

**From:** s 47F(1)  
**To:** s 47E(1) (DEPARTED); s 47F(1)  
**Cc:** s 47E(1) (DORMANT); s 47E(d)  
**Subject:** Working draft - principles and short term options for discussion at 2pm s 47E(d)  
**Date:** Thursday, 23 November 2023 11:25:45 AM  
**Attachments:** [231123 Working draft principles and short term options.pptx](#)

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s 47E(d)

s 47F(1)

Please find attached a working draft version of some slides on draft principles, short term options and possible future direction around mutual obligations and compliance for initial discussion at 2pm.

Kind regards,

s 47F(1)

Assistant Secretary

Targeted Employment Policy Branch  
Employment Policy and Analytics Division  
Australian Government Department of Employment and Workplace Relations  
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[dewr.gov.au](http://dewr.gov.au)

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Mutual Obligations

Compliance

Summary

Requirements should target available unemployment payment assistance

Requirements should be tailored and appropriate

Compliance should incentivise positive behaviour while deterring unwanted behaviour

The goal is engagement, not punishment

Details

- Requirements should help target payment assistance to those who need it;
- There should be reasonable reciprocity in return for unemployment payments, for those who are able;
- Requirements should increase employment, or employability, with an aim to reducing reliance on welfare.

- Where people do not have capacity to participate or benefit from participation, they should not be required to;
- Requirements should be tailored to circumstances and capacity;
- Requirements should be informed by accurate but non-burdensome and culturally appropriate assessments;
- Requirements should be easily understood (both what is required and the rationale for it);
- Requirements should be flexible, with participants having choice (within reason) in acknowledgment that participants generally know their own circumstances best;
- Requirements should not get in the way of addressing barriers to employment;
- People in similar circumstances should have similar requirements;
- Requirements should reflect the modern local labour market;
- Decision makers who determine if a person has not met a requirement for a good reason should be able to adjust requirements.

- Where people are able but not willing to be compliant, a necessary function of compulsory requirements is that there be consequences;
- To be effective at deterring non-compliance, a system of consequences must be understood;
- Withdrawal of an incentive is functionally the same as application of a consequence;
- A necessary part of a compliance framework is monitoring to detect when non-compliance occurs;
- Higher likelihood of detection of non-compliance means smaller consequences can apply.

- Most people want to comply with requirements and where people are willing to be compliant, demonstrating compliance should not be onerous;
- Requirements should not feel like a punishment;
- It is not reasonable to apply a consequence if the person is not able to comply;
- Consequences should not cause unreasonable hardship or stress;
- Strong protections should exist to stop consequences applying for reasons beyond a person's control;
- Consequences should encourage rather than disincentivise engagement.

## Current state

## Short term options

## Future state

Summary

- Large volume of payment suspensions and perceived harm has been a key focus of stakeholders
- Automation of suspension (which occurs for some requirements) is embedded in the IT system, but is contentious

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- Changes to legislation required

Details

- Current framework operates on a system of demerits, which are applied when non-compliance with requirements is confirmed.
- Exception is where non-compliance is a 'finding of fact', including failure to enter into employment pathway plan by the date due, and failing to record sufficient points to meet the monthly target
- Payment suspensions serve two functions:
  1. Primary: to trigger contact with client where this has not been able to be established
  2. Secondary: to mandate reengagement with requirements following a failure to comply
- Prior to payment suspension, but after attempts to directly contact the client, clients are notified they have 2 business days to resolve the non-compliance. If no action, payment is suspended after this "Resolution Time".
- Payment suspensions can occur from the first failure to comply in employment services
- Generally, when 5 demerits are accrued, and if client has been twice assessed as capable of meeting their requirements, they move into the penalty zone.

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## Current state

## Short term options

## Future state

Summary

- There have been criticisms around lack of tailoring  
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- Mutual obligation requirements are embedded in legislation

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Details

Requirements for all services include:

- agreement to enter into a Job Plan
- accept any offer of a suitable job
- not voluntarily leave a suitable job without good reason.
- Participants in each employment service are expected to have appropriately tailored requirements
- Where participants are temporarily unable to meet requirements, they can seek an exemption from Services Australia

Workforce Australia requirements:

- Meet a monthly points target (maximum 100 points, tailored to circumstances), with minimum job search requirements (4, but can be reduced)
- Participate in Provider Appointments, frequency determined by provider (excluding online)
- Undertake mandatory activity at relevant activation point

Disability Employment Services requirements:

- Meet monthly job search requirement (maximum 20, tailored to circumstances)
- Participate in activities to improve employment prospects (relevant to personal circumstances)
- Participate in Provider Appointments, weekly or fortnightly, as determined by provider

Community Development Program (in remote Australia):

- Meet monthly job search requirement (maximum 20, much lower in practice)
- Participate in Provider Appointments, at least monthly
- All activities are voluntary (since May 2021)

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**From:** s 47E(1)  
**To:** s 47E(1)  
**Cc:** s 47E(1) (DORMANT); s 47F(1) s 47E(d)  
**Subject:** Current state versus proposed - compliance and mutual obligations  
**Date:** Thursday, 8 February 2024 6:07:07 PM  
**Attachments:** s 47C(1)  
 s 47C(1)  
[Budget NP's current state versus proposed - compliance-mutual obligations.docx](#)

s 47E(d)

Hi s 47F(1) ,

As requested, attached for each of the current options proposed for Budget in the mutual obligation and compliance space is a description of the current state and the proposed future state. Included with each element is a cameo too, to give better understanding of how the proposals will work on the ground. For the more complicated proposals relating to suspensions, we also have attached some diagrams –

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Happy to arrange a discussion on any of this, if helpful

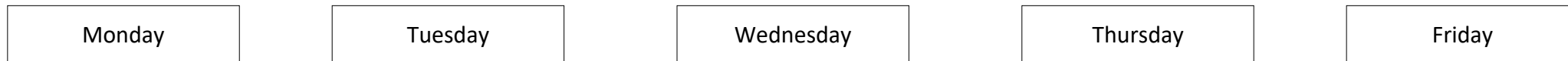
Kind regards,  
**s 47F(1)**  
 Assistant Secretary

Targeted Employment Policy Branch  
 Employment Policy and Analytics Division  
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- Luke misses a provider appointment
- Provider contact attempt unsuccessful
- SMS: contact provider, **or payment goes on hold in 2 days**



- SMS; payment on hold
- Luke makes contact to discuss
- No valid reason; demerit is confirmed
- Reengagement set



- Reengagement met
- **Payment restored**



Monday

Tuesday

Wednesday

Thursday

Friday

- Luke misses a provider appointment
- Provider contact attempt unsuccessful
- SMS: contact provider, **or payment goes on hold in 2 days**



- SMS: payment on hold, contact provider



- Luke attends provider office in distress
- Provider records valid reason
- **Payment restored**

