



Melbourne Citymission Submission:
Family and Community Services Legislation Amendment
(Special Benefit Activity Test) Bill 2002

Members of the Senate Community Affairs Committee,

Melbourne Citymission seeks to be an inclusive community of social and personal transformation and change by working at the frontier of human need, working alongside people who are marginalised, disadvantaged or at risk. A significant part of this work involves maintaining a stance of strong advocacy on behalf of those who have no public voice. This commitment has prompted the organisation to express concerns regarding the proposed amendment to the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002.

This submission addresses a number of concerns about the proposed operation of the Bill in light of a series of recent reports which review the situation and experiences of those living in Australia under TPVs. Provisions of the Bill in its present form can only reduce the ability of individuals and families to cope in situations that are already characterised by dislocation, difficulty and exclusion.

Underlying some of the practical issues are serious questions about principles of respect for human dignity. The policy approach that has produced this Bill appears to focus on making life even more difficult for people in Australia currently on TPV's. As an organisation we urge the Government to set these amendments aside in favour of developing a more compassionate and humane response to this group of very vulnerable people.

Further comment is attached for your consideration.

Yours sincerely

A handwritten signature in black ink that reads "Anne Turley". The signature is written in a cursive, flowing style.

Anne Turley
Chief Executive Officer



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Melbourne Citymission is aware of the Federal Government Bill proposing an extension of mutual obligation principles to recipients of Special Benefit who are living in Australia under Temporary Protection Visas (TPVs).

Temporary Protection Visas and access to services

The granting of a Temporary Protection Visa is the result of a Departmental assessment, finding that the holder has fled their country of origin because of persecution and therefore has a legitimate entitlement to protection in this country. In spite of this entitlement, the Federal Government has chosen to exclude this class of visa holders from a range of much needed 'settlement services'. The Australian Council of Social Services recently emphasised the long-term, negative effects of such harsh restrictions on essential settlement services:

Ineffective settlement support will lead to future increased costs and strains on social welfare, health and community services. Full, timely and proper integration of new arrivals ensures a smoother settling-in period and activates citizen participation at an early stage. It is important that asylum seekers and refugees do not become another disadvantaged and dislocated group within Australian society (ACOSS, 2002:4).

Government members (Anthony and Hull, Hansard, 17 October 2002) repeated the point that holders of TPVs are encouraged to participate in the economic and social life of the nation. However, TPV holders are not entitled to attend English classes in spite of clear relevance of English language skills to employment prospects. Failure to assist with language skills is inconsistent with the stated aim of encouraging social and economic participation. The opposite effect – social isolation – has been documented in two recent reports on these TPV holders across Australia (Victorian Arabic Social Services and Deakin University, 2002; Multicultural Affairs Queensland, 2001). Key findings of both pieces of research are similar and confirm common experiences of confusion, resentment, extended trauma and anguish of being released into the community with minimal government support.

Special Benefit

Eligibility for Special Benefit is an acknowledgment that a person may be in immediate need of assistance but be ineligible for any other benefit because of unique circumstances.

The principle intention of the proposed Bill is to require holders of specified visas to satisfy a Special Benefit activity test similar to the one that currently operates in relation to Newstart allowance. Given that recipients of Special Benefit are already required to demonstrate some activity in looking for work, the Bill represents a dramatic extension of obligations to include:

- formal Preparing for Work agreements;
- broadening of activity requirements;
- restrictions of movement to areas of low employment; and
- 'preclusion periods' for those who obtain seasonal work.

Further, the Bill provides a formal, legislative basis for the imposition of breaches and financial penalties for non-compliance with the conditions outlined above.

Special Benefit recipients are only able to access a limited range of supports available to others in the social security system and therefore should not, because of their unique situation, be expected to meet the same reciprocal obligations. There is no logical basis for expecting TPV holders in receipt of Special Benefit to meet the same level of activity requirements as those in receipt of Newstart or Youth Allowance. TPV holders may only access limited services of Job Network providers. Access to mainstream job-matching services is unlikely to address the specific situations of manifest disadvantage faced by those newly arrived, in insecure accommodation and with limited English language.

Melbourne Citymission has grave concerns about the ability of people with very limited English language skills to understand the concept and requirements of entering into a formal Activity Agreement. The consequences of breaches and penalties of a financial nature have such potentially serious consequences that access to processes of appeal is critical. Such processes require a level of language proficiency well beyond most holders of TPVs.

Equality and justice

References by the Member for Riverina to 'equal status and equal opportunity' demonstrate a deep confusion of 'equal treatment' with 'same treatment': 'no-one should be treated any differently from anyone else in this nation' (Hull, Hansard, 17 October 2002). The group targeted by this Bill are not 'the same as any other Australian'. They face unique difficulties in overcoming trauma, living with uncertainty about their future, in adapting to a new language and culture, in

settling families and seeking to build new lives. To meet the humanitarian needs of this group – a group who have proven their eligibility for both protection and

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support – involves building their capacity to learn English, to heal trauma and to acquire skills that will enable them to participate in the life of the Australian community where they have sought shelter.

Clustering of populations in places where people find community connection and others who speak the same language will inevitably place enormous pressure on particular Centrelink offices, community support services and social welfare agencies in these locations. Restriction of Commonwealth services and pressure on Centrelink effectively results in cost shifting to the States and to non-government organisations that operate in these regions.

Melbourne Citymission asks the Committee to give careful consideration to the justice of a legislative amendment that offers no new support or services and yet seeks to enforce rigorous compliance with activity tests which may result in punitive sanctions, with disastrous economic and social effects on this group of disadvantaged people and the communities in which they settle.

The social costs of adopting a TPV policy have yet to be fully assessed but the early indications are that the consequences are damaging for individuals and costly for communities who must deal with the long-term consequences of diminished social capacity to care for those in need. The Bill before the committee makes no positive contribution to the issue and in its present form can only reduce the ability of individuals and families to cope in situations that are already characterised by dislocation, difficulty and exclusion.

References

ACOSS (2002). *Recognition and justice for asylum seekers*, Australian Council of Social Services, Position Statement, October.

Multicultural Affairs Queensland (2001). *Temporary Protection Visa Holders in Queensland*.

Victorian Arabic Social Services & Deakin University (2002). *Politics of Social Exclusion: Refugees on Temporary Protection Visas in Victoria*.