

24 July 2020

Committee Secretary  
House of Representatives Standing Committee on Social Policy and Legal Affairs  
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## ***Economic Justice Australia (EJA) submission to the Inquiry into family, domestic and sexual violence***

### **Introduction**

Economic Justice Australia (EJA) is the peak organisation for community legal centres providing specialist advice regarding social security issues and rights. Our members across Australia have provided free and independent information, advice, education and representation in the area of social security for over 30 years.

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. Our law and policy reform work:

- Strengthens the effectiveness and integrity of our social security system;
- Educates the community; and
- Improves people's lives by reducing poverty and inequality.

EJA welcomes the opportunity to make this submission to the Standing Committee on Social Policy and Legal Affairs. Our members frequently assist individuals dealing with domestic and family violence (DFV) and witness firsthand the systemic barriers that victims can face in dealing with Centrelink and accessing appropriate support. This submission incorporates case studies and observations provided by EJA members and is informed by the report on our 2018 research project, [\*How well does Australia's social security system support victims of family and domestic violence?\*](#)<sup>1</sup> (EJA research project).

Our comments and recommendations are set out below under the relevant terms of reference for the Inquiry.

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<sup>1</sup> [http://ejaustralia.org.au/wp/wp-content/uploads/2018/08/NSSRN\\_Report2018\\_FamilyViolence\\_SocialSecurity\\_sm.pdf](http://ejaustralia.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf)

## Domestic violence and Australia's social security system

The EJA research project drew on 93 cases from our member centres where DFV was identified as a factor, as well as a survey of member centres and a review of relevant Administrative Appeals Tribunal cases. The resulting research report makes 32 recommendations which seek to address systematic inadequacies in the ability of the social security system to support DFV victims.

To date, at least five of the recommendations made in the EJA research project report have been implemented, and there are indications that the implementation of these recommendations is already having tangible positive effects. For example, one of our member centres has observed that changes to the Guide to Social Security Law made in the light of our recommendations have resulted in Centrelink considering the impact of domestic violence when considering cases turning on whether a person was a 'member of a couple' during a past period; and when considering whether to waive recovery of debts. This is an important step towards ensuring that people are not re-victimised by being forced to repay substantial debts that are the result of coercion by violent partners or family members.

The changes made to date to Departmental internal systems and guidelines in the light of the Report's recommendations attest to the commitment by the Department of Social Services and Services Australia to practical reforms to ensure that people experiencing domestic and family violence are supported in their dealings with Centrelink and the justice system, rather than being further traumatised. We understand that a new Family and Domestic Violence Strategy will soon be launched by Services Australia and we shall continue to engage with the Department on incorporating the remaining recommendations made in the EJA research project report be included in the new Strategy.

## Recommendations made in this submission

This submission makes the following recommendations to inform the National Plan to Reduce Violence Against Women and their Children (National Plan):

- **Recommendation A:** *That the National Plan include funding for research activities that draw on frontline experience of the intersection between DFV and critical areas of support to identify systemic changes that would help empower and protect victims of DFV.*
- **Recommendation B:** *That the effectiveness of the social security system in promoting economic independence and security for women generally, and for victims of DFV, be made a key performance and measurement benchmark in the National Plan.*
- **Recommendation C:** *That performance measurement benchmarks be inserted into the Services Australia Family and Domestic Violence Strategy, and action plans under the National Plan, and that a system of regular outcome reporting be instituted for each.*
- **Recommendation D:** *That training of Centrelink staff includes a focus on enhancing understanding of DFV and its impacts, and increasing the capacity of frontline staff capacity to identify clients experiencing DFV.*
- **Recommendation E:** *That the Services Australia system of vulnerability flags continues be refined to improve identification of domestic and family violence cases and ensure victims are treated appropriately, and referred for specialist assistance and support.*
- **Recommendation F:** *That Services Australia institute a regular consultation and feedback loop between Centrelink offices and local community organisations regarding service adaptations in relation to DFV, including Indigenous and CALD community organisations.*

