



## ANSWERS TO QUESTIONS ON NOTICE

### Senate Community Affairs Committee

#### **Inquiry into Social Security and Veterans' Entitlements Legislation Amendment (Schooling Requirements) Bill 2008**

NOTE: The Department of Education, Employment and Workplace Relations consulted with Centrelink and the Department of Families, Housing, Community Services and indigenous Affairs when preparing the answers provided below.

**Senator Adams** provided in writing, on 3 November 2008, the following question.

- 1. School based support was mentioned in Mr Carters' opening statement. How much funding is allocated to employing extra personnel to carry out this function? (Trial sites).**

#### Answer

Mr Carters noted in his opening statement that school-based support services are provided by state and territory governments. The Department of Education, Employment and Workplace Relations (henceforth 'DEEWR') is unable to answer this question on their behalf.

**Senator Siewert** provided in writing, on 3 November 2008, the following 45 questions numbered 2 to 46.

- 2. If a child turns up to their local school and there are not enough desks or classroom resources for them to participate – is that a valid 'reasonable excuse'?**

#### Answer

Policy guidelines are currently being negotiated between DEEWR and education authorities. They will contain examples of reasonable excuses that may result from a parent's interaction with their child's school, including situations around school capacity and resourcing.

- 3. If a parent is in receipt of Parenting Payment (i.e. was in receipt prior to 1 July 2006 and grandfathered) when their payment is cancelled after 13 weeks of suspension, if they reconnect and reapply to Centrelink, will they no longer be eligible for Parenting Payment (ie recommence on NewStart)?**

Answer

If a parent in receipt of a grandfathered Parenting Payment has their payment cancelled for any reason, they will be able to return to the grandfathered status of their payment (subject to normal eligibility requirements) if they re-apply for benefits within 12 weeks of the date of cancellation.

- 4. I note in evidence to the Committee, Centrelink referred to the normal cycle of community visits by social workers on the remote support team. Where parents in a remote community are notified of a pending suspension, will the notification, the notification period, or commencement of the suspension be delayed to match the cycle of visits – so that the parents can be supported and advised (in the manner suggested by the second reading speech of the Education Minister, Julia Gillard)?**

Answer

Yes.

- 5. What is the normal cycle of community visits by the support team? How many clients are they able to meet within a given community during a visit cycle? What provisions are there to deal with demand for more or longer visits?**

Answer

- a. Centrelink has an extensive service delivery network including Customer Service Centres (CSCs), Remote Area Service Centres (RASCs), Remote Servicing Teams, Centrelink Community Agents and the Indigenous Call Centre.

Centrelink is currently providing, as part of the Northern Territory Emergency Response (NTER), a 3 weekly visiting service to most communities in the Northern Territory.

The visiting service is subject to change due to events such as cultural business (e.g. Sorry, Women's) and seasonal conditions (e.g. Floods, Cyclones)

- b. A number of conditions, including the size of the community, seasonal conditions, the number of associated outstations and proximity to the main community impacts on the number of customers Centrelink can meet with during a visit.

Centrelink provides prior notice to the community of the timing of every visit and works with key community contacts, including Government Business Managers and Community Agents, to ensure they see as many people as possible during each visit. If Centrelink identifies the need to see certain customers then we liaise with the Community Agent to ensure they advise the customer of the visit and inform them of their requirement to attend.. Centrelink also notes the visit on the customer record so that if they ring the Call Centre, the customer is notified of the visit and the need

to make contact with the Centrelink Remote Visiting Team.

- c. This has been demonstrated during the past 12 months in response to the changing priorities with NTER. Centrelink has sufficient flexibility and capacity to respond to the changing demands/priorities and is able to deal with extra visits, increase the number of teams per community and length of visit depending on nature of the issue.

**6. Written notification is required – are there provisions for translation into the client’s first language?**

Answer

No.

**7. What provisions are in place for clients who are illiterate?**

Answer

Centrelink’s normal business processes will be used to service clients with literacy difficulties.

**8. I note the provisions for 14 days written notice – given the problems experienced with remote mail, does this 14 days commence once the notice is written by Centrelink ... or from the time it is in fact received by the client?**

Answer

14 days from when the customer receives the written notice.

**9. What happens if mail is not received on a remote community within this period?**

Answer

Reasonable excuse provisions will cater for this situation.

