



NATIONAL
WELFARE RIGHTS
NETWORK

National Welfare Rights Network

Federal Budget Submission

2016 – 2017

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About NWRN

The National Welfare Rights Network (NWRN) is the peak community organisation in the area of social security and family assistance law, policy and administration. Our network consists of community legal centres and organisations whose role it is to provide disadvantaged people with free and independent information, advice, education and representation in social security and family assistance matters.

NWRN member organisations operate in all states and territories of Australia. The NWRN also has as Associate Members, the Central Australian Aboriginal Legal Aid Service (CAALAS) and the North Australian Aboriginal Justice Agency (NAAJA).

NWRN develops policy about social security, family assistance and employment assistance based on the casework experience of its members. It provides submissions to government and advocates for improvements to Australia's social security system and for the rights of people who use the system.

Overview

In our Federal Budget Submission this year we have chosen to focus on 10 new family violence spending measures.

Addressing family violence is a complex issue, which requires a holistic policy response, however there can be no argument that adequate social security and a supportive income support system is a fundamental requirement for poorer victims of family violence to escape their circumstances. In our view, a number of amendments could be made to the *Social Security Act 1991* (SSA) (Cth) and the Guide to Social Security Law to better support victims of family and domestic violence. Improving access to, and adequacy of, Special Benefit and crisis payment is critical, as is ensuring that the recovery of debts owed by victims to Centrelink does not increase family tensions where family violence is present, or undermine efforts to leave a violence situation.

Six of our recommendations would help improve support for victims of family violence by improving access to Crisis Payment and Special Benefit. If adopted, these recommendations would result in better support for these victims to exit situations of family violence. A number of these recommendations have also been endorsed by the Australian Law Reform Commission (ALRC) in its report from November 2011, *Family Violence and Commonwealth Laws – Improving Legal Frameworks* (Report). Another recommendation relates to the rate of payment to family violence victims who are subject to financial abuse and are denied the co-efficiency of pooling resources with their partner.

Three of our recommendations relate to the funding of community legal centres (CLCs) and Department of Human Services' (DHS) social workers to ensure adequate support to victims of family violence. The Government's funding for community legal centres is expected to fall from

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\$42.2 million in 2016/17 to \$30.6 million in 2018/19, despite the fact that CLCs are often the first port of call for many victims of family and domestic violence and are currently unable to meet existing demand.

Given the endorsement of the National Plan to Reduce Violence against Women and their Children 2010-2022 by the Council of Australian Governments in 2009 and The Government's long term policy commitment to this issue a number of the ALRC's recommendations should be reconsidered and implemented in the context of social security reform. The Government should reverse the planned funding cuts to CLCs and further funding should be provided to the Department of Human Services for more social workers to provide victims of family and domestic violence with the support necessary to improve their lives.

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Summary of Recommendations

Recommendation 1: Extend Crisis Payment qualification rules to include a person who is not eligible for income support but is in immediate and severe financial hardship following family violence, and is unable to meet reasonable costs due to the family violence;

Recommendation 2: Extend crisis payment to victims with non-fixed residences who are looking to establish new accommodation or need assistance to meet reasonable costs associated with family violence;

Recommendation 3: Extend crisis payment to enable all victims who can provide evidence of family violence, but are not yet able to leave or have a perpetrator removed, to accrue an entitlement to up to four crisis payments per year payable at the point that the person leaves on a permanent basis, or has the perpetrator removed;

Recommendation 4: Amend the *Social Security Act 1991* (Cth) to extend the claim period for Crisis Payments from seven days to twenty-one days;

Recommendation 5: Consider amendments to increase access to social security payments for non-protected Special Category Visa holders. In the meantime, include Special Category Visas in the list of classes of visas with which Special Benefit payments can be claimed under the *Social Security (Class of Visas – Qualification for Special Benefit) Determination 2015 (No. 2)* (Cth);

Recommendation 6: Restore access to the family member exemption from the Newly Arrived Residents Waiting Period (NARWP) for holders of the temporary 309 and 820 Spouse/Partner or temporary 310 and 826 Interdependency visas and abandon its Mid-Year Economic and Fiscal Outlook (MYEFO) 2015-2016 family member exemption proposal;

Recommendation 7: Reverse the national funding cuts to Community Legal Centres (CLCs) under the National Partnership Agreement (NPA) on Legal Assistance amounting to \$34.83 million over the period 2017-18 to 2019-2020;

