

Minister for Employment and Workplace Relations

QTB No: QB22-000194

Last Updated by Department: 17 November 2022

Last Updated by Adviser: XX Month YYYY

Youth Employment

HEADLINE

- The Albanese Government is committed to supporting young people into new training opportunities and secure, quality jobs.

KEY ISSUES

- While youth employment has recovered strongly since the end of the COVID-related lockdowns, the youth unemployment rate, at 7.3% in October 2022, remains more than double the rate recorded for all persons, of 3.4%.
 - Similarly, young people are twice as likely to be underemployed compared with the average for all workers (13.7% vs 5.9%).
- Our plan for secure jobs, more training opportunities through the Australian Skills Guarantee, and our investments in TAFE, higher education, employment services and career pathways, will all help ensure young people are not left behind.
 - As part of the Jobs and Skills Summit, the Government announced a \$1 billion (12-month) Skills Agreement, jointly funded with States and Territories, to deliver 180,000 fee-free TAFE and vocational education places from January 2023.
- On 27 October, the Parliament passed the Government's legislation to establish the interim Jobs and Skills Australia, the new body which will strengthen the data and analysis available to Government to improve education to jobs pathways for young people.
- Under the Powering Australia Plan, the Government has committed \$95.6 million over nine years from 2022-23 to deliver 10,000 New Energy Apprenticeships, and \$9.6 million over four years from 2022-23 for a New Energy Skills Program, which will develop training pathways for young Australians in new energy industry jobs.
- While the Government considers alternative settings that better meet its expectations around fair and equitable work for individuals, Youth Jobs PaTH Internships and the National Work Experience Program ceased on 9 September 2022.
 - Most job seekers are able to access other work-like experiences through Workforce Australia, including Observational Work Experience.
- The Government is establishing a new Youth Engagement Model to create new avenues for young people to genuinely engage with Government on the policies and programs that affect them.

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BACKGROUND

- This Government is committed to delivering the **Secure Australian Jobs Plan**, to deliver better wages and a fairer workplace system, including for young people.
- The commitments include the **Australian Skills Guarantee** that will help train the next generation of skilled workers, including young people, by ensuring one in ten workers on major, federally funded government projects are an apprentice, trainee, or paid cadet (QB22-000229 refers).
- As part of the Jobs and Skills Summit, the \$1 billion (12-month) **Skills Agreement** jointly funded with States and Territories delivers **180,000 fee-free TAFE and vocational education places from January 2023**. This includes converting 120,000 existing government funded places to be fee free, 45,000 new places from the election commitment and 15,000 aged care places from the previous JobTrainer announcement (QB22-000234 refers).
- The Government is also providing **20,000 extra university places**, commencing in 2023 and 2024, to provide more opportunities for Australians from under-represented groups to enter higher education. Funding for these places is targeted to areas of national priority and skills needs including teaching, nursing, engineering, health and information technology.
- Apprentices who take up a **New Energy Apprenticeship** in new energy industries will receive up to \$10,000 over the apprenticeship, paid in 5 milestone payments of \$2,000 (\$2,000 on commencement and \$2,000 a year for up to 4 years, including on successful completion). These apprentices will also be supported by personalised non-financial support services, including mentoring, peer support and networking opportunities. These additional supports complement existing non-financial support measures, including extra contacts at the start of the apprenticeship targeted at apprentices aged between 15 and 20 which commenced 1 July 2022.

Employment supports

- The Government is continuing to invest heavily in employment services for young people. **Workforce Australia – Transition to Work** is the Government's targeted pre-employment and employment service that supports disadvantaged young people who are at risk of not making a successful transition from school to work.
- During the election campaign the Government committed to **abolishing the Youth Jobs PaTH (PaTH) Internship program**. Referrals to this program and the **National Work Experience Program** were paused in early July 2022 and on 9 September 2022 providers were advised of the cessation of these programs.
 - Youth Jobs PaTH Internships provided placements of four to 12 weeks for 30 hours to 50 hours per fortnight to young unemployed people aged between 17 to 24. The National Work Experience Program provided voluntary short-term work trials (two to four weeks) for Participants aged 25 years and older.
 - An outcome of the recent Jobs and Skills Summit is that Government, business, unions and the community will work together to develop a set of best practice principles to guide meaningful work experience opportunities and workplace based mentoring programs for people experiencing disadvantage.
- The National Careers Institute (NCI) is also delivering the **School Leavers Information Service** to people aged 15-24 and manages the **Your Career** website.

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Women's Employment Participation

HEADLINE

- The Australian Government is committed to improving women's experiences of the labour market, which is why equal opportunity and equal pay have been a central focus of the Jobs and Skills Summit, the Women's Budget Statement, and proposed Secure Jobs Better Pay legislation.

KEY ISSUES

- ABS Labour Force Survey figures for October 2022 show that women's labour force participation remains at a near record high of 62.3 per cent.
- While the female participation rate has improved, it still remains well below the male participation rate of 70.9 per cent - 8.5 percentage points lower.
- The gender pay gap in Australia is currently 14.1 per cent, with women in full-time work earning an average of \$263.90 per week less than men.
 - Women working full time earn less than men working full-time in every industry, even in those that are female dominated.
 - The gender pay gap is even larger for some groups of women, such as women in regional areas and women with disability.
- The Government is committed to ensuring the benefits of our strong labour market conditions are accessible to all Australians.

