



A letter sent to all sitting members of the upper and lower houses of Federal Parliament

Some weeks ago, GPA/GPV wrote to advise you of our 'Log of Claims' to be addressed in the forthcoming Australian federal election and beyond that. In the document we advocated for the creation of 'Child Impact Statements' when developing or modifying legislation, an idea first raised by GPA/GPV in 2013. As we have had several requests from MPs asking for more detail about this idea, a summary of what factors a Child Impact Statement might take into account is attached.

GPA/GPV draws your attention to the recently released report to the United Nations Committee on the Rights of the Child by the Australian Human Rights Commission. In that document, National Children's Commissioner Megan Mitchell recommended that **'The Australian Government introduces child rights and wellbeing impact assessments on legislative changes that affect children's rights'**, noting:

18. The PJCHR [Parliamentary Joint Committee on Human Rights] assesses whether legislation is consistent with Australia's human rights obligations. All federal legislation is required to be accompanied by a 'Statement of Compatibility with Human Rights'. The PJCHR raises concerns when it believes that legislation places an unjustifiable limitation on human rights. However, legislators are under no obligation to amend bills to reflect these concerns.

19. While the NCC [National Children's Commissioner] welcomes the work of the PJCHR, she would like to see specific child rights and wellbeing impact assessments undertaken on all legislative and major policy changes that affect children's rights.

GPA/GPV welcomes this recommendation, and asks that the government act on it immediately. GPA/GPV takes seriously the articles of the United Nations Convention on the Rights of the Child (UNCRC), to which Australia is a signatory, and expects that leaders across Australia will do the same.

GPA/GPV has the wellbeing of children and families at the core of its work, and believes that strengthening families should be a priority for the Australian government. GPA/GPV asks that the government form a national inquiry into Australian families. We have attached a proposal for the terms of reference that this inquiry might use.

In our last letter GPA/GPV raised the issue of welfare reform, citing our concerns about the cashless welfare card and its impact on vulnerable families. For your interest, we have attached a paper that discusses how the Scottish parliament is taking a human rights-based approach to welfare payments.

We would appreciate an opportunity to discuss these matters with you. Failing that, we will undertake to distribute widely any response to these matters that you care to share with us.

Yours sincerely

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Director

Helen Brown
Chairperson



GPV/KCV CALLS FOR WIDESPREAD USE OF CHILD IMPACT STATEMENTS

GPV/KCV recognises the relationship between law, policy and practice, asking: what is best for all children and what effect will the decisions we take today have on their futures? Further, GPV/KCV recognises that guidelines exist for the creation and use of Family Impact Statements (FIS) when putting proposals to local, federal or state government councils of cabinets but is disappointed in the underutilisation of these statements and their lack of public visibility.

GPV/KCV calls on all levels of government in Australia to pay specific attention to the potential impact that changes to legislation will have on outcomes for children. Every piece of legislation, as well as all changes to regulations and practices, should be accompanied by a 'Child Impact Statement' (CIS) consisting of an analysis predicting the potential outcomes for child wellbeing in both the short and long term.

Therefore, GPV/KCV contends that each CIS must measure the extent to which any policy or practice contributes enhances adherence to the following rights for all children:

- To not be raised in poverty
- To know, and spend quality time with, their extended biological family
- To have affordable, quality health care, and have early intervention in mental health issues
- To be safe from emotional and physical harm
- To have a free, comprehensive, quality education
- To participate in leisure activities
- To have a sense of identity
- To connect with the languages and religious beliefs of their family of origin
- To be paid fairly for fair work, and have the right to safe working environments
- To participate in decisions affecting their own lives
- To be treated fairly and humanely within the justice system.



PROPOSED NATIONAL INQUIRY INTO FAMILIES: TERMS OF REFERENCE

GPV/KCV calls for an open national inquiry into families in Australia. The purpose of the inquiry would be to establish basic information about the nature of families, their needs, their aspirations, and the role of the national government, in cooperation with state governments, in enabling families to realise these aspirations.

The inquiry's work could in part be based on previous work undertaken by the Senate, such as:

- Senate Inquiry: Grandparents who take primary responsibility for raising their grandchildren (report released October 2014)
- Senate Inquiry: Out-of-home care (report released August 2015)

The issues examined by the inquiry should include:

- a. **the implementation of Child Impact Statements** (as recommended in our attached paper);
- b. **the role of Centrelink** in responding to families' needs. Attached is a paper outlining innovations in Scotland designed to recognise families' rights when negotiating welfare payments. We believe such an approach should be applied in Australia, including the formation of an independent commission to examine the human rights impact of welfare reforms on families. The inquiry we are calling for could also address:
 - whether the range of payments available to families is flexible enough to meet the needs of all families
 - families' level of understanding of, and ease of access to, Centrelink payments
 - whether there is enough support provided for families to help them access the Centrelink payments to which they are entitled
 - whether the digitisation of government services, and Centrelink in particular, is making or will make it harder for families to access and retain the benefits they need and are entitled to
 - the approved activities required to qualify for payments;
- c. **factors impacting on the stability of families;**
- d. **the role and contribution of grandparents**, and how this should be recognised and expanded into the future;
- e. **the need for programs of national significance** that can be implemented by the Commonwealth, state and territory governments and the community sector to better support families – with best practice solutions for supporting children in vulnerable family situations including early intervention, and supports and services available to help keep at-risk families together, particularly young mothers and babies;
- f. **the specific needs of families within particular groups**, including Aboriginal and Torres Strait Islander families, families caring for children with a disability, families from culturally and linguistically diverse backgrounds, families with mental health needs, and kinship care families;
- g. **other related matters.**



WELFARE REFORM IN SCOTLAND: TAKING A RIGHTS-BASED APPROACH TO COMBAT THE RISE IN POVERTY

Background

A report released by the Scottish Parliament in October 2018 found that austerity reforms to UK welfare payments will, in effect, have cut £3.7 billion from welfare spending in Scotland if they continue until 2020–21.

