Australian Centre for
Disability Law

Our Reference: PF:FG:723

12 March 2012

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

Via e-mail: community.affairs.sen@aph.gov.au

Dear Sir/Madam

Social Security and Other Legislation Amendment (Income Support and Other Measures) Bill 2012

1. The Australian Centre for Disability Law (ACDL) is a community legal centre which specialises in disability discrimination and human rights law and policy. We provide legal advice and representation to persons with disability and their associates and undertake law reform, continuing legal education, and community legal education activities.

2. In our view key elements of the *Social Security and Other Legislation Amendment (Income Support and Other Measures) Bill 2012* (**the Bill)** are incompatible with the human right of persons with disability to social security as this right is recognised or declared in Article 9 of the International Covenant on Economic, Social and Cultural Rights and Article 28 of the Convention on the Rights of Persons with Disabilities[1].

[1] Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD) states that:
"1. State Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.
2. State Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination to the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:
(b) To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes"

3. In this respect, we note that the right to social security is a social right subject to progressive realisation. This standard of realisation requires continual progressive development of living conditions to the full extent of available resources, no regressive action, and effective targeting of measures to groups subject to aggravated disadvantage.

4. The proposed changes to age eligibility for the Newstart Allowance are in our view regressive because they extend the period of time young people must continue to receive the lower Youth Allowance payment before they become eligible for the higher Newstart Allowance payment.

5. Additionally, the proposed new penalty for reconnection failures is regressive because it has the potential to deprive recipients of income necessary for their subsistence in situations, or during periods, of acute vulnerability.

6. Although the proposed measures are not population group specific, in our view they will have a disproportionate impact upon persons with disability who experience much higher rates of unemployment and underemployment than other segments of the population.

7. Additionally, the proposed new penalty for reconnection failure will have a disproportionate impact on persons with cognitive impairment (including those with psycho-social impairments) who may disconnect with employment service providers because of disability-related organisation and planning skills, or episodic acute periods of illness.

8. In this context we also note that it is much more likely that new applicants for social security who have disability will be assessed as eligible for the Newstart Allowance rather than the Disability Support Pension.

9. We also note that persons with disability are typically exposed to a range of additional disability-related costs which intensify income stress and poverty. These costs may arise from inaccessible transport and the need to purchase aids and equipment, for example. Their need for income support is often greater than that of others and their resilience to income stress and interruption is significantly reduced compared to others.

10. In summary, in our view these measures will exacerbate disability-related poverty in Australia contrary to Australia's potential and its international human rights obligations. In this respect we note that Australia currently rates 27 out of 27 OECD countries in measures of disability-related poverty.[2]

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[2] Price Waterhouse Coopers, *Disability Expectations: Investing in a Better Life, a Stronger Australia,* author, November 2011 at page 9.

Please contact me at if you would like to discuss this submission further.

Yours sincerely

FIONA GIVEN
Policy Officer