



**AASW**  
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**Australian Association  
of Social Workers**

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*Submission to the Senate  
Education and Employment  
Legislation Committee  
Re: Social Security Legislation Amendment  
(Further Strengthening Job Seeker  
Compliance) Bill 2015*

**October 2015**

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## Introduction

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### Who we are

The Australian Association of Social Workers (AASW) is the professional body representing more than 9000 social workers throughout Australia.

We set the benchmark for professional education and practice in social work and have a strong voice on matters of social inclusion, social justice, human rights and issues that impact upon the quality of life of all Australians.

### The social work profession

The social work profession is committed to the pursuit of social justice, the enhancement of the quality of life, and the development of the full potential of each individual, group and community in society.

Principles of social justice, human rights, collective responsibility and respect for diversities are central to the profession and are underpinned by theories of social work, social sciences, humanities and Indigenous knowledge.

Social workers work with individuals, families, groups and communities. Professional social workers consider the relationship between biological, psychological, social, cultural and spiritual factors and how they impact on a client's health, wellbeing and development. Accordingly, social workers maintain a dual focus in both assisting with and improving human wellbeing and identifying and addressing any external issues (known as systemic or structural issues) that may impact on wellbeing, such as inequality, injustice and discrimination.

### Our submission

Social workers have an ongoing commitment to social justice for individuals, groups and communities. Therefore, we welcome the opportunity to contribute to this inquiry into the Social Security Legislation Amendment (Further Strengthening Job Seeker Compliance) Bill 2015. While social workers work with people from every strata of society, we have a particular commitment to those who are most disadvantaged. Social workers are particularly supportive of proposals that would assist those who are unemployed to gain employment.

## Responses

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### 1. Concern that the legislation removes an important safeguard

1.1 The AASW is particularly concerned about the repeal of 42NC which is

*If the Secretary determines that a person commits a serious failure, the Secretary must also determine that this section applies unless the Secretary is satisfied that:*

*(a) the person does not have the capacity to undertake any serious failure requirement; and*

*(b) serving the serious failure period would cause the person to be in severe financial hardship.*

1.2 42NC provides important protections to ensure that people are not penalised for refusing jobs that they cannot do. It also has a role in protecting individuals from financial destitution.

1.3 It would also seem that the repeal of 42NC removes a safeguard against faulty decision making in complex cases. Section 42Q, which has identical wording, can only rectify a mistake after it has been made; 42NC has the potential to stop the mistake before it occurs.

## **2. Doubt that the amendment will lead to more people moving into paid employment**

- 2.1 In the Explanatory Memorandum an increase in attendance at reconnection appointments with employment service providers, from 65% in 2013 to over 90% in June 2015, is given as an example of the success of the new job seeker compliance framework. This Bill is intended to support this framework. The AASW has not been able to access the original data that is quoted. However the figures seem exceptionally high in view of other data that is publically available. For instance, according to the job seeker compliance data compiled by the Department of Employment, attendance at appointments with employment services providers was 68% in the period 1 October to 31 December 2014<sup>1</sup> just prior to the passing of the Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Act 2014, and remained at 68% in the following quarter of Jan 1 to 31 March 2015,<sup>2</sup> after the legislation was passed. We suggest that when Senators are given the opportunity, that they scrutinise the data closely before accepting that the earlier legislation has been an outstanding success.
- 2.2 Notwithstanding the above, we note that the Government has not offered any evidence that these changes will actually lead to more people getting paid employment. At their best they may make people more compliant to Government regulations. However, if there is little relation between the regulations and actually achieving paid employment, all that the regulations will achieve is harassment of the unemployed. How sensible for instance is it to insist that unemployed people living in areas of high unemployment and few jobs apply for 20 jobs a month as per the recommendations on the Employment Pathway Plan in the Guide to Social Security Law?<sup>3</sup> Many clients of social workers justifiably complain about jumping through rigid bureaucratic hoops to avoid having welfare payments withdrawn, while at the same time finding that there is little real support to get a job.

## **3. Conclusion**

The AASW strongly supports the idea that the best way out of poverty is to achieve long term employment. The AASW therefore supports initiatives that assist people on the path to paid employment. However, this current bill is unlikely to achieve this aim and removes important safeguards which allow for discretion in complex cases. This will inevitably lead to some people being unfairly financially penalised while others will be left financially destitute.

Submitted for and on behalf of the Australian Association of Social Workers Ltd

**Glenys Wilkinson**

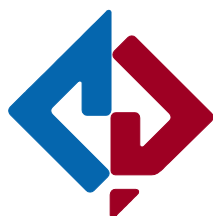
AASW Chief Executive Officer

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<sup>1</sup> Department of Employment (2014). Job Seeker Compliance Data December Quarter 2014. p.3. Available at <https://goo.gl/O4ZLbn>

<sup>2</sup> Department of Employment (2014). Job Seeker Compliance Data December Quarter 2014. p.3. Available at <http://goo.gl/zXTssp>

<sup>3</sup> Australian Government. Guide to Social Security Law, Version 1.215 – Released 21 September 2015. Available at <http://goo.gl/JT4Qyc>



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