

The Senate

Community Affairs
Legislation Committee

Provisions of the Family and Community
Services Legislation Amendment (Special
Benefit Activity Test) Bill 2002

December 2002

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Membership of the Committee

Members

Senator Sue Knowles, Chairman	LP, Western Australia
Senator Natasha Stott Despoja, Deputy Chair (until 18/11/02)	AD, Victoria
Senator Guy Barnett	LP, Tasmania
Senator Kay Denman	ALP, Tasmania
Senator Brian Greig (from 18/11/02)	AD, Western Australia
Senator the Hon Bill Heffernan	LP, New South Wales
Senator Steve Hutchins	ALP, New South Wales

Substitute member

Senator Moore replace Senator Hutchins for the inquiry from 12 November 2002

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REPORT

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) BILL 2002

THE INQUIRY

1.1 The Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002 (the Bill) was introduced into the Senate on 21 October 2002. On 16 October 2002, the Senate, on the recommendation of the Selection of Bills Committee (Report No. 10 of 2002), referred the Bill to the Committee for report by 11 November 2002. The reporting date was subsequently extended to 2 December 2002.

1.2 In recommending the reference of the Bill to the Committee, the Selection of Bills Committee provided the following issues for consideration:

The Bill will expose holders of temporary protection visas (TPV) to activity testing and mutual obligation. Typically holders of TPVs have absent or poor English language skills, high levels of poverty, unstable accommodation and few resources, and the following issues need to be examined:

- the ability of people to comply with complex mutual obligation requirements;
- the impact of breaching and financial punitive measures on already disadvantaged people;
- the ability of job network providers to provide language and culturally appropriate employment services; and
- the ability of TPV holders to access the review and appeals system.

Consideration of the application of mutual obligation to the nominated special benefit recipients with particular consideration of:

- a) language barriers and availability of English language tuition;
- b) availability of Job Network services; and
- c) practical implications for administration by Centrelink.

1.3 The Committee considered the Bill at a public hearing on 14 November 2002. Details of the public hearing are referred to in Appendix 2. The Committee received 52 submissions relating to the Bill and these are listed at Appendix 1 and may be accessed through the Committee's website at http://www.aph.gov.au/senate_ca

THE BILL

1.4 As part of the 2000-2001 Budget, the Government announced a range of measures addressing the issue of unauthorised arrivals in Australia. The Bill proposes to give legislative effect to one of these measures.¹

1.5 Under the Bill, from 1 January 2003, certain recipients of special benefit who hold a visa of a type that has been issued for temporary protection, humanitarian or safe haven purposes (a TPV) will be subject to an activity test regime that is similar to the one that currently operates in relation to Newstart allowance.

1.6 The Second Reading Speech explained that the measures contained in the Bill aim to:

...encourage social and economic participation by treating work force age holders of visas issued for temporary protection, humanitarian or safe haven purposes in a similar way to Australian nationals of work force age; that is, they will be required to be self-reliant and to fulfil a mutual obligation to the Australian community. The measure also reinforces community support for the humanitarian immigration program.²

1.7 Currently, there are approximately 8,800 TPV holders, and 4,262 of those are special benefit recipients.³

ISSUES

Mutual obligation – activity testing

1.8 The concept of ‘mutual obligation’ underpins the provision of income support for unemployed people in Australia. The concept is based on the proposition that it is fair and reasonable to ask unemployed people to participate in an activity (including job search), that improves their employment prospects and makes a contribution to their community, in return for financial support.⁴

1.9 The Bill proposes to formalise the current administrative arrangements of imposing activity tests on certain recipients of a special benefit.⁵

1.10 Under the new special benefit activity test, nominated visa holders will be required to search for work, to participate in vocational training, the Work for the

1 Budget Paper No.2 – Budget Measures 2000-2001, p.96.

2 Second Reading Speech, House of Representatives, Mr Larry Anthony, Minister for Children and Youth Affairs, *House of Representatives Hansard*, 26.09.02, p.7321.

3 *Committee Hansard*, 14.11.02, p.16 (DIMIA); *Submission 25*, Answers to Questions on Notice p.4 (Department of Family and Community Services).

