

Senate Standing Committees on Community Affairs Legislation Committee

Public Hearing – 20 February 2023

ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Inquiry into the Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Bill 2022 - Public Hearing - 20 February 2023

Question reference number: IQ23-000009

Question asked by: Slade Brockman

Type of Question: Spoken. **Hansard Page/s:** 25

Date set by the Committee for the return of answer: 21 February 2023

Question:

Jo Evans: Services Australia will be working with business to increase awareness around those provisions and they have come up with an Employer Toolkit, as they call it, so there is greater awareness.

Senator Brockman: Is that rolling out already or rolling out once the legislation passes? What are your timeframes?

Jo Evans: They're already providing that information as far as I am aware, so Services Australia is already working with employers.

Senator Brockman: Do we have any/are we confident that that channel reaches most small employers?

Jo Evans: Services Australia would be better placed to answer the specifics around the breadth and the reach of that program as it does sit with them, so I wouldn't like to speak on their behalf.

Answer:

Services Australia provides a range of information for all employers via its website: <https://www.servicesaustralia.gov.au/paid-parental-leave-scheme-for-employers>.

This information includes information about what employers need to know about the Paid Parental Leave scheme, including detailed information about how to register and manage their role. Resources available also include the Paid Parental Leave Employer Toolkit, a 42-page handbook maintained by Services Australia since the scheme's introduction. Services Australia will ensure that the information available to employers is updated to reflect the changes in the proposed legislation.

Services Australia also provides a dedicated phone service for employers who require assistance in registering their business online, or to ask for help about their obligations under the Paid Parental Leave scheme. Services Australia staff who operate this phone line will receive training about the proposed changes to the scheme.

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ANSWER TO QUESTION ON NOTICE

Department of Social Services

Topic: Inquiry into the Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Bill 2022 - Public Hearing - 20 February 2023

Question reference number: IQ23-000012

Question asked by: Larissa Waters

Type of Question: Spoken. **Hansard Page/s:** 28-29

Date set by the Committee for the return of answer: 21 February 2023

Question:

Senator Waters: You mentioned how you deal with coercive control and other domestic and family violence situations, in relation to your proposed authority portal. My question is: how will Services Australia staff know if the consent is given freely and what sort of facility will there be to check whether it was given freely?

Jo Evans: That's certainly an area of concern. I'd have to go back again. I will take it on notice and go back to my colleagues at Services Australia and come back to the committee with a bit more detail around exactly how that will work.

Senators Waters: Thank you; I appreciate that. Perhaps in the course of doing so you could also ask whether - or you may know - there's any provision in the legislation around denying authority when there's a grounded suspicion that consent was not given freely in those sorts of violent relationships.

Jo Evans: I think that's right. We'll be putting in place rules where the use-it-or-lose-it provision won't be entitled to be- so someone who's experiencing family and domestic violence doesn't need to, for example, share the use-it-or-lose-it provision, so they can access the entire 20 weeks. So those special circumstances will be going to rules to provide added protections there.

Senator Waters: I'm glad to hear that. But if you could just advise me, either now or on notice, what burden of proof, what the victim-survivor has to demonstrate in order to show that the sharing of care would not be appropriate in their situation, which sadly no doubt happens far more than it should. Lastly, when you check with Services Australia, could you just ascertain from them whether there is any requirements to refer victim-survivors to support services when that issue of consent and violence is raised?

Jo Evans: Certainly Senator, we can come back on that.

Answer:

Under the existing Paid Parental Leave legislation, there is an exception to the work test for people experiencing or impacted by family and domestic violence. In addition, there will be special circumstances exceptions to the reserved 'use it or lose it' periods included in the PPL Rules.

Neither the Paid Parental Leave legislation, nor the Paid Parental Leave Amendment (Improvements for Families and Gender Equality) Bill 2022, require an individual to provide any specific evidence to Services Australia to be considered as being impacted by family or domestic violence.

Under the Family and Domestic Violence Strategy 2020-2023 (the Strategy), Services Australia (the Agency) supports customers and staff affected by Family and Domestic Violence (FDV). Support includes awareness raising, training, process and procedural controls, a dedicated staff FDV line and building connections inside and outside the Agency for ongoing support.

The Agency employs a range of measures to support people affected by FDV, including using a Support Model (and associated Risk Identification Question) to identify customers affected by or at risk of FDV and offer internal and external referrals to support providers. Referrals are offered but are not a requirement under this Model due to consideration of the individual circumstances of each customer (including considerations of safety and appropriate timing).

In the Support Model, the Agency recognises coercive control is a fundamental element of FDV and considers the risks of coercive control when identifying and offering support. When applying the Support Model, internal processes explicitly state that staff are not to ask a Risk Identification Question when the customer:

- is with someone they know or who can hear the conversation (this does not include qualified interpreters)
- is on speaker phone
- has stated that they perpetrate violence, or
- has already identified FDV concerns.
- Further guidance is provided that if it is not safe to ask the customer about FDV, staff are to raise concerns with their manager or a social worker to help identify the best course of action or to address immediate safety concerns for the customer.

Under the Agency Support Model, if a customer self-identifies as affected by FDV, staff will offer appropriate referrals and information without asking a Risk Identification Question.

In relation to Paid Parental Leave scheme, birth parents will be required to log in to their secure Centrelink account to provide authority to another person to claim Parental Leave Pay for their child. The service will provide the birth parent with information about who has requested authority to claim, and allow the birth parent to set a limit to the number of days of Parental Leave Pay shared. The service will also allow birth parents to decline, revoke or vary this authority at a later date if they change their mind.