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**LAW & HUMAN DIGNITY**



# GRIFFITH JOURNAL OF LAW & HUMAN DIGNITY

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# PARENTS...NEXT: THE ONGOING NEOLIBERALISING OF AUSTRALIAN SOCIAL SECURITY

LYDIA HAMER AND KIERAN TRANTER\*

*This article argues that ParentsNext has a detrimental impact on women with children. Through outsourcing, penalising of non-compliance and its one-size-fits-all approach, the program continues the neoliberalist agenda in Australian social security. Women with young children are 'next'. ParentsNext's true purpose is ideological; its actual effect is to punish and harm vulnerable women and children by subjecting them to the whims of private providers and the data-producing requirements of the social security machine without any substantive attempt to overcome structure barriers to achieving economic security.*

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## I INTRODUCTION

ParentsNext is a compulsory pre-employment program for select ‘Parenting Payment’ recipients. ParentsNext is obstinately aimed at building a recipient’s work skills to increase workforce participation by parents with young children. This article argues that ParentsNext fails to achieve its objectives, and in doing so, is having a detrimental impact on recipients. The evidence-base for this argument is drawn from a critical analysis of the ParentsNext policies, official website and evaluation reports, material generated by the Senate Inquiry into ParentsNext and media reporting. The article is segmented into three sections. The first section introduces the ParentsNext program, setting out its structure and eligibility requirements. The second section looks at the features of neoliberalism in Australian social security policy. The third section argues that the ParentsNext program reflects these neoliberal features through the incorporation of private entities, the Targeted Compliance Framework (‘TCF’) and the disregard for structural factors affecting recipients. As such, the proposed conclusion is that the ParentsNext program is causing further harm to vulnerable women and children.

## II PARENTSNEXT

ParentsNext is an intensive intervention program targeted at parents with children under six years of age. Formal policy documents suggest that it was introduced to address gender gaps in workforce participation, concerns about ‘jobless families’, specific

concerns about life opportunities for young and First Nation parents, and the cost to the social security system stemming from ‘disadvantaged’ parents.<sup>1</sup> It makes social security payments conditional in undertaking identified activities specifically, it ‘aims to increase female participation in the workforce’<sup>2</sup> with women making up 96% of the program’s recipients.<sup>3</sup> Further, ParentsNext was also introduced with the aim of meeting the 2008 ‘Closing the Gap’ target of ‘halving the gap in employment outcomes between Indigenous and non-Indigenous Australians by 2018’.<sup>4</sup> As of 31 December 2019, 20% of ParentsNext recipients identify as First Nation.<sup>5</sup> While formally framed as directed to ‘parents’, substantively, the program targets mothers with a special focus on First Nation mothers.<sup>6</sup>

Before being launched nationally on 1 July 2018,<sup>7</sup> ParentsNext underwent a trial period. Pilot programs were conducted across ten local government areas between 4 April 2016 and 30 June 2018.<sup>8</sup> The ParentsNext Evaluation Report documented that the ‘success’ of the pilot was used in justifying the program’s national expansion.<sup>9</sup> It assessed the ‘early impact’<sup>10</sup> of the ParentsNext pilot program and concluded that the program ‘helped to increase the labour market attachment of parents with young children’<sup>11</sup> and can assist in reducing ‘welfare dependency and long-term unemployment’.<sup>12</sup> However, the Report

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<sup>1</sup> Department of Jobs and Small Business, *ParentsNext Evaluation Report* (Report, 13 September 2018) 16-20.

<sup>2</sup> Explanatory Statement, Social Security (Parenting Payment participation requirements – classes of persons) Instrument 2018 (No. 1) (Cth) (‘Explanatory Statement, Parenting Payment Instrument 2018 (No. 1)’).

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Department of Jobs and Small Business, *Explainer: ParentsNext* (Web Page, 16 January 2019) <<https://www.jobs.gov.au/newsroom/explainer-parentsnext>> (‘Explainer: ParentsNext’).

<sup>6</sup> That targeting of First Nations mothers was the basis on which Djirra, a First Nations’ organisation in Victoria supporting First Nations survivors of family and domestic violence, reported ParentsNext to the UN Human Rights Council; ‘Discriminatory program making life harder for Aboriginal mums must be scrapped, UN told’, *Human Rights Law Centre* (Web Page, 25 March 2021) <<https://www.hrlc.org.au/news/2019/7/2/discriminatory-program-making-life-harder-for-aboriginal-mums>>.

<sup>7</sup> Minister for Jobs and Innovation (Cth), *Social Security (Parenting Payment participation requirements – classes of persons) Instrument 2018 (No. 1)* (28 February 2018) s 2.

<sup>8</sup> Explanatory Statement, Parenting Payment Instrument 2018 (No. 1) (n 2); Australian Human Rights Commission, Submission No 16 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, Including its Trial and Subsequent Broader Rollout* (1 February 2019) 7.

<sup>9</sup> Department of Jobs and Small Business, *ParentsNext Evaluation Report* (Report, 13 September 2018).

<sup>10</sup> *Ibid* 11.

<sup>11</sup> *Ibid* 50.

<sup>12</sup> *Ibid.*

did not provide a comparison between a recipient's position 'before and after the trial',<sup>13</sup> and it also failed to establish a 'causal link' between a reduction in welfare dependency and participating in ParentsNext.<sup>14</sup> Also, the Report was only released after the program's national expansion.<sup>15</sup> These criticisms hint at ParentsNext being something other than an evidence-based reform.<sup>16</sup>

In the national ParentsNext program, recipients are compelled to engage if they have received 'Parenting Payment' and been without employment for at least six months, and if their youngest child is either eight (if single) or six (if partnered).<sup>17</sup> 'Parenting Payment' is broadly the current manifestation of the single mother's pension.