- **Recommendation G:** That Services Australia engage additional Multicultural Service Officers and Indigenous Service Officers to adequately serve community needs.
- **Recommendation H:** That substantial additional funding be urgently allocated to enable Services Australia to employ social workers in every Centrelink office to enable victims of family and domestic violence to be supported and appropriately referred.
- **Recommendation I:** That the Social Security Act be amended to increase the rate of JobSeeker Payment permanently, so that the JobSeeker Payment provides an adequate standard of living that promotes the economic independence and security of people receiving it.
- **Recommendation J:** That the Social Security Act be amended to allow single parents to receive Parenting Payment until their youngest child turns 16.
- **Recommendation K:** That the Special Benefit qualification criteria be reviewed and amended to better support victims of domestic violence.
- **Recommendation L:** That the availability of Special Benefit be extended to New Zealand citizens residing in Australia and the visa subclasses listed in this submission, with guidelines ensuring that DFV is taken into account when considering eligibility.
- **Recommendation M:** That Services Australia investigate the way in which its tip-off procedures may be used to perpetuate DFV and amend procedures to ensure that tip-offs from partners/ex-partners are dealt with cautiously, especially where the client's record has a vulnerability flag.
- **Recommendation N:** That Services Australia institute a process of confirming care arrangements with both parents before cutting payment to a parent who is currently receiving Parenting Payment or Family Tax Benefit.
- **Recommendation O:** That Services Australia and the CDPP develop appropriate mechanisms for identifying and dealing with cases of DFV-influenced social security fraud.

## Comments and recommendations against relevant terms of reference

### Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

#### Research funding

EJA welcomes the development of a new National Plan that features strong performance monitoring, evaluation and reporting mechanisms. We note the recommendation of the *2018-2019 Auditor General Report about the Coordination and Targeting of Domestic Violence Funding and Actions*<sup>2</sup> that research activities be targeted towards projects that identify 'what works for whom and in what contexts' in addressing DFV. The investment in research conducted by Australia's National Research Organisation for Women's Safety (ANROWS) is particularly important and should continue. Further, funding for research that draws on frontline experience of the interaction of DFV with critical areas of support to identify systemic issues (such as EJA's 2018 research project focusing on social security<sup>3</sup>), will be key to improving the implementation and performance measurement of any future National Plan.

- **Recommendation A:** That the National Plan include funding for research activities that draw on frontline experience of the intersection between DFV and critical areas of

<sup>2</sup> <https://www.anao.gov.au/work/performance-audit/coordination-and-targeting-domestic-violence-funding-and-actions>

<sup>3</sup> [http://ejaustralia.org.au/wp/wp-content/uploads/2018/08/NSSRN\\_Report2018\\_FamilyViolence\\_SocialSecurity\\_sm.pdf](http://ejaustralia.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf)

*support to identify systemic changes that would help empower and protect victims of DFV.*

### **Social security benchmark**

We propose that the central role of social security support in addressing DFV should explicitly form part of the National Plan, and be subject to specific performance benchmarks and monitoring.

The First Action Plan included social security reforms as immediate national initiatives to be implemented under the Plan, including: the introduction of paid parental leave; provision of increased support for pensioners; and increased funding for income support and family assistance payments<sup>4</sup>. The First Action Plan also proposed that social work services be provided to victims experiencing domestic violence through Centrelink's Domestic and Family Violence Strategy.<sup>5</sup>

However, by the Fourth Action Plan no specific reference was made to social security payments or Centrelink services. This omission is at odds with the recognition in each of the Plans that socio-economic inequality and discrimination are key drivers of higher rates of violence against women, and that supporting victims' economic independence and security is key to ending DFV. The central role of economic independence and security in ending DFV has also been widely recognised in independent research<sup>6</sup> and alluded to in announcing state and Commonwealth initiatives.<sup>7</sup>

We propose that the effectiveness of the social security system in promoting economic independence and security for women generally, and for victims of DFV specifically, is an essential performance and measurement benchmark for any future National Plan.

- **Recommendation B:** *That the effectiveness of the social security system in promoting economic independence and security for women generally, and for victims of DFV, be made a key performance and measurement benchmark in the National Plan.*

**The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non-government and community organisations, and business.**

### **Performance measurement**

Since 2013 Services Australia has developed and implemented three-year Family and Domestic Violence Strategies that set out specific aims and actions to improve Centrelink's capacity to

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<sup>4</sup> First Action Plan, Strategy 1.3 immediate national initiatives

<sup>5</sup> First Action Plan, Strategy 4.3 immediate national initiatives

<sup>6</sup> Cortis, N., & Bullen, J. (2016). Domestic violence and women's economic security: Building Australia's capacity for prevention and redress: Final report (ANROWS Horizons, 05/2016). Sydney: ANROWS; Braaf, R. & Meyering, I. (2011). Seeking security: Promoting women's economic wellbeing following domestic violence. Sydney: Australian Domestic and Family Violence Clearinghouse

