

## **Dissenting Report by the Australian Greens**

1.1 The Australian Greens oppose the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 (Bill).

1.2 The Bill increases the Newly Arrived Residents Waiting Period (NARWP) from two years to three years for income support payments and health care cards including Newstart Allowance, Youth Allowance, Austudy, Carer Payment, Sickness Allowance and Special Benefit among others as well as Low-Income Health Care Card and Commonwealth Seniors Card. The Bill also extends how long migrants will have to wait for Parenting Payment, Bereavement Allowance and Widow Allowance by applying the three year NARWP to these payments (currently they have a two year qualifying residence period). It also introduces a NARWP of three years for Carer Allowance, Family Tax Benefit, Parental Leave Pay and Dad and Partner Pay (all of which are currently free of a waiting or qualifying residence period).

1.3 These changes will affect migrants who are granted a permanent, non-humanitarian visa or a relevant temporary visa on or after the commencement date of the Bill, unless there is a relevant exemption.

1.4 This Bill discriminates against migrants and is likely to create an underclass of migrants who are unable to access Australia's social safety net when they need to.

1.5 The Bill does not take into account the specific circumstances and vulnerabilities of those it will most impact.

1.6 In addition to the measures contained in this Bill, the Government announced a further extension of the NARWP from three years to four years in the 2018-19 Budget. While the Bill does not contain provisions to enact this Budget measure, the Australian Greens will be opposing the measure when it is put before the Parliament, whether that is in the form of Government amendments to the Bill or in the form of a new bill. To extend the NARWP a further year is cruel and harmful; particularly when this inquiry has shown the worrying impact this Bill will have on migrants.

### **Lack of evidence to support increasing the waiting period**

1.7 In its submission to the inquiry, the Department of Social Services (DSS) said:

The amendments in this Bill are designed to strengthen the rules that govern access to welfare payments by encouraging new migrants to support themselves for longer after settling in Australia and by applying consistent rules and expectations across the welfare payments system.<sup>1</sup>

1.8 Of concern is the lack of evidence demonstrating the need for a one year increase to the existing NARWP, and its application to additional payments and supports.

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1 Department of Social Services, *Submission 5*, p. 3.

1.9 The DSS said in its submission:

A 2016 Productivity Commission report noted that permanent non-humanitarian migrants who arrived between 2000 and 2011 and would have been subject to a two year waiting period (unless exempt) had lower take-up rates of income support in 2011 than the general population. In particular, only three per cent of permanent skilled migrants and 13 per cent of family migrants who arrived between 2000 and 2011 were receiving any form of income support in 2011, compared to 17 per cent for the general population.<sup>2</sup>

1.10 The submission later said:

This research indicates that most new migrants who have come under the skilled and family migration program since the introduction of the two year waiting period have been able to support themselves without needing to rely on income support, both during and following their waiting period. This reflects the intention of the waiting period.<sup>3</sup>

1.11 If the two year waiting period has been working as intended, it begs the question why is the Government seeking to increase the existing NARWP by an extra year?

1.12 As Mr Barns, Spokesman, Australian Lawyers Alliance, said at the hearing:

Whilst the title of the bill is encouraging self-sufficiency for newly arrived migrants, we don't see it as encouraging self-sufficiency so much as being highly punitive and certainly not achieving any laudable or plausible aim.<sup>4</sup>

1.13 Further, he said:

We're not aware of any evidence at all that suggests there is a link between increasing self-sufficiency on the part of migrants and delaying payments for a period of a further year—in other words, discriminating in an active fashion. I'm not aware of that evidence. If there is evidence and data we'd be happy to see it, but we're certainly not aware of it.<sup>5</sup>

1.14 Mr Mojtahedi, Principal Solicitor, Immigration Advice and Rights Centre, said:

... there does not appear to me to be a legitimate basis or need to extend the current waiting period. It is our view that extending the proposed changes to family visa holders presents further difficulties. It would be unfortunate to suggest that Australians who choose to bring their families to join them should only do so if they can afford to support them. The significance of

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2 Department of Social Services, *Submission 5*, p. 4.

