



**Submission to the Senate Community Affairs
Legislation Committee**

**Inquiry into the Social Services Legislation
Amendment (Consistent Waiting Periods for New
Migrants) Bill 2021**

26 July 2021

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About Carers Australia

Carers Australia is the national peak body representing the diversity of the 2.65 million Australians who provide unpaid care and support to family members and friends with a disability, chronic condition, mental illness or disorder, drug or alcohol problem, terminal illness, or who are frail aged.

In collaboration with our members, the peak carer organisations in each state and territory, we collectively form the National Carer Network and are an established infrastructure that represent the views of carers at the national level.

Our vision is an Australia that values and supports all carers, where all carers should have the same rights, choices and opportunities as other Australians to enjoy optimum health, social and economic wellbeing and participate in family, social and community life, employment and education.

This includes carers:

- Who have their own care needs
- Who are in multiple care relationships
- Who have employment and/or education commitments
- Aged under 25 years (young carers)
- Aged over 65 years, including 'grandparent carers'
- From culturally and linguistically diverse backgrounds
- Who identify as Aboriginal and Torres Strait Islander
- Who identify as lesbian, gay, bisexual, transgender, intersex (LGBTI+)
- Who are living in rural and remote Australia, and
- That are no longer in a caring role (former carers).

Carers Australia acknowledges Aboriginal and/or Torres Strait Islander peoples and communities as the traditional custodians of the land we work on and pay our respects to Elders past, present and emerging. As an inclusive organisation we celebrate people of all backgrounds, genders, sexualities, cultures, bodies and abilities.

Introduction

Carers Australia welcomes the opportunity to comment on the proposed changes to the Newly Arrived Resident Waiting Periods (NARWP) for access to several social security payments, as outlined in the Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021 introduced into Parliament on 24 June 2021.

We have some general comments to make on the rationale behind the changes as outlined in the Explanatory Memorandum¹ and the Second Reading speech of the Minister for Education and Youth in the House of Representatives². However, our principle focus is on extension of the waiting period for Carer Payment from two to four years, and of the Carer Allowance from one to four years.

The Carer Payment which provides basic income support based on the provision of constant care, and the Carer Allowance which assists with the additional costs of care, are means tested³. In both cases the Adult Disability Assessment Tool (ADAT) is used to determine the amount of help the individual requiring care needs to undertake basic activities of daily living such as mobility, communication, hygiene, eating and management in a range of cognitive and behavioral areas.

Carers Australia recommends that the waiting periods for the Carer Payment and Carer Allowance are exempt in the revised waiting periods for newly arrived residents. We are opposed to the principle of waiting periods for carers that are set on the basis of length of Australian residency. To double or, in the case of the Carer Allowance, triple the wait time for access to these payments is not supported.

Anyone can become a carer at any time. Migrants seeking to make Australia their home are not anticipating that this will happen to them. It may come about as a result of an accident to a family member or the diagnosis of a serious illness; possibly affecting the major income earner of the family. It may occur through the birth of a child with a disability. In many cases it may result in the loss of the carer's own employment due to providing increasing or constant care. At the same time, it will involve the necessity to meet a range of additional costs, including medical costs.

The *Carer Recognition Act 2010* (Commonwealth) aims to increase recognition and awareness of carers and to acknowledge the valuable contribution they make to society⁴. The cornerstone of the Act is the Statement for Australia's Carers, which sets out ten principles that articulate how carers should be treated and considered, where first and foremost "all carers should have the same rights, choices and opportunities as other Australians, regardless of age, race, sex, disability, sexuality, religious or political beliefs, Aboriginal or Torres Strait Islander heritage, cultural or linguistic differences, socioeconomic status or locality". In addition, carers should be supported to enjoy optimum health and social wellbeing and to participate in family, social and community life, treated with dignity and respect, supported to achieve greater economic wellbeing and sustainability, and support for carers should be timely, responsive, appropriate and accessible.

It is with the Statement for Australia's Carers that we make the following points for consideration.

¹ Parliament of the Commonwealth of Australia, House of Representatives, Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021, Explanatory Memorandum [[accessed online](#)] – herein referenced as the 'Explanatory Memorandum to the Bill'

² The Parliament of the Commonwealth of Australia, Forty-Sixth Parliament, First Session (Fifth Period) House of Representatives Hansard, Thursday 24 June 2021 [[accessed online](#)]

³ Australian Government, Services Australia 'Carers' [webpage](#) [accessed 18 July 2021]

⁴ Australian Government, *Carer Recognition Act 2010*, No.123,2010 [[accessed online](#)]

The policy rational for the introduction of this Bill is unclear

It is our understanding that Australia has an obligation under Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESR) to 'ensure access to a social security scheme that provides a minimum essential level of benefits to all individuals and families that will enable them to acquire at least essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education'⁵. It follows therefore that any changes to social security payments consider this obligation, in addition to the *Carer Recognition Act 2010*.

