

**Senate Standing Committee on Education and Employment**

**QUESTIONS ON NOTICE  
Supplementary Budget Estimates 2014-2015**

**Outcome 1 - Employment**

**Department of Employment Question No. EM1546\_15**

**Senator Xenophon provided in writing.**

**Question**

**JSA providers who do not meet obligations**

1. In response to a question on notice from Budget Estimates in 2014 in relation to actions available to the Department where a JSA provider is not meeting its obligations, the Department advised it can educate the provider on correct processes, reduce the provider's business or refer cases of potential criminal behaviour to the Department's Investigations Branch for investigation. During the last financial year how many providers were: a. Educated on correct process b. Had their business reduced c. Referred to the Department's Investigations Branch for investigation?
2. Of those cases that were referred to the Investigations Branch, how many cases of criminal behaviour were confirmed?

**Answer**

*During the last financial year how many providers were: a. Educated on correct process.*

All providers are educated by the department on correct processes throughout the contract. This education is delivered via a number of methods and is ongoing. Providers receive feedback on their performance from the department on a formal basis biannually for the duration of the contracts. As part of the feedback process the department reviews any agreed initiatives to address previous departmental concerns, and also raises any areas identified by the department for improvement in processes moving forward. Aside from formal performance feedback, departmental staff provide ongoing feedback following contract monitoring or programme assurance activities, and these include any areas identified by the department for improvement.

For all providers, the department publishes and regularly updates educative material such as programme guidelines and other training tools such as webinars with provider staff to ensure correct processes are being followed.

*b. Had their business reduced*

During the last financial year, 22 providers had their business share reduced as a result of a routine business review and reallocation processes undertaken by the department. No providers had business reduced due to not meeting Deed obligations.

*c. Referred to the Department's Investigations Branch for investigation?*

During the last financial year, staff employed by three providers were referred to the department's Investigations Branch for investigation.

*2. Of those cases that were referred to the Investigations Branch, how many cases of criminal behaviour were confirmed?*

No cases of criminal behaviour were confirmed in the last financial year. Criminal behaviour is confirmed only when determined by a court. The decision on whether or not to bring a prosecution is made by the Commonwealth Director of Public Prosecution (CDPP) in accordance with the Commonwealth's Prosecution Policy. In appropriate cases, the Investigations Branch refers briefs of evidence to the CDPP for its consideration as to whether or not to prosecute. In the department's experience, it is not unusual for it to take longer than one year for a matter to be investigated to the criminal standard, referred and considered by the CDPP and subsequently make its way through the court system.