Mutual obligations and compliance options  
Current and future state

<p>s 47C(1)</p>	<p style="text-align: center;"><b>Current state</b></p> <p>Payment suspension (following Resolution Time) can currently occur from the first instance of not meeting requirements in employment services.</p> <p><u>Attendance &amp; Assessment-Based failures</u> Following a successful contact attempt, valid reason is discussed.</p> <ul style="list-style-type: none"> <li>• If the individual has a valid reason, this is recorded in DEWR’s IT system. No demerit is accrued and there is no payment suspension.</li> <li>• If the individual does not have a valid reason, this is recorded in DEWR’s IT system and the individual is notified they have 2 business days ‘resolution time’ to meet the reengagement requirement (usually whatever requirement they did not meet). If the reengagement requirement is not met within the timeframe their payment is suspended and remains suspended until reengagement is met.</li> </ul> <p>Following an unsuccessful contact attempt and recording of the non-attendance/relevant assessment outcome in DEWR’s IT system, the individual is notified they have 2 business days ‘resolution time’ to resolve non-compliance (either by providing a valid reason, or, if they have no valid reason, by meeting a reengagement requirement) before their payment is suspended.</p> <ul style="list-style-type: none"> <li>• If they resolve the non-compliance or contact and provide a valid reason in this time frame, their payment is not suspended.</li> <li>• If they do not resolve the non-compliance in this time frame, their payment is automatically suspended via transactions between DEWR and SA IT systems.</li> </ul> <p>Once payment is suspended, it is lifted when the person re-engages or provides a valid reason.</p> <p>A demerit is only confirmed when the provider records in DEWR’s IT system that the individual does not have a valid reason for the attendance-based or assessment-based failure.</p> <p><u>Automated failures</u> Where DEWR’s IT system processes identify a Job Plan has not been agreed or the required number of job search efforts or points has not been recorded by the due date:</p> <ul style="list-style-type: none"> <li>• The individual is notified they have 2 business days ‘resolution time’ to resolve the non-compliance before payment is suspended either by;             <ul style="list-style-type: none"> <li>▪ providing a valid reason for not meeting the requirement,</li> <li>▪ meeting the reengagement requirement.</li> </ul> </li> </ul> <p>If they resolve the non-compliance in this time frame, their payment is not suspended. If they do not resolve the non-compliance in this time frame, their payment is automatically suspended.</p> <p>For automated failures, the demerit is confirmed at the same time they are notified that resolution time has commenced. If the participant provides a valid reason, the demerit is removed from their non-compliance history.</p>	<p>s 47C(1)</p>
<p><b>A1.Cameo: Luke, 42</b></p> <ul style="list-style-type: none"> <li>• <i>Lives in a regional town and has no dependent children</i></li> <li>• <i>Has some digital literacy, but online services are not suitable for him, so he is in provider-services.</i></li> <li>• <i>Luke has frequent spells off income support.</i></li> </ul>		
	<p>Under current arrangements</p> <ul style="list-style-type: none"> <li>➢ Luke misses a provider appointment on Monday</li> <li>➢ His provider tries to call Luke, but Luke does not answer.</li> <li>➢ Luke is notified that he needs to call his provider, or <b>his payment will go on hold in 2 business days</b> (resolution time).</li> <li>➢ Luke does not make contact during resolution time; <b>his payment is suspended</b>, and he is notified he needs to meet a reengagement requirement to have his payment restored</li> <li>➢ When Luke gets the <b>SMS notifying him of payment suspension</b>, he calls his provider to discuss non-compliance</li> </ul>	<p>s 47C(1)</p>



<p>s 47C(1)</p>	<ul style="list-style-type: none"> <li>➤ The provider records in the IT system that they do not accept Luke has a good reason, and a demerit is confirmed.</li> <li>➤ <b>Luke meets a reengagement requirement, and his payment is restored.</b></li> </ul>	<p>s 47C(1)</p>
<p>Except where the client is in the Penalty Zone (where payment suspension is immediate following system validity checks), clients are notified that they have 2 business days “resolution time” in which to resolve the non-compliance (generally by either providing a valid reason or meeting a reengagement requirement) before payment will be suspended.</p>		
<p><b>A2.Cameo: Luke, 42</b></p> <ul style="list-style-type: none"> <li>• <i>Lives in a regional town and has no dependent children</i></li> <li>• <i>Has some digital literacy, but online services are not suitable for him, so he is in provider-services.</i></li> <li>• <i>Luke has frequent spells off income support.</i></li> </ul>		
<p>s 47C(1)</p>	<p>Under current arrangements</p> <ul style="list-style-type: none"> <li>➤ Luke misses his scheduled provider appointment</li> <li>➤ His provider tries to call Luke, but Luke does not answer</li> <li>➤ Again, Luke is notified that he needs to call his provider, <b>or his payment will go on hold in 2 business days</b> (resolution time).</li> <li>➤ <b>Luke does not make contact during resolution time; his payment is suspended</b>, and he is notified he needs to meet a reengagement requirement to have his payment restored.</li> <li>➤ The day after his payment is suspended, Luke attends the provider office in some distress, as he needs to report for income support and his rent is due very soon.</li> <li>➤ Luke and his provider discuss the non-compliance. The provider records that they accept Luke’s reason for not attending.</li> <li>➤ <b>Luke’s payment is immediately restored</b>, and no failure is recorded on his history.</li> </ul>	<p>s 47C(1)</p>
<p>Where a client doesn’t agree a Job Plan, record sufficient tasks to meet their monthly points target (if in Workforce Australia) or record sufficient job search efforts to meet their monthly job search requirement (if in Disability Employment Services), the consequences for non-compliance workflow is ‘automated’, meaning DEWR’s IT system;</p> <ul style="list-style-type: none"> <li>• Commences the payment suspension workflow</li> <li>• Confirms a demerit on the client’s TCF history if relevant</li> <li>• Sets the appropriate reengagement requirement if relevant</li> </ul> <p>If the client provides a valid reason, the demerit and/or reengagement requirement is manually removed by the provider.</p> <p>Where attendance is not recorded at compulsory activities, job interviews or appointments with a third party, DEWR’s IT system will automatically commence the payment suspension workflow (noting that attendance not being recorded does not result in a demerit or the need to reengage)</p>		
<p><b>A3.Cameo: Luke, 42</b></p> <ul style="list-style-type: none"> <li>• <i>Lives in a regional town and has no dependent children</i></li> <li>• <i>Has some digital literacy, but online services are not suitable for him, so he is in provider-services.</i></li> <li>• <i>Luke has frequent spells off income support.</i></li> </ul>		
<p>s 47C(1)</p>	<p>Under current arrangements</p> <ul style="list-style-type: none"> <li>➤ Luke does not submit enough tasks to meet his points requirement.</li> <li>➤ <b>The IT system identifies this</b>, and Luke is notified that he needs to call his provider, or his payment will go on hold in 2 business days.</li> <li>➤ Because this is a system automated failure, <b>a demerit is automatically confirmed</b> (per new proposal), and the reengagement requirement is automatically set.</li> <li>➤ Luke does not make contact during resolution time; <b>his payment is suspended</b>, and he is notified he needs to contact his provider with a good reason or meet the reengagement requirement to have his payment restored.</li> <li>➤ Luke does not contact his provider and instead records several job applications <b>to meet his reengagement requirement.</b></li> <li>➤ <b>Luke’s payment is restored.</b></li> </ul>	<p>s 47C(1)</p>