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BACKGROUND

- The Government has committed to an ambitious gender equality agenda to drive generational change, including the development of a **National Strategy to Achieve Gender Equality**.
- As an immediate priority, the Government has established an independent **Women's Economic Equality Taskforce** which will ensure women and gender equality are at the centre of decision-making.
- The Government's **Fair Pay and Conditions for Working Women** policies will make it easier for the Fair Work Commission, the country's workplace regulator, to order pay increases for workers in low-paid, female-dominated industries. I will introduce a statutory Equal Remuneration Principle to help guide the way the Commission considers equal remuneration and work value cases and make gender equality an object of the Fair Work Act.
- I will also set up two new **Expert Panels in the Fair Work Commission** – one for Pay Equity and one for the Care and Community Sector – so that the Commission has the expertise and knowledge of the sector they need to deal with emerging workforce challenges in crucial care sectors and improve conditions for Australia's fastest growing workforce.
- The Government is providing the national leadership and investment needed to help end family, domestic and sexual violence, starting with legislating a universal workplace entitlement to 10 days of paid family and domestic violence leave.
- The Government has made a submission to the Fair Work Commission supporting a wage increase for aged care workers. Direct care workers such as nurses and home care workers will get at least a 15 per cent pay rise following the Commission's interim decision on 4 November 2022.
- The Government is reducing out-of-pocket costs for around 1.26 million families who use formal Early Childhood Education and Care (ECEC) services. From July 2023, the Government's Plan for Cheaper Child Care is lifting the maximum Child Care Subsidy rate to 90 per cent for families with a combined income of \$80,000 or less, and increasing subsidy rates for families earning less than \$530,000. The Government will also keep the higher Child Care Subsidy for families with multiple children aged five or under in care, brought in by the previous Government, so no family is worse off.
- The Vocational Education and Training (VET) system plays a critical role in supporting Australians, particularly women, to access secure and well-paid jobs
- At the Jobs and Skills Summit the Government announced a \$1 billion (12-month) **Skills Agreement** jointly funded with states and territories to deliver 180,000 fee-free TAFE and vocational education places from January 2023 — targeted to priority groups, including women facing economic insecurity and study in non-traditional fields. A new long term National Skills Agreement will also be negotiated with states and territories to drive VET sector reform and support opportunities to improve women's access to VET, particularly in pathways towards higher paying careers.
- The Government is committed to closing the **gender pay gap**, including through the \$38.6 million **women in trade** initiative which is providing targeted support to increase the women in apprenticeships that have had a historically low female participation.

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Last Updated by Department: 28 November 2022

Last Updated by Adviser: 21 November 2022

Key Economic Figures

HEADLINE

- Australia's economy remains resilient, however, inflationary and cost of living pressures are a concern.

KEY ISSUES

- The unemployment rate fell to 3.4 per cent in October 2022, which is well-below the pre-COVID rate.
- In response to elevated inflation, the Reserve Bank of Australia (RBA) raised the official cash rate by 0.25 percentage points to 2.85 per cent per annum in November 2022.
- The average price of petrol in NSW in the week to 28 November 2022 was 186.6 cents per litre for E10 fuel.
- See Background table on next page for more information.

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BACKGROUND

| | |
|---|---|
| Minimum wage (1 July 2022) | \$21.38 per hour \$812.60 per week |
| Wage Price Index (September Quarter 2022) | 1.0% over the quarter (private sector 1.2%, public sector 0.6%) 3.1% over the year. |
| Unemployment rate (October 2022) | 3.4% |
| Total Unemployed (October 2022) | 477,600 |
| Total Underemployed (October 2022) | 836,200 |
| Total Employed (October 2022) | 13,617,900 |
| Labour Force Participation Rate (October 2022) | 66.5% |
| Inflation (September Quarter 2022) | 1.8% over the quarter, 7.3% over the year |
| Exchange rate (At end of October 2022) | \$0.64 against US dollar (down from \$0.69 at the end of June 2022) |
| Gross Domestic Product (June 2022) | 0.9% over the quarter, (up from 0.8% in March) 3.6% over the year (up from 3.3 in March) |
| Business Confidence (NAB) (October 2022) | 0 points (below long-term average of +5) |
| Consumer Confidence (ANZ-Roy Morgan) (week to 20 November 2022) | 81.6 points (below long-term average of 111.9) |
| Official cash rate (November 2022) | 2.85% per annum (up from 1.85% in August) |
| Average housing mortgage rate (September 2022) | <ul style="list-style-type: none"> • 4.88% - outstanding loans (up from 3.52% in June) • 4.38% - new loans (up from 3.05% in June) |
| Average business loan rate (September 2022) | <ul style="list-style-type: none"> • 5.52% - small business (up from 4.56% in June) • 4.63% - medium business (up from 3.36% in June) • 3.85% - large business (up from 2.49% in June) |
| Labour productivity (June Quarter 2022) | -1.9% over the quarter, (down from 1.7% in March Quarter) 1.5% over the year (down from 2.8 in March Quarter) |
| Capital productivity (2020-21) | -0.8% over the year |
| Multifactor productivity (2020-21) | 0.2% over the year |

Note: Source for home and mortgage lending rates in the table are from the Reserve Bank of Australia, using data from the Australian Prudential Regulation Authority.

