



Mr Harry Jenkins MP
Committee Chair
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

URGENT

By email: human.rights@aph.gov.au

25 June 2012

Dear Mr Jenkins,

Inquiry by the Parliamentary Joint Committee on Human Rights into the Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012

We would like to thank the Committee for its time and allowing us an opportunity to present oral evidence at the preliminary hearing held on 21 June 2012 at Parliament House, which was to assist the Committee to more fully consider our request for an inquiry into the above proposed legislation.

As per your suggestion, we now provide written supplementary submissions for you to take into account at your meeting, scheduled tomorrow, Tuesday 26 June 2012.

We take this opportunity to further address the following questions:

1. Why does the Bill discriminate against women?
2. Does the principle of non-retrogression mean that government can never reduce a benefit?
3. Does the Bill offend the right to education?
4. What should be done to address the barrier's to women's participation in the workforce?
5. What would be the economic impact on these single parents?

6. What would be the social impact on these single parents? This sets out individual experiences of single mothers. These have been submitted separately by Terese Edwards, CEO, National Council for Single Mothers and Their Children; and
7. How could an inquiry be conducted?

In summary, we respectfully urge that, at the meeting to be held on Tuesday, 26 June 2012, the Committee:

1. Make a preliminary finding that the Bill appears to impact on the human rights of the sole parents and their children, including the right to social security (i.e. the basic rights of very vulnerable women and their children are affected)
2. Find that the Compatibility Statement does not adequately address the human rights implications of the Bill
3. Urge the Australian parliament to not proceed with adopting the proposed legislation until a proper inquiry into the human rights implications of the Bill is conducted
4. Call for submissions from people (individual or organisations) to comment on the compatibility of this Bill with human rights;
5. Following submissions, convene a public hearing to hear evidence from:
 - a. Individuals or organisations from whom it deems necessary to hear (further) evidence; and
 - b. Single parents that will be impacted by the removal of the Parenting Payment.
6. On the basis of the evidence from submissions and evidence given by way of hearing, produce a written report to both Houses of Parliament on the compatibility of the Bill with human rights.

We respectfully submit that this inquiry be conducted even if the Bill is passed by the Australian parliament, in light of the fact that this Bill affects some of the most vulnerable women and children in Australia. The results of the Inquiry would be particularly important for ongoing work to address the human rights of these families.

Please note that, in addition to this letter, we understand that Professor Peter Whiteford from UNSW will be separately writing to the Committee, as requested at the hearing.

For the ACOSS analysis of the impact of the carbon price on low income households, including people on Allowances, we refer the Committee to http://acoss.org.au/images/uploads/ACOSS_Analysis_Clean_Energy_Future_Package_August_2011.pdf, especially p 9, Table 1.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'C Goldie', with a large, sweeping flourish at the end.

Dr Cassandra Goldie, CEO, Australian Council of Social Services, PhD (UNSW), LLM (UCL), LLB (Hons) (UWA)

Co-authored and supported by:

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Gerard Thomas, Policy & Media Officer, Welfare Rights Centre

Terese Edwards, CEO, National Council of Single Mothers and their Children

Why does the Bill discriminate against women?

We note that discussions at the public hearing about discrimination against women and children were limited so we take this opportunity to expand on our position as it relates to international human rights law.

The two relevant UN conventions, to which Australia is a signatory, are:

1. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
2. The Convention on the Rights of the Child (CRC).

The International Covenant on Economic, Social and Cultural Rights (ICESCR) will also be discussed as it relates to discrimination against women and children.

CEDAW

CEDAW contains a right to social security in Article 11(1)(e) for contingencies such as sickness, old age and unemployment. The CEDAW Committee has expressed concern that women are disproportionately represented amongst people living in poverty and has called on States parties to improve their social security coverage and address discrimination against women in social security schemes.¹ CEDAW, in Article 1 says that discrimination against women means 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women' of their fundamental rights. This definitional statement has been taken to mean that CEDAW prohibits both 'direct' and 'indirect' discrimination. The CEDAW Committee has explained that direct discrimination is 'different treatment explicitly based on grounds of sex and gender differences' while indirect discrimination occurs when a law or policy 'appears to be neutral as it relates to men and women, but has a discriminatory effect in practice on women'.²

In the case of the Social Security Amendment Bill being considered here, there is no direct discrimination since the Bill applies to all parents. But when the impact of the Bill is examined in practice it becomes clear that there is indirect discrimination since the overwhelming majority of beneficiaries are women (90-95%). What is also operating here is intersectional discrimination: a number of social factors compound the disadvantage facing this group. Not only are the affected people usually women, but they are also poor, they are also parents and they are also single parents.

