

18 April 2018

Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Submission to the Inquiry into the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018

The Harmony Alliance is one of six National Women's Alliances funded by the Australian Government to promote the views of all Australian women, to ensure their voices are heard in decision-making processes.

The Harmony Alliance's purpose is to provide a national inclusive and informed voice on the multiplicity of issues impacting on experiences and outcomes of migrant and refugee women, and to enable opportunities for women from migrant and refugee backgrounds to directly engage in driving positive change.

The Alliance welcomes the opportunity to make a submission to the Senate Standing Committee on Community Affairs Committee regarding the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018. We endorse submissions and recommendations made to this inquiry by our peak body members, the Federation of Ethnic Communities' Councils Australia, Migration Council Australia, the Multicultural Youth Advocacy Network, and the Settlement Council of Australia. In addition, we recommend that the Senate Standing Committee on Community Affairs:

- **Note** the disproportionate effect that the proposed Bill will have on migrant women;
- **Note** the particularly adverse impact that current proposals to introduce newly arrived residents' waiting periods (NARWP) for access to parental payments and paid parental leave will have on migrant women's reproductive rights;
- **Note** that proposed exemptions of the NARWPs for victims and survivors of domestic, family and sexual violence should be enshrined in legislation in order to ensure that, if passed, this Bill would not leave any victim or survivor worse off;
- **Note** that the proposed reforms should be grandfathered for current permanent residency applicants to ensure that those who have made significant life decisions based on current legislation are no worse off.
- **Reject** the Social Services Legislation Amendment (Encouraging Self-sufficiency for Newly Arrived Migrants) Bill 2018 in its current form, as the risks it poses to Australian society and human rights are not proportionate to the potential short-term savings forecasted.

Disproportionate effect on migrant women

The Harmony Alliance is particularly concerned that many of the allowances subject to NARWPs in the proposed Bill are safety nets relied upon by women. With female homelessness on the rise, and continued gendered gaps in income, superannuation and workforce participation, removing safety nets from many migrant women would set a dangerous precedent that is not in keeping with the Government's agenda of empowering women and girls.¹

In targeting income supports, such as newstart allowance, carer payment and sickness allowance, this proposed Bill would affect family permanent visa holders more than skilled permanent visa holders. The Australian Bureau of Statistics has shown that 25.4 per cent of family permanent visa holders rely on government pension or allowance as their main source of income, in contrast to 6 per cent of skilled permanent visa holders, while the Department of Home Affairs reports that 64 per cent of family migrant entrants are women.^{2,3} Similarly, allowances intended for times of crisis, such as the widow allowance, bereavement allowance and carer allowance, are more likely to be accessed by women, as women provide a disproportionate amount of care to family members and are more frequently reliant on a partner's income. Although there are exceptions proposed for substantial changes in circumstances beyond the migrant's control since arriving in Australia, this exception is too vague to provide proper security for all moments of crisis, and may only provide access to the Special Benefit Allowance, which is less than other payments such as the bereavement allowance.

The Department of Social Services (DSS) outlines the importance of a Priority Investment Approach to Welfare, whereby investing in people early in times of crisis can prevent them falling into the low-income trap. Yet the allowances that DSS has assessed to be necessary during times of difficulty would not be available to permanent residents for the first three years if this Bill were passed. This therefore risks creating long-term support needs for migrants who find themselves in exceptionally difficult circumstances, in exchange for low short-term savings for the budget (social security amendments encompassing these allowances are estimated to save just \$141.8 million).

Parental Leave and Reproductive Rights

The Harmony Alliance is particularly concerned by the proposal to introduce a three-year waiting period before paid parental leave and parenting payments can be accessed by new permanent residents to Australia. According to the Australian Bureau of Statistics, women make up around 95 per cent of primary parental leave takers, and would therefore bear the brunt of this decision. The Australian Securities and Investments Commission lists time out of work to care for children as one of the key contributors to women's lower

¹ Commonwealth of Australia (Australian Institute of Health and Welfare [AIHW]). *Specialist homelessness services annual report 2016-17*, available online at <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/data-visualisation>

² Australian Bureau of statistics, 6250.0 - *Characteristics of Recent Migrants*, Australia, November 2016, table 10

³ Commonwealth of Australia (Department of Immigration and Border Protection [DIBP]). *2015-16 Migration Programme Report*, 13.



superannuation savings; forcing new permanent resident mothers to rely on their own savings if taking maternity leave would only widen this gap. As outlined in the Explanatory Memoranda to the Bill, access to paid maternity leave is a human right and an international obligation to which Australia has committed. The proposal to delay access to paid parental leave directly contravenes that human right, and the ramifications for women's reproductive rights would be serious.

