

National Regional, Rural, Remote and Very Remote Community Legal
Network ('4Rs Network')

Committee Secretary
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600
RE: Inquiry into compulsory income management

By email: human.rights@aph.gov.au

22 May 2024

Dear Chair and Committee Members,

***Submission to the inquiry into compulsory enhanced income management and
compulsory income management ('compulsory income management') for
compatibility with human rights***

Thank you for the opportunity to make a submission, which is now attached.

Yours sincerely,

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National Regional, Rural, Remote and Very Remote Community Legal Network ('4Rs Network')

22 May 2024

Contacts provided

Further background about the 4Rs Network

is on the [CLC Australia web site](#)

Submission to the Parliamentary Joint Committee on Human Rights inquiry into compulsory enhanced income management and compulsory income management ('compulsory income management') for compatibility with human rights

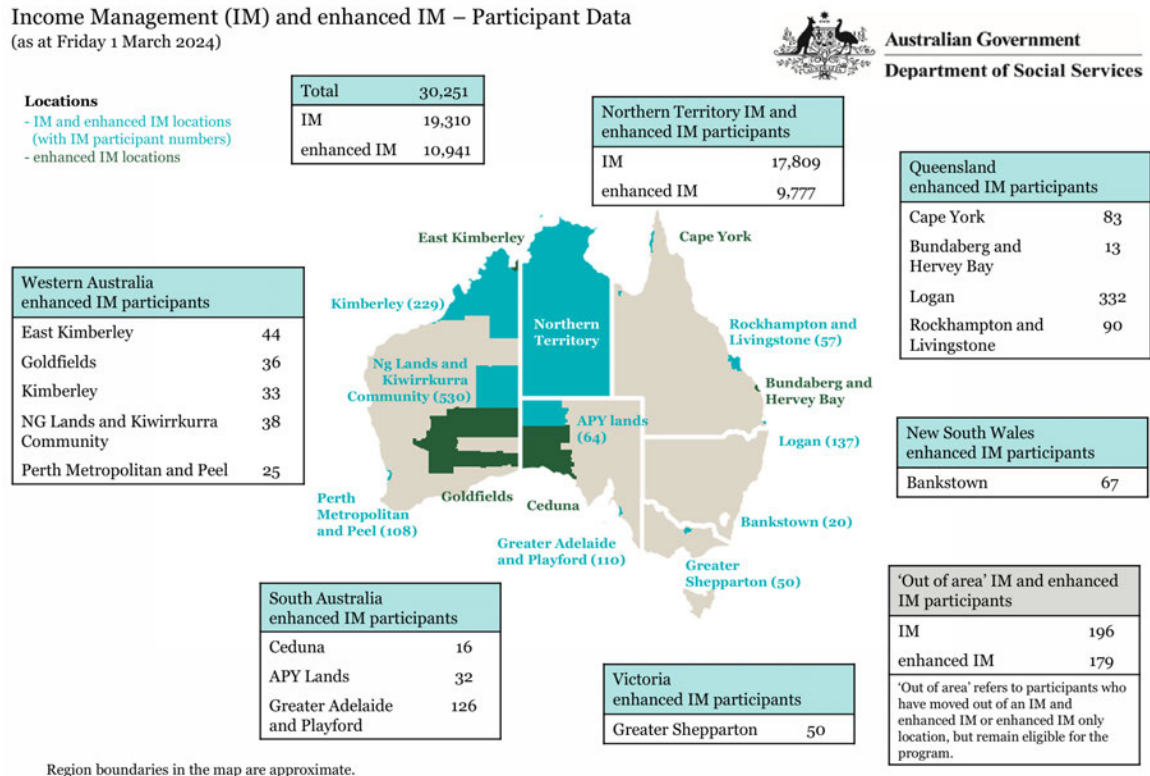
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1. About the 4Rs Network

We note the current compulsory income management ('CIM') locations as shown on the [Services Australia map](#) below. Services in the 4Rs Network have service areas which include the NT and all of the other largest 4Rs CIM areas.

