

SPEECH

<p>Date Wednesday, 4 August 2021</p> <p>Page 68</p> <p>Questioner</p> <p>Speaker Perrett, Graham, MP</p>	<p>Source House</p> <p>Proof Yes</p> <p>Responder</p> <p>Question No.</p>
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Mr PERRETT (Moreton) (16:23): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports: *Human rights scrutiny report 9 of 2021* and inquiry report *ParentsNext: examination of Social Security (Parenting payment participation requirements— class of persons) instrument 2021*, incorporating dissenting reports. I ask leave of the House to make a short statement in connection with the reports.

Leave granted.

Mr PERRETT: I am pleased to speak to these reports of the Parliamentary Joint Committee on Human Rights as the deputy chair and I particularly thank the chair, the member for Mallee, for her always cooperative approach to such matters. In the inquiry report, the committee has scrutinised the Social Security (Parenting payment participation requirements—class of persons) instrument 2021, which prescribes a class of persons who must participate in ParentsNext in order to qualify for parenting payment. The committee received 39 submissions and held a public hearing, receiving evidence from community groups, academics, human rights law experts and the Commonwealth department. Participation in ParentsNext may include that a parent complete further education and training or attend playgroups or other activities. Many of these activities may promote the rights to work and education and participation is voluntary. This would raise no human rights concerns. However, this instrument makes participation in those activities mandatory, and a failure to comply can result in the person's parenting payments being suspended, reduced or cancelled. This raises the question of whether the measure permissibly limits the rights to social security, an adequate standard of living, a private life and the rights of the child. Further, noting that 95 per cent of participants are women and approximately 18 per cent are Indigenous, the measure also limits the right to equality and nondiscrimination.

The committee notes that approximately half of parenting payment recipients are in financial hardship, meaning that any interruption to social welfare payments, even for a relatively short time, could have a significant impact on their capacity to meet their basic needs and those of their children. In this regard, the committee notes with concern that around one-third of all participants have incurred a total of 159,000 payment suspensions, lasting an average of five days, and that 1,223 participants have had their payments cancelled for failing to re-engage with the program after being suspended. The committee considers that there is some risk that, for participants experiencing underlying poverty, the suspension, reduction or cancellation of their social welfare payments may result in the nonfulfilment of the minimum core obligations of the rights to social security and an adequate standard of living.

Further there are questions as to the extent to which the measure complies with the obligation to consider the best interests of the child. In relation to whether this limitation on rights is permissible, the Human Rights Committee considers that the overarching objectives of the ParentsNext program likely constitute a legitimate objective but that some questions remain as to the extent to which participation in ParentsNext activities are effective to achieve some of the broader stated objectives of the program. In addition, the Human Rights Committee considers that a range of concerns remain as to whether this measure is proportionate. Most significantly, it is not clear that there are less-rights-restrictive alternatives available, such as voluntary participation. There are also questions regarding the sufficiency of the safeguards, noting that no assessment is undertaken of whether payment penalties may render a person unable to meet their basic needs or the basic needs of their children. Further, there appears to have been limited consultation with Indigenous communities prior to the decision to expand ParentsNext.

The Human Rights Committee considers that the human rights compatibility of the measure would be addressed if an individual's qualification for the parenting payment were voluntary and not linked to meeting compulsory participation requirements. If participation remains compulsory, the committee makes several recommendations to assist with the proportionality of the measure, including that payment penalties only be applied after an assessment that this would not result in parents and children being unable to meet their immediate basic needs. Labor members have also made some additional comments, noting that, as the committee's recommendation could be achieved by disallowing relevant parts of the instrument, the instrument should be disallowed in the

Senate next week, which would make participation in ParentsNext voluntary. I encourage all members to closely examine this important report.

I turn now to the committee's ninth scrutiny report. In this report, the committee has considered 18 new bills and 103 new legislative instruments, and we have deferred consideration of one bill. The committee has concluded its consideration of two bills and one legislative instrument, and it is seeking further information in relation to one legislative instrument. This includes a concluded examination of the Migration Amendment (Bridging Visa Conditions) Regulations 2021. These regulations permit the minister to impose a range of additional discretionary conditions on certain bridging visas and require certain visa holders to comply with a code of behaviour. The consequences of not complying may be visa cancellation and immigration detention. The committee remains concerned that the measure may not meet the 'quality of law' test and may not be proportionate, and has suggested a number of amendments that may assist the proportionality of the measures. I also note that a number of the issues raised in relation to the ParentsNext inquiry were also considered in the committee's concluding examination in this report of the Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Bill 2021. I encourage all parliamentarians to carefully consider the committee's reports, and with these comments I commend these reports to the chamber.