

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2006-2007 BUDGET SENATE ESTIMATES HEARING
29TH AND 30TH MAY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTIONS ON NOTICE

Outcome 3: Increased workforce participation

Output Group 3.1: Working age policy

Output 3.1.1: Working age policy and legislation

Question Number: W002-07

Question:

Senator Siewert asked at *Hansard* page 10 and 11:

What was the outcome of discussions held with all states about the classification of carers and how they may be affected by the exemption requirements? What action does the department plan in relation to the outcome of those discussions?

Answer:

As per the answer to W677-06, DEWR consulted with all State and Territory community services departments, as well as other relevant non-government organisations regarding the types of carers to be considered registered and active under Welfare to Work legislation. The non-government agencies included the Australian Foster Care Association (AFCA), Centre for Excellence in Child and Family Welfare (Victoria) and the Association for Children's Welfare Agencies (NSW).

Discussions with these organisations determined that those family and kinship carers who undergo very similar approval or registration and training processes as foster carers when having a child placed in to their care met the guidelines for being considered a registered and active foster carer. Family or kinship carers who are considered registered and active are eligible for the same automatic exemption from participation requirements as foster carers. Guidelines around foster carers in the Guide to Social Security Law provide that in determining whether a family or kinship carer is considered a registered and active foster carer, primary regard will be given to documentation provided by the State or Territory authority stating that they are a registered and active foster carer. All States and Territories have agreed to provide this documentation.

As an outcome of the discussions, in circumstances where a family or kinship carer is not considered registered and active, consideration will be given to the impact of this

care arrangement on the person's ability to meet participation requirements, on a case by case basis, under Special Family Circumstances (only for those who are principal carer parents) and Special Circumstances provisions (for both principal carer parents and other jobseekers).

Principal carer parents may be eligible to receive a Special Family Circumstances exemption of up to 16 weeks, where they are able to produce documentation from their relevant State or Territory authority. The documentation should state that the placement of the child with the carers has been negotiated with the authority and that the child(ren)'s parents have agreed to the placement. The documentation should clearly state that the authority has acted as the conduit in the arrangement, or has had a role in the placement of that child(ren) outside of their immediate family. If the circumstances meriting the initial period of exemption remain in effect, then it will be possible to grant subsequent exemptions from the activity test for one or more other periods (also each not exceeding 16 weeks).

Any income support recipient with participation requirements, (regardless of whether or not they are a principal carer parent) may be eligible to receive a Special Circumstances exemption for the care of a child where they are able to produce documentation from their relevant state or territory authority. The initial and any subsequent periods of exemption are each not to exceed 13 weeks.

If the person caring for the child does not have any documentation they may still be eligible for a short exemption if the care of the child impacts on their ability to work – as has always been the case.