Income Management (IM) and enhanced IM – Participant Data
(as at Friday 1 March 2024)



The 4Rs Network is a network of non-profit legal services in 4Rs areas which provide legal and related assistance via an incorporated non-profit structure or auspicing arrangement.

The services in the 4Rs Network are based in, and/or service, localities within 4 of the 5 classes of remoteness including:

- Inner Regional Australia
- Outer Regional Australia
- Remote Australia
- Very Remote Australia¹

This equates to 6 of the 7 levels in the Modified Monash Model² being MM2 Regional centres to MM7 Very remote communities.

The 4Rs Network members work with and for their communities and regions. Their methods and programs often reflect deep understanding and long-term efforts to address important

¹ Applying the Australian Bureau of Statistics Remoteness Structure, Australian Statistical Geography Standard (ASGS) Edition 3, Reference period, July 2021 - June 2026 ([updated by the ABS on 21/03/2023](#)).

² Department of Health, [Modified Monash Model Fact Sheet](#) (online)

community needs. Their programs, services and advocacy often reflect involvement in community issues that have not been addressed by other means, including by local, state, or federal governments.

The 4Rs Network has been facilitated from within, and supported by, Community Legal Centres Australia and builds on a significant history of community legal centre-based networking from the mid 1990's seeking to address the specific and nuanced legal needs and rights of regional, rural, and remote and very remote communities and thereby increase the wellbeing those living within them.

More information about the 4Rs Network is available on the Community Legal Centres Australia web site at: <https://clcs.org.au/rrrr-pre-budget-submission/> This page includes links to previous submissions with the exception of the most recent submission to the Joint Standing Committee on the NDIS inquiry into lived experience in rural, regional and remote areas. The latter is submission number 82, published by the Committee [linked here](#).

2. Terms of reference and focus of this submission

It is noted that the Committee is reviewing compulsory income management for compatibility with human rights and will report to Parliament. Further that the terms of reference for the inquiry focus on:

- “whether compulsory income management has been effective in achieving its stated aims;
- whether compulsory income management has caused, or contributed to, beneficial and/or detrimental outcomes;
- the nature of any consultation undertaken with affected communities and groups in relation to the operation of compulsory income management;
- how in practice income management has been applied, including how individual exemptions from compulsory income management have been considered;
- the practical operation of the BasicsCard and SmartCard, particularly in remote communities; and
- the extent to which compulsorily restricting the spending of welfare payments is consistent with international human rights law, particularly the rights to social security, an adequate standard of living, equality and non-discrimination, a private life, and the rights of the child.”

3. Focus of this submission

This submission draws on experience working with vulnerable people in 4Rs communities around Australia.

Many services which are members of Economic Justice Australia, which is the national peak for advancing social security rights, are part of the 4Rs Network. This submission endorses the EJA submission which includes EJA endorsement of the submission to the inquiry by the Accountable Income Management Network ('AIMN').

The EJA and AIMN submissions highlight that human rights standards are not met by CIM and that CIM must cease. An implication is that processes to screen for compliance with human rights, and/or the operation of these processes, have not been sufficient.

After outlining problems with the blanket approach CIM depends upon, the current submission focuses on:

- addressing one of the key aspects of the inadequacy of the human rights framework relevant to CIM and social security generally – namely lack of human rights specification in social security legislation, and
- addressing lack of access by people on CIM, and social security recipients in 4Rs Australia, to independent advocacy and legal help.

3.1 Problems with the blanket approach CIM depends upon

Most people subject to CIM have been included on a blanket approach. This means, they have not been screened on the way in via legislative criteria to be applied to each person. If such criteria existed, it would relate to the circumstances of the person and the onus would be on the decision maker to demonstrate the criteria are satisfied. This would include rights of review and appeal.

The blanket approach also holds people on CIM by not including legislative provisions for:

- individuals to readily opt-out, and
- regular *individual review* of each person's CIM inclusion such as quarterly, half yearly or yearly.

