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SOCIAL SECURITY BULLETIN

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SOCIAL SECURITY AMENDMENT BILL

If you look at the October 1982 'Social Security Bulletin' you will find highlighted three injustices in the social security system.

If you look at the Social Security Amendment Act 1982 which passed through Parliament on 15 December 1982, you will find that Senator Chaney (after reading the 'Social Security Bulletin') remedied two of them - the failure to pay family allowances for unemployed school leavers, and the anomalies in sickness benefit administration. The third - the refusal of the Department to pay unemployment benefits to people whose factories closed down in the summer - was fixed by new departmental instructions.

It is not often that such a modest publication can record three quick triumphs. We are happy to share the pleasure with welfare groups who backed these campaigns and with Senator Chaney who responded with speed and grace.

The Act now:

- . extends family allowance payment over the summer vacation until the unemployed school leaver is entitled to unemployment benefit;
- . increases the income limits for students living away from home from \$2,500 to \$3,600, and for students living at home from \$1,800 to \$2,500;
- . extends qualification for sickness benefit without a waiting period to the following people Social Security had declared ineligible;
 - (a) unemployed persons eligible for, though not receiving, unemployment benefit;
 - (b) unemployed persons whose benefit has been postponed because of alleged work test failure or voluntary unemployment;
 - (c) unemployed school leavers who become sick in the six weeks period between leaving school and receiving unemployment benefit if they cannot find work;
 - (d) pensioners, including invalid pensioners, widow pensioners, supporting parents and recipients of sheltered employment allowance whose pensions have been stopped;
- . gives supplementary (rent) allowance to sickness beneficiaries transferring from a pension and receiving supplementary assistance without their having to serve a six-weeks waiting period;
- . gives supplementary allowance after six weeks to persons transferring from unemployment to sickness benefits.

The Labor Party welcomed the legislation wholeheartedly but moved an amendment to extend sickness benefits also to sick persons involved in an industrial dispute, either directly or stood down and belonging to a union on strike.

The Opposition did not press the amendment to a vote as that would have delayed the passage of the Bill which was correcting anomalies and redressing hardship. We will return to that cause at a later time.

Senator Chaney's prompt action should encourage others in despair at the apparent rigidities of the social security system to fight for compassion and common sense.

UNEMPLOYMENT BENEFIT DURING SEASONAL SHUT-DOWN

The third victory concerned unemployed persons put off for four or five weeks in industries subject to seasonal shut-down, when those persons had no recreation leave entitlements.

Until the end of 1977 they were paid unemployment benefit until their factories, as in the vehicle industries, resumed work. Senator Guilfoyle took exception to this perceived generosity and stopped the payments.

Senator Guilfoyle maintained (23.2.1978 and 16.11.1978) that they were not unemployed because it was the holiday period.

Though it took five years for the Government to reverse that decision we are grateful for Senator Chaney's announcement that:

".. if a person did not have a recreation leave which covered him for the period of closure or shut-down, that person could be eligible for unemployment benefit for the balance of time of the closure, provided that the person met the eligibility criteria - that is, he would have to be taking reasonable steps to obtain work and would be subject to the normal waiting period. I have asked my Department to ensure that this procedure is administered uniformly, and an instruction will be sent to all officers of the Department to clarify the situation." (8.12.1982)

ABORIGINES ON UNEMPLOYMENT BENEFIT - LACK OF SPEED AND INTEREST

The Quarterly Survey of Unemployment Beneficiaries released by the Department of Social Security used to give the numbers of unemployed Aborigines under a classification of 'Australian-born indigenous persons'.

Since May 1977 the Department has stopped collecting statistics on Aboriginal social security beneficiaries, claiming these were subject to considerable error.

I tried several times to find out whether a better system could be found to establish the unemployment benefit take-up in Aboriginal communities and the larger cities. Many social security officers have expressed to me their doubts that Aborigines are receiving proper entitlements, and this concern should have been felt by senior officers and Ministers of Social Security and Aboriginal Affairs as well as Aboriginal groups.

In answer to my most recent question Senator Chaney has revealed:

- . 1977 - the Minister for Aboriginal Affairs suggested Aboriginal and Torres Strait Islanders be separately identified in Social Security statistics.
- . 1978 - the National Aboriginal Conference (NAC) passed a resolution supporting separate identification.
- . 1979)
- . 1980) Nothing happened
- . 1981)
- . 1982 - the Department is to 'test the use of forms which will allow for voluntary self-identification'.

No surveys have been made or are intended to determine the proportion of eligible Aborigines who receive unemployment benefit in the interim. (1.12.1982)

Will the last five years of inertia and apathy be followed by another five or might Senator Chaney speed up the testing and evaluation of voluntary self-identification to assess whether Aborigines are receiving payments in proportion to their numbers and situation?

