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SENATE

COMMUNITY AFFAIRS LEGISLATION COMMITTEE

**Reference: Family and Community Services Legislation Amendment (Special
Benefit Activity Test) Bill 2002**

THURSDAY, 14 NOVEMBER 2002

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WITNESSES

BICKET, Ms Robyn Joy, Assistant Secretary, Humanitarian Branch, Refugee and Humanitarian Division, Department of Immigration and Multicultural and Indigenous Affairs 18

BOLTON, Ms Genevieve, Principal Solicitor, Welfare Rights Centre, Brisbane, National Welfare Rights Network 1

DAVIES, Ms Frances Reyburn, Assistant Secretary, Labour Market and Parenting Branch, Department of Family and Community Services 18

FORBES, Ms Linda Athalie, Casework Coordinator, Welfare Rights Centre, Sydney, National Welfare Rights Network, Policy Adviser, Australian Council of Social Service..... 1

HATFIELD DODDS, Ms Lin, National Director, UnitingCare Australia 14

ILLINGWORTH, Mr Robert Laurence Mark, Assistant Secretary, Onshore Protection Branch, Department of Immigration and Multicultural and Indigenous Affairs..... 18

MAHONEY, Mr Neil, Director, Parenting Program and Special Payments Section, Department of Family and Community Services..... 18

MANTHORPE, Mr Michael, Assistant Secretary, Work Experience Branch, Department of Employment and Workplace Relations 18

PIPER, Ms Margaret Claire, Executive Director, Refugee Council of Australia 10

POULOS, Reverend Elenie, National Director, National Social Responsibility and Justice 14

SENATE
COMMUNITY AFFAIRS LEGISLATION COMMITTEE
Thursday, 14 November 2002

Members: Senator Knowles (*Chair*), Senator Stott Despoja (*Deputy Chair*), Senators Barnett, Denman, Heffernan and Hutchins

Substitute members: Senator Moore to replace Senator Hutchins for the committee's inquiry into the Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002

Participating members: Senators Abetz, Bishop, Boswell, Buckland, Carr, Chapman, Collins, Coonan, Crossin, Eggleston, Evans, Faulkner, Ferguson, Ferris, Forshaw, Harradine, Harris, Hogg, Lees, Lightfoot, McGauran, McLucas, Moore, Murphy, Payne, Tierney, Watson and Webber

Senator Cherry for matters relating to the Family and Community Services portfolio

Senators in attendance: Senators Barnett, Denman, Heffernan, Knowles and Moore

Terms of reference for the inquiry:

Family and Community Services Legislation Amendment (Special Benefit Activity Test) Bill 2002

Committee met at 3.37 p.m.

BOLTON, Ms Genevieve, Principal Solicitor, Welfare Rights Centre, Brisbane, National Welfare Rights Network

FORBES, Ms Linda Athalie, Casework Coordinator, Welfare Rights Centre, Sydney, National Welfare Rights Network, Policy Adviser, Australian Council of Social Service

CHAIR—I declare open this meeting of the Senate Community Affairs Legislation Committee. The committee is taking evidence on the [Family and Community Services Legislation Amendment \(Special Benefit Activity Test\) Bill 2002](#). I welcome representatives from the National Welfare Rights Network and the Australian Council of Social Service. I remind witnesses that the giving of evidence is protected by parliamentary privilege; however, the giving of false or misleading evidence may constitute a contempt of the Senate. The committee has before it your submission. Do you wish to make any alterations to the submission?

Ms Forbes—I do. There are a couple of things that were a result of a misunderstanding on our part.

CHAIR—Can you point us to where you would like the alterations made?

Ms Forbes—The first one is in relation to our comments on the preclusion of full-time students from special benefit.

CHAIR—Where is that?

Ms Bolton—That is at 12.4 on page 7.

Ms Forbes—On a quick initial reading—it was difficult in the short timeframe that we had to prepare our submission—we understood that the lifting of the preclusion of full-time

students from special benefit was to apply to all special beneficiaries except for temporary protection visa holders, because of the way it is worded in the amending legislation. We then sorted out—it is rather convoluted drafting—that the effect of the bill would be that all special beneficiaries other than temporary protection visa holders could do a vocational course full time at the direction of the secretary. Special beneficiaries who hold a temporary protection visa can do a full-time vocational course only if it is written into their activity agreement.

We still have concerns with this amendment. It is good that special benefit is again opened up such that special beneficiaries can do full-time vocational courses—it was essential that be reintroduced—but the problem is that the reform is limited for temporary protection visa holders in that they can do a full-time course only if it is written into an activity agreement. So if they are exempt from an activity agreement—say, by virtue of being a sole parent, a long-term carer, or having a long-term disability, or have a short-term exemption due to mental illness or whatever—our understanding is that if they engage in full-time studies, even if it is vocational, their special benefit will be cancelled or denied on application.

CHAIR—I think we will make head or tail out of that explanation. Are there any further alterations?

Ms Forbes—One point I want to make with regard to that is that it is all too complicated. We would propose just lifting the student preclusion. Anyone on special benefit should be able to do a vocational course or English course full time. The other problem for us was related to sole parents.

CHAIR—Is this an alteration to your submission?

Ms Forbes—Yes, it is an alteration.

CHAIR—Where are sole parents mentioned in the submission?

Ms Forbes—There is mention of sole parents at the end of 2.1. The current situation is that special beneficiaries who are sole parents are activity tested once their baby is older than six weeks old and potentially are required to submit fortnightly forms showing four job efforts. We had thought that that policy would carry over with the formal activity testing. That policy is represented in this bill with a provision that refers to a blanket exemption from the special benefit activity test for a pregnant woman from six weeks before the baby's birth and for six weeks after the baby's birth, whether or not the baby is born alive. Further on in the proposed legislation there is an exemption from the activity test for sole parents with a child under 16 and also for one of a couple who has a child under 16. I guess that was extended so that it would be similar to the situation with the parenting payment.

Our concern, again, is that this was rather convoluted drafting. If the intention is to provide special benefit to parents on the same basis as parenting payment is provided, why not allow temporary protection visa holders access to parenting payment? This is all very confusing for us—and we think we are quite good at interpreting legislation, albeit even really quickly. It would be very difficult for Centrelink staff to administer. Special benefit is difficult for Centrelink staff to administer now because of its complexity. This makes it even more complex, with more categories of people to consider. They are basically the two corrections; otherwise our submission stands.

CHAIR—Thank you very much. Do you wish to make any other comments on your submission before senators ask you some questions?

Ms Forbes—I was not quite sure how long you would want us to talk.

CHAIR—Not very long. We have 10 minutes or thereabouts set aside for you. Feel free to make some brief comments, but bear in mind that we have read your submission. Anything that you want to add to that submission, as opposed to repeating the submission, would be useful.

Ms Forbes—Firstly, I want to thank the committee for this opportunity. Certainly we have said what we wanted to say in our submission—with the little additions and alterations that I have just made—but there is nothing like being able to engage in a conversation and also to listen to the other witnesses. We are a little confused about a lot of this—for example, what type of English tuition temporary protection visa holders would have access to. We are concerned that it is not Department of Immigration and Multicultural and Indigenous Affairs funded so it is not English tuition targeted to the needs of a refugee who potentially is suffering from some sort of trauma or mental illness and with all the concerns that a person with just a temporary visa to remain in Australia carries.

Genevieve and I were both interested in talking to this committee because of our casework experience. We are very concerned about the impact of breaching on vulnerable sectors of the community. I think anyone in Australia that even just reads the paper would come to the conclusion that probably one of the most vulnerable groups of people in Australia at the moment are temporary protection visa holders. We all know and have heard a lot about the experience of these people when they are released from detention centres. As we have explained in our submission, that vulnerability is unfortunately entrenched by DIMIA policies that preclude access to a lot of the programs to which permanent protection visa holders have access.

I want to explain why I will keep going through the rather wordy semantics of referring to temporary protection visa holders and permanent protection visa holders. I have been to quite a few meetings lately where permanent protection visa holders were called refugees and temporary protection visa holders were called asylum seekers. People should be aware that that is not the case. I think it would be unfortunate if we started thinking like that. In our view, temporary protection visa holders are just as much refugees as permanent protection visa holders and should have access to the same programs for the very same good policy reasons.

CHAIR—But they may not have been deemed refugees at that stage.

Ms Bolton—They would have been at that time. Being granted a temporary protection visa is recognition by the Australian government that we have obligations towards them pursuant to the refugee convention. So they have in fact been recognised as meeting the terms under the refugee convention.

CHAIR—Yes, but they might not necessarily be completely classified as refugees.

Ms Bolton—They are people who the government says need our protection because they have a well-founded fear of persecution.

Ms Forbes—All I am saying is that the people we are talking about today are those who have actually acquired a protection visa, whether it is permanent or temporary. Certainly, there are a lot of asylum seekers in the community who would be on bridging visas. We are trying to emphasise that an individual with a temporary protection visa carries with them the same problems as a person by their side who might have a permanent protection visa. In fact, we would say that that individual carries with them more problems and is even more vulnerable to the impact of a penalty regime.

One of the things that concerns us is that this should come up in the context of welfare reform. Within the National Welfare Rights Network, and in my capacity as an adviser to

ACOSS—we have been attending a lot of meetings recently regarding the proposed legislation for Australians Working Together—and just in the context of welfare reform generally, the perception is that, on the part of the government, the Department of Family and Community Services and Centrelink, there is a great deal of well-meaning, well-intentioned wish to not breach the most vulnerable people. Through our casework with people with mental illness, people with acquired brain injuries or homeless young people who end up being breached, we are able, I think, to convey quite useful information to FACS and Centrelink about the types of people that are likely to be breached. We accept that they do not wish to breach those people.

As I said at the beginning, here is a class of people with enormous potential for being breached. We would not like them to be brought into a regime where they could incur the same sorts of penalties as people on the youth allowance and Newstart programs but without the benefits that accrue with receipt of those payments. As is explained in our submission, special benefit is very different from youth allowance or Newstart. It was designed to be a short-term crisis payment; it was not designed to be a payment that someone like a temporary protection visa holder would receive as an income support payment for a long period while they are trying to settle into the community.