CIM provisions for individuals to exit are mainly locked down to reduce exits and maintain geographic coverage (that is, maintain CIM in the geographically designated area). Individual review of each person's CIM inclusion by decision makers, is not part of CIM.

The cost of CIM would dramatically escalate if regular review of each person's inclusion was involved. The cost would increase further if this was a reviewable and an appealable decision.

This highlights how much CIM depends on limiting the rights of those scooped into CIM.

CIM demonstrates that the sense of where lines are to be drawn in relation to potential policies and practices relating to social security, and how human rights relate, are not sufficiently developed. Also, that:

- Consideration of human rights compliance has not been accountable to the human rights of each individual person impacted, and
- These processes have difficulty differentiating:
 - Adverse actions - which impinge on rights, cause - or risk causing - harm, and remove or limit effective safeguards, and
 - Special measures which enlarge rights, are safe and include effective safeguards.

It is important to emphasise that human rights do not attenuate with distance and that geographic discrimination, such as that relating to a person's place of residence, is generally

not permissible. This arises, for example, from Article 9 of the International Covenant on Economic, Social and Cultural Rights ('ICESCR') expresses that:

'States parties to the present Covenant recognise the right of everyone to social security, including social insurance'.

and Article 2(2) of ICESCR which provides that:

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The United Nations Committee on Economic, Social and Cultural Rights expressed in General Comment 20 in 2009 that 'place of residence' falls within 'or other status' in Art 2(2) of ICESCR. That is:

Place of residence

34. The exercise of Covenant rights should not be conditional on, or determined by, a person's current or former place of residence; e.g. whether an individual lives or is registered in an urban or a rural area, in a formal or an informal settlement, is internally displaced or leads a nomadic lifestyle. Disparities between localities and regions should be eliminated in practice by ensuring, for example, that there is even distribution in the availability and quality of primary, secondary and palliative health-care facilities.³

This is reinforced by treatment of the human right of freedom of movement, which is protected by Art 13 of the United Nations Declaration on Human Rights, Art 12 of the International Covenant on Civil and Political Rights, Art 18 of the Convention on the Rights of Persons with Disabilities,⁴ Art 5 of the Convention on the Elimination of Racial Discrimination, Art 5⁵ and Art 15(4) of the Convention on the Elimination of All Forms of Discrimination Against Women⁶ and other instruments. For example, Art 12 of the ICCPR provides:

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

³ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment no. 20 Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 22 May 2009 [34]

⁴ Art 18 'States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities.....'

⁵ Art 5: 'In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:(i) The right to freedom of movement and residence within the border of the State;.

⁶ Art 15(4): 'States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.'

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

The General Comment on freedom of movement by the Human Rights Committee (sections of which are included below) expresses that ‘freedom of movement’ includes the right to choose ‘his or her place of residence’ and ‘establish themselves in the place of their choice’:⁷

“Liberty of movement and freedom to choose residence [ICCPR Art 12] (paragraph 1)

4. Everyone lawfully within the territory of a State enjoys, within that territory, the right to move freely and to choose his or her place of residence....

5. The right to move freely relates to the whole territory of a State, including all parts of federal States. According to article 12, paragraph 1, persons are entitled to move from one place to another, and to establish themselves in a place of their choice. The enjoyment of this right must not be made dependent on any particular purpose or reason for the person wanting to move or to stay in a place. Any restrictions must be in conformity with paragraph 3.

7. Subject to the provisions of article 12, paragraph 3, the right to reside in a place of one’s choice within the territory includes protection against all forms of forced internal displacement. It also precludes preventing the entry or stay of persons in a defined part of the territory....

Freedom of movement arises in relation to CIM, by discouraging movement into CIM designated areas, for fear of being made subject to CIM, and discouraging movement away from CIM areas due to the logistical complications of continuing to be on CIM when not in a CIM designated area.

While many other human rights issues are engaged, the aspect of geographically differentiated adverse human rights treatment needs is a particular area in need of more engagement and inclusion.

