

# Australian Greens Senators' Dissenting Report

**1.1 The Australian Greens do not support the recommendation of the majority report that the Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015 be passed in its current form.**

**1.2 The Australian Greens recommend that:**

- **Schedule 1 of the Bill not be passed;**
- **the Government:**
  - **implement in full the recommendations in the Commonwealth Ombudsman's report, Income Maintenance Periods and Special Benefit;**
  - **ensure that special benefit remains available as an important part of the social safety net; and**
  - **consider the recommendations by the National Welfare Rights Network on this issue.**
- **Schedule 3 of the Bill not be passed.**

## **Access to special benefit**

1.3 As noted in the majority committee report, Schedule 1 of the Bill would amend the Social Security Act to specify that special benefit is not payable to people who are serving an income maintenance period for another income support payment. The Committee received multiple submissions on this issue.

1.4 The evidence provided to the Committee suggested that there is a small cohort of people who may be under an extended IMP due to a termination payment, but for various reasons experience financial hardship. For those people, denying special benefit can be a tipping point that puts people at risk of homelessness and other challenges. Rather than a simple administrative change, denying special benefits to individuals under an IMP would be a change to the social safety net. The cohort affected might be small, but it would have a major impact on those individuals.

1.5 The National Welfare Rights Network (NWRN) submission provides useful context on the length of IMPs. While the average length is less than a month, some can be much longer, including an example of one IMP that was around 20 months long.<sup>1</sup> The NWRN said:

This is a bill that would give effect to a policy that has, in our opinion, been illegally applied for some time. It is not 'minor housekeeping' but rather a

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1 *Submission 2*, p. 4.

decision to close off the 'last resort' payment in our safety net which catches a very small number of deeply disadvantaged people.<sup>2</sup>

1.6 A recent report by the Commonwealth Ombudsman noted that:

At the time of the investigation, DSS's policy instruction to DHS was that Special Benefit was not to be granted to a person who is serving an IMP for another payment. However, this instruction was not supported by the current legislation and was contrary to the way in which the discretion to grant Special Benefit has been exercised by an external tribunal.<sup>3</sup>

1.7 Academics Ms Sue Regan and Professor Peter Whiteford said that their preliminary analysis found three reasons why people experience financial hardship while completing an income maintenance period:

- lack of awareness of IMPs;
- spending behaviour; and
- adverse life events and on-going problems.<sup>4</sup>

1.8 The NWRN provided a helpful case study, based on an appeal to the Administrative Appeals Tribunal:

Ron received a termination payment of around \$230,000 in July 2013. Although he had been granted a disability support pension it was not payable as he was required to serve an IMP to February 2017.

In March 2015, two years into his IMP, he lodged a claim for special benefit with the assistance of a welfare rights advocate ...

At the time of the hearing Ron was living in Liverpool Hospital, unable to be discharged because he was homeless and could not be placed in assisted housing without an income support payment ...

He had worked for his employer for 28 years when he was made redundant in July 2013. At that time, he was still grieving the loss of his mother. He was unaware of the IMP. He invested in online businesses which failed. He did not have the skills to manage large sums of money. His occupational therapist assessed him as partially dependent for personal care and basic activities of daily living, medication management, shopping and housework and fully dependent for money management. After his mother's death the family home was sold and he used his share to put a deposit on a home unit. However, he was unable to service the loan, so sold the unit and rented. He had never rented before and had to pay 6 months' rent in advance. In March 2015 he was forcibly evicted.

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2 *Submission 2*, p. 4.

3 Commonwealth Ombudsman, [\*Income Maintenance Periods and Special Benefit, A report concerning the Department of Social Services' Policy Instructions to the Department of Human Services – Centrelink\*](#), Report No. 02/2016, March 2016 (Ombudsman's Report)

4 *Submission 5*, pp. 2-3.

1.9 This example highlights how for some individuals under an IMP, the special benefit is a crucial part of the safety net. Jobs Australia and People with Disability Australia supported the NWRN's concerns over changes to special benefit access.<sup>5</sup>

1.10 The NWRN recommended that the Government:

- allow waivers for income maintenance periods,
- require similar notifications for termination payments as compensation payments, and
- review 'IMP laws, policy and administration'.<sup>6</sup>

**1.11 The Australian Greens recommend that Schedule 1 of the Bill not be passed.**

**1.12 The Australian Greens recommend that the Government:**

- **implement in full the recommendations in the Commonwealth Ombudsman's report, *Income Maintenance Periods and Special Benefit*;**
- **ensure that special benefit remains available as an important part of the social safety net; and**
- **consider the recommendations by the National Welfare Rights Network on this issue.**

### **Study requirements for social security payments**

1.13 As noted in the majority committee report, the Social Security Act currently allows eligible students to qualify for income support by studying a full-time load between two different courses. The changes proposed in the bill would mean that 'only one course of education is to be taken into account', although allowing for formal arrangements for combined courses.<sup>7</sup>

1.14 The National Union of Students said that these changes might:

... restrict student choice and undermine the rhetoric of student centred learning that has dominated higher education policy considerations over the last decade.<sup>8</sup>

1.15 The Explanatory Memorandum notes that only 'a very small number of students' would be affected by the change.<sup>9</sup>

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5 *Submission 4, Submission 3.*

6 *Submission 2*, pp. 10-12.

7 [Explanatory Memorandum](#), Social Services Legislation Amendment (Miscellaneous Measures) Bill 2015 (EM), p. 12.

8 NUS, p. 3.

9 EM, p. 6.

1.16 The Australian Greens are concerned about the impacts on students of these changes and therefore cannot support them.

**Recommendation 1**

**1.17 The Australian Greens recommend that Schedule 3 of the Bill not be passed.**

**Senator Rachel Siewert**