As we have said in our submission, if the government wants to treat temporary protection visa holders on an equal basis with other people in the community, we would accept that. Minister Anthony actually said that in parliament when the legislation was introduced—that they should be treated equally. That statement sounds reasonable until you consider in detail what it is like for someone to receive special benefit and what it is like for someone to try and integrate to a certain extent into the Australian community.

We accept that the government wants these people to be granted only temporary status in Australia. The fact is that that temporary status can go on for cycles of three years, for some time. There are other people who acquired their temporary protection visa before October or September last year who will be able to apply for permanent protection visas. We believe, yes, treat them the same but the benchmark for treating them the same is other refugees. There are good Commonwealth policies which have been developed over the years to meet the needs of refugees. Extend those policies to this group of people because they are even more needy than people on permanent protection visas.

Senator DENMAN—In your submission on page 13, you suggest that:

TPV holders are also be less likely to be in contact with the range of support agencies such as Migrant Resource Centres.

Could you elaborate on that point for me, please?

Ms Forbes—It is our understanding—remembering that we come from a social security framework and advocate for people with social security problems, not for people seeking change of migration status—that temporary protection visa holders are precluded from migrant resource centre services. Where someone for instance is on special benefit in the two-year waiting period, they are waiting for the two-year waiting period for Newstart allowance to expire. During that period, they may be having a difficult time on special benefit but they can access the resources of the migrant resource centre. As you would be aware, migrant resource centres are very useful in assisting individuals to settle into their local community. Our understanding is that temporary protection visa holders have no such support from the migrant resource centres.

Senator DENMAN—Why do you think that is the case?

Ms Bolton—We understand it is connected to the funding of migrant resource centres. The centres are funded to provide for the settlement needs of permanent residents as opposed to people who have only temporary status.

Senator DENMAN—Are you aware of any efforts that Centrelink or any other government agencies undertake to inform temporary protection visa holders of their rights under Australian industrial law, like salaries and conditions, rates of pay and all those sorts of things?

Ms Forbes—I am not aware of any. I know that DIMIA has a program for engaging new temporary protection visa holders inviting them to some sort of workshops. The DIMIA representatives would be better placed to respond to that question. Our understanding is that the services provided by DIMIA are so limited, if not nonexistent in most areas for temporary protection visa holders, that they may as well not be there. They are not embraced by Commonwealth programs to the extent that new migrants are and certainly not to the extent that refugees are.

Senator DENMAN—So temporary protection visa holders living in remote areas, if there are very many of them, would be more disadvantaged than those living in the city?

Ms Forbes—Our understanding is that absolutely they would be.

Senator DENMAN—So they would have no access to translation services or any of those sorts of things?

Ms Forbes—Very limited. Genevieve has been talking to the migration people today.

Ms Bolton—Another issue is temporary protection visa holders being able to access interpreting and translation services, particularly through DIMIA-funded agencies like TIS. They do not have a right to access those services for free. This further compounds problems for them in doing very basic tasks like completing forms and paperwork, and reading correspondence. It makes it incredibly difficult.

Senator DENMAN—In the area where I live, the north-west coast of Tasmania, the population base is fairly small. A temporary protection visa holder living there would have no access, even though there are Centrelink offices. If there are a variety of people from different countries, they would not have access to interpreters and translators.

Ms Forbes—For Centrelink services they would.

Senator DENMAN—How?

Ms Forbes—That is what we are saying in our submission. Centrelink and FACS policy currently is very sympathetic to the needs of these people and of migrants and refugees generally. Even if I, as a temporary protection visa holder, want to write a letter of appeal to my local office in Tasmania, I can write in my first language and Centrelink will translate it.

Senator DENMAN—Okay.

Ms Forbes—If I want to arrange an interview, Centrelink will endeavour to get an on-site interpreter if they do not have someone in the office, or they will use the telephone service. Centrelink does that well. It is just the absence of other services. And even if there are other services, the individual would not be aware of them because there is a lack of networking. The concept of not being embraced is quite a useful one. I think that that is how these people often feel once they have been released from a detention centre. They are highly mobile and the statistics on grants of payment of special benefit are very high, proportion-wise, in South Australia and Western Australia. That is understandable, because that is where they are released.

After that, individuals make their way to places like New South Wales. Our understanding from talking to migration agents and legal aid is that a lot of people come up to Sydney—a husband, a wife and their child might come to Sydney—and they cannot get work, they do not speak English and they do not know what to apply for. They hear there is fruit picking work down in the Riverina, so the father, generally, will go down to the Riverina to seek work down there. All of this will make compliance really difficult—not only the negotiation of the activity agreement but also just complying by way of responding to letters, going to appointments and all those sorts of things.

As well as that, as we pointed out in the submission, this legislation would introduce a 26-week, six-month penalty for moving to an area where your employment prospects were lowered. In this little family I was just talking about, if the father goes to Centrelink—if he understands he has to do that—and says, ‘I’m going down to look for work in the Riverina,’ the reaction would be immediate cancellation of his payment and a six-month penalty period. It is counterproductive, to say the least.

Senator MOORE—How did you find out about these proposed changes? Were you contacted by the department?

Ms Forbes—I have known about these proposed changes for a long time and I guess most of our network has but in Sydney, because of the number of these individuals coming up to New South Wales, I regularly attend the migrant advisory committee, which is co-convened by Centrelink and community organisations. We have been talking about the prospect of this for a long time. The proposed legislation has been floating around, I am aware, for over a year, I think. I cannot remember when it was first introduced. We understood that there was a problem with introducing it if there was no widening of access to Commonwealth funded programs.

We sent a delegation of the National Welfare Rights Network to Canberra about 18 months ago where we spoke to both Family and Community Services and DIMIA in the same room. We pointed out that you cannot activity test a special beneficiary who cannot speak English unless you can allow that non-English-speaking special beneficiary to do a full-time English course. All those sorts of issues tied up the legislation. I understand now that there is a proposal to provide some English tuition for either activity tested temporary protection visa holders or other special beneficiaries generally, but our point would be that that English tuition should be DIMIA funded. DIMIA funds programs that are targeted to the really special needs of these people. We would have concerns that individuals are just referred off to what would seem to be a basic English language literacy and numeracy course that is designed not to meet those needs. I cannot imagine what would happen, for instance, for those people that are searching for work down in the Riverina.

Senator MOORE—So the concerns that you have raised in your paper—and you would be aware that we have received a number of submissions with very similar kinds of statements—have all already been communicated to the departments?

Ms Forbes—Yes.

Senator MOORE—What kind of feedback did you get from the departments about your specific concerns?

Ms Forbes—When we have pointed out that it is probably impossible to activity test a lot of people on special benefit if they cannot do full-time English or full-time vocational courses and pointed out the other problems associated with activity testing TPV holders—in that they can incur breach penalties—there has been a lot of sympathetic discussion. My understanding

from those discussions, as I said at the beginning, is that there is a lot of sympathy for the needs of these people in Centrelink, amongst the government and in FACS—the Department of Family and Community Services—but it would seem from the manner in which this was introduced into parliament that it is seen as a deterrent to further unauthorised entries into Australia.

It is not a well-targeted family and community services policy to address a need identified in the community. Everyone is saying that this sector of the community is needy and needs a lot more support, yet the response is to introduce legislation that would cause them, if they breach and incur a penalty, to receive a totally inadequate amount for their needs, particularly given their vulnerability. So it is hard for us to understand the real rationale for this. Apart from the second reading speech, it seems to be a deterrent. I cannot understand how that deterrent would operate, though. I cannot understand how someone sitting in Indonesia, wondering whether they should get on a boat to come to Australia, would be deterred because they might incur an 18 per cent rate reduction penalty. Even if you tried to explain it to the individual, I am sure it would not mean anything.

Senator MOORE—I have some trouble myself! In your submission you detail the process but you also make the point that the departments have displayed a great deal of sensitivity towards the people in this situation. One issue that has come out in some of the other submissions and that is just touched on in yours is the impact of trauma on this particular group of people—that has been acknowledged. The services provided by the departments have been listed, such as the translation services, but—since you deal with the clients and their advocates—what is your understanding of the trauma support available within the departments for people who are still affected in some way by their previous experiences?

Ms Bolton—Firstly, it is important to make the point that everyone is very much in uncharted waters, even the people who have a lot of expertise. A lot of professionals are still coming to terms with the introduction of a temporary protection visa in Australia. They do not know what impact not having their status in Australia resolved will have on temporary protection visa holders. They do not know what impact that will have on their psyche on a long-term basis, particularly in terms of their fear—which we see as very genuine—that, at the end of the three-year period, there is a possibility that they will be forced to return to their country. So whilst currently there are certainly agencies in the system that have expertise—for example, Job Network—in dealing with marginalised people and people who are looking for employment, our concern is whether or not there is truly any expertise in dealing with people who have very significant torture and trauma issues, which are going to impact on their ability to comply with the requirements that the amendments in the bill seek to achieve.

Ms Forbes—What also needs to be understood is that these people present at Centrelink as being very compliant. They are not going to open up and talk about their traumatic experiences. It is hard enough for a professional torture and trauma counsellor to drag this out of people. They have been told to go to a particular office in order to get income support, so that is what they are there for. If they are told that they need to negotiate an agreement and sign it in order to get payment, that is what they will do. These people currently are activity tested but are not required to sign up to activity agreements and I am trying to think of clients I have who would be in a similar position. All I can think of is clients I have from remote areas who are indigenous, who sign up to Newstart activity agreements, quite commonly without understanding that they are going through a negotiation process. A lot of the time, because of their remoteness, they are doing the negotiation over the phone, they do not understand what they are doing and they have been sent a form. They ring up Centrelink to ask what the form is and they are told—it is all done in a very kind way—‘That’s what you

need to sign in order to get your payments.’ So they sign it and then they might be sent a jobseeker diary. They do not understand what that is either. They wait until it is due to be lodged 12 weeks later and then explain to the woman at the counter that they have not been able to fill it in. ‘Why?’ ‘I don’t know; I just couldn’t do it,’ is not acceptable.

