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**SUBMISSION TO THE SENATE, EMPLOYMENT AND WORKPLACE RELATIONS
LEGISLATION COMMITTEE REGARDING THE SOCIAL SECURITY LEGISLATION
AMENDMENT (FAIR INCENTIVES TO WORK) BILL 2012**

SUMMARY

I, [Redacted], make this submission to the Senate, Employment and workplace Legislation Committee regarding the *Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012*. The Amendment seeks to “restore equity across the parenting payment population.”¹ My submission aims to illustrate how the Government’s move will in fact if passed solidify inequity for all single mothers in Australia. The Gillard Government wants to balance equity with inequity and is effectively indicating that it wants all mothers to be treated as inequitably as are those of us with school-aged children who separated after the Howard government ‘reforms’ of 2006. I was one such mother and I share my story in the hope that the inherent discrimination against women with children that it displays will resonate with the Senate Committee. The changes made to the *Social Security Act* in 2006 have denied sole mothers with children, eight years and older, the right to an appropriate form of social security payment – one which recognises our parenting responsibilities. My submission will address the ways in which established human rights are violated:

Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to social security. Article 9 encompasses the right to access and maintain benefits, including due to an inability to obtain or maintain suitable employment and to realise the rights of children and adult dependents.

¹ The Parliament of the Commonwealth of Australia. (2012). *Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012: Explanatory Memorandum*, p. 16.

Article 2 of the ICESCR and Article 11 of the Covenant on the Elimination of all Forms of Discrimination against Women (CEDAW). The Bill will cause indirect gender discrimination against women who form by far the greatest number of recipients of Parenting Payment.

Women as Scapegoats in Marriage Breakdown

I left my marriage of 20 years in 2007 shortly after the 2006 Howard Government Family Law reforms. While the widely accepted myth of ‘two sides to every story’ pervades every marriage breakdown and ‘no fault,’ since 1975, is the Australian divorce mantra, I believe that, especially as there were children involved, I did everything within my power to keep my marriage intact. That is not to ascribe blame but simply to state my perspective. I did not choose to become a welfare recipient; I believe that I had no choice. I feel the need to state this because my experience since separation has been that sole mothers are regarded as unworthy welfare recipients, unlike say, aged pensioners, who have contributed to society in a way that it is widely assumed sole mothers have not. Yet 60% of single mothers had been married mothers once, many more have been in enduring partnerships,² and the majority of our lives have mirrored those who stand in judgment of us after we divorce or separate. When I separated, I embarked upon the most degrading years of my life as I have struggled to negotiate a *Social Security Act* and a *Family Law Act* which seem to enshrine that women, despite ‘no-fault’, are in fact *wholly at fault* when a marriage breaks down. I experienced first hand the brutality of *Welfare to Work* and its punitive measures. – For what was I being punished? For having worked at home raising my children while my high-earning, long hours husband provided the family’s financial support. I was left without income when my marriage ended and my mothering years were my crime. As women head 87% of sole parent households,³ this submission unapologetically refers to the abolition of the ‘grandfathered’ *Parenting Payment* as a women’s issue. It is women who are left without income or adequate income after divorce and who must then must beg

²Australian Bureau of Statistics. (2007). Retrieved July 4, 2012 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/F4B15709EC89CB1ECA25732C002079B2>

³ Australian Bureau of Statistics. (2007). Retrieved July 4, 2012 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/F4B15709EC89CB1ECA25732C002079B2>

at Centrelink's door and in the courts for the welfare of our families, because it is women who are nearly always the primary carers in families. The change in name from *Supporting Mother's Benefit* to *Parenting Payment* disguises the fact that this is a gendered issue and one where women's carer work is negated.