4 *Submission 25*, p.2 (Department of Family and Community Services).

5 *Submission 25*, p.7 (Department of Family and Community Services).

Dole program and other prescribed activities, and to enter into Special Benefit Activity Agreements. They will also be subject to compliance testing, including fortnightly reporting requirements, and to penalties for non-compliance with the activity test or with the terms of their Special Benefit Activity Agreement.⁶

1.11 Nominated visa holders will also be subject to other conditions relating to industrial action, seasonal work, and moving to an area of lower employment prospects. These conditions are all comparable with conditions that apply to Newstart allowees.⁷

1.12 The activity test and those other conditions will only apply to nominated visa holders who, from 1 January 2003, apply for special benefit and are of work force age, or who reach work force age after that date. However, the Committee heard evidence that potentially anyone who has a TPV could be affected by this measure. That is, a TPV holder who receives special benefit before 1 January 2003 and after that date:

...get[s] a little bit of work that precludes their special benefit for a period – even if it is for a few days, a week or six months – as soon as they reapply, they will be affected [by the measure in this Bill].⁸

1.13 Several submissions expressed concern that the current legislation does not permit full-time students to receive special benefit payments.⁹ However, the Department of Family and Community Services (the Department) advised the Committee that:

...the measure makes an important change to existing legislation by allowing special beneficiaries to undertake full-time study without losing their entitlement to special benefit.¹⁰

1.14 The Department also noted the various further exemptions from the requirements of activity testing. It submitted that:

Provisions in the Bill also provide for exemptions from the activity test where a person has caring responsibilities, is temporarily incapacitated for work, and in special circumstances and other prescribed situations.¹¹

6 Explanatory Memorandum, Outline and Financial Impact, p.1.

7 Department of the Parliamentary Library, Bills Digest No.46, 2002-2003.

8 *Committee Hansard*, 14.11.02, p.6 (National Welfare Rights Network).

9 For instance, see *Submissions* 13, 24, 30, 36, 41 and 42.

10 *Submission* 25, p.3 (Department of Family and Community Services); see also *Committee Hansard*, 14.11.02, p.16.

11 *Submission* 25, p.2 (Department of Family and Community Services); see also Answers to Questions on Notice p.5.

TPV holders' ability to meet mutual obligation requirements

1.15 A view expressed by many submissions to the Committee was that TPV holders, without the adequate support of government, would be ill-equipped to meet the bureaucratic requirements of an activity agreement. For instance, the National Union of Students submitted that:

Language barriers not only mitigate against TPV holders finding employment but also raise serious questions about the ability of such people to successfully fulfil mutual obligation requirements.¹²

1.16 In particular, numerous submissions noted that TPV holders would not be eligible for English classes funded by the Department of Immigration and Multicultural and Indigenous Affairs and would not have access to the full range of assistance under the Job Network.¹³ For instance, the Refugee Council of Australia submitted that when the Bill was first foreshadowed:

...the community sector was given the impression that the imposition of activity testing would be introduced with certain compensatory measures, in particular access to language instruction, job search assistance and vocational training. This would have given the TPV holders a chance to meet the requirements being imposed upon them.¹⁴

Language assistance

1.17 The Department acknowledged the particular needs of customers from diverse cultural and linguistic backgrounds. It submitted that Centrelink's administration of special benefit is sensitive to these differences, and its services include multi-language information products, translation and interpreting services.¹⁵

1.18 The Department also advised the Committee that:

Centrelink will ensure that Special Benefit Activity Agreements include activities that are appropriate for the customer's individual circumstances, focussing on activities that develop English language skills where this represents a barrier to participation. The legislation specifically requires that, in approving the terms of a Special Benefit Activity Agreement, the Secretary (or delegate) must have regard to the person's capacity to comply with the proposed agreement and the person's needs.¹⁶

12 *Submission* 29, p.3 (National Union of Students).

13 For instance, see *Submissions* 1, 2, 4-7, 9-11, 14-18, 20-22, 24, 26-32, 34-36, 38, 39, and 41-52.

14 *Submission* 34, p.6 (Refugee Council of Australia).