The FACS submission talks about how a person can have a breach set aside if they have a reasonable excuse, or it will not be imposed in the first place. A person needs to have the skills to be able to convey to a Centrelink officer what that reasonable excuse is. There are problems with this group of people for a start because of their inexperience and their experience of bureaucracies in other countries is likely to have been unpleasant, to say the very least. They also do not have an understanding that Centrelink is not in any way connected to DIMIA. So again the FACS submission points out quite rightly that people who are breached have appeal rights and that migrants in our community have quite a healthy rate of appealing. But these people are not migrants. These people are in a totally different position from migrants. They are in a different position from people who have been granted a permanent protection visa.

People who have been granted a permanent protection visa generally feel very safe and embraced the moment they get that visa. These people are on tenterhooks for the whole period that they have the temporary protection visa. At the moment, there are a lot of people from East Timor trying to get renewals of their visas. Talking to solicitors who work in that area, they say that these are amongst the most traumatised people they have had to interview, and they are hardened legal aid lawyers who have interviewed all sorts of people.

We predict it is going to be very difficult for these people to comply, that they will be breached and that they will not appeal. I understand what Centrelink is saying in talking about the provision of interpreters. They have a well monitored appeal system, but there are certain groups of people in our society that do not have high appeal rates—for example, Indigenous remote people, for similar reasons. They distrust authority and do not want to rock the boat. That is going to be a really big thing for these people. They believe that if they appeal, if they dispute authority, they may not get another visa, or if they are in the category of temporary protection visa holders who may ultimately be able to get a permanent visa because they got their temporary visa some time ago, that once they get their permanent visa they will not be able to sponsor their family because they have questioned the authority of the government. It is well known among advocates that people fear this, particularly refugees.

Senator MOORE—Paraphrasing your list of recommendations, the imposition of the changes in the current circumstances is not on, but if people got access to all the other services and were treated the same as people on the current Newstart or youth allowance payments, there would be openness to take on the whole box, which includes now penalty rates and breaching.

Ms Forbes—Yes; and if we got rid of the dollar-for-dollar income test and the two-thirds rate accommodation rule, which really has a high impact on these people. After getting out of the centre, most of these people are provided with free accommodation by charitable individuals in the community. It is really unfair to pay these temporary protection visa holders only two-thirds of a rate. They can never get out of their situation; they are just stuck in it. They then go and work for \$5 an hour picking fruit, and the minimal earnings that they make are taken directly off their rate of payment. These people are never going to fit in at all. I cannot believe that it is the government’s intention that that be so.

Senator DENMAN—Do you think that employers hesitate to take on temporary protection visa holders, because they think they may move on?

Ms Bolton—Yes. Prior to coming to Canberra this morning, I had discussions with lawyers who work with asylum seekers, temporary protection visa holders. One of those lawyers told me that yesterday he received a phone call in relation to one of his clients from an employer, explaining to him that he was looking at offering his client a job. He indicated to the lawyer that he would only offer his client the job if the lawyer could give him a guarantee that his client would be granted permanent residence. That is an example. I was also advised in those discussions I had this morning that that is something that is of concern to lawyers who are working with protection visa holders.

Ms Forbes—Perhaps I could make an additional point. I am very sorry, but this has not come up with your questioning. The FACS submission mentions that this measure is not retrospective, and reference is made to the number of people who are already on special benefit who will not be affected by this measure. Certainly anyone who is on special benefit as at 1 January 2003 will not be affected; if they are still on special benefit in March 2003 they will not be affected. But, if they get a little bit of work that precludes their special benefit for a period—even if it is a few days, a week or six months—as soon as they reapply, they will be affected. So potentially anyone in Australia who has a temporary protection visa is affected by this measure.

The other point goes to the reference of there being only one person aged 15 who is a TPV holder who is on special benefit. I think that is cause for concern. There are many unaccompanied minors on temporary protection visas who should be on special benefit. We have been talking to the New South Wales Department of Community Services about this, because there is a concern that they are not being given advice about their social security entitlements. That is something we will be taking up. I just want to make sure that it is acknowledged that, even though it is not strictly retrospective, potentially it can affect anyone, no matter how long they have had their visa for.

Senator MOORE—How many people do you think are on TPVs at the moment? Your submission does not give a number. I just wonder how many in your organisation you think are on TPVs at the moment.

Ms Forbes—Apparently, the total of TPVs issued as at September was 8,500. The number of TPV holders on special benefit as at September 2002 was 4,427.

Senator MOORE—They are the figures your organisations are working on, when you are looking at that?

Ms Forbes—Thankfully, at the moment we have very little contact with temporary protection visa holders. They are put on special benefit, and other organisations—those whose funding allows them to—help advocate for them to settle into the community. Receipt of the special benefit is part of it. That is guaranteed to them; it cannot be reduced. Other than under the accommodation rule or the dollar-for-dollar income, they are safe on their income support. However, this measure would mean that we will end up having contact with a great many of these people, if they find out about us, because they will be breached.

CHAIR—Thank you both very much for giving the Senate your time today.

[4.16 p.m.]

PIPER, Ms Margaret Claire, Executive Director, Refugee Council of Australia

CHAIR—Welcome. Witnesses are always reminded that the giving of evidence is protected by parliamentary privilege. However, the giving of false or misleading evidence may constitute a contempt of the Senate. We have before us your submission; do you wish to make any alterations to it?

Ms Piper—Not so much alterations; but perhaps I may be allowed to make a brief preliminary comment.

CHAIR—Please do.

Ms Piper—Thank you very much for inviting me here today and for accommodating my travel arrangements. The Refugee Council of Australia is the peak nongovernment organisation working with refugees. Our membership derives from agencies working with refugees internationally and also within Australia. I would make it clear that my expertise lies with the refugee or temporary protection visa side of this legislation rather than with the social security aspects. I hope that your questions will be very much directed towards the impact that the changes that are envisaged will have on people who are refugees.

I would begin by stressing that the notion of mutual obligation is not something that we disagree with, but we would argue that the mutual nature of the obligation, from the government's perspective, has to go beyond merely providing people with income assistance. It has to recognise that there are some people who need additional assistance to enter the work force and that it is the government's obligation to provide this assistance to them.

In that context, I would draw the committee's attention to a number of international legal obligations to which Australia is a signatory. In particular, I mention article 6 of the International Covenant on Economic, Social and Cultural Rights, which talks about the right to work and calls upon signatory states to take appropriate steps to safeguard this right. This includes providing technical and vocational guidance and training programs to those people who have barriers of access to the workplace. In that regard, it is also relevant to look at articles 26 and 27 of the Convention on the Rights of the Child, which talk about access to social security benefits for the child and family, and support from the state to ensure there is an adequate standard of living. I also draw attention to articles 23 and 24(B) of the United Nations Convention Relating to the Status of Refugees. I am quite happy to give a full text of these to the committee.

The RCOA's submission documents our concerns about the legislation as it stands—recognising that refugees have a very strong desire to work but that people on temporary protection visas have multiple obstacles to gaining access to the workplace. We see the legislation in its current form as being highly deleterious towards temporary protection visa holders. However, we would be prepared to accept the legislation if it were modified to include a 13-week exemption upon release from detention, access to English language classes and access to the full range of workplace support available to other people who are subject to the breaching provisions.

CHAIR—Thank you. We will now go to questions.

Senator MOORE—Miss Piper, I have asked previous witnesses whether before today they had had a chance to talk to the departments about their concerns with this proposal. Have you been able to give feedback before today about your concerns?

Ms Piper—It has been done through the Centrelink advisory council, and this matter has been the subject of discussion within that context. When the legislation was first foreshadowed, the community sector was of the understanding that it would come with certain supports in place. When it finally hit the deck, we were very much concerned that these supports, such as language support and workplace support, did not appear.

Senator MOORE—Your submission states that you had the expectation that there would be certain things going with this legislation. Was that expectation given to you by the department?

Ms Piper—It was given through the interagencies that exist in this area.

Senator MOORE—You state in the last part of your submission that you would be concerned:

... if the high number of TPV holders being breached as a result of this policy were ever to be used ... to suggest that the refugees are of bad character and are undesirable people to have in this country.

Why do you feel that it would or could be used in that way?

Ms Piper—In recent years we have seen a number of comments by various politicians of different political persuasions to suggest to the Australian public that refugees and asylum seekers are people who are undesirable to have coming into the community. We have had ‘illegals’, ‘rotters’ and ‘queue jumpers’. They are all terms that have entered public parlance as a result of being used by politicians. We have also had the suggestion that asylum seekers might be terrorists. We have had the suggestion that they are bringing diseases into this country, et cetera. So there has been a strong move to cloud the public perception of refugees. We are fearful that, if there are significant numbers of refugees who lose their social security benefits as a result of this legislation, this will then be used as further ammunition by the government to say, ‘Well, these are not people that we want in this country anyway. They are not doing their thing, in terms of getting out and working; therefore it’s perfectly appropriate for us to send them back,’ or whatever—to legitimise the idea that they are undeserving.

Senator DENMAN—From your submission, you are obviously opposed to this legislation; but you have just spoken about the 13-week exemption from the activity test. What are your reasons for supporting that exemption?

Ms Piper—To some extent, this is explained in the submission itself. When people first arrive in this country or are released into the community, there are a great many things that they need to do. They need to find somewhere to live. They need to link in to Centrelink and Medicare. They need to open a bank account and to find things to furnish whatever accommodation they may have found. This is a very time consuming exercise, especially for temporary protection visa holders, who during this period do not have the same kind of settlement support that permanent protection visa holders have.

The 13-week exemption for other refugees acknowledges that, during this initial period, their main energy has to be focused on these sorts of activities. If this legislation were to go through, we would see the same exemption needing to be made for temporary protection visa holders, to give them time when they come out of detention to deal with these very necessary and pressing issues. But we do not see the 13-week period of itself as being enough. We would argue that, if the breaching provisions were to be introduced, you would also need to ensure there is support for these people to gain the necessary skills to enter the work force—in particular, language skills—as well as the intensive assistance that is required to help them negotiate the fairly complex process of finding employment in this country. This particularly

would be the case for the Afghan TPV holders, the majority of whom have come from rural backgrounds and have very little education.

Senator DENMAN—You have said you do not think that 13 weeks is sufficient time. What would be sufficient time?

Ms Piper—No, I said that the 13-week exemption of itself is not sufficient to reduce the inequities of this provision. If we had the 13 weeks plus language and plus the intensive assistance it would at least put the temporary protection visa holders on a par with other members of the community and then we would not have as many concerns about the introduction of the breaching provisions.