As of 29 June 2018, 2.1% of the Australian population (18-64) received 'Parenting Payment'.<sup>18</sup> It is paid to recipients who are principal carers of a child under eight if single, and under six if partnered. Strict income and assets tests apply to the family unit which affect the eligibility for 'Parenting Payment'. As of March 2021, single recipients with principal responsibility for one child only received the full payment if they had a fortnightly income of less than \$192. For partnered recipients with one child, the threshold was \$212.<sup>19</sup> The payment received is reduced by 40 cents for every dollar of income over the gross income limit.<sup>20</sup> Payments will be cut-off for single recipients with income exceeding \$2,238.60 gross a fortnight.<sup>21</sup> The cut-off point increases by \$24.60 per

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<sup>13</sup> Australian Human Rights Commission, Submission No 16 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, Including its Trial and Subsequent Broader Rollout* (1 February 2019) 24 ('Australian Human Rights Commission').

<sup>14</sup> *Ibid* 25.

<sup>15</sup> Centre for Excellence in Child and Family Welfare, Submission No 23 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, including its trial and subsequent broader rollout* (February 2019) 6 ('Centre for Excellence in Child and Family Welfare').

<sup>16</sup> The ParentsNext evaluation report was not the only recent social security evaluation report that has been criticised for a lack of rigour and convincingness yet still used to justify rolling out of the program. See Janet Hunt, 'The uses and abuses of evaluation: The cashless debit card story' (2020) 39(1) *Social Alternatives* 20-7.

<sup>17</sup> Senate Community Affairs and References Committee, Commonwealth of Australia, *Inquiry into ParentsNext, Including its Trial and Subsequent Broader Rollout* (Report, March 2019) 4 ('Senate Inquiry into ParentsNext').

<sup>18</sup> 'Unemployment and parenting income support payments; Snapshot 11 September 2019', *Australian Institute for Health and Welfare* (Web Page, 24 March 2021) <<https://www.aihw.gov.au/reports/australias-welfare/unemployment-and-parenting-income-support-payments>>.

<sup>19</sup> 'Income and Assets Test', *Services Australia* (Web Page, 28 August 2020)

<<https://www.servicesaustralia.gov.au/individuals/services/centrelink/parenting-payment/how-much-you-can-get/income-and-assets-tests>>.

<sup>20</sup> *Ibid*.

<sup>21</sup> *Ibid*.



child for recipients with more than one child. Overall, in a national context of average fortnightly wages of \$1713.90,<sup>22</sup> the program is immediately targeting extremely economically vulnerable mothers. This targeting is further focused through use of the Intensive Stream or Targeted Stream, which is assessed using the Job Seeker Classification Instrument questionnaire.<sup>23</sup> If a recipient is identified within a stream, participation is compulsory.

To be allocated in the Intensive Stream, recipients must reside in an Intensive Stream location, have a child at least five years or six months of age, and be either an early school leaver or deemed highly disadvantaged.<sup>24</sup> Locations were selected to ensure First Nation recipients comprise the majority of the Intensive Stream.<sup>25</sup> If this criteria is not met, recipients will be allocated into the Targeted Stream if residing in a Targeted Stream location and either an early school leaver with their youngest child being at least one year old, deemed highly disadvantaged with a child at least three years of age or deemed to be a 'jobless family' with the youngest child being at least five years old.<sup>26</sup>

If identified as a compulsory ParentsNext recipient, recipients must attend appointments and enter a participation plan focusing on 'parenting, pre-employment and employment goals' with their allocated 'ParentsNext provider'.<sup>27</sup> The ParentsNext providers are private for-profit or not-for-profit agencies that were successful in a tender process with the Department of Education, Skills and Employment to provide the services. The current tenders were from 2018 to 2021.<sup>28</sup> The providers are central to the working of ParentsNext. The activities a recipient must undertake in their participation plan is determined by the ParentsNext provider.<sup>29</sup> In addition, the providers have primary responsibility for surveillance of recipients' compliance with participation plans. For

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<sup>22</sup> Australian Bureau of Statistics, *Average Weekly Earnings, Australia* (Catalogue No 6302.0, 31 August 2020) <<https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia/latest-release>>.

<sup>23</sup> Explanatory Statement, Parenting Payment Instrument 2018 (No. 1) (n 2); *Senate Inquiry into ParentsNext* (n 18) 58.

<sup>24</sup> *Senate Inquiry into ParentsNext* (n 17) 4.

<sup>25</sup> *Ibid*; *Explainer: ParentsNext* (n 5).

<sup>26</sup> *Senate Inquiry into ParentsNext* (n 17) 5.

<sup>27</sup> Australian Human Rights Commission (n 13) 6.

<sup>28</sup> 'AusTender: Contract Notice View - CN3512364', *Australian Government* (Web Page, 31 August 2020) <<https://www.tenders.gov.au/Cn/Show/?Id=74e570d7-e5bf-0aa4-7de4-843b1104330f>>.

<sup>29</sup> Good Shepherd Australia New Zealand, Submission No 15 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, including its trial and subsequent broader rollout* (February 2019) 18 ('Good Shepherd Australia New Zealand').

example, recipients face suspension of their 'Parenting Payment' for non-compliance,<sup>30</sup> and recipients must reconnect with providers to have their 'Parenting Payment' reinstated.<sup>31</sup> Persistent non-compliance with participation plans or reporting requirements can result in a reduction or cancellation of a recipient's 'Parenting Payment'.<sup>32</sup>

The features of ParentsNext — enhanced obligations, involvement of private entities in setting and policing obligations and a regime of cutting payments if the private provider deems the obligations are not met — manifest a pattern in Australian social policy reform over the past 30 years. Identified as having its origins in neoliberalism, a succession of reforms has made social security in Australia conditional and punitive.

### III NEOLIBERALISING OF AUSTRALIAN SOCIAL SECURITY

Since the late 1980's, neoliberalism has become the driving ethos behind successive reforms to the Australian social security system.<sup>33</sup> The hallmarks of neoliberalism are the privatisation of public services, deregulation and the prioritisation of a 'free market economy'.<sup>34</sup> Through neoliberalism, social security recipients are viewed as creators of their own misfortunes,<sup>35</sup> identified as having 'defects of...character'<sup>36</sup> which have contributed to a lack of individual responsibility to engage in the labour market.<sup>37</sup> Neoliberalism-derived policies aim to address 'welfare dependency' through the transformation of recipients from the 'undeserving poor'<sup>38</sup> into entrepreneurial market competitors.<sup>39</sup> For the Australian social security system, this has involved increased

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<sup>30</sup> *Senate Inquiry into ParentsNext* (n 17) 5.

