

## Responses to Questions on Notice

Questions taken on notice by Meena Singh, Human Rights Law Centre

Parliamentary Joint Committee on Human Rights hearing of 25 June 2021 regarding the  
*Social Security (Parenting payment participation requirements - class of persons)*  
*Instrument 2021*

**1. *Is the compulsory nature of ParentsNext an advantage for women experiencing family violence?***

*Senator Dodson: I read in one of the submissions—I'm not sure where—that the thinking seems to have been that the compulsory nature of the program, in the case of domestic violence, would be an advantage for the woman to participate in the program. Do you have a view on that?*

We believe the submission Senator Dodson was referring to was that of Metro Assist, a ParentsNext service provider who was part of the pilot of the program. They state that 95% of the people they assisted were women, and mostly from culturally and linguistically diverse and refugee backgrounds and have a high declaration of domestic violence cases. Their view is that these women were isolated from other people because of cultural norms, and by being forced to engage with the ParentsNext program, these women were provided with an opportunity to "challenge their cultural gendered norms and step out of their partners control."

It is most concerning that the ParentsNext program, which is not only compulsory but also carries the threat of financial sanctions, is being cited as a positive way of engaging with women who are experiencing family violence. These women are experiencing violence in two very distinct ways – the interpersonal violence that is used by their partners against them, and the state and structural violence that is forcing them to engage in programs or have their payments cut. ParentsNext puts women experiencing family violence in a devastatingly powerless position – they must either comply with activity requirements, and risk aggravating their partner for being out of the home, or not comply, and face a suspension or cancellation of their payments, which for some may result in further abuse from their partner. Far from offering a safe respite or point of intervention, ParentsNext may exacerbate the risk for women experiencing domestic violence.

Any work with women who have experienced family violence must be trauma informed and specifically designed for working with survivors of family violence. Disclosures of family violence, for any woman, can be significantly traumatic if not followed with the appropriate responses. Further, women who are mostly from culturally and linguistically diverse, and refugee, communities need services that have appropriate cultural sensitivity. If ParentsNext providers are purporting to provide support to women experiencing family violence and to facilitate referrals, it would be essential for all staff to be appropriately trained and equipped to deal with disclosures. Disclosures that are coerced (under the threat of financial sanctions) are unlikely to ever be safe, trauma-informed or culturally sensitive.

**2. *What aspects of ParentsNext are working?***

*Senator Thorpe: What supports are available for Aboriginal women through this program? What's working about it?*

It is our view that the fundamental flaws of the ParentsNext program – its coercive framework and the de-valuing of women’s unpaid labour – far outweigh any supposedly functional aspects, and any providers who are working well with parents forced to participate are doing so despite, not because of, the program. There is an important role for programs which genuinely support parents to continue their education or re-enter the workforce if they wish to do so, where those programs are voluntary and provide the practical support necessary to actually address barriers to participation. But such programs should not be linked in any way to social security payments that are designed to support parents who are doing it tough. Unfortunately, even the best vocational courses will not be helpful to many Aboriginal mothers if participation is not facilitated in a culturally safe and trauma-informed manner.

### **3. Does ParentsNext involve systemic racism?**

*Senator Thorpe: Do you believe that systemic racism is also involved in this program?*

We believe that this program both perpetuates, and is built upon, structural racism.

Aboriginal and Torres Strait Islander people have lived under systemic racism, particularly in regards to parenting children, for centuries through so-called welfare practices and legislation, race-based removal policies that created the Stolen Generation, and now child protection practices that see Aboriginal children removed from their families at appallingly high rates. The history and continuation of these practices shows an entrenched attitude towards Aboriginal parents, particularly Aboriginal mothers, that they are not good enough to parent. The ParentsNext program says to parents, again, particularly Aboriginal mothers, that they are not good enough to make their own choices about parenting, and seeks to justify the coercive nature of the program under the guise of 'betterment' opportunities.

Systemic racism is evident when practices and policies which may be neutral on their face, do not have equity of outcome. ParentsNext does not take into account the entrenched disadvantage that so many Aboriginal and Torres Strait Islander people face, which makes the very possibility of engagement with the program problematic.

