

The Senate

Community Affairs
Legislation Committee

Social Services Legislation Amendment
(Encouraging Self-sufficiency for Newly
Arrived Migrants) Bill 2018 [Provisions]

November 2018

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45th Parliament

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Participating members for this inquiry

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ABBREVIATIONS

ACOSS	Australian Council of Social Service
bill	Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018
CALD	culturally and linguistically diverse
committee	Community Affairs Legislation Committee
department	Department of Social Services
ECCNSW	Ethnic Communities Council of New South Wales
ECCV	Ethnic Communities Council of Victoria
EM	Explanatory Memorandum
FECCA	Federation of Ethnic Communities' Councils of Australia
human rights committee	Parliamentary Joint Committee on Human Rights
minister	Minister for Social Services
MYAN Australia	Multicultural Youth Advocacy Network Australia
MYAN NSW	Multicultural Youth Affairs Network NSW
NARWP	newly arrived resident's waiting period
SCV	special category visa
SHEV	Safe Haven Enterprise Visa
Social Security Act	<i>Social Security Act 1991 (Cth)</i>
SVDP	St Vincent de Paul Society National Council

LIST OF RECOMMENDATIONS

Recommendation 1

2.49 The committee recommends that the bill be passed.

Chapter 1

Introduction

Purpose of the bill

1.1 The Social Services Legislation Amendment (Encouraging Self-Sufficiency for Newly Arrived Migrants) Bill 2018 (bill) seeks to increase the existing newly arrived resident's waiting period (NARWP) from 104 weeks to 156 weeks (two years to three years) for various social security payments, concession cards and farm household support allowances.¹

1.2 In addition, the bill seeks to introduce a NARWP of 156 weeks for family tax benefit, paid parental leave, dad and partner pay, parenting payment, carer allowance, bereavement allowance and widow allowance.²

Budget 2018-19 announcement

1.3 In the 2018-19 Budget, the Government announced its intention to further extend the NARWP from three years to four years from 1 July 2018.³ The further extension to four years is expected to save an additional \$202.5 million over five years from 2017-18 to 2021-22.⁴

1.4 This report considers the provisions of the bill as they were at the time of the committee's inquiry, that is, to increase the NARWP from two years to three years.

Background

1.5 A NARWP was first introduced for certain social security payments in 1993, with the current 104 week NARWP introduced in 1997.⁵

1.6 The NARWP aims to ensure that migrants make provision to support themselves and their families when they first settle in Australia.⁶

1.7 In most cases the NARWP applies to migrants settling permanently in Australia but may also apply to temporary visas holders in certain circumstances.⁷

1 Explanatory Memorandum (EM), Outline, p. 1.

2 EM, Outline, p. 1.

3 Commonwealth of Australia, *Budget Measures: Budget Paper No. 2 2018-19*, p. 172.

4 Ms Serena Wilson PSM, Deputy Secretary, Social Security, Department of Social Services, *Committee Hansard*, 31 May 2018, p. 18.

5 EM, Schedule 1, p. 2.

6 EM, Schedule 1, p. 2.

7 EM, Schedule 1, p. 2.

Overview of the bill

Schedule 1

1.8 Schedule 1 increases the existing NARWP from 104 weeks to 156 weeks for various social security payments and concession cards including:

- Newstart allowance;
- Youth allowance;
- Austudy;
- Sickness allowance;
- Carer payment;
- Special Benefit;
- Mobility allowance;
- Pensioner education supplement;
- Health care card (low income); and
- Commonwealth seniors health card.⁸

1.9 Schedule 1 also introduces a 156 week NARWP for bereavement allowance, widow allowance and parenting payment. Currently these payments are not subject to a NARWP but do require recipients to have served a 104 week qualifying residence period. The current 104 week qualifying residence period will continue and will be served concurrently with the 156 week NARWP introduced by the bill.⁹

1.10 In addition, a 156 week NARWP will be introduced for carer allowance. Currently both the carer and care receiver must be Australian residents but there is no qualifying residence period for carer allowance. The introduction of a NARWP for carer allowance will mirror the existing provisions for carer payment and other working-age social security payments.¹⁰

1.11 Existing exemptions from the NARWP will continue to apply and will also apply to the NAWRP for bereavement allowance, widow allowance, parenting payment and carer allowance. These include exemptions for refugees or former refugees at the time of the claim, or for people who are Australian citizens.¹¹

1.12 The amendments proposed by the bill will not apply to protected special category visa (SCV) holders who were excluded from changes to access social security from 26 February 2001.¹²

8 EM, Schedule 1, p. 2.

9 EM, Schedule 1, p. 2.

10 EM, Schedule 1, p. 3.

11 EM, Schedule 1, p. 3.

12 EM, Schedule 1, p. 4.

1.13 Schedule 1 also amends an existing exemption from the NARWP for Special Benefit to align the legislation with established policy. The amendment clarifies that only people who have a change of circumstances during their waiting period, rather than any time after their arrival in Australia, should be exempt from the NARWP for Special Benefit.¹³

1.14 The measures contained in Schedule 1 will apply to those granted a visa on or after 1 July 2018, or the first 1 January or 1 July after Royal Assent.¹⁴

Schedule 2

1.15 Schedule 2 increases the existing NARWP from 104 weeks to 156 weeks for farm household allowance, consistent with the amendments in Schedule 1 to various social security payments.¹⁵

1.16 Existing exemptions to the NARWP will continue to apply, including exemptions for refugees or former refugees at the time of the claim, people who become a lone parent and people who are Australian citizens.¹⁶

1.17 This measure will apply to those granted a visa on or after 1 July 2018, or the first 1 January or 1 July after Royal Assent.¹⁷

Schedule 3

1.18 Schedule 3 introduces a 156 week NARWP for the family tax benefit. However, this change will not affect an individual's eligibility for child care related payments, stillborn baby payment or double orphan pension.¹⁸

1.19 Exemptions of a similar nature to those which apply to Special Benefit payments under the *Social Security Act 1991* (Cth) (Social Security Act) will apply to allow immediate access to Family Tax Benefit in particular circumstances, including for:

- people who are on visas issued for humanitarian reasons (including those who subsequently become permanent visa holders);
- refugees and former refugees; and
- family members of refugees.¹⁹

1.20 This measure will apply to those granted a visa on or after 1 July 2018, or the first 1 January or 1 July after Royal Assent.²⁰

13 EM, Schedule 1, p. 4.

14 EM, Schedule 1, p. 3.

15 EM, Schedule 2, p. 12.

16 EM, Schedule 2, p. 12.

17 EM, Schedule 2, p. 12.

18 EM, Schedule 3, p. 14.

19 EM, Schedule 3, p. 14.

20 EM, Schedule 3, p. 16.

Schedule 4

1.21 Schedule 4 introduces a 156 week NARWP for parental leave payment and dad and partner pay to align these payments with the NARWP for social security payments and the farm household allowance.²¹

1.22 Exemptions of a similar nature to those which apply to special benefit payments under the Social Security Act will apply to allow immediate access to parental leave payment and dad and partner pay in particular circumstances, including for:

- people who are on visas issued for humanitarian reasons (including those who subsequently become permanent visa holders);
- refugees and former refugees; and
- family members of refugees.²²

1.23 This measure will apply to those granted a visa on or after 1 July 2018, or the first 1 January or 1 July after Royal Assent.²³ However, the measure will not apply to persons whose baby is born prior to, or during the first six months after, commencement of the Act.²⁴

Financial implications

1.24 The measures contained in this bill will save approximately \$1.3 billion over the forward estimates for the whole of government. The table below outlines the impact on the fiscal balance administered by the Department of Social Services for each schedule of the bill.