The rationale behind this change, as expressed in the Explanatory Memorandum to the Bill and the Second Reading speech, is unclear. To quote: "[It] aligns the NARWP for these payments with the existing NARWP for working age social security payments and concession cards"⁶ in the interests of "a consistent approach to access to income support and family assistance for new migrants"⁷. Why this alignment for consistency is necessary or even useful, in determining waiting times for social security payments designed to provide different support, for people in different circumstances, is not explained. Carers Australia have been informed that these changes are intended to create a simpler system which is easier for new migrants to understand, however no evidence is offered to suggest that new migrants don't or can't understand different waiting times for different entitlements. In addition, if you consider in the range of exemptions identified for different people on different payments, the case for simplicity and consistency is moot.

A second rationale identified is the need to "reinforce existing expectations that new permanent migrants will be self-sufficient, and maintain the sustainability of the welfare payment system"⁸. Carers Australia is not clear on why people who have been residents for less than four years are expected to be more self-sufficient than other Australian residents and citizens facing unexpected financial adversity – for example, unexpectedly becoming a primary carer of a child or adult with severe disability or chronic illness and being unable to engage in employment as a result.

Carers Australia also questions the argument that change would assist in maintaining the sustainability of the welfare payment system. For example, it is unlikely that the expected savings from these NARWP measures of \$672 million over five years (including \$64.9 million for social security amendments - DSS administered savings only)⁹ will contribute to sustainability when the estimated social security spend for 2021-22 alone is \$154.6 billion.¹⁰

Exemptions to waiting periods are welcomed and should be expanded to carers

A number of exemptions to the new waiting periods for payments affected by these NRPWP changes are identified in the new Bill which are welcomed by Carers Australia. For example, exemptions will be granted to:

- Refugees and their families on humanitarian visas,
- Migrants who experience a substantial change in circumstances, such as domestic violence, illness/injury, or the death of a partner or sponsor (special benefit and low-income health care card).
- Migrants who become a lone parent after becoming an Australian resident and can access parenting payment, jobseeker payment and youth allowance).

⁵ Australian Government, Attorney-General's Department, 'Right to Social Security - Public Sector Guidance Sheet' [[accessed online](#)]

⁶ Explanatory Memorandum to the Bill, p.2

⁷ Explanatory Memorandum to the Bill, p.13

⁸ Explanatory Memorandum to the Bill, p.24

⁹ Explanatory Memorandum to the Bill, p.5

¹⁰ Parliament of Australia, Budget Review 2021–22, Social Security [[accessed online](#)]

- Holders of Carer visas who have come to Australia to care for a family member (noting however that the current wait time for a Carers visa is up to five years¹¹).

Further, some family payments, including the double orphan pension and stillborn baby payment, will continue to be exempt, reflecting “the particular circumstances in which these payments are made and ensures migrants who have experienced the tragedy of stillbirth or are caring for a child who has lost both of their parents still have access to financial support to help them meet unforeseen costs”.¹²

The exemptions identified demonstrate that the previously mentioned rationale of “self-sufficiency” is not anticipated across a range of diverse circumstances, nor do they support the intent to improve consistency. None apply to the Carer Payment or Carer Allowance for someone who has become a carer but did not come to Australia on a Carer visa.

Carers should be included in an exemption. The birth of a child with significant disabilities or the fate of a partner who is seriously injured or diagnosed with a chronic illness requiring constant care is worthy of consideration for exemption, due to the likely unforeseen costs and potential loss of employment. In addition, someone who has become a carer since they came to Australia is performing the same role as someone who has specifically been granted a Carer visa and should be treated in the same manner.

Alternative sources of support for carers do not provide income support

It was stated in the Second Reading Speech that all new permanent migrants will have access to other supports such as Medicare, education, settlement services, the National Disability Insurance Scheme (NDIS), child care, and carer supports through the Carer Gateway¹³. However, none of these services provide basic income support for people who have lost the means to support themselves as a result of becoming a carer.

It is also important to highlight that these people now also have a four-year waiting period before they can access Jobseeker, Youth Allowance, Special Benefits or the Disability Support Pension. Further, they are unable to access other supports that are only available to those who receive the Carer Payment such as rental assistance and subsidised energy costs. It is these types of supports carers most often need.

Carers Australia Recommendation: Waiting periods for the Carer Payment and Carer Allowance are exemptions, and not included in the revised waiting periods for newly arrived residents.

¹¹ Australian Government, Department of Home Affairs, Immigration and Citizenship ‘Subclass 836 Carer visa’ [webpage](#) [last updated 1 July 2021]

¹² The Parliament of the Commonwealth of Australia, Forty-Sixth Parliament, First Session (Fifth Period) House of Representatives Hansard, Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021, Second Reading (Thursday 24 June 2021) [\[accessed online\]](#)

¹³ The Parliament of the Commonwealth of Australia, Forty-Sixth Parliament, First Session (Fifth Period) House of Representatives Hansard, Social Services Legislation Amendment (Consistent Waiting Periods for New Migrants) Bill 2021, Second Reading (Thursday 24 June 2021) [\[accessed online\]](#)