Recommendation 8: Immediately inject \$120 million per year into the legal assistance sector consistent with the recommendation made by the Productivity Commission including a minimum \$14.4 million per year to CLCs which over the remaining period of the NPA, until 2019-2020 would equate to an additional \$57.6 million;

Recommendation 9: Immediately and significantly increase funding to DHS to increase face-to-face services via remote servicing teams in remote areas to ensure availability of face to face social work services, job capacity assessments and interpreting services; and

Recommendation 10: Amend the Guide to Social Security law at 2.2.5.50 to directly and expressly provide guidance about applying the discretion in family violence situations where there is financial abuse and little or no pooling of resources.

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PART A: INCREASE ACCESS TO SOCIAL SECURITY PAYMENTS

1. Expand qualification for Crisis Payment

We recommend that the Government increase access to Crisis Payments for family violence victims by:

- a. extending eligibility requirement to qualify a person who is not eligible for income support but is in immediate and severe financial hardship following family violence, and is unable to meet reasonable costs due to the family violence;
- b. extending crisis payment to victims with non-fixed residences who are looking to establish new accommodation or need assistance to meet reasonable costs associated with family violence;
- c. extending crisis payment to enable all victims who can provide evidence of family violence, but are not yet able to leave or have a perpetrator removed, to accrue an entitlement to up to four crisis payments per year payable at the point that the person leaves on a permanent basis, or has the perpetrator removed; and
- d. extending the seven day claim period to 21 days.

A Crisis Payment is an emergency payment that is available to people at the time of a crisis, including family violence. The payment is a one-off payment, available up to four times a year in the case of extreme circumstances, and is the equivalent sum to just one week of a person's eligible fortnightly social security payment.

Aside from regular social security payments (such as Parenting Payments and Newstart Allowance), a Crisis Payment is the only social security payment that is specifically available for persons experiencing a crisis, such as family violence, that can assist the person to leave their home or otherwise alleviate their circumstances. However, there are a number of barriers in place that can inhibit a person's access to a Crisis Payment. Given the role that Crisis Payments play in assisting a person experiencing family violence, expanding access to Crisis Payments and increasing the rate of payment would have a high pay-off in terms of social welfare.

1.1 Requirement to be on, or eligible for, income support

To be eligible for a Crisis Payment an individual must be both in 'severe financial hardship' and in receipt of, or eligible for, income support. This requirement can limit access to a Crisis Payment, as not all victims of family violence who are in severe financial hardship are on, or eligible for, income support. In particular, this eligibility requirement precludes payment to victims of family violence who are excluded from receiving income support due to:

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- the partner income test, despite being financially dependent on the person using family violence and having no independent access to income;
- residence status, eg New Zealanders and other people on visas that do not attract Special Benefit.

Crisis payment should be extended to qualify a person who is not eligible for income support but is in immediate and severe financial hardship following family violence, and is unable to meet reasonable costs due to the family violence. Without limiting the meaning of “reasonable costs”, we envisage it should clearly include essential and priority needs (eg shelter, food, medicine, telephone, utilities, whitegoods, transport etc).

Such a category may also be useful in situations where assessment of a primary income support payment might create delay for Crisis Payment purposes (for example, where a person’s income may be difficult to ascertain because the perpetrator holds critical information about a family business or trust). Limiting opportunities for delays in assessing Crisis Payment are important given that the timing of Crisis Payments is an essential part of the value to recipients.

Recommendation 1: The Government should extend Crisis Payment qualification rules to include a person who is not eligible for income support but is in immediate and severe financial hardship following family violence, and is unable to meet reasonable costs due to the family violence.

This recommendation is consistent with the recommendations of the ALRC in its Report, see recommendation 9-1.

1.2 Requirements relating to the home

A Crisis Payment for family violence is only available where either the victim of family violence, or the person using family violence, leaves or is removed from the home. This precludes payments to victims of family violence who do not have fixed residences, or who are not yet ready or able to leave the home or have the perpetrator removed.

No fixed residence

The Guide to Social Security Law states:

For the purposes of [Crisis Payment], 'home' is taken to be the person's house or other shelter that is the fixed residence of a person for the foreseeable future. Fixed residence includes a house, apartment, on-site caravan, long-term boarding house or moored boat. A home is not a refuge, overnight hostel, squat or other temporary accommodation. Situations where it would be considered unreasonable to expect the person to remain in, or return to, their home

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are when the person's safety or wellbeing is at risk and the person cannot reasonably be expected to face this prospect.^[1]

The definition of “fixed residence” can be problematic for people who are living in non-fixed residence situations, despite the fact that family violence may result in costs to the victim (eg due to relocation or replacing damaged possessions).