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Last Updated by Adviser: 21 November 2022

Cost of Milk

In July, the major supermarkets increased the price of milk:

- 1L bottle of Coles fresh white milk - from \$1.35 to \$1.60
- 2L bottle from - \$2.60 to \$3.10
- 3L bottle from - \$3.90 to \$4.50.

In October, milk prices remain at the higher level.

(Sydney Morning Herald July 14, 2022, and Coles Online 17 October 2022)

Petrol Prices

The **average price across New South Wales in the week to 28 November 2022 was 186.6 cents per litre for E10 fuel**, other fuel types are more expensive. Prices in some parts of the country are even higher. *(NSW Gov, Fuel Check)*

Loaf of bread

Coles White Bread (650 grams) is **\$1.90** (Coles online, 17 October 2022). **Tip Top White Bread** (650 grams) is **\$3.50** (Coles online, 17 October 2022).

Fruit and vegetables

Australian Bureau of Statistics data show that **Fruit and vegetables prices rose 16.2%** over the year due to supply chain disruptions, weather-related events such as flooding, and increased transport and input costs.

(Australian Bureau of Statistics, Consumer Price Index, Australia, September Quarter 2022).

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Last Updated by Department: 21 September 2022

Last Updated by Adviser: 23 September 2022

Stakeholder Engagement

HEADLINE

- The Albanese Government carefully considers stakeholder feedback about Workforce Australia and other employment issues, and has made immediate improvements to support Australian job seekers.

KEY ISSUES

- Commitment to stakeholder feedback
 - The Government actively engages with key stakeholders from across the spectrum of the community sector, business, and providers to ensure we are alive to the concerns and feedback on the lived experience of employment issues, including the operation of Workforce Australia.
 - I receive regular correspondence from stakeholders and met with several of them on 30 August 2022 as part of roundtables on mature age employment and helping disadvantaged people find secure work, to help inform my participation at the Jobs and Skills Summit.
- Community feedback about Workforce Australia
 - I have been listening closely to the concerns of the community and key stakeholders, to ensure we have logical settings for Workforce Australia in place.
 - The previous Government signed contracts on 25 March 2022, just 14 days before the caretaker period started and we want to have a look at the system in the context of the new labour market.
- Select Committee on Workforce Australia Employment Services
 - The Albanese Labor government has established a Select Committee of the House of Representatives to examine the implementation of Workforce Australia.
 - The Government believes in a robust and flexible mutual obligation system that gets people job ready however some aspects of Workforce Australia require fresh parliamentary scrutiny and oversight.

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Last Updated by Adviser: 23 September 2022

- Other opportunities for stakeholders to provide feedback
 - In addition to the Jobs and Skills Summit, we are asking job seekers, business, the community, and others, to contribute to the Full Employment White Paper, to plot a path to reduce unemployment and underemployment, increase job security and create opportunities for more Australians to share in the benefits that work offers.
 - I also invite job seekers, business, community organisations, industry peaks, and others to engage with me and the department on a regular basis.

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BACKGROUND

- As a result of feedback to the Government, the following changes were made to ensure there were logical settings in place to help people become job-ready and find suitable employment:

| | |
|---------------------------------------|---|
| Mutual obligations | Mutual obligations were lifted from 4 July 2022 to 31 July 2022 for those in: <ul style="list-style-type: none">Workforce AustraliaDisability Employment ServicesParents NextTransition to Work. Workforce Australia Services and Workforce Australia Online participants were also given two reporting periods without compliance action for not meeting their points target if they transition prior to 30 September 2022. |
| Points Based Activation System | Changes to the Points Based Activation System provide more points for activities such as getting a driver's licence and participating in drug and alcohol counselling. The minimum job search requirement has been reduced from 5 to 4 per month. The points target has been reduced for some participants to better recognise personal circumstances and weak labour market conditions, and job search requirements have been removed for participants undertaking a full-time course of less than 12 months duration. |
| Targeted Compliance Framework | Participants transitioning to Workforce Australia had their Targeted Compliance Framework demerits reset to zero, to ensure a fresh start and time to adjust to the new system. |

- The department holds regular stakeholder meetings, including those with the Australian Council of Social Service (ACOSS), Economic Justice Australia (EJA), the Brotherhood of St Laurence and employment services provider organisations.

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Last Updated by Department: 19 September 2022

Last Updated by Adviser: 2 September 2022

Social Media issues

HEADLINE

- To ensure continuous improvement my department listens and responds to stakeholder feedback – including through social media channels. This is key for good program management, and that's exactly what the Government encourages.

KEY ISSUES

Privacy (refer to QB22-000215)

- The department takes its privacy obligations seriously and ensures the handling of sensitive information is in accordance with the Privacy Act.
- Following user feedback, the department has made a number of changes to Workforce Australia website content, and its call centres have been provided with clear step by step instructions to assist participants to manage their sensitive information in the Workforce Australia Digital Platform.