Measure	Financial impact forward estimates (DSS)
Schedule 1 – Social Security amendments	Savings of \$141.8 million
Schedule 2 – Farm household support amendments	No impact
Schedule 3 – Family assistance amendments	Savings of \$898.4 million
Schedule 4 – Paid parental leave amendments	Savings of \$241.1 million

Source: Explanatory Memorandum, Financial Impact Statement, p. 2.

21 EM, Schedule 4, p. 20.

22 EM, Schedule 4, p. 20.

23 EM, Schedule 4, p. 21.

24 EM, Schedule 4, p. 22.

Consideration by other committees

Senate Standing Committee for the Scrutiny of Bills

1.25 The Senate Standing Committee for the Scrutiny of Bills made no comment on this Bill.²⁵

Parliamentary Joint Committee on Human Rights

1.26 The Parliamentary Joint Committee on Human Rights (human rights committee) noted that the statement of compatibility acknowledges that the measures contained in the bill engage the right to social security, right to paid parental leave and the right to equality and non-discrimination.²⁶

1.27 The human rights committee commented that extending the waiting period for newly arrived migrants may further restrict access to social security and therefore be considered a retrogressive measure.²⁷ The human rights committee noted that retrogressive measures are permissible under international law where 'they address a legitimate objective, are rationally connected to that objective and are a proportionate way to achieve that objective'.²⁸

1.28 The human rights committee expressed concern about the compatibility of the bill with a number of rights including: social security; an adequate standard of living; health; maternity leave; and equality and non-discrimination.²⁹

1.29 The human rights committee sought advice from the Minister for Social Services (minister) in relation to the rights engaged by the bill and in particular:

- whether there is reasoning or evidence that establishes that the stated objective addresses a pressing or substantial concern in the specific circumstances of the proposed legislation;
- how the measure is effective to achieve (that is, rationally connected to) that objective;
- whether the limitation is a reasonable and proportionate measure to achieve its stated objective; and
- whether alternatives to reducing access to the various social security payments have been fully considered.³⁰

25 Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 3 of 2018*, March 2018, p. 45.

26 Parliamentary Joint Committee on Human Rights, *Report 3 of 2018*, March 2018, pp. 71, 74, 77.

27 Parliamentary Joint Committee on Human Rights, *Report 3 of 2018*, March 2018, p. 71.

28 Parliamentary Joint Committee on Human Rights, *Report 3 of 2018*, March 2018, p. 71.

29 Parliamentary Joint Committee on Human Rights, *Report 3 of 2018*, March 2018, pp. 73–74, 76, 77–78.

30 Parliamentary Joint Committee on Human Rights, *Report 3 of 2018*, March 2018, pp. 73–74, 76, 77–78.

1.30 A response was received from the minister on 19 April 2018 and the human rights committee concluded its consideration of the bill in its *Report 4 of 2018*.³¹

1.31 In its consideration of the minister's response, the human rights committee noted that by improving the 'budget bottom line' the measures contained in the bill are likely to be rationally connected to the stated objective.³² In addition, the committee observed that the range of exemptions to the NARWP and the availability of Special Benefit act as important safeguards to ensure that those in situations of financial hardship or whose circumstances change can afford the basic necessities to maintain an adequate standard of living.³³ The human rights committee concluded that the bill appears likely to be compatible with the right to social security.³⁴

1.32 The human rights committee noted the minister's advice that the measures relating to parental leave payment and dad and partner pay will not apply to expectant parents and include a number of exemptions. However, the committee maintained their concerns about the impact of these measures on women.³⁵

Conduct of the inquiry

1.33 On 28 March 2018 the Senate referred the provisions of the bill to the Community Affairs Legislation Committee (committee) for inquiry and report by 4 May 2018.³⁶ The committee subsequently sought extensions of time to report to 28 November 2018.³⁷

1.34 Details of the inquiry, including a link to the bill and associated documents, were placed on the committee's website.³⁸ The committee wrote to relevant individuals and organisations inviting submissions to the inquiry by 11 April 2018. Submissions continued to be accepted after that date.

1.35 The committee received 25 submissions to the inquiry and held one public hearing in Melbourne on 17 April 2018. Submitters and witnesses are listed at Appendices 1 and 2.

31 Parliamentary Joint Committee on Human Rights, *Report 4 of 2018*, May 2018, p. 145.

32 Parliamentary Joint Committee on Human Rights, *Report 4 of 2018*, May 2018, p. 150.

33 Parliamentary Joint Committee on Human Rights, *Report 4 of 2018*, May 2018, p. 152.

34 Parliamentary Joint Committee on Human Rights, *Report 4 of 2018*, May 2018, p. 153.

35 Parliamentary Joint Committee on Human Rights, *Report 4 of 2018*, May 2018, pp. 158–159.

36 *Journals of the Senate*, No. 94, 28 March 2018, p. 2979.

37 *Journals of the Senate*, No. 95, 8 May 2018, p. 3026; *Progress Report No. 1*, 4 May 2018; *Progress Report No. 2*, 18 May 2018; *Progress Report No. 3*, 25 May 2018; *Progress Report No. 4*, 15 June 2018; *Progress Report No. 5*, 22 June 2018; *Progress Report No. 6*, 29 June 2018; *Journals of the Senate*, No. 107, 14 August 2018, p. 3442; *Journals of the Senate*, No. 111, 21 August 2018, p. 3555; *Journals of the Senate*, No. 120, 19 September 2018, p. 3823; *Journals of the Senate*, No. 124, 17 October 2018, p. 3963.

38 See: Community Affairs Legislation Committee, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/self-sufficiencymigrants (accessed 18 April 2018).

1.36 The committee thanks those individuals and organisations that made submissions to the inquiry and gave evidence at its public hearings.

Note on references

1.37 References to the committee *Hansard* is to the proof transcript. Page numbers may vary between the proof and official *Hansard* transcript

Chapter 2

Key issues

Introduction

2.1 This chapter focuses on the key issues raised throughout the Community Affairs Legislation Committee (committee) inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 (bill).