In its Report, the ALRC found this had been the case for an indigenous woman who was refused a Crisis Payment for family violence because the home she had left was a tent, which in the view of the decision-maker, did not meet the definition of 'home'.^[2] Further, there are people who do not have stable accommodation as a result of family violence, such that it is difficult to identify their 'home'. The ALRC also found instances where a person was ineligible for a Crisis Payment on the basis that the person had not left their home, as they did not have one.^[3]

Consideration should be given to options to extend crisis payment to victims with non-fixed residences who are looking to establish new accommodation or need assistance to meet reasonable costs due to family violence. Without limiting the meaning of “reasonable costs”, we envisage it should clearly include essential and priority needs (eg shelter, food, medicine, telephone, utilities, whitegoods, transport etc)

Not yet able to leave the home or have perpetrator removed

There may be other cases where a victim wants to leave the violent home, but feels unable to do so at the time the violence occurs and feels equally unable to have the person removed due to fear of recrimination. For such a person, having an assessed entitlement, to be paid when they are ready to leave, would be valuable. For people who have not yet left or had the perpetrator removed, being able to accumulate entitlement to up to four crisis payments may encourage and assist their planning to that end.

Recommendation 3: The Government should extend crisis payment to victims with non-fixed residences who are looking to establish new accommodation or need assistance to meet reasonable costs associated with family violence.

This recommendation is consistent with the recommendations of the ALRC in its Report, see recommendation 9-2.

Recommendation 4: The Government should extend crisis payment to enable all victims who can provide evidence of family violence, but are not yet able to leave or have a perpetrator removed, to accrue an entitlement to up to four crisis payments per year payable at the point that the person leaves on a permanent basis, or has the perpetrator removed.

^[1] Guide to Social Security Law at 3.7.4.20 Qualification for CrP - Extreme Circumstances (domestic & family violence)

^[2] ALRC report para 9.23.

^[3] ALRC report para 9.24.

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1.3 Seven day claim period

Under the *Social Security Act 1991*, a seven day claim period applies for Crisis Payments for family violence. This claim period commences on the day of departure of either the victim of family violence, or the person using family violence, from the home.

We consider that this period is too short to allow applicants to make their claims and can have harsh implications. While most people will claim very quickly, some people, particularly those whose emotional ability to cope with day to day tasks has been undermined by the violence, or who were not quickly connected to support services, may not be able to do so.

In its Report, the ALRC found this claim period could operate harshly, citing an example of a woman who had spent more than one week in hospital due to family violence who was denied access to a Crisis Payment because the seven day claim period had lapsed (as the incident had technically occurred ten days prior to her application).

In our view, this claim period should be extended to twenty-one days to provide applicants with a reasonable claim period.

Recommendation 5: The Government should amend the *Social Security Act 1991* to extend the claim period for Crisis Payments from seven days to 21 days.

This recommendation is consistent with the recommendations of the ALRC in its Report, see recommendation 9-3.

2. Expand access to Special Benefit

A Special Benefit is a discretionary payment available to certain people who are not able to obtain any other income support. We recommend that the Government increase access to Special Benefit to more victims of family violence, and a small number of other highly disadvantaged people, by including Special Category Visas in the list of classes of visas with which Special Benefit payments can be claimed under the *Social Security (Class of Visas – Qualification for Special Benefit) Determination 2015 (No. 2)* (Cth).

2.1 Special Category Visa holders

NWRNs position is that the Government should amend the *Social Security Act 1991* to enable non-protected Special Category Visa (SCV) holders to access social security payments on a more generous basis than the current one off entitlement to six months of income support after 10 years of continuous residence in Australia.

However, as we are focussing on family violence in this year's submission, we propose a more limited amendment to the current policy settings which would increase access to Special Benefit

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only for SCV holders who find themselves in dire circumstances due to family violence or other special circumstances.

We propose that the Government expand access to Special Benefit payments to Special Category Visa holders by Ministerial Declaration. This would require amending the *Social Security (Class of Visas – Qualification for Special Benefit) Determination 2015 (No. 2)* (Cth) to include Special Category Visas in the list of classes of visas with which Special Benefit payments can be claimed.