3.2 The submission addresses two issues

As noted above the submission addresses two issues. These are:

1. **Amending social security legislation to include human rights obligations** – this builds on recommendations in the EJA and AIMN submissions by providing a draft which incorporates human rights, including visible inclusion of the rights of First Nations people and all people in 4Rs areas.

⁷ Human Rights Committee, International Covenant on Civil and Political Rights, *General Comment No. 27 (67)* Freedom of movement (article 12)* Adopted at sixty-seventh session, held on 18 October 1999 (*reissued for technical reasons) CCPR/C/21/Rev.1/Add.9).

2. **Ensuring access to independent social security advocacy and legal help** – which is an issue in all 4Rs areas where CIM is occurring and additionally for social security recipients in 4Rs Australia.

3.3 Summary of recommendations

The submission makes 4 recommendations

1. The Social Security Act 1991 be amended to include a statement of objects which relate the relevant human rights obligations.
2. The Social Security (Administration) Act 1999 be similarly amended.
3. Needs-based federal funding should be provided to community-based legal services, including Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services which wish to participate, to ensure ready access to social security legal help by people with disability, carers and other vulnerable people in 4Rs areas.
4. Efforts should be made to link or integrate social security legal help with relevant community-based programs in the 4Rs including considering how this could relate to the Remote Jobs and Economic Development Program.

4. Amend SSA and SSAA to reflect human rights obligations

The recommendations below are addressed in this section.

Recommendations 1 and 2

5. The Social Security Act 1991 be amended to include a statement of objects which relate the relevant human rights obligations.
6. The Social Security (Administration) Act 1999 be similarly amended.

Social security legislation should visibly reflect human rights obligations and people involved as rights holders. Visibility of human rights should overarch the ethos and operation of the legislation. This should also be visibly incorporated and applied in policy and program development.

It is anomalous that Australia's social security legislation, being one of the key areas of federal legislation directly impacting the lives and wellbeing of millions of people, including and particularly those in greatest need – does not reflect visible and express commitment to human rights and responsibilities.

In this regard, the Social Security Act 1991 ('SSA') and the Social Security (Administration) Act 1999 ('SSAA') both fall short compared to other federal legislation.

It is proposed that this be addressed via the model of the inclusion of human rights responsibilities in the National Disability Insurance Scheme Act 2013 ('NDIS Act').

The SSA currently does not have a statement of objects, and neither does the SSAA. This is unhelpful for guiding the operation of each of these Acts. Using the NDIS Act as an example, the SSA and SSAA should be amended to include objects.

Federal legislation can contain a statement of objects, the NDIS Act is an example. In the NDIS Act the objects are in section 3 which directly follow the Short Title (s. 1) and Commencement (s.2).

If objects are included in the SSA, the objects would be located as a new section 2A, which is after the Short Title (s.1) and Commencement (s.2).

The SSAA contains Principles of Administration (section 8) however these do not incorporate human rights. For the SSAA, two drafting options are:

- Insert objects in the SSAA which repeat relevant parts of the proposed objects for the SSA (which is recommended for visibility), or
- Insert cross reference in the SSAA to the part of the proposed objects for the SSA which relate to human rights.

4.1. Steps in draft objects for the SSA incorporating human rights

The outline which follows, shows the steps in using the relevant part of the objects in the NDIS Act as a model and drafting aid for adding objects to the SSA.

The Objects are in s.3(1) of the NDIS Act and the structure of 3(1) begins with the following lead in:

Objects of Act

(1) The objects of this Act are to:

Under this is listed the objects to be achieved.

- Object 3(1)(a) refers to the *Convention on the Rights of Persons with Disability* (UNCRPD), reflecting that the NDIA Act, in conjunction with other laws, aims to give effect to Australia's obligations under the Convention.
- Objects 3(1)(b) to (i) refer to objects to be achieved through the NDIA Act, 3(1)(b) is specific (provide the NDIS), while the rest are broader.