<sup>31</sup> Australian Human Rights Commission (n 13) 9.

<sup>32</sup> *Senate Inquiry into ParentsNext* (n 17) 5.

<sup>33</sup> Carol Ey, 'Social Security Payments for the Unemployed, the Sick and those in Special Circumstances, 1942 to 2012: A Chronology' (Background Note, Parliamentary Library, Parliament of Australia, 4 December 2012) 3.

<sup>34</sup> Chris Cunneen, 'Surveillance, Stigma, Removal: Indigenous Child Welfare and Juvenile Justice in the Age of Neoliberalism' (2016) 19(1) *Australian Indigenous Law Review* 32, 32.

<sup>35</sup> Greg Marston, Sally Cowling and Shelley Bielefeld, 'Tensions and contradictions in Australian social policy reform: Compulsory Income Management and the National Disability Insurance Scheme' (2016) 51(4) *Australian Journal of Social Issues* 399, 402.

<sup>36</sup> *Ibid.*

<sup>37</sup> Cunneen (n 34) 33.

<sup>38</sup> Marston, Cowling and Bielefeld (n 35) 409.

<sup>39</sup> Cunneen (n 34) 33.

conditionality of payments, enhancement of compliance regimes and the privatisation of employment services.<sup>40</sup>

It is often recognised that the beginning of neoliberalism's influence on Australian social security was the 'Active Employment Strategy' in 1988 under the Hawke-Keating Labor Governments.<sup>41</sup> In order to receive unemployment benefits, recipients had to satisfy an activity test by participating in employment skills programs to improve 'job-readiness'.<sup>42</sup> Although the requirements of the activities test seem modest compared with more recent expectations, it introduced two central neoliberal conceptions into Australian social security. The first was conditionality, being that benefits were not a right, but conditional on workforce engagement by recipients. The second was that unemployment was the responsibility of the recipient as an individual to address.<sup>43</sup> The next milestone along this trajectory was the Howard Liberal Government's 'mutual obligation' reforms in 1997, which increased the intensity of the activity test,<sup>44</sup> introduced the 'Dole Diary' and the 'Work for the Dole' program,<sup>45</sup> that connected payment of benefits to attending and participating in work placements.<sup>46</sup>

Parallel with the increase in activities and reporting was the introduction of more targeted compliance and surveillance regimes. The 'breach regime', introduced in the late 1990s, provided a stepped penalty process that would see payments reduced and suspended for non-compliance with the increased obligations.<sup>47</sup> In addition, surveillance of recipients was expanded, which ranged from increases in 'tip-off' mechanisms, use of private investigators to report on recipients and the adoption of successive generations

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<sup>40</sup> Gráinne McKeever and Tamara Walsh, 'The Moral Hazard of Conditionality: Restoring The Integrity of Social Security Law' (2020) 55(1) *Australian Journal of Social Issues* 73.

<sup>41</sup> Ey (n 33) 3.

<sup>42</sup> Philip Mendes, *Empowerment and Control in the Australian Welfare State: A Critical Analysis of Australian Social Policy since 1972* (Routledge, London) 105.

<sup>43</sup> Mitchell Dean, 'Governing the Unemployed Self in an Active Society' (1995) 24(4) (4) *Economy and Society* 559.

<sup>44</sup> Mendes (n 42) 145.

<sup>45</sup> Ey (n 33) 4.

<sup>46</sup> Simon Schooneveldt and John Tomlinson, 'Does Receiving a Breach Penalty from Centrelink Coerce Unemployed People to Comply with the Government's Wishes?' in Ellen Carlson (ed), *The Path to Full Employment: 4th Path to Full Employment Conference and 9th National Conference on Unemployment*, (4-6 December 2002, The University of Newcastle, Australia) 179, 180.

<sup>47</sup> Lyndal Sleep, 'Pulling up their Breaches: an Analysis of Centrelink Breach Numbers and Formal Appeal Rates' (2002) 6(2) *Journal of Economic and Social Policy* 68.

of data-matching and data-sharing technologies.<sup>48</sup> The later cumulating with the now discredited 'Robodebt' program which compared Australian Taxation Office data with a recipient's social security declarations, resulting in automatic 'Show Cause' notices.<sup>49</sup> Like the enhanced activities and obligations requirements, these have continued notwithstanding many studies that have identified that punitive approaches are 'counterproductive' and do not 'result in the desired behavioural change' in recipients.<sup>50</sup> In this context, enhanced obligations enforced through punitive measures reflect neoliberalism in regarding exclusion from the workforce as due to personal faults with the recipient.<sup>51</sup>

This was also seen directly with the privatisation of the Commonwealth Employment Service ('CES') in 1998.<sup>52</sup> The CES was superseded by the Job Network, now known as 'Jobactive', comprising of private for-profit and not-for-profit organisations.<sup>53</sup> The privatisation of CES was justified on the belief that private companies are more efficient and cost-effective than government-run services.<sup>54</sup> The current 'Jobactive' system has been identified as ineffective,<sup>55</sup> with many critics having identified that transferring

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<sup>48</sup> Paul Henman, 'Targeted! Population Segmentation, Electronic Surveillance and Governing the Unemployed in Australia' (2004) 19(2) *International Sociology* 173; Lyndal Sleep and Kieran Tranter, 'The Visiocracy of the Social Security Mobile App in Australia' (2017) 30(3) *International Journal for the Semiotics of Law* 495; Kieran Tranter, 'The Car as Avatar in Social Security Decisions' (2014) 27(4) *International Journal for the Semiotics of Law* 713.

