

Domestic violence exemptions not working

Despite the passage of new laws meant to assist women experiencing family and domestic violence, Centrelink has failed to apply the laws to assist the women intended to benefit from the changes. The new laws allow for an extended exemption from the participation requirements required to receive certain payments if a person has experienced domestic violence.

People on income support have compulsory requirements that they are required to fulfil in order to remain qualified for the payment. Under social security law, exemptions from activity test or participation requirements can be granted for a specified period. The maximum exemption for domestic violence is 16 weeks.

In March 2011, 61,590 social security recipients were exempt from the activity test for a variety of reasons. The main reason for an exemption was a temporary illness or injury, which accounts for around 38,000, or 62% of all exemptions. Domestic violence and relationship breakdowns accounted for just 0.086 % of all activity test exemptions.

This low level of activity test exemptions for domestic violence is of concern given that about one in three Australian women experience physical violence and about one in five women experience sexual violence in their lifetime. Single parent groups, along with Welfare Rights and domestic violence support groups, have long held concerns with the low levels of exemptions granted.

Legislative changes since July 2010 make clear that a 16 week exemption must be given from activity agreements. However, Centrelink internal guidelines stated that domestic violence exemptions can be "up to" 16 weeks. These guidelines create a discretion that does not exist in the legislation. This is a clear breach of the law.

Welfare Rights is very pleased that the Minister for Human Services, Tania Plibersek, has taken immediate action to update Centrelink's internal guidelines. However, this example highlights the case for greater transparency in Centrelink. These

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internal guidelines (called e-references) are a well-kept secret. This makes it difficult for people to exercise their rights and to know if the laws are being correctly applied. Greater openness would help community support workers to assist families interact with Centrelink and to ensure that where a person is subjected to domestic violence Centrelink's policies are applied for their benefit.

This is a difficult and complex area where there is room for improvement. Unfortunately, our casework experience is that many women who have been the subject of domestic violence are suffering as a result of unfair debts, inappropriate prosecutions and onerous activity requirements. ■