



9 June 2021

Federal Senate Education and Employment Legislation
Committee

By email to: Committee, EEC (SEN)
<eec.sen@aph.gov.au>

Dear Senate Education and Employment Legislation Committee

**Social Security Legislation Amendment (Streamlined
Participation Requirements and Other Measures) Bill 2021**

Thank you for the opportunity to comment on the Social Security
Legislation Amendment (Streamlined Participation Requirements
and Other Measures) Bill 2021.

As an organisation closely aligned with the Australian Council of
Social Service (ACOSS), we endorse its submission on this
issue (attached).

We support ACOSS's view that there has been insufficient time
to consult on this bill.

In particular, we support ACOSS's observations that:

The present system is harsh and unreasonable, and
throws many people into financial hardship as well as
causing severe mental distress. 'Mutual obligation'
requirements are also unreasonable and counter-
productive. Further, people cannot reasonably be
expected to undertake such requirements on income
support payments of \$44 a day. People are being set up
to fail.

We are therefore deeply concerned to ensure that the
harshest elements of the system are rectified, not
entrenched or extended further.

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**A voice of
our own**



In particular, we support the specific recommendations of ACOSS's submission, that:

Recommendation 1. We urge the Committee to recommend:

- 1.1 an extension of the reporting period of at least four weeks, and to hear from people affected, community organisations, and social security experts;
- 1.2 that the relevant Departments undertake public information sessions and consultation on all Schedules of the Bill.

Recommendation 2. The Committee should ensure there are no adverse consequences of the bill for people on income support by:

- 2.1 adopting the principle that streamlining and consolidation of legislation regarding activities and compliance for unemployment payments is only supported where it has no adverse implications for recipients of unemployment payments;
- 2.2 ensuring that the legislation does not lead to adverse changes to activity requirements or exemptions for people with barriers to employment including people with disability, principal carers of young children, and mature age workers.
- 2.3 recommending that the Bill be referred to the Parliamentary Joint Committee on Human Rights for consideration.

Recommendation 3: The Committee should recommend that provisions of the Bill facilitating digital decision-making should not be passed until the government commits to:

- 3.1 consult widely (including with people directly affected, relevant peak bodies and experts) to develop a legislated code of digital ethics for employment services including protections in the following areas:
 - privacy (including a ban on use of facial recognition and tracking technology),
 - protection of personal information,
 - assurances that people have access to information held on them and which decisions are automated,
 - personal agency and choice (including in regard to Job Plans),
 - timely access to decision-makers, reviews and appeals, and
 - restrictions on automated decision-making where this has adverse consequences (including a ban on automated payment suspensions).
- 3.2 establish a standing digital services advisory panel comprising people directly affected, relevant peak bodies and experts to monitor the impact of the use of information technology in employment services, including automated decision-making, and publish advice to government to prevent and eliminate any harms arising from this.



Recommendation 4. The Committee should recommend rejection of Schedule 8, which requires people to enter into Job Plan before receiving the first income support payment.

Recommendation 5. The committee should recommend the removal any provisions of the Bill that may have the effect of increasing the range of employment programs exempted from workplace protections such as minimum wages or health and safety rules, such as:

– the words ‘or in an employment program’ and ‘undertakes an activity (other than paid work) in accordance 13 with a requirement, or an optional term, of an employment 14 pathway plan’ in Part 1.4, Paragraph 40.

Recommendation 6: The opportunity should be taken to remove harsh elements of the activity and compliance regime:

6.1 A new consultative mechanism should be introduced to advise on activity requirements for people on unemployment payments, with people affected, community organisations, and social security experts represented.

6.2 The Social Security Act should include a definition of ‘suitable activities’ that limits any activity requirements extending beyond job search and accepting suitable employment to actions that are reasonable, relevant to individual circumstances and barriers to work, and demonstrably likely to improve people’s employment prospects.

6.3 The reduced activity requirements for principal carers, people with partial work capacity and mature age workers should be specified in the Social Security Act.

6.4 ‘Social requirements’ such as the care of children (for Parents Next participants) should be removed, including references (in section 40G Schedule 1) to children’s health and education outcomes, as a condition for receiving income support.

6.5 Requirements to undertake work-like activities without access to workplace protections and minimum wages, including Work for the Dole, should be removed.

Recommendation 7. Jobseeker, Youth Allowance and related payments should be increased to at least \$65 a day, and those payments should be indexed to wage movements as well as price movements.



Recommendation 8:

8.1 The government should commit to bring legislation to the Parliament specifically for the purpose of funding employment assistance programs

8.2 In the interim, the present Bill should be amended to require the Employment Secretary to publish the following information on at least an annual basis:

- outlays on each program and sub-program;
- the number and profile of participants;
- the range of services provided;
- outcomes achieved;
- any program evaluation reports.

Mr Sebastian Zagarella

Chief Executive Officer

People with Disability Australia