<sup>49</sup> Paul Henman, 'The Computer Says 'DEBT': Towards a Critical Sociology of Algorithms and Algorithmic Governance' (2017) 43 *Data for Policy*; Terry Carney, 'Social Security law: Bringing Robo-Debts Before the Law: Why It's Time to Right a Legal Wrong' (2019) (58) *Law Society of NSW Journal* 68; Terry Carney, 'Robo-Debt Illegality: The Seven Veils of Failed Guarantees of the Rule of Law?' (2019) 44(1) *Alternative Law Journal* 4.

<sup>50</sup> Australian Human Rights Commission (n 13) 23.

<sup>51</sup> Marston, Cowling and Bielefeld (n 35) 412; National Council of Single Mothers and their Children, *ParentsNext: Help or Hindrance?* (Report, June 2019) 16.

<sup>52</sup> Matthew Thomas, 'A Review of Developments in the Job Network' (Research Paper No 15, Parliament of Australia, 24 December 2007).

<sup>53</sup> David Kemp, 'New Job Network to replace the CES [Commonwealth Employment Service]' (Press Release, Minister for Employment, Education, Training and Youth Affairs, 26 February 1998).

<sup>54</sup> Terry Carney and Gaby Ramia, 'Welfare Support and 'Sanctions for Non-Compliance' in a Recessionary World Labour Market: Post-Neoliberalism or Not?' (2010) 2(1) *International Journal of Social Security and Workers Compensation* 29.

<sup>55</sup> Senate Education and Employment References Committee, Parliament of Australia, *Inquiry into the appropriateness and effectiveness of the objectives, design, implementation and evaluation of Jobactive* (Report, February 2019) 116.

responsibility to profit-driven private providers weakens government accountability and transparency and exposes recipients to the exercise of unfettered discretion.<sup>56</sup>

These changes are predominately applied to recipients of unemployment payments,<sup>57</sup> however, the Howard Liberal Government's 2006 'Welfare to Work' policy widened the focus to include individuals in receipt of 'Parenting Payment'.<sup>58</sup> The effect of this change was to compel recipients into the unemployment payment stream without any specific sense of the recipients' support, care responsibilities or capacity to engage in the labour market. 'Welfare to Work' has been criticised as having a significant negative impact on the health and life opportunities of vulnerable women and children.<sup>59</sup> Further, the 'Robodebt' program showed that the intensive surveillance and compliance checking applied to recipients on all types of payments, including the Aged Pension and Disability Support Pension.

A final example of the extent of neoliberalism's influence on Australian social security are the income management programs first introduced in 2007.<sup>60</sup> The emerged 'BasicsCard' system is highly paternalistic and, emanating from an assumption that recipients are unable to be self-sufficient and responsible, it provides hard limits on the type of retailers and goods that payments can be spent on.<sup>61</sup> The effect of the 'BasicsCard' has been significant, especially on First Nations peoples and communities where it was first trialled and experienced as another tool of the settler state to survey, discipline, and displace First Nations people.<sup>62</sup>

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<sup>56</sup> Sarah Parker Harris et al, 'Human Rights and Neoliberalism in Australian Welfare to Work Policy: Experiences and Perceptions of People with Disabilities and Disability Stakeholders' (2014) 34(4) *Disability Studies Quarterly* <<https://dsq-sds.org/article/view/3992>>; Carney and Ramia (n 54) 41.

<sup>57</sup> Marston, Cowling and Bielefeld (n 35) 412.

<sup>58</sup> Sarah Parker Harris et al, 'Human Rights and Neoliberalism in Australian Welfare to Work Policy: Experiences and Perceptions of People with Disabilities and Disability Stakeholders' (2014) 34(4) *Disability Studies Quarterly* <<https://dsq-sds.org/article/view/3992>>; Ey (n 33) 4.

<sup>59</sup> Teresa Grahame and Greg Marston, 'Welfare-To-Work Policies and the Experience of Employed Single Mothers on Income Support in Australia: Where are the Benefits?' (2012) 65(1) *Australian Social Work* 73; Kay Cook et al, 'The Quality of Life of Single Mothers Making the Transition from Welfare To Work' (2009) 49(6-7) *Women and Health* 475.

<sup>60</sup> Luke Buckmaster, Carol Ey and Michael Klapdor, 'Income Management: An Overview' (Background Note, Parliamentary Library, Parliament of Australia, 21 June 2012) 10; Mike Dee, 'Welfare Surveillance, Income Management and New Paternalism in Australia' (2013) 11(3) *Surveillance & Society* 272, 279.

<sup>61</sup> Mike Dee, 'Welfare Surveillance, Income Management and New Paternalism in Australia' (2013) 11(3) *Surveillance & Society* 272, 277.

<sup>62</sup> Cameo Dalley, 'The "White Card" is Grey: Surveillance, Endurance and the Cashless Debit Card' (2020) 55(1) *Australian Journal of Social Issues* 51; Eve Vincent, Francis Markham and Elise Klein, "'Moved on"?

In short, the social security agenda in Australia has been influenced by neoliberalist values and principles for several decades, evident through increased conditionality compliance and surveillance mechanisms and the privatisation of services.<sup>63</sup> What has emerged is a social security regime where support from the State is conditional, subject to complex requirements that are enforced through intense surveillance and compliance apparatuses. It is a regime that is focused on ideological messaging about the normality of economic engagement and employment to address 'dependency.' However, in doing so, what is projected is that the recipient is responsible for their predicament and needs disciplining and correction through forced activities — set and policed by private providers — to become better competitors in the job market.<sup>64</sup> Further, these changes have not been siloed within the unemployment area but influenced how programs are designed and implemented on other recipient groups. ParentsNext continues along this trajectory; women with young children are 'next'.

#### IV NEOLIBERALISM IN PARENTSNEXT

The very inclusion of 'next' in the policy title 'ParentsNext' is revealing. The 'next' suggests transformation and change. In the COVID-19 pandemic, the question asked was 'what is next?'. 'Next generation' technologies promise improvements over existing ones. There is a strong Darwinian suggestion tied up in the concept of 'next' and 'next generations' of success through better adaptability to the environment. Indeed, tropes associated with social Darwinism, such as competition and survival, infuse neoliberalist discourses. Ultimately, the inclusion of 'next' in ParentsNext does not hide its agenda. It directly invokes the perspective that recipient parents need to change ... need to become next. In doing so, its neoliberalist orientation is strongly hinted. However, its neoliberal features, that is, the use of private providers, the TCF and inadequate consideration of the barriers to participation, is harmful to these women.

