
The Parliament of the Commonwealth of Australia

Advisory report on the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011

House of Representatives
Standing Committee on Education and Employment

May 2011
Canberra

© Commonwealth of Australia 2011

ISBN 978-0-642-79451-2 (Printed version)

ISBN 978-0-642-79452-9 (HTML version)

Contents

THE REPORT

Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011	1
Referral of inquiry	1
The Bill	1
Outline of the Bill	2
Background	3
Conduct of the Inquiry	4
Scope of the Inquiry	4
Main Issues	4
Communication, Guidance and Training	5
Data	17
Evaluation	20
Vulnerable Job Seekers	22
Staff and IT Resourcing	29
“Reasonable Excuse” and “Special Circumstances”	35
Response from the Government to the Report of the Independent Review into the Impacts of the new Job Seeker Compliance Framework	41
Concluding Comments	42

THE APPENDICES

Appendix A - Text of the Bill	45
Appendix B - List of Submissions and Exhibits	59
Appendix C - List of Hearings and Witnesses	61

THE AUSTRALIAN GREENS' DISSENTING REPORT

The Australian Greens' Dissenting Report	65
Introduction	65
Rationale for Change	66
Evidence	69
Impact on job seekers	70
Conclusion	71



Membership of the Committee

Chair Ms Amanda Rishworth MP

Deputy Chair Mr Rowan Ramsey MP

Members Ms Karen Andrews MP

Mr Adam Bandt MP (from 24/03/11 to
11/5/11)*

Mrs Yvette D'Ath MP

Ms Deborah O'Neill MP

Mr Mike Symon MP

Mr Alan Tudge MP

*Mr Bandt is a supplementary member of the Committee for the purposes and duration of the inquiry into the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011.

Committee Secretariat

Secretary Dr Glenn Worthington

Inquiry Secretary Ms Sara Edson

Research Officer Ms Larisa Michalko

Administrative Officers Mr Daniel Miletic

Ms Tarran Snape



Terms of reference

The terms of reference are the text of the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011.



List of abbreviations

ACOSS	Australian Council of Social Service
DEEWR	Department of Education, Employment and Workplace Relations
DHS	Department of Human Services
ESP	Employment Service Provider
Independent Review	The Independent Review into the Impacts of the new Job Seeker Compliance Framework. Published September 2010.
JSA	Job Services Australia
KPI	Key Performance Indicator
NWRN	National Welfare Rights Network
PST	Participation Solutions Team
The Bill	The Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011



List of recommendations

Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011

Recommendation 1

The Committee recommends that a brief, plain-English explanation of the proposed changes, and the obligations that will stem from them, be produced and made available to all job seekers as soon as practicable.

Recommendation 2

The Committee recommends that the Department of Education, Employment and Workplace Relations, the Department of Human Services, employment service providers, and other stakeholders work together to develop consistent guidance and training material to accompany the Bill.

Recommendation 3

The Committee recommends that Centrelink and employment service provider staff are provided with comprehensive training in relation to the measures proposed by the Bill and the guidelines that will accompany the Bill.

Recommendation 4

The Committee recommends that employment service providers be given clear and comprehensive guidance as to how to utilise their discretion to submit a participation report in relation to a missed appointment.

Recommendation 5

The Committee recommends that the Department of Education, Employment and Workplace Relations and the Department of Human Services collect and publish data in relation to why job seekers without reasonable excuses miss appointments.

Recommendation 6

The Committee recommends that the Department of Education, Employment and Workplace Relations and the Department of Human Services undertake a review of the impact of the measures proposed by the Bill after one full year of data has been collected under the proposed compliance regime.

Recommendation 7

The Committee recommends that employment service providers should be advised to utilise all re-engagement mechanisms available to them in relation to vulnerable job seekers before considering compliance action and should carefully consider the implications of the possible imposition of a financial penalty on this group.

Recommendation 8

The Committee recommends that additional training and resources be provided to Centrelink staff to raise awareness of job seekers with undisclosed vulnerabilities to ensure that their needs are identified and managed appropriately.

Recommendation 9

The Committee recommends that the word 'special' be removed from the table in proposed section 42UA, inserted by Item 15 of the Bill, such that the relevant provisions read: 'the Secretary is satisfied that there were circumstances in which it was not reasonable to expect the person to give the notification.'

Recommendation 10

The Committee recommends that the House of Representatives pass the Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011.