	<p>s 47C(1)</p>	<p>Once a client enters the Penalty Zone, they can only exit (and return to the Green Zone) by demonstrating ongoing compliance for three months, even where a client's circumstances change such that a lasting financial penalty for not meeting obligations may not be inappropriate.</p>	<p>s 47C(1)</p>
<p><b>A4.Cameo: Reggie, 27</b></p> <ul style="list-style-type: none"> <li>• Lives in a major city, rent-free in a room in her uncle's home.</li> <li>• Previous history of drug dependency but has been drug free for 12 months.</li> <li>• Has an extensive non-compliance history and is in the Penalty Zone</li> </ul> <p>Shortly after entering the Penalty Zone, Reggie's uncle announces he is leaving to live in New Zealand so Reggie will not have anywhere to live. Reggie is now in financial and emotional distress. Reggie's provider fears she may return to drug use.</p>			
		<p>Under current arrangements:</p> <ul style="list-style-type: none"> <li>➤ If Reggie can remain compliant with requirements for 3 months, she can return to the green zone and not face penalties.</li> </ul>	<p>s 47C(1)</p>
	<p>s 47C(1)</p>		

	s 47C(1)		
	s 47C(1)	<p>When individuals in the penalty zone fail to meet a requirement, they have the option to 'accept' the resulting financial penalty, as long as:</p> <ul style="list-style-type: none"> <li>the failure was because they failed to attend a requirement, and</li> <li>the failure is not the third failure in the penalty zone.</li> </ul> <p>In this case, the individual can acknowledge during their fortnightly reporting that they did fail to meet a requirement and that they did not have a reasonable excuse for the failure, and they can choose to accept a financial penalty. This speeds up the processing of their fortnightly report because Services Australia does not have to conduct an investigation into the failure.</p>	s 47C(1)
		<p><b>A9.Cameo: Liz, 48</b></p> <ul style="list-style-type: none"> <li>Liz lives on the outskirts of a major city with her kids, who are 17yo and 15yo.</li> <li>She has had trouble giving prior notice if her inability to meet requirements because she is juggling caring responsibilities for her children, her mother, and her mother-in-law.</li> <li>She is in the penalty zone, and she has just missed an activity. It is her first failure in the penalty zone.</li> </ul>	
		<p>Under current arrangements</p> <ul style="list-style-type: none"> <li>When Liz makes her fortnightly report to Services Australia to receive income support, she is advised that she has failed to attend an activity.</li> <li>She is given the option to accept the financial penalty – by doing this, she is acknowledging that she did fail to attend that activity, that she does not have a reasonable excuse for the failure, and that her fortnightly income support will be reduced by 50%.</li> <li>Liz is too stressed to deal with the process so accepts the penalty. When she sees that her payment will be reduced by half she calls Services Australia, who assess that she had a reasonable excuse and overturn her penalty.</li> </ul>	s 47C(1)
s 47C(1)		<ul style="list-style-type: none"> <li>➤ When setting mutual obligation requirements, employment services providers are required to take into consideration a person's individual circumstances, such as their age, medical conditions, and any caring responsibilities they may have.</li> <li>➤ Some cohorts have systematic recognition of their personal circumstances and have automatically reduced requirements (e.g. automatic reduction of PBAS points by 40 points per period). They also have access to concessional mutual obligation arrangements where they can 'fully meet' their requirements through 30 hours per fortnight of approved activities and can be managed by Centrelink (instead of engaging with the employment services provider). These groups include principal carer parents, those aged 55 and over, and individuals with an assessed partial capacity to work.</li> <li>➤ Unemployment payment recipients who receive Carer Allowance will generally have significant caring responsibilities in addition to their mutual obligation requirements. To be eligible for Carer Allowance, a person must provide someone ongoing daily care and support for at least 12 months in a private home.</li> </ul>	

	s 47C(1)	<ul style="list-style-type: none"> <li>○ Services Australia assess an individual's caring responsibilities as part of determining eligibility for Carer Allowance.</li> <li>➤ Providing this care is likely to impact an individual's capacity to look for and take up work, but there is no systematic recognition of this reduced work capacity in setting requirements.</li> <li>➤ Currently, employment services providers must take into consideration a person's caring responsibilities and manually reduce their mutual obligation requirements. However, manual reduction of requirements is up to provider discretion and may be applied inequitably across individuals in similar circumstances.</li> <li>➤ Additionally, those on Carer Allowance are not able to 'fully meet' their requirements (unless they are also a principal carer parent, have a partial capacity to work, or are aged 55 and over) and must generally be connected to an employment services provider. Despite the impact on their capacity to work likely being much higher than some groups who are able to 'fully meet' their requirements.</li> </ul>	s 47C(1)
<p><b>B1.Cameo: Jonathan is a 27 year old male living with his brother who has a disability and requires regular ongoing care. Jonathen receives Carer Allowance.</b></p>			
		<p><u>Current state example</u></p> <ul style="list-style-type: none"> <li>➤ Jonathan is in Workforce Australia with a provider. He has been unemployed for more than 12 months. He does not have a partial capacity to work, is not a principal carer parent, nor is he aged 55 and over. He currently has to meet his PBAS points target each period by looking for work, attending provider appointments, and undertaking other activities to help improve his employability.</li> <li>➤ His provider has determined that Jonathan should have reduced PBAS requirements due to his caring responsibilities, and so has reduced his points target to 80 points per period (a reduction of 20 points). He still has a minimum job search of 4 job searches per period.</li> <li>➤ Jonathan is doing a Certificate III in Early Childhood Education and Care, as he wishes to pursue a career in child care. The course is an approved course and is 15 hours per week. He gets 15 points per week (60 points per period) for this study. He also does his minimum 4 job searches in addition to this and attends provider appointments.</li> </ul>	s 47C(1)
		<ul style="list-style-type: none"> <li>➤ Some cohorts receiving unemployment payments have access to concessional mutual obligation arrangements and can 'fully meet' their mutual obligation requirements. These cohorts currently include principal carer parents, people with an assessed partial capacity to work, and those who are aged 55 years and over.</li> <li>➤ For each cohort, the rules through which they can do this are different. Each cohort may 'fully meet' their requirements through 30 hours per fortnight of approved activities but the approved activities differ.</li> <li>➤ The current rules around what it means to be 'fully meeting' requirements through 30 hours per fortnight of approved activities are:             <ul style="list-style-type: none"> <li>○ Principal carer parents and those assessed with a partial capacity to work may 'fully meet' requirements through 30 hours per fortnight of paid work, approved study (or a combination of these activities);,</li> <li>○ In some limited circumstances, voluntary work for principal carer parents may also contribute to 'fully meeting' requirements</li> <li>○ Those aged 55 and over may fully meet requirements through 30 hours per fortnight of approved combinations of voluntary and paid work. Those aged 55-59 in their first 12 months of payment may fully meet through a combination of paid and voluntary work only if 15 of 30 hours is in paid work. Those who have been on payment 12 months or more, or who are aged 60 and over, may fully meet their requirements through 30 hours of any combination of paid and approved voluntary work.</li> </ul> </li> <li>➤ This means those aged 55 and over cannot 'fully meet' through approved study, and people with a partial capacity to work and most principal carer parents (except for in very limited circumstances) cannot 'fully meet' through approved voluntary work.</li> </ul>	
<p><b>B2.Cameo: Noriko is a 55 year old female who volunteers regularly at her local community centre. She has been on JobSeeker Payment for 15 months.</b></p>			
		<p><u>Current state example</u></p> <ul style="list-style-type: none"> <li>➤ Noriko volunteers 20 hours per week helping out with the foster care educational program at the local community centre.</li> </ul>	s 47C(1)

