

CFV 116 Department of Education, Employment and Workplace Relations

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Department of Education, Employment and Workplace Relations

State or Territory:

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Proposal 5–1:

DEEWR notes that the existing guide definition states that domestic violence can include violence to someone who is not a family member for example a co tenant or people in shared housing situations, DEEWR would not want to see a narrowing of this current definition and notes that the proposed definition does not refer to non-family violence.

Any amendments to the Guide would need to be jointly considered by DEEWR and FaHCSIA as joint administrators of social security policy and law.

Proposal 5–2:

DEEWR supports this proposal in principle.

Proposal 5–3:

DEEWR supports this proposal in principle. The evidentiary implications of this proposal will need to be carefully considered in conjunction with FaHSCIA.

Proposal 5–4:

DEEWR supports this proposal in principle. The evidentiary implications of this proposal will need to be carefully considered in conjunction with FaHSCIA. Noting that discretion will continue to rest with the person making the evaluation.

Proposal 5–5:

DEEWR agrees in principle, however notes this falls within the responsibility of DHS.

Proposal 5–6:

DEEWR supports this in principle.

Proposal 5–7:

DEEWR agrees in principle, however notes this falls within the responsibility of DHS.

Proposal 5–8:

DEEWR considers existing Centrelink processes are sufficient to capture or identify victims of family violence in circumstances where victims choose to disclose. Victims of family violence with an activity test exemption are not required to enter into an EPP. If a person identifies as a victim of family

violence, customer service advisers or social workers can amend their EPP and place the attendance at support services, such as regular counselling sessions into a person's EPP but only as a voluntary activity.

Question 5–1 :

DEEWR propose situations where young people are identified as at risk and/or unable to live at home. In addition, cases where debts are sought to be or have been waived for recipients of PPS.

Proposal 5-9:

DEEWR considers this the responsibility for the Department of Human Services.

Question 5–2 :

DEEWR considers this the responsibility for the Department of Human Services.

Proposal 6–1 :

DEEWR supports this in principle; however, notes that the legislation and the Guide provide the necessary flexibility to consider all the circumstances of a relationship, including the presence of domestic and family violence, when determining whether a person is a member of a couple under section 4 (3).

Any amendments to the Guide would need to be jointly considered by DEEWR and FaHCSIA as joint administrators of social security policy and law.

Proposal 6–2:

DEEWR notes this falls within the responsibility of DHS.

Proposal 6–3:

DEEWR supports this in principle; however, notes that the legislation and the Guide provide the necessary flexibility to consider all the circumstances of a relationship, including the presence of domestic and family violence, when determining whether a person may be living separately and apart under one roof under section 4 (3).

Any amendments to the Guide would need to be jointly considered by DEEWR and FaHCSIA as joint administrators of social security policy and law.

Proposal 6–4:

Family violence is one factor that is considered under the current section 24 entry in the Guide (2.2.5.50 Discretion to Treat a Person as Not Being a Member of a Couple for a Special Reason). DEEWR would consider amending the existing wording to be more explicit in regards to family violence however, this would need to be done in conjunction with FaHCSIA.

Question 6–1:

DEEWR considers that:

a) Yes this discretion is available to people experiencing family violence and precedents have been

set in this regard.

b) Section 24 is a discretionary decision considered on the merits of the individual case. Other reasonable means of support is not meant to be precisely defined as this will differ from individual to individual and consideration could only be given to the individual's personal circumstances,

c) DEEWR is willing to explore this question with FaHCSIA and DHS as access to the discretion has a largely service delivery nature. DHS has service delivery responsibility.

Proposal 6–5:

DEEWR supports in principle and will review the Guide to provide clearer guidelines to assessors if required.

Question 6–2:

DEEWR considers the Social Security Act 1991 does not require amendment to expressly refer to family violence, child abuse and neglect as an example of when it is 'unreasonable to live at home' the current broad description is intended to capture these situations and does include violence.

Question 6–3:

DEEWR considers changes to the legislation as suggested may be open to exploitation by claimants of 'unreasonable to live at home' and could lead to young people making unsubstantiated allegations of family violence with the sole purpose of obtaining income support. DEEWR further considers that changes to the Guide to the Social Security Act (as outlined in proposal 6-5) would be sufficient.

