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Submitted online

**Tuesday 4 May 2021**

### **SUBMISSION TO INQUIRY INTO THE SOCIAL SECURITY (PARENTING PAYMENT PARTICIPATION REQUIREMENTS – CLASS OF PERSONS) INSTRUMENT 2021 [F2021L00064]**

Thank you for the opportunity to make this submission to your inquiry into the Social Security (Parenting payment participation requirements – class of persons) Instrument 2021 [F2021L00064] (“the measure”) referred to in your 31 March 2021 resolution.

Feminist Legal Clinic Inc. (“FLC”) is a not for profit community legal service based in Sydney that works to advance the human rights of women and girls. Aside from our advocacy services and casework, we also engage in community legal education and law reform work. We do not have funding and this submission has been prepared by our volunteer staff and will by necessity be brief.

As most single parents are mothers we will address our comments using appropriately sex specific language.

#### **Discrimination based on sex, age and contrary to the right to privacy and social security**

Based on the feedback we have received from our clients and members, FLC considers that the ParentsNext program discriminates against women on the grounds of sex and infringes their rights to privacy. The coercive and compulsory nature of the program undermines any claim to such participation being a proportionate means to achieve the stated objective of the program.

By the Commonwealth Government's own admission, the targeted participants are overwhelmingly female (95%), many of whom are very young and often have limited education or are facing other disadvantages such as being indigenous, a recent migrant with limited English or having a disability.<sup>1</sup>

It is therefore ironic and unfair for the Commonwealth Government to require these women to "*negotiate and agree a participation plan*"<sup>2</sup> (which includes compulsory activity and an acknowledgment that such activity is appropriate) and to do so under statutory direction and within a certain limited period. Imposing onerous bureaucratic requirements on participants already struggling with the demands of motherhood does not serve the best interests of women or their children.

FLC notes the Committee's preliminary conclusion that the Commonwealth Government's stated objectives of the ParentsNext program is likely to constitute a legitimate objective for the purposes of international rights law.<sup>3</sup> This premature conclusion is not sustainable in view of the coercion and compulsion underpinning the ParentsNext program.

The Commonwealth Government masks such coercion and compulsion with paternalistic language such as "*to encourage and assist*", "*receive personalised assistance*" and "*help them to identify their education and employment goals*".

FLC is extremely concerned with the extent to which the initial coercion breaches participants' rights to privacy under the pretence of setting work and education goals. We remain sceptical that imposing compulsory activities such as "*attending playgroups or similar activities, which provide social connections and networking opportunities*"<sup>4</sup> has any valid connection with advancing education or work readiness.

The initial coercion is compounded by possible sanctions stemming from non-compliance with the participation plan. The high incidence of parenting payment suspensions<sup>5</sup> is extremely concerning in terms of social security and suggesting 2 business days' resolution time is unduly onerous particularly in view of the difficulties communicating with Centrelink. The Commonwealth Government refers to the ParentsNext program as a highly successful pre-employment program.<sup>6</sup> We are of the view that this conclusion can only be reached based on having saved the government money by unfairly cutting benefits to vulnerable women and children.

On the Commonwealth Government's own figures, less than 5,000 participants (out of about 156,000 participants) exited the ParentsNext program after achieving stable employment. The figures provided by the Commonwealth Government in relation to participants who "*had commenced education*" and/or "*had commenced employment*" are of little value without further information as to matters such as whether each category includes the same participants, whether the education and/or employment was continued for any reasonable period of time and whether it met the participants' own goals as set out in their participation plans.

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<sup>1</sup> Statement of Compatibility with Human Rights (pg 13); Senator the Hon. Michaelia Cash's letter of 11 March 2021.

<sup>2</sup> Senator the Hon Michaela Cash's letter of 11 March 2021 (pg3).

<sup>3</sup> Paragraph 1.137 (pg 62) of the Committee's Report 2 of 2021.

<sup>4</sup> Statement of Compatibility with Human Rights (page 6).

<sup>5</sup> Senator the Hon Michaela Cash's letter of 11 March 20221 (pg2)

<sup>6</sup> Senator the Hon Michaela Cash's letter of 11 March 2021 (pg 1)

**Objective of stabilising family life**

Finally, we note that the measure reduces the age of a participant's youngest child from 12 months to 9 months and query how this is fair and assists participants to stabilize their family life. The Commonwealth Government has not provided any explanation for this change.

Yours faithfully



Anna Kerr  
Principal Solicitor