Bipartisan and Bipolar Erosion of Pensions for Sole Mothers

In 1973 women were successful in obtaining the *Supporting Mothers' Benefit* for mothers like me, whose marriages had come to an end, or for those unwed mothers whose partners and they had experienced an unplanned pregnancy.⁴ Successive federal governments – Labor and Liberal - have steadily eroded this payment since 2006. The Howard Government abolished the *Supporting Mother's Benefit*, by that time known as the *Parenting Payment*, in 2006 and replaced it with the lower paying unemployment benefit *Newstart* for sole mothers whose youngest child was eight years of age or older. More recently, the Gillard Government has moved in on the sole mothers' *Parenting Payment* from the other end, linking it, for teenage sole mothers, to the requirement that they attend school in order to receive a pension. Now the 'grandfathered' *Parenting Payment* is being targeted, closing another avenue by which a sole mother may obtain appropriate social security support. Yet the Government, via a game of smoke and mirrors, claims that sole mothers are *not* being denied access to social security. The deception centres around the fact that sole mothers have children and that there are parenting responsibilities that attach to our role, yet governments deny these realities. **Successive governments now negate the existence of parenting work and equate sole mothers with single people who do not have dependent children. There are social security supports for single women and we, as single women, are welcome to avail ourselves of these supports, according to Government. With this neat side-step, the Government claims there *is* access to social security benefits for sole mothers when, in fact, there is not.**

⁴ Australian Bureau of Statistics. (2007). Retrieved July 4, 2012 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Latestproducts/F4B15709EC89CB1ECA25732C002079B2>

The Mythical Land of the 'Fair-Go'

When my marriage ended in 2007 I found simply that there was no social security support available for me. My youngest child was eleven and the *Newstart* unemployment benefit was all there was. My marriage had ended suddenly and I was, naturally, in a state of unrelenting emotional turmoil, as were my children. I was left without income but with three dependent children, aged 11, 16 and 18 living with me. (I was however very fortunate to have some funds banked in my name upon which I could draw, though the bulk of this resource was shortly to be consumed by legal fees). Yet, when I contacted Centrelink, I was informed that to receive a social security benefit I would need to begin to look for work immediately. My job-seeking requirement would begin that same day since I was simply unemployed from Centrelink's perspective and there was no reason why I could not start job-hunting at once. Of course, there was every reason why I could not commence job-hunting immediately. Divorce is regarded as one of the most stressful of life events.⁵ I was in a state of shock, uncertainty and distress. I was trying to inform myself of my legal and social security rights and was organising mediation and legal services. I was attending post separation classes at *Relationships Australia* with a view to informing myself of how best to support the children through the divorce. I was attempting to run a home, and to care for my children during this crisis, while back and forth to lawyers, courts and Centrelink. There were (years of) sleepless nights as I was forced to fight through the courts for my economic survival and that of the children. I lost weight. I suffered anxiety. With the stress I was under, physical symptoms of a medical condition worsened and, just months after separation, I required major surgery to treat the condition. It was because of this illness that I eventually was able to obtain the *Newstart* payment. I received it with a temporary exemption for looking for work due to my illness. I still had to check in with an unemployment agency though, and with my case manager, whom I called my "parole officer". **I felt like I was being treated as a criminal out to cheat the Government of welfare payments to which I was**

⁵ Child Support Agency. (2004). *What about me? Taking Care of Yourself*. ACT, Australia: Looking Glass Press, p. 4.

not entitled, rather than who I really was - someone who has contributed all her life to the Australian community and who was temporarily going through a bad patch, during which time I needed something in return from the community to which I had contributed. I often got sick with everyday illnesses as well, regularly succumbing to respiratory infections. I have faced many challenges in my life but the distress of the divorce has been the worst, in part because there was no systemic care for me at a time in my life when I was at my most vulnerable. After all of my years of caring for others, Government and the courts have resisted or denied my need for subsistence across these traumatic years. This is no longer the land of the 'fair-go' – it is the land of every *man* for *himself*. After more than five years I believe that I am only now beginning to recover from the emotional impact of all that took place. I know that I can never again rely on anyone but myself in this individualistic country in which we now all live. The social supports that vulnerable citizens could once expect are gone – for sole mums at least- and other susceptible groups will likely follow.

