



DOMESTIC VIOLENCE AND CENTRELINK

This Factsheet contains information about your rights and entitlements in relation to social security and Family Payments.

It explains the steps to take after experiencing domestic violence or a relationship breakdown to get assistance from Centrelink and to avoid problems with your current payments.

Am I eligible for Crisis Payment?

Crisis Payment is a one-off payment, equal to one week's payment. You may qualify for Crisis Payment if you have left your home or had a family member removed from your home after you have experienced domestic violence.

To qualify for Crisis Payment, you must:

- be **already receiving a Social Security payment** (if not, you must apply for a pension or allowance before applying for Crisis Payment); and
- be in **severe financial hardship**; and
- contact Centrelink **within seven days** from the day you decided not to return home **or** the day the family member responsible for the violence was removed from the home.

To claim Crisis Payment, use the link [here](#) to access the claim form. Submit the form either:

- **Online** via your myGov account; or
- **By post**; or
- **In person** at your local Centrelink office.
- If you are at court for an Apprehended Domestic Violence Order, there may be a **Centrelink social worker** available to help with your claim.

Receiving ongoing Social Security payments if your relationship has ended:

- If you are not receiving a Social Security payment, you should **apply for a payment as soon as possible**. You can generally only be

paid from the day you make contact with Centrelink.

- If you are in receipt of a Social Security payment, and were receiving payment as a member of a couple you need to **tell Centrelink that you are now single**. The single rate of payment is higher than the partnered rate, so your rate of payment should increase.
- If you are caring for children, you need to tell the **Family Assistance Office** (for Family Tax Benefit) and claim **child support** with the Child Support Agency.

You need to tell Centrelink **every time your relationship status changes within 14 days after the change**. Depending on your circumstances, on-off relationships, bad relationships and even relationships involving domestic violence may still count as 'relationships' for Social Security purposes. Not keeping Centrelink informed could cause a debt.

I'm really stressed. Do I have to look for work?

If you receive an **activity tested payment** (e.g. New start Allowance or Youth Allowance (jobseeker)) and you've experienced domestic violence, you can request an **exemption** from the activity test (the requirement to look for work).

Do I have to claim child support from my ex?

If you claim **Family Tax Benefit A** as a separated parent, you can ask for an **exemption** from applying for a child support assessment, which involves the other parent, if you're afraid of doing this.

I'm not comfortable going into Centrelink to explain my situation

There are several options available if you do not feel comfortable explaining your situation to Centrelink. You can:

- Make an appointment to see a **Centrelink social worker** by calling **132 850**.

- If you identify as **Aboriginal and/or Torres Strait Islander**, make an appointment to see an **Indigenous Officer** either in person at your local service office or by calling 1800 136 380.
- If you are from a **non-English speaking background**, you can speak to a Centrelink employee **in your preferred language** by calling 131 202, or speak to Centrelink **through an interpreter** by calling 131 450.

My ex threatened to do me in to Centrelink

If you are **currently** receiving a Centrelink payment that you are not qualified for, you *must* arrange to **stop receiving that payment**. You have an obligation to tell Centrelink the truth about your current situation, so that your payments are calculated correctly.

However, if there've been periods in the past where you've received payments you weren't qualified for, there is no obligation on you to tell Centrelink about that **past period** or talk to Centrelink or answer questions about it. This is because you have the right to not self-incriminate.

If you're invited to a **taped interview at Centrelink**, it is usually best to simply tell Centrelink that you won't be attending and to not answer any questions about the past until you have spoken with a solicitor. You should get legal advice from a criminal solicitor. **Legal Aid NSW** may be able to provide you with criminal law advice.

Centrelink can suspend your payments if you refuse to answer questions about your current situation, but it cannot suspend your payments for not answering questions about the past. If a debt is raised for payments previously received, or if your current payments are suspended, contact the Welfare Rights Centre for assistance.

Appeal rights

If Centrelink refuses to accept your version of events, e.g. that you're currently single or about who is looking after your children, **you have the**

right to appeal to an Authorised Review Officer. You can do this in person at a Centrelink service centre, in writing or over the phone. You need to lodge an appeal **within 13 weeks from Centrelink's decision**, otherwise you cannot be backpaid if your appeal is successful.

If your payment is suspended, you should appeal straightaway and you can ask for **payment pending review** so that your payment continues while the appeal is underway.

Where can I get help?

The **Welfare Rights Centre** can give advice about Centrelink issues and appeals, and in some cases representation at the Administrative Appeals Tribunal.

Your local **Legal Aid** office can provide criminal law advice on social security prosecutions.

1800RESPECT is 24-hour counselling and support service for anyone who is affected by (including those at risk of) family and domestic violence and/or sexual assault: call **1800 737 732**.

The **Women's Legal Service NSW** can give specialist advice about non-Social Security related matters to women experiencing domestic violence: call **1800 810 784**. Their specialist line for **Indigenous women** is **1800 639 784**.

THIS FACTSHEET CONTAINS INFORMATION ONLY. IT MUST NOT BE RELIED ON AS LEGAL ADVICE. YOU SHOULD SEEK LEGAL ADVICE ABOUT YOUR PARTICULAR MATTER FROM THE WELFARE RIGHTS CENTRE.