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An Exploratory Study of the Cashless Debit Card and Indigenous Mobility' (2020) 55(1) *Australian Journal of Social Issues* 27.

<sup>63</sup> David R Taylor, Matthew Gray and David Stanton, 'New Conditionality in Australian Social Security Policy' (2016) 51(1) *Australian Journal of Social Issues* 3.

<sup>64</sup> Terry Carney, 'Neoliberal welfare reform and 'rights' compliance under Australian social security law' (2006) 12(1) *Australian Journal of Human Rights* 223, 229.

*A Use of Private Service Providers*

Central to ParentsNext has been the preference for private providers for program delivery. Experience with the 'Jobactive' network has shown that the incorporation of private providers into the administration of social security provides opportunities for misconduct and diminishes government accountability and transparency.<sup>65</sup> The Senate inquiry has reported instances of 'concerning and inappropriate behaviour'<sup>66</sup> by providers.

First, there are concerns in how providers are developing participation plans.<sup>67</sup> Once selected, recipients must enter into a participation plan after discussing their goals and selecting their approved activities with their ParentsNext provider.<sup>68</sup> The official website discusses this process as participatory between recipient and provider, with language like 'choose' and 'agree' suggesting that recipients are proactive agents in the planning process.<sup>69</sup> Further, recipients have ten days to consider whether they wish to agree to the proposed participation plan.<sup>70</sup> There are documented circumstances where providers had not given recipients their ten-day consideration period and rather placed them under considerable pressure to sign the plan immediately.<sup>71</sup> The Senate inquiry noted that participants are aware of the provider's power to affect their 'Parenting Payment' by reporting non-compliance to the administering department, Services Australia, and that this knowledge creates pressure to agree to participation plans.<sup>72</sup>

Second, there is evidence that the activities providers have included in plans are often irrelevant and failed to consider a recipient's circumstances or goals.<sup>73</sup> In the context of

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<sup>65</sup> Carney and Ramia (n 54) 29.

<sup>66</sup> *Senate Inquiry into ParentsNext* (n 17) 64.

<sup>67</sup> *Ibid.*

<sup>68</sup> Department of Jobs and Small Business, Submission No 67 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, Including its Trial and Subsequent Broader Rollout* (2019) 6 ('Department of Jobs and Small Business').

<sup>69</sup> Department of Education, Skills and Employment, *ParentsNext* (Web Page 10 September 2020) <<https://www.employment.gov.au/parentsnext>>.

<sup>70</sup> Department of Jobs and Small Business (n 68) 6.

<sup>71</sup> National Council of Single Mothers and their Children and Council of Single Mothers and their Children, *ParentsNext Survey* (Submission No 20, 1 February 2019) 6 ('NCSMC/CSMC *ParentsNext Survey*').

<sup>72</sup> *Senate Inquiry into ParentsNext* (n 17) 65.

<sup>73</sup> *Ibid* 65-66; Rebecca Williamson, 'Turning local libraries, pools and playgroups into sites of surveillance – ParentsNext goes too far', *The Conversation* (online, 18 June 2019) <<https://theconversation.com/turning-local-libraries-pools-and-playgroups-into-sites-of-surveillance-parentsnext-goes-too-far-117978>>.

the 'Jobactive' network, recipients interviewed by O'Halloran, Farnworth and Thomacos said:

When asked about the services that were provided, participants' responses typically ranged from laughter to anger. Every group specifically identified and discussed the predominance of a focus on compliance, which was to the detriment of a focus on employment. Several participants said that pointless appointments not only did not assist them to find a job but that they were specifically designed to trip them up in order to lose benefit.<sup>74</sup>

Many of the 'Jobactive' providers were successful in winning ParentsNext tenders. A particular concern has been imposing activities related to parenting, requiring recipients to attend playgroups, library sessions or swimming lessons with their children.<sup>75</sup> A survey found that 78% of ParentsNext recipients 'agree that ParentsNext has not introduced their child to new activities as they were already attending or planned to attend' that activity.<sup>76</sup> Compelling recipients to engage in parenting activities seems inconsistent with the stated purpose of achieving education and employment goals 'for the parent'.<sup>77</sup> Rather, the providers seem to be rolling out ParentsNext as a form of 'policing of [recipients'] parenting practices'.<sup>78</sup>

Third, there are reported instances of providers acting illegally, especially when dealing with recipients' personal information under the *Privacy Act 1988* (Cth) ('the Act').<sup>79</sup> Upon entering into a participation plan with a provider, recipients may, but are not required to, sign a privacy waiver, giving consent to providers to collect and disclose personal information to external parties.<sup>80</sup> However, there are reports that recipients are not being made aware of their rights under the *Act* to not agree to the waiver, with some providers telling recipients that the waiver is mandatory.<sup>81</sup> The power to disclose personal

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<sup>74</sup> David O'Halloran, Louise Farnworth and Nikos Thomacos, 'Australian Employment Services: Help or Hindrance in the Achievement of Mutual Obligation?' (2019) *Australian Journal of Social Issues* 492, 499.

<sup>75</sup> Rebecca Williamson, 'Turning local libraries, pools and playgroups into sites of surveillance – ParentsNext goes too far', *The Conversation* (online, 18 June 2019) <<https://theconversation.com/turning-local-libraries-pools-and-playgroups-into-sites-of-surveillance-parentsnext-goes-too-far-117978>>.

<sup>76</sup> NCSMC/CSMC *ParentsNext Survey* (n 71) 10.

<sup>77</sup> Explanatory Statement, *Parenting Payment Instrument 2018* (No. 1) (n 2).

<sup>78</sup> Williamson (n 73).

<sup>79</sup> *Senate Inquiry into ParentsNext* (n 17) 67.

<sup>80</sup> Department of Jobs and Small Business (n 68) 8; *Senate Inquiry into ParentsNext* (n 17) 67.

