

CHAPTER 1

Introduction

1.1 On 17 March 2014, the Senate referred the Social Security Legislation Amendment (Green Army Programme) Bill 2014 (Bill) to the Education and Employment Legislation Committee (committee) for inquiry and report by 13 May 2014.¹

1.2 The Bill had previously been referred to the Community Affairs Legislation Committee for inquiry and report by 25 March 2014.² That committee determined that the issues raised in relation to the Bill would best be considered within the Education and Employment portfolio. Accordingly, the Community Affairs Legislation Committee tabled its report on 17 March 2014, recommending that the Bill instead be referred to the committee.³

Background

1.3 The establishment of a 'Green Army Programme' (GAP) was a Coalition commitment at the 2010 and 2013 federal elections.⁴ Following the 2013 federal election, the Coalition Government committed \$300 million over the forward estimates toward the new measure.⁵ The cost of the measure is expected to be partially offset by a reduction in income support payments in the Social Services portfolio.⁶

1.4 The GAP is a voluntary initiative for young people aged 17 to 24 years to participate for up to 30 hours per week in a variety of environmental conservation projects. The projects include activities such as restoring and protecting habitat, weeding, planting, cleaning up creeks and rivers, and conserving cultural heritage sites. Each project must be undertaken over a continuous period of 20 to 26 weeks.

1 *Journals of the Senate*, No. 19 – 17 March 2014, p. 612.

2 *Journals of the Senate*, No. 18 – 6 March 2014, pp 576-577.

3 *Journals of the Senate*, No. 19 – 17 March 2014, p. 612.

4 See: Liberal Party of Australia and The Nationals, 'The Coalition's plan for real action on the environment, climate change and heritage', *Coalition policy document*, Election 2010; Liberal Party of Australia and The Nationals, 'The Coalition's policy for a Green Army', *Coalition policy document*, Election 2013.

5 The Hon. Joe Hockey MP, Treasurer, and Senator the Hon. Mathias Cormann, Minister for Finance, Mid-Year Economic and Fiscal Outlook 2013-14 (MYEFO 2013-14), p. 141. A further \$222.1 million and \$289.2 million have been earmarked for the financial years 2017-18 and 2018-19, respectively.

6 The Hon. Joe Hockey MP, Treasurer, and Senator the Hon. Mathias Cormann, Minister for Finance, MYEFO 2013-14, p. 142.

1.5 One or more external service providers are to deliver the GAP, including the recruitment of participants, and the establishment, management and training of the teams which will implement approved projects (Green Army Team). Green Army Teams will be comprised of nine participants and one team supervisor.

1.6 Participants will receive a 'green army allowance' (allowance) of between \$10.14 per hour and \$16.45 per hour. Team supervisors are employed by the relevant external service provider and are paid a wage, as negotiated between the individual and the employer.

1.7 Participants in the GAP will also have the opportunity to undertake vocationally-oriented accredited training qualifications (Certificate I/II) or nationally endorsed skills sets, to be delivered under the Australian Qualifications Framework by Registered Training Organisations.⁷

1.8 The GAP will commence on 1 July 2014, with 250 projects approved and undertaken in its first financial year. The number of approved projects is expected to increase to 1,500 projects in 2018-19:

The Coalition will create a standing 'Green Army' that will gradually build to a 15,000 strong environmental workforce. We will create and properly resource the Green Army, as a larger and more lasting version of the former Green Corps. It will be Australia's largest-ever environmental deployment.⁸

1.9 On introduction of the Bill into the Parliament, the Hon. Greg Hunt MP, Minister for the Environment, emphasised that the GAP is 'both an environment and a training program'.⁹ Further, at the broader level:

[T]he Green Army is a central component of the government's cleaner environment plan which is focused on the four pillars of clean air, clean land, clean water and heritage protection.¹⁰

Purpose and key provisions of the Bill

1.10 The Bill seeks to amend the *Social Security Act 1991* (Act) and the *Social Security (Administration) Act 1999* (Administration Act), to clarify social security arrangements for participants receiving the allowance paid under the GAP.¹¹

7 Australian Government, *Green Army Programme Guidelines 2014-2017*, March 2014, p. 36.

8 Liberal Party of Australia and The Nationals, 'The Coalition's policy for a Green Army', *Coalition policy document*, Election 2013, p. 4. Also see: the Hon. Greg Hunt MP, Minister for the Environment, Second Reading Speech, *House Hansard*, 26 February 2014, p. 3; Explanatory Memorandum (EM), p. 1. The Green Corps – Young Australians for the Environment programme was established in 1996, to provide young people aged 17 to 20 years with the opportunity to participate in environmental conservation and restoration projects for up to six months.

9 Second Reading Speech, *House Hansard*, 26 February 2014, p. 3.

10 Second Reading Speech, *House Hansard*, 26 February 2014, p. 3.

11 EM, p. 1.

1.11 Item 2 of Schedule 1 inserts new Part 1.3A – Green Army Programme into the Act to:

- clarify that a social security benefit or social security pension is not payable to a person who is receiving an allowance (proposed new section 38H);¹²
- provide that certain persons participating in the GAP are not workers or employees for the purposes of various Commonwealth laws, including: the *Work Health and Safety Act 2001*; the *Safety, Rehabilitation and Compensation Act 1988*; and the *Fair Work Act 2009* (proposed new section 38J);
- outline income test arrangements for a person's social security pension, if an allowance is payable to the person's partner during the same instalment period (proposed new section 38K).

1.12 In addition, item 5 of Schedule 1 will amend current section 118 of the Administration Act, to specify that a determination relating to the non-payment of a social security benefit or social security pension to a person receiving an allowance may be backdated (proposed new subsection 118(2C)).

Conduct of the inquiry

1.13 The committee advertised the inquiry in *The Australian* on 2 April 2014. Details of the inquiry, including a link to the Bill and associated documents, were placed on the committee's website at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment. The committee also wrote to 91 organisations and individuals, inviting submissions by 17 April 2014. Submissions continued to be accepted after that date.

1.14 The committee received five submissions, which are listed at Appendix 1 and published on the committee's website.

Acknowledgements

1.15 The committee thanks those organisations and individuals who made submissions to the inquiry.

12 The Social Security Legislation Amendment (Green Army Programme) Bill 2014 does not affect entitlements to family assistance and child care payments, which will remain payable to participants, where eligible.