Further, delays in processing Universal Credit payments have led to a 7% increase in applications for crisis grants from local councils, with a 69% increase in the number of claimants stating that an emergency handout is the only thing preventing them from being forced into homelessness. According to the report, 'Despite concerns raised by the Scottish Government, the National Audit Office, third sector and other civic organisations, the DWP [Department for Work and Pensions] have confirmed that it intends to continue with the UC roll out.'

In November 2018, UN Special Rapporteur Phillip Alston conducted a week-long investigation of poverty in Britain. The results were grave, as he issued a damning indictment of the UK Government's welfare policies. Alston found that the austerity measures had caused 'great misery' with 'punitive, mean-spirited, and often callous' welfare benefits cuts. He further added that child poverty was:

'not just a disgrace, but a social calamity and an economic disaster', and that the austerity measures introduced since 2010 were in breach of four UN human rights agreements relating to women, children, disabled people and economic and social rights.

Welfare reform for Scotland

As part of an agreement made between Westminster (the UK parliament) and Holyrood (the Scottish Parliament) in the wake of the failed Scottish independence referendum in 2014, Scotland is now in the process of forming its own welfare agency, which will gradually take over responsibility for administering 11 forms of welfare payment within Scottish borders. The handover of these welfare powers to the Scottish Parliament was passed with a unanimous vote in April 2018.

Presenting the final bill to the Scottish Parliament, Scotland's welfare minister Jeane Freeman said:

'The devolution of social security represents the greatest single increase in the responsibilities of this parliament since devolution. Today we write a new chapter in our history, a system built for the people of Scotland, designed in partnership with the people of Scotland, a system with dignity, fairness and respect at its heart, a system quite unlike any other that has gone before.'

Holyrood is now pledging to create a social security system which will 'do things differently'. Campaigners have praised the proposed changes to the welfare system for recognising social security **as a human right**.

'This bill has been an opportunity to set up a new service and to do things differently – to remake the system in a way that fits the ambition we have for ourselves as a Parliament and for our country,' said Freeman. The new welfare system will involve a number of legislative changes that will set it apart from the system legislated by Westminster, and will address human rights by:

- barring unnecessary medical assessments, and ensuring that claimants will not be forced to go through the private sector for medical assessments;
- ensuring that clinical judgment, rather than a time limit, will be used when defining a terminal illness;
- allowing claimants to bring an advocate with them to appointments who will be permitted to speak on their behalf (under the UK system, friends or family members were allowed to attend only to offer moral support);
- splitting welfare payments between bank accounts so that women are able to maintain their financial independence (the UK system requires that all payments for a household are paid into a single bank account, putting women who are at risk of domestic abuse in further danger as they cannot easily access the money to leave).

Advocacy for welfare claimants

Holyrood has confirmed that its new social security legislation will allow claimants to bring someone with them during welfare assessments. Making the announcement, Ms Freeman said:

'This is proof that Scotland will do things differently, and one of the first ways we can show people we mean exactly what we say.'

On the UK system, she said: ***'I think this runs contrary to our rights-based approach and if we truly want our system to have fairness, dignity and respect at heart then we should give people the right to have a friend or family member – a supporter – with them when they need it.'***

When the UK government said in reply that this was already the case under their current system, the Scottish government later clarified that its user research suggested that 'the ability to be accompanied is not being applied consistently in all areas and that where being accompanied is permitted, the person there to provide support is not allowed to participate'.

It further said that: ***'There is also an important distinction that our amendment will allow a person accompanying someone to make representations on their behalf.'***

Freeman announced in January that there will be an independent body, the Scottish Commission on Social Security, that will scrutinise proposed changes to the new system and give its view of their compliance with human rights protocols – before MSPs vote on them.

Increased calls on crisis funding

In spite of the positive steps being taken by Holyrood, the Scottish Greens have called on MSPs to do more still to help people struggling under the welfare changes and austerity measures. Social Security spokesperson for the Scottish Greens, Alison Johnstone MSP, said: ***'The growing need for crisis funds in our wealthy society is simply***

appalling. It shows the human impact of the UK Government's cruel austerity agenda, with cuts to benefits harming people's physical and mental health. The huge increase in people applying for a grant because they are at risk of homelessness is especially concerning.

'I fully expect these figures to be met with cold indifference from the Conservatives but I hope they prompt SNP Ministers to be bolder in their approach to preventing poverty. They must look again at uprating devolved benefits in line with inflation and topping up Child Benefit, and they must increase investment in genuinely affordable housing.'

Liberal Democrat social security spokeswoman Caron Lindsay said that there was a 'mammoth task' ahead, and warned that a 'golden opportunity to tackle poverty and inequality can't be squandered'.

The work of creating this new paradigm in welfare payments is far from over. The bill passed in April merely forms the framework for a new benefits system. Future regulations will set out the rules over eligibility and the benefits to be paid.

The opportunities provided by the formation of the new welfare system have been welcomed by all parties in the Scottish Parliament. Adam Tomkins, the Tory Welfare spokesman, said the legislation marked 'an important day in the coming of age of our Parliament'. He said: 'It will allow us to experiment, to try something new – it will allow us to learn from others' experience and to build on experience, including experience elsewhere.'

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