Thus, this vulnerable group (poor single mothers) is having a benefit which was designed to alleviate their special circumstances, removed, leaving them in a position of disadvantage relative to other groups facing poverty (such as dual parent families, and people without children). For example, it is important to note that, according to the Australian Community Sector Survey 2011:

¹ Frances Raday 'Article 11' in Freeman et al (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012) 279-309, at 294.

² Andrew Byrnes 'Article 1' in Freeman et al (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (Oxford University Press, 2012) 51-70, at 65.

Single parents were disproportionately high users of social services. While there are over 0.9 million single parents in Australia (ABS 2006) or 4.3% of the total population, single parents comprised over a quarter (28%) of service users across all [types of social services]. *This is nearly 7 times their representation in the wider population.*

The over representation of sole parents as clients of community services was most pronounced in agencies where the primary area of service delivery is domestic violence and sexual assault (59%), family relationships services (43%), Aboriginal and Torres Stratis Islander services (40%), emergency relief (39%), homelessness and housing (35%) and financial support services (30%).

CRC

The CRC in Article 26 says that ‘States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law’. The Convention also extends a right in Article 27 to an adequate standard of living for every child and requires States parties to ‘take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes’. Article 2 requires that all Convention rights be realised without ‘discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status’.

In the case of the Social Security Amendment Bill children in single parent families are facing discrimination as a result of the sex discrimination against their mothers. Such children stand to live in poorer households should the Bill be enacted, simply because their parents are part of a vulnerable group that was benefiting from a payment designed to assist them which is now facing removal.

ICESCR

As noted in the hearing, the ICESCR is also clear in its prohibition of discrimination against women. Article 3 of the ICESCR requires States Parties to ‘undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant’, while Article 2(2) requires States to guarantee that all Covenant rights are exercised without discrimination of any kind including on the basis of sex. General Comment 19 on the Right to Social Security, prepared by the Committee responsible for ICESCR, also places a strong emphasis on non-discrimination, particularly in relation to women. Other General Comments of the same committee (General Comments No 16 and 20) address discrimination against women within the context of the ICESCR. The test for non-retrogression of social security, set out in paragraph 42, also emphasises the issue of direct and indirect discrimination.

Does the principle of non-retrogression mean that government can never reduce a benefit?

The short answer is no.

States parties have an obligation in international human rights law to ‘progressively realise’ the rights in the Covenant which entails an ongoing roll out of rights using the maximum available resources available. As we submitted in the hearing, there is also principle of non-retrogression in international human rights law in relation to social and economic rights.

Paragraph 9 of CESCR General Comment 3 says that ‘any deliberately retrogressive measures ... would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources’. The CESCR General Comment 19 on the Right to Social Security takes this further in relation to the specific right. It is not our position that Governments taking measures to change existing social security policies and laws will always be in breach of the International Covenant on Economic, Social and Cultural Rights. Such changes may be appropriate in many circumstances. We submit that if such changes occur and they result in a removal or reduction of the human rights of a group of people, particularly people who are vulnerable, the changes should be scrutinised to ensure that they are not retrogressive and hence in violation of the ICESCR. So, for example, a reduction in government assistance to a person who is on an average income may not ‘engage’ their right to social security, as it would not impact on the person’s right to a ‘minimum level of essential assistance’ as their human right to an adequate standard of living and social security for e.g. it may not put the person into poverty.

However, the fact that, in this case, this Bill reduces the level of income support to a *most vulnerable group, being single mothers and their children*, who are already living below the poverty line, does ‘engage’ their human rights, and the need for careful scrutiny is particularly acute. The CESCR states in the General Comment on the Right to Social Security:

[T]he State party has the burden of proving that they (deliberately retrogressive measures) have been introduced after the most careful consideration of all alternatives and that they are duly justified by reference to the totality of rights provided for in the Covenant, in the context of the full use of the maximum available resources of the State party.³

Effectively, there is a “strong presumption” that, where a person’s basic rights are affected, retrogressive measures by States are prohibited and should a retrogressive measure be taken by a State, it would be carefully examined by the United Nations Committee on Economic, Social and Cultural Rights to determine whether a violation has occurred. The United Nations Committee on Economic, Social and Cultural Rights would consider the following factors to determine whether a violation has occurred:

- (a) There was reasonable justification for the action;
- (b) Alternatives were comprehensively examined;

³ Para 42, General Comment No.19, Committee on Economic Social and Cultural Rights.

