



LGBTIQ Domestic & Family Violence and Centrelink

This fact sheet is for lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) people who are experiencing or have experienced domestic or family violence. It provides information about your rights and entitlements in relation to Centrelink.*

CRISIS PAYMENTS

You may be eligible for a crisis payment if you have left your home or had your partner removed from your home after experiencing domestic or family violence. A crisis payment is a one-off Centrelink payment intended to help you if you have experienced difficult or extreme circumstances.

Am I eligible?

To qualify for a crisis payment, you must be:

- Contactable by social workers to assess your situation
- in severe financial hardship – you must have less than one fortnight's social security payment in your bank account when you make your claim;
- living in Australia; and
- eligible for another social security payment. You do not have to already be receiving a social security payment, but you must make a claim for a payment.

You must also be able to establish that you either:

- were forced to leave your home and cannot return due to domestic or family violence, including verbal, psychological or physical abuse; or
- have remained in the home where you were previously living with a perpetrator of domestic or family violence who has left or been removed because of their abusive behaviour.

How much is a crisis payment?

A crisis payment is equal to one week's payment of the basic rate of social security payment that you would normally receive, not including Rent Assistance or payments for children. If you are already receiving social security, your crisis payment will be added to your regular fortnightly payment.

You can get four crisis payments for extreme circumstances or domestic or family violence in any 12-month period.

How do I lodge a claim?

To get a crisis payment you must lodge a claim form with Centrelink. You must:

1. Contact Centrelink and register your intent to make a claim **within seven days** from the day that you decided not to return home due to domestic or family violence, or the day the perpetrator left or was removed from your home.
2. Lodge your claim form with Centrelink within 14 days from the day you registered your intent to claim.

What if I am not happy with the decision?

If Centrelink does not make a crisis payment, you have the right to appeal against the decision. You simply need to write a letter, phone Centrelink, or visit a service centre and say that you would like to appeal to an Authorised Review Officer (a senior officer in Centrelink). You have further appeal rights to the Social Security Appeals Tribunal, the Administrative Appeals Tribunal and the Federal Court.

REGULAR SOCIAL SECURITY PAYMENTS

If your relationship with the perpetrator has ended and:

- **You are not on Centrelink payments** you should contact Centrelink as soon as possible to see if you are eligible for a payment if you need social security. You can generally only be paid from the day you make contact with Centrelink.
- **You are already receiving Centrelink payments**, you need to inform Centrelink that you are now single. Single people generally get a higher rate of payment, so your rate of payment should go up after you tell Centrelink of this change in your circumstances.
- **You are caring for children**, you should tell the Family Assistance Office (for Family Tax Benefit) and consider claiming child support with the Child Support Agency.
- **You are receiving an activity tested payment** you can ask for an exemption from the activity test if you have experienced domestic or family violence.

Advance Payment Options

If you are already receiving a Centrelink benefit and you need some money to help pay your expenses, you can seek an advance payment. An advance payment is a lump sum payment that you must repay to Centrelink in the future. The amount of the advance payment you are



eligible to receive will be determined by the type and rate of payment you receive from Centrelink.

Centrelink will not consider the reason you are applying for an advance, but will make an assessment of whether repaying an advance will cause you any financial hardship.

Centrelink will also assess your ability to manage with reduced social security payments (to pay back the advance payment) over the following 13 fortnights. An advance payment can only be made once every 12 months.

You are eligible if you:

- are receiving a social security payment;
- ask for, and are eligible for, an advance of at least \$250;
- do not owe a debt that could be recovered by social security; and
- are able to repay the advance without suffering from financial hardship.

You are not eligible to receive an advance payment if you:

- are repaying an advance payment you received more than 12 months ago;
- have received one in the past 12 months whilst receiving Centrelink benefits;
- owe a debt to the Australian Government (e.g., Centrelink and tax debts);
- cannot afford to repay the advance payment out of your social security payment within 6 months without suffering financial hardship; or
- are not in Australia when you apply for the advance payment.

WHAT DO I DO IF I'M NOT COMFORTABLE GOING INTO CENTRELINK TO EXPLAIN MY SITUATION?

There may be other options available to you. You can:

- Call the **Welfare Rights Centre (WRC)** on 9211 5300 or 1800 226 028. The WRC is a Community Legal Centre specialising in social security law. It can provide advice on your social security rights, entitlements and obligations and assist you through the social security review and appeals system.
- Call the Inner City Legal Centre's Safe Relationships Project on 02 9332 1966.

In addition, if you encounter problems when engaging with Centrelink, you can:

- Make an appointment to see a **Centrelink Social Worker** by calling 13 17 94.
- Make an appointment to see an **Indigenous Officer**. Your local office has their available times.
- Speak to a Centrelink employee in **your language** by calling 13 12 02, or speak to **Centrelink through an interpreter** by calling 13 14 50.

FOR MORE INFORMATION

The Welfare Rights Centre

Telephone advice Mondays and Wednesday (9.30am to 12.30pm) and Thursday (1.30 pm to 4.30pm)
www.welfareinrightscentre.org.au/

T: (02) 9211 5300 or 1800 226 028

E: welfareinrights@welfareinrights.org.au

The Safe Relationships Project (SRP) - Inner City Legal Centre

The SRP is a state-wide domestic and family violence court support and legal advice service for LGBTIQ people.

www.iclc.org.au/safe-relationships-project/

T: (02) 9332 1966 or 1800 244 481

E: iclc@iclc.org.au

This information is current to 17 August 2021 and reflects the law in New South Wales. It is general information and is no substitute for legal advice tailored to your particular circumstances. For assistance, contact the ICLC on (02) 9332 1966