Importantly, 3(1)(i) lists obligations Australia has as a party to listed Covenants and Conventions. Bearing in mind that the UNCRPD is already highlighted in 3(1)(a), the purpose of 3(1)(i) is to list the rest of the relevant core human rights treaties to which Australia is a party relevant to the NDIS. It is submitted that the UNCRPD and the other core human rights treaties listed in 3(1)(i) of the NDIS Act are relevant for inclusion in objects for the SSA.

Consequently, the following uses NDIS Act s.3(1)(i) as a model for the insertion of objects in the SSA and shows two further proposed insertions (shown as (j) and (jk) to bring in visible reference to:

- Aboriginal and Torres Strait Islander people, and
- people in regional, rural, remote, and very remote areas

into objects in the SSA. The reasons for these two additional inclusions aim to increase the visibility of the human rights Aboriginal and Torres Strait Islander people and people in 4Rs areas. As outlined above, CIM highlights that both of these require more engagement.

These further proposed insertions would reflect, and highlight, existing human rights.

4.2 Drafting in objects Social Security Act: 4 steps

The following shows four steps in drafting objects for the Social Security Act which parallel and build on s.3(1)(i) of the NDIS Act and have the additional feature of providing for visibility regarding human rights of:

- Aboriginal and Torres Strait Islander people, and
- All people in regional, rural, remote, and very remote areas

The draft only relates to this issue not the other contents for the new objects.

4.2.1 Step 1: Using NDIS Act objects, numbering with insertions

The first step uses s.3(1)(i) in the NDIS Act as the model. The draft below shows this provision and where the *additional provisions* added at 3(1)(j) and 3(1)(k).

3(1)(i):

(i) in conjunction with other laws, give effect to certain obligations that Australia has as a party to:

(i) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23); and

(ii) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5); and

(iii) the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and

(iv) the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979 ([1983] ATS 9); and

(v) the International Convention on the Elimination of All Forms of Racial Discrimination done at New York on 21 December 1965 ([1975] ATS 40).

3(1)(j) in conjunction with other laws, give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 3(1)(i) in respect of Aboriginal and Torres Strait Islander people.

3(1)(k) in conjunction with other laws, give effect to obligations that Australia has as

a party to the Conventions and Covenants referred to in 3(1)(i)) in respect of people in regional, rural, remote and very remote areas.

4.2.2 Step 2: Drafting for SSA using SSA numbering, incorporating UNCRPD

Step 2, converts the above for inclusion in the SSA, with:

- Numbering to locate at 2AA of the SSA,
- The same structure as the objects in the NDIS Act, hence reference to sub para 2A(1)(i) with (j) and (k) (above) included, and
- Positioning inclusion of the Convention on the Rights of People with Disability ('UNCRPD') within 2AA(1)(j).

Step 2 draft:

2A (1)(i)

(i) in conjunction with other laws, give effect to certain obligations that Australia has as a party to:

(i) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23); and

(ii) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5); and

(iii) the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and

(iv) the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979 ([1983] ATS 9); and

(v) the International Convention on the Elimination of All Forms of Racial Discrimination done at New York on 21 December 1965 ([1975] ATS 40).

(vi) the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 ([2008] ATS 12)

(j) in conjunction with other laws, give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i) in respect of Aboriginal and Torres Strait Islander people.

(k) in conjunction with other laws, give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i)) in respect of people in regional, rural, remote and very remote areas.

4.2.3 Step 3: Incorporating UNDRIP

Step 3 would be a further adjustment in the drafting reflecting support for inclusion of the United Nations Declaration on the Rights of Indigenous Peoples in the drafting of objects for the SSA, for the full effect outlined.

We recognise the findings and deliberations by the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia*.⁸ Recommendations 1, 2, 3 and 6 (shown below) are particularly pertinent, in emphasising requirements to progress UNDRIP implementation.

Recommendation 1

4.100The Committee recommends that the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people (including, but not limited to, Closing the Gap initiatives) be consistent with the Articles outlined in the United Nations Declaration on the Rights of Indigenous Peoples.