15 *Submission* 25, p.3 (Department of Family and Community Services); see also *Committee Hansard*, 14.11.02, pp.14 and 17.

16 *Submission* 25, p.3 (Department of Family and Community Services); see also Answers to Questions on Notice p.1.

1.19 To support TPV holders in meeting their obligations under an activity agreement, the Department of Education, Science and Training will provide access to the Language, Literacy and Numeracy program. This will provide basic training for eligible job seekers whose skills are below the level considered necessary to secure sustainable employment or pursue further education and training. It is designed to help remove a major barrier to employment and improve participants' daily lives. The Department stated that 'this activity will be central to a Special Benefit Activity Agreement where required and will be the preferred activity option in many cases'.¹⁷

Job Network assistance

1.20 Currently, TPV holders have access to Job Matching Only services under existing Job Network arrangements. Several submissions noted that the wider range of assistance available to others under the Job Network was not available to TPV holders.¹⁸

1.21 The Department advised that from 1 July 2003, TPV holders will have access to Job Search Support services—including development of a vocational profile and résumé to be matched to employment opportunities in the Job Search database. However, the Department noted that:

TPV holders will not have access to long-term intensive support employment services as it is not considered appropriate given the temporary nature of their visas.¹⁹

Rate and impact of breaching

1.22 A further issue that arose during the Committee's inquiry was the incidence and effect of any penalties imposed for failing to comply with an activity agreement.

1.23 Several submissions addressed this issue and argued that the peculiar disadvantage and vulnerability of TPV holders made them more likely to breach their obligations under an activity agreement.²⁰ For instance, the South Australian Council of Social Services submitted that:

There is significant evidence that people with poor language skills, temporary accommodation, and few personal resources or family support are more likely to be breached. TPV holders would be at greater than

17 *Submission 25*, p.7 (Department of Family and Community Services).

18 For instance, see *Submissions 1, 7, 14-18, 20-22, 24, 26, 27, 29, 30, 33-36, 38, 39, 42, 45, and 47-51*.

19 *Submission 25*, p.7 (Department of Family and Community Services); see also *Committee Hansard*, 14.11.02, p.21.

20 For instance, see *Submissions 1, 16, 17, 18, 20, 29, 33, 35, 42, 43, 45-48 and 50*.

average risk of losing part or all of their Special Benefit as a result of being breached.²¹

1.24 Similarly, the National Welfare Rights Network and ACOSS, quoting from the Independent Review of Breaches and Penalties in the Social Security System (the Pearce report), submitted that:

People with literacy and numeracy problems and people with poor English comprehension were identified in the Report as being in the group considered to be “especially vulnerable to particular difficulties in receiving, understanding or being able to comply with official communications about obligations such as attending interviews or returning forms”.²²

1.25 In addition, a number of submissions warned that the special circumstances of TPV holders meant that they would be more affected by the penalties imposed for any such breach.²³ For example, the Welfare Rights Centre (SA) suggested that:

...people who are already marginalised are not only more likely to be breached, but the level of their disadvantage is significantly increased by breaching policies.²⁴

1.26 However, addressing this issue the Department noted that:

Customers with language and cultural barriers do not necessarily incur a higher rate of breaches. FaCS research shows that, with some exceptions, people born overseas have a lower breach rate than people born in Australia (in 1999-00, 12 per cent compared to 15.2 per cent).²⁵

1.27 The Department also informed the Committee that in circumstances where a customer has not complied with their activity test requirements, the reasons for the failure to comply are assessed. If the person has a reasonable excuse, taking into account the particular circumstances of that individual, no penalty will apply. It submitted that:

When considering what is reasonable, the decision-maker will take into account the circumstances that are specific to the particular job seeker and also whether or not the requirement imposed on the customer was

21 *Submission* 16, p.1 (South Australian Council of Social Services).

22 *Submission* 35, p. 8 (National Welfare Rights Network and ACOSS); Pearce, D. *Making it work: The Report of the Independent Review of Breaches and Penalties in the Social Security System*, 2001, p.22.

23 For instance, see *Submissions* 1, 3, 17, 18, 20, 27-29, 33, 35, 36, 42, 43, 45, 46 and 48.

24 *Submission* 18, p.5 (Welfare Rights Centre (SA) Inc).