The *Social Security Act 1991* and the Guide to Social Security Law place a very high bar on qualification for Special Benefit such that only the most vulnerable and destitute can qualify. This high bar would ensure that there is no risk that the inclusion of SCV holders would open the floodgates to large numbers of New Zealanders.

Such a determination should not be limited to family violence victims, but should clearly extend to them.

Recommendation 6: The Government should consider amendments to increase access to social security payments for non-protected Special Category Visa holders.

In the meantime, The Government should include Special Category Visas in the list of classes of visas with which Special Benefit payments can be claimed under the *Social Security (Class of Visas – Qualification for Special Benefit) Determination 2015 (No. 2)* (Cth).

This recommendation is consistent with the recommendations of the ALRC in its Report, see recommendation 7-3.

2.2 Newly Arrived Resident's Waiting Period

Under the current law, new migrants to Australia generally have to wait two years after the grant of their permanent visa before they can access most income support payments. However there are some exemptions from this two year newly arrived resident's waiting period (NARWP), which include an exemption for a person who is a family member of an Australian citizen or permanent resident (of at least two years). This exemption is mainly for partners or children of an Australian citizen or permanent resident.

NWRN is concerned by a Mid-Year Economic Fiscal Outlook 2015-16 proposal that we consider will increase financial stress on migrant partners and children of Australian citizens and permanent residents.

Since 1 January 2012 access to the family member exemptions from the Special Benefit NARWP was removed for holders of the temporary 309 and 820 Spouse/Partner or temporary 310 and 826 Interdependency visas. The narrow criteria for Special Benefit mean that the effect of the measure has been felt by people who are unable to access other social security benefits, are in financial

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hardship and are unable to earn a livelihood. Given these pressures, these families are at greater risk of family violence.

The government is now proposing to extend removal of family member exemptions from the NARWP from 1 January 2017 for payments other than Special Benefit. The measure will not apply to family members of humanitarian migrants.

This measure affects new migrants who are family members of Australian citizens or permanent residents. It would reduce support for new Australian families facing the challenges of adapting to life in a new country, just when they need more support not less. Supporting vulnerable new migrants to Australia benefits the whole community. This measure will reduce support to these families at a critical time, increasing financial stress and hardship.

Recommendation 7: The Government should restore access to the family member exemption from the NARWP for holders of the temporary 309 and 820 Spouse/Partner or temporary 310 and 826 Interdependency visas and abandon its MYEFO 2015-2016 family member exemption proposal.

Part B: INCREASING COMMUNITY SUPPORT FOR VICTIMS OF FAMILY AND DOMESTIC VIOLENCE

3. Community Legal Centres

3.1 Overview

We recommend that the Government increase access to legal services for victims of family violence by:

- a. Reversing the national funding cuts to Community Legal Centres (CLCs) under the National Partnership Agreement (NPA) on Legal Assistance amounting to \$34.83 million over the period 2017-18 to 2019-2020; and
- b. Immediately injecting \$120 million per year into the legal assistance sector consistent with the recommendation made by the Productivity Commission including a minimum \$14.4 million per year to CLCs which over the remaining period of the NPA, until 2019-2020 would equate to an additional \$57.6 million.

for the following reasons:

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- a. CLCs provide highly targeted legal services to vulnerable and disadvantaged members of the community;
- b. CLCs are efficient and innovative providers of legal services. Legal services are adaptive and address a broad range of community needs; and
- c. The work of CLCs directly implements current government policy objectives in relation to family violence.

3.2 Targeted local early intervention services

CLCs turn away over 150,000 people seeking legal assistance per year, largely due to a lack of resources. Unresolved legal problems generate a range of negative flow-on effects which result in significant additional costs to the community and government. These additional costs could be mitigated by early intervention by CLCs. The Productivity Commission¹ in its report referred to the reduced costs to the justice system and lower costs to other taxpayer funded services in areas such as health, housing and social security payments through the prevention or reduction of the escalation of legal problems through legal assistance services provided by CLCs.

Early intervention by CLCs can help prevent ongoing adverse and costly consequences for its vulnerable clients such as financial instability, physical deterioration, social isolation and emotional problems. Independent research commissioned² by the NWRN found that legal services provided by its member centres made a significant, and in some cases vital differences to their clients' lives. Once they were financially stable, most of these clients were able to reconnect with family and friends, and in some cases see their children again. Some of the clients had now returned to work or study and some had decided to volunteer their time. About half of the clients interviewed for the research also reported no longer feeling suicidal.