'Work shy' women

The Government's approach to me, after seven years out of the paid workforce, was that I should have, in those first days and weeks following my separation, also been putting together my resume and getting out there - into unskilled work. Since my previous qualifications had lapsed, unskilled was the only work I could have done at that time. That is not to say that I was *tardy* in my efforts to re-enter the workforce. I was unable to return to my previous career and, despite all that I was coping with, in the months after separation I managed to complete the university admissions process for mature-aged students. Having separated in 2007, I commenced full-time study at the start of the 2008 academic year and have been progressing with my secondary teaching degree since, sometimes with the necessity to cut back on coursework because of the needs of a medically vulnerable child. I have been placed on the University's annual Dean's honour roll three times. Governments' attitude that sole mothers are 'work-shy' and must be forced off social security and into the workforce to prevent "intergenerational

welfare dependency”⁶ is a slur on women like me. Prior to separation I had been a stay-at-home mother for many years supporting my former husband’s career as he climbed the professional ladder. Thus I had no current workplace qualifications at separation. I had worked at home though, caring for my three children, one of whom has a serious medical condition and who requires considerable additional care to that of other children. I also worked, over many years, as a volunteer at pre-schools, schools and in the wider community. I cared for elderly parents on both my own and my former husband’s side, assisting with doctor’s visits and the like. The children I have been raising are high-achievers. My eldest son completed a degree at Melbourne University, studying film and television at its prestigious Victorian College of the Arts and Music campus. He now works in paid work - and pays taxes. My second son is studying medicine, also at Melbourne University. My daughter is currently in good health, thanks in large part to my carer role for her, attending to her multiple in-patient and out-patient hospital needs. My contributing children owe much to my parenting role and this is borne out by research. Children whose mothers do not work full-time stay longer at school.⁷ Yet raising the artists and doctors of the future Australian landscape is not work according to governments. Nor is it work to volunteer for schools and community groups or to care for elderly parents and a sick child – sometimes simultaneously. I needed a good push, according to Government, to get off the *Newstart* payment that I had struggled to get onto in the first place, and for the few months that I was on it, and into work. Mine was not the history of a contributor to Australian society, but rather that of a woman set to ‘bludge’ long-term on the system without that good push.

The Welfare Saving Alternative of Spousal Maintenance

While successive governments have moved in to abolish welfare entitlements for single mothers there have not been any concomitant changes made to the *Family*

⁶ The Parliament of the Commonwealth of Australia. (2012). *Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012: Explanatory Memorandum*, p. 15.

⁷ Arndt, B. (2000). *Mothers and Work: Raising Hell*. Retrieved July 4, 2012 from <http://www.bettinaarndt.com.au/articles/mothers-and-work-raising-hell.htm>

Law Act to **protect** mothers. The only obligation former husbands, regardless of their income, have from the day of separation is to pay Child Support; women are on their own. Spousal maintenance is not an automatic right in Australia and must be fought for through the courts if the earning or higher earning spouse is unwilling to pay. As well, Australian courts rarely award spousal maintenance because the law states that women must have used up their assets before being eligible for such maintenance even as they continue the primary carer role of children.⁸ In other words, a woman housing a couple's children, who receives the family home in a divorce property settlement, may be required to sell it and use the proceeds before spousal maintenance can be considered legally. With this ludicrous circularity the *Family Law Act* dictates that a former husband's income in respect of spousal maintenance will not be considered until the mother and children are destitute. When I made an application to the Federal Magistrate's Court for such maintenance, the presiding magistrate interpreted this section of the law to mean that I could use my minimal superannuation for my immediate support since some of it was unpreserved. The magistrate did not explain what I would do in my old age with even less superannuation and, of course, in the years since separation, as I have been studying, I have not earned any superannuation. (My former husband has, in this same time frame, earned in excess of \$100,000 in superannuation). Of course, following the magistrate's determination and using up my superannuation now, would render me welfare dependent again, or more so, in my old age. Even when spousal maintenance is awarded, there will have been a time delay as court applications are made and cases await hearing. Mothers need to support themselves in the interim and **an unemployment benefit is an inappropriate stopgap measure for distraught people in crisis**. Savings could be made to the public purse if high-earning fathers were made more accountable for the support of primary carers after divorce. Why is Government not targeting earning fathers rather than non-earning/low earning, primary carer mothers?