Recommendation 2

4.101The Committee recommends development of a National Action Plan, in consultation with Aboriginal and Torres Strait Islander peoples, that outlines the approach to implementing the United Nations Declaration on the Rights of Indigenous Peoples in Australia.

Recommendation 3

4.102The Committee recommends that any National Action Plan should consider the legislative, policy, and other approaches to implement, and assess compliance with, the United Nations Declaration on the Rights of Indigenous Peoples across all jurisdictions and should seek to include coordination agreements with all levels of government to maximise success.

Recommendation 6

4.105The Committee recommends that the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth) be amended to include the United Nations Declaration on the Rights of Indigenous Peoples in the definition of ‘human rights’, so that it be formally considered by the Parliamentary Joint Committee on Human Rights when scrutinising legislation.

Drafting to include UNDRIP could be achieved by adjusting 2A(1)(j) (at 4.2.2 above):

Step 3 draft

2A(1)(j) (draft above at 4.2.2)

2A(1)(j) in conjunction with other laws, give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i) in respect of Aboriginal and Torres Strait Islander people.

2AA(1)(j) *adjusted* to include UNDRIP

2A(1)(j) in conjunction with other laws:

⁸ Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Inquiry into the application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia as outlined in the Final Report* (Commonwealth of Australia, 2023)

- (i) give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i) in respect of Aboriginal and Torres Strait Islander people, and
- (ii) give effect to the United Nations Declaration on the Rights of Indigenous Peoples in respect of Aboriginal and Torres Strait Islander people.

4.2.4 Step 4: SSA full draft new objects 2A(1)(i),(j),(k) and rationale

The draft below, incorporates the above drafting into the full version of recommended new objects to be inserted at 2A of the SSA:

As a reminder, the reasons for the inclusion of references in this form:

- Regarding (j): In relation to Aboriginal and Torres Strait Islander people – visibility is because of demographic patterns and the interface between social security and the lives and wellbeing of many First Nations people, and rights of inclusion.
- Regarding (k): In relation to people in regional, rural, remote, and very remote areas – visibility because of demographic patterns of socio-economic disadvantage in these areas, the interface between social security and the lives and wellbeing of many in these areas, and rights of inclusion.

2AA(1)(j) works with (i) in being inclusive of Aboriginal and Torres Strait Islander people, and (j) and (k) would promote intersectional inclusion, across all obligations listed in (i) of:

- (j): Aboriginal and Torres Strait Islander people, and
- (k): all people in regional, rural, remote and very remote areas.

Step 4 draft

2A(1)(i)

(i) in conjunction with other laws, give effect to certain obligations that Australia has as a party to:

(i) the International Covenant on Civil and Political Rights done at New York on 16 December 1966 ([1980] ATS 23); and

(ii) the International Covenant on Economic, Social and Cultural Rights done at New York on 16 December 1966 ([1976] ATS 5); and

(iii) the Convention on the Rights of the Child done at New York on 20 November 1989 ([1991] ATS 4); and

(iv) the Convention on the Elimination of All Forms of Discrimination Against Women done at New York on 18 December 1979 ([1983] ATS 9); and

(v) the International Convention on the Elimination of All Forms of Racial Discrimination done at New York on 21 December 1965 ([1975] ATS 40).

(vi) Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 ([2008] ATS 12)

2A(1)(j) in conjunction with other laws:

(i) give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i) in respect of Aboriginal and Torres Strait Islander people, and

(ii) give effect to the United Nations Declaration on the Rights of Indigenous Peoples in respect of Aboriginal and Torres Strait Islander people

2A(1)(l) in conjunction with other laws, give effect to obligations that Australia has as a party to the Conventions and Covenants referred to in 2A(1)(i) in respect of people in regional, rural, remote and very remote areas.

4.3. Social Security (Administration Act) 1999

As noted at 4. above, the SSAA does not include objects. It does contain principles in section 8 (see the copy at 4.4.1 below). The principles do not reflect objects as recommended in the drafting above, accordingly it is recommended that:

1. Objects be added to the SSAA in a new section 2A of the SSAA (following the Short Title in s1 and Commencement in s.2) and before the current 2A Application of the Criminal Code, to be renumbered 2AA).
2. That the Principles in s.8 be amended to insert reference to the new s.2A objects.