Senator DENMAN—Because the temporary protection visa holders are not eligible for DIMIA English classes, what sort of access do they have to language classes?

Ms Piper—It varies from place to place and state to state. Queensland, at a state level, have given temporary protection visa holders access to state based services and so they are possibly the best resourced in this regard. In New South Wales, where you have approximately 50 per cent of the temporary protection visa holders, the only language instruction that post school-age TPV holders are eligible for are a number of community based English classes that are run by volunteers.

Senator DENMAN—So in a state like mine, in Tasmania, they have very little access, probably.

Ms Piper—I do not know as much about Tasmania as other states, but I imagine that it would be through the good graces of volunteers.

Senator DENMAN—These people are fairly mobile sort of people—

Ms Piper—Extremely.

Senator DENMAN—as you have put in your submission. What sort of accommodation do they seek?

Ms Piper—Affordable.

Senator DENMAN—What is affordable for them?

Ms Piper—Perhaps it is not quite as trite an answer as it might seem—

Senator DENMAN—I realise it is affordable.

Ms Piper—Effectively, it is a case of trying to get something that they can afford on their benefits, bearing in mind that significant numbers of these people are also supporting family members overseas, so they are trying to live as frugally as possible. It is not uncommon to find temporary protection visa holders living six or eight to a two-bedroom apartment, sleeping on mattresses on the floor and even hot bedding, as they call it—sharing beds in order to keep their own costs down so that they can support family members. I think probably one of the cruellest aspects of the temporary protection visa regime for the people themselves is the absence of family reunion provisions. A significant number of these people are men with wives and children overseas who they are unlikely to be able to see again.

Senator DENMAN—Are Australians generous in offering accommodation to any of these people?

Ms Piper—There are quite a number who are living with Australian families. There is a group called Spare Rooms for Refugees that has been set up. But I think that it is also important to recognise that the refugee experience typically destroys people's sense of self-

worth and identity. For most refugees it is terribly important to regain independence, regain a sense of dignity and regain a sense of control over their lives. So in terms of simply being supported by members of the Australian community, yes it is wonderful that the community members are making this offer, but in terms of providing for the emotional needs of people who by definition have been persecuted, intensely traumatised and in many cases tortured, giving them the chance to feel as if they are productive members of the community and have control over their own lives is probably one of the most vital things that we can do.

Senator DENMAN—Do these people—and I know this is probably a difficult question—from various nationalities tend to live close to one another, as a support group for one another?

Ms Piper—Yes, they do. About 90 per cent of the temporary protection visa holders come from two groups. Half of them are Iraqi and half of them are Afghan, and amongst the Afghans you have predominantly people from the ethnic Hazara group, which is both an ethnic and religious minority in Afghanistan. The Hazaras in particular form very close-knit groups, and you can identify these groups in various places. They are typically very industrious; they want very much to work and will travel to work, so we have seen interesting examples of groups of Hazaras moving together to take up employment in places like Dubbo, Young and Mudgee, for instance. The Iraqis to some extent live together, but their profile is very different. Typically, they are highly educated people who have run into problems as a result of their opposition to the regime in Iraq because of their employment. So we are seeing doctors, lawyers, academics, politicians, scientists and people like that, who, while they do retain community links, tend to be more self-sufficient.

CHAIR—Thank you very much, Ms Piper, for your time today.

Ms Piper—Thank you.

[4.32 p.m.]

HATFIELD DODDS, Ms Lin, National Director, UnitingCare Australia

POULOS, Reverend Elenie, National Director, National Social Responsibility and Justice

CHAIR—I welcome representatives from UnitingCare Australia and National Social Responsibility and Justice. As you have probably heard, I advise witnesses that the giving of evidence is protected by parliamentary privilege; however, the giving of false or misleading evidence may constitute a contempt of the Senate. We have before us your submission. Do you wish to make any alterations to your submission?

Rev. Poulos—No, we do not, but we would like to make an introductory statement if that is all right.

CHAIR—Please proceed.

Rev. Poulos—Thank you for the opportunity to share with the committee the Uniting Church's concerns about this proposed legislation. The Uniting Church has a longstanding interest in the welfare and status of refugees seeking our country's protection. We have been engaged in advocacy for and the provision of services to this vulnerable group of people since the beginnings of the church 25 years ago and probably even earlier than that. The Uniting Church has pledged to seek the correction of injustices wherever they occur, to work for the eradication of poverty and racism within our society and beyond, and to oppose all forms of discrimination which infringe basic rights and freedoms. We believe that working together for freedom, human rights and the common good of the community is an outworking of the community of God. Our church believes that the world is a community in which all members are responsible for each other and in which the strongest have a special responsibility to care for the vulnerable.

We are concerned about the roll-back of the government's commitment to welfare through welfare reform and the current harsh and discriminatory treatment of refugees. In this context, we have a particular concern about the proposed amendments for the special benefit activity test.

Ms Hatfield Dodds—Temporary protection visa holders are amongst the most disadvantaged people in our community. They were disadvantaged before they arrived and they have been further disadvantaged upon their arrival. These people have suffered more than we could possibly imagine. They have fled their homes, their families and their communities because they were in fear for their lives. They were so desperate that they risked their lives to travel here. We have acknowledged their suffering by granting them refugee status, based on one of the world's strictest interpretations of the UN definition.

In contrast to the rights and services provided to protection visa holders, TPV holders receive almost no assistance because of the way they arrived in this country. TPV holders typically suffer physical and mental health problems as a result of the trauma and distress they suffered in their home countries, trauma which is exacerbated by their journey here and the long time in harsh conditions in detention centres with no certainty about their future. The extension of activity testing to TPV holders will not achieve the objectives of increasing social and economic participation. It will not encourage them to be self-reliant; quite the reverse. The proposed legislative amendments will require TPV holders to fulfil a mutual obligation to the Australian community. Subjecting these people to complex mutual obligation

requirements and activity testing and exposing them to a harsh system of breaching penalties will cause already traumatised and marginalised people further harm.

Our position as a church is that if any obligation exists it runs the other way. It is our obligation to care for the vulnerable. Christianity teaches that all humanity will be judged by its attitude to neighbours, visitors and strangers. UnitingCare Australia and National Social Responsibility and Justice recommend that the proposed legislative amendments be rejected.

Senator DENMAN—Do you have statistics of any sort on the numbers of people with TPVs you are assisting at the moment?

Ms Hatfield Dodds—We have anecdotal evidence—I can speak on behalf of the UnitingCare network. A lot of our agencies are hampered in providing assistance to TPV holders because they are simply not funded to do it. One of our agencies in Sydney—Burnside—is providing some limited casework assistance to TPV holders in the Auburn area, particularly to young Afghan men who are unaccompanied minors. We have applied for funding assistance from the state and federal governments. We have received a no from the federal government and have yet to hear from the New South Wales government.

Senator DENMAN—Overall, how much financial assistance do you get from state government?

Ms Hatfield Dodds—For the purpose of supporting—

Senator DENMAN—Yes.

Ms Hatfield Dodds—Very little.

Senator DENMAN—So it is mainly donations from the congregation and outsiders?

Ms Hatfield Dodds—Yes, or cross-subsidising.

Rev. Poulos—There are two other main centres apart from Burnside that offer significant services to TPV holders. One is the Romero Centre in Brisbane. I believe they have made a submission to this committee. The other one is Hotham Parish Mission in Melbourne, the asylum seeker project. They both provide significant services to TPV holders. The Romero Centre particularly provides services for the Hazara community that has congregated in Brisbane.

Senator DENMAN—Are there specific nationalities that—not for any reason other than that they have congregated in Brisbane, as you have said—you are giving assistance to more than others?

Ms Hatfield Dodds—They would be the two—the Afghan unaccompanied minors around Auburn and the Hazara people in Brisbane.

Rev. Poulos—And some Iraqi TPV holders as well.

Senator DENMAN—In your submission, you have said that special benefits should be paid to holders of the nominated visas at a rate similar to Newstart. Why do you consider that necessary?

Rev. Poulos—My understanding is that special benefit was intended to be the benefit of last resort. The conditions under which people who receive Newstart and youth allowance are much more helpful in terms of the assistance to find and maintain work. TPV holders receive very little assistance—in fact, almost none. If this legislation was amended to shift them to Newstart or youth allowance rather than special benefit, they would come under the increased assistance that those benefits have to offer.

Senator DENMAN—Do you find that the people you help have problems getting English language lessons?

Ms Hatfield Dodds—Yes. I was talking today with people at Burnside who are working with the ‘unaccompanied minor’ Afghani population; the young men have enormous trouble with literacy acquisition and accessing services and support which would be of help to them. The other issue that Burnside have found to be of real importance for that particular population is just a lack of living skills generally. This is a group of guys who do not know how to use a fridge or a microwave. They do not know how to boil water, quite literally. A lot of development work in basic living skills needs to be done before you even approach language and literacy acquisition issues.

Senator MOORE—Has your organisation been involved in the migrant advisory groups that the department has set up to get feedback on these kinds of things?

Ms Hatfield Dodds—UnitingCare Australia has not; members of the network have.

Senator MOORE—You would be aware that we have received a large number of submissions with similar concerns to those that you have listed in your submission. Do you believe that the departments have had these concerns raised with them before?

Rev. Poulos—National Social Responsibility and Justice has not had the opportunity to raise these concerns with the departments.

Senator MOORE—So it could be new for them. I will ask the same question that I asked earlier because this is a difficult issue. Your preference and recommendation is that they not have special benefit but go onto the Newstart processes. If this particular group of people were able to access Newstart and other programs under the Australians Working Together system, would it then be acceptable for them to take on the whole package of the Australians Working Together system? That package includes the current participation requirements—I am trying not to say ‘breaching’—so that you get the whole package instead of half of it.

Ms Hatfield Dodds—I guess our position is: yes, if we can treat these people in the same way that we are treating everybody else, that is acceptable. Obviously we have an ideal position that is different to that.

Rev. Poulos—I would add that we would like to see these cases assessed individually so that, when there are particular needs, they get assistance and treatment for those. For example, many TPV holders, as we have already heard this afternoon, suffer a great deal of trauma. They have had horrendous experiences. They do need particular and special care. We would like to see a system that is open enough to address the concerns of individuals.

