

## **Social Security Legislation Amendment (Caring for People on Newstart) Bill 2013**

*Introduced into the Senate on 7 February 2013*

*By: Senator Siewert*

### **Summary of committee view**

1.199 The committee seeks clarification as to the basis for differentiating between different groups of Newstart and Youth Allowance recipients and whether this differential treatment is aimed at a legitimate objective and is justifiable as reasonable, necessary and proportionate to that objective.

### **Overview**

1.200 This bill seeks to amend the *Social Security Act 1991* to:

- introduce a Newstart Supplement payment of \$100 per fortnight payable to a person who qualifies for the Newstart Allowance and who is single, has a partner who is separated from them by illness, or a partnered couple where one of the partners is in jail;
- increase, by \$100 a fortnight, the maximum basic rate for independent long term income support student recipients of Youth Allowance; and
- provide for the same indexation arrangements for certain pensions and allowances.

1.201 Payments under this bill would be dependent on an appropriation by the Parliament for the purposes of the bill.

### **Compatibility with human rights**

1.202 The bill is accompanied by a self-contained statement of compatibility, which notes that the bill engages the right to social security guaranteed by article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The statement notes that the bill will promote the right to social security by increasing the amount of financial support for certain recipients of Newstart and Youth Allowance, and providing for more appropriate indexation for other social security basic payment rates.

1.203 These features of the bill may also be seen as contributing to the enjoyment of the right to an adequate standard of living guaranteed by article 11 of the ICESCR.

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*Equality and non-discrimination*

1.204 The proposed increases only apply to persons who are single or who are separated from a partner. This raises the issue of equality and non-discrimination in the enjoyment of the rights guaranteed by articles 9 and 11 of the ICESCR; articles 2(1) of the ICESCR and article 26 of the International Covenant on Civil and Political Rights (ICCPR) which guarantee equality and non-discrimination in the enjoyment of human rights.

1.205 These distinctions involve differential treatment of groups (single persons, and particular subgroups of couples) on the ground of their 'status'. Such treatment must be demonstrated to have an objective and reasonable justification to be consistent with the rights to equality and non-discrimination. The statement of compatibility does not explicitly state why these groups are selected for the increased payments over other groups.

**1.206 The committee notes that the bill provides for differential treatment of different groups of Newstart and Youth Allowance recipients. It would assist the committee in its assessment of the compatibility of the bill with human rights if the justification for the differential treatment were clearly articulated in the statement of compatibility. The committee intends to write to Senator Siewart to seek further clarification of this matter.**