2.2 The key issues raised by submitters and witnesses included:

- impact of the bill on vulnerable migrants;
- exemptions to the newly arrived resident's waiting period (NARWP);
- ability of newly arrived migrants to apply for Special Benefit payment; and
- barriers and challenges migrants experience once they have settled in Australia.

Impact on migrants

2.3 Submitters and witnesses raised concerns that the proposed amendments to the NARWP would have a disproportionate impact on vulnerable migrants, including young people, single parents, victims of domestic and family violence and migrants with refugee-like experiences.¹

2.4 The Ethnic Communities Council of Victoria (ECCV) submitted that newly arrived migrants are just as vulnerable, if not more vulnerable, to changes of circumstances such as family breakdown, loss of employment and housing insecurity. ECCV expressed concern that any change to the NARWP would lead to hardship for individuals who experience an unexpected change in circumstances.² For example:

The ECCV is especially concerned about the impact on single parents and their children, women who have experienced domestic violence and new residents who lose their jobs, given the exploitation of a lot of workers from non-English-speaking backgrounds. [...]

There are children whose parents are waiting for carer allowance or family tax benefits and new residents who develop health conditions. Sometimes we don't know; these things happen from time to time. They may require

1 See, for example: Multicultural Youth Affairs Network NSW (MYAN NSW), *Submission 3*; Federation of Ethnic Communities' Councils of Australia (FECCA), *Submission 4*; Ethnic Communities Council of Victoria (ECCV), *Submission 6*; Ethnic Communities Council of New South Wales (ECCNSW), *Submission 7*; Youth Action, *Submission 9*; Migration Council of Australia, *Submission 10*; Tasmanian Council of Social Service, *Submission 18*, Settlement Services International, *Submission 20*; National Council for Single Mothers and their Children, *Submission 22*; Financial Counselling Australia, *Submission 24*.

2 ECCV, *Submission 6*, p. 1.

ongoing medical support or medication. That creates quite an impost on the family situation.³

2.5 Similarly, the Settlement Council of Australia submitted that given the significance of relocation to Australia as a life-changing event, newly arrived migrants are vulnerable to hardship and that the extension of the NARWP may lead to a number of vulnerable migrants unable to access assistance.⁴

2.6 Multicultural Youth Advocacy Network Australia (MYAN Australia) expressed particular concern for young people arriving in Australia on subclass 115 (Remaining Relative) and subclass 117 (Orphan Relative) visas, noting that this cohort of migrants are particularly vulnerable due to their experience before arriving in Australia:

These children and young people have commonly faced pre-arrival trauma, lived for long periods in very unsafe circumstances, without family or, necessarily, community supports. They've experienced disrupted education and limited access to health care. Indeed their circumstances are very similar, if not identical, to those young people who arrive as refugees through our humanitarian program.⁵

2.7 However, as these young people arrive in Australia through the family migration stream, and not the humanitarian program, they are subject to the NARWP.⁶ MYAN Australia submitted that some young people already face challenges under the current waiting period, particularly in cases where a breakdown in family relations occurs after their arrival in Australia, often due to increased pressure on housing and lack of financial capabilities of their carer families.⁷

2.8 The Harmony Alliance questioned the reason for introducing a NARWP for particular crisis payments, such as the widow allowance, bereavement allowance and carer allowance, noting that these payments are more likely to be accessed by women, as women provide a disproportionate amount of care to family members and are more likely to be reliant on a partner's income.⁸

2.9 A number of submitters and witnesses expressed the view that the NARWP could create a two-class system where Australian citizens are immediately eligible for certain social security payments, but newly arrived migrants will be ineligible for

3 Mr Eddie Micallef, Immediate past chair, ECCV, *Committee Hansard*, 17 April 2018, p. 31.

4 Settlement Council of Australia, *Submission 8*, p. 2.

5 Ms Nadine Liddy, National Coordinator, Multicultural Youth Advocacy Network Australia (MYAN Australia), *Committee Hansard*, 17 April 2018, p. 3.

6 MYAN Australia, *Submission 12*, p. 7.

7 MYAN Australia, *Submission 12*, p. 7. See also MYAN NSW, *Submission 3*, p. 2.

8 Harmony Alliance, *Submission 19*, p. 2; Ms Iona Roy, Manager, Secretariat, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, 17 April 2018, p. 20. See also Migration Council of Australia, *Submission 10*, p. 4.

three years under the NARWP.⁹ For example, Federation of Ethnic Communities' Councils of Australia (FECCA) explained:

Under the amendment, you could possibly have the situation where two children are born in the same hospital on the same day but their families and therefore those children will be treated in vastly different ways because of the residency of their parents. The family of the Australian-born child of Australian citizens will be eligible for those payments, which will ultimately be used for the care and upkeep of that child. But the parents of the Australian child who was born in the same hospital on the same day will not receive those payments because of their particular visa category, and therefore that child is being born into a situation where they will be economically disadvantaged through no fault of their own and they are an Australian citizen by being born in Australia.¹⁰

2.10 The Law Council of Australia expressed concern that the changes proposed by the bill would target migrants without clear guidance as to how the measures contained in the bill address a substantial policy concern, or evidence to suggest that there is an over-reliance on social security by newly arrived migrants.¹¹

2.11 Several submitters and witnesses recognised that the majority of migrants impacted by the bill are able to support themselves following their arrival in Australia.¹²

2.12 When introducing the bill, the Minister for Social Services, the Hon. Dan Tehan MP, noted that waiting periods for newly arrived migrants are designed to ensure that people who decide to apply for a permanent visa in Australia take steps to ensure that they can provide their own financial support during their initial settlement period.¹³

2.13 The Department of Social Services (department) submitted that the eligibility criteria for permanent residency under the skilled and family streams of the migration program targets people who are more likely to be able to support themselves and their families when they first arrive in Australia, such as through work, existing resources, or family support.¹⁴

9 See, for example: MYAN NSW, *Submission 3*; FECCA, *Submission 4*; Brotherhood of St Laurence, *Submission 13*; National Social Security Rights Network, *Submission 15*, Settlement Services International, *Submission 20*.

10 Dr Alia Imtoul, Director of Policy, FECCA, *Committee Hansard*, 17 April 2018, p. 32.

11 Law Council of Australia, *Submission 16*, p. 6. See also Anglicare Australia, *Submission 1*, p. 1; St Vincent de Paul Society National Council (SVDP), *Submission 21*, p. 5.

12 See, for example: Settlement Council of Australia, *Submission 8*; Migration Council of Australia, *Submission 10*; Dr Imtoul, FECCA, *Committee Hansard*, 17 April 2018, p. 34; Ms Esta Paschalidis-Chilas, Manager of Government and Member Relations, Settlement Services International, *Committee Hansard*, 17 April 2018, p. 38.