Senator MOORE—Do you think that services to address that particular kind of trauma are available within the current departmental systems?

Ms Hatfield Dodds—Not to the extent that I think they are needed for this population. In terms of the kind of trauma work that needs to be done, given the kind of experiences that TPV holders have generally had, there is a sense in which the TPV does not meet the first criteria of trauma work—and that is to establish safety. People who have been traumatised need to have safety established so that they can begin to go back and work on what the trauma means to them and then work through it and make sense of it. They then need assistance to be reintegrated into the community. So the very nature of the TPV actually precludes that kind of work occurring.

Senator MOORE—How many people do you believe are caught up in this process?

Rev. Poulos—I believe that there are about 8½ thousand people currently on TPVs.

CHAIR—Thank you very much for your time today. Your evidence has been very useful.

Ms Hatfield Dodds—Thank you. We would like to table the Uniting Church in Australia's policy paper on asylum seekers, refugees and humanitarian entrants, if we may. We have brought copies of it with us here today.

CHAIR—Thank you.

[4.47 p.m.]

DAVIES, Ms Frances Reyburn, Assistant Secretary, Labour Market and Parenting Branch, Department of Family and Community Services

MAHONEY, Mr Neil, Director, Parenting Program and Special Payments Section, Department of Family and Community Services

BICKET, Ms Robyn Joy, Assistant Secretary, Humanitarian Branch, Refugee and Humanitarian Division, Department of Immigration and Multicultural and Indigenous Affairs

ILLINGWORTH, Mr Robert Laurence Mark, Assistant Secretary, Onshore Protection Branch, Department of Immigration and Multicultural and Indigenous Affairs

MANTHORPE, Mr Michael, Assistant Secretary, Work Experience Branch, Department of Employment and Workplace Relations

CHAIR—Welcome. I remind all witnesses that the giving of evidence to the committee is protected by parliamentary privilege. However, the giving of false or misleading evidence may constitute a contempt of the Senate. I also remind officers that you will not be required to answer questions on the advice that you may have given in the formulation of policy or to express a personal opinion on matters of policy. I now invite first the officers from FACS to offer any comments you wish to make in addition to your submission.

Ms Davies—I would like to make an introductory statement.

CHAIR—Please do.

Ms Davies—First of all, I would like to take this opportunity to highlight that special benefit is a payment that is granted to people who are unable to earn a sufficient livelihood but who are not eligible for any other payment. Special benefit customers of work force age, however, are required to undertake job search activities and report these to Centrelink at the moment. Those people of work force age on special benefit can receive payments that equate to the Newstart allowance. There was a bit of a misunderstanding about that with a previous witness. They also have access to family tax benefit for dependent children and to rent assistance. This bill provides that those of work force age who are granted special benefit after 1 January 2003 will be required to meet an activity test in order to remain qualified for payment. This measure is not retrospective.

The range of support programs that temporary visa holders may access is smaller than the range for permanent residents. The bill does not seek to provide a means whereby temporary residents have access to full settlement services. It is important to note, though, that the proposed arrangements for the administration of the measure do provide additional support programs as part of mutual obligation. For the first time, funded English language training would be available through the Department of Education, Science and Training's Language, Literacy and Numeracy Program and placements in the Work for the Dole program will be available under the same arrangements as for people who get Newstart or Youth Allowance.

It is recognised that people with low levels of English language skills do need additional help in dealing with unfamiliar administrative systems. Centrelink has a number of services to cater for people with language barriers and is sensitive to their needs. A number of witnesses have remarked upon that. People with TPVs will receive the same level of interpreter services and other services from Centrelink as other customers. Requirements that might be more difficult for people with low English literacy, such as maintaining job seeker diaries, will be

waived for those people who do not have the skills to complete them. I think it is also really important to note that, while people affected by the activity test will need to meet the terms of those agreements, the range of activities that they can satisfy for the activity test is very broad and flexible. It includes options such as training, voluntary work and work experience for those who need to develop employment skills. It is also recognised that people with temporary protection visas might be affected by trauma and grief. The bill exempts people with permanent or temporary incapacity from the activity test and provides exemptions for those who have a caring role.

In summary, the bill provides for mutual obligations in return for income support. The measures are sensitive to the English language skills of the customer group and are flexible in terms of administration of the activity agreement with a view to avoiding penalties for noncompliance. I also take the opportunity to mention that colleagues from the Department of Employment and Workplace Relations—Mr Michael Manthorpe and Carol Carey—might answer any questions you have about the employment side. Later there will also be someone here from the Department of Education, Science and Training to talk about the literacy and numeracy program if you have any questions about that.

CHAIR—I wonder if there is anyone left in the department! Mr Manthorpe, I think you heard the other bits and pieces that I advised to the other witnesses, but would you like to add anything to the evidence or to respond to any of the evidence that you have heard today?

Mr Manthorpe—No.

CHAIR—Ms Bicket, do you want to proceed or would you prefer questions to go to FaCS before we come to you?

Ms Bicket—It would probably be beneficial if questions could go to FaCS at this stage. My colleague who is coming is certainly the expert in TPV policy. The only thing I would like to indicate to the committee is that, because the bill falls within the competency of the Department of Family and Community Services, we are not the technical experts in terms of the bill and its application to special benefit. But we are of course happy to answer any questions on the nature of the TPV regime if they have a bearing in relation to these matters.

CHAIR—Mr Mahoney, did you want to add anything?

Mr Mahoney—No.

Senator MOORE—I may go all over the place, because I have some general things and then some quite specific stuff, so if you could bear with that and just talk in a discussion way it might be useful. I think we are in the situation where we are actually running to time, which is quite scary.

Senator DENMAN—The other thing is that if there is something that Senator Moore is asking or I am asking that either of us have a follow-up question to, we might jump in.

CHAIR—Fire away!

Senator MOORE—You have had the opportunity to see the submissions that the committee has received, and there is a great commonality. When you read them, the same stuff comes out. Certainly, the common things that were coming out of the submissions were a concern that this particular group of people were highly disadvantaged and an acknowledgment that the departments knew that and had that process, and a concern that in relation to breaching—I will use breaching in this case—the participation process and breaching process would have particular problems for this group of people, as estimated by their lack of experience, their lack of English and the lack of support networks and so on.

A quite common recommendation was that the current process of special benefit was too harsh; that it would be preferable for them to have access to the other programs available within the departments, particularly in terms of Newstart and things like that; and also that you cannot expect people to participate if they do not have access to the range of services anybody else would have access to. Given that they are the kinds of comments being made, it might be easier if you respond to that—that is what the people are telling us. Rather than answering specific questions to start with—you have those—how would you respond to that series of statements?

Ms Davies—On the first one—the nature of the customer group and how very vulnerable they are—I think we would acknowledge that and we would certainly never dispute it. We work very closely with Centrelink’s multicultural services segment. That is a group they are very accustomed to working with, and they are very sensitive to their needs. The bill proposes that we take advantage of the flexibility and breadth of the activity tests so that requirements are tailored for every individual’s needs and exemptions are applied appropriately. The bill recognises the lack of English and, as I said, for the first time introduces access to English classes with a focus on mutual obligation and the use of that program, which is one of the menu of existing mutual obligation programs there in order to assist work force age customers to develop English language skills with a focus on obtaining employment. The third issue you mentioned—special benefit being too harsh and whether customers ought to be on Newstart or parenting payment—is really an issue of government policy. As I said, special benefit exists as a payment for people who are simply not eligible for other payments but are unable to earn a livelihood.

Senator MOORE—I turn specifically to the English issue. Lack of access to your department’s English programs is a common theme. The departmental submission said that you will have special English classes available under your department. What is the difference between the English classes a permanent protection visa person can access through your department and the English program offered under this new legislation?

Ms Davies—I point out that the literacy, language and numeracy program is a program of the Department of Education, Science and Training; it is part of the mutual obligation. But the person from DEST who knows about that is not here yet—I guess because we are a bit early.

Senator MOORE—Are they coming?

Ms Davies—She is coming; yes.

Senator MOORE—We will put that one back, then.

Ms Davies—Robyn, do you want to talk about the DIMIA program?

Ms Bicket—I can simply make a reference to the Adult Migrant English programs, which are the English language programs specifically funded by DIMIA. Those programs are designed to be a settlement service to permanent entrants coming in as migrants. Government policy, which is that temporary protection visa holders are not being made constituent members of the Australian community and therefore do not have access to the full range of settlement services, is the rationale for not providing access to the Adult Migrant English Program.

Senator MOORE—We will put that one on notice because it is quite a specific question about the threshold issue of access to English training, which is commonly put forward as a problem. The department’s submission says that what you are offering addresses that problem, so I would like to explore that a little bit more.

Senator DENMAN—Do you have any information on how many TPV holders can speak some level of English?

Ms Bicket—Offhand, I do not, I am afraid.

Senator DENMAN—How many TPV holders are there?

Ms Bicket—I can refer to some figures here. As I understand it, as at 1 November—and these are Centrelink figures; these are not Department of Immigration and Multicultural and Indigenous Affairs figures—there were approximately 8,800 TPV holders, and approximately 4,500 from that case load were special benefit recipients.

Senator DENMAN—So we have no figures on the number who can speak some English?

Ms Bicket—No.

Senator MOORE—I tried to wade my way through the explanatory notes for the department's submission that we got, but I gave up. It is a technical document and I knew I would be able to ask you questions today. There is a statement in your submission on page 3, and it says:

In addition, the measure makes an important change to existing legislation by allowing special beneficiaries to undertake full-time study without losing their entitlement to special benefit.

Mr Mahoney—In the past, it was the case that once somebody turned 18 they were no longer able to engage in full-time study and continue to be eligible for special benefit. This bill seeks to remedy that. In effect, it provides that where full-time study is in that person's best interest—learning English or doing a full-time course of vocational education or other education—they can, in fact, continue to do that and remain eligible for special benefit.

Senator MOORE—What about the payment involved in full-time study? My understanding is that anyone who is currently on a TPV has to pay the full cost of any kind of training program they take up. So if they wish to go to a form of university or so on, they would have to pay full overseas fees.