- (c) There was genuine participation of affected groups in examining the proposed measure and alternatives;
- (d) The measures were directly or indirectly discriminatory;
- (e) The measures will have a sustained impact on the realisation of the right to social security, an unreasonable impact on acquired social security rights or whether an individual or group is deprived of access to the minimum essential level of social security; and
- (f) Whether there was an independent review of the measures at the national level.

The weighing up process takes account of a range of factors including affordability, impact, discrimination and participation of affected groups.

As argued, the Minister's statement of compatibility accompanying the Bill fails to adequately justify the measure and does not address all of the factors set out in the ICESCR test for non-retrogression of the right to social security. As such they have not discharged their burden of proving that the Bill is compatible with human rights.

We would submit that the appropriate course for the Joint Parliamentary Committee on Human Rights is to conduct an independent inquiry, based on the above factors, to determine whether the removal of the Parent Benefit is in violation of the Covenant.

Does the Bill offend the right to education?

The Statement of Compatibility with Human Rights mentions the right to education under Article 13 of the ICESCR.

The Statement notes that:

1. Changes to Grandfathered Parenting Payment recipients who are studying will not affect a person's entitlement to the Pensioner Education Supplement;
2. Parents who transfer to Newstart Allowance may be eligible to receive the Education Entry Payment;
3. Parents who transfer to Newstart can transfer to Youth Allowance or Austudy;
4. Grandfathered parent will continue to have access to employment services;
5. Parents moving to Newstart may also be eligible for Jobs, Education and Training Child Care Fee Assistance.

The Statement does not explain how the above engages the right to education.

Presumably, the Statement seeks to draw attention to the fact that the education benefits currently available to sole parents will not be removed, and therefore the cuts would not be a violation of the right to education. However, if parents now have fewer resources to access education than they had previously, this may impact on their right to education.

Furthermore, there is anecdotal evidence (see "Individual experiences of single mothers" below) that it will have an adverse impact on mothers' ability to maintain education.

What should be done to address the barriers to women's workforce participation?

It said that the intention behind the removal of grandfathering payments is that "the changes will encourage parents with school age children to re-engage with the workforce and provide strong working role models for their children"⁴

However, this point is made without reference to the alternatives for women re-engaging with the workforce, namely, through the removal of women's barriers to workforce participation.

As highlighted at the hearing, it is very important to note that the "grandfathered" group of parents affected by this bill are already under the same workforce participation obligations as parents on Newstart, and, further that if they are moved onto Newstart, the only additional individual support that has been offered is access to telephone counselling services. In other respects, their overall available resources will be reduced, increasing their barriers to workforce participation.

There are many well-known causes of women's barriers to workforce participation, including:

1. Social isolation;
2. Low-level of educational attainment;
3. Domestic violence;
4. Transport;
5. Lack of workplace flexibility;
6. Lack of access to affordable childcare;
7. Access to technology such as computers, which impedes on women's capacity to develop CVs and to look for jobs.

Eliminating barriers to women's workforce participation should be the priority, not reducing the level of income support for parents by placing them on Newstart. It is widely recognised that the level of Newstart is now so low that it operates as a workforce disincentive.

'Many Australian workers face the prospect of relying on an inadequate Newstart Allowance if they lose their job. Australian unions support the call to increase the Newstart payment...'

Ged Kearny, ACTU President

'[the Newstart Allowance is] inadequate and does not cover even the most basic living costs'

Heather Rideout, outgoing CEO, Australian Industry Group

'People cannot live on \$35 a day...Entrenching them into poverty is not a pathway back into employment'

Jennifer Westacott, CEO, Business Council of Australia

⁴ Page 2, Explanatory Memorandum, Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012.