Provider training and assessment tools

- Providers are required to deliver personalised, innovative, and flexible services in a culturally appropriate and respectful way that is considerate of a participant's needs and circumstances.
- My department does not prescribe how providers are to deliver their personalised services. Any in-house assessment tools providers may chose to use are not mandatory and my department has asked providers to advise participants of this. Participants are encouraged to discuss any concerns about the services they receive with their provider in the first instance, or to contact the National Customer Service Line.

Face-to-face servicing

- Face-to-face servicing of individuals for most appointments can be flexible. Initial face-to-face appointments are encouraged when it is safe, beneficial, reasonable for the individual's circumstances, and meets local health advice. If an individual has any concerns they can contact the National Customer Service Line.

Points Based Activation System (refer to QB22-000208)

- The Government introduced a number of additional transition measures to support people to adjust to the new system, including a clean slate for demerits and penalties, and two reporting periods (July and August) with no compliance action for failure to meet their points target.

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Last Updated by Department: 19 September 2022

Last Updated by Adviser: 2 September 2022

BACKGROUND

Additional issues raised on social media channels:

| Issue | Response |
|---|--|
| System issues | <ul style="list-style-type: none"> • The systems are performing well, following isolated and intermittent technical issues in the first week. • Like all systems, there will occasionally be intermittent issues and our monitoring will detect and will react to them. Any technical issues will not impact payments for participants. |
| Quality of provider services | <ul style="list-style-type: none"> • If a participant has any concerns they can contact the National Customer Service Line (NCSL) on 1800 805 260 or email – nationalcustomerserviceline@dewr.gov.au. • If the participant feels uncomfortable talking to their provider NCSL staff will offer the complaints referral process where the details of the concerns are recorded and referred to the provider to respond. The provider has 5 days to respond to the concerns raised and contact the individual to resolve the matter. Where the matter cannot be resolved the NCSL can arrange a transfer to another provider. |
| Older phones | <ul style="list-style-type: none"> • The new mobile app is designed consistent with modern design practices. No app can be designed to cater for every historic device or for outdated operating systems. • It is important to note that people can use an online interface (instead of the mobile app) from any browser enabled device (mobile phone, tablet, PC). <ul style="list-style-type: none"> ◦ Furthermore, people that are not digitally enabled are referred to providers or can choose to opt-out to a provider. |
| Excessive points target and job search | <ul style="list-style-type: none"> • The Government made changes to Workforce Australia ahead of its launch to give people more flexibility in how they choose to get job ready. The changes include: <ul style="list-style-type: none"> ◦ Increasing the points value attached to a number of the activities that help people get job ready and move into secure jobs. ◦ Ensuring that vulnerable individuals will have no job search requirements if they are undertaking approved short full-time courses. ◦ Reducing the new minimum job search requirement from 5 to 4 per month. ◦ Reducing the points target for some participants to better recognise personal circumstances and weak labour market conditions that could impact their ability to find work. |
| Mutual obligation | <ul style="list-style-type: none"> • The Government supports mutual obligation. • To support people to adjust to the new system, mutual obligation requirements were suspended for the month of July 2022, and previous demerits and penalties were reset to zero, to give everyone a fresh start in the new system. |

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QTB No: QB22-000200

Last Updated by Department: 21 October 2022

Last Updated by Adviser: 26 September 2022

AUWU issues

HEADLINE

- The Australian Unemployed Workers Union has been raising its concerns about the employment services system directly with myself and my department.
- The Australian Unemployed Workers Union and the Antipoverty Centre shared their concerns with me on Tuesday, 30 August, on the day they also participated in the Secure Employment for Disadvantaged Individuals roundtable I hosted with stakeholders, ahead of the Jobs and Skills Summit.
- The Government and my department will continue to engage with stakeholders like the Australian Unemployed Workers Union to ensure we understand and, where relevant, address feedback on the operation of Workforce Australia. Continuous improvement is a key goal in good program management and that's exactly what the Government encourages.

KEY ISSUES

- The Government supports a robust and flexible mutual obligation system that supports Australians to get job ready when they're claiming the JobSeeker payment.
- The previous government signed contracts worth \$7 billion just 14 days before calling the election. I did not have any input to the design and delivery of the model.
- The Government has already made immediate changes to Workforce Australia after its launch in July 2022, including a 'clean slate' policy so people who accrued penalties under the old system started afresh, and increasing points for activities that help people become more job ready such full-time study and training.

AUWU survey

- The Australian Unemployed Workers Union surveyed approximately 400 of their members about Workforce Australia after its launch in July. The results from this survey were largely negative, with key concerns being:
 - poor communication and a lack of understanding of how Workforce Australia works
 - privacy and consent for using the platform

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Last Updated by Department: 21 October 2022

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- technical issues accessing the online system – eg technology concerns that the mobile app could not be used on older phones.
- The department has considered the survey feedback and has made several enhancements, and will continue to refine elements of Workforce Australia moving forward.