3 Department of Social Services, *Submission 5*, p. 4.

4 Mr Greg Barns, Spokesman, Australian Lawyers Alliance, *Committee Hansard*, 17 April 2018, p. 37.

5 Mr Barns, *Committee Hansard*, 17 April 2018, p. 39.

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family unity and the benefits it brings to the community is acknowledged universally and should not be limited to the wealthy and resourceful.<sup>6</sup>

1.15 The Australian Council of Social Service (ACOSS) said in its submission:

The existing two-year waiting period already serves as a substantial signal to people coming to Australia that they must be able to support themselves. We submit that it will be near impossible for people to predict and adequately plan beyond a two-year period when moving to a new country.<sup>7</sup>

1.16 The Asylum Seeker Resource Centre said:

There is a track record of migrants contributing significantly to the Australian economy. Resiliently thriving in the midst of adversity and creating a home and future for themselves and their families. Unfortunately unforeseen circumstances such as loss of employment, pregnancy and child birth, ill health etc. may lead to destitution if there is no safety net for these people to cope with the immediate challenge while they transition back into employment.<sup>8</sup>

1.17 The Multicultural Youth Advocacy Network (MYAN) said in its submission:

Australia has a very targeted social security system and has in fact the most targeted social security system to the poor when compared with other OECD countries. In addition to having a very targeted system, as reflected by the Productivity Commission, the take up rates of benefits provided in this system to the newly arrived migrants are already low. In light of this, rather than a consistent social security system, MYAN believes that Australia needs to continue to have a targeted system, and that could demonstrate itself as a targeted support system for new arrivals to Australia – not based on visa subclasses, but the individual situation of the people arriving. As mentioned by the Joint Standing Committee on Migration, newly arrived migrants may achieve better settlement outcomes if they could access the same support provided to the entrants arriving Australia under the Humanitarian Programme.<sup>9</sup>

1.18 The Federation of Ethnic Communities' Councils of Australia (FECCA) said:

Once migrants have been supported through the early stages of their journey and provided with pathways to citizenship, not only do they go on to become self-sufficient but they also contribute significantly to Australian society. In November 2016, the ABS reported that migrants who had obtained Australian citizenship since arrival had a higher labour force participation rate (80 per cent) than permanent residents and temporary residents (70 per cent) and those born in Australia (66 per cent). FECCA strongly believe that providing support for people in the early stages of their

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6 Mr Ali Mojtahedi, Principal Solicitor, Immigration Advice and Rights Centre, *Committee Hansard*, 17 April 2018, p. 11.

7 Australian Council of Social Service (ACOSS), *Submission 14*, pp. 1-2.

8 Asylum Seeker Resource Centre (ASRC), *Submission 11*, p. 2.

9 Multicultural Youth Advocacy Network (MYAN), *Submission 12*, p. 3.

journey is critical to ensuring that they are able to fully establish their lives in Australia.<sup>10</sup>

### **Consequences of the proposed changes**

1.19 The focus of most of the inquiry was on the consequences of the proposed changes on migrants.

1.20 Mr Tebbey, Chief Executive Officer, Settlement Council of Australia, summed it up nicely when he said:

SCOA is concerned that the newly arrived residents waiting period, if it is increased in both time and scope, will potentially render a number of migrants who may become vulnerable following their arrival in Australia unable to access much-needed assistance. We suggest that, for these migrants, the need for assistance is likely to be a short-term one and one that, if properly addressed, will assist those migrants in regaining their independence as quickly as possible. Without access to such payments, however, these issues and the hardship facing those migrants are likely to be exacerbated. For this reason, we see that the waiting period may indeed have the unintended consequence of further entrenching people in a position of ongoing hardship and ultimately increasing the long-term economic cost to Australia and denying it the significant economic returns.<sup>11</sup>

1.21 The Asylum Seeker Resource Centre said:

The bill would impose unnecessary hardship on individuals and families, and may impact the ability of people to be self-sufficient if they are not adequately supported in the early years of their arrival in Australia.<sup>12</sup>