<sup>7</sup> Women's Economic Security Statement 2018, Commonwealth of Australia 2018

<https://www.pmc.gov.au/sites/default/files/publications/womens-economic-security-statement-2018.pdf>; Council of Australian Governments. (2016). COAG Advisory Panel on Reducing Violence against Women and their Children. Retrieved from Department of Prime Minister and Cabinet website <https://www.dpmc.gov.au/office-women/womens-safety/coag-advisory-panel-reducing-violenceagainst-women-and-their-children>; Royal Commission into Family Violence March 2016 <http://rcfv.archive.royalcommission.vic.gov.au/MediaLibraries/RCFamilyViolence/Reports/Final/RCFV-Summary.pdf>

assist victims of DFV. This is in recognition that Services Australia policies and procedures play a crucial role in determining how Centrelink staff identify and respond to cases of DFV. Most Australians interact with Centrelink at some point in their life, many of these interactions occurring during periods of transition due to relationship breakdown. The latest Strategy<sup>8</sup> ended in 2019 and a new Strategy will be published this year. We applaud the efforts of Services Australia to make DFV a frontline focus for Centrelink's interactions with individuals. We propose that the Strategy be subject to performance measurement and outcome reporting in order to track its effectiveness.

EJA followed up with the Department of Social Services and the Department of Home Affairs at the conclusion of the Third Action Plan of the National Plan to Reduce Violence Against Women and their Children, on progress in relation to the following actions to address gaps in support for migrants experiencing family and domestic violence:

- 3.8 Ensure migration rules and eligibility requirements for support services do not disempower victims of violence or discourage them from leaving violent relationships
- 3.8(a) Develop appropriate visa arrangements for temporary residents who are experiencing violence
- 3.8(b) Revise eligibility requirements to enable more victims of violence to access support.
- 3.8(c) Work with service providers to improve access of temporary residents to available support services.

There appear to be no performance measurement or outcome reporting from the Departments specifically in respect of these actions. Given that the DFV risks to temporary residents remain a pressing issue, these actions should remain in any new action plans, with benchmarks for measuring performance complementing those of the Services Australia Family and Domestic Violence Strategy.

- **Recommendation C:** *That performance measurement benchmarks be inserted into the Services Australia Family and Domestic Violence Strategy, and action plans under the National Plan, and that a system of regular outcome reporting be instituted for each.*

### **Centrelink training, practices and procedures**

In the light of EJA's research findings and our members' continued casework experience we propose a number of key improvements to Services Australia/Centrelink procedures toward better assisting victims of DFV.

Australia's social security and family assistance system is complex, and frontline Centrelink staff face many challenges assisting clients to identify what payments they may be eligible for, and answering queries regarding income and assets tests and adverse decisions. Clients who have experienced DFV may present at Centrelink in a distressed or agitated state, which can be confronting and stressful for staff to deal with. Staff members need training and support to effectively assist people who disclose that they have experienced family and domestic violence; and to identify people whose behaviour may indicate DFV.

We support the continued refinement and improvement of Centrelink staff training in DFV risk identification and referral. In recent years, Services Australia has significantly increased the number of staff training programs for dealing with DFV and implemented an internal system of

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<sup>8</sup> Family and Domestic Violence Strategy 2016–2019  
<https://www.servicesaustralia.gov.au/sites/default/files/12899-1511-family-domestic-violence-strategy.pdf>

DFV flags to ensure that staff dealing with clients known to have experienced DFV are aware of their vulnerability.<sup>9</sup> However, the system continues to fail to identify some clients experiencing DFV, with our members reporting that staff can fail to ask adequate screening questions or fail to note the potential need for a DFV flag.

Proactive identification of DFV indicators and vulnerabilities that increase the risk of DFV is especially important given that individuals are often afraid or embarrassed to disclose DFV directly. In one recent case, our member assisted a client who was receiving DSP due to a condition that left him bedridden and whose abusive partner was controlling his finances. The client incurred a DSP debt because his partner deliberately under-reported her own income to Centrelink. In circumstances such as this, the particular vulnerability of the individual to coercion and control should form part of Centrelink's approach to assisting the individual and assessing the circumstances of the overpayment.