13 The Hon. Dan Tehan MP, Minister for Social Services, *House of Representatives Hansard*, 15 February 2018, p. 1605.

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

2.14 Notably, the Productivity Commission¹⁵ found 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.¹⁶ The Productivity Commission noted that 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.¹⁷

2.15 The Minister for Social Services also explained that the full range of existing exemptions from the NARWP, which provide important protections for potentially vulnerable migrants, will be retained under the bill.¹⁸

Exemption provisions

2.16 A number of submitters and witnesses acknowledged and supported the retention of the current exemption provisions, particularly for refugees and their families.¹⁹ However, as outlined above, other cohorts of newly arrived migrants were identified as potentially vulnerable, with submitters and witnesses raising concerns that support may not be available when migrants are unable to support themselves.

2.17 The department explained to the committee the range of exemptions to the NARWP which are available to migrants in need. As noted by the Minister for Social Services, these exemption provisions are currently in place and will be retained under the proposed bill.²⁰

Refugee and humanitarian exemptions

2.18 The department submitted that refugees, former refugees and family members of refugees will continue to be exempt from the NARWP for all payments and concession cards.²¹

2.19 However, the Refugee Advice and Casework Service queried whether the exemption also extended to Safe Haven Enterprise Visa (SHEV) holders who may also be considered refugees.²²

15 Productivity Commission, *Migrant Intake into Australia*, 12 September 2016, <https://www.pc.gov.au/inquiries/completed/migrant-intake/report> (accessed 26 April 2018).

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

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

18 The Hon. Dan Tehan MP, Minister for Social Services, *House of Representatives Hansard*, 15 February 2018, p. 1606.

19 See, for example: Mr Micallef, ECCV, *Committee Hansard*, 17 April 2018, p. 31; Asylum Seeker Resource Centre, *Submission 11*; Settlement Council of Australia, *Submission 8*; Australian Council of Social Service (ACOSS), *Submission 14*; National Social Security Rights Network, *Submission 15*; Law Council of Australia, *Submission 16*; SVDP, *Submission 21*.

20 Department of Social Services, *Submission 5*, pp. 7–9.

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

2.20 The department clarified that temporary humanitarian-type visa holders, including SHEV and Temporary Protection Visa holders, will continue to be exempt from the NARWP for Special Benefit, low income health care card, family tax benefit, parental leave payment and dad and partner pay, noting that these visa holders are generally not eligible for other payments.²³ The department added that where a SHEV holder moves to a permanent visa, they will remain exempt from the NARWP for these payments and will continue to have access to these payments where eligible, and while serving the NARWP for other payments.²⁴

2.21 The department noted that the exemption to the NARWP for refugees and temporary humanitarian-type visa holders recognises the inherent vulnerability of these visa holders, who generally have no other means of support following their arrival in Australia and are usually not able to plan to support themselves prior to applying for a humanitarian visa.²⁵

Change of circumstance exemptions

2.22 Schedule 1 to the bill makes a minor technical amendment to an existing exemption for the NARWP for Special Benefit payment to align the legislation with the existing intent of the policy.²⁶ The department explained that:

It's clarifying and making more explicit what the policy intent is and it's closing a potential loophole where people might, for example, have arrived in Australia on a tourist visa, which they might be able to argue was their first arrival in Australia. They leave, come back to Australia, gain permanent residency and argue that their change of circumstances happened after they arrived in Australia on a tourist visa when the change of circumstances was always intended to apply for a change that happened after they were granted a permanent visa. It's not changing any of the policy intent. It's making absolutely clear that that intent is intended to apply only to people who are granted a permanent visa.²⁷

2.23 Under the bill, people will remain exempt from the NARWP for Special Benefit if they have experienced a substantial change in circumstances since the start of their waiting period. The exemption is designed to ensure a safety net for people who find themselves in hardship and have no other means of support for reasons

22 Refugee Advice and Casework Service, *Submission 17*, p. 2. See also: Ms Jana Favero, Director, Advocacy and Campaigns, Asylum Seeker Resource Centre, *Committee Hansard*, 17 April 2018, p. 44.

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

24 Department of Social Services, answers to questions on notice, 17 April 2018 (received 24 April 2018), [p. 1].

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

26 Explanatory memorandum (EM), Schedule 1, p. 4.

27 Ms Anita Davis, Branch Manager, International Policy and Payment Support, Payments Policy Group, Department of Social Services, *Committee Hansard*, 17 April 2018, p. 49.

which are beyond their control.²⁸ The reasons are outlined in the *Guide to Social Security Law*²⁹ and include:

- victims of domestic and family violence;
- people who experience prolonged injury or illness and are unable to work;
- where a dependent child develops a severe medical condition, disability or injury; and
- when a sponsor or partner dies, becomes a missing person or becomes a long term prisoner.³⁰

2.24 While some submitters and witnesses criticised the amount and accessibility of Special Benefit,³¹ the department noted that the payment is intended as a last resort that provides support to people who are experiencing financial hardship and are unable to earn a sufficient livelihood and not eligible for any other income support payment.³²

2.25 Where a person is receiving Special Benefit, they will also be exempt from the NARWP for Carer Allowance, Family Tax Benefit, Parental Leave Pay and Dad and Partner Pay.³³

2.26 In addition, recipients of Special Benefit may also be eligible for a range of supplementary payments including Rent Assistance, Energy Supplement and Education Entry Payment. Special Benefit recipients are also automatically issued a Health Care Card or a Pensioner Concession Card which entitles the holder to cheaper prescription medicines under the Pharmaceutical Benefits Scheme, bulk-billed doctor's visits (subject to the doctor's discretion) and a bigger refund for medical costs through the Medicare Safety Net.³⁴

2.27 Of the 183 608 permanent skilled and family visas granted in 2016–17, just 915 people received Special Benefit payment as a result of an exemption from the NARWP, representing just 0.5 per cent of permanent visas granted that year.³⁵

28 Department of Social Services, *Submission 5*, p. 8.

29 Department of Social Services, *Guide to Social Security Law*, 3 April 2018, <http://guides.dss.gov.au/guide-social-security-law> (accessed 26 April 2018).

30 Department of Social Services, *Submission 5*, p. 3; Department of Social Services, answers to questions on notice, 17 April 2018 (received 24 April 2018), [pp. 9–10].

31 See, for example: Professor Shelley Mallett, General Manager, Research and Policy Centre, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 7; Carers Australia, *Submission 2*, pp. 4–5; ACOSS, *Submission 14*, pp. 2–3; National Social Security Rights Network, *Submission 15*, [p. 6].

32 Department of Social Services, *Submission 5*, p. 8.

33 Department of Social Services, *Supplementary Submission 5*, p. 4.

34 Department of Social Services, *Supplementary Submission 5*, pp. 4–5.

35 Mr Shane Bennett, Group Manager, Payments Policy, Department of Social Services, *Committee Hansard*, 17 April 2018, pp. 46, 50.