1.22 They also said:

The changes will impact the demand on the social services sector in Australia. As waiting periods to access to the welfare payment system are extended (and in some cases introduced), people may face destitution and homelessness and will turn to the social services sector, placing greater demand on an already stretched sector.<sup>13</sup>

1.23 FECCA said it:

... believes the proposed Bill would impose considerable hardship, and create an underclass of migrants who find themselves facing dire financial circumstances as they try to settle into Australia.<sup>14</sup>

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10 Federation of Ethnic Communities' Councils of Australia (FECCA), *Submission 4*, p. 3.

11 Mr Nicholas Tebbey, Settlement Council of Australia, *Committee Hansard*, 17 April 2018, p. 16.

12 ASRC, *Submission 11*, p. 2.

13 ASRC, *Submission 11*, p. 2.

14 FECCA, *Submission 4*, p. 2.

1.24 At the public hearing on the Bill, Professor Mallett, General Manager, Research and Policy Centre, Brotherhood of St Laurence, said:

In short, our key concerns are that migrants who are unable to secure sustained work will face an extended period without employment assistance and income support. Newly arrived migrants are largely on their own in terms of finding work in Australia. There is nothing in the bill to assist them to secure and sustain work; rather, it will defer the point at which an estimated 30,000 people are able to attract federal employment support, beyond the lightest-touch assistance as a voluntary jobseeker that is linked to eligibility for income support.<sup>15</sup>

1.25 The Australian Greens share these concerns. We need to be providing migrants with the supports they need to enable them to settle into Australia so they are able to contribute to their full potential.

*Core social security payments*

1.26 In relation to Schedule 1 of the Bill (which lengthens the current NARWP for the majority of the income support payments affected and the Low-Income Health Care Card and Commonwealth Seniors Card as well as applies the extended NARWP to Bereavement Allowance, Widow Allowance, Parenting Payment and Carer Allowance), National Social Security Rights Network said:

The Government has estimated that Schedule 1 will save \$141.8 million from forward estimates. This figure demonstrates that many newly arrived migrants have been assessed as having a recognisable need for income support during their first few years in Australia, as the income support payments represented by this figure are not easy to obtain.

Schedule 1 deals with the core social security payments that provide income support for those who do not earn enough from paid employment to meet basic living costs. Claimants must satisfy strict income and asset tests to ensure that payments are directed to those most in need. Many payments also require participation in mutual obligation activities to increase the likelihood of gaining employment.<sup>16</sup>

1.27 They went on to say:

... migrants who receive these social security payments have already been assessed by the Department of Human Services as being in financial hardship and not being in a position to fully support themselves financially. The experience of our member centres and other research suggests that removing these payments during this period will merely push some individuals and families further into financial insecurity and shift the burden and cost of providing support onto community organisations, charity groups, and homelessness services.<sup>17</sup>

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15 Professor Shelley Mallett, General Manager, Research and Policy Centre, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 2.

16 National Social Security Rights Network (NSSRN), *Submission 15*, p. 3.

17 NSSRN, *Submission 15*, p. 3.

*Family Tax Benefit and Carer Allowance*

1.28 There were concerns raised regarding the impact of introducing the NARWP for Family Tax Benefit and Carer Allowance on low-income families, children and carers.

1.29 As ACOSS said in its submission:

Making new migrants wait three years to receive supplementary payments like FTB and Carer Allowance will disadvantage children and people providing care. Migrant families and carers will go without income support despite their household's financial situation being exactly the same as others eligible for the payment.<sup>18</sup>

1.30 Specifically with regards to Family Tax Benefit, ACOSS said:

FTB is designed to supplement income from employment, including full-time employment. Often people in full-time, low-paid employment receive the full rate of FTB. The payment is to help cover the cost of children. However, under this Bill, even if their child was born in Australia, migrant families would be denied FTB for up to three years.<sup>19</sup>

1.31 At the hearing, Professor Mallett, Brotherhood of St Laurence, said:

Delaying eligibility for family tax benefit could operate as a disincentive to workforce participation, particularly for secondary income earners, because it will substantially increase out-of-pocket costs related to child care.