	<p>s 47C(1)</p>	<ul style="list-style-type: none"> <li>➤ Noriko enjoys her voluntary work, but feels she could contribute more if she studies a course in a relevant area.</li> <li>➤ Currently she 'fully meets' her requirements through her volunteering as those aged 55 and over may 'fully meet' their mutual obligation requirements through 30 hours per fortnight of approved voluntary work and/or paid work. To pursue her study, Noriko decides she would have to reduce her voluntary work hours by 10 hours per fortnight and commence a Certificate III in Community Services.</li> <li>➤ The Certificate III is an approved course of study and is 15 hours per week. However, as Noriko is no longer 'fully meeting' her requirements (as she is not doing 30 hours per fortnight of approved voluntary and/or paid work), she is connected to a Workforce Australia provider while she undertakes her study. Her study counts towards her PBAS points requirement, but Noriko still has to attend provider appointments and undertake her minimum job search requirement of 4 job searches per period.</li> <li>➤</li> <li>• Unemployment payment recipients with a medical condition causing temporary incapacity may be exempted from mutual obligation requirements if they are unable to work and unable to undertake another appropriate activity for 8 hours or more per week.</li> <li>• Exemptions for temporary incapacity can only be granted for a maximum period of 13 weeks at a time – even if the medical condition is expected to continue longer. If the person requires a longer exemption, they need to provide consecutive medical certificates.</li> <li>• Exceptions exist for a tightly defined group of serious illnesses, where exemptions may be granted by Services Australia for a maximum of 52 weeks. Serious illnesses currently are restricted to an exhaustive and arbitrary list of categories, including cancer/leukaemia, severe stroke, acquired brain injury, serious burns, serious physical injuries requiring long recovery periods and severe mental health conditions receiving treatment in an institutional setting.</li> <li>• Impacts include:             <ul style="list-style-type: none"> <li>– individuals with medium to long-term incapacity must return to their medical practitioner for another certificate to submit to Services Australia (despite the medical practitioner deciding they have very limited capacity due to their condition);</li> <li>– financial impacts for individuals to obtain consecutive medical certificates, with resultant undue stress and anxiety, potentially negatively affecting recovery;</li> <li>– additional hardship for people in regional and remote areas who have significant difficulties accessing health services;</li> <li>– unnecessary demands on the healthcare system; and</li> <li>– the unnecessary burden of processing consecutive medical certificates for Services Australia.</li> </ul> </li> </ul>	<p>s 47C(1)</p>
<p><b>B3.Cameo: Basil, 51</b></p> <ul style="list-style-type: none"> <li>• JobSeeker Payment recipient</li> <li>• Lives alone in a remote area of Australia</li> <li>• Basil cannot drive and has no family support so uses taxis to attend doctor appointments</li> </ul> <p><i>Three months ago, Basil sustained multiple fractures in a fall from his house roof. Post surgical complications have delayed recovery. Basil's doctor expects that he will be unable to work for 8 hours or more per week for the next 14 months and includes this on the medical certificate she provides.</i></p>			
<p>Under current arrangements:</p> <ul style="list-style-type: none"> <li>➤ To be exempt from his mutual obligation requirements, Basil will need to submit a new medical certificate to Services Australia every 13 weeks for the duration of his incapacity.</li> <li>➤ If the incapacity has a duration of 2 or more years, the incapacity would be classed as permanent and Basil would have his requirements reduced in line with an assessment of a partial capacity to work, following an Employment Services Assessment.</li> </ul>		<p>s 47C(1)</p>	

**From:** s 47F(1)  
**To:** s 47E(1) (DEPARTED)  
**Cc:** s 47E(1)  
**Subject:** Post MO feedback NPP short term compliance options for discussion | s 47E(d) ]  
**Date:** Sunday, 25 February 2024 10:43:48 AM  
**Attachments:** [250224 Post MO Feedback- for discussion short term compliance options.docx](#)  
[TCF Flow Chart.pdf](#)

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s 47E(d)

s 47F(1)

Hi

s 47C(1)

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s 47C(1)

s 47C(1)

Kind regards,  
s 47F(1)  
Assistant Secretary

Targeted Employment Policy Branch  
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s 47E(d)

### **Background information on existing assessments by allied health professionals in Services Australia where conditions are expected to last longer than 13 weeks**

SA officers assess medical certificates in accordance with the legislation and policy guidelines. Once a decision to grant (or not grant) an exemption has been made, some job seekers may require an Employment Services Assessment (ESAt) if the medical certificate and other available information indicate that the job seeker:

- May have an ongoing partial capacity to work because of the impact of permanent conditions (i.e. likely to persist for 2 or more years)
- May have a temporary reduced work capacity of less than 30 hours per week, or
- Is potentially eligible for a more appropriate payment such as Disability Support Pension (DSP).

ESAts are conducted by allied health professionals employed by SA.

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### **Background information on arbitrary list of serious illnesses**

The Social Security Guide provides an arbitrary and exhaustive list of serious illnesses. Currently, where a person has one of the medical conditions included in that list of serious illnesses, they may be given an initial exemption of 13 weeks and can be granted subsequent exemptions without additional medical certificates up to a maximum of 52 weeks.

The arbitrary and exhaustive list of serious illnesses identifies only the following medical conditions:

- Cancer/leukaemia
- Severe stroke
- Acquired brain injuries
- Serious burns
- Serious physical injuries requiring long recovery periods
- Severe mental health conditions for which the person is receiving treatment in an institutional setting.

If a person has a medical condition that is not listed in the above but is just as serious, they currently will not be able to be granted a serious illness exemption and instead will need to revisit their GP multiple times to get subsequent medical certificates to cover the full duration of their incapacity.

### **Responsible minister for exemptions**

The [Administrative Arrangements Order](#) (AAO) provides that Minister Burke as the Minister for Employment and Workplace Relations is responsible for the exemption provisions, because they relate to participation requirements and compliance with them.

