

SOCIAL SERVICES LEGISLATION AMENDMENT (YOUTH EMPLOYMENT
AND OTHER MEASURES) BILL 2015
SENATE SUBMISSION

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I INTRODUCTION

I am making this submission as a law student at Curtin University, a strong advocate for human rights and the implementation of International law within Australia's domestic legislation. In this submission I will most prominently address the suggested amendments to the age criteria for Newstart Allowance. From the 1st of July 2016 young unemployed people aged 22 to 24 will no longer be eligible for Newstart allowance or Sickness Allowance until they turn 25 years of age, instead they will only be eligible for Youth Allowance. This will result in a substantial decrease in the monetary amount receivable, placing recipients further below the poverty line, breaching international standards of Human Rights.

A International Covenant on Economic, Social and Cultural Rights

This covenant that Australia is a signatory of outlines the economic and social rights of people and addresses the basic needs for human existence. These economic, social and cultural rights are also implicitly protected by the UN Charter and are expressly addressed in the United Nations Declaration on Human Rights as well as instruments sponsored by the International Labor organisation.

Most relevant to the issue of the changes to Newstart eligibility is the right to an adequate standard of living including adequate food shelter, clothing and health care. Although the government statement of compatibility with Human Rights indicates that these changes will ensure adequate standard of living this seem contrary to the basis of these amendments.

The current situation of the Newstart Allowance is such that the payments received are substantially lower than the current minimum wage of \$1,244.40 per fortnight or even the rate of pensions, such as the Disability Support Pension which is \$827.10 per fortnight for a single person.¹

Therefore, the changes will mean that people between the ages of 22-24 will no longer be eligible for Newstart Allowance and instead will be placed on Youth Allowance, which is considerably less than Newstart. The current payment rates for Youth Allowance for a single person is \$233.60. While, the rate for a single person on Newstart is \$523.40. This is a significant difference in income support while the Newstart Allowance is already below minimum wage.

This implies a direct breach of Article 11 of the *Covenant on Economic, Social and Cultural Rights* which states that the 'States parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing'. It is clear that with these changes the ability for people to provide themselves with a sufficient standard of living where all their necessary needs are met will be next to impossible, as it will be unrealistic for anyone to live off \$233.60 per fortnight.

There is also a possible breach of Article 6 of the *Covenant on Economic, Social and Cultural Rights* which indicates that the 'states Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts'. The explanatory memorandum outlines the aims of these amendments, specifying that such measures are intended to provide young

¹ National Commission of Audit, *Unemployment benefits and the minimum wage* Australian Government National Commission of Audit <
<http://www.ncoa.gov.au/report/appendix-vol-1/9-11-unemployment-benefits-minimum-wage.html>>.

unemployed people incentives to access further training and education that will enhance employability.

However this is based on the assumption that the current situation creates disincentives to enter the workforce, pursue educational study or training. Arguably, by placing people in a situation where they are expected to live further below the poverty line than before means that there is a greater likelihood of people finding it difficult to pursue work or study opportunities as they are in a most undignified position

B International Covenant on the Rights of the Child

Social and economic stresses can have a direct impact on child rearing and such stresses can often result in a level of parental disruption and crime.² This indicates that these changes are placing people and children in particular, further below the poverty line. This is because there is a portion of people who are single parent carers often unable to enter the workforce. Signifying the fact that there will be a greater chance of economic and social disadvantage leading to child neglect and in turn, juvenile participation in crime. This a direct breach of the *Convention on the Rights of the Child* Article 2, where it is stated that all 'states parties shall respect and ensure the rights set forth in the present convention... shall take all appropriate measures to ensure that the child is protected against all forms of discrimination'.

C Possible solutions

Unemployment in young people has been shown to have lifelong effects on their income and employment stability. This has a significantly impacts on their confidence and credentials in the workforce. Consequently, instead of decreasing the amount receivable by young people who are unemployed it would be more productive to increase the alternative opportunities available to

² Don Weatherburn and Bronwyn Lind, *Poverty, Parenting, Peers and Crime-Prone Neighbourhoods* (April 1998) Australian Institute of Criminology <
http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi085.pdf>.

them. This will also provide people with a sense of purpose and belonging. The programs could include but are not limited to government grants, where businesses are offered grants for hiring and training staff including unskilled workers. Providing volunteer opportunities where people are directly contributing to society and have a sense of meaning in their lives. Additionally, there are many first world countries that require compulsory national service, this can provide people with an extended skill set which is then transferable to other workplaces.

Thank you for the democratic right to make a submission to this important piece of legislation.

Amber Russell