

9 June 2021

Committee Secretary
Senate Education and Employment Legislation Committee

By email only: eec.sen@aph.gov.au

Dear Committee Secretary,

Economic Justice Australia (EJA) submission to inquiry into the Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Bill 2021

1. Economic Justice Australia (EJA) is the peak organisation for community legal centres providing specialist advice regarding social security issues and rights. Our members across Australia have provided free and independent information, advice, education and representation in the area of social security for over 30 years.
2. EJA draws on its members' casework experience to identify systemic policy issues and provide expert advice to government on reforms needed to make the social security system more effective and accessible. Our law and policy reform work:
 - Strengthens the effectiveness and integrity of our social security system;
 - Educates the community; and
 - Improves people's lives by reducing poverty and inequality.
3. EJA has scrutinised the Bill and the Explanatory Memorandum and is concerned that passage of the Bill would have significant implications for job seekers that are either not alluded to in the Explanatory Memorandum, or have been glossed over as "streamlining".
4. These issues have been comprehensively addressed in the Australian Council of Social Service's (ACOSS) submission to this Inquiry, which ACOSS developed in consultation with EJA and other peaks. EJA fully endorses ACOSS's analysis of the Bill, and its recommendations - namely:

Recommendation 1. That the Committee recommends:

- 1.1 an extension of the reporting period of at least two months, to allow it 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).
- 3.5* 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. (* sic – misnumbered in ACOSS submission)

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 ParentsNext 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.

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