



Australian Council of Social Service

15 May 2015
Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretariat,

Re: Inquiry into the Social Services Legislation Amendment Bill 2015 ('the Bill')

Thank you for the opportunity to participate in this inquiry.

ACOSS is a national voice for people affected by poverty, disadvantage and inequality. Our vision is for a fair, inclusive and sustainable Australia where all individuals and communities have the opportunities and resources they need to participate fully in social and economic life.

If passed, the legislation being considered by the Committee would remove access to social security payments for certain people in psychiatric confinement who have been charged with an offence.

ACOSS has concerns that the Bill may have a severe and adverse impact on people with serious mental health conditions. In particular, we are concerned that the Bill:

- (1) treats people differently on the basis of the kind of offence committed, when the person has been found not culpable for their behaviour due to being unwell. There is no rationale provided for the differential treatment based on the seriousness of the offence, and suggests a punitive intent when this cannot be justified;
- (2) risks placing affected people upon release into abject poverty severely undermining their successful return to the community;
- (3) will impair people's capacity to maintain housing while they are in confinement, increasing the risk of homelessness and undermine their physical and mental wellbeing and participation in the community;
- (4) may mean that people who are being confined periodically will lose all access to payments, even though they will have to support themselves in the community on the days they are not confined. This treats affected people less favourably than those found guilty of a criminal offence and in periodic detention;
- (5) may operate to shift the costs of care for people in psychiatric confinement to State and Territory authorities without any clarification that the States and Territories agree.



We do not have capacity more further detailed comments on the bill, but refer you to the submission from the National Welfare Rights Network and support the Network's recommendation that the Bill should not be supported without proper consultation to address the above concerns.

Yours sincerely,

Cassandra Goldie
ACOSS CEO