CLCs provide effective and creative solutions to legal problems as they arise within their local communities. Funding provided to CLCs necessarily flows to address the critical needs of the most vulnerable people in local communities. CLC's relationships with their communities also enables them to respond effectively to needs as they arise and change. Funding to CLCs is therefore highly targeted to the vulnerable and delivered in a way that can best address immediate needs. Funds are being delivered to where they are most needed – in front line services.

Family violence provides a salient example. Family violence has received significantly increased media attention over the last 12 months. However, CLCs have been responding to the needs of

¹ Productivity Commission of Australia, Access to Justice Arrangements Inquiry Report No 72 (September 2014) 666

² Susan Bell research, How does the National Welfare Rights Network add value to clients?, Independent research with clients, December 2014

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women in family violence situations on a continuous basis, not because of a policy directive, but in direct response to community needs as they have arisen.

Whilst the CLC sector welcomed the Government's announcement that \$15 million of the Women's Safety Package would be used to establish specialist family violence units in family violence 'hot spots', it is important to note that funding for the family violence work of CLCs alone is not sufficient. The flow on effects of family violence are clear in a range of work CLCs undertake including in area of social security law.

3.3 Adaptive, innovative and efficient services

By providing broad access to the law, justice and legal services, CLCs promote a culture of inclusiveness and social cohesion in the community. CLCs assist in reducing violence, social exclusion and alienation, youth disenfranchisement, family breakdown and domestic abuse.

CLCs operate within very tight budgets and are very effective at accessing significant volunteer and pro bono legal services thereby increasing their capacity to assist clients. CLCs are also at the forefront of delivery innovative services which are tailored to disadvantaged and vulnerable communities. For example the establishment of Health Justice Partnerships reaches clients who may not otherwise access legal services through collaborative relationships with health professionals.

CLCs integrate assistance for individual clients with community legal education, community development and systemic work. For example, through Welfare Rights Centres' casework experience, social security laws, policies and administrative practices which adversely or inequitably impact on large numbers of vulnerable clients are identified and acted upon to drive improvements in the system. Services are always based on client need and are preventative in outcome.

3.4 Furthering current family violence policy objectives

Increased funding of CLCs is consistent with National Outcome 4 of COAG's "National Plan to Reduce Violence Against Women and their Children". National Outcome 4 is that services meet the needs of women and their children experiencing violence. Strategy 4.3, which supports National Outcome 4, provides that:

Women and their children need to receive holistic support including health, housing, education, employment and legal assistance. Economic and social wellbeing is critical for women and their children who have been victims of violence to rebuild their lives. Services need to be equipped to support this.

CLCs are often the first point of call from women experiencing family violence. COAG further identified that it is important for victims that their first point of contact when seeking assistance should be professional and capable of providing that assistance. Without this support women will

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not be supported to change their circumstances and protect themselves and their children from ongoing family violence.

Recommendation 7: Reverse the national funding cuts to Community Legal Centres (CLCs) under the National Partnership Agreement (NPA) on Legal Assistance amounting to \$34.83 million over the period 2017-18 to 2019-2020; and

Recommendation 8: Immediately inject \$120 million per year into the legal assistance sector consistent with the recommendation made by the Productivity Commission including a minimum \$14.4 million per year to CLCs which over the remaining period of the NPA, until 2019-2020 would equate to an additional \$57.6 million.

4 Increase resources to DHS's critical contact points for family violence victims

We recommend an increase in funding to DHS to increase face-to-face services via remote servicing teams in remote areas to ensure availability of face to face social work services, job capacity assessments and interpreting services.

In 2013–14 the Department for Human Services reported an operating surplus of \$132.6 million after adjustment for unfunded depreciation and the revaluation of assets. In 2014-2015 that figure was \$65.8 million. However, there are a number of essential DHS delivered services which are currently under-resourced. It is critical that operational surpluses and other funds as necessary be redirected to fund DHS to provide high quality and timely services.

There are a number of key DHS services which serve as critical contact points for victims of family violence at which a person may disclose family violence and from where the person may be diverted to other beneficial services and away from mainstream servicing. These critical contact points include: social work services, comprehensive compliance assessments and job capacity assessments.