WIDOW'S PENSION REFUSED AFTER MARRIAGE ANNULMENT

An unusual case determined by the Administrative Appeals Tribunal on 18.11.1982 demonstrates the need for further amendment to the Social Security Act.

Mrs B. married in 1949 and had two children. The marriage was annulled in 1975 after there had been a separation in the previous year. The grounds were bigamy by Mr B. who had separated from but not divorced his first wife.

Mrs B's application in July 1980 for widow's pension was rejected by the Department; then recommended by the Social Security Appeals Tribunal; then vetoed by the Department; and finally dismissed by the A.A.T.

She was found ineligible because (a) Mr B. was not dead; and (b) there was no relevant valid marriage and therefore no 'husband'.

Firstly, the legislation should be amended to include in the definition of 'widow' a woman whose marriage was annulled in that way.

Secondly, it is an indictment of the decision-making process that Mrs B. has been put through this strain for two and a quarter years by the Social Security Department and appeals system.

YESTERDAY'S NIGHTWATCHMEN

A number of men appealing to the Administrative Appeals Tribunal against the rejection of invalid pension find their cases determined by Tribunal members whose knowledge of the labour market is out of date.

On several occasions the Tribunal has declared that men suffering disabling physical conditions - chronic back, neck or leg strain, often compounded by severe depression - are fit for work such as nightwatchman or lift driver.

In these typical cases medical experts have given evidence that the applicant is unfit to rejoin the workforce, and employment experts have given evidence that in competition for jobs, applicants with a history of work injury and constant pain would stand no chance.

It is unfortunate that some Tribunal members judge that such disabled people could comfortably perform what they call 'light work' - nightwatchman, lift-driver or petrol pump attendant - which are all disappearing jobs.

Big companies and small factories no longer hire the disabled nightwatchman. They contract with security companies to provide strong young men or electronic alarms. In the few buildings with lift-drivers, preference is given to disabled employees within the company or healthy young men or women. Men with an incapacity preventing sitting or standing for long periods would not even be considered. Petrol pump attendants are knocked over in the forward march of self-service pumps.

It is not that these jobs are vanishing at the time of economic depression. They are jobs which will not be there even if employment conditions improve.

An applicant's eligibility for invalid pension should not rest on the possibility that he could handle jobs which are disappearing in the modern world, never to return.

'WHEREABOUTS UNKNOWN'

Double orphan's pension of \$55.70 a month is paid on behalf of 5,000 children. (It did not go up in the 1982 Budget when Handicapped Children's Allowance was increased, probably because the guardians of orphans are not organised and have no lobby group to put their case.)

Rejection of claims for orphans' pension in two similar cases which have come to my notice raise the question that the definition may be too rigidly administered within the Department of Social Security.

The Act states that double orphans' pension is payable where one of the parents is dead and the other is in prison for a term of not less than 10 years, in a mental hospital for an indefinite period or -

s.105A(2)(a) "the whereabouts of the other parent is not known to the claimant".

Two Aboriginal grandmothers (Mrs E. and Mrs K.) living in different parts of Western Australia, took over the guardianship of their grandchildren when sons were killed in road accidents.

One tragedy occurred on New Year's Day 1980 and Mrs E. has taken care of her son's four children since then. The children's mother has not been near her children since that time and her whereabouts have been and are unknown to Mr and Mrs E. who are poor people living in the country on Mr E's invalid pension.

Mrs E.'s claim was rejected by Senator Chaney on 3.8.1982 on the grounds that her ignorance of her daughter-in-law's whereabouts was due to a 'lack of effort'.

Mrs T.'s orphans' pension claim was rejected by the Administrative Appeals Tribunal which suggested that Mrs T. could perhaps have located the children's mother through her family by making a telephone call or consulting an electoral roll. (It is unlikely that one person in a thousand would know where to find or how to use an electoral roll. In any case it is unlikely that people who have abandoned their children would see voter registration as a high priority.)

Does the Department expect grandmothers of little education and no money to hire private detectives to bring back mothers who have walked away from their responsibility as parents? Should the welfare of the children be considered before dragging back reluctant mothers? Should the onus be entirely on the guardians?

Both grandmothers are being excluded from a payment of \$55.70 a month for each child, incidentally saving State institutions thousands of dollars, on a definition of 'whereabouts not known to the claimant', though they are ensuring that those children who have for years been part of their households are receiving desirable family care.

The attitude of the Department of Social Security is unsympathetic and creating severe hardship. It is possible that this is the case in other claims not brought to my attention.

The legislation should be administered in a more flexible way and if necessary amended so that caring grandparents can receive recognition for the sacrifices they make to keep families together.