Prior to the introduction of the 2021 Instrument, the 'Intensive' stream of the program specifically targeted Aboriginal and Torres Strait Islander people. Aboriginal people have been targeted by successive coercive programs (such as the Community Development Program and compulsory income management) that are supposedly meant to address their needs, but in practice impose far greater hardship. Top-down policies that do not give adequate consideration to the specific experiences, circumstances and needs of Aboriginal people, and do not address the systemic disadvantages that stop people from engaging in work and study, have repeatedly failed to achieve their objectives.

### **4. Does ParentsNext infringe on the rights provided for in the United Nations Declaration on the Rights of Indigenous Peoples?**

*Senator Thorpe: Do you believe this program infringes on any of the rights provided for in the United Nations Declaration on the Rights of Indigenous Peoples?*

Australia signed on to the United Nations Declaration on the Rights of Indigenous People in 2009, after initially refusing to do so when the Declaration was adopted by the General Assembly in 2007. Australia has yet to take steps to implement the UNDRIP.

The ParentsNext program coerces Aboriginal women at disproportionate rates to take up activities which have been described as not culturally safe, taking them away from children at a young age, without addressing the actual systemic barriers to education and employment. The program infringes numerous rights protected by the Declaration, including Indigenous peoples' right to self-determination, the right to freely pursue economic, social and cultural development, and to practise cultural traditions. A full list of the articles of the UNDRIP with which ParentsNext may be inconsistent is at **Attachment A** to this document.

## **5. Is ParentsNext flexible enough to respond to individual circumstances?**

*Mr Perrett: Could you please comment on ParentsNext in terms of it being a compulsory program; does it give providers enough flexibility to respond to individual circumstances? Perhaps you could give us a broad comment on individual providers and whether you've seen a range of responses.*

As noted by Dr Elise Klein, ParentsNext service providers vary and have major differences in staff quality. On the whole, the role of providers in monitoring compliance and applying penalties fundamentally undermines their ability to provide genuine, flexible support to parents.

The Brotherhood of St Laurence (**BSL**), which has delivered the ParentsNext program, has given evidence that despite minor adjustments the TCF still constrains providers. BSL states that “punitive compliance measures adversely affect parents and their children, diverting our skilled staff from meaningful front-line support and undermining potential benefits of the program. The focus on compliance is at odds with the aim of supporting parents.”

Economic Justice Australia reports that providers often have difficulty in applying the complex TCF guidelines in making a decision around exemptions and penalties and as a result, do not always give adequate consideration to participants' circumstances.

## **6. Cancellations of parenting payments due to the ParentsNext program**

*Chair: Could you please clarify, and give some details around, the comment relating to 1,000 people who have had their ParentsNext payments cancelled?*

In the Minister for Employment, Skills, Small and Family Business's response to the Committee's request for further information dated 11 May 2021, the Minister provided data on ParentsNext compliance events between 2 July 2018 and 28 February 2021. That data indicated that **1,072** parents have had their parenting payment cancelled, on average for a period of 28 days. Analysis from ACOSS shows Aboriginal and Torres Strait Islander parents account for 19% of all cancellations.

Cancellations are distinct from suspensions. When a payment is cancelled, no reimbursement or backpay is provided. Parents are banned from reapplying for payments for a period of four weeks. It is then up to parents to go through the administrative process of re-applying for payments.

The TCF is a system of gradually escalating financial sanctions, such that a person whose payment is cancelled will have already experienced two previous cycles of 'reduced' payments – the first by 50%, the second by 100%. This means parents must spend six weeks with no parenting payment income. This pushes parents and families into incredibly dangerous positions.

Most concerningly, there are reports of parents, including Aboriginal and Torres Strait Islander parents, who are choosing not to re-apply for payments after a cancellation due to the distress and difficulty of complying with ParentsNext. Rather than supporting these parents, the program is driving them away from the social safety altogether.

That over 1,000 parents have been forced to spend a month without parenting payments is hugely concerning, but cancellations represent only a fraction of the harm that is inflicted by the punitive financial sanctions of the TCF. The rates of suspensions are extremely high, and payment suspensions and demerit points continue to be applied disproportionately to Aboriginal and Torres Strait Islander participants.

## **7. What are the demeaning conditions experienced by ParentsNext participants?**

*Chair: Could you provide examples of the demeaning conditions put on participants to participate in the ParentsNext program?*

Many ParentsNext participants, particularly single mothers and Aboriginal and Torres Strait Islander women, have reported feeling that the program undermines their self-worth, is degrading, demeaning and culturally unsafe.