**10. What happens if the client is unable to obtain support or advice within that 14 day period given their remote location?**

Answer

Reasonable excuse provisions will cater for this situation.

**11. The Education Minister said that suspension would be a ‘last resort’ in ‘extreme circumstances’ – is suspension in fact mandatory under the proposed legislation if the parent has not complied within 14 days for enrolment or 28 days for attendance (ss124H & ss124M)?**

Answer

No. Guidelines will be issued to Centrelink officers delegated to act for the Secretary of DEEWR in relation to this legislation. The guidelines will ensure that no action will be taken under s.124H or s.124M until the parent has been given opportunities to engage with Centrelink (in the case of enrolment) or Centrelink and the relevant education authority (in the case of attendance notices). Parents experiencing difficulty meeting their obligations will be offered the assistance of a Centrelink social worker, and will be given a further warning about the consequences of not complying before suspension action is taken. Centrelink officers will also be required to establish whether a reasonable excuse exists for the failure to comply with a notice, or where special circumstances make it unreasonable to suspend a person’s income support payments. The requirement to suspend applies only when all of these steps have been completed.

**12. What new and existing resources are there for extra translators?**

Answer

There are no new resources being made available for translators as part of this measure.

**13. What new and existing resources are there for extra case workers or social workers?**

Answer

There is provision for three additional social workers as part of Remote Servicing teams in the Northern Territory and there will be one additional Social Worker resource in both Cannington and the yet to be announced second metropolitan location.

**14. What new and existing resources are there for financial case management?**

Answer

There is no provision for financial case management under this legislation.

**15. The trial period is supposed to be for 12 months - why is there a budget provision for 3 yrs? How much has been allocated for the first 12 months and what is this for?**

Answer

The budget allocation provides for funding over three years from 2007-08 to 2009-10. Funding of \$0.1 million in the 2007-08 financial year was provided for Centrelink establishment costs in anticipation of a roll-out in 2008-09. Funding of \$0.8 million in 2009-10 has been allocated to Centrelink to provide for servicing for the second half of the 2009 calendar year.

**16. Will the review report be tabled in Parliament? If so, when?**

Answer

DEEWR does not know whether the report on the trials will be tabled in Parliament.

**17. I note the department told the committee they had baseline data for all the schools involved in the trial. What baseline data do they have for schools in Cannington?**

Answer

The provision of baseline data for the trials is being negotiated between the department and trial jurisdictions. Enrolment and attendance data for government schools is available on the WA and NT Departments of Education and Training websites.

**18. Is selection of the trial sites considered to be a ‘special measure’ under the RDA?**

Answer

No.

**19. If so, what consultation has taken place with these communities and have they requested their communities be included in the trials?**

Answer

Not applicable.

**20. On what basis has the government declined to apply the existing provisions for income quarantining in NT communities in relation to school attendance?**

Answer

It is not a matter of “declining to apply” income management to schools attendance, but rather a matter of trying an alternative approach to secure the best outcomes for school attendance – and enrolment. As Mr Carters explained in his evidence, income support would continue to be paid through income management whether or not parents fulfil their obligations in relation to their child’s schooling. The possibility of suspension, and ultimately cancellation, of payments until enrolment/attendance occurs is a more direct type of sanction to encourage behavioural change. Its effectiveness will be tested in the trials.

**21. The NTER review report cited the reason for this was ‘complex legal and administrative issues’ – was this in fact the case?**

Answer

These issues were taken into consideration while developing the new approach.

**22. If so, have these issues been resolved?**

Answer

These issues were taken into consideration while developing the new approach.

**23. What is the relationship between the commencement of the trial and delivery of resources to address the problems with capacity and infrastructure addressed in the Commonwealth Government's 4-year plan for NT education?**

Answer

The Australian Government's support for infrastructure and staffing resources in Northern Territory schools was conceived as part of the NT Emergency Response, and remains linked to that measure.

**24. Will additional classrooms and teachers be in place prior to commencement of the trial?**

Answer

To date under the initiative to engage 200 additional teachers, a total of 45 teachers have been employed (40 by NT Department of Education and Training and five by NT Catholic Education Office). Twenty-two of these were deployed to remote communities in Term 3 of 2008. An additional 23 commence an intensive Professional Learning Program on 10 November 2008, with a view to their deployment into remote schools in Term 1 of 2009 – that is, coinciding with the beginning of the trial.