The AAO says that Minister Burke (as the Minister for Employment and Workplace Relations) is responsible for the following:

*“Social Security Act 1991, insofar as it relates to participation requirements and compliance with those requirements for participation payment recipients and Chapter 2D*

*Social Security (Administration) Act 1999, insofar as it relates to participation requirements and compliance with those requirements for participation payment recipients...”*

The exemption provisions “relate” to participation requirements and compliance with them; as such, they would fall within the responsibility of Minister Burke.



Cohort	Current state	s 47C(1)
<b>Principal carer parents</b>	<p>Principal carer parents can fully meet their requirements through 30 hours per fortnight of:</p> <ul style="list-style-type: none"> <li>• Paid work</li> <li>• Approved study</li> <li>• Any combination of paid work and approved study</li> </ul> <p>In very limited circumstances, a principal carer parent may be able to fully meet their requirements through 30 hours per fortnight of approved voluntary work. The employment services provider may approve the principal carer parent to fully meet their requirements through voluntary work if they determine that:</p> <ul style="list-style-type: none"> <li>- The principal carer parent lives in a poor labour market</li> <li>- there are limited training opportunities locally available</li> <li>- there is a significant vocational aspect to the voluntary work, and</li> <li>- that the voluntary work placement meets the criteria for approval as part of requirements</li> </ul>	
<b>Partial capacity to work</b>	<p>Those with an assessed partial capacity to work can fully meet their requirements through 30 hours per fortnight of:</p> <ul style="list-style-type: none"> <li>• Paid work</li> <li>• Approved study</li> <li>• Any combination of paid work and approved study</li> </ul>	
<b>Individuals aged 55 and over during on their first 12 months of receiving payment</b>	<p>These individuals can fully meet their mutual obligation requirements through 30 hours per fortnight of:</p> <ul style="list-style-type: none"> <li>• paid work</li> <li>• paid work and voluntary work, if at least 15 hours of the 30 hours per fortnight requirement is in paid work.</li> </ul>	
<b>For those aged 55 to 59 who have been in receipt of payment for more than 12 months, and any individual aged 60 and over</b>	<p>These individuals can fully meet their requirements through 30 hours per fortnight of:</p> <ul style="list-style-type: none"> <li>• paid work</li> <li>• approved voluntary work</li> <li>• any combination of the two activities</li> </ul>	

**From:** s 47F(1)  
**To:** s 47F(1)  
**Cc:** s 47F(1) [\(DORMANT\);](#) s 47F(1)  
**Subject:** Updated options for reducing clash of provider appointments during paid work s 47E(d)  
**Date:** Sunday, 25 February 2024 11:02:00 AM  
**Attachments:** [image001.jpg](#)  
[250224\\_Options\\_for\\_reducing\\_clash\\_of\\_work\\_and\\_appointments\\_UPDATED.docx](#)

---

Hi s 47F(1) and s 47F(1)

s 47C(1)

Kind regards,

**s 47F(1)**  
Assistant Secretary

Targeted Employment Policy Branch  
Employment Policy and Analytics Division  
Australian Government Department of Employment and Workplace Relations  
Phone s 47F(1) | Mobile s 47F(1)  
[dewr.gov.au](http://dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

## Options for reducing clash of work and appointments

s 47C(1)

### Data:

- In 2023, 13 per cent of provider appointments were for clients who had recently (in the last two months) declared paid work. Attendance at appointments was much higher for those reporting work (78 per cent) relative to those not reporting work (69 per cent). However, rates of non-attendance with a valid reason were similar for those reporting work (10 per cent) compared with those not reporting paid work (9 per cent). The specific valid reason 'working on the day of requirement' was rarely used – in 0.1 per cent of accepted valid reasons for those reporting work and 0.03 per cent for those not reporting paid work.
- Non-attendance at appointments resulted in suspension in 29 per cent of cases for those reporting work, compared to 41 per cent for those not reporting work.
- From data received on 21 February 2024, the Workforce Australia caseload is approximately 450,000 people. The estimated number of people employed while on the caseload, based on PPM survey responses, is 170,000 – 185,000. This range accounts for the survey margin of error. Around 48,000 people are working and are in the groups who will be moved off the caseload under the Better Targeting measure (based on exemption and paused reasons recorded by Services Australia). Which leaves approximately 122,000 – 137,000 people in Workforce Australia Services who are employed and expected to remain on the caseload once Better Targeting takes effect.

s 47C(1)

s 47C(1)

### How processes related to conflicts between appointments and paid work should be managed currently

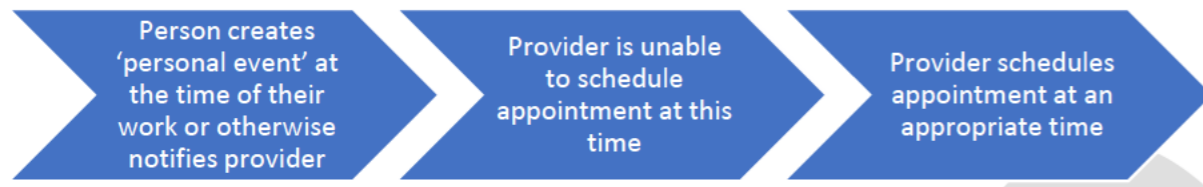
Person is offered paid work conflicting with an appointment and reasonably can advise their provider



Person is offered last minute paid work and cannot reasonably advise their provider



Person has paid work, and wants to stop requirements being scheduled that conflict



s 47C(1)

s 47C(1)

**Table 1 – options to reduce the clash of paid work and appointments**

Option	Pros	Cons	Implementation considerations
s 47C(1)			
s 47C(1)			
s 47C(1)			

s 47C(1)

s 47C(1)

s 47C(1)

s 47C(1)

s 47C(1)

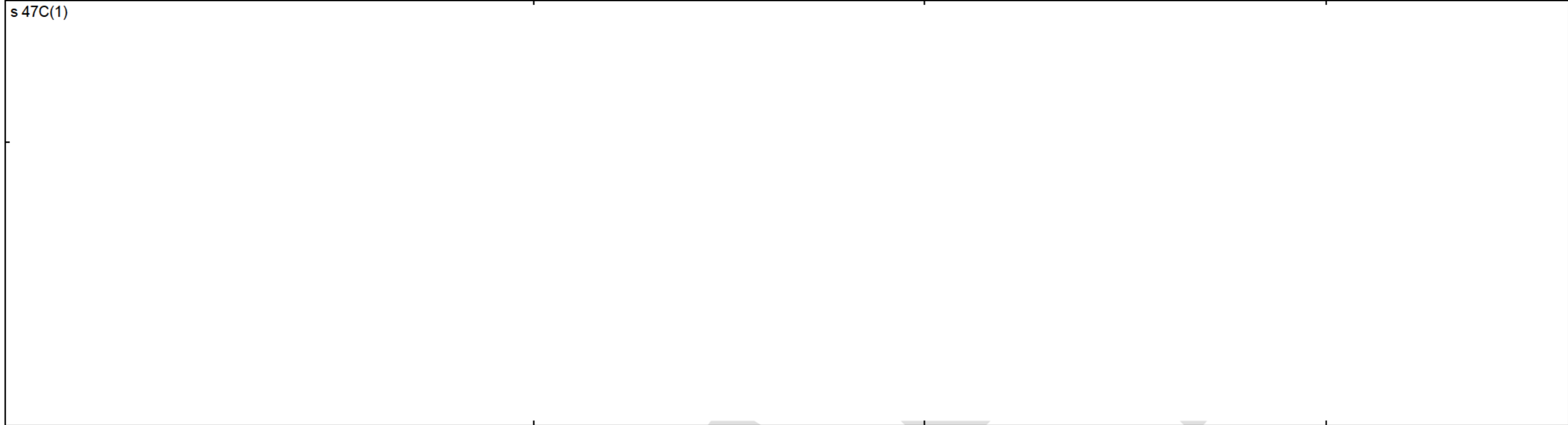
**Table 2 – options on specified thresholds**