Crucially, we believe this bill will have impact on child and family poverty. We believe it stands to potentially increase child and family poverty. Children will be adversely affected. Of the total \$1.3 billion saving the bill forecasts, the largest component—\$898 million—are family related benefits. It's expected that around 50,000 families will lose income, with 110,000 children impacted by the loss of family tax benefits. ... The proposed waiting period for the family tax benefit will discourage participation in early childhood education and care, which plays a pivotal role in child development and wellbeing.<sup>20</sup>

1.32 Ms Paschalidis-Chilas, Manager of Government and Member Relations, Settler Services International, said:

On the proposed changes to the eligibility for the family tax benefit, we think this would be the first time Australia discriminates in taxing permanent residents. A fundamental principle of western liberal democracies is that there is no unfair discrimination before the law or how permanent residents are taxed or, indeed, access government services. The proposed changes in this bill are a radical departure from this principle, we feel. The rationale for the family tax benefit is to reduce the tax paid by low-income families with children, most of whom are working, so that

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18 ACOSS, *Submission 14*, p. 2.

19 ACOSS, *Submission 14*, p. 2.

20 Professor Mallett, *Committee Hansard*, 17 April 2018, p. 2.

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these parents are in a better financial position to care for and support their children. As the family tax benefit makes such obvious sense in supporting the children of most Australian parents, why would we not want the children of recent migrants to have the same benefit? These children of migrants are also future Australian citizens and it is in all our interests that they do well. The proposed period for receiving the family tax benefit is discrimination: people will pay a higher rate of tax for no other reason than that they have been residents for less than three years.

...

Discrimination in taxation sets a dangerous precedent which could be extended or applied to other sections of Australian society. If this bill is passed into law, it would be the first time that some Australian residents will be taxed at a higher rate than other Australian simply because of how long they have been residents. Once Australia takes this step, there is no guarantee that other Australians won't be targeted in the future. For example, a future government could decide to deny family tax benefit to people under a certain age. A future government may also decide to extend the waiting period for newly arrived migrants from three years to five, or even 10, or exclude recent migrants from government provided health or education. We run the real risk of creating an underclass of piece workers who pay higher taxes and receive less services than other Australians.<sup>21</sup>

1.33 In regards to the changes that would affect carers, Ms Cresswell, Chief Executive Office, Carers Australia, said:

We strongly oppose this measure and any measure that imposes waiting periods on carers based on how long they have lived in Australia. Many people come to Australia to work and then unexpectedly become carers through the birth of a child with an illness or a disability, through their partner's sudden illness or an accident, or through a parent who is dying and needs end of life care. These carers may have no means of support if they have to give up their jobs and provide full-time care, yet, by taking on these roles, they make an enormous sacrifice and they make a huge contribution to Australia and to all Australians.

Many of these carers are already subject to a two-year waiting period for carer payment and will only receive special benefit, which of course is paid at a much lower rate, even though many will have studied and/or worked in Australia on temporary visas for some years before being granted permanent residency. Further, the disincentives built into the special benefit to take on casual or part-time work exacerbates the difficulties experienced by carers who are trying to gain or maintain their workforce attachment during the months or years that they care for their loved ones. This measure would unfairly increase this waiting period to three years, and it would reduce carers' entitlements further by extending the waiting period for access to the carer allowance and family tax benefits.

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21 Ms Esta Paschalidis-Chilas, Manager of Government and Member Relations, Settler Services International, *Committee Hansard*, 17 April 2018, pp. 37-38.