2.28 The department acknowledged that while some stakeholders may view the amendment regarding a change in circumstances as narrowing the eligibility, the amendment reflects how the policy is currently implemented.³⁶

Victims of domestic and family violence

2.29 A number of submitters and witnesses raised particular concern about the impact of the bill on newly arrived migrants who were victims of domestic and family violence, particularly regarding the timing of a change in circumstances to access special benefit and the timeliness of processing claims.³⁷

2.30 The department observed that an episode of domestic and family violence may not be isolated to one particular event and that the effects are often felt over a period of time, including instances of abuse, leaving the perpetrator and ongoing trauma as a result.³⁸

2.31 The department explained that, the timing of a substantial change in circumstances for the purpose of seeking an exemption to the NARWP for Special Benefit is not necessarily the day on which the abuse occurred or the day that the victim left the perpetrator.³⁹ For example:

...if a Special Benefit claimant is unable to seek work or take up employment because of trauma or intimidation, they may be considered to be currently experiencing the effects of family and domestic violence. In this situation, the person would be regarded as having suffered domestic or family violence both before and after the commencement of the NARWP and the person may receive Special Benefit, provided all other requirements are met.⁴⁰

2.32 In addition, the Department of Human Services has established processes in place to refer people claiming Special Benefit due to domestic violence to a social worker for support and assessment. The Family Violence Unit within the Department of Home Affairs also assesses family violence claims made by visa applicants and provides referral advice to support services.⁴¹

2.33 The Department of Human Services has processes in place to prioritise Special Benefit applications for vulnerable applicants, such as victims of domestic violence and family violence.⁴²

36 Ms Anita Davis, Branch Manager, International Policy and Payment Support, Payments Policy Group, Department of Social Services, *Committee Hansard*, 17 April 2018, pp. 49–50.

37 See, for example: FECCA, *Submission 4*; ECCNSW, *Submission 7*; Migration Council of Australia, *Submission 10*; Harmony Alliance, *Submission 19*; SVDP, *Submission 21*.

38 Department of Social Services, *Supplementary Submission 5*, p. 3.

39 Department of Social Services, *Supplementary Submission 5*, p. 3.

40 Department of Social Services, *Supplementary Submission 5*, p. 3.

41 Department of Social Services, *Submission 5*, p. 9.

42 Department of Social Services, *Submission 5*, p. 3; Department of Social Services, answers to questions on notice, 17 April 2018 (received 24 April 2018), [p. 4].

Barriers experienced by migrants

2.34 Several submitters noted that migrants can face barriers to finding meaningful employment in Australia which subsequently affects their ability to support themselves and their family after settling in Australia.⁴³

2.35 FECCA cited a number of findings from The Characteristics of Recent Migrants Survey published by the Australian Bureau of Statistics in November 2016.⁴⁴ The survey found that 31 per cent of recent migrants who had been employed in Australia reported experiencing some difficulty finding their first job, most commonly due to a lack of Australian work experience or references, a lack of local networks and language difficulties.⁴⁵

2.36 In addition, FECCA identified that culturally and linguistically diverse (CALD) young people also face challenges finding employment in Australia including:

- English language proficiency and employer discrimination due to accent;
- lack of Australian qualifications or limited recognition of overseas qualifications;
- limited familiarity with the Australian workforce, employment systems and culture; and
- experiencing torture or trauma prior to migration to Australia.⁴⁶

2.37 Similarly, the Harmony Alliance submitted that women in Australia from CALD backgrounds have an 11.9 per cent workforce participation gap compared to Australian women, increasing to 23.1 per cent when compared to all Australian men.⁴⁷

2.38 Overall recent migrants and temporary residents experience a high workforce participation of 70 per cent, compared to only 66 per cent of people born in Australia.⁴⁸ However, FECCA observed that 7.4 per cent of recent migrants and temporary residents of Australia are unemployed, two per cent higher than people born in Australia.⁴⁹

2.39 The Settlement Council of Australia and the Migration Council of Australia commented that some migrants may find the settlement process, including finding

43 See, for example: MYAN NSW, *Submission 3*; FECCA, *Submission 4*, Migration Council of Australia, *Submission 10*; Asylum Seeker Resource Centre, *Submission 11*, Brotherhood of St Laurence, *Submission 13*, National Social Security Rights Network, *Submission 15*; SVDP, *Submission 21*.

44 See: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6250.0> (accessed 24 April 2018).

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

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

47 Harmony Alliance, *Submission 19*, p. 4.

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

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

employment, more difficult than others and that the lack of any kind of support in the first few years of settlement can exacerbate any trouble they experience.⁵⁰ In addition, they noted that the potential for this to occur is far greater in certain cohorts of migrants, including women, young people and those who have vulnerable family members.⁵¹

2.40 The Brotherhood of St Laurence suggested that intensive services should be introduced in order to assist newly arrived migrants to find employment in Australia, noting that they often lack awareness of how to get a job in Australia:

...people come to Australia with rose-coloured glasses about how to get a job in Australia. We need to provide intensive services—and these are few and far between—to get people to understand how to get a job in Australia in their field, how to ensure that people present themselves adequately within that process and then be able to get that job.⁵²

2.41 The department submitted that research has indicated that, since the introduction of the two year NARWP, the majority of migrants who settled in Australia on a permanent skilled or family visa have been able to support themselves, without relying on social security, both during and after the waiting period.⁵³

2.42 In addition, of the 183 608 permanent skilled or family visas granted in 2016–17, 123 567 visas were granted under the skilled stream, indicating that the majority of permanent migrants had skills which were in demand in Australia and would therefore be able to support themselves and their families through work.⁵⁴

2.43 Newly arrived migrants will also remain eligible to volunteer for jobactive services for up to six months which may assist migrants to find work in Australia.⁵⁵

Committee view

2.44 The committee supports the extension of the existing NARWP from two years to three years to encourage newly arrived migrants to support themselves for longer, and contribute socially and economically to Australia before accessing Australia's welfare system.

2.45 The committee supports the intention of the bill to ensure that Australia's welfare system remains fair and sustainable for the future. The NARWP has not

50 Settlement Council of Australia and Migration Council of Australia, answers to questions on notice, 17 April 2018, (received 24 April 2018) p. 1.

51 Settlement Council of Australia and Migration Council of Australia, answers to questions on notice, 17 April 2018, (received 24 April 2018) p. 2.

52 Ms Hutch Hussein, Senior Manager, Refugees, Immigration and Multiculturalism, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 6.

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

54 Department of Social Services, *Submission 5*, p. 3; Department of Social Services, answers to questions on notice, 17 April 2018 (received 24 April 2018), [p. 13].