Option	Pros	Cons	Implementation considerations
s 47C(1)			

s 47C(1)



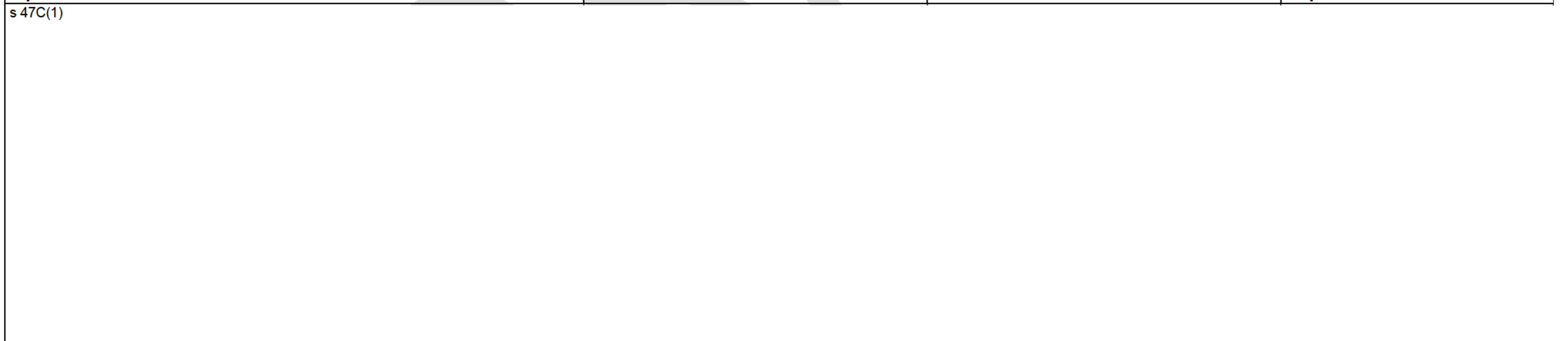
s 47C(1)



s 47C(1)

Option	Pros	Cons	Implementation considerations
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s 47C(1)



s 47C(1)

s 47C(1)

s 47C(1)

**Options for reducing clash of work and appointments**

s 47C(1)

**Data:**

- In 2023, 13 per cent of provider appointments were for clients who had recently (in the last two months) declared paid work. Attendance at appointments was much higher for those reporting work (78 per cent) relative to those not reporting work (69 per cent). However, rates of non-attendance with a valid reason were similar for those reporting work (10 per cent) compared with those not reporting paid work (9 per cent). The specific valid reason 'working on the day of requirement' was rarely used – in 0.1 per cent of accepted valid reasons for those reporting work and 0.03 per cent for those not reporting paid work.
  - Non-attendance at appointments resulted in suspension in 29 per cent of cases for those reporting work, compared to 41 per cent for those not reporting work.

s 47C(1)

If agreed, Option 1 and 2 could be considered in the 2024-25 Budget.

s 47C(1)

**How processes related to conflicts between appointments and paid work should be managed currently**

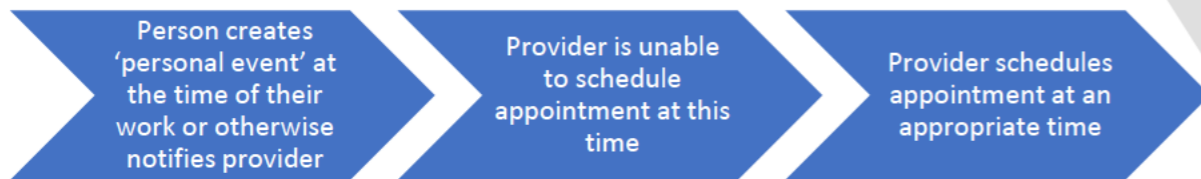
Person is offered paid work conflicting with an appointment and reasonably can advise their provider



Person is offered last minute paid work and cannot reasonably advise their provider



Person has paid work, and wants to stop requirements being scheduled that conflict



s 47C(1)

s 47C(1)