25 *Submission* 25, p.4 (Department of Family and Community Services).

reasonable – that is, whether compliance with the requirement was within the customer’s capabilities.²⁶

Access to appeal and review

1.28 TPV holders have the same legal rights to access the review and appeals system as other recipients of special benefit. Specifically, beneficiaries who are dissatisfied with a decision can seek a review by the Centrelink officer who made the decision. If they wish to pursue the matter further they may subsequently ask for a review by another Centrelink officer. If the special beneficiary remains dissatisfied they can access a process of external review to the Social Security Appeals Tribunal, the Administrative Appeals Tribunal, the Federal Court and, ultimately, in rare cases, to the High Court.²⁷

1.29 However, several submissions to the Committee suggested that language and cultural issues were a significant practical barrier preventing TPV holders from accessing the appeal and review mechanisms.²⁸ For example, the South Australian Council of Social Services submitted that TPV holders are:

...likely to have problems with fair access to the review and appeals process. Language and other barriers will make it more difficult for them to understand the legalistic and bureaucratic administrative system.²⁹

1.30 In response to these claims the Department advised that, for each of its internal review processes, Centrelink arranges for an interpreter to be available as required. In respect of the external process of review, the Department submitted that:

The Social Security Appeals Tribunal and the Administrative Appeals Tribunal are sensitive to the needs of those from a diverse cultural and linguistic background and will arrange for an interpreter to be present at the person’s appeal hearing if required. Migrant resource centres and welfare groups may also be able to assist the person with their appeal.³⁰

1.31 The Department concluded that these efforts were reflected in the statistics that indicate that special benefit recipients access the review and appeals system more readily than others do. The Department submitted that:

Centrelink data show that in the period January to September 2002 a total of 89 special benefit recipients lodged appeals with the Social Security Appeals Tribunal. This represents 0.7 per cent of the special benefit population, which is in comparison with 0.2 per cent (1089 appeals) for

26 *Submission 25*, p.4 (Department of Family and Community Services); see also *Committee Hansard*, 14.11.02, p.22.

27 *Submission 25*, p.6 (Department of Family and Community Services).

28 For instance, see *Submissions 16-20, 23, 29, 30, 40-42 and 46*.

29 *Submission 16*, p.2 (South Australian Council of Social Services).

30 *Submission 25*, p.6 (Department of Family and Community Services).

newstart and 0.1 per cent for youth allowance (413 appeals). These figures indicate that special benefit recipients use the appeals system considerably more than those from other similar payments categories.³¹

RECOMMENDATION

1.32 The Committee reports to the Senate that it has considered the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002 and **recommends** that the Bill proceed.

Senator Sue Knowles
Chairman

December 2002

31 *Submission 25*, p.6 (Department of Family and Community Services).

MINORITY REPORT

AUSTRALIAN LABOR PARTY

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) BILL 2002

Minister Anthony's Second Reading Speech explained that the measures contained in the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002 aim to:

*Encourage social and economic participation by treating work force age ... holders of TPV's in a similar way to Australian nationals of work force age: that is, they will be required to be self-reliant and to fulfil a mutual obligation to the Australian community.*¹

The Committee, at the public hearing and in the 52 submissions received in the very tight time frame, heard that this group of people were not treated in a similar way to other Australians.

Under current legislation, the only financial support available to holders of Temporary Protection Visas, people who have been assessed as genuine refugees, is the Special Benefit, a payment described by the National Welfare Rights Network and Australian Council of Social Service (ACOSS) submission as having '*different, tighter eligibility and payment criteria and much stricter income testing policies than any other income support payment*'.²

In particular, the various agencies, which responded to the Committee, noted the income testing arrangements for special benefits – '*Any amount of earnings is directly deducted from entitlements with no free areas applying. This means that a Special Benefit recipient, who earns \$50, has \$50 deducted from their fortnightly Special Benefit entitlement. As the deduction is the amount of gross rather than net income, this means that the Special Benefit income test is the only income test that not only has no income free area or taper, but is also unique in that it leaves a person with earnings worse off financially than if they relied totally on the benefit payment*'.³

Advantages

The proposal to extend the special benefit activity test does include two specific advantages for people on TPV.