55 EM, Statement of compatibility, p. 39.

increased in over 20 years while welfare expenditure has grown significantly during this time.

2.46 The committee notes that the introduction of the NARWP for parenting payment, widow allowance, bereavement allowance and carer allowance is consistent with the waiting period for other working age payments.

2.47 The committee also notes that the introduction of a NARWP for parental leave pay and dad and partner pay is consistent with the expectation that migrants who choose to become permanent residents should be able to support themselves and their families for a reasonable period of time after arriving in Australia.

2.48 The committee acknowledges the concerns raised by submitters that the bill may impact migrants who are vulnerable or unable to support themselves. The committee supports the retention of existing exemptions for humanitarian entrants and their families and exemptions for people who experience a substantial change in circumstances after becoming an Australian resident. The committee notes that these exemptions maintain a safety net for migrants who find themselves in need and are supported by departmental processes to refer people to appropriate support services and prioritise applications where necessary.

Recommendation 1

2.49 The committee recommends that the bill be passed.

Senator Lucy Gichuhi

Chair

Additional Comments by Labor Senators

1.1 Labor Senators on this committee note the recommendation of the Chair's report.

1.2 Labor Senators are of the view that the changes proposed by the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 have the potential to disproportionately impact families, women and children.

1.3 This is a cause of serious concern to Labor Senators.

1.4 The Department of Social Services told a recent Senate Estimates hearing that these changes would affect 30 000 individuals, 50 000 families and 110 000 children over the forward estimates.¹

1.5 The committee heard some evidence that the current two year NARWP already creates some difficulties for recent migrants.

1.6 The committee heard evidence that extending the existing NARWP, and introducing a NARWP for other payments could jeopardise successful settlement for many recent migrants.

1.7 The Brotherhood of St Laurence explained to the committee that:

Migrants are overrepresented in the poverty statistics as well as the homelessness statistics, and we feel great concern that the proposed bill will further compound that issue.²

1.8 The committee also heard that "...migrants actually have a very strong desire to work and only look to income support when they're unable to work and are in financial hardship."³

1.9 In particular, the committee heard that despite a strong desire to work, that recent migrants are a cohort that are particularly vulnerable to changing circumstances, and that access to assistance in Australia when this happens can have a significant impact on their overall settlement.

1.10 The Refugee Advice and Casework Service said:

Most migrants do not need to access the social security system, but for those who do, it can be the difference between flourishing stability and an

1 Mr Shane Bennett, Department of Social Services, 2017-18 Additional Estimates Hearing, *Committee Hansard*, 1 March 2018, p. 84.

2 Dr Shelley Mallett, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 6.

3 Ms Leanne Ho, National Social Security Rights Network, *Committee Hansard*, 17 April 2018, p. 27.

inability to effectively settle in Australia. Moreover, it can set up children and their families to either prosper or flounder for decades.⁴

1.11 The committee heard that the vast majority of recent migrants actively participate in the labour market.

1.12 The Ethnic Communities Council of Victoria told the committee that the workforce participation rate of migrants is 80%, compared to just 60% for people who are born in Australia.⁵

1.13 Labor Senators acknowledge the high workforce participation rate of migrants, and also the expectation that migrants are able to support themselves while they settle in to Australia. The committee heard from an overwhelming majority of submitters and witnesses that the changes in this Bill would disproportionately impact women and children.

1.14 The Brotherhood of St Laurence warned the committee that the changes in the Bill would:

...potentially increase child and family poverty. Children will be adversely affected.⁶

1.15 The Australian Council of Social Service said also:

Women and children will be the biggest losers if this Bill goes through. They are the primary beneficiaries of the family tax benefit and paid parental leave, which is where the biggest cuts in this bill will be made.⁷

1.16 The committee heard particular evidence from a number of witnesses that migrant women are already vulnerable to exploitation, and would be placed in an even more precarious situation if the Bill were to pass.

1.17 The Brotherhood of St Laurence explained that:

Migrant women, we know from statistics, are at risk of exploitation, including slavery and forced marriage, because of their limited networks and access to support...the proposed changes will expose migrant women to greater risk of exploitation and violence by limiting their access to financial assistance.⁸

1.18 The Federation of Ethnic Communities Councils of Australia and Settlement Services International expressed serious concern about the introduction of a NARWP for family tax benefits, and told the committee that the measures are discriminatory.

4 Ms Sarah Dale, Refugee Advice and Casework Service, *Committee Hansard*, 17 April 2018, p. 43.

5 Parsuram Sharma-Luitai, Ethnic Communities Council of Victoria, *Committee Hansard*, 17 April 2018, p. 38.

6 Dr Shelley Mallett, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 6.

7 Ms Charmaine Crowe, Australian Council of Social Service, *Committee Hansard*, 17 April 2018, p. 28.

8 Ms Hutch Hussein, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 6.

1.19 The Federation of Ethnic Communities Councils explained in detail:

You could possibly have the situation where two children are born in the same hospital on the same day but their families and therefore those children will be treated in vastly different ways because of the residency of their parents. The family of the Australian-born child of Australian citizens will be eligible for those payments, which will ultimately be used for the care and upkeep of that child. But the parents of the Australian child who was born in the same hospital on the same day will not receive those payments because of their particular visa category, and therefore that child is being born into a situation where they will be economically disadvantaged.⁹

1.20 Settlement Services International emphasised that the Government should prioritise the wellbeing of all children. They asked:

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 waiting period for receiving the family tax benefit is discrimination.¹⁰

1.21 Labor Senators are of the view that these are significant issues, and that they cannot be ignored by Government.

Conclusion

1.22 Labor Senators on the committee note the significant proportion of newly arrived migrants who actively participate in the labour market, and do not require access to our social security system.

1.23 However, evidence provided to the committee also indicated that measures in this Bill will increase or create vulnerabilities within this group – particularly for families, women and children.

1.24 Labor Senators are of the view that the Senate should only pass this Bill in the event that these impacts are substantially reduced and adequate exemptions for changes in people's circumstances are guaranteed.

Senator the Hon Lisa Singh

Senator Murray Watt

9 Dr Alia Imtoul, FECCA, *Committee Hansard*, 17 April 2018, p. 32.

10 Ms Esta Paschalidis-Chilas, Settlement Services International, *Committee Hansard*, 17 April 2018, p. 41.

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.¹

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.

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.²

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.³

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.⁴

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.⁵

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

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.

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

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.⁷

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.⁸

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.⁹

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

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.¹⁰

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.¹¹

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.¹²

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.¹³

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.¹⁴

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.¹⁵

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.¹⁶

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.¹⁷

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.¹⁸

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.¹⁹

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.²⁰

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

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

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

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

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.²¹

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.

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.²²

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.²³

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.²⁴

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:

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.