4.4 Inserting objects in the SSAA

The changes just outlined would result in:

- the addition of a statement of objects in the SSAA which include the same provision that would be in the new 2A(1)(i), (j) and (k) of the SSA (above at 4.2.4) and
- amendment to the Principles in s.8 to refer to the objects (drafting shown below).

4.4.1 Amending Principles of administration in SSAA s.8

Section 8 of the SSAA is shown below, with the proposed adjustments to align with the objects.

Principles of administration (sect 8)

In administering the social security law, the Secretary is to: ~~have regard to:~~

(1) Apply the objects in section 2A, and

(2) Apply the objects in section 2A in having regard to:

(a) the desirability of achieving the following results:

- (i) the ready availability to members of the public of advice and information services relating to income support generally and to the social security payments that are available;

- (ii) the ready availability of publications containing clear statements about income support entitlements and procedural requirements;
 - (iii) the delivery of services under the law in a fair, courteous, prompt and cost - efficient manner;
 - (iv) the development of a process of monitoring and evaluating delivery of programs with an emphasis on the impact of programs on social security recipients;
 - (v) the establishment of procedures to ensure that abuses of the social security system are minimised; and
- (b) the special needs of disadvantaged groups in the community; and
 - (c) the need to be responsive to the interests of the Aboriginal and Torres Strait Islander communities and to cultural and linguistic diversity; and
 - (d) the importance of the system of review of decisions under the social security law; and
 - (e) the need to ensure that social security recipients have adequate information regarding the system of review of decisions under the social security law; and
 - (f) the need to apply government policy in accordance with the law and with due regard to relevant decisions of the Administrative Appeals Tribunal.

This drafting would make human rights obligations visible in the SSAA and match the wording of the human rights obligations inserted into objects of the SSA.

5. Access to independent social security advocacy and legal help

Lack of access to independent social security advocacy and legal help is a major deficiency in all 4Rs CIM areas. Neither have been factored into CIM planning an operation.

The chronic insufficiency of access to independent social security advocacy and legal help in 4Rs areas is accompanied by:

- No federal funding model in response to social security legal needs
- Lack of identifiable funding targeted to social security legal needs
- No funding to Aboriginal and Torres Strait Islander Legal Services or Family Violence Prevention Legal Services relating to social security legal needs
- Historical social security funding allocations to a small number of Community Legal Centres being homogenized into generalist funding which include other legal matters, and few CLCs in non-capital cities historically included.
- No identifiable funding to Legal Aid Commissions to provide social security legal help.

Access to independent advocacy and social security legal help are basic to fair treatment, reducing adverse impacts, promoting the quality of the social security system and

responsiveness of the system and social security law to the rights and lived experience of people in 4Rs areas.

The 4Rs Network have raised lacks relating to social security legal help in all submissions in the last two years. We draw the Committee's attention to 4.3 (p. 24-27) in the 4Rs submission to the NDIS review into lived experience in rural, regional and remote areas.⁹ While this submission related to lived experiences of the NDIS in 4Rs areas, the outline relating to access to independent advocacy and social security legal help also applies to people who are subject to CIM in 4Rs areas, and everyone impacted by social security in 4Rs areas.

The submission highlighted opportunities to link or integrate social security legal help with relevant community-based programs in the 4Rs including consideration of how this could relate to the Remote Jobs and Economic Development Program.

The two key recommendations are repeated below.

Recommendations 3 and 4

3. Needs-based federal funding should be provided to community-based legal services, including Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services which wish to participate, to ensure ready access to social security legal help by people with disability, carers and other vulnerable people in 4Rs areas.
4. Efforts should be made to link or integrate social security legal help with relevant community-based programs in the 4Rs including considering how this could relate to the Remote Jobs and Economic Development Program.

⁹ Referred to above, this is submission number 82 published by the Committee, [linked here](#).