

# Pearls and Irritations



## **How big government and big companies erect communications barriers**

By [IAN CUNLIFFE](#) | On [11 August 2020](#)

*We can't communicate with the entity except on terms dictated to us, and those terms are often weighted against us. This trend is so universal it must be deliberate. It surely increases disillusionment and even anger.*



Credit-Unsplash

*Technology should make it much easier to communicate with entities which govern our lives – entities such as Centrelink, the banks and telecommunications companies. However, barriers have been erected which prevent us from being able to communicate effectively to and with such entities.*

*As the lead plaintiff in the High Court case (*Cunliffe v The Commonwealth* (1994)182 CLR 272), which established the constitutional right of Australians to communicate to government, I am concerned as a both matter of principle and practicality.*

*A few examples illustrate the communication barrier problem.*

*You might well need a record of what communications have passed with, for example, Centrelink. I am a lawyer. I act in lots of Robodebt and analogous cases. A few years ago, I acted for a woman whom Centrelink prosecuted for fraud. She was on Austudy and had an 'exit' interview on graduation. Centrelink asked if she worked while studying. She had worked, and said so. 'You were required to report that',*

*Centrelink said. 'I did', she insisted. Centrelink steadfastly maintained that it had no record. Nor did my client. Long story short, eventually through Freedom of Information we found Centrelink records confirming her statement. No non-disclosure. Prosecution ended – after a lot of reputational damage, enormous worry and considerable expense.*

*Centrelink often forces clients to communicate by telephone or in person. Centrelink gains the upper hand in 99% of such cases – it has a recording. The client doesn't, and so can't prove what was said – if they can even remember. The client might also need a record to mull over advice received, and communicate it to family and helpers. There are easy and effective technology solutions to this communication barrier.*

*Similarly, many large entities effectively compel a person who might want to ask a question or provide information by email to use an online form. In many cases, the outcome is that the person does not get a copy of the communication, as they would if an email were permitted. There is technology which enables you send a copy to your email address, but very few public sector organisations use it. Not infrequently, at least for me, the communication fails to send. These systems are further communications barrier created by big entities.*

*Centrelink and others also have a central phone number, making it very difficult to have a follow up conversation with the initial advisor. In addition, of course, is the enormous frustration (and cost) of waiting – often for hours – for the phone to be answered. Again, there is technology which enables you to be called back and not lose your place in the queue – very few organisations use it.*

*Indicative of the frustration that clients feel when they need to interact with Centrelink is the message when you phone asking that the caller respect the person who will eventually answer, and warning that if you are rude or aggressive Centrelink might just hang up. The message says that Centrelink will treat the caller with respect. I confess that, more than once, I have futilely and frustratedly said to the loud, incessant, irritating recorded music: 'Treat me with respect! Don't keep me hanging on the line for an hour before you answer!'*

*Centrelink's so-called "Self Service Line" – a machine – actually hangs up on the caller if it can't get the information it seems to want: There is no warning, just: 'Thanks for calling. Goodbye, clunk!' That happened twice. On a third attempt, on behalf of my wife, who is legally blind, as soon as I have stated her customer reference, the automatic voice correctly repeated it back, and then said: 'Your access to Self Service has been suspended: clunk!' No opportunity to get a reason or to argue the toss! It's not so good for self-respect to be dealt with so peremptorily by a machine. (My wife overheard the exchange, and remarked: 'But it is quite funny!') Perhaps she has a better sense of humour than me. Or perhaps she subscribes to the philosophy of a golfing mate of mine when someone has bad luck. He says: "Still, it could have been worse – it could have happened to me.")*

*I have also recently chipped people from both Centrelink and Fines Victoria because each has responded to my stated problem by saying: 'You did the wrong thing by ...'. (In each case, I quickly concluded, for good reasons, that their diagnosis was incorrect). I have responded: 'Hold on there. You ask that I treat you*

*with respect. Please don't go accusing me of being in the wrong just because I can't make your technology work'. To big entities, the customer seems always to be wrong!*

*Private sector entities, including privatised ex-government ones such as Telstra, have systems which have very bad communications effects on customers. They have offshore call centres with workers whose accented English is difficult for Australians to understand. Not infrequently, callers have the frustration of describing a problem or issue to one person, only to be forwarded to another and having to start from scratch.*

*Phone menus are ubiquitous when communicating with big entities: 'If your call is about X, then press 1'. Often there is menu after menu: after pressing 1, you hear another menu, and sometimes another. It can often take five minutes just to get the phone to ring at the end of the sequence of menu selections.*

*The ultimate frustration is when none of the menu items fit the case, and there is no open ended menu item. To hang up is the only option. I previously worked at such an entity. I needed to speak to someone there but didn't have their direct number.*