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.²⁵

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.²⁶

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.²⁷

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.²⁸

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.²⁹

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.³⁰

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

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

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

require exceptional circumstances in order to receive support. They should receive support as an entitlement.³¹

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.³²

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.³³

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

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.³⁴

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.³⁵

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.³⁶

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

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.

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.³⁷

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.³⁸

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

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

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

Dissenting Report from Centre Alliance

1.1 The Government has not advanced a compelling reason for extending the Newly Arrived Resident's Waiting Period by one year, aside from the \$1.28 billion in revenue it projects it will save over the forward years, mainly through including family tax benefit in the NARWP.

1.2 Given Australia wants to encourage migrants to work and have children, it is illogical to now include benefits such as FTB and paid parental leave in the NARWP, given they are designed to assist parents with the cost of raising young families and to balance work with the care of their children.

1.3 The Chair's report includes a flawed statement (p15 at 2.45) correlating the significant increase in welfare expenditure as a whole over the past 20 years with the fact that the NARWP has not increased in that time. In fact, as has been noted already in the Chair's report, non-humanitarian permanent migrants already have high work participation rates and lower reliance on social services compared to the general population, even after the NARWP ends.¹

1.4 The initial NARWP introduced in 1993 was six months; it soon became two years and, for purely budgetary reasons, this Bill seeks to extend it to three years. As the inquiry highlighted, these decisions have a real and material impact on people's lives and the NARWP shouldn't be treated as an easy source of revenue or spending cuts. The Australian Council for Social Service submitted that it would be 'near impossible' for people to plan beyond two years after moving to a new country.² Migration Council Australia and Settlement Services International argued that the revenue grab proposed by this Bill could represent the start of a slippery slope.

At what point in time do we say that the time limit is sufficient? Our concern is that, if we now increase it to three years, in time it will go to five years and so forth. One of our concerns about doing that is that it characterises a longer and longer period before we define migrants as effectively integrated, settled and part of our community.³

On the proposed changes to the eligibility for the family tax benefit, we think this would be the first time Australia discriminated in taxing permanent residents... 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 Australians 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

1 Department of Social Services, *Submission 5*, pp. 3-4.

2 Australian Council of Social Service (ACOSS), *Submission 14*, p. 1.

3 Ms Carla Wilshire, Chief Executive Officer, Migration Council Australia, *Committee Hansard*, 17 April 2018, p. 15.

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.⁴

1.5 This concern was borne out in the 2018-19 Budget delivered on 8 May 2018, which – without even having this Bill come before the Senate for debate – puts forward another year's expansion of the NARWP in order to save a further \$202 million.⁵ The Budget papers say this is 'to repair the Budget'. Even if the Government does not expect the measure to pass, and is just using the forecast \$202 million 'saving' to boost the Budget's stated position, it is illustrative. Instead of taking this decision on evidence-backed policy grounds, the Government is treating new migrants as an easy source of revenue and savings with no consideration of the impact such a move might have on individuals and their families.

1.6 Some submitters raised the point that migrants are effectively already blocked from accessing benefits for longer than two years, when the time taken until permanent residency is granted is taken into account.

It's our experience that a sponsored partner waits up to two years after arrival to be eligible for permanent residency. It then often takes another year before their permanent visa is granted. Under the proposed changes, these applicants will face a minimum six-year waiting period until they become eligible for income support, and remain dependent on their sponsor. We believe this is an unreasonably long time for people on the pathway to citizenship to exist without the protections and benefits enjoyed by others in our community.⁶

1.7 This bill also undermines the Federal Government's stated intention to tackle domestic violence among migrant families. The Government has separately proposed the Migration Amendment (Family Violence and Other Measures) Bill 2016, seeking to protect family members from potentially violent sponsors, but at the same time seeks to create an environment that potentially makes domestic abuse victims reliant on sponsors for longer.

1.8 For many migrants, their only 'safety net' within the waiting period is the Special Benefit payment, which is paid at the Newstart or Youth Allowance rate. According to evidence provided to the inquiry by the Department of Social Services, 915 newly arrived migrants claimed Special Benefit in 2016-17, and 1,112 claims were rejected.⁷ The payment is for people who cannot claim any other benefit, and successful claimants can then also access a limited range of other benefits. This Bill

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

5 Commonwealth of Australia, *Budget Measures: Budget Paper No. 2 2018-19*, p. 172.

6 Professor Shelley Mallett, General Manager, Research and Policy Centre, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 1.

7 Mr Shane Bennett, Group Manager Payments Policy, Department of Social Services, *Committee Hansard*, 17 April 2018, pp. 50, 53.

clarifies that migrants have to prove a substantial change in circumstance since applying for a permanent visa (or since their first day in Australia after applying), on top of the usual criteria of financial hardship due to circumstances beyond their control.

1.9 A number of submissions and witnesses raised concerns about the very high bar that must be achieved by migrants in order to be eligible to receive this payment, and they gave evidence that a number of destitute migrants still fall through the cracks, either because they don't qualify for, or know about, the Special Benefit payment.⁸

The 'substantial change in circumstances beyond a person's control' test does not capture the experience of many newly arrived migrants, including skilled migrants who had a legitimate expectation of work but became unemployed, or those who were not fully aware of the cost of living in Australia and exhaust their savings whilst in precarious employment.⁹

1.10 Given the Special Benefit payment is designed to help people in severe financial hardship who cannot access any other benefit, it seems unnecessary to apply a NARWP to it. This sentiment was also expressed by the National Social Security Rights Network in its submission.

1.11 The inquiry heard concerns that extending waiting periods for particular benefits could expose migrants from non-English speaking backgrounds to exploitation in order to make ends meet.

Migrant women, we know from statistics, are at risk of exploitation, including slavery and forced marriage, because of their limited networks and access to support. We believe that the proposed changes will expose migrant women to greater risk of exploitation and violence by limiting their access to financial assistance.¹⁰

If income support is not available for a longer period, we are very concerned that migrants and their families and their children will either fall into poverty or fall prey to exploitation. Exploitation of migrant workers is well documented where they will accept any substandard work conditions in order to survive. Extending the waiting period will only exacerbate this vulnerability. Any costs saved from extending the waiting period may well end up being costs spent in dealing with the fallout from the destitution.¹¹

I can quote cases of asparagus pickers and other groups in my time in that area. I know from firsthand experience the exploitation that occurs. Some

8 See for instance ACOSS, *Submission 14*, p. 3 and Migration Council of Australia, *Submission 10*, p. 5.

9 National Social Security Rights Network, *Submission 15*, p. 7.

10 Ms Hutch Hussein, Senior Manager, Refugees, Immigration and Multiculturalism, Brotherhood of St Laurence, *Committee Hansard*, 17 April 2018, p. 6.

