



AUSTRALIAN
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MEDIA RELEASE

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ALHR slams unethical behaviour of Centrelink as abuse of legal process

The current attacks upon past and present pension payment recipients by Centrelink and the Minister for Social Services are “wrong at so many legal levels that it’s hard to know where to begin,” ALHR President Benedict Coyne said.

“At the most basic level, no entity should be issuing legal demands for money unless they are absolutely certain the money is owed and can substantiate this in court. It is for the creditor to prove any debt. It is also up to the creditor to ensure the alleged debtor receives the repayment demand. It is entirely wrong for Centrelink to put alleged debts in the hands of debt recovery agents when the debts are not proved and/or the alleged debtor never received the original claim, or to claim interest or process fees on money that is very probably not owing at all.”

“The whole procedure is quite unethical and a complete abuse of legal process,” he said

“In this case it appears clear from numerous reports that the computer software the Minister is relying on is flawed. Legally, it is for Centrelink as purported creditor to substantiate its calculations, not for individuals as alleged debtors to prove that Centrelink is wrong. But of course Centrelink threatens to cut off recipients if they don’t pay, putting them in a terrifying situation. This could well be described as ‘demanding money with menaces.’”

“It is also clear that Centrelink has made minimal efforts either to check its calculations, despite having the ability to cross check information with Tax Office records, or to track down current addresses of alleged debtors.”

“The situation is even worse in that Centrelink is targeting individuals with minimal resources who may be in particularly vulnerable situations, including asylum seekers and people with disabilities. According to a recent news article, asylum seekers have been reminded in their debt notices that ‘an outstanding debt to the commonwealth can affect future visa grants and/or re-entry into Australia.’ The repercussions, therefore, could be dire.”

Further, Centrelink is refusing to provide any means by which individuals or their solicitors can readily contact a human being at Centrelink to do what Centrelink is [wrongly] demanding, which is to prove that the individuals don’t owe the money being claimed. This refusal on the part of Centrelink to facilitate normal methods of contact enormously exacerbates the emotional stress of those targetted and again indicates unethical behaviour and an abuse of process.”

“ALHR believes that the behaviour of Centrelink and the Social Services Minister involves numerous breaches of the human rights of those being targeted for alleged debts, contrary to Australia’s international law obligations. Under the *Universal Declaration of Human Rights* the following rights are being breached:

- to be treated with dignity (Preamble, Article 1)
- to the protection of the rule of law (that there must be proper laws, a legal system that allows appeal against government decisions, and the laws of the country must be properly enforced) (Preamble) and the related right to freedom from attacks upon one’s reputation (Article 12)
- to non-discrimination on the basis of property (or lack of it, the persons being targeted being those who have received a government payment)(Preamble, Article 2)
- to equal protection of the law without discrimination (Article 7)
- not to be arbitrarily deprived of property (Article 17)
- to equal access to the public service (Article 21)
- to social security (Article 9 of the International Covenant on Economic, Social and Cultural Rights, ICESCR, which is binding on Australia)
- to protection against unemployment and to have employment income supplemented ‘if necessary, by other means of social protection’ (Article 23)
- to an adequate standard of living, including the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one’s control (Article 25)

“ALHR calls on the Minister to immediately halt the operation of the current process and to refund, with interest, all moneys incorrectly claimed by Centrelink.”

To arrange an interview with [Benedict Coyne], please contact Matt Mitchell on 0431 980 365 or media@alhr.org.au

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