⁸ Family Law Act. (1975). Section 75 (2) (b).

Austudy

Everybody has a right to social security yet the payments currently available for newly sole mothers are not designed for mothers. Because of the Howard Government reforms, when I commenced study in 2008, I had to do so full-time. Part-time study would have rendered me ineligible for *any* payment. At the end of 2008, my divorce property and parenting trial was heard in the Family Court. During 2008 I had a son undertaking Year 12, a child who had just commenced secondary school and another son, undertaking further studies, living with me. Also in 2008 my former spouse required surgery for a significant illness and the children were unable to spend time with him and so were with me full-time as he recovered. I had to prepare for trial in these circumstances, at one stage self-representing, as the costs of the firm I had engaged had become prohibitive. But to qualify for *Austudy*, since there was no *Parenting Payment* for me, I had to study full-time throughout these ordeals while also meeting my parenting responsibilities. My health suffered, as did my ability to provide proper household support for my family – I struggled to do it all. *Austudy* is available only for the normal duration of a degree plus one semester. Thus a twenty-five year-old or older mature age student can take, for instance, four-and-a-half years to complete a four-year degree. This allows the adult student the opportunity to drop back to a 75% workload for part of the degree, for work or personal reasons, or to retake failed subjects without losing *Austudy*. A mother, even one simultaneously going through the rigours of a divorce, is afforded **no more time than a single adult student without children** to complete her degree. In my case, my daughter has been hospitalised three times during my time studying and for up to weeks at a time. She recently underwent major surgery for her medical problems. **I will not complete my degree in the four-and-a-half year time frame *Austudy* allows and next year, as I do complete it, I will not be eligible for any welfare support.** Hence my assertion that current Government policy denies the actuality of parenting work. That said, the Labor Government is to be commended for partially reversing the draconian Howard stance toward single mothers. Under Labor, since July 2010, mothers are at least able to study half-time in order to meet eligibility for the *Newstart* unemployment benefit they are then cobbled

onto. However, despite the additional responsibilities of *sole* parenting, and their half-time study, mothers must still look for 'work' in university breaks, including those that coincide with school holidays.

Newstart

The unemployment benefit *Newstart* is likewise an unsuitable benefit for single mothers. As well as paying less than *Parenting Payment* it assumes that sole mothers have the child-care supports necessary to allow them to re-enter paid work for the obligatory 15 hours per week. Yet sole mother households are usually more isolated than other family groupings. The sole mother generally cannot draw on support from her former partner's extended family, for instance, as she works. Often she may have no family of her own willing or able to help either. School aged children enjoy up to sixteen weeks off school each year, excluding illnesses. Mothers who lack family support may simply be unable to meet their *Newstart* commitments in the same way that 'Newstarters' without children or partnered 'Newstarters' are able to do so. Again, the role of maternal child-care is denied by Government as sole mothers must seek to meet their obligations to their children across up to four months a year of school vacations and curriculum days while, at the same time, meeting the obligations of "Welfare to Work," the very term itself denying the reality of mothering work.