The carer allowance ... is a very small payment of less than \$65 a week, and it helps carers with the additional costs of caring. We all know that there are additional costs to caring. There's a direct benefit to families, to the community and to Australia at large in keeping people in their own homes rather than the alternative of residential care. Carers allowance and family tax benefit payments are also available to most working families and recognise the additional cost of caring and raising children as well as the contribution that carers and parents make to Australian society. Carers who are unable to combine continuing paid employment with their caring role will lose the small additional support they receive to help with the cost of caring. The unfairness and inequity of having two people working side by side, earning the same salary and having the same number of dependents but having different entitlements and overall incomes seems incongruous with our Australian ethos.<sup>22</sup>

### *Parental Leave Pay and Dad and Partner Pay*

1.34 There were concerns raised regarding the impact of introducing the NARWP for Parental Leave Pay and Dad and Partner Pay.

1.35 As ACOSS said in its submission:

Parents on low incomes or in casual or part-time work would be most disadvantaged if they could not access Paid Parental Leave. These parents are unlikely to receive income from their workplaces when they take leave to care for a newborn. Furthermore, employers generally require employees to have been employed with them for at least 12 months before Paid Parental Leave becomes payable. Therefore, recent migrants are already at a disadvantage in terms of accessing paid parental leave from an employer when they first come to Australia if they have a baby shortly after arrival.<sup>23</sup>

1.36 National Social Security Rights Network said:

The introduction of the NARWP for paid parental leave and partner leave will create separate classes of parents within Australia's workforce. Many migrants will be forced to leave employment to raise their children without financial assistance. Others may return to work soon after the birth of a child to ensure that they can continue to afford to meet basic needs. Many partners of birth mothers will lose the opportunity to be present during the initial weeks of their newborn's life.<sup>24</sup>

### *Young people*

1.37 MYAN focussed their concerns on the impacts of the proposed changes on young people, particularly those coming to Australia on 115 and 117 visas.

1.38 MYAN said:

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22 Ms Ara Cresswell, Chief Executive Officer, Carers Australia, *Committee Hansard*, 17 April 2018, p. 41.

23 ACOSS, *Submission 14*, p. 3.

24 NSSRN, *Submission 15*, p. 5.

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Several visas are available for young people under the Family stream of Migration Programme of Australia. Some of these visas are specifically for young people under 18 years old who are orphans, and who are unable to be cared for by their parents. While these visas are separate from the visas granted under Humanitarian Programme, an important portion of these visas are granted to young people whose countries of birth are the same of those arriving under the Humanitarian Programme.<sup>25</sup>

1.39 They went on to say:

Almost a quarter (23%) of all youth arrivals under the Family stream were from the top ten countries of birth of humanitarian youth arrivals. ...

While the Explanatory Memorandum of the Bill mentions that migrants arriving on family related visas have the support of their family members and are making the decision to move here to be with them, ... some of the young people arriving under the family stream are arriving in Australia to unite with their families who have been humanitarian arrivals in the past and who may not be in a position to sufficiently support them.<sup>26</sup>

1.40 Further, they said:

Young people arriving on 115 (Remaining Relative) and 117 (Orphan Relative) visas are typically living in Australia in kinship care arrangements. These young people may experience vulnerabilities related to their pre-migration experiences, and their transition to a new country and culture, as well as due to breakdown of their family relations after their arrival in Australia. Breakdown of relations between a young person and the carer family member(s) in Australia could be due to various reasons, such as increased pressure on housing (such as overcrowding), lack of financial capabilities, different expectations of the carer or the young person in relation to settlement needs, etc., and may leave the young person at risk of destitution and homelessness. It has been demonstrated that some of these young people already face such problems when their family relations breakdown within the two-year waiting period, even though in the past their carers/families had access to limited additional supports, such as the Family Tax Benefit.<sup>27</sup>

1.41 This cohort of young people are also not eligible for any special exemptions from waiting periods, which will place extra pressure on carer family and community supports, particularly given the Bill will leave these young people and carers already worse off. It could lead to this group having their needs unmet, particularly in the case of family breakdown.<sup>28</sup>

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25 MYAN, *Submission 12*, pp. 4-5.