Mr Mahoney—I am not able to comment on the fee structure that universities apply for these people.

Senator MOORE—Is it something that DIMIA would be able to answer?

Ms Bicket—It does fall within the ambit of the Department of Education, Science and Training. I do not have a specific answer, but my understanding would be that they would still be subject to overseas student fees.

Senator MOORE—So with the change in legislation, anyone who is here as a temporary protection visa person, even with the best will to study, will not automatically lose their entitlement to special benefit if they are doing that. Another common theme was that you had to do all your study part time, which created a disadvantage and the department has picked that up as well. However, the issue about the cost of education is something that we still have to follow up to another place. In the department's submission about the ability of people to comply with—I like the heading—'complex mutual obligation requirements', it says:

Under the new activity test arrangements, nominated visa holders of work-force age may be required to search for work ...

And then over the page, in part 5, the use of the verb 'could' undertake a range of different things that would cover it. Can you flesh out for me the difference between 'may' and 'could'? My understanding of the activity test for other people in Newstart is that if you are receiving a payment and you have your interview it is quite clear that there are certain

expectations. There is not a lot of ‘may’ or ‘could’; it is ‘you will’. The use of those verbs interested me.

Ms Davies—The use of those verbs reflects the flexibility within the activity test in that there is not a prescribed set of activities. They are individually tailored.

Senator MOORE—It says:

... may be required to search for work, to participate in prescribed activities, and to enter into a ‘Special Benefit Activity Agreement’.

Would searching for work, participating in prescribed activities and entering into an agreement be up to some form of flexibility? I thought they were fairly threshold, and I am happy to have that changed.

Ms Davies—At the moment it is the case that temporary protection visa holders are required to undertake Job Search, and that amounts to four job searches a fortnight. That is the requirement at the moment. This bill is introducing a set of requirements, an activity test for special benefit, so that it would not simply be for Job Search, it would be what is appropriate for that particular customer. It might be that the customer in this case needs English language training before they are able to undertake any other activities that will improve their employment prospects.

Senator MOORE—So there would be a number of things you would have to do and be expected to do. I am trying to explore the fact that under the activity test process, searching for work, participating in prescribed activities and entering into a special benefit agreement—there does not seem me to be much ‘may’ if you are part of the program. Those things are fairly certain, but how you do it may be flexible. That is why I am questioning that use of ‘may’ because that could lead to some confusion.

Ms Davies—I think the way you just described it is the case. I think it is the case that people could be exempted from the activity test as well.

Senator MOORE—And it is quite specific. You listed those.

Senator DENMAN—Does the department inform the TPV holders of the existence of special benefits payments and, if so, how do you inform them? What sort of information do you give them?

Mr Mahoney—There is a process by which Centrelink has a very close relationship with DIMIA offices in each state and territory, and the community sector as well. They are aware of where people are being released from detention centres, for example. It is my understanding that DIMIA provide information to people leaving detention about the availability of services at Centrelink.

Senator DENMAN—Once you have given them that information, what sort of other assistance do you give them if they require it?

Mr Mahoney—Do you mean in terms of being able to deal with the process?

Senator DENMAN—Yes.

Mr Mahoney—There is a whole range. Usually, on-site translation and interpreter services are provided. Many TPV holders who come along to Centrelink are provided with that and require it. There is also a telephone service that you can call and speak to somebody in your own language in up to 52 languages, including the languages that most TPV holders speak, about any issue that you might not understand in dealing with Centrelink. If you choose to

write to Centrelink in your own language, they will accept those letters and translate them. It is a very flexible system.

Senator DENMAN—So those telephone services are available in all Centrelinks?

Mr Mahoney—Nationally. They run out of national call centres.

Senator DENMAN—Someone mentioned—I think it was you, Ms Davies—trauma and how people are affected by it. What sorts of services are available to help those people through that trauma, if any?

Ms Davies—Our department does not necessarily provide that.

Senator DENMAN—I do not know who it was. Somebody mentioned it. It was you, Ms Bicket.

Ms Bicket—No, I did not specifically mention trauma but I can inform you about it. There are a range of services which are available to all entrants under the humanitarian program to Australia. Specifically in relation to TPV holders, they have access to the early health intervention program, which includes torture and trauma counselling. That program is provided under the Integrated Humanitarian Settlement Strategy and, generally speaking, TPV holders do not have access to the full range of services. They specifically have access to the early health intervention and torture and trauma counselling aspect.

Senator DENMAN—I asked one of the other groups about accommodation. Do you have any stats on the sorts of accommodation that people on TPVs go into?

Ms Davies—I do not believe we do. I could undertake to find out how many of the 4,000 on special benefit are receiving rent assistance.

Senator DENMAN—That would be useful, thank you. What is the approximate length of time that a person remains on a TPV?

Ms Bicket—The initial TPV is for a three-year period. They can commence reassessment of that at the 30-month period. My colleague is the expert on this as he is the person in charge of the reprocessing and TPV consideration.

Senator DENMAN—So you do not have information on that?

Ms Bicket—I can answer in general terms.

Senator MOORE—On a similar line, is there an expected time for how long someone stays on special benefit? We have heard that it was quite a specialised payment for people who are not eligible for anything else.

Ms Davies—There are quite a number of categories for that payment, as you might expect, so the average length of time really would not mean a lot. Obviously, TPV holders are affected by that three-year rule. If you were to take TPV holders out of the special benefit area, the majority—and Mr Mahoney might help me here—would be people who do not qualify for the age pension, so there would be an older group and they could be on it for quite a time.

Mr Mahoney—That is right. There is a 10-year waiting period for age pensions and there is a longer waiting period for the disability pension if your disability occurred before you came to Australia. A lot of the special benefit population are in that category and contribute to a long stay on the payment.

Senator MOORE—Your submission lists the range of services that Centrelink provides. Picking up Kay's question about the trauma—and that comes out in many of the submissions,

being the concern about the particular needs of people who come from the refugee through to the detention processes—within the Centrelink structure there is a social work network. Is there any particular responsibility for the social work structure on this issue to work with people who are clearly TPV cases?

Mr Mahoney—Generally, as most of the TPV holders reside mainly in the major capital cities, such as Melbourne and Sydney, there is an extensive Centrelink social worker network to call on and there are specialist officers as well who deal with multicultural issues. So a combination of social workers, multicultural workers and, where required, interpreters can address some of the needs of people with low English skills who may be going through trauma and grief to help them deal with those. Probably the answer that Centrelink would give is that it would refer people to appropriate community and state funded services to deal with those issues, rather than deal with them within Centrelink itself. It would certainly direct them to an appropriate service.

Senator MOORE—And that network is known within Centrelink, so there would be immediacy of support both to the person and to the staff who would be dealing with people?

Mr Mahoney—That is my understanding, yes.

Senator DENMAN—Quite a number of the submissions have suggested that it would be a fairer approach if TPV holders were allowed access to activity testing and Newstart allowance. Have you as a department considered that as an approach? Have you looked at that?

Ms Davies—Not really, because they are on special benefit. By definition, they are not eligible for either work or age payments.

Senator DENMAN—So those people who have suggested this in their submissions have not understood?

Ms Davies—I wonder if what they are suggesting is that exactly the same arrangements for Newstart would apply to these people on special benefit.

Senator MOORE—One of the points that comes up on that is the tapering arrangement based on the earnings capacity so that, if you are on Newstart or Job Search or the other programs, when you actually do get some work you have a period when you can get some work and not lose money, whereas one of the key things about special benefit that people point out is that it is a dollar for dollar thing. It is one of the clear differences in the submissions in that people say that, if you are unemployed, you are expected to be seeking work, which is the clear expectation of everybody when people are comparing things. A number of the organisations have done comparison charts: if you are a temporary protection visa person subject to these arrangements, this is what you would be able to get and do; if you are not a temporary protection visa person, this is what you would be able to do and that should have been paid or was paid. One of the clear differences is access to earnings. That would be right, Kay?

Senator DENMAN—Yes.

Senator MOORE—I know that is something out of your hands, but that is a stark difference. If you are seeking work and if you are on a Newstart payment you are able to work and earn and still not have your payment from the department affected up to a certain level, whereas if you are on special benefit and you earn you immediately lose money—and that is difficult.

Ms Davies—I understand the rationale for that is that special benefit is a payment for people who are, firstly, not eligible for any other payment and do not have a sufficient livelihood and would otherwise have nothing. Therefore, the eligibility requirements are much stricter and much more rigorously applied. Do you want to add to that?

Mr Mahoney—Yes. It is part of the hardship rules that surround the payment in that it is given to people in hardship but you have to establish hardship in some cases. For things like when people start to earn money their level of hardship is reduced, so the amount that is paid to them is reduced accordingly.

Senator DENMAN—Does Centrelink provide TPV holders with information about Australian working conditions, laws, salaries and those sorts of things?

Mr Manthorpe—I do not think Centrelink would do that. That would be something that would fall within the purview of the workplace relations part of things—our portfolio; the Department of Employment and Workplace Relations. There is available to people a number of sources of information about pay and conditions and working arrangements that are available to the general public whether or not they are in work. There is—I think it is a 1300 number—a phone number that can be called nationally, the Wageline phone number. There is also a web site that job seekers or people in work can access to gain public information about pay and conditions issues.

Senator DENMAN—If the client has a lack of English, is there anywhere for them to go if they find that those conditions are not being met by the person employing them?

Mr Manthorpe—Yes, there is. The telephone line that I mentioned has a translator service attached to it in some way, so there is a capacity to make a complaint.

Senator DENMAN—Could you speak up a bit, please?

Mr Manthorpe—Yes, sure. Do you need me to repeat the answer I gave a moment ago?

Senator DENMAN—Yes, please. I was finding it difficult.

Mr Manthorpe—Sure. In terms of finding out about pay and conditions issues, whether or not someone is in work, the Department of Employment and Workplace Relations provides access to a Wageline service—that is a telephone service—as well as a web site that people can use to look up pay and conditions issues. In response to your question about language issues in that regard, there is a translator service available on the Wageline number. In respect of your question about if they are in work and they feel like they are not getting the correct pay or conditions they are able to again contact Wageline and those issues can be investigated. There is within the department an office of workplace services which is responsible for investigating allegations of pay and conditions not being met. I think DIMIA might also have a role in that regard for foreign nationals in Australia but I am not qualified to comment on that.