Regular staff training and continued improvements to the system of vulnerability flags would increase the capacity of Centrelink staff to identify and appropriately assist individuals experiencing DFV, both in terms of making referrals for support and in terms of taking DFV into account when exercising discretion regarding payment eligibility (such as for Special Benefit), debt waiver and application of compensation preclusion periods. This capacity would be strengthened by enhancing Centrelink's social worker staffing, allowing liaison with local community support organisations and development of consultation and feedback loops regarding training requirements, and service adaptations more broadly. There is also a need for more culturally sensitive support services within Centrelink for Indigenous and CALD clients. Our members report that clients who have experienced DFV are often required to repeatedly outline their experiences, particularly if seeking review of a decision or appealing, which causes them to re-live trauma.

A member reports a case of an Aboriginal woman who failed to pursue an appeal against a compensation preclusion period which runs to mid-2023 (with no access to social security until then), because of the need to keep explaining her life-long experiences of domestic and family abuse and violence, and the trauma associated with being separated from her siblings as a child. To avoid the shame and distress of repeatedly recounting how the compensation monies were expended the client chose not to appeal, despite the appeal having merit. The woman has now sold her modest home and is now living on the proceeds away from her community, in a caravan.

There is a clear need for more Multicultural Service Officers and Indigenous Service Officers in Centrelink offices. Another member notes that issues have arisen where the non-CALD or non-Indigenous partner is believed over the CALD/Indigenous victim of domestic violence, particularly where the victim has limited language or literacy skills. Our members report that clients often feel that the Centrelink staff do not have an understanding of their culture, and clients feel unable to disclose issues of FDV because they fear that they will be judged.

There is a particular need for training and support in this area for Centrelink Agents and staff at Access Points in remote and rural areas. These staff are often at the frontline when it comes to dealing with FDV issues but are ill-equipped to assess clients' needs and make appropriate referrals.

One EJA member observes that young people escaping family violence can incur social security debts due to inability to meet mutual obligation requirements and difficulties with

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<sup>9</sup> *ibid.*

informing Centrelink of changes to their circumstances. The most common scenario is where a young person flees family violence and ends up in transient housing. Due to the trauma of the family violence and their unstable housing they disengage with education. The young person then receives a debt because they failed to notify Centrelink.

The trauma of family violence and resultant issues (which can include financial and housing stress, substance issues, deterioration of mental and physical health), many young people escaping long-standing abuse and violence do not have the capacity or awareness to understand or comply with their obligations to Centrelink. For young people in this situation where housing and safety are number one priorities, contacting Centrelink to advise of changes to their studies is particularly challenging, particularly where they genuinely want to and intend to resume study. There are also situations where young people fear that contacting Centrelink about their changed circumstances will result in a debt or their payments being cancelled or suspended. This fear is exacerbated when the young person is desperately relying on that income support to survive and flee family violence.

- **Recommendation D:** *That training of Centrelink staff includes a focus on enhancing understanding of DFV and its impacts, and increasing the capacity of frontline staff capacity to identify clients experiencing DFV.*
- **Recommendation E:** *That the Services Australia system of vulnerability flags continues be refined to improve identification of domestic and family violence cases and ensure victims are treated appropriately, and referred for specialist assistance and support.*
- **Recommendation F:** *That Services Australia institute a regular consultation and feedback loop between Centrelink offices and local community organisations regarding service adaptations in relation to DFV, including Indigenous and CALD community organisations.*
- **Recommendation G:** *That Services Australia engage additional Multicultural Service Officers and Indigenous Service Officers to adequately serve community needs.*

### **Social workers**

Within the Centrelink environment, social workers are uniquely equipped to work with clients with complex needs, including in relation to family or domestic violence. Our member centres report that the assistance of social workers is often key to identifying cases of DFV, helping victims of DFV obtain payment and appropriately addressing cases where victims have incurred social security/family assistance debts, or face repaying a substantial debt due to being coerced by an abusive partner into mis-reporting their circumstances. We note that the First Action Plan recommended the provision of social work services to victims experiencing domestic violence as an immediate national initiative.<sup>10</sup>

Our members report that clients are often more likely to disclose DFV to a social worker, and that social workers are able to take a holistic view of a client's circumstances in order to address circumstances of domestic violence. In two recent cases at one of our member centres, the intervention of the Centrelink social worker meant that the clients, both of whom had been coerced into mis-reporting their circumstances by abusive partners, did not have debts raised against them - in recognition of the fact that they were experiencing financial abuse.