<sup>81</sup> *Senate Inquiry into ParentsNext* (n 17) 67; NCSMC/CSMC *ParentsNext Survey* (n 71) 16; Good Shepherd Australia New Zealand (n 29) 30.



information without informed consent raises serious privacy and safety concerns, particularly for victims of family and domestic violence.<sup>82</sup>

Fourth, there is considerable discretion in how providers respond to a suggestion that a participation plan obligation has not been met.<sup>83</sup> There is no guidance on how a provider should respond to alleged noncompliance and whether a recipient has a justifiable excuse. This creates the circumstance where recipients in similar situations could be treated differently depending on the predictions of their specific provider. This is significant as the provider has the authority to issue demerit points for non-compliance.<sup>84</sup> Providers register demerit points directly into Services Australia's IT system. Once in the system, the accumulation of demerit points can lead to a reduction or cancellation of a recipient's 'Parenting Payment'.<sup>85</sup> Further, Services Australia has gone on the record to claim that 'it has no power to change or remove demerits'.<sup>86</sup> Recipients do not have a formal review process around the issuing of demerits, and complaints to Services Australia about a demerit are redirected to the provider.<sup>87</sup> This lack of oversight of the demerits system is reflective of the limited avenues for recipients to lodge complaints over provider conduct generally. Recipients are encouraged to address concerns directly with their provider and, failing that, recipients can lodge a complaint through the Department of Education, Skills and Employment.<sup>88</sup> However, the Senate inquiry identified issues with this review process due to the significant power imbalance in the provider-recipient relationship and accepted that recipients often failed to report misconduct to the Department, fearing reprisals from their provider.<sup>89</sup>

Finally, the ParentsNext program also provides financial incentives for provider misconduct. There seems little to prevent providers from 'double dipping' into the \$350 million ParentsNext budget by making recipients complete courses run by that

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<sup>82</sup> *Senate Inquiry into ParentsNext* (n 17) 67; Good Shepherd Australia New Zealand (n 29) 30.

<sup>83</sup> Australian Human Rights Commission (n 13) 28.

<sup>84</sup> *Ibid.*

<sup>85</sup> *Senate Inquiry into ParentsNext* (n 17) 6.

<sup>86</sup> 'Demerits and penalties for not meeting mutual obligation requirements', *Services Australia* (Web Page, 2 April 2020) <<https://www.servicesaustralia.gov.au/individuals/topics/demerits-and-penalties-not-meeting-mutual-obligation-requirements/44416>>; Australian Human Rights Commission (n 13) 28.

<sup>87</sup> Australian Human Rights Commission (n 13) 28.

<sup>88</sup> Department of Education, Skills and Employment, *ParentsNext Complaints, Compliments and Suggestions* (Web Page, 17 June 2020) <<https://www.employment.gov.au/complaints-compliments-and-suggestions-0>>.

<sup>89</sup> *Senate Inquiry into ParentsNext* (n 17) 69.

provider,<sup>90</sup> regardless of whether it aligns with a recipient's goals.<sup>91</sup> Providers also receive \$600 per recipient they retain every six months.<sup>92</sup> This creates an incentive to keep recipients in a limbo of activities, rather than supporting them to transition to the paid workforce.

In summary, the role of private providers in ParentsNext seems very similar to the experiences with the 'Jobactive' network.<sup>93</sup> The inclusion of private providers means there is little accountability for decisions made in the daily operation of ParentsNext. It creates a highly asymmetrical relationship where providers can dictate recipients and recipients are forced to comply through fear of losing payment. There is evidence that within a program ostensibly about increasing a recipient's employability, recipients are being made to do token parenting activities. The inclusion of private providers in ParentsNext has little to do about benefiting recipients. It creates an opaque zone where recipients can be intimidated, bullied and have their payments stopped, and where public funds that could support women with young children is redirected to the private sector. This 'reality' of ParentsNext as something that punishes is particularly emphasised in the use of the TCF.

### *B The Targeted Compliance Framework*

The TCF sanctions regime was incorporated into the ParentsNext program when it was rolled out nationally.<sup>94</sup> The TCF automatically suspends a recipient's 'Parenting Payment' in specific circumstances: first, if a recipient fails to self-report an attendance online; second, if a provider reports a failure to attend a provider appointment or approved

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<sup>90</sup> Graham Matthews, 'Single mother takes action against 'mission impossible'', *Green Left Weekly* (Web Page, 16 April 2019) 8 <<https://search.informit.com.au/fullText;dn=334784299412666;res=IELHSS>>.

<sup>91</sup> Luke Henriques-Gomes, 'ParentsNext: Providers claim extra funds by signing parents up to their own courses', *The Guardian* (Web Page, 5 August 2019) <[https://www.theguardian.com/australia-news/2019/aug/05/parentsnext-providers-claim-extra-funds-by-signing-parents-up-to-their-own-courses?fbclid=IwAR0tOq4qoaiMqzk2Xegyfi2v-xmPoROIoQ7psRW7H\\_bILGsAPw3X-kzpdeE](https://www.theguardian.com/australia-news/2019/aug/05/parentsnext-providers-claim-extra-funds-by-signing-parents-up-to-their-own-courses?fbclid=IwAR0tOq4qoaiMqzk2Xegyfi2v-xmPoROIoQ7psRW7H_bILGsAPw3X-kzpdeE)>.

<sup>92</sup> *Ibid.*

<sup>93</sup> Sarah Parker Harris et al, 'Human Rights and Neoliberalism in Australian Welfare to Work Policy: Experiences and Perceptions of People with Disabilities and Disability Stakeholders' (2014) 34(4) *Disability Studies Quarterly* <<https://dsq-sds.org/article/view/3992>>; Carney and Ramia (n 54) 41.