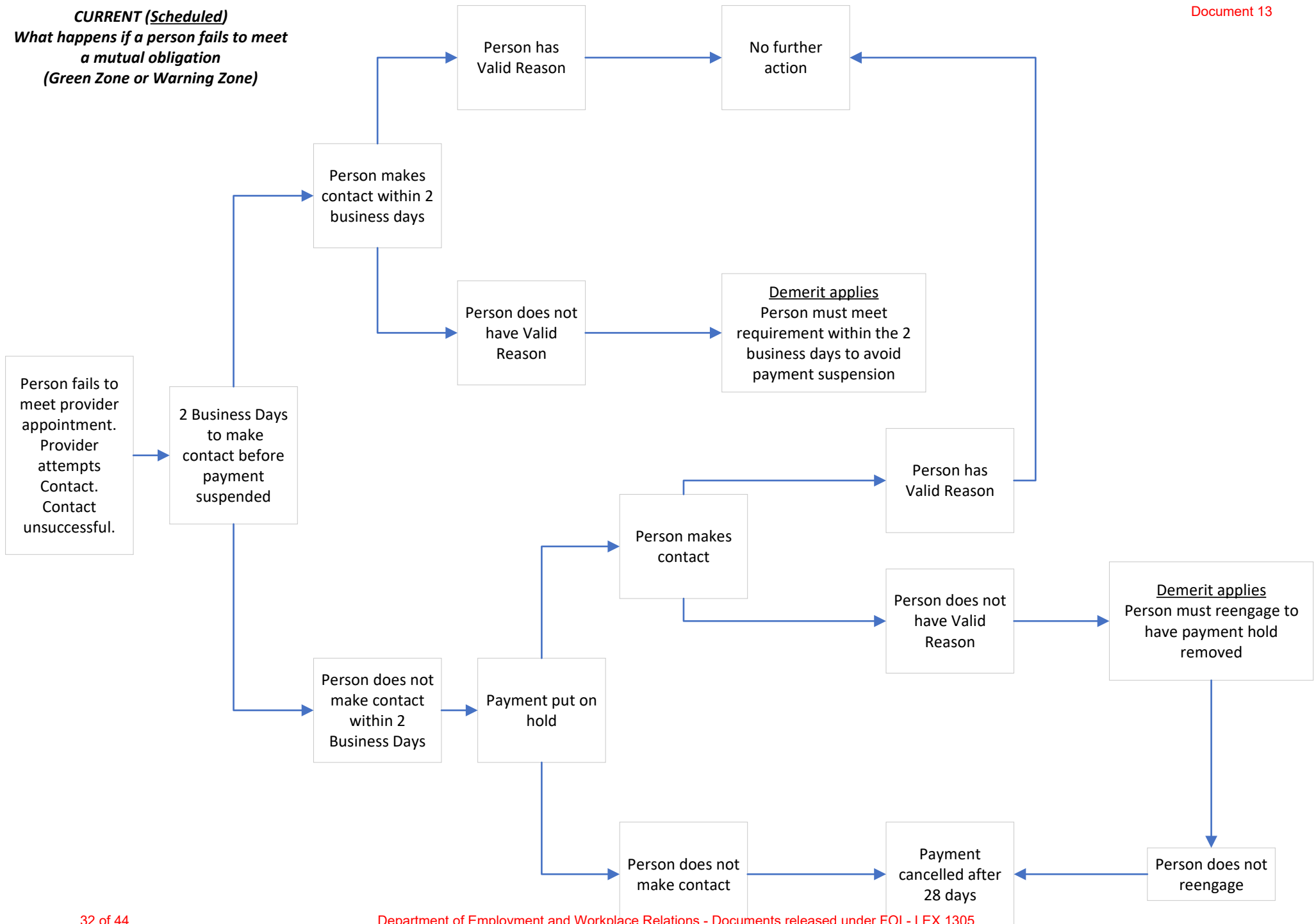
Option	Pros	Cons	Implementation considerations
s 47C(1)			
s 47C(1)			

s 47C(1)			
s 47C(1)			

s 47C(1)

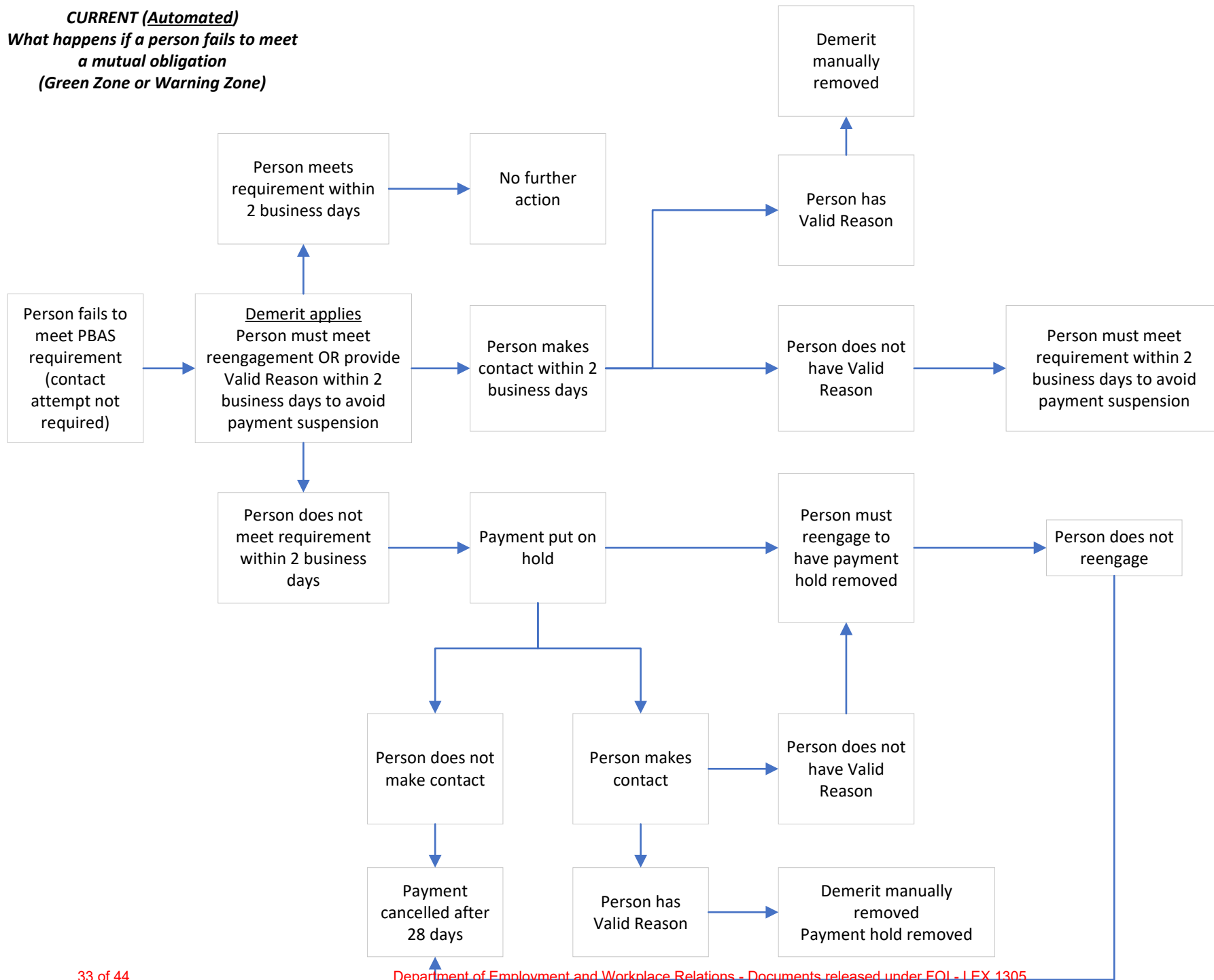


***CURRENT (Scheduled)***  
***What happens if a person fails to meet a mutual obligation (Green Zone or Warning Zone)***