For further information about the inadequacy of Newstart, see

http://acoss.org.au/images/uploads/Newstart%20Allowance%20brochure%20FINAL_March%20version.pdf

For further information on improving workforce participation, including particularly for women, see further,

- The Grattan Institute, "Game-changers: Economic reform priorities for Australia" (June 2012), which can be located at: http://grattan.edu.au/static/files/assets/234cb633/Game_Changes_Web.pdf; and
- Goldman Sachs, "Australia's Hidden Resource: The Economic Case for Increasing Female Participation" (2009), which can be located at: http://www.eowa.gov.au/Pay_Equity/Files/Australias_hidden_resource.pdf.

What would be the economic impact on these single parents?

Evidence of disadvantage

A range of evidence has already been provided to the Committee on the disadvantages that are experienced by lone parents. To this evidence we draw attention of Committee members to a recent report for the National Association of Community Legal Centres. It found that "44 of the 50 Local Government Areas in Australia with the highest rates of lone parent households are also some of the most disadvantaged areas of the country".⁵

Implications for women as the majority of single parents

The Committee has heard evidence that the Bill will disproportionately diminish the rights of women in terms of access to social security. The latest Australian data from the Department of Education, Employment and Workplace Relations reveals that of the 320,000 current single parents, 10.5% are Indigenous and 95 per cent of Parenting Payment Single receipts were female in August 2011 (304,589). There were only 15,388 males receiving the Parenting Payment Single. Males comprise just one in every twenty single parents in receipt of the single parenting payment.⁶

Adequacy of new employment assistance for the cohort of 'grandfathered' single parents

Submitters from both the Department and non-government organisations were asked to provide comment on the level of employment assistance and support that is available to single parents to help them move into employment.

This assistance to transition into employment is of most significance for those parents receiving the maximum rate of benefit who are currently not in paid work, as employment

⁵ Stubbs, J and Associates, *The National Legal Needs & Strategic Planning Project*, prepared for the National Association of Community Legal Centre, February 2012.

⁶ Senate Standing Committee on Education, Employment and Workplace Relations, *Questions on Notice, Supplementary Budget Estimates 2011-12, DEEWR Question No. EW0708_12*, Table 2.

income will be expected to replace the \$60 per week cut to benefits, being the difference between Parenting Payment Single and Newstart Allowance (Principal Carers).

We submit that there is little new assistance or programs to assist this current cohort of “grandfathered” single parents to find paid work, apart from some modest extra funding to meet growth in the Jobs, Employment and Training Child Care Fee Assistance Program plus an additional \$3.2 million for professional career advisory services. Documents already provided to the Committee details a reduction in funding for employment services in this Budget.

Departmental officials alluded in evidence to tens of millions of dollars for measures that were announced in last year’s budget through the *Building Australia’s Future Workforce* initiatives. These programs were for initiatives, including from 1 January 2012 the young parents’ pilots in ten “disadvantaged” locations and the Compulsory Participation Requirements for Jobless Families that are starting from 1 July 2012. These programs received millions of dollars in funding and targeted parents and families with children who are of a much younger age than those targeted by the 2012-13 Budget measure aimed at saving \$685 million over four years.

Duration on income support

Significant numbers of single parents struggle to find a foothold in the current labour market, with employers preferring parents with recent workforce experience.

Answers to recent Senate Estimates questions reveals that four out of five existing Parenting Payment recipients have been in receipt of income support payments for more than two years. Centrelink administrative data showing that 55 per cent of current Parenting Payment Single recipients (175,858) have been on income support for five or more years. We would anticipate that the profile of “grandfathered” single parents who would fall under the parameters of the remit of the *Fair Incentives To Work Bill* mirror this profile.⁷

Data is not available to identify the duration on current payments of those single parents affected by the current Bill. However we understand that around 55,000 single parents from the 2006 “grandfathered” group reported some earnings in March 2012. Of the estimates 320,000 single parents around 110,600 reported earnings in August 2011.

Significant new investments in education, re-skilling, training, wage subsidies, reverse marketing and paid work experience will be needed to assist single parents to find sustainable employment. This is especially the case for single parents who could be said to be deeply disengaged from the labour market. The existing supports that are available from Job Services Australia providers are, with respect, just not sufficient to do the job.

Departmental estimates of the financial losses for existing single parents

The evidence from various parties to the recent public hearing on the Bill centred the financial impacts of the changes on parents who will be moved onto Newstart Allowance from 1 January 2013.