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<sup>10</sup> First Action Plan, Strategy 4.3

Despite the crucial role played by social workers, many clients face difficulties accessing social worker support. Many clients are not aware that Centrelink social work support exists; and clients in obvious need of social worker support are often only provided the option of a phone appointment with a social worker, which is not conducive to either disclosure or building rapport. Members report that clients often have to wait 2-3 days for social work support, and express frustration at not being able to get an appointment when urgent assistance is needed. The loss of permanent social worker positions in Centrelink offices is keenly felt.

- **Recommendation H:** *That substantial additional funding be urgently allocated to enable Services Australia to employ social workers in every Centrelink office to enable victims of family and domestic violence to be supported and appropriately referred.*

### **The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.**

#### **Newstart/JobSeeker rate**

A lack of economic security is a major barrier to escaping domestic and family violence, particularly for women. Gendered labour market disadvantage, traditional care roles and intersecting vulnerabilities all mean that women are more likely to lack the resources to escape a violent partner or family member, particularly women with children. Ensuring an effective social security safety net is fundamental to maximising women's capacity to escape domestic violence.

The economic support available to unemployed women and women in part-time and casual work must provide an adequate standard of living, in compliance with Australia's obligations under Articles 9 and 11 of the International Covenant on Social, Economic and Cultural Rights. The main social security payment for people with no or low employment is the JobSeeker Payment (formerly Newstart Allowance). JobSeeker Payment is currently paid to over 1.6 million people in Australia who are looking for work. Prior to the outbreak of COVID-19, the maximum Newstart rate was set at approximately \$40 a day - a rate which left recipients \$124 a week below the poverty line.

The Coronavirus Supplement, introduced in April 2020, effectively doubled the Newstart Allowance rate for six months but is set to reduce from 25 September 2020, dropping from \$550 per fortnight to \$250 per fortnight until 31 December 2020. At the time of writing there have been no announcements regarding whether the Coronavirus Supplement will be discontinued from January 2021, or whether the ongoing rate of Newstart/JobSeeker Payment will be increased.

- **Recommendation I:** *That the Social Security Act be amended to increase the rate of JobSeeker Payment permanently, so that the JobSeeker Payment provides an adequate standard of living that promotes the economic independence and security of people receiving it.*

#### **Parenting Payment Single**

The availability of adequate income support is especially crucial for victims of DFV who are caring for children. Adequate support for single parents with children of all ages is key to creating the financial independence necessary to enable people with children to permanently leave abusive relationships.

Currently, single parents are moved from Parenting Payment to Newstart/JobSeeker Payment once their youngest child turns eight, leaving them with \$150 less per fortnight and with the requirement that they meet mutual obligations which often do not adequately take into account parenting responsibilities.<sup>11</sup> Prior to 2006, single parents could receive Parenting Payment until their youngest child turned 16.

- **Recommendation J:** *That the Social Security Act be amended to allow single parents to receive Parenting Payment until their youngest child turns 16.*

### **Newly arrived residents waiting period**

Migrant women who are subject to the four-year Newly Arrived Residents Waiting Period are unable to access any income support payments except the highly discretionary Special Benefit, which has strict qualification criteria (this waiting period has been temporarily lifted at the time of writing, until 31 December 2020). Special Benefit is a discretionary payment and is only available to a newly arrived resident if they are in severe financial hardship due to a substantial change of circumstances beyond their control. The additional requirement that the severe financial hardship be due to a substantial change of circumstances that has occurred since arrival in Australia can make it difficult to establish qualification where there has been prior abuse.

These strict eligibility criteria often mean that women experiencing DFV cannot access the independent income support they need to escape violence.

- **Recommendation K:** *That the Special Benefit qualification criteria be reviewed and amended to better support victims of domestic violence.*

### **New Zealanders and long-stay temporary visa holders**

There are key vulnerable groups of people who have been excluded from the social security safety net. This cohort includes long-stay temporary visa holders, asylum seekers on Bridging Visas, New Zealanders on Special Category Visas, and students who have lost income due to COVID-19. These people may have been living in Australia for rolling periods of three to five years (or in the case of New Zealand citizens, for many years) and have worked, paid taxes and effectively settled here.