Other issues

- The Australian Unemployed Workers Union have also separately raised issues, including:
- Voluntary participation in Work for the Dole and safety
 - Some Australian Unemployed Workers Union members requested Work for the Dole participation to be voluntary and noted that some participants are worried about the safety at sites.
 - They acknowledged a cohort of members benefited from participating in the program, and gained skills to help them become job-ready.
- Technical issues accessing the Workforce Australia Digital Platform – eg through old mobile phones
 - The department has already started to address this feedback and has monitored the number of calls to the National Customer Service Line and the Digital Services Contact Centre (which users are directed to for assistance) about issues accessing Workforce Australia's online system.
 - People can use an online interface (instead of the mobile app) from any browser enabled device (mobile phone, tablet, PC).
 - Furthermore, people that are not digitally enabled are referred to providers or can choose to opt-out to a provider.
- Concerns about unclear communication of terms and conditions and privacy consent
 - The department takes its privacy obligations seriously and ensures the handling of sensitive information is in accordance with the Privacy Act.
 - Following user feedback, the department has made a number of changes to Workforce Australia website content, and its call centres have been provided with clear step by step instructions to assist participants to manage their sensitive information in the Workforce Australia Digital Platform.

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- The Australian Unemployed Workers Union requested to co-design the department's participant survey to have visibility of what questions participants were being asked
 - Surveys conducted by the department are designed to be robust and statistically reliable and representative.
 - The department consulted with the Australian Council of Social Service, of which the Australian Unemployed Workers Union is a member, in designing the two participant transition surveys
 - The Australian Unemployed Workers Union was provided an embargoed copy of the second participant transition survey prior to the time of its release
 - Comprehensive user surveys will be conducted in assessing the performance of Workforce Australia services, including to inform the annual provider licence renewal.

BACKGROUND

AUWU protests

- The Australian Unemployed Workers Union held protests on Monday 17 October at the Newcastle Centrelink and outside Minister Anne Rishworth's electorate office in Adelaide, criticising the upcoming Federal Budget.
- The protests coincided with the International Day for the Eradication of Poverty.
- The Australian Unemployed Workers Union seeks the Government to raise the JobSeeker payment to the Henderson Poverty Line.

AUWU high-level survey results are below:

- Out of 374 respondents, 130 people have only been able to log in or use app functions intermittently.
- Out of 374 respondents, just 95 respondents have been able to reliably log into and use the app at will.
- Out of 195 respondents who indicated they are in the Workforce Australia program, 71 reported at least one app function either didn't work (40) or they had trouble with it (31) 131 out of 374 respondents reported at least one device or internet connection issues.
- Out of 374 respondents, 149 people have not been able to log into the app at all due to:
 - an error displayed in the app (42)
 - device problems (61)

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- Internet connectivity problems (46)
- Of 374 responses regarding government communications and support regarding Workforce Australia:
 - 289 rated the frequency of government communications as “low” quality
 - 212 rated support from the digital contacted as “low” quality
 - 213 rated support from the National Customer Service Line as “low” quality
- 334 out of 374 respondents feel they have either a minimal (221 people) or insufficient (113 people) overall understanding of Workforce Australia and the impact it will have on them
- Out of 322 respondents who had to sign the terms and conditions of the Workforce Australia app/web portal:
 - 119 disagreed that the terms and conditions were easily accessible
 - 171 disagreed that they had enough time to properly read and consider the terms and conditions
 - 171 disagreed that they easily understood the terms and conditions
 - 155 felt they didn’t know what “sensitive information” means as defined in Australian privacy legislation
 - 161 did not recall reading and understanding the terms and conditions pertaining to “sensitive information”
 - 190 disagree that it was unnecessary for the terms and conditions to include a copy of the legal definition of “sensitive information”
- 84 out of 195 respondents who indicated they are in Workforce Australia are unsure of which Workforce Australia stream they are in.
- 30 out of 129 respondents in other Employment Services programs not sure which exact program they are in
- 23 out of 160 respondents haven’t been able to access information about their provider

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QTB No: QB22-000201

Last Updated by Department: 19 September 2022

Last Updated by Adviser: 23 September 2022

Jobs Fairs

HEADLINE

- The aim of Jobs Fairs is to connect individuals looking for new career opportunities with local employers and support them to understand the labour market and refine their job search skills.

KEY ISSUES

- Jobs Fairs are conducted by the Department of Employment and Workplace Relations.
- Jobs Fairs provide opportunities for individuals looking for work in their local communities to meet employers, access personalised resumé and interview support, along with workshops to help understand opportunities in the local labour market. There are also interviews held and often job offers are made on the day or soon after.
- Employers also appreciate them as they help them identify new staff to help them meet their workforce needs.
- Jobs Fairs also provide a focal point for the region's Employment Facilitator to engage with communities, employers, chambers of commerce key stakeholders across the local employment eco-system.
- A Jobs Fair was successfully held in Lismore on 29 August 2022 to support flood recovery efforts for the region. This event saw 49 employers and 266 individuals connect. Community organisations were also on hand to provide financial advice and wellbeing support to those in attendance. There were 1,463 vacancies on offer.