Senator DENMAN—So there is an officer in the department who will check that these conditions and wages and so on are being met?

Mr Manthorpe—Yes. Some of them are in the Department of Employment and Workplace Relations at a national level—in the Commonwealth department—and some of these functions have been contracted out over the years to state departments in some of the states. So there is a different arrangement in each state but the service is available in each state and territory.

Senator MOORE—My understanding of the way that people work through this process is that people are in some form of detention until their claim is accepted and then they are

formally provided with TPV status and released. When people are leaving the ‘security’ of a detention centre—and I use that word advisedly but at least they are there—what information do they receive about the services that are available in terms of Centrelink and special benefit and how they go about finding work? What kinds of things are done with the people before they leave these centres?

Ms Bicket—My understanding is that there is not a great deal done in the centre, because obviously when a person is granted their temporary protection visa the most important thing is to actually effect their release from detention. They are then, generally speaking, assigned to a specific destination, depending on perhaps linkages in the community and other things. When they go to that destination, officers of the Department of Immigration and Multicultural and Indigenous Affairs will brief them on a range of things and put them in touch with other agencies—for example, Centrelink. In many situations, once the person is released they go through that briefing process and appointments would be made with Centrelink to link them up with those services.

Senator MOORE—There used to be systems of outreach and things like that to prisons. When people are released, are there officers available at that first step to work with those people?

Ms Bicket—My understanding is that, generally, yes there is. Our officers in the state and territory offices work very closely with their Centrelink colleagues in terms of making those sorts of arrangements.

Senator MOORE—It would seem that the sooner the communication starts the better so that people are not lost in the system and so they know exactly where they fit.

Ms Bicket—Yes.

Senator DENMAN—If someone comes into a Centrelink office requiring language assistance and there is no-one on the end of the phone with that particular language, is an arrangement made so that they can have access to their language?

Mr Mahoney—Yes, an appointment can be made to find an interpreter. Or they could, for example, have the meeting with the client and use a conference telephone to ring somebody to provide that interpreter service on the spot.

Senator DENMAN—So you use people who have a particular language but who are not employed by the department?

Mr Mahoney—They are employed by Centrelink.

Senator DENMAN—But they are not employed full time; you might only require that particular language once every so often.

Mr Mahoney—That is right. Our understanding is that Centrelink provides those resources to match the mix in the population. For example, when there were a lot of Vietnamese people coming to Australia there were more Vietnamese interpreters. Currently, there are more interpreters of the Middle Eastern languages available to meet those needs.

Senator DENMAN—So a Centrelink office in the centre of Sydney, where there may be more of an ethnic mix, would have more of those language facilities than maybe a similar Centrelink office in Melbourne?

Mr Mahoney—That is right, yes.

Senator DENMAN—Yes. There were questions that we were going to ask Mr Illingworth because he had the expertise. I cannot remember what they were; can you remember what they were?

Ms Bicket—You asked about the length of time of a TPV, which I indicated was three years, and that it could be reprocessed after the 36-month period.

Senator DENMAN—Mr Illingworth, can you answer that?

Mr Illingworth—I can confirm that the term or cessation point for a temporary protection visa is three years. Arrangements are in place, however, for a person's status to continue as a temporary protection visa holder if, for example, they have applied for further protection and that application has not been resolved within that initial three-year period.

Senator DENMAN—Is there a limit to how long that can go on for after the three years?

Mr Illingworth—No; that term is defined by the event of finalising the further application. This is to deal with people who, during their three years in Australia, believe that they have a continuing need for protection and who wish to seek further protection beyond that three-year period. It is to ensure that, if there are issues that prevent the finalisation of that further application within the three-year period of the initial visa, the person continues on with the same status while the department is resolving that matter.

Senator DENMAN—So if it has been determined that they no longer need that protection, that is when they are deported. Is that right?

Mr Illingworth—If the decision is taken that they no longer need protection, their further application is refused and their original temporary protection visa has expired, they would still have an opportunity to seek merits review of the refusal decision. If they went through those stages and their application was finally determined and they were not successful, they would face detention and removal under the Migration Act.

Senator DENMAN—What is the longest period that that process has gone on for of extending their visas?

Mr Illingworth—We have not actually reached that point in the process. The first temporary protection visas do not reach their 36-month face expiry date until later this month, I believe.

Senator MOORE—A couple of the submissions talked about the fact that this particular program change has been on the board for a while as part of the Australians Working Together program. It was stated in two of the written submissions that there was an expectation created that when the changes occurred there would be a whole bucket of changes, so that if the participation process was going to be enlarged then the access to services was going to be enlarged as well. Thus people were operating on the basis that when the changes occurred more services were going to be available to the TPVs. Is anyone aware of where that expectation could have come from and, if it was there, has it just been a change in direction between 12 months ago and now?

Ms Davies—Unfortunately, the people at the table were all in different positions then. As I understand it, the announcement did not really relate to Australians Working Together—it preceded that. It was announced in 2000, I understand, as part of a package of measures. I am not aware of that, but I could undertake to find out for you.

Senator MOORE—That would be useful. It was mentioned a couple of times that the body of people working in this field—and they are many—were working on the fact that there would be some change coming, but they have been taken aback a little by the fact that, whilst

the participation process is being introduced, perhaps some of the supplementary assistance processes, in terms of what access is available, has not been the same as they were led to believe. So I would appreciate it if you could see whether there has been any change, because we only have the current stuff.

A lot of the submissions we have received—and I know that you have read them—are separated into two parts. There is an identification of the particular vulnerability of this group of people and a complaint about the lack of access to some of the other Newstart services. Intensive assistance is mentioned regularly and the inability to access those more focused programs within the department. The other submissions concentrate on their concerns about the penalty process and how it would operate with this particular group of would-be workers. The one thing that comes up is the communication and a concern—and Kay has already alluded to it—about mobile people who may or may not have networks, who have English language difficulties, being subject to a penalty process which is reliant on keeping in contact with the department. We would appreciate it if the department could give us some idea about how you are reacting to that particular issue. I know that you are, so it would be useful to find out about that, because it is not really fleshed out in your submission.

Ms Davies—There are two parts to your question. The first one is the lack of intensive assistance, and I will ask Michael Manthorpe to answer that. I will deal with the second one.

Mr Manthorpe—The position not to provide access to intensive assistance reflects the broader policy proposition that this group, given that they are not permanent residents in Australia, would not be provided with access to settlement services. I think that is, broadly speaking, the context for that policy position. The second observation I would make about that is that, whilst this group will not have access under the proposed approach to intensive assistance, they do have access to some forms of employment services assistance, just as they do now. They currently have access to job matching services through the Job Network.

As you may or may not be aware, we are moving from one contract round to the next contract round in the Job Network system. From July next year, with the new Employment Services Contract 3, they will have access to job search support services. So there are services that will be available but the policy judgment has been that, given the uncertain period of time for which these people will be in Australia, it is not appropriate to provide access to the more thoroughgoing and expensive intensive assistance regime.

Senator MOORE—Generally speaking, how do you get onto intensive assistance if you are not a TPV person? What are the prerequisites for that if you are an unemployed person?

Mr Manthorpe—If you are an unemployed person under current arrangements and you are a permanent resident in Australia on Newstart or whatever—a standard person in the Newstart system—then you access intensive assistance and intensive support services if you pass a certain threshold. Centrelink applies, on our behalf, an instrument called the job seeker classification instrument, which goes through a series of questions about a person's circumstances. If they score above a certain score on that set of issues, then they get access to intensive assistance.

Senator MOORE—Can you give me an idea of what things are taken into account?

Mr Manthorpe—They are things that determine the likelihood of someone's length of unemployment. Two of the factors which spring to mind are age and education level.

Senator MOORE—My understanding of it is that intensive assistance is for when people have desperate need and have not been able to acquire work. Age, locality, education and how long they have been out of work are all factors. It seems to be that, simplistically, the only

difference between this group of people and someone else is the temporary nature of their status of citizenship. Is that a fair enough assessment? Is it fair to say that they may meet all the other flicks and ticks that you have, but the one requirement that they do not meet is that of having permanent residency?

Ms Bicket—It is a fundamental underpinning of the government's policy that temporary protection visa holders are not accessing the same level of settlement services, because they are not being settled into the Australian community.

Senator MOORE—Can they get work for the dole now? I do not usually use that term, but it is an easier way to explain it. They do not get it now, do they?

Mr Mahoney—No.

Senator MOORE—Can they get it under these changes?

Mr Manthorpe—Yes. That will be one of the mutual obligation options available to them.

Senator MOORE—And the allowance that goes with work for the dole would not be counted as income?

Mr Mahoney—No.

Senator MOORE—So that would not lead to a dollar-for-dollar reduction; it would just be on top?

Mr Manthorpe—Do you mean would it supplement the \$20.80? Yes, that is right.

Senator DENMAN—I would like to follow up on a question asked a moment ago to do with work. Obviously, the opportunities for work would determine where people lived. I would not think that they would go into country or remote areas if there were not a lot of employment there. So you find more people holding these TPVs in city areas than you would in country areas.

Mr Mahoney—Yes.

Senator DENMAN—What are the implications for a TPV holder failing their activity test?

Ms Davies—Could I answer that question by referring to the second part of Senator Moore's question?

Senator DENMAN—Yes, sure.

Ms Davies—As I said at the beginning, the activity test is designed to be broad and flexible. The examples which came up earlier included the example of someone moving from Sydney to the Riverina to take up work there. The question is: would they be jeopardised? In terms of the activity test, firstly, it is important to make the point that that would be individually tailored and, secondly, that could be an 'appropriate activity'. I think there may be some misunderstanding; they are concerned that they could become eligible for what is called MALEP—that is, moving to an area of lower employment prospects.

The intention of the bill is to use the current discretion under that provision. This means that if, in devising an activity test for that customer it is considered by both parties to be the most appropriate work to seek, it would be an approved part of your activity test to move to the Riverina—in this example. Were it to come up subsequent to devising an activity test, you could easily change your activity test to include that rather than what everybody had agreed on in the first place.