1 Second Reading Speech, Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002.

2 *Submission 35*, p.5 (National Welfare Rights Network and ACOSS).

3 *Submission 35*, p.6 (National Welfare Rights Network and ACOSS).

1. Access to English classes

There was considerable evidence that the lack of English classes was a major disadvantage for people on TPV. This was directly contrasted to those people who were on Permanent Protection Visas who were able to access the Adult Migrant English Program (AMEP) provided by the Commonwealth and administered by DIMIA. TPV holders have not been given permanent residence and are not eligible for settlement services including the AMEP. The extension of the activity test includes specific access to DEST English training – In response to a question on notice, the Department has provided specific information on this proposed training and compared the services to those provided by DIMIA. This proposal seems effective and ‘designed to help remove a major barrier to employment or pursuit of further education and training’.⁴ We believe that the provision of the English training is a critical service for the TPV holders and does address a major concern of the agencies that responded to the Committee.

2. Full Time Study

A particular element of the extension of the activity test is the ‘important change to existing legislation by allowing special beneficiaries to undertake full time study without losing their entitlement to special benefit’.⁵ This provision, only available to TPV holders who become eligible after the introduction of the new legislation, addresses another major concern of welfare agencies who described the hardship of TPV holders attempting to increase their skills while maintaining part time jobs. Again in answer to a question on notice, the Department has confirmed that TPV holders are not permanent residents and are not eligible for HECS and are required to pay full fees as overseas students. Certainly a number of courses are not subject to HECS and there are varying approaches to VET systems fees across the States and Territories. The key issue is that new legislation does allow full time study while access to the study is still subject to significant resources barriers.

Penalties

The submissions to the Committee from a range of welfare agencies raised concern about the impact of breaching on current welfare recipients and the implications of extending these processes to TPV holders. These issues have been raised in the majority report. While it is acknowledged that there have been significant reviews of procedures/operations within Centrelink and the statement by the Department about the number of recommendations from the Independent Review of Breaches and Penalties in the Social Security System/ the Pearce Report that have already been implemented, there still remain real concerns about the imposition of penalties on a group of people already deeply traumatised and disadvantaged.

4 *Submission 25*, Answers to Questions on Notice, p.1 (Department of Family and Community Services).

5 *Submission 25*, p.3 (Department of Family and Community Services).

The Department provided evidence of support services available to TPV holders – social workers, language services and the standard appeal rights; however we share the concern about extending a penalty based system to people who are refugees and already affected by significant residential and financial restrictions.

Current Situation

Under the current activity test for special benefits, TPV holders are required to look for work, register with Job Network providers and report 4 job contacts per fortnight. If they fail to meet these conditions, their payment may be cancelled. The proposed changes will extend the requirement to negotiate and enter into a Special Benefit Activity Test – access to Work for the Dole as well as more support through Job Search Network services will be available. Critically TPV holders will not have access to intensive assistance services with the enhanced help to find work. If the stated aim of the changes is to treat every job seeker the same, this difference does limit the support to TPV holders while subjecting them to the same penalty processes.

The National Welfare Rights Network and the Australian Council for Social Service (ACOSS) submission noted that:

- ‘In administering the current activity test for Special Benefit in respect of TPV holders, the Department’s and Centrelink’s approach has been to have regard to the fact that TPV holders – particularly those who have only recently been released from detention – are in a uniquely vulnerable position.’⁶

Areas of Low Employment

The extension of the penalty for moving to areas of low employment caused real concern. Uniting Care, Australia and the National Social Responsibility and Justice noted that:

- ‘It is well recognised that TPV holders move to attempt to establish themselves in work.
- The uncertainty caused by their TPV and their poor literacy and language skills often make seasonal work such as fruit picking the only employment option...Refugees also move to link with supportive ethnic and cultural communities.’⁷

The Department stressed that there would be efforts to communicate effectively with any recipient caught in this situation and that there were efforts to determine reasonable actions and circumstances. However we are worried by the possible impact on TPV holders who would lose all income for an extensive period through genuine efforts to seek work.