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QTB No: QB22-000201

Last Updated by Department: 19 September 2022

Last Updated by Adviser: 23 September 2022

BACKGROUND

- Since July 2021, 51 Jobs Fairs have been held, with more than 30,300 individuals attending, over 150,000 job vacancies from over 2,400 exhibitors.
- Outcomes include increased confidence of individuals to continue their job search and changing employer perceptions about the costs/benefits of offering a role to an unemployed person.
- The department uses several methods to identify how many job interviews are conducted on the day, how many post-fair interviews are scheduled and how many attendees secure a job.
- Employment Facilitators use the event to gather intelligence and build ongoing relationships with employers, supporting them to better understand the local labour market and encouraging Workforce Australia providers to link with employers to address their recruitment needs.
- There was a budget allocation for Jobs Fairs of \$14.2 million to hold 51 Jobs Fairs from July 2021 to June 2022. A \$2.9 million movement of funds request has been made to fund the delivery of Jobs Fairs in the 2022-23 financial year.
- The locations for Jobs Fairs will be identified by considering labour market factors including unemployment rates, structural changes in the labour market, and areas with skills shortages as well as local intelligence.

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QTB No: QB22-000202

Last Updated by Department: 1 November 2022

Last Updated by Adviser: 7 November 2022

Local Jobs Activity

HEADLINE

- The Government funds local-level jobs initiatives that support businesses, skills organisations and employment services providers to meet local employment challenges.

KEY ISSUES

- The Local Jobs Plan harnesses local knowledge, experience and business networks to address current and emerging workforce demands. Employment Facilitators are located in each of our 51 employment regions. They work with the Local Jobs and Skills Taskforces to identify employment priorities and support local job outcomes.
- The Local Recovery Fund supports locally driven initiatives that address the identified priorities. It provides funding for projects of between \$11,000 to \$220,000 (GST inclusive).
 - For example, the Cairns Aviation Skills Centre and its industry partners recognised an emerging need for a new role in small jet maintenance. The Aviation Specialty Trade Assistance Training project was created in consultation with the Local Jobs Cairns Employment Facilitator. After participating in the project eight local individuals are now working as trade assistants to aircraft mechanical engineers with local employer Jet Aviation Cairns.
- The department continues to investigate how Local Recovery Fund projects could be accessed by Workforce Australia online participants.
- The National Priority Fund provides funding for initiatives that seek to address structural barriers such as entrenched disadvantage and workforce shortages. Projects can operate across multiple regions.
 - For example, the Mobile Connection Hub that offers access, support and connection to individuals experiencing digital skills divide barriers to engage with employment options and opportunities. The initiative will provide technology and internet access to remote communities within the New England and North West Employment Region, specifically small remote communities within the Moree Shire Plains region.

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QTB No: QB22-000202

Last Updated by Department: 1 November 2022

Last Updated by Adviser: 7 November 2022

BACKGROUND

- The Local Jobs Program is a 5-year \$276.3 million initiative delivered in the 51 Employment Regions across Australia.
- The Local Jobs Program includes the following elements:
 - a local **Employment Facilitator (EF)** and a Support Officer
 - a **Local Jobs and Skills Taskforce**
 - a tailored **Local Jobs Plan** that identifies regional priorities, and
 - a **Local Recovery Fund** to fund activities that address each region's priorities.
 - the **National Priority Fund** available for innovative initiatives that complement job creation and/or address structural barriers.
- The EF's role is to build a system of collaboration between local stakeholders including businesses, employment services providers and training organisations.
- Taskforce members may include employers, training organisations, employment services providers, local and state government representatives, Aboriginal and Torres Strait Islander community representatives and other community organisations.

Local Recovery Fund

- Local Recovery Fund activities are small-scale initiatives designed to address the priorities identified within the region's Local Jobs Plan.
- Job seekers participating in Local Jobs Program activities can earn between 15-25 points per reporting period under PBAS.

National Priority Fund

- The expansion of the Local Jobs Program also included the introduction of a National Priority Fund of \$50 million, which seeks to support activities that address structural barriers and other barriers to the attraction, recruitment and retention of Australian job seekers and workers..
- The Request for Expression of Interest (REOI) for the National Priority Fund was released on 16 July 2021 and closed on 16 August 2021.
- 241 submissions were received from the REOI process totalling over \$300 million. This far exceeded the Program's expectations.
- The initial assessment of these submissions and subsequent shortlisted tender process have been completed.
- The initial procurement process for funding is coming to a close with 12 National Priority Fund projects approved and one contract executed.

Minister for Employment and Workplace Relations

QTB No: QB22-000203

Last Updated by Department: 08 November 2022

Last Updated by Adviser: XX Month YYYY

AgMove and Harvest Trail Services

HEADLINE

- The AgMove program is now fully subscribed and closed to new participants.

KEY ISSUES

- The Government is committed to building an economy that helps people find secure jobs and helps industries – including the agricultural industry – to meet their workforce needs.
 - Harvest Trail Services helps to do this by connecting people looking for work with harvest employers in 16 areas across Australia.
 - Harvest Trail Services started in July 2020 and have made over 38,500 work placements into harvest jobs.
- AgMove was implemented by the previous government in 2021, as a short-term COVID-19 measure, to support the agriculture industry by encouraging seasonal workers to relocate temporarily for employment.
 - Although it was announced by the previous Government that AgMove was extended to 31 December 2022, the cap was not raised nor was additional funding provided to the program.
 - AgMove is now fully subscribed as the cap of places has been reached.
 - My Department is working closely with Harvest Trail Services providers to carefully manage this process and action any outstanding eligible claims.
- The Government remains committed to measures that will ensure employers have the workers they need, wherever they are in Australia.
 - This includes the urgent prioritisation of 60,000 permanent visa applications for highly skilled workers.
 - The Australian Government is also pushing ahead with the expanded Pacific Australia Labour Mobility Scheme.