<sup>94</sup> Department of Jobs and Small Business (n 68) 11.

activities;<sup>95</sup> and third, the TCF records provider demerits and converts demerits into payment suspension when thresholds are reached.<sup>96</sup>

Like Robodebt, the TCF is a blunt tool,<sup>97</sup> it makes an automated decision to suspend payments based solely on limited data.<sup>98</sup> There is no second checking of the data that is provided and there is no consideration that recipients might have access and technical difficulties meeting self-reporting requirements.<sup>99</sup> The detrimental impact that the TCF has on recipients is significant. The average duration of a payment suspension is two days.<sup>100</sup> This can cause an ‘immediate crisis’<sup>101</sup> for recipients who rely on the timely delivery of payments.<sup>102</sup> This places vulnerable recipients under significant distress and increases the risk of exposing recipients and their children to homelessness.<sup>103</sup> Forming a ‘Sword of Damocles’ over recipients, the TCF is a ‘flawed motivational tool’<sup>104</sup> and is counterintuitive to increasing participation.<sup>105</sup> Providers have also recognised that the punitive, policing nature of the TCF has had a detrimental impact on establishing ‘a positive relationship’<sup>106</sup> with recipients, reducing the effectiveness of alleged aims of the ParentsNext program.

In response to criticism of the TCF in the pilot ParentsNext scheme, the national rollout saw the frequency of reporting requirements reduced.<sup>107</sup> Despite studies attesting to the ineffectiveness of the TCF,<sup>108</sup> it remains.<sup>109</sup> In the TCF, neoliberalism is laid bare. Just

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<sup>95</sup> *Senate Inquiry into ParentsNext* (n 17) 55.

<sup>96</sup> *Ibid* 6.

<sup>97</sup> Lisa Fowkes, ‘The Application of Income Support Obligations and Penalties to Remote Indigenous Australians, 2013–2018’ (Centre for Aboriginal Economic Policy Research, Australian National University, 2019), 18–19.

<sup>98</sup> Terry Carney, ‘Automation in Social Security: Implications for Merits Review?’ (2020) 55(3) *Australian Journal of Social Issues* 260, 264.

<sup>99</sup> Mission Australia, Submission No 60 to Senate Community Affairs and References Committee, *Inquiry into ParentsNext, Including its Trial and Subsequent Broader Rollout* (2019) 15 (‘Mission Australia’).

<sup>100</sup> *Ibid* 13.

<sup>101</sup> David Tennant and Kelly Bowey, ‘The impact of social security reforms on single mothers and their children’ (Conference Paper, Australian Social Policy Conference, September 2019) 5.

<sup>102</sup> *Senate Inquiry into ParentsNext* (n 17) 56.

<sup>103</sup> Tennant and Bowey (n 101); Mission Australia (n 99) 14. This could be argued as a breach of Australia’s commitment to the *Convention on the Rights of the Child*. Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) Article 26.

<sup>104</sup> Mission Australia (n 99) 14.

<sup>105</sup> Australian Human Rights Commission (n 13) 23.

<sup>106</sup> *Senate Inquiry into ParentsNext* (n 17) 54.

<sup>107</sup> Parliament of Australia, Australian Government response to the Senate Community Affairs References Committee report: ParentsNext, including its trial and subsequent broader rollout (1 August 2019) 4 (‘*Australian Government response to the Senate*’).

<sup>108</sup> Mission Australia (n 99) 23.

<sup>109</sup> *Australian Government response to the Senate* (n 108) 7.

below the rhetoric of helping and participation is coercion and punishment. The only participation that seems to matter is feeding data into an inflexible, automatic system to maintain payments.<sup>110</sup> The connection between the stated policy goals of supporting parents into the workforce seems to be inverted. Rather, it is about scaring and excluding parents with young children, 96% who are women, out of the social security system. In a context where there is increased awareness of homelessness for women with young children<sup>111</sup> and the need for reliable independent income for women and children to be safe from family and domestic violence,<sup>112</sup> the TCF compounds disadvantage by heightening vulnerability.

### *C Inadequate in Addressing Structural Barriers*

In essence, ParentsNext focuses on ensuring recipients are subject to the whims of providers and the data-producing requirements of the TCF within an overarching context of reinforced insecurity.<sup>113</sup> Absent in ParentsNext is the addressing of the structural barriers that recipients have in accessing employment.<sup>114</sup> The main barrier to employment for ParentsNext recipients is caring responsibilities for young children,<sup>115</sup> as recipients face significant difficulties in accessing affordable childcare.<sup>116</sup> Whilst providers can offer some assistance with childcare fees, this assistance is limited to interim, emergency situations and is not provided on a long-term basis.<sup>117</sup> Requiring recipients to comply with ParentsNext requirements without affording flexibility around

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<sup>110</sup> Marston, Cowling and Bielefeld (n 36) 412; National Council of Single Mothers and their Children, *ParentsNext: Help or Hinderance?* (Report, June 2019) 16.

<sup>111</sup> Wayne Warburton, Elizabeth Whittaker and Marina Papis 'Homelessness Pathways for Australian Single Mothers and Their Children: An Exploratory Study' (2018) 8(1) *Societies* 16.

<sup>112</sup> Silke Meyer, 'Examining Women's Agency in Managing Intimate Partner Violence and the Related Risk of Homelessness: The Role of Harm Minimisation' (2016) 11(1-2) *Global Public Health* 198; Hannah Gissane and Andrew Merrindahl, 'Homelessness Policy with Women at the Centre: Surveying the Connections Between Housing, Gender, Violence and Money' (2017) 30(6) *Parity* 14; Helena Menih and Catrina Smith, 'Homelessness A Consequence of Abuse of Women in Brisbane, Australia' in K Jaishankar (ed), *Interpersonal Criminology: Revisiting Interpersonal Crimes Victimization* (CRC Press, 2017); Natasha Cortis and Jane Bullen, *Domestic Violence and Women's Economic Security: Building Australia's Capacity for Prevention and Redress* (Australia's National Research Organisation for Women's Safety 2016).

<sup>113</sup> *Senate Inquiry into ParentsNext* (n 18) 44.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid* 45; Good Shepherd Australia New Zealand (n 29) 9.

<sup>116</sup> *Senate Inquiry into ParentsNext* (n 17) 45; Centre for Excellence in Child and Family Welfare (n 15) 7.