ParentsNext often requires participants to partake in activities which target parenting skills, regardless of whether any need has been identified. Parents have been forced to engage in activities such as swimming lessons, play groups and story time at local libraries with their children. Forcing parents to attend parenting-related activities, regardless of whether they would otherwise choose to attend or not, is paternalistic and can make parents feel like their parenting abilities are being questioned.

Compulsory activities may also be entirely disconnected from people's employment and education goals or existing skills, or may be impractical in people's individual circumstances. Dr Elise Klein reports a woman holding a Masters of Business Administration tertiary qualification, with caring responsibilities for a young child, being advised to accept employment as a bricklayer. Participant Melissa Lee reports being told to get her drivers licence when she cannot afford a car.

Regardless of the specific compulsory activity, ParentsNext devalues the unpaid care work primarily undertaken by women in caring for children. The assumption that parenting is not 'real work' signals to women that their unpaid work is not valuable. This is likely a key cause of participants reporting that they feel the program is demeaning.

### **8. How could the barriers for employment experienced by First Nations participants be addressed?**

*Senator Thorpe: In your submission you mention First Nations participants face particular barriers for employment which need to be addressed through the program. How do you suggest this could be addressed and are there currently any efforts to do this?*

The first step to addressing the specific barriers to employment experienced by First Nations participants in the ParentsNext program is to remove the compulsory, punitive nature of the program. ParentsNext posits participants in a deficit as it assumes these parents do not have the 'right' skills to undertake study or employment, at a time when they should be free to focus on their young children. It is an essential precondition to any genuinely supportive or effective pre-employment or education program, that people participate freely and voluntarily.

Aboriginal and Torres Strait Islander women entering predominantly white education institutions and places of employment are at risk of experiencing the intersection of racism and sexism. This will be both at an interpersonal level from individuals with racist and sexist attitudes, and at a structural level, as these women engage in spaces that were not designed for them and do not consider their particular experiences. For many Aboriginal and Torres Strait Islander women, it is simply not safe to work in non-Aboriginal community controlled organisations. ParentsNext does nothing to address these barriers, or other barriers like the unaffordability and unavailability of child care, the casualisation of the workforce, and the limited employment opportunities available in rural and regional communities.

Culturally safe and appropriate employment service providers need to be available and offer services that are tailored specifically to the unique needs of Aboriginal and Torres Strait Islander people and communities. The Government should abandon ParentsNext and redirect its funding to evidence-based, voluntary and empowering measures that are separate to the receipt of parenting payments. Such measures should recognise parenting (and different approaches to parenting) as an indispensable form of labour and work in genuine partnership with Aboriginal and Torres Strait Islander organisations and communities to create sustainable Aboriginal-led programs that support parents and workforce participation.

### **9. What role can Aboriginal community controlled organisations play in addressing those barriers?**

*Senator Thorpe: What role can Aboriginal community controlled organisations play in this?*

Aboriginal community controlled organisations provide a culturally safe place for Aboriginal people to gather, take part in activities, and access vital services. They are seen as a place of trust for Aboriginal people. They also demonstrate self determination, people working with their own communities, and employ high numbers of Aboriginal and Torres Strait Islander people.

Potentially, Aboriginal community controlled organisations could have a greater role to play in supporting Aboriginal and Torres Strait Islander parents to return to work if that support was provided on a voluntary basis, and did not have a compulsory, coercive requirement to engage attached. Further, these organisations themselves must be well supported and resourced to deliver such services.

## Attachment A

### United Nations Declaration on the Rights of Indigenous Peoples:

#### Articles that may be infringed by ParentsNext

- *Regarding economic rights/social security*

- Art 3: Provides for the right to self-determination and the right to “freely pursue their economic, social and cultural development.”
- Art 4: Right to “autonomy or self-government in matters relating to ...ways and means for financing their autonomous functions.”
- Art 17(3): “Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.”
- Art 20(1): Indigenous peoples have the right “to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.”
- Art 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- Art 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.
- Art 23: “Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining ... economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.”
- Art 39: “Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.”

- *Right to culture*

- Art 11(1): Right to culture - “Indigenous peoples have the right to practise and revitalize their cultural traditions and customs.”

- *Right to education*

- Art 14(1): Right to control education systems - “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.”

- See Art 21(1) above.
- *Right to be free from discrimination*
  - Art 22(2): “States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.”
  - See also Arts 17(3), 21(1) above.