

## Submission:

### *ParentsNext: examination of Social Security (Parenting payment participation requirements - class of persons) instrument 2021*

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to provide a submission to the Parliamentary Joint Committee on Human Rights on *ParentsNext: examination of Social Security (Parenting payment participation requirements - class of persons) instrument 2021*.

The Centre is the peak body for child and family services in Victoria. For over 100 years we have advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care.

The Centre, together with our colleagues in the Treating Families Fairly alliance, has raised concerns about the ParentsNext program since its initial implementation.<sup>1</sup> We attach the following documents to this submission, which contain evidence of the human rights implications of the ParentsNext program and more detailed descriptions of our views:

- Attachment 1: Centre submission: ParentsNext, including its trial and subsequent broader rollout
- Attachment 2: The impact of social security reforms on single mothers and their children.

Our submission addresses points 1, 3, 5 and 6 of the inquiry scope.

#### **Ability to meet basic needs when payments are suspended**

The suspension of Parenting Payments substantially reduces a person's ability to pay for housing and food for themselves and their children, thereby limiting the right to an adequate standard of living and compromising human dignity.

In 2019, we surveyed 169 Victorian child and family services practitioners to investigate the experiences of single mothers supported by child and family services who were also receiving social security payments (see Attachment 2). Our study found that 63 per cent of practitioners surveyed had worked with a parent who had experienced a payment suspension. When asked about the

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<sup>1</sup> [Treating Families Fairly](#) is an alliance of child and family service organisations, peak bodies and academics advocating for policies that uphold the rights of children and families, and speaking out against policies that cause harm, with a particular focus on social security and welfare conditionality.

impact of payment suspensions on families, practitioners most frequently described immediate crisis, financial hardship and an inability to meet basic needs. One respondent stated:

*When a mother is living week to week, even a suspension of two or three days can mean there is no food in the house for children.*

Our data shows that single mothers and their children can experience devastating consequences when payments are suspended. While program changes which have been implemented since our survey have reduced the total number of suspensions, the impact of those suspensions on individual lives remains unchanged.

The Explanatory Statement argues that when Parenting Payments are suspended, families have access to other income such as Family Tax Benefit to continue meeting the needs of children, however other payments provided through the social security system are not adequate substitutes for the primary payment that enables families to meet their needs. It should also be noted that even the combined payments received by many families remain below the poverty line. In this context, any limitation to income has profound implications for the cash flow of a household, limiting capacity to meet basic family needs.

We are not aware of any process through which an assessment of a family's capacity to meet basic needs occurs prior to suspending or cancelling a payment, and program exemptions alone are an inadequate safeguard.

### **Effectiveness of the program and compulsory participation compared with less rights-restrictive alternatives**

The evidence used to show that compulsory participation is necessary and that the program meets its objectives is problematic. The 2018 ParentsNext evaluation conducted by the Department of Jobs and Small Business focused on whether the program was being implemented well with no analysis of whether the program is the most suitable intervention.<sup>2</sup> Most of the evaluation findings refer to survey data without clarifying the number of participants surveyed, how long they had been in the program when surveyed, or the survey tools used. It is not always clear where the data has come from. These and other methodological concerns undermine the rigour of the evidence and its credibility in informing policy.

Most concerning is that a number of the findings are misleading, making assumptions and correlations that are not appropriate. For example, the evaluation claims that 'Participating in ParentsNext *improves* parents' attitudes to workforce participation' (emphasis added).<sup>3</sup> The method used was not a baseline comparison for individual participants, but rather participants were compared to a comparison group who did not take part in the program. This does not provide evidence of a personal improvement as implied. Furthermore, just over a quarter of participants did not report any of the assistance as being helpful.

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<sup>2</sup> Department of Jobs and Small Business 2018, [ParentsNext evaluation report](#), Australian Government, Canberra.

<sup>3</sup> Department of Jobs and Small Business 2018, p. 12.

Feedback from our member organisations, experts in providing support to children and families, suggests that measures which increase stress and constrain families' ability to exercise control over their lives, including their financial decisions, are counterproductive. From their extensive experience supporting families experiencing vulnerability, they know that improved outcomes can be achieved through the provision of voluntary, strengths-based, and client-centred programs that include targeted, active outreach to disengaged families. This is what the evidence base shows.

The Explanatory Statement argues that parents experiencing complex challenges are unable to, or discouraged from, seeking support. While there are a range of barriers to engagement with support services, trained community services professionals are best placed to provide outreach and engagement services to these families.

Feedback from our members suggests an incentive-based approach is more likely to be successful in engaging parents than mandatory participation, with many families already voluntarily participating in a range of support programs across the community sector. No evidence is provided in the Minister's response to the Committee as to why an incentive-based approach would be less effective than compulsion.

### **Consistency with international human rights law**

The Centre does not consider the ParentsNext program to be consistent with international human rights law and does not believe that any potential benefits outweigh the harms or human rights infringements imposed.

The Explanatory Statement says that 'engaging eligible parents with early assistance will allow them to use more of their time out of the labour force to become work ready'. However, it does not 'allow' them to do so, it 'compels' them to do so and this is an important distinction. The right to employment, detailed in Article 6 of ICESCR recognises the right of every person to the *opportunity* to gain a living by work which *they freely choose or accept* (emphasis added). Compelling people into work-related activities is contrary to the intent of this article. The same can be said for the right to education. Work and education are human rights, but this does not imply that people must engage in them. In our view, the forced attainment of educational qualifications is not a legitimate objective for limiting the right to social security.

Engaging in education and work-related activities should be a choice for parents with young children. Expecting that all parents in scope of this program must place work-related concerns ahead of other caregiving priorities is effectively setting goals on people's behalf, which goes against the notion of supporting people to be self-reliant.

Reducing the risk of long-term poverty does not justify inflicting immediate poverty through payment suspensions and cancellations. A clear alternative to compulsory work-related activity and suspension of payments that deepens poverty is to raise the rate of social security payments to provide an adequate standard of living.

## Best interests of the child

The Explanatory Statement states that 'the rights of children are given primary importance in ParentsNext' but this is not evident in the program. Commonwealth and state policy approaches are very different, with the state focusing centrally on the needs and rights of children.

Where the Commonwealth's ParentsNext program compels families to participate under threat of payment suspensions that compromise parents' ability to feed and care for their children, Victorian legislation contains specific provisions on the best interests of the child. The Commonwealth Government deliver a program that is incompatible with their own national efforts to prevent harm to children through the National Framework for Protecting Australia's Children. The Victorian Government invests in voluntary child and family support services that prioritise the needs of children and work with families to reduce sources of stress, build capacity and stability and strengthen family relationships.

These conflicting policy approaches have further implications for families, as the Commonwealth's approach actively undermines the work of Victorian state-based services. Our aforementioned study found that the suspension of payments puts significant strain on state-funded child and family services, which must divert resources and support from family strengthening to emergency relief (see Attachment 2).

## Conclusion

Based on the evidence in our submission, the Centre believes the Disallowable Legislative Instrument is neither compatible with human rights nor in the best interests of the child. The limitations on human rights that the instrument imposes are not for a legitimate objective and are not reasonable, necessary or proportionate to achieving the objective. Policies that employ the threat of poverty through the suspension and/or cancellation of social security payments directly compromise the wellbeing of parents and young children. An alternative, strengths-based approach would address human rights concerns and better support the realisation of rights.

## Recommendation

That the Parliamentary Joint Committee on Human Rights conclude that the *Social Security (Parenting payment participation requirements - class of persons) instrument 2021* is incompatible with human rights and the best interests of the child and recommend that the ParentsNext program be discontinued as a matter of urgency.