6 *Submission 35*, p.3 (National Welfare Rights Network and ACOSS).

7 *Submission 43*, p.3 (Uniting Care Australia).

Conclusion

The current number of TPV holders receiving Special Benefits across the country, provided by the Department is 4,262 out of a total Special Benefit population of 12,155. Special Benefit is a payment designed to meet the needs of people who are unable to access any other form of assistance. In the case of TPV holders, their temporary residency status limits their access to other Centrelink payments and residency services provided through DIMIA.

The concept of mutual obligation involves the participation of people in activities to improve their employment prospects in return for financial support. Currently TPV holders on special benefits, except those exempted for health and caring responsibilities, do participate in regular reporting processes and job seeking with Centrelink and limited access to job matching services through the Job Network.

The proposed extension provides further access to the Job Network and the requirement to Activity Agreements, without the full access to intensive assistance. This extension does provide critical and welcome access to English language classes. However, the extension of the full penalty process, including administrative breaching, is a major concern for the welfare groups currently working with TPV holders across the country. The proposal's aim to treat all job seekers the same is not fulfilled by the legislation – TPV holders on special benefit do not receive the same financial support as job seekers on Newstart or Jobsearch. They do not have access to all Job Network services, in particular intensive assistance.

In light of these limitations, changes outlined in the bill should not proceed until these issues are addressed.

Senator Kay Denman, Tasmania

Senator Claire Moore, Queensland

MINORITY REPORT

AUSTRALIAN DEMOCRATS

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT (SPECIAL BENEFIT ACTIVITY TEST) BILL 2002

The Australian Democrats consider this legislation to be very flawed.

We know that many TPV recipients will not be able to fully understand either their obligations or the administrative requirements associated with them, given their language and cultural barriers and no experience of the Australian Social Security system. Negotiating and understanding activity test agreements and requirements, the completion of job search diaries, obtaining Employer Contact certificates, and responding to correspondence will be particularly difficult for TPV holders. Notwithstanding they may be looking for work and undertaking all efforts to locate work, they will still be fined hundreds of dollars because of their illiteracy and lack of administrative system understanding.

Many TPV holders are not eligible for public housing and will experience housing crises, they have limited access to accommodation support, health assessment, and community support and orientation assistance. Many still experience mental health problems, and are without access to medical practitioners to certify incapacity.

Concerns raised by the Ombudsman's inquiry into breaching report and also the Independent Review into breaching consistently report no attempt by Centrelink to discuss the circumstances of or reasons for, the persons action before imposing a breach penalty. Impossible and unreasonable burdens of proof are set and TPV holders because of their limited understanding of Centrelink practices will be unable to navigate the complexities of administrative review and appeal process. This is already borne out by indigenous clients.

The income testing provisions, rates of payment and financial impact of activity test breaches will operate to disadvantage TPV holders undertaking job search activities.

TPV holders do not have an income-free area and face an effective marginal tax rate of 130 per cent.

The Democrats endorse the principle that work-ready, workforce age special benefit recipients should actively seek employment. However, newly released TPV holders with little or no English, high levels of poverty, unstable accommodation, no understanding of administrative practices are least able to sustain the devastating impact of breaching. Consideration should be given to exempting newly released TPV holders from imposition of breaching for 26 weeks post grant of TPV, while providing access to language, literacy, job search and employment programs.

The Democrats will explore amendments to try and address the concerns with the legislation we have expressed in this report, and would not be inclined to support the Bill if such amendments were not successful.