I have always regarded myself as a good citizen of Australia. I worked as a nurse, then, and concomitantly for some years, as a mother and will soon be a qualified teacher. Throughout, I believed that all Australians have a duty to pay taxes on all earnings and have brought my children up to hold similar beliefs. I despised the apparent greed of 'working for cash' in order to avoid contributing. Yet when, for the first time in my life, I found that I needed welfare support, I felt criminalised by the system. It was already such a fall to have to ask for such help, yet Government (and the *Family Law Act*) made me beg for it despite all that I had already contributed. My high-income former spouse has been spared such indignities. This is a women's issue. Governments will target welfare recipient mothers because we are so much easier a target than earning males, especially

high earning males. It is the easy option to attack the welfare recipient and sole mothers, often beaten down and struggling to survive day to day, have little time to fight back. **Rather than legislation that makes men accountable, where financially feasible, for the support of primary carers of children after divorce or relationship breakdown (at least until women are able to support themselves), successive governments have targeted the mother.** The attempt to abolish the 'grandfathered' *Parenting Payment* is such a move. It is a vilification of single mothers as 'work shy' even as they may be trying to re-establish themselves in paid work.⁹ Mothers who are in the midst of university degrees or other training will be moved off the *Parenting Payment* despite their best efforts to re-enter paid work; mothers who are already working as much as they are able in paid work will likewise be moved on to the lower paid unemployment benefit. The Senate Committee might find it helpful to read some of the stories shared by single mothers negotiating Centrelink rules in the *Australian Single Mother Forum*.¹⁰ Fathers are safe from these reforms and many of them have moved on anyway, paying little if any support for their children let alone for the children's primary carer.¹¹

The Way Forward

Today there is no appropriate social security support for a mother who has had to leave a marriage/relationship should her youngest child be eight or older. There is no transition time and no compassion for the always distressing scenarios of separation before she must proceed to work. There is simply no time afforded for the mother to negotiate her crisis before being hounded to work. Nor can she retrain for the workplace without a constant government scrutiny more suited to the convicted. **Parents have unique responsibilities that are not shared by singles. The *Austudy* and *Newstart* payments deny the mothering role, as they were never designed to accommodate it in the first place.** For instance,

⁹ Australian Single Mother Forum. Retrieved July 4, 2012 from <http://www.singlemotherforum.com/viewtopic.php?f=33&t=2005>

¹⁰ Australian Single Mother Forum. Retrieved July 4, 2012 from <http://www.singlemotherforum.com/viewforum.php?f=33>

¹¹ S. Malden. (2012, May 27). "Divorced dads pay small change for their children". In Sunday *Herald Sun*.

how many students on *Austudy* have lived in at the Royal Children's Hospital for three weeks as their child has dealt with potentially life-threatening illness this last university semester? I have, but *Austudy* was not designed for mothers of children – sick or otherwise. It runs out if study is delayed because of parental responsibility. The *Supporting Mother's Benefit* was designed for carers in more compassionate times. Removing the last vestige of the *Benefit* by abolishing the 'grandfathered' *Parenting Payment* will also remove the last vestige of what was social security for mothers – women who have unique responsibilities that do not parallel those of single people without children – as I hope my story has shown. The way forward is not to abolish the 'grandfathered' *Parenting Payment* but to restore this payment to all sole mothers while supporting them to re-enter the paid workforce, as they are able. Savings can instead be made for government through reforms to the *Family Law Act* making medium to high-earning fathers more accountable for the costs of their families. Especially since the Howard reforms reduced Child Support payments for such males, divorce has been a financial windfall for wealthy men, giving them far, far more disposable income than they had when their marriages were intact. That disposable income is a resource that Government could mine, rather than achieving its savings out of the pockets of often poor single mothers.

This submission has been very painful to write as it has caused me to relive harsh events. Nothing the Senate Committee decides is likely to benefit me, nor can it change the anguish of the past years for me. I share my story for one reason only – because I believe that the raising of her children is the most innate, fundamental and inherently crucial role that a mother will ever undertake. It is the most vital work that a mother will ever do. The Howard and subsequent Labor reforms are an attack on mothering at its core. I hope that the Senate Committee will agree that the success of the *Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012* would constitute a violation of human rights for women who want and need to mother their children. Incentives to work need to be just that – supports to enable mothers to re-enter the paid workforce as they are ready and able to do so while respecting their overriding obligations to their children. The

“incentives” the Labor Government are offering are nothing more than bullying tactics.