26 MYAN, *Submission 12*, p. 5.

27 MYAN, *Submission 12*, p. 7.

28 MYAN, *Submission 12*, pp. 7-8.

1.42 As the Asylum Seeker Resource Centre said in its submission:

Access to the welfare payment system should be based on need. The ASRC's experience shows that the social welfare provided to people in the early stages of migration can be critical, particularly for women and youth struggling with the challenges of employment in a foreign land.<sup>29</sup>

1.43 FECCA said:

FECCA strongly believes that permanent migrants and their children should enjoy the same benefits as all residents, and that their transition to life in Australia should not be made more difficult, particularly when they have been acknowledged as possessing skills that are critical to our future prosperity.<sup>30</sup>

1.44 The Australian Greens want to see all individuals, including migrants, receive income support based on financial need, not how long they have lived in Australia. We also want to see migrants being able to access other supports like Family Tax Benefit and Parental Leave Pay and Dad and Partner Pay under the same circumstances as other Australians.

### **Exemptions**

1.45 Current automatic exemptions such as those for refugees and temporary humanitarian-type visa holders as well as Permanent Carer Visa Holders will continue under this Bill.

1.46 Exemptions that relate to a change of circumstances during the NARWP will also continue. For example, the exemptions for migrants who become a lone parent after becoming an Australian resident. Specifically, they are exempt from the NARWP for Parenting Payment, Newstart Allowance, Youth Allowance and Farm Household Allowance.

1.47 There are also a number of new exemptions that relate to payments and supports that will become subject to a NARWP if the Bill passes, specifically they relate to family payments and Carer Allowance as well as the Low Income Health Care Card and Parental Leave Pay and Dad and Partner Pay. New Zealand citizens will have exemptions for certain payments. For more information, see the DSS submission to the inquiry.

1.48 Mr Micallef, Immediate past chair, Ethnic Communities' Council of Victoria, said:

The exemptions in the bill for refugees and other cases are certainly very welcome, but it's not possible to capture all the circumstances of vulnerable people for exemptions. It should not be a default position that people

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29 Asylum Seeker Resource Centre, *Submission 11*, p. 1.

30 FECCA, *Submission 4*, p. 2.

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require exceptional circumstances in order to receive support. They should receive support as an entitlement.<sup>31</sup>

1.49 Ms Dale, Principal Solicitor, Refugee Advice and Casework Service, said:

We also note with concern that, at a first-instance reading, there seems to not be an explicit inclusion of those who hold or have held a temporary protection visa or safe haven enterprise visa, a TPV or a SHEV. It seems that TPV and SHEV holders are not explicitly exempt from the waiting periods of some particular payments, which is, again, at odds with the intention of the legislation, particularly given that some of the people holding such visas may have already been in Australia for six years or more. It is our position that, without such coverage in the legislation, protection does not exist for these individuals, and we would recommend that the committee seek the expertise of the Department of Social Services to ensure that this is, indeed, in the legislation.<sup>32</sup>

1.50 While those on temporary humanitarian-type visas such as Temporary Protection Visa holders and Safe Haven Enterprise Visa holders will continue to be exempt from the NARWP for Special Benefit, the Low Income Health Card, Family Tax Benefit, Parental Leave Payment and Dad and Partner Pay, they will not be exempt from the NARWP for all payments and concession cards like refugees and former refugees will.<sup>33</sup>

1.51 The exemption that received the most attention during the inquiry was the exemption relating to Special Benefit where holders of a permanent visa or temporary Partner or Partner (Provisional) visa have experienced a substantial change in circumstance during the NARWP and are in financial hardship.

1.52 The Addendum to the Submission from DSS said:

The substantial change of circumstance must be beyond the person's control and have occurred after arrival in Australia and since the start of their waiting period. Specific circumstances are not detailed in the legislation and are at the discretion of the decision-maker. However, policy guidance for decision-makers in the Guide to Social Security Law includes examples of what may be classified as a substantial change of circumstances:

- Person or their sponsor/partner has a prolonged illness or injury and is unable to work and/or there are significant medical costs being incurred
- Person loses their job through no fault of their own and the job was organised or commenced prior to grant of the visa or arrival in Australia

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31 Mr Eddie Micallef, Immediate past chair, Ethnic Communities' Council of Victoria, *Committee Hansard*, 17 April 2018, p. 31.