In relation to infrastructure, four new classrooms are expected to be completed at Wadeye by the end of calendar 2008. In addition, the Australian Government has provided \$10 million to the NT Catholic Education Office to build ten new houses to accommodate teachers at Wadeye.

The NT Catholic Education Office has applied for funding (on 6 November 2008) for one additional classroom at the Murrupurtiyanuwu primary school at Ngui (Tiwi Islands).

It has not been possible at this point to compile further details on the progress of school infrastructure development being undertaken by the NT Government or independent schools, either under Australian Government funding initiatives or otherwise.

**25. Will students directly involved in the trial be offered Individual Learning Plans?**

Answer

The development and administration of Individual Learning Plans are the responsibility of individual schools and education systems.

**26. Has an attendance strategy been developed for the Northern Territory? Has the Department discussed this issue with the NT Government?**

Answer

The Northern Territory government and non-government school systems have strategies in place to deal with school attendance issues. Discussions between the Government and Territory education authorities aim to establish how best the Australian Government's initiative can complement attendance strategies in the Territory.

**27. Is there an obligation that the Secretary must consider if there are 'special circumstances' or a parent has a 'reasonable excuse'?**

Answer

Yes. The Bill envisages that the Secretary must turn her mind to whether a person has a reasonable excuse for failing to comply with an enrolment notice or attendance notice, and also whether special circumstances exist that make it appropriate not to require the person to comply, see subsections.124G(2) and s.124L(2).

**28. Is the Secretary obliged to ensure that suspension or cancellation only occur as 'a last resort' in 'the most extreme cases'?**

Answer

The legislation does not use this language. However, please see the answers to questions 11 and 27 above.

**29. On what basis has the Cannington District been selected for the trial? Is it due to an abnormally high rate of truancy? Or to the numbers of Indigenous students?**

Answer

A number of factors were taken into account during consultations with the previous Western Australian Government on the selection of the trial sites. These factors did not include the numbers of Indigenous students, but did include such factors as current school attendance rates and the possible advantages, in terms of evaluation, of a partial overlap with the Child Protection measure trial in the region. The precise location of the trial is currently being confirmed with the new Western Australian Government.

**30. In discussing the selection of the Cannington trial site with the WA Government, have the provisions of the Commonwealth Racial Discrimination Act (RDA) relating to special measures been drawn to their attention or discussed with them?**

Answer

As stated in question 18, the selection of trial sites was not a special measure under the RDA.

**31. I draw your attention to the issue of young carers and the research done by Curtin University (WACOSS Submission) - showing that the 40,000 young carers living in WA are the group of students most at risk of dropping out of school.**

Answer

Noted. Please see answer to question 32 below.

**32. What provisions are there to protect young carers and their families ... (particularly children whose parents are on disability support pension) ?**

Answer

Reasonable excuse and special circumstance provisions will be provided in the schooling requirement determination and in guidelines for Centrelink officers. These will contain a range of carer-related scenarios, including the circumstances of young carers.

**33. What provisions are in place to address the high proportion of children missing school due to chronic health problems?**

Answer

State and territory education authorities are responsible for monitoring school attendance and determining whether absences are authorised or unauthorised. Each jurisdiction has strategies in place to respond to attendance issues.

An education authority would only request involvement in the measure where they determine that a compulsory school aged child has unacceptable attendance and their parent is not cooperating in a strategy to address the poor attendance. In the unlikely event that a child with chronic health problems was referred to Centrelink under the measure, their health would be considered under reasonable excuse provisions.

**34. Is chronic illness considered a 'reasonable excuse'?**

Answer

Yes. Chronic illness will be specified in the guidelines concerning reasonable excuse.

**35. If so, are parents explicitly notified of this?**

Answer

The notice to parents advising them of their requirements under the measure invites them to discuss their circumstances with a Centrelink social worker. At such time, and before any suspension is considered, the social worker will take into account any

reasons that may constitute a reasonable excuse or special circumstance to account for the parent's inability to meet their requirements.