While the Explanatory Memoranda suggest that new permanent residents ought to be prepared to financially support their decision to have children within the three-year waiting period, or to simply delay pregnancy, this ignores the fact that unexpected pregnancies are very common. According to Marie Stopes Australia, the number of Australian women who will have an unplanned pregnancy in their lifetime sits at one in three, and no form of contraception is 100 per cent effective.⁴ If this Bill is passed, migrant women who find themselves unexpectedly pregnant and unable to access financial support may feel pressured to seek an abortion. Furthermore, taking away paid parental leave would likely encourage mothers to return to work earlier, which can be detrimental to development outcomes for children.⁵

Domestic Violence Provisions

While this Bill proposes provisions that would allow women experiencing domestic violence to apply for the Special Benefit Allowance, these provisions are entrusted to guidelines set by the Secretary of the Department of Social Services. If this Bill is passed, an exception for victims and survivors of family, domestic or sexual violence should instead be guaranteed through legislation and made an automatic process, to ensure there are no delays in approval that could hinder victims from leaving violent relationships. The intent of this Bill, that no person experiencing domestic, family or sexual violence will be made worse off by these changes, should be outlined clearly and as a caveat to all changes. Furthermore, if this Bill is passed, the Special Benefit exception should be well-advertised, to ensure that victims, who may have limited time away from a perpetrator to research options and low levels of English, can discover it easily.

Current Applicants for Permanent Residency

By applying these reforms to those who have already submitted applications for permanent residency and are awaiting the outcome, the proposed Bill ignores the fact that families may have already made significant life decisions based on current rules. Taking into account the long processing times for many permanent residency visa categories and this additional three-year wait to access benefits, including parental leave, many would be looking at five years or more before being able to afford to have children – a significant gap during child-bearing age. This would likely leave many needing to choose between giving themselves the best chance of having a family or staying in Australia.

⁴ Marie Stopes Australia. *The Truth about abortion* (Melbourne, 2017), available online at <https://www.mariestopes.org.au/your-choices/truth-about-abortion/>

⁵ Berger, L., Hill, J., & Waldfogel, J. 2005, "Maternity leave, early maternal employment and child health and development in the US", *The Economic Journal*, vol. 115, no. 50, pp. 29-47.

Risk vs Reward

Deterring migrants from having children is not in keeping with many other government policies in place, which seek to encourage Australians to have children in an attempt to counter the risks of an ageing population. Delaying eligibility for parental payments and paid parental leave would likely deter women of childbearing age from moving to Australia, as there are many other countries offering better support to families. For those who do still choose to come, these reforms would inevitably reduce the number of children many families would be able to have. This proposal risks sending a signal that the Government is encouraging certain Australians to have children and not others. In contrast, the economic benefits of encouraging migrants to have children are substantial.

Noting the aim of this Bill is to improve the self-sufficiency of new migrants, its focus should be on providing assistance and incentives for migrants to engage in society, rather than punishments for those who try and fail. For instance, we know that labour market integration is one of the key prerequisites to better settlement outcomes, in addition to social inclusion, health, civic engagement and host society opinions of immigration.⁶ Yet female migrants continue to face double discrimination when seeking a job due to biases, both conscious and unconscious. Throughout Australia, women from culturally and linguistically diverse backgrounds (many of who have been in Australia for a long time) experience an 11.9 per cent workforce participation gap when compared with all Australian women. This jumps to 23.1 per cent when compared to all Australian men. Instead of removing safety nets from those who need our help, the Government should be focussing on ensuring that the tools in place to assist migrant women getting into work, such as Jobactive, are tailored to meet their needs. By using the ‘stick’ approach instead, this Bill risks creating a generation of disenfranchised migrants, more susceptible to radicalisation.

Overall, the risks to Australia’s prosperous and stable society and to human rights presented by this bill are not necessary or proportionate to the potential short-term savings forecasted.

For more information or to discuss the contents of this submission further, please contact the Harmony Alliance Secretariat:

Ph: +61 (2) 6162 0361

Email: secretariat@harmonyalliance.org.au

⁶ OECD/European Union. *Indicators of Immigrant Integration 2015: Settling In* (Paris: OECD Publishing, 2015), 3.