



25 July 2012

Committee Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600

By email: cewr.sen@aph.gov.au

Dear Committee,

Inquiry into the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012

1. Women's Legal Services NSW (WLS NSW) thanks the Senate Education, Employment and Workplace Relations Committees for the opportunity to comment on the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. In summary, we oppose the removal of grandfathering arrangements through the introduction of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012 so that single parents who previously received the single parenting payment until their youngest child turned 16 years will, as of 1 January 2013, receive the single parenting payment until their youngest child turns 8 years at which point they will transition to Newstart. We oppose this due to its incompatibility with international human rights obligations, including its discriminatory impact on women and its detrimental impact on an already vulnerable group, namely single mothers.

Incompatibility with Australia's human rights obligations

4. We refer to the correspondence sent by a coalition of organisations led by ACOSS to the Parliamentary Joint Committee on Human Rights on 15 June 2012, 25 June 2012 and 28 June 2012 outlining concerns about the Bill's incompatibility with Australia's international human rights obligations and its potential impact on sole parents. We endorse these letters and share the concerns raised that the Bill will infringe the right to social security, parents' right to non-discrimination and the principle of non-retrogression as outlined in the letters.



WOMEN'S LEGAL SERVICES NSW

5. We particularly note the indirect discriminatory nature of these changes as 95% of single parents receiving single parenting payment are female¹ and women will therefore be disproportionately affected by the proposed changes.

Other concerns

6. Over the years, we have assisted many women with children escaping family violence. In our experience the single parenting payment is an essential form of support.
7. We refer to the research undertaken by the Australian Domestic and Family Violence Clearinghouse entitled *Seeking Security: Promoting women's economic wellbeing following domestic violence*. The study refers to women and service providers raising concerns about the impact of the 2006 amendments which required parents receiving income support to look for 15 hours paid work per week once their youngest child turned seven. Concerns included a feeling of not being emotionally ready to return to work after suffering 'debilitating health issues related to the trauma of the abuse.'² While the study notes Centrelink's temporary exemption from the welfare to work requirement for victims of domestic violence, this was not raised by any of the women in the study, suggesting this exemption is not well known. Discussion in one focus group, which included service workers, highlighted 'that it is extremely difficult to find out about the exemption and secure it.'³ We are therefore concerned about the impact of the current Bill on victims of violence.
8. *Seeking Security* raised other barriers for single mothers in accessing employment including the lack of affordable child-care⁴ and transport with respect to the expense and/or difficulties in accessing public transport or a car and the time it takes to travel on public transport.⁵
9. In addition to our concerns raised in paragraphs 7 to 8, we agree with the concerns raised by ACOSS and others that there are 'well-known causes of women's barriers to workplace participation', as outlined in their letter dated 25 June 2012 and that 'eliminating barriers to women's workplace participation should be the priority, not reducing the level of income support for parents by placing them on Newstart.'
10. We also note the significant research, including that of Professor Whiteford, that highlights the impoverished living standards of sole parents on income support payment as outlined in the ACOSS letter dated 28 June 2012. As ACOSS rightly states, this raises concerns about the adequacy of the parenting payment as well as the Newstart allowance which provides a lesser amount of income.
11. We therefore oppose the removal of grandfathering arrangements through the introduction of the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012.
12. If you would like to discuss any aspect of this submission, please contact Liz Snell, Law Reform and Policy Coordinator on

Yours sincerely,

Liz Snell
Law Reform and Policy Co-ordinator

¹ Senate Standing Committee on Education, Employment and Workplace Relations, *Questions on Notice, Supplementary Budget Estimates 2011-12, DEEWR Question No. EW0708_12*, Table 2 accessed on 19 July 2012. at:

² Rochelle Braaf & Isobelle Barrett Meyering, *Seeking Security: Promoting women's economic wellbeing following domestic violence*, Australian Domestic and Family Violence Clearinghouse, March 2011 at 99

³ *Seeking Security*, Note 2 at 100.

⁴ *Seeking Security*, Note 2 at 99.

⁵ *Seeking Security*, Note 2 at 89.