⁷ Senate Standing Committee on Education, Employment and Workplace Relations, *Questions on Notice, Supplementary Budget Estimates 2011-12, DEEWR Question No. EW0708_12*, Table 3.

We draw the Committee's attention to the data from recent Senate Estimates from the Department of Education, Employment and Workplace Relations that was provided to the Committee at the public hearing on 21 June 2012. The table provided examines the financial impacts of the changes upon a single parent family with two teenage children.

The analysis examines the effects of the changes on a families' overall weekly income, taking into account their income support, family tax benefits and income tax. It compares what single parents currently take home compared with what they will take home after the changes begin next year.

Parents earning between \$200 and \$500 a week will see their disposable income reduced by between 11.4 and 11.1 per cent, according to the breakdown provided by the Department of Education, Employment and Workplace Relations.⁸

This perverse result comes about because the government is moving these single parent families onto the less generous Newstart from January 2013.

Single parents not in the workforce will be 9.6 per cent worse off.

These changes are clearly a disincentive to work, contrary to the Government's claims with respect to this legislation before the Committee.

What would be the social impacts on these single parents? Individual experiences of single mothers (provided by the National Council for Single Mothers and their Children)

The 2012 Federal Budget announcements that plan to force women from a parenting payment (Parenting Payment Single) to the Newstart Allowance when their youngest child turns eight has resulted in deeply distressed and dismayed mothers who do not understand how and why such a decision would be made. Single mothers are acutely aware of their own circumstance, their limitations, their challenges and their own aspirations. Above everything else they wish to provide for their family and find no pleasure when they and their children are left behind. NCSMC continues to be inundated by women and below is a snap shot of their stories. The comments are not edited and each one is lifted from an email and each printed email represents shared circumstances and concerns from women across Australia. It is clear that women are in fear of losing their home, work which is hard to come by will no longer be a financial gain and that study and long term plans will need to be discontinued. Furthermore, these families are already contending with financial disadvantage, post separation safety, transportation, child care and lack of jobs, this is their reality (in their own words):

- I pay \$300 per week rent (Sydney) - Newstart is \$264 – there goes my house.

⁸ Senate Standing Committee on Education, Employment and Workplace Relations, Questions on Notice, Additional Budget Estimates, No. EW1039_12

- I am studying to get a good job – a primary school teacher. Will need to give up my degree as wont make it on Newstart. We were just rowing out of hardship – three years of study all wasted.
- I do casual work – and when needed to work in the evening I pay a nanny service which cost me \$180 per evening. There is no child care for these hours and no rebates. I am owed \$4,000 in child support. I will need to give up my job as I have just found out that I can't keep the money that I earn on Newstart– it wont even cover the cost the nanny service.
- Have just pulled both kids out from Saturday morning soccer – I feel like the meanest mum in the world – it ment everything to them – do not know what to do next. Cant find any more savings.
- We don't have any friends over for tea (anytime). Cant afford the extra meals –will struggle just to feed my kids. If I could find work I would be there. No one chooses to struggle every day. Have they tried to live on newstart, have they tried to raise kids alone...
- have gained casual employment with the Salvos (retail) maybe 2 days per week which is usually Saturday and Sunday and occasionally 1 day during the week, it has taken me 2 years to find this job as employees don't seem to offer parent friendly hours for people who have limited childcare, my elderly parents are 2 hours away and come when they can to look after her. We are just managing but wont on Newstart. I wont be able to keep what I have earnt.
- We have started a new life – crossed the country, no money, no job but we are safe. For the first time we are safe. Can not leave my children can not explain why my eight year old daughter wets her pants and don't want her to be bullied. He sexually assaulted her. Just starting to breath out loud and now this. We will need to move again wont be able to afford the rent.
- Monday to Friday I spend almost 4 1/2 hours a day on the train commuting to the city for work, then often off to work at my local Kmart on the weekends, which is closing in November, all whilst trying to raise 4 children, one of which has special needs, another two have anxiety disorder because of being abducted by their father when they were young. I am the Parenting Payment and just won't make it on the dole.
- No car – cant afford the rego – no public transport where I live. My name is down at every location where I can walk to!
- I got work about 9 hours per week. 3 to 4 mornings every week packing shelves at our nearby fruit and veg shop. I did this in the morning and took the boys to before school care. When they said I had to do the night shift I said I couldn't no one to look after my 9 year old twin boys. I got the sack.
- Already stopped internet no landline –nothing more to stop.
- I had casual work then it turned to winter. My son has asthma. No sick leave, no pay, and I because 'unreliable' and was asked to leave.
- I am being squeezed in all directions at the moment. My head is spinning and need to look after 3 children. Please don't do this
- Mum of 3 with no child support due to family violence, and no extended family support, I work 2 jobs, often 7 days a week and somehow still cannot make ends meet. My poor 23 year old car hasn't had a service in well over a year and breaks down on a regular basis, but can I afford to get it fixed.
- The government should be tackling the 1.2 billion dollars in child support debt! We are so poor what about our rights.