Minister for Employment and Workplace Relations

QTB No: QB22-000203

Last Updated by Department: 08 November 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- Harvest Trail Services is available to all Australians and temporary visa holders with general working rights, such as working holiday makers and overseas students, who are not restricted to a particular employer or line of work.
- These programs are supported by:
 - The Harvest Trail Information Service (HTIS), a national information service about harvest work opportunities throughout Australia and the Harvest Trail website, which features an interactive map of vacancies across Australia.
 - Harvest Trail Industry Collaboration Trial -\$1 million over two years from 1 July 2020 to 30 June 2022. Five horticulture/agriculture industry peak bodies selected to trial innovative ideas to increase recruitment and retention of Australian job seekers into agriculture work.
- AgMove \$15.4 million was allocated in the 2020–21 Budget. The program provides up to \$6,000 for relocation costs for Australians taking up agricultural work and up to \$2,000 for temporary visa holders with general working rights like working holiday makers and some international students.

KEY DATES

- 8 September 2022 – the Department wrote to Chief Executive Officers of Harvest Trail Providers providing an update to previous correspondence that AgMove was closed to new entrants and placements as the program was fully subscribed, and directing providers to cease promoting the program and making new agreements.
- 30 June 2022 – Deed provision to pay provider AgMove service and performance related fees ceased. However Deed provisions for the payment of AgMove claims endure.
- March Budget 2022-23 – AgMove was extended to 31 December 2022. Funding required to support the extension was not confirmed; contractual arrangements for Harvest Trail providers to continue to administer AgMove ended on 30 June 2022.
- 5 May 2021 – AgMove was announced with extended flexibilities to the More Relocation Support for Agricultural Workers 2020-21 Budget measure aimed at getting workers into jobs on Australian farms.
- From 1 November 2020 AgMove commenced.
- From 1 November 2020 AgMove commenced and, as part of MYEFO 2021 was extended to 30 June 2022 with an increased budget of \$20.3 million to permit additional participants.
- On 1 July 2020, the reformed Harvest Trail Services program commenced as part of the 2019–20 Budget \$24.053 million over four years invested into Harvest Trail Services to increase the number of Australian job seekers taking up harvest work.

Minister for Employment and Workplace Relations

QTB No: QB22-000208

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 7 November 2022

POINTS BASED ACTIVATION SYSTEM AND THE TARGETED COMPLIANCE FRAMEWORK

HEADLINE

- The Government is committed to an employment system that helps people prepare for employment while on income support, and will continue to work with stakeholders reviewing the role and function of the Points Based Activation System and other compliance arrangements.

KEY ISSUES

- Workforce Australia introduced a Points Based Activation System to support mutual obligation requirements.
- I have actively engaged with stakeholders and listened to feedback about the Points Based Activation System. Ahead of its implementation, I made some adjustments to give participants more choice and flexibility, and to allow their individual requirements to better reflect personal circumstances and local labour market conditions.
- From 27 October 2022, further adjustments were made to the Points Based Activation System to apply credits automatically via the department's IT systems to reduce the points target for some participants. This ensures the points target is appropriately tailored to recognise individual circumstances, including:
 - Labour market credits of 20 points applied to participants residing in certain Employment Regions
 - Personal circumstances credits of 40 points for:
 - Principal Carer Parents
 - Mature Age (55 years and over)
 - Reduced Work Capacity (15-29 hours per week).
- Other personal circumstances credits will continue to be assessed by providers and the Digital Services Contact Centre and applied manually for each participant's circumstances.
- Due to the recent weather events, mutual obligation requirements are temporarily suspended for impacted participants in Workforce Australia Services, Workforce Australia Online, Disability Employment Services, and ParentsNext.
- These arrangements are in place for 11 Local Government Areas in New South Wales, 5 Local Government Areas in Victoria and 9 Local Government Areas in South Australia. The arrangements are for various time periods from October through to January 2023, depending on the specific needs of each area.

Minister for Employment and Workplace Relations

QTB No: QB22-000208

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 7 November 2022

BACKGROUND

Points Based Activation System

- The Points Based Activation System provides job seekers greater flexibility and choice in deciding what tasks and activities they complete to earn points.
- Under jobactive, job seekers had to complete up to 20 job applications each reporting period, and undertake mandatory activities at different times during their service to meet their mutual obligation requirements in return for income support.
- The Points Based Activation System was trialled from December 2020, with extensive stakeholder consultation and comprehensive system testing.

Communication on the change to the Points Based Activation System

- Participants directly impacted by the changes to employment services have been progressively contacted by my department.
- Participants continue to receive support and assistance from providers or Digital Services Contact Centre staff to help understand and meet their mutual obligation requirements (including the Points Based Activation System).
- Anyone seeking further information about employment services, including changes to mutual obligation requirements can visit the [Workforce Australia website](#), or phone the National Customer Service Line on 1800 805 260.