32 Ms Sarah Dale, Principle Solicitor, Refugee Advice and Casework Service, *Committee Hansard*, 17 April 2018, pp. 38-39.

33 Department of Social Services, *Submission 5*, p. 7.

- Sponsor or partner loses job through no fault of their own and the job was organised or commenced after the Special Benefit claimant's arrival
- Separation from a partner and the person was the victim of domestic/family violence
- A child is born or family becomes responsible for a dependent child and the child has (or develops) a severe medical condition or a severe disability that incurs significant additional costs to the person or partner
- Sponsor or partner dies and the person has no means of support
- Sponsor or partner becomes a long-term prisoner or is confined long-term to a hospital, psychiatric institution or nursing home and the person has no means of support
- Sponsor or partner has been notified as a missing person or has abandoned the person has no other means of support
- The person is the victim of substantiated domestic violence and has no other means of support.<sup>34</sup>

1.53 ACOSS said in its submission:

The exemptions available for people whose circumstances change is generally restricted to accessing special benefit, except in the case of a parent becoming a single parent. People escaping domestic violence would only have access to special benefit and FTB (if applicable). ... special benefit, at \$274 per week, is totally inadequate to cover the cost of living. Unlike Newstart, it has a dollar-for-dollar income test, which penalises people in casual and part-time, low-paid work. We are deeply concerned that people could remain in abusive situations because they would not be able to support themselves on special benefit.<sup>35</sup>

1.54 Mr Mojtahedi, Immigration Advice and Rights Centre, said at the hearing:

... to allow for an exemption to migrants if they are facing financial hardship and a substantial change in circumstances is too onerous a requirement. Any such safety net should catch people who are in financial distress, irrespective of the need to demonstrate a substantial change in circumstances, be it within or outside their control.<sup>36</sup>

1.55 Ms Dale, Refugee Advice and Casework Service, said:

Whilst we understand that some exemptions will be available, it is our experience that highly vulnerable individuals—the very people who would need such exemptions—would not have the capacity to access them and jump through the onerous bureaucratic hoops to get there. It is our daily

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34 Department of Social Services, *Supplementary Submission 5*, p. 1.

35 ACOSS, *Submission 14*, p. 3.

36 Mr Mojtahedi, *Committee Hansard*, 17 April 2018, p. 11.

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experience that such vulnerable individuals would not have the ability to demonstrate what would be required of them to access this support. It seems counterintuitive to create additional burdens for people who, at such a time, will need our help the most.<sup>37</sup>

1.56 National Social Security Rights Network said:

In our experience, it is difficult for individuals to satisfy the criteria for 'a substantial change in circumstances.' Our position is that the NARWP should not be applied to Special Benefit payments at all.<sup>38</sup>

1.57 The Australian Greens are concerned that the circumstances in which migrants may be eligible for an exemption to the NARWP for Special Benefit, which is meant to be a payment of last resort, are too restrictive. Migrants may become destitute as a consequence of being unable to access any financial support when they find themselves on hard times.

1.58 The Australian Greens want to see Special Benefit available to all individuals, including migrants, as a payment of last resort, regardless of when they entered Australia or their visa type. We also want to see those on temporary humanitarian-type visas such as Temporary Protection Visa holders and Safe Haven Enterprise Visa holders exempt from the NARWP for all payments and concession cards like refugees and former refugees will be.

1.59 The Australian Greens do not support the existing NARWP being extended an extra year, particularly when there is no evidence that the additional year will assist migrants to be more self-sufficient. In fact, we are concerned it will have the opposite effect and will cause undue distress for those we should be supporting to settle in Australia. We also do not support extending the scope of the NARWP to additional payments and supports for similar reasons.

## **Recommendation 1**

**The Bill not be passed.**

**Senator Rachel Siewert**

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37 Ms Dale, *Committee Hansard*, 17 April 2018, pp. 38-39.

38 NSSRN, *Submission 15*, p. 6.

