

19 August 2022

Committee Secretary
Senate Education and Employment Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email only: eec.sen@aph.gov.au

Dear Committee Secretary,

Economic Justice Australia submission to the inquiry into the Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

1. Economic Justice Australia (EJA) is the peak organisation for community legal services providing specialist advice regarding social security issues and rights. Our members across Australia provide free and independent information, legal advice, education and representation in the area of social security as well as engaging in policy and law reform work.
2. EJA draws on its members' casework experience to identify systemic policy issues and provide expert advice to government on reforms needed to make the social security system more effective and accessible.
3. EJA welcomes the proposed reform intended by the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022* (the Bill) and agree with the statement made in the Bill's Explanatory Memorandum that "the financial impacts of family and domestic violence can be significant, and, in many circumstances, **those affected are unable to take steps to leave violent situations without risking unemployment, financial hardship or homelessness.**"
4. However, this reform only provides greater financial support and protections to victim survivors of family violence who are in paid employment. We know that financial hardship is a barrier for victim survivors, who are usually women and children, who want to leave a violent home¹. We know financial hardship is a reason victim survivors return to violent relationships.² We also know that many victim survivors who are experiencing family and domestic violence **are not in paid work, or sufficient paid work, at the time the violence takes place.**

¹ 2016 Australian Bureau of Statistics (ABS) Personal Safety Survey (2017) cited by Australia's National Research Organisation for Women's Safety (ANROWS) in evidence to House of Representatives Standing Committee on Social Policy and Legal Affairs, Inquiry into family, domestic and sexual violence.

² Ibid. See also The Choice: Violence or Poverty report by Professor Anne Summers. Report and research tables available here: <https://www.violenceorpoverty.com/>.

5. This means many victim survivors will not be able to take advantage of the important financial measures proposed by this Bill. For example:
 - I. 50% of single mothers and their children who experience family violence are not in paid employment³ and will not benefit from this reform;
 - II. Victim survivors living in areas, including regional, rural, remote and very remote communities, who are not able to obtain paid employment or sufficient paid employment due to the higher rates of employment unavailability will not benefit from this reform;
 - III. Victim survivors with disabilities who cannot work in paid employment or sufficient paid employment due to the impairment caused by their disabilities will not benefit from this reform;
 - IV. Victim survivors who are prevented from participating in paid employment by the perpetrator of the family violence will not benefit from this reform;
 - V. Victim survivors who are unable to participate in paid employment, or sufficient paid employment, due to the “significant impediment to workforce participation”⁴ caused by the family violence they are experiencing will not benefit from this reform.

6. For victim survivors in situations like those outlined above, or who are not in paid employment or adequate paid employment for other reasons, Australia’s social security system does not provide adequate support to people relying on income support before they experience violence, whilst they are experiencing violence, when trying to leave the violent home/relationship nor in the aftermath of violence (which often includes lifelong impacts) and this is causing victim survivors to choose between violence or poverty, often forcing people to stay in violent relationships or return to violent homes.⁵

7. As outlined in the Bill’s Explanatory Memorandum (quoted above), to leave violence and find safety **an independent and adequate source of income is essential**, which is why social security reform is key to ensure victim survivors who are not in the paid workforce, or who earn a low income, are supported to leave and not return to a violent home.

8. As well as being inadequate, **our social security system is increasing vulnerability to family and domestic violence and is used as a weapon of economic abuse**.⁶ For example, our own research at EJA shows that women experiencing domestic violence continue to be assessed

³ Above n 2.

⁴ Explanatory Memorandum to the *Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022*, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r6882.

⁵ Ibid. See also Economic Justice Australia’s research report ‘How well does Australia’s social security system support victims of family and domestic violence?’, available here: <https://www.ejaustralia.org.au/how-well-does-australias-social-security-system-support-victims-of-family-and-domestic-violence>.

⁶ See Social Security Rights Review article ‘Social security as a weapon of economic abuse’, available here: <https://www.ejaustralia.org.au/social-security-as-a-weapon-of-economic-violence>.

as being a member of couple for the purposes of social security law. This effectively **tethers the women and their children to their abuser**, even in circumstances where income is not shared between the couple. This can mean women end up owing a debt to Centrelink when they did not receive any benefit from the Centrelink benefits allegedly overpaid, causing further economic hardship and financial tethering to the abuser.⁷

9. It is critical that the government take steps to enhance access to adequate income support and financial security for victim survivors who are not in paid employment, and those who earn low incomes, in the same way this Bill seeks to enhance financial security for people experiencing family violence who are working.⁸
10. As a start, **social security must be in the next National Plan to End Violence against Women and Children** (National Plan) so that all women, not just those who are fortunate enough to have adequate income from employment, are financially supported when experiencing or fleeing family and domestic violence, are not financially tethered to their abuser and never have to choose between violence or poverty. It is essential that social security is included in the National Plan not only in the context of a gender equality strategy, but as a fundamental element of family and domestic violence prevention, response and recovery.

Recommendations:

- *EJA supports the passing of this Bill.*
- *EJA recommends the Committee use this inquiry and its report as an opportunity to advocate for social security to be added to the new National Plan to End Violence Against Women and Children.*
- *EJA recommends the Committee use this inquiry and its report as an opportunity to comment on and advocate for the need for adequate social security income payments for unemployed and underemployed victim survivors of family violence.*
- *EJA recommends the Committee use this inquiry and its report as an opportunity to comment on and advocate for the need for social security law reform to ensure the system is not making victim survivors more vulnerable to family and domestic violence or being used as a weapon of economic violence.*
- *EJA recommends the Committee use this inquiry and its report as an opportunity to comment on and advocate for the need for adequate and need-based funding for social security legal assistance across Australia.*

⁷ See Economic Justice Australia's research report 'Debt, Duress and Dob-Ins: Centrelink compliance processes and domestic violence', available here: <https://www.ejaustralia.org.au/debt-duress-and-dob-ins-centrelink-compliance-processes-and-domestic-violence/>.

⁸ See Economic Justice Australia's proposed legislative reforms in our Violence or Poverty: Social Security Reform is Key legislative briefing, here: <https://www.ejaustralia.org.au/wp-content/uploads/Social-Security-Reform-is-Key.pdf>.

Contact for this submission

Emily Singh
Policy and Communications Officer
Economic Justice Australia
Suite 321/410 Elizabeth Street,
Surry Hills NSW 2010
Tel: +61 432 155 600
Email: emily@ejaustralia.org.au

Website: www.ejaustralia.org.au