

House of Representatives
Supplementary Order Paper

Wednesday, 27 June 2012

**Social Security (Youth Support and Work Focus)
Amendment Bill**

Proposed amendments

Holly Walker, in Committee, to move the following amendments:

New clause 35A

After *clause 35* (after line 35 on page 53), insert:

35A Section 86 amended (Recovery of payments made in excess of authorised rates)

After section 86(9B), insert:

“(9C) The chief executive may not recover any sum comprising that part of a debt under this section if—

“(a) the debtor has 1 or more dependent children; and

“(b) the chief executive is satisfied that recovery of the sum may deprive the child of food or shelter, or would otherwise be detrimental to the wellbeing of the child.”

New clause 37A

After *clause 37* (after line 32 on page 54), insert:

37A Section 115 amended (Failure to comply with work test)

After section 115(4), insert:

“(4A) The chief executive must not impose a sanction under subsection (1) against a person who has 1 or more dependent children, if the chief executive is satisfied that the sanction may deprive the child of food or shelter, or would otherwise be detrimental to the wellbeing of the child.”

Clause 38

In *clause 38, new section 116A*, insert as *new subclause (2)* (after line 7 on page 55):

- (2) The chief executive must not impose a sanction under **sub-section (1)** against a person who has 1 or more dependent children, if the chief executive is satisfied that the sanction may deprive the child of food or shelter, or would otherwise be detrimental to the wellbeing of the child.
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Explanatory note

The Bill does not give sufficient consideration to the effects of ongoing reductions in benefit levels or the potential withdrawal of benefit payments for set periods of time due to the application of sanctions for non-compliance.

This infringes on the rights of the dependent child under Articles 26 and 27 of the Convention on the Rights of the Child, the rights of the affected citizen in need of social security to support themselves and their children under Article 27 of the Convention on the Rights of the Child, and is contrary to Articles 9 to 12 of the International Covenant on Economic, Social and Cultural Rights.

Prioritising children means that consideration must be given to a dependent child who is supported by a parent against whom sanctions may be enforced. The impact on this child and his or her basic rights to food, shelter, and safety must be considered.

To allow for this, a discretion should be provided for the chief executive when imposing sanctions for non-compliance under *new section 116A* to take into account the interests of dependent children. This Supplementary Order Paper provides the responsible chief executive with such a discretion. For consistency, this discretion is also proposed for sections 86 and 115.
