrangement to pay was demanded, else it would be referred externally; a minimum of \$100 per fortnight was required (regardless of financial circumstances; I offered to make some payments less than that but this was refused. I asked for 7 days to get legal advice before responding. This was agreed, and Dion Barry undertook to change the date in the systems to 5/1/17. Shortly afterwards he rang to say that he had input this change, and it had resulted in referral action being put on hold for 5 years!

I then spoke to Compliance on 22 December 2016. I undertook to get fortnightly payment records from Amy’s major employer at the time.

On 28 December 2016 I sent a letter to Centrelink with fortnightly pay details. I noted that:

- income from one employer (\$6,051) should not have even been under consideration as it was received outside the period in which Youth Allowance was received;
- income from her major employer included some exempt income (for laundry allowance);
- Centrelink had not followed up on Amy’s request that her address for contact be changed to email as she is overseas, and does not have an accessible postal address.

Two calls on 5 January where I spoke to people who required me to establish my bona fides as my status as nominee was still not recorded. Both calls dropped out after spending considerable time on the phone. Third call made and John told me that 'debt' reduced by c. \$2,000. I asked for the schedule and any relevant calculations that had been used. I asked that this be treated as an FOI request. Still no response to this.

On 6 January 17, Sue Hill rang in response to my complaint that was forwarded to the Minister. She said that she would handle it all, including recovery and compliance matters. Could not find my letter of 28 December with payslips, but hoped it would turn up shortly.

Letter dated 4 January 2017 sent to Amy at our address, not email as she has requested. Arrived c. 7/1/17. Inadequate explanation of how debt calculated or recalculated to reduced amount.

I rang Sue Hill on 11 January 2017. Letter still not found! Said that I could not email to her! Suggested faxing (at \$4.50 per page). She arranged for me to be recorded as nominee – see letter of 6 January 2017 received 11 January 2017. There should be no need for this: direct contact could and should be made by email as Amy requested. I agreed to try to forward the letter of 28 December other than by post (again) or email. I contacted help desk:

- I installed a smartphone app on my phone. I cannot use it because it requires a temporary password. They cannot give me one because they cannot verify my identity. Doesn't matter that I am a nominee and can provide many identifiers;
- I try via my MyGov account. It crashes with Google Chrome. Eventually I link Centrlink to MyGov. I then have to convert files and convert them all to PDF format before uploading. Eventually done.;
- I let Sue Hill know, and she agrees to re-assess 'debt' by 12 January.

On 12 January, Sue Hill rang to tell me that the 'debt' is nil. That is, there never was any money owing!

extortion

*/ək'stɔːʃən/ (say uhk'stawshuhn), /ɛk-/ (say ek-)*

*noun* **1.** the act of extorting.

**2.** *Law* the crime of obtaining money or other things of value under colour of office, when none is due or not so much is due, or before it is due.

**3.** oppressive or illegal exaction, as of excessive price or interest.

Ian Law  
7 April 2017