Lack of face to face social work and job capacity assessments in remote areas is of particular concern. For example, we understand from information provided by DHS last year that there was at that time only 3 permanent Assessment Services Staff (Job Capacity Assessors) servicing the Northern Territory. While we acknowledge that their services may be supplemented with additional staff on a needs basis from time to time, it is quite clear to us, based on feedback from our members providing welfare rights services in remote areas, that more permanent staff are needed to service remote communities.

The problems of family violence in remote indigenous communities are well acknowledged. In our experience, family violence can be a factor in a range of social security problems, including overpayments, under-claiming and non-compliance with activity requirements. Family violence is compounded by issues such as literacy, disability, homelessness and lack of interpreters. Increasing face-to-face job capacity assessors, social work officers and availability of interpreters is a key step in improving services for people experiencing family violence in these communities.

In relation to social workers in particular we note that:

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- a. social workers improve use of gateways to government services, directing people to the most appropriate services at the most appropriate time. This optimises the value of services to individuals and is consistent with the current focus on consumer-directed services;
- b. face to face social work appointments can deliver services to people who lack the capacity to initiate the connection to other government and non-government services, particularly where the person has barriers to use of telephone services. Social workers are specialists in interpersonal communication, identification of individuals' needs and matching those needs with available supports. They are an important means of meeting the ongoing need for in-person interaction between government and individuals;
- c. For local communities, there is social value in increased social work assistance for people with complex needs, who cannot be adequately supported by friends and family. Individuals with unmet needs for support are likely to impose strains on their local community;
- d. For the Government, social workers capture knowledge and valuable experience that can be used for further public policy development and improved administration.

Remote servicing teams should always have a social worker and job capacity assessor available to do face-to-face appointments. More resources are also required to increase the number of interpreters used and available for use.

Recommendation 9: The Government should immediately and significantly increase funding to DHS to increase face-to-face services via remote servicing teams in remote areas to ensure availability of face to face social work services, job capacity assessments and interpreting services.

Part C: SECTION 24 OF THE GUIDE TO SOCIAL SECURITY LAW

5 Discretion not to treat as a member of a couple

Section 24 of the *Social Security Act 1991* contains a discretion for decision makers not to treat a person as a member of a couple for a special reason. The Guide to Social Security Law (the Guide) at 2.2.5.50 provides policy guidance for exercise of the discretion.

We recommend that the Guide at 2.2.5.50 and any relevant Operational Blueprints be amended as follows:

- a. to directly and expressly provide guidance about applying the discretion in family violence situations where there is significant financial abuse and little or no pooling of resources;

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- b. to include a direction to decision makers to refer victims to welfare rights and other support services where family violence is disclosed or suspected to maximise the person's ability to provide evidence.

There is currently no reference to family violence in the Guide at 2.2.5.50. Our members see cases where severe financial abuse means that the victim, although a member a couple, is not able to enjoy the benefits of pooled resources that couples usually enjoy (and that underpin the rationale behind the single / couple rate differential). In some cases, the perpetrator controls access to all funds, so the victim does not receive the full benefit of their own income support entitlement.

The policy should to be amended to include family violence as a factor for consideration in assessing what constitutes a "special reason" under section 24 of the Act. It should directly and expressly provide guidance about applying the discretion in family violence situations where there is financial abuse and little or no pooling of resources and provide examples of family violence situations that would constitute a special reason.

The effect of the section 24 discretion being applied is that the single rate may be paid, which may assist victims who are saving up to leave the home. It also has the effect that, if applied retrospectively, it can result in reduction of some debts. Typically these would be debts where the victim can provide evidence of a financially abusive partner, who severely restricted or prevented pooling, to the extent that there is a special reason for treating the victim as single. We reiterate that such cases are rare and require corroborating evidence of the abuse and lack of pooling.

This is not strictly a new spending measure, as the Act clearly permits exercise of the discretion currently. However, changes to the policy may result in a modest increase in the exercise of the discretion. Section 24 is rarely applied and the proposed change would constitute a very modest outlay.

Administrative guidance should include a direction to investigators to refer victims to welfare rights and other support services where family violence is disclosed or suspected to maximise the person's ability to provide evidence.

Recommendation 10: The Government should amend the Guide to Social Security law at 2.2.5.50 to directly and expressly provide guidance about applying the discretion in family violence situations where there is financial abuse and little or no pooling of resources.

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