<sup>117</sup> Mission Australia (n 99) 8.

caring responsibilities is ludicrous if the stated ideas behind the program were genuine.<sup>118</sup>

Recipients surviving family or domestic violence will qualify for an exemption from ParentsNext, granted by Services Australia,<sup>119</sup> however, Services Australia has a problematic legacy in relation to family and domestic violence survivors.<sup>120</sup> There is evidence of Services Australia referring recipients who have disclosed family and domestic violence survivors to ParentsNext providers<sup>121</sup> where they have then been required to seek an exemption from providers,<sup>122</sup> although there is no assurance mechanism that ensures that provider caseworkers have training and experience in recognising at-risk recipients.<sup>123</sup> Even if a survivor is granted an exemption, it is only for 16 weeks.<sup>124</sup>

Further, compelling recipients to attend community-run programs has resulted in the community sector struggling to meet demand.<sup>125</sup> The funding for ParentsNext goes to the providers to tell participants what to do, not to organisations providing employment enhancement opportunities for parents with young children. Recipients in regional communities — which, given the geographical targets of the program, comprise a significant bulk of the ParentsNext cohort — have limited access to community-run services.<sup>126</sup> With many community programs full, recipients are required to travel further to attend the next available service, which adds further time and financial constraints. This has particularly problematic implications for First Nations people in accessing culturally appropriate services, especially in remote areas.<sup>127</sup>

However, these concerns are exactly what neoliberal social security generates. The focus is on the recipient and their personal failings, rather than the structures that form the

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<sup>118</sup> Mission Australia (n 99) 8.

<sup>119</sup> *Senate Inquiry into ParentsNext* (n 17) 5.

<sup>120</sup> Lyndal Sleep, 'Domestic Violence, Social Security and the Couple Rule' (Australian National Research Organisation for Womens Safety (ANROWS), 2019); Lyndal Sleep, 'Entrapment and Institutional Collusion: Domestic Violence Police Reports and The 'Couple Rule' in Social Security Law' (2019) 44(1) *Alternative Law Journal* 17.

<sup>121</sup> *Senate Inquiry into ParentsNext* (n 17) 8.

<sup>122</sup> Australian Government, ParentsNext: Exemptions and Suspensions Guideline (Guideline, 12 February 2020) 13 ('ParentsNext: Exemptions and Suspensions Guideline').

<sup>123</sup> *Senate Inquiry into ParentsNext* (n 17) 62.

<sup>124</sup> ParentsNext: Exemptions and Suspensions Guideline (n 122).

<sup>125</sup> Mission Australia (n 99) 8.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid* 7; Good Shepherd Australia New Zealand (n 29) 4.

horizon of opportunities for the recipient. Rather than helping parents with their caring responsibilities and providing positive support to increase their economic engagement, ParentsNext just adds to the vulnerability and risks of harm to the women and their children.

#### V IDEOLOGY AND GHOSTS

In conclusion, ParentsNext is ideological. It is disconnected from the social and economic realities of vulnerable women with children in Australia, and it is only furthering that vulnerability. If it was designed to help, particularly through a co-design or participatory welfare perspective, it would be very different. There would be no TCF and none of the documented power-plays, insecurity and chances of homelessness that it generates.<sup>128</sup> It should be voluntary, allowing recipients to opt-in.<sup>129</sup> There should be clear recognition that providers are affecting the recipient's rights under the *Social Security Act 1991* (Cth) and that decisions by providers should be reviewable through merits review.<sup>130</sup> Recipients should also be afforded further assistance with associated costs such as childcare and transport. If redesigned in consultation with recipients, community stakeholders and First Nations communities,<sup>131</sup> ParentsNext could be a valuable form of support to assist recipients to improve their long-term financial security.<sup>132</sup>

However, as ParentsNext currently stands, it is not. It manifests as if vulnerable women with children are a problem that requires correction through bullying by unaccountable providers, backed up with threats and the taking away of money. In this, there is a misogynist ghost haunting the ParentsNext machine; the pejorative, racist and harmful imagery sourced in neoliberalist discourses from the United States of the 'Welfare Queen'.<sup>133</sup> Only through seeing ParentsNext through this, does its structure and operation

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<sup>128</sup> *Senate Inquiry into ParentsNext* (n 17) 78.

<sup>129</sup> Australian Human Rights Commission (n 13) 4.

<sup>130</sup> *Ibid* 29.

<sup>131</sup> *Ibid* 5; On co-design in social policy see Emma Blomkamp, 'The Promise of Co-Design for Public Policy' (2018) 77(4) *Australian Journal of Public Administration* 729-743.

<sup>132</sup> National Council of Single Mothers and their Children, *ParentsNext: Help or Hinderance?* (Report, June 2019) 16.

<sup>133</sup> Ange-Marie Hancock, *The Politics of Disgust: The Public Identity of the Welfare Queen* (New York University Press, 2004); Shawn A Cassiman, 'Resisting the Neo-Liberal Poverty Discourse: On Constructing Deadbeat Dads and Welfare Queens' (2008) 2(5) *Sociology Compass* 1690; Michele Estrin Gilman, 'The Return of the Welfare Queen' (2013) 22(2) *American University Journal of Gender, Social Policy and the Law* 247.

make sense. ParentsNext treats vulnerable women as if they are not worthy of respect and support.<sup>134</sup> It projects that to be female, economically vulnerable and responsible for children, is a problem. No real good and no real change could ever come from a policy that has this at its very core. ParentsNext should be ParentsYes. It should leave behind the perverse neoliberal fantasies from last century and the nonsense that shifting public funds to private entities somehow benefits recipients. ParentsYes should be an empowering and community informed program, co-designed with the participation of recipients that lifts vulnerable women and children through affirmation and the proactive addressing of structural barriers; not punishment, but support. Rather than the spectre of the 'Welfare Queen', there should be an absolute recognition that through supporting and empowering women, there can be a better future for the next generation.

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<sup>134</sup> Kate Galloway 'Family First' Rhetoric Neglects Single Mothers' (2019) 29(4) *Eureka Street* 44.

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