People in these cohorts who are without independent means of support and are subject to DFV are highly vulnerable to remaining in situations of ongoing violence, abuse and coercion, or returning to a violent partner or family. This vulnerability compounds their general vulnerability to destitution and highlights the need to extend the list of visa sub-classes which attract Special Benefit, with extended coverage needed to cover people holding: Bridging Visas (all sub-classes); Student Visas; Temporary Resident (Skilled Employment) Visas; Pacific and Seasonal Worker Visas; and Temporary Graduate Visas.

- **Recommendation L:** *That the availability of Special Benefit be extended to New Zealand citizens residing in Australia and the above-listed visa subclasses, with guidelines ensuring that DFV is taken into account when considering eligibility.*

### **All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.**

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<sup>11</sup> National Council of Single Mothers and Their Children Inc, 2017 Budget Submission.

## Threats as coercion

Perpetrators of DFV are often able to use, or threaten to use, legal and government systems to coercively control their victims. Our member centres report that perpetrators can seek to use the income support system to control their victims in several ways.

Firstly, our members have reported cases where perpetrators force victims to mis-report their circumstances to Services Australia and subsequently threaten to reveal the mis-reporting to Services Australia. The fear of having to pay back a debt or being prosecuted for social security fraud can mean that victims feel compelled to remain in a relationship. Services Australia 'tip-off' procedures (i.e., procedures for responding to information provided by members of the public, sometime referred to as 'dob-ins') should take into account the risk of this form of abuse and ensure that the tip-off line is not used as a means of control by perpetrators.

- **Recommendation M:** *That Services Australia investigate the way in which its tip-off procedures may be used to perpetuate DFV and amend procedures to ensure that tip-offs from partners/ex-partners are dealt with cautiously, especially where the client's record has a vulnerability flag.*

Secondly, perpetrators can cause victims to lose their income support payments by mis-reporting child care arrangements to Centrelink. One of our member centres recently assisted a single mother whose Family Tax Benefit was suspended and a debt raised against her due to a false report by her abusive ex-partner that he had a greater share of the care of the child. Services Australia could address this issue by instituting a process of confirming care arrangements with both parents before cutting payment or raising a debt against a parent who is currently receiving Parenting Payment or Family Tax Benefit. This is especially important in light of the surge in parenting disputes associated with the COVID-19 pandemic<sup>12</sup> which potentially increases the likelihood that perpetrators of DFV will mis-report care arrangements.

- **Recommendation N:** *That Services Australia institute a process of confirming care arrangements with both parents before cutting payment to a parent who is currently receiving Parenting Payment or Family Tax Benefit.*

Thirdly, prosecutions of social security fraud that occur under the coercion or through the actions of a partner or family member can re-victimise individuals and hamper their efforts to re-establish themselves after fleeing violence. Cases of social security fraud can arise where a perpetrator who controls the victim's finances coerces the victim into mis-reporting their circumstances to Centrelink in order that they receive a higher rate of payment. If the fraud is uncovered, Centrelink may refer the case to the Commonwealth Department of Public Prosecutions to hold the victim criminally liable. In such cases, the prosecution threatens to become an extension of the financial abuse the victim has already endured, as they are held liable for acts performed under coercion. Even if the victim is able to successfully raise a defence of duress, the stress and time involved in mounting a legal defence against prosecution can prove a serious barrier to their recovery and to establishing an independent life away from their abuser.

One of our members recently assisted a woman who had children with an abusive partner, who used the threat of self-harm to control her. Her partner forced her to tell Centrelink she was

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<sup>12</sup> Legal Constitutional Affairs Committee, 'Inquiry into domestic violence with particular regard to violence against women and their children', May 2020, 1.44.  
[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/DV/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/DV/Report)

single so she could receive a higher rate of payment. An anonymous tip-off about their relationship led the Australian Federal Police to raid their home and Centrelink concluded that the woman had engaged in social security fraud, referring her case to the CDPP. The CDPP continued with prosecution despite evidence of the psychological control the woman's partner was exerting over her.

In order to prevent the prosecution mechanism being inappropriately used against victims of DFV, Centrelink and CDPP guidelines and procedures should be amended to enable early recognition of such cases, and handling in a way that best support victims.

- **Recommendation O:** *That Services Australia and the CDPP develop appropriate mechanisms for identifying and dealing with cases of DFV-influenced social security fraud.*

### **Contact for this submission**

EJA would welcome the opportunity to provide further feedback to the Committee on our submission.

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