Proposal 6–6:

DEEWR supports in principle and will review this policy in conjunction with DHS noting the current guide reference 3.2.5.70 Assessment and Mandatory Procedures has been developed as a result of ministerial direction and related government policies on the way assessments should be conducted for homeless youth.

Question 7–1:

Proposal 7–1:

DEEWR will give consideration to extending the exemption period for a defined period in conjunction with FaHCSIA. Noting an indefinite exemption period would have implications for eligibility and verifying partner income, and this could lead to an incorrect rate of payment. DEEWR also notes that impacts on and consistency with the Family Assistance Legislation needs to be considered prior to amendments to the Social Security Act 1991. For example a partner's tax file number is a requirement for payment of Child Care Benefit (CCB) or Child Care Rebate (CCR).

Question 7–2:

Question 7–3:

Proposal 7–2:

Question 7–4:

Question 7–5:

Question 7–6:

Proposal 7-3:

Question 7–7:

Proposal 7–4:

Question 7–8:

DHS assessors are required to identify barriers to employment including medical and other social barriers.

During the interview it is not uncommon for a customer to disclose family violence issues and the assessor is then required to link the customer to appropriate employment or community services to address these barriers.

In the referral recommendation, barriers such as family violence would be identified with specific interventions suggested by the assessor to address the issue. Specifically, the assessor may recommend a Supporting Intervention (e.g. counselling) and liaise with numerous key stakeholders such as treating health professionals including doctors, psychologists/psychiatrists, community nurses, as well as Centrelink Social Workers.

Under current arrangements, social security law prescribes that medical conditions or disabilities are the only factors that can reduce an individual's hours of Work Capacity and the Disability Services Act 1986 requires that employment support requirements be directly linked to medical conditions or disabilities.

Question 7–9:

Question 7–10:

DEEWR considers flexibility exists to provide one or more periods of exemption from the activity test based on the individual's specific circumstances. These are detailed at proposal 7-6 and Question 7-11. DEEWR therefore does not consider that any changes are necessary to the Employment Pathway Plan.

Proposal 7–5:

DEEWR supports in principle and will review the Guide to provide clearer guidelines to assessors if required. An individual's personal barriers are already taken into consideration by Centrelink Customer Service Advisers when tailoring a job seekers Employment Pathway Plan. Additionally, individuals are asked as part of the JSCI update process whether there are any barriers which impacts on their capacity to fully participate.

Proposal 7–6:

DEEWR believes that sufficient flexibility already exists in policy to provide one or more periods of exemption from the activity test based on the individual's specific circumstances.

These were supported by the Participation Review Taskforce Report.

Question 7-11:

DEEWR considers participation exemptions for job seekers who have experienced domestic violence are sufficiently provided for in the Social Security Act 1991 (the Act). The Act (under section 603A for Relief from Activity Test- special circumstances) provides that.

- Where necessary the period of exemption can be extended.

A new EPP should be negotiated to provide support for the person to overcome their personal barriers.

Question 7–12:

Under Section 553B of the Social Security Act, Centrelink may grant an exemption from the 26 week exclusion period in special circumstances, including in circumstances of family violence. The policy in the Guide to social security law is sufficiently flexible to accommodate the differences of each case which is assessed by Centrelink on its own merits (section 3.2.1.35 of the Guide to the Social Security Act 1991 Move to Area of Lower Employment Prospects for NSA, YA & SpB Recipients).

A review of Centrelink information products and processes may identify gaps in information and assistance to these people however, DEEWR believes the policy is sufficiently flexible to allow these exemptions to be appropriately granted to victims of family violence.

Proposal 7–7:

DEEWR notes that this already occurs in practice and will review the definition/description of family violence under the reasonable excuse provisions in the Guide to social security law.

Question 7–13:

The Social Security (Administration) (Ending Unemployment Non-payment Periods - Classes of Persons) (DEEWR) Specification 2009 (No. 1) legislative instrument outlines the 'classes of persons' who can have an unemployment non-payment period ended if serving that non-payment period would result in severe financial hardship. DEEWR supports the recommendation that this policy should be reviewed to ensure it is sufficiently broad to capture victims of family violence.

Proposal 8–1:

Question 8–1:

Proposal 8–2:

Proposal 8–3:

Proposal 8–4:

Proposal 8–5:

Question 8–2:

Proposal 8–6:

Proposal 8-7:

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