11 Ms Leanne Ho, Executive Officer, National Social Security Rights Network, *Committee Hansard*, 17 April 2018, p. 27.

of them feel they are obliged to work in exploitative situations because of the potential for them to lose benefits or not be eligible for benefits.¹²

1.12 In addition, some witnesses also referred to the inadequacy of settlement services to help non-humanitarian migrants settle more easily and successfully in their new home. Migration Council Australia said the current system of settlement support was dated and had not kept up with changes to the migration program.¹³ This was emphasised by the National Social Security Rights Network which said migrants can face difficulty securing jobs they are qualified for, and that "it's actually coordination between the immigration system and employment policies that is most likely to increase employment outcomes and reduce the need for income support."¹⁴

1.13 As the main committee report notes, the Multicultural Youth Advocacy Network Australia raised an interesting point that orphaned children who arrive on 115 and 117 visas must serve a NARWP despite coming from often difficult or traumatised backgrounds, and this could serve to disenfranchise them and impose further hardships on the remaining family who sponsor them. In 2016-17, fewer than 300 youths arrived in Australia on these visas.¹⁵

1.14 I also note the points made regarding the retrospective effect of the Bill.¹⁶ Centre Alliance does not support retrospective changes to any laws. People should always be able to act with certainty, and this Bill would seek to apply a longer NARWP to visas granted after July 2018 (or 1 January 2019) - capturing applications which are already in the system and awaiting processing.¹⁷ If passed, it should only apply to visa applications made from a future date.

Recommendation 1

1.15 That the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 be rejected in its current form.

Recommendation 2

1.16 That the NARWP for the Special Benefit payment be removed for all visa classes.

Recommendation 3

1.17 That the Federal Government consider exempting 115 and 117 visas from the NARWP scheme, in line with the treatment of humanitarian visas.

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

13 Ms Wilshire, *Committee Hansard*, 17 April 2018, p. 19.

14 Ms Ho, *Committee Hansard*, 17 April 2018, p. 23.

15 MYAN, *Submission 15*, p. 6.

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

17 Department of Social Services, *Submission 5*, p. 6.

Recommendation 4

1.18 That the Minister for Citizenship and Multicultural Affairs and Minister for Social Services consider the sufficiency of services to assist and support migrants in their first two years – particularly those not sponsored by employers - to settle successfully, understand their rights and, where appropriate, move into employment appropriate to their skills.

Senator Stirling Griff

APPENDIX 1

Submissions and additional information received by the Committee

Submissions

- 1** Anglicare Australia
- 2** Carers Australia
- 3** Multicultural Youth Affairs Network NSW
- 4** Federation of Ethnic Communities' Councils of Australia
- 5** Department of Social Services (plus a supplementary submission)
- 6** Ethnic Communities' Council of Victoria
- 7** Ethnic Communities' Council of NSW
- 8** Settlement Council of Australia
- 9** Youth Action
- 10** Migration Council Australia
- 11** Asylum Seeker Resource Centre
- 12** Multicultural Youth Advocacy Network Australia (plus a supplementary submission)
- 13** Brotherhood of St Laurence
- 14** Australian Council of Social Service
- 15** National Social Security Rights Network
- 16** Law Council of Australia
- 17** Refugee Advice and Casework Service

- 18 Tasmanian Council of Social Service
- 19 Harmony Alliance
- 20 Settlement Services International
- 21 St Vincent de Paul Society National Council
- 22 National Council for Single Mothers and their Children
- 23 Name Withheld
- 24 Financial Counselling Australia
- 25 Name Withheld

Additional Information

- 1 Post-budget briefing, from Settlement Council of Australia and Harmony Alliance, received 4 June 2018

Answers to Questions on Notice

- 1 Answers to Questions taken on Notice during 17 April public hearing, received from Immigration Advice and Rights Centre, 23 April 2018
- 2 Answers to Questions taken on Notice during 17 April public hearing, received from Department of Social Services, 24 April 2018
- 3 Answers to Questions taken on Notice during 17 April public hearing, received from Migration Council Australia and Settlement Council of Australia, 24 April 2018
- 4 Answers to Questions taken on Notice during 17 April public hearing, received from Brotherhood of St Laurence, 26 April 2018
- 5 Answer to a written Question on Notice, received from Department of Home Affairs, 27 April 2018
- 6 Answers to written Questions on Notice, received from Department of Home Affairs, 18 May 2018

Correspondence

- 1** Correspondence clarifying evidence given at Melbourne public hearing on 17 April 2018, received from National Social Security Rights Network, 23 April 2018

APPENDIX 2

Public hearings

Tuesday, 17 April 2018

Vibe Savoy Hotel, Melbourne

Witnesses

Brotherhood of St Laurence

MALLETT, Professor Shelley, General Manager, Research and Policy Centre

HUSSEIN, Ms Hutch, Senior Manager, Refugees, Immigration and Multiculturalism

Multicultural Youth Advocacy Network Australia

LIDDY, Ms Nadine, National Coordinator

KOKSAL, Mrs Derya, Policy and Advocacy Officer

Immigration Advice and Rights Centre

MOJTAHEDI, Mr Ali, Principal Solicitor

Settlement Council of Australia

TEBBEY, Mr Nicholas, Chief Executive Officer

Migration Council Australia

WILSHIRE, Ms Carla, Chief Executive Officer

SARAFIAN, Ms Christine, Senior Policy Officer

ROY, Ms Iona, Manager, Secretariat, Harmony Alliance: Migrant and Refugee Women for Change

Australian Council of Social Service

CROWE, Ms Charmaine, Senior Policy and Advocacy Officer

National Social Security Rights Network

GEAR, Ms Joni, Legal Project Officer

HO, Ms Leanne, Executive Officer

Federation of Ethnic Communities' Councils of Australia

IMTOUAL, Dr Alia, Director of Policy

LAILEY, Ms Sara, Policy and Project Officer

Ethnic Communities' Council of Victoria

SHARMA-LUITAL, Mr Parsuram, Board Director

MICALLEF, Mr Eddie, Immediate Past Chair

HOUGHTON, Mr James, Policy Officer

Australian Lawyers Alliance

BARNS, Mr Greg, Spokesman

Settlement Services International

PASCHALIDIS-CHILAS, Ms Esta, Manager of Government and Member Relations

PERRY, Dr Astrid, Manager of Strategic Policy

Refugee Advice and Casework Service

DALE, Ms Sarah, Principal Solicitor

Carers Australia

CRESSWELL, Ms Ara, Chief Executive Officer

WOLFFS, Ms Tammy, Senior Policy Officer

Asylum Seeker Resource Centre

FAVERO, Ms Jana, Director, Advocacy and Campaigns

AJETOMOBI, Mrs Abiola, Director, Innovation Hub

Department of Social Services

BENNETT, Mr Shane, Group Manager, Payments Policy

DAVIS, Ms Anita, Branch Manager, International Policy and Payment Support,
Payments Policy Group