



## **Australian Government**

### **Department of the Environment**

#### **Supplementary Submission to the Senate Standing Committee on Education and Employment's inquiry on the Social Security Legislation (Green Army Programme) Amendment Bill 2014**

The Department of the Environment understands that the Senate Standing Committee on Employment and Education is seeking additional advice regarding insurance protections for Participants in the Green Army Programme following the Department's submission to the Committee's inquiry of the *Social Security Legislation (Green Army Programme) Amendment Bill 2014* (the **Bill**). The follow advice is provided by the Department in response:

1. The Bill does not affect the application of State and Territory work health and safety laws or workers' compensation laws to Participants in the Green Army Programme. Participants will be covered by relevant State and Territory laws in the same way as others in similar circumstances outside the Green Army Programme. The level of protection provided to Participants under this State and Territory legislation will vary between jurisdictions. For this reason the Department is unable to provide case examples.
2. Whether a Participant who is injured while working on a project as part of the Green Army Programme would have an entitlement to receive workers' compensation payments will depend on the coverage of the State or Territory law which applies in the jurisdiction in which the Service Provider undertakes activities. The Bill does not affect State and Territory work health and safety laws or workers' compensation laws and therefore Participants will not be disadvantaged relative to others in similar circumstances as a result of their participation in the Green Army Programme.
3. The Commonwealth will purchase personal accident and products and public liability insurance to cover all Green Army Participants, ensuring equity in the minimum amount of cover, and identical application processes for all Participants, should claims be required. The insurance provided by the Commonwealth will be in addition to insurances purchased by Service Providers. The Commonwealth's policy will provide protection for Participants for accidental bodily injury or accidental death sustained whilst participating in an approved activity including travel to and from approved activities, and medical expenses not covered by Medicare.
4. In practice, what this means for a Participant in the event of an injury is that they will be required to make a claim with the Commonwealth's insurance provider. Details of how to make a claim will be made available to all Participants upon commencement in the Green Army Programme. The Commonwealth's insurance provider will process the claim and, where verified, reimburse the Participant for any medical expenses incurred. In the event that a Participant incurs a more serious injury resulting in permanent disability, the Commonwealth's insurance provider will undertake an independent assessment of the Participant's claim, which may result in a larger lump-sum payment.
5. Participants will also be covered by insurance purchased by Service Providers. The Deed of Standing Offer will require Service Providers to obtain and maintain:
  - public liability insurance;

- workers' compensation insurance;
  - motor vehicle insurance;
  - compulsory third party motor vehicle insurance;
  - personal accident insurance; and
  - products liability insurance.
6. Where a Participant is covered by the State or Territory workers' compensation law, they may also be entitled to obtain compensation under that law in relation to an injury suffered by them arising out of or in the course of their work in the Green Army Programme.
  7. In addition, Service Providers must provide all Participants mandatory training in first aid and work health safety for each Project. The work health safety training module must equip Participants with adequate and practical training in work safety practices relevant and prior to the tasks Participants will be required to perform on the Project. Service Providers must not allow Participants to commence activities on the Project until they have completed these mandatory training requirements.
  8. The mandatory training in first aid and work health safety will not only ensure that Participants are appropriately equipped to undertake Project activities but will help to enhance Participants' ability to secure training and employment opportunities upon completion of their Green Army placement.
  9. In addition to the information provided above, the Department would like to replace paragraph 29 of the original submission it provided to the Committee to clarify the statement. Paragraph 29 of the Department's submissions should read as follows:

Participants previously in receipt of income support prior to entering a Green Army placement will be suspended from their income support arrangements for up to 30 weeks. Participants will be able to return to income support with no requirement to re-claim payments so long as this is done within 4 weeks of completing, or exiting from their Green Army placement.