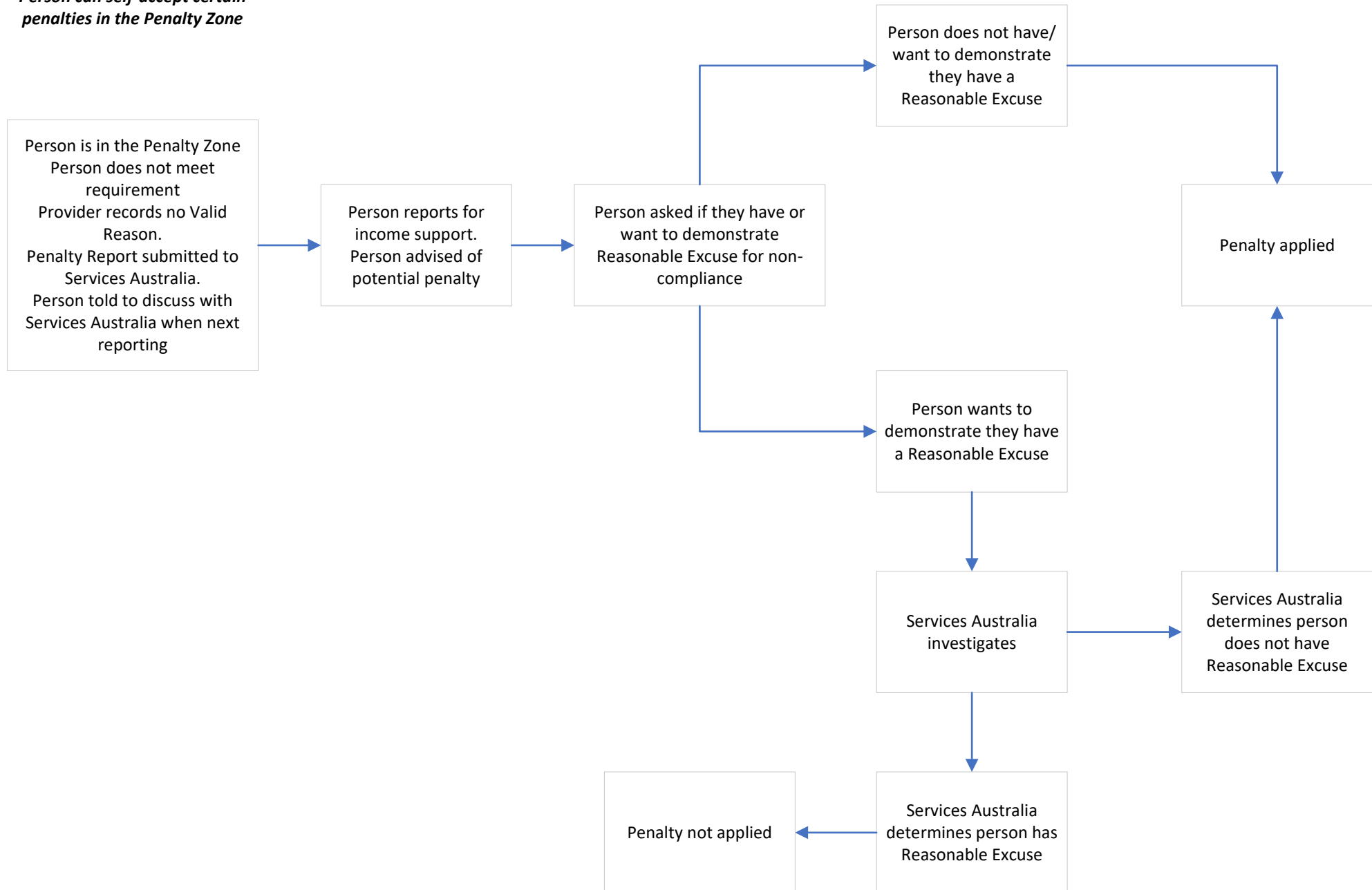




***CURRENT (Automated)***  
***What happens if a person fails to meet a mutual obligation (Green Zone or Warning Zone)***



**CURRENT**  
**Person can self-accept certain penalties in the Penalty Zone**













\q\ri100\sb100s 47E(d)

\sb100**From:** s 47F(1) s 47E(d)

**Sent:** Tuesday, March 5, 2024 6:33 PM

**To:** s 47F(1) s 47E(d) ; s 47F(1)

<s 47E(d) >

**Cc:** s 47F(1) <s 47E(d) >; s 47F(1) <s 47E(d) >

**Subject:** FW: Penalty Zone [s 47E(d) ]

\q\ri100\sb100s 47E(d)

\sb100

s 47F(1) – see s 47F(1) advice below.

HI s 47F(1)

s 47C(1)

Cheers

s 47F(1)

[Director | Mutual Obligation and Compliance Policy](#)

[Targeted Employment Policy Branch | Department of Employment and Workplace Relations](#)

Tel: s 47F(1) | Email: s 47E(d)

\q\ri100\sb100s 47E(d)

\sb100

\q\ri100\sb100s 47E(d)



Archived: Wednesday, 7 August 2024 13:55:29

From: s 47F(1)

Sent: Wednesday, 28 February 2024 15:43:32

To: s 47F(1)

Cc: s 47F(1)

Subject: RE: Responses to MO questions on Better recognising NPP [s 47E(d)]

Importance: Normal

Sensitivity: None

Hi s 47F(1)

s 47C(1)

Regards,

s 47F(1)

Director | Mutual Obligation and Compliance Policy

Targeted Employment Policy Branch | Department of Employment and Workplace Relations

Tel: s 47F(1) | Email: s 47E(d)

From: s 47F(1) s 47E(d) >

Sent: Wednesday, February 28, 2024 2:41 PM

To: s 47F(1) <s 47E(d)

Cc: s 47F(1) <s 47E(d) s 47E(d) s 47F(1) s 47E(d) s 47F(1) s 47E(d) s 47F(1)

s 47E(d) s 47F(1) s 47E(d) s 47F(1) s 47E(d)

s 47F(1) s 47E(d)

Subject: RE: Responses to MO questions on Better recognising NPP s 47E(d)

\q\ri100\sb100s 47E(d)

\sb100

Hi s 47F(1)

Thank you very much for this advice.

s 47C(1)

\sb120

s 47C(1)

Thanks

s 47F(1)

s 47F(1)

Senior adviser

Office of the Hon Tony Burke MP

Phone: s 47F(1)

\qcrri100\s b100s 47E(d)

\sb100**From:** s 47F(1) <s 47E(d)>

**Sent:** Tuesday, February 27, 2024 5:19 PM

**To:** s 47F(1) s 47E(d) s 47F(1) s 47E(d)

**Cc:** s 47F(1) s 47E(d) s 47E(d) s 47E(d) ;s 47F(1)

s 47E(d) s 47F(1) <s 47E(d)> HOLM, Naomi <s 47E(d)>

**Subject:** Responses to MO questions on Better recognising NPP [s 47E(d)]

\qcrri100\s b100s 47E(d)

\sb100

His 47F(1)

s 47C(1)

Kind regards,

s 47F(1)

Assistant Secretary

\sb240Targeted Employment Policy Branch

**Archived:** Wednesday, 7 August 2024 13:55:56

**From:** s 47F(1)

**Sent:** Tuesday, 17 October 2023 16:30:16

**To:** s 47F(1)

**Cc:** s 47F(1)

**Subject:** Reporting screenshot

**Importance:** Normal

**Sensitivity:** None

---

HI s 47F(1)

s 47C(1)

Hope that helps, and happy of course to discuss if helpful.

Regards,

s 47F(1)

[Director | Mutual Obligation and Compliance Policy](#)

[Targeted Employment Policy Branch | Department of Employment and Workplace Relations](#)

Tel: [s 47F\(1\)](#) | Email: [s 47E\(d\)](#)