- 36. AHURI research shows that 70% of low income renters are struggling to keep up, and 40% of these are in arrears on their rent. What provisions are there to ensure families do not become homeless as a result of income support suspension or cancellation?**

Answer

The implementation of the measure has built-in safeguards to help parents meet their requirements and thereby avoid any suspension period. Centrelink social workers will make multiple attempts to contact and support parents and the reasonable excuse and special circumstance provisions will cover a range of situations that may impede a parent's ability to comply. In the event that a suspension is applied, offers of Centrelink social worker support will continue and parents will have their payments reinstated with full back pay if they comply within a 13 week period. Note also that family payments such as Family Tax Benefit are not part of the measure and will continue to be paid in the usual fashion. Rent assistance is paid with Family Tax Benefit.

- 37. What additional resources are being put into housing support services and crisis accommodation?**

Answer

It is outside the scope of the Bill to make such provisions. As outlined above, it is anticipated that very few people will reach the point where a suspension is applied. If a suspension is invoked, it can be quickly reversed by a parent meeting their requirements.

- 38. What is the likely impact of housing churn (families moving in and out of housing and possibly also having to change schools) on social inclusion of the children involved and their educational performance?**

Answer

As outlined above, it is anticipated that very few people will reach the point where a suspension is applied. If a suspension is invoked, it can be quickly reversed by a parent meeting their requirements.

- 39. What provisions are in place or will be put in place for the exchange of confidential data between individual schools, state or territory education departments and Centrelink?**

Answer

Section 124P of the Bill authorises the exchange of information between any person (including state or territory education authorities and non-government school authorities) responsible for the operation of a school and Centrelink (as delegate of the Secretary). The section covers information on enrolment and non-enrolment and attendance and non-attendance. Substituted subsection 202(6) and 202(7) authorise information sharing in the other direction, but note that such information must be dealt with in accordance with the Privacy Principles (s.14 of the *Privacy Act 1988*).

**40. Will Centrelink send schools a list of families on income support?**

Answer

No.

**41. Will schools send Centrelink a list of all children and families who are truanting? Is Centrelink able to receive and process data for individuals who are not on income support?**

Answer

Under the measure, education authorities can refer individual cases to Centrelink where a compulsory school aged child has unacceptable attendance and the child's parent has failed to cooperate with the education authority in a strategy to address the attendance issues. Both elements must be satisfied before a referral can be made. However, it should be noted that the education authority is not then compelled to make a referral; it may decide that in the individual circumstances of a case that a referral to Centrelink would not be helpful.

Centrelink may lawfully receive information from education authorities if it is for the purposes of the measure. It will be for the purposes of the measure if it is necessary to establish whether the parent is in receipt of income support and therefore subject to the measure.

**42. What provisions are there to refer children and families at risk to other support services (i.e. non-government community sector) to provide preventative support services to stop families being suspended?**

Answer

Centrelink officers have the discretion to negotiate and make referrals to state, territory and local government agencies as well as non-government sector bodies. Centrelink social workers exercise such discretion routinely as part of their investigation of cases. The policy guidelines for implementation of the measure will stress the importance of referring parents to appropriate support services.

**43. If a family has engaged with a support service in an effort to resolve truancy issues will that necessarily count as a making 'reasonable steps' to comply with an attendance notice?**

Answer

Yes. This action by the family would be considered as part of the overall assessment of a parent's situation.

**44. What happens if a parent who is struggling to get an older child to attend contacts the school seeking help, but they are unable to provide it?**

Answer

State and territory education authorities are responsible for monitoring school attendance and initiating attendance strategies. Under the measure, a parent can seek support from Centrelink social workers at any time to help them with attendance issues, including if the school is unable to provide help.

**45. What happens if a parent seeks social support services but there are no more places available?**

Answer

Centrelink social workers will be offering support to affected parents at regular points throughout the delivery of the measure. A parent can also seek Centrelink social worker support at any time. The social worker can help the parent access alternative support services if there are no more places available in a specific service.

**46. If a parent is dropping a child at the school gate but they are subsequently jumping the fence – is their truancy then the school’s responsibility?**

Answer

States and territory education authorities are responsible for monitoring school attendance and initiating actions to address attendance issues. It is important to note that under the measure, a parent who is trying their best to ensure their child is attending school, will not have their income support payments suspended. If a child jumps the fence after the parent drops them at school and the parent is not complicit in this action, the parent would, prima facie, have done their best to get the child to school.