Another concern that came up was if you had moved from Sydney to the Riverina and you were not getting letters. If that is part of your activity test and you have changed the

arrangements and you have notified a change of circumstance, you would give your new address in the Riverina, and all the interpreter and language facilities that we described before would apply. If the worst were to happen and there is a suggestion that you have not met the requirements of your activity test, it is also important to emphasise that you cannot be breached unless you can demonstrate that you did not have a reasonable excuse for what happened. Centrelink have undergone quite a number of changes recently. They have had an internal review of their administration of breaching. The minister announced some changes that began operating in July that should ensure, for example, that a minimum of two efforts to contact people before a breach is imposed will happen. There are a number of other arrangements that are purposely devised to ensure that really vulnerable people are not found to be noncompliant.

Senator DENMAN—If they move to the Riverina—I will go on using that example—is any assistance given with transfers, airfares or train fares or whatever, to get to the Riverina?

Mr Mahoney—No, there is particular allowance given for that—not by the Commonwealth anyway.

Senator DENMAN—Are people given temporary protection visas health checked first?

Mr Illingworth—That is correct. They have to undergo a rigorous health test before being granted their visa. The distinction between the temporary protection visa and, for example, other non-protection-related visas is that they do not have to pass it but they have to undertake it. That then enables us to put in place appropriate arrangements for follow-on care if there is a suspicion about TB, for example, or other communicable diseases, but it does not impede the provision of protection to the individual.

Senator DENMAN—If a health problem arises after they have had a medical, is that then taken into account? Are they cared for?

Mr Illingworth—They have access to Medicare and would have, as a consequence, the same access to medical treatment as nationals.

Senator DENMAN—I do not need you to name these; it would probably be better if we did not—

Mr Illingworth—I am sorry, could I just add that there are specific elements of additional care which are provided, and my colleague will explain that.

Ms Bicket—TPV holders have access to the Early Health Assessment and Intervention Program under the Integrated Humanitarian Settlement Strategy.

Senator DENMAN—So there are obviously health conditions that would not allow a person to have a TPV?

Mr Illingworth—No, that is not correct. It is the big point of difference between the protection visas and essentially every other visa that the department issues. Almost all visas—there may be an exception but I cannot think of one—have very comprehensive health check requirements. In the case of the protection visa, the requirement is purely to undertake it; there is no requirement to pass it in order to get the visa.

Senator MOORE—With regard to access to the process within Centrelink, it is spelt out quite clearly that health issues will be taken into account in the individual access to what the expectations would be. In terms of special benefit, one of the previous witnesses talked about pregnancy and said that the process was six weeks before and six weeks after—which is standard, the old thing—and then you would be back into the standard expectation. Is that right?

Mr Mahoney—No. I thought that the witness from Welfare Rights had corrected that. There are exemptions for pregnancy—before the birth, obviously. But where somebody has a dependent child—and they equate to, say, somebody who would be on a parenting payment—they are taken to have met the activity test by virtue of their caring responsibilities.

Senator MOORE—So they would be accessed down to the standard parenting payment?

Mr Mahoney—No, they get special benefit, but their condition is regarded as similar to, for example, a sole parent on parenting payment. They are not required to meet an activity test to receive that payment.

Senator MOORE—One of the planks of the enhanced activity testing was more personalised relationships with the client so that you would be able to work with them and provide specialist assistance. It seems that this particular group of people will be requiring that across the board.

Ms Davies—I think there is a bit of confusion. This bill does not relate to Australians Working Together.

Senator MOORE—My understanding all the way through your submission was that there was going to be personalised individual assessments. I presumed, perhaps inaccurately, that that had been taken into account with the department. We have a group of people who have been identified as high need with special vulnerability. It is not part of the Australians Working Together process, though it is going to be subject to the activity testing which is already in place. It seems that the departmental response will be picking up the fact that this will need quite significant personal involvement one on one with this client group.

Mr Mahoney—That is correct. The area of confusion may be that Centrelink has recently introduced personal advisers as part of the lead-up to Australians Working Together changes. Those people provide one-on-one assistance to, for example, parents who are contemplating re-entering the work force. TPV holders on special benefit are not part of the target group for personal advisers, but the process of negotiating an activity agreement is a one-on-one process with a Centrelink customer service officer plus any other additional support, such as interpreter support or a referral to a social worker, that is needed to work through that person's case, so it is tailored in that sense.

Senator MOORE—Has the department built that into the budget?

Mr Mahoney—Yes.

Senator MOORE—With this particular group it seems that it is a transition. My understanding of how it is now is that the only expectation of someone who is on a temporary protection visa receiving special benefit is that they have fortnightly access to the department to prove that they are there. There is access to the first round of assistance so that they can look at job assistance in that process, but really it is more an identity—as to where you are—kind of relationship, which is low maintenance. Should this process be put in place, it seems that it is ranking up to quite a high-maintenance transition, at least for the start. I think that would have a budget implication for translation, for social work and for liaison with the Job Network. It has been budgeted?

Mr Mahoney—Yes, the process of putting forward budget proposals that the department of finance approves is on the basis of having taken into account all of those things that you have been speaking about.

Senator MOORE—And the resource implications. I want to follow up on the English training, because it is quite threshold in terms of the difference between the groups. Another

thing, and you have mentioned it, is the degree of discretion. A number of the submissions mentioned the 26-week preclusion for moving to areas of low employment. You mentioned that there was some discretion already with that. Can the decision maker determine that when working with the client? Can you do that after they have done it? The big issue is that people often only find out that they have stuffed up after they have done it. The expectation of everybody is that you sit down together in a very pleasant way and you work out whether or not you can take action. The reality often is that they only contact Centrelink after they have already moved to somewhere that is a low area—I do not know whether the Riverina counts—and they find out after they done it that they have lost their income. Can the discretion operate after the event?

Ms Davies—The way we have envisaged it is that, if you have an intention to move, that will be discussed and put into your activity test. If you subsequently decide to move, you would have to, in effect, renegotiate your activity test to get approval. The issue relates more to the question: would moving to a lower area be considered to have not complied with the MALEP provision itself? We intend to highlight the discretion that relates to the fact that it is not simply looking at the unemployment level in that particular region; it is whether you, the individual, are more likely to get employment—even if it is a high unemployment area—because you have chosen to go to an area where there will be work that you could undertake. So it is very unlikely that the provision would apply. As an aside, I would add that the numbers involved in MALEP, under Newstart, are quite small. I think there would be one million Newstart customers in any one year and there would be 500 or 600 MALEP applicants.

Senator MOORE—Can any of you tell us what your strategy is for letting people know about the changes? Should this bill be passed and such a major change for this particular group be implemented, how are you planning to tell this group of people? The figures we got earlier showed that there were about 8½ thousand people on temporary protection visas, as we speak; and someone said that 4,427 people, which is a very specific number, were on special benefits. That is a big group. It was also expressed that there is a big gap between the number of people on TPVs and the number on special benefits. The difference is half. That is an issue. What is your strategy for letting people know that their circumstances have changed? Also, how are you going to work with them to implement the changes?

Ms Davies—We in FACS have been in close consultation with our colleagues in Centrelink about the proposed changes and how we would operationalise them. It is a routine thing that we would do in any change with customer groups. We would look at the products, the languages, the making contact—all of those things. Would you like to add to that, Neil.

Mr Mahoney—Yes. Information is provided to people in their own language. There are a lots of options to advise people of those changes: writing to them, brochures and those sorts of things. Probably the most effective way is to sit down with people and to explain to them, face-to-face, what is going on when they come in to negotiate that first transaction with Centrelink.

Senator DENMAN—Would telephone services also be available to help explain the changes?

Mr Mahoney—Yes, that is right. Senator Moore made a comment earlier about the number of TPV holders and the number on special benefits. Many of those are families, so only one person would be counted as receiving a payment. For example, it could be the father who receives the payment for a family of two or three people who are all TPV holders.

Senator MOORE—I still think it is a big gap; the difference is a half. My understanding—and maybe Immigration has better figures—is that a lot of the temporary protection visa holders are single. Certainly, families do hold them—there is no doubt about that—but, anecdotally, a lot of TPV holders are single males.

Ms Bicket—That is certainly true. I do not have a breakdown of single versus family composition. In terms of gender composition of TPV holders, approximately 6,800 of them are male and many of those would be single males.

Senator DENMAN—Are the children counted in that or are they counted as a part of their parents?

Ms Bicket—They are counted in those gender breakdowns. As I said, I do not have figures for the composition breakdown between singles and families, but we are aware that a significant proportion of the men in the case load are single males. I would also add that, in terms of the question about the strategy for letting people know, of course, in relation to new TPV holders—people being released from detention or coming in as TPV holders—the changes would form part of that transition briefing and so forth that would be extended to TPV holders. We would liaise closely with Centrelink in terms of that.

Senator MOORE—Do the benefits of the change apply to the people who are currently on special benefit? It is clearly spelt out in the documentation that the expectations of the activity test will only apply to people should the legislation pass after January 2003. We have had it pointed out that as soon as you drop off your payment you have to come back, and you would be caught up anyway. Do the particular benefits of the package—which include access to the added services and, in particular, the ability to have English training and to study full-time, if you can afford it—apply to the current people, or would they have to lose their payment and then reapply for special benefit to pick up those bits?

Ms Davies—That is correct.

Senator MOORE—So, if somebody who is currently a special benefit person wished to access this new bucket, would they be able to come in and restart? Could they say, 'I am a current special benefit person, and I would like to take part in this new special benefit process'? Is there a possibility that they could do it like that, knowing that that would pick up the activity testing process as well?

Ms Davies—They could not nominate while they were still in receipt of special benefit. The only way they could do it is if, say, they found work and then became unemployed again post 1 January 2003 and were a new claimant again. Then they would be eligible.

Senator MOORE—I thought that would be the answer, but I just wanted to have that really clear. Should it happen, we are going to have that same problem you always have with different people in the same community receiving the same payment but having different entitlements. I would think that in this particular group that could even be more confusing, because of all the other things. There is nothing you can do. It is just that, when you are looking at the issues that cause vulnerability, that is yet one more thing that needs to be taken into account when dealing with the client group.

CHAIR—I thank you all for giving us your time this afternoon. I thank Hansard and the committee secretary.

Committee adjourned at 5.52 p.m.