

House of Representatives

Supplementary Order Paper

Tuesday, 26 March 2013

Social Security (Benefit Categories and Work Focus) Amendment Bill

Proposed amendment

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

Clause 25

In *clause 25, new section 60RC(1)*, replace “**subsections (2) and (3)**” (lines 24 and 25 on page 39) with “**subsections (2), (2A), and (3)**”.

In *clause 25, new section 60RC*, after *subsection (2)* (after line 36 on page 39), insert:

- “(2A) A beneficiary’s failure to comply with a social obligation cannot be the subject of a sanction under section 117 if—
- “(a) the beneficiary has 1 or more dependent children; and
 - “(b) 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.”

Explanatory note

The Bill does not give sufficient consideration to the effects of sanctions for non-compliance with social obligations.

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 to take into account the interests of dependent children. This Supplementary Order Paper provides the responsible chief executive with such a discretion.