How could an inquiry be conducted?

The role and power of the Committee

The Committee has the power to examine bills for Acts and legislative instruments for compatibility with human rights, and to report to both Houses of Parliament on compatibility with human rights.

It appears that the Committee has wide powers in relation to its scrutiny function as the Explanatory Memorandum to the *Human Rights (Parliamentary Scrutiny) Act 2011* states that “The Committee will be able to determine the manner in which it performs its scrutiny function”⁹. The Committee is also able to inquire more thoroughly into bills and legislative instruments calling for submissions, holding public hearings and examining witnesses, when it considers appropriate.¹⁰

To this end we have called on the Committee to conduct an inquiry into Social Security Legislation Amendment (Fair Incentives to Work) Bill 2012.

Why is an inquiry important?

The Joint Parliamentary Committee on Human Rights and the Statement of Compatibility with Human Rights both have the function of informing Parliament as to the human rights compatibility of legislation.

The Statement of Compatibility with Human Rights accompanying the Bill must contain a level of analysis that is “proportionate to the impact of the proposed legislation on human rights”¹¹. We submit that the level of analysis contained in the Statement accompanying the Bill is manifestly inadequate in informing Parliament as to the impact of the removal of the Parenting Payment on single parents. The absence of an adequate explanation in the Statement highlights the need for inquiry by the Committee to adequately inform Parliament.

The Statement of Compatibility with Human Rights is inadequate as it does not:

1. Address the right to social security under the ICESCR in the context of the principle of non-retrogression. The level of analysis provided does not address the central considerations under paragraph 42 of General Comment 19, where a government takes a deliberately retrogressive measure;
2. Address the violations we have identified in relation to discrimination against women and children;
3. Adequately address the right to education, explained above.

⁹ Page 4, Explanatory Memorandum to the *Human Rights (Parliamentary Scrutiny) Act 2011*.

¹⁰ Page 4, Explanatory Memorandum to the *Human Rights (Parliamentary Scrutiny) Act 2011*.

¹¹ Page 4, Explanatory Memorandum to the *Human Rights (Parliamentary Scrutiny) Act 2011*.



The scope of any inquiry

Essentially the scope of any inquiry must be to determine whether the Bill, in its current form, is compatible with human rights.

This ought to be done on the basis of:

1. The definition of “human rights” under section 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*, international instruments and relevant jurisprudence; and
2. Evidence before the inquiry, whether by way of reports or evidence given by experts, academics, researchers etc or evidence given by single parents that will be impacted by the measures.

How would an inquiry work?

We respectfully suggest that the Committee do the following:

1. Makes a preliminary finding that the Bill appears to impact on the human rights of the sole parents and their children, including the right to social security (i.e. the basic rights of very vulnerable women and their children may be affected)
2. Find that the Compatibility Statement does not adequately address the human rights implications of the Bill
3. Urge the Australian parliament to not proceed with adopting the proposed legislation until a proper inquiry into the human rights implications of the Bill is conducted
4. Call for submissions from people (individual or organisations) to comment on the compatibility of this Bill with human rights;
5. Following submissions, convene a public hearing to hear evidence from:
 - a. Individuals or organisations from whom it deems necessary to hear (further) evidence; and
 - b. Single parents that will be impacted by the removal of the Parenting Payment.
6. On the basis of the evidence from submissions and evidence given by way of hearing, produce a written report to both Houses of Parliament on the compatibility of the Bill with human rights.

We respectfully submit that this inquiry should be conducted even if the Bill is passed by the Australian parliament, in light of the fact that this Bill affects some of the most vulnerable women and children in Australia, on any measure. The results of the Inquiry would be particularly important for ongoing work to address the human rights of these families.