*Sometimes, however, entities leave chinks in their armour. One of my daughters had an issue with her bank. She couldn't find a phone number, but recalled receiving a bank sales brochure. The brochure had a phone number of the marketing person. It was a way in.*

*Centrelink doesn't publish email addresses even on correspondence. Centrelink obviously prefers to channel communications differently – and so has erected a communications barrier to email. Getting a response to snail mail addressed to the postal address for Centrelink – in Canberra – is slow. Centrelink has a well-known public spokesman. I went to the 'media' section of Centrelink's website; his email address was on media releases. I have used it many times since, asking: 'please forward'.*

*Recently I have effectively been compelled to get a MyGov account, because many of my ex-refugee clients are fighting Robo Debt. Centrelink insists on corresponding about them via MyGov. That has proved to be a communications barrier against me – and so my clients.*

*For a septuagenarian, my computer skills are reasonable, but I make errors – I forget passwords, especially when they change frequently, and I mis-enter them because my fingers are fat and arthritic, and my eyesight is not as good as the year we are in. Recently MyGov suspended me for two hours apparently because I got a password incorrect. When my suspension was up, I tried – and failed – again. The result was permanent suspension.*

*I spent more than a fortnight trying to have the problem fixed. I spent hours on the phone with quite pleasant people. Twice I was assured that, by the following morning, it would be fixed. But no. Finally, I got my local MHR on the job – MPs seem to have means of access which are denied to lesser mortals. After another week, nothing. Frustratingly, as if to tease me, I still got ordinary emails from Centrelink saying*

*that I had MyGov messages. They might be important and even impose deadlines, so the lockout jeopardised my clients' interests.*

*MyGov seems to be compulsory if you want to get a welfare benefit. Is it appropriate then, in such a one-sided transaction for MyGov to stipulate the following "Terms of use":*

*"You are responsible for reading all your notifications and MyGov messages in a timely manner.*

*By creating a MyGov account, you are agreeing to receive all correspondence a Member Service decides it wants to send to you via the MyGov Inbox.*

*We are not responsible for:*

- *making sure MyGov is error free;*
- *ensuring any defects with MyGov will be fixed;*
- *ensuring that you have continuous access to MyGov;*
- *any Loss as a result of your use, or your inability to use, MyGov or a connected Member Service;*
- *any Loss as a result of you not accessing a MyGov Inbox message;*
- *any notification delivery failures to your nominated mobile number or email address, telling you to access your MyGov Inbox to read a message;*
- *ensuring that the information on a Member Service website is accurate, complete, current or does not infringe on the rights of any person;*
- *how Member Services operate, including content of the messages they send you through the MyGov Inbox;*
- *the security of your personal information while it is being collected by, stored or passing through a Member Service system".*

*Why does communicating with Centrelink and others need to be this way? Why is effective communication blocked in this way? Presumably the system is in Centrelink's interest. It is certainly not the clients'.*

*There was a time when I might have looked to the Ombudsman to redress some of these issues. (When that office was first established, it came under the Department of Prime Minister and Cabinet. I was the point of contact of the Office of the Ombudsman in PM&C). In recent times, I have, unfortunately, lost faith in the Ombudsman and his Office, as I have in the Office of the Australian Information Commissioner.*

*In 2020, many large entities seem to assume that everybody is computer literate and connected to the web. Significant sections of the public are not. These include many migrants, low income individuals and families, and older people. Often, even an average level of familiarity with computers and their communications is not enough.*

*Radical bypass surgery is needed to the systems by which Australians can communicate with our public – and private – sector entities.*

*If ever there was a topic on which there should be good standards to protect the community, it is here. The Australian Standards Organisation says on its website:*

*‘Standards ... set out specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable.*

*They cover a variety of subjects, including consumer products and services, the environment, construction, energy and water utilities, and more.’*

*We have standards on just about everything that you can think of – except this. There are more than 9,000 sets of standards applying in Australia. There should be standards which mandate what must be done to make it much easier for us all to communicate with entities such as Centrelink and Fines Victoria.*

*Unless we do something serious, don’t expect the natives to get less restless any time soon.*



#### [Ian Cunliffe](#)

Lawyer, formerly senior federal public servant (CEO Constitutional Commission, CEO Law Reform Commission, Department of PM&C, Protective Security Review and first Royal Commission on Intelligence and Security; High Court Associate (1971) ; partner of major law firms. Awarded Premier's Award (2018) and Law Institute of Victoria's President's Award for pro bono work (2005).

This entry was posted in [Politics](#). Bookmark the [permalink](#).

<https://johnmenadue.com/how-big-government-and-big-companies-erect-communications-barriers/>

---