Senator Brian Greig

Democrats' Spokesperson for Family & Community Services

APPENDIX 1

Submissions received by the Committee

- 1 Australian Pensioners' and Superannuants' League Qld Inc (QLD)
- 2 Collective of Self Help Groups (VIC)
- 3 Fusion Australia (WA)
- 4 Queensland Council of Social Services (QLD)
- 5 Fisher, Mr Bernie (WA)
- 6 Eurobodalla Rural Australians For Refugees (NSW)
- 7 Ahern, Ms Liz (SA)
- 8 Shelter New South Wales (NSW)
- 9 Perth Women's Centre (WA)
- 10 Burridge, Ms Nina (NSW)
- 11 Di Giglio, Ms Sarah (NSW)
- 12 The Victorian Council of Social Service (VCOSS) (VIC)
- 13 Michael, Mr Tas (WA)
- 14 UnitingCare - Sunshine Mission (VIC)
- 15 Ethnic Communities Council of WA (WA)
 - Supplementary information dated 9.11.02
- 16 South Australian Council of Social Service (SACOSS) (SA)
- 17 Coalition for Asylum Seekers, Refugees and Detainees (WA)
- 18 Welfare Rights Centre (SA) Inc (SA)
- 19 The Social Responsibilities Commission - Anglican Province of Western Australia (WA)
- 20 Immigrant Women's Speakout Association NSW Inc (NSW)
- 21 Australians Against Racism Inc (SA)
- 22 Romero Community Centre (QLD)
- 23 Refugee Advocacy Service of South Australia Inc (SA)
- 24 Office of the Commissioner for Children (TAS)
- 25 Department of Family and Community Services (ACT)
 - Answers to questions on notice following hearing 14 November 2002 dated 27.11.02
- 26 Melbourne Citymission (VIC)
- 27 Anglicare Australia (VIC)
- 28 Clements, Mrs Jill (WA)
- 29 National Union of Students (VIC)
- 30 Harper, Mr James (QLD)
- 31 Fenbury, Ms Helen (WA)
- 32 Swatland, Mr Alan

- 33 Commonwealth Ombudsman (ACT)
- 34 Refugee Council of Australia (NSW)
- 35 National Welfare Rights Network and Australian Council of Social Service (ACOSS) (NSW)
- 36 National Council of Churches in Australia (NSW)
- 37 Ecumenical Migration Centre - Brotherhood of St Laurence (VIC)
- 38 Human Rights and Equal Opportunity Commission (NSW)
- 39 Australian Catholic Migrant and Refugee Office (ACT)
- 40 Legal Services Commission of South Australia (SA)
- 41 Youth Affairs Council of South Australia (SA)
- 42 Tomlinson, Dr John (QLD)
- 43 UnitingCare Australia and National Social Responsibility & Justice (ACT)
Tabled at public hearing 14.11.02
 - Opening statement
 - Policy Paper, *Asylum seekers, refugees and humanitarian entrants*, dated 22 July 02
- 44 Catholic Welfare Australia (ACT)
- 45 Salvation Army - Australian Southern Territory (VIC)
- 46 RMIT University (VIC)
- 47 Immigration Advice and Rights Centre (NSW)
- 48 ChilOut (Children Out of Detention)
- 49 Catholic Commission for Justice, Development and Peace - Melbourne (VIC)
- 50 Western Australian Department for Community Development (WA)
- 51 Legal Aid New South Wales (NSW)
- 52 Packard, Mr Greg (QLD)

APPENDIX 2

Public Hearing

A public hearing was held on the Bill on 14 November 2002 in Senate Committee Room 2S1.

Committee Members in attendance

Senator Sue Knowles (Chairman)

Senator Guy Barnett

Senator Kay Denman

Senator the Hon Bill Heffernan

Senator Claire Moore

Witnesses

National Welfare Rights Network & ACOSS

Ms Linda Forbes

Ms Genevieve Bolton

Refugee Council of Australia

Ms Margaret Piper, Executive Director

UnitingCare & National Social Responsibility and Justice

Ms Lin Hatfield Dodds, National Director, UnitingCare

Rev Elenie Poulos, National Director, National Social Responsibility and Justice

Department of Immigration and Multicultural and Indigenous Affairs

Ms Robyn Bicket, Assistant Secretary, Humanitarian Branch

Mr Robert Illingworth, Assistant Secretary, On Shore Protection

Department of Family and Community Services

Ms Frances Davies, Assistant Secretary, Labour and Parenting Programs Branch

Mr Neil Mahoney, Director, Parenting and Special Payments Section, Labour Market and Parenting Branch

Department of Employment and Workplace Relations

Mr Michael Manthorpe, Assistant Secretary, Work Experience Branch