Retaining mutual obligation requirements

- The Government supports a system where people receiving income support need to look for work or do activities, such as training, to help them get a job.
- There is evidence that supports mutual obligation requirements increase the likelihood and speed with which people find work, including disadvantaged cohorts of people.
- The Targeted Compliance Framework is designed to only target financial penalties towards those participants who persistently and wilfully commit Mutual Obligation Failures without a good reason, while providing protections for vulnerable participants by ensuring their requirements match their capabilities.

Roundtables

- On 30 August 2022, Minister Burke hosted two roundtables with key stakeholders (representation from individuals, advocates, providers, community, business and unions) on disadvantaged and mature age individuals. This was a valuable discussion focusing on strategies to help individuals find secure work.
- The roundtables allowed the Minister to hear firsthand the issues these vulnerable individuals face and how we can address this issue going into the Jobs and Skills Summit. The Government values the opinions of those who attended the roundtables and will continue to engage with these key groups into the future.



Australian Government

Workforce Australia

Employment. Skills.
Support.

Points values for tasks and activities in the Points Based Activation System

| Tasks and activities | Previous points value | Current points value |
|--|---|--|
| Completing a job application (<i>job search</i>) | 5 points | No change |
| Creating and updating the profile | 5 points (maximum of 5 points per month) | No change |
| Online learning modules ⁽²⁾ (<i>Short online modules to support resume writing, tailoring job applications, getting work experience</i>) | 5 points (maximum of 5 points per month) | No change |
| Paid work | 5 points for 5 hours (rounded up) | No change |
| Participant sourced voluntary work (<i>For example, fire reserves, school canteen</i>) | 5 points for 5 hours (maximum of 10 points per month) | No change |
| Driver's licence hours ⁽¹⁾ | 5 points for 5 hours (rounded up) | 10 points for 5 hours (rounded up) |
| Attending a jobs showcase | New task | 10 points (maximum of 10 points per month) |
| Counselling ⁽¹⁾ | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Drug and alcohol rehabilitation and/or interventions ⁽¹⁾ (1) | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Non-vocational assistance ⁽¹⁾ (<i>For example, cultural services, personal development courses</i>) | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Provider workshops/Informal activities ⁽¹⁾ (<i>For example, work preparation activities/job clubs</i>) | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Self help and support groups ⁽¹⁾ | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Defence Force Reserves | 10 points (with flexibility to increase) | 15 points (with flexibility to increase) |
| Career Transition Assistance | 15 points per week | No change |
| Work related licences and qualifications (<i>For example, forklift licence/white card</i>) | 15 points (with flexibility to increase) | 20 points (with flexibility to increase) |
| Attending a job fair | 20 points (points can be claimed for one job fair per year) | No change |
| Career coaching - Youth Advisory Sessions ⁽²⁾ | 20 points (limited to 3 sessions per year) | No change |

| Tasks and activities | Documents released | Previous points value | Current points value |
|---|--------------------|---|--|
| Other government programs ⁽¹⁾ <i>(For example, local, state or federal government programs with an employment focus, such as the Indigenous Skills and Employment program)</i> | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | No change |
| Non-government programs ⁽¹⁾ <i>(For example, approved Not for Profit organisations, work-focused programs or vocational interventions approved by the Department, such as the Woolworths Program, Job Ready Program)</i> | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | No change |
| Self-Employment Assistance Exploring Self-Employment workshop | | 20 points per week | No change |
| Education and training ⁽³⁾ | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | No change in the interim. The minimum job search requirement will be reduced to zero. The participant will have a points target of 80 points. |
| Employability Skills Training | | 20 points per week (25 hours per week) 15 points per week (15 hours per week) | No change |
| Observational work experience ⁽¹⁾ Provider sourced voluntary work ⁽¹⁾ | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | No change |
| Work for the Dole ⁽¹⁾ | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | No change |
| Adult Migrant English Program ^(3,4) | | 20 points per week (contact hours over 15 hours per week) 15 points per week (contact hours up to 15 hours per week) | 25 points per week (contact hours over 15 hours per week) 15 points per week (contact hours under 15 hours per week) |
| Skills for Education and Employment ⁽⁴⁾ | | 20 points per week | 25 points per week |
| Attending a job interview | | 20 points | 25 points |
| Driver's licence attainment ⁽⁴⁾ | | 20 points | 25 points |
| Launch into Work ^{(1) (4)} | | 25 points per week | No change |

| Tasks and activities | Previous points value | Current points value |
|--|---|----------------------|
| Self-Employment Assistance Small Business Training ⁽⁴⁾ | 25 points per week | No change |
| Local Jobs Program ⁽¹⁾ Workforce Specialist Projects | 25 points per week (high-intensity level) ⁽⁴⁾ 20 points per week (medium-intensity level) 15 points per week (low-intensity level) | No change |
| Starting a job | 20 points | 50 points |
| Relocation for a job | 100 points | No change |

Note: Providers and the Digital Services Contact Centre (DSCC) may increase the values of certain tasks or activities through an activity bonus to reflect the individual circumstances of the participant and the task or activity they are doing. Please speak to your provider or the DSCC to discuss if this is applicable.

⁽¹⁾ These tasks and activities are available to Workforce Australia Services participants only. 15 points is generally based on a one-hour session. Providers can adjust the value for longer engagements.

⁽²⁾ These tasks and activities are available to Workforce Australia Online participants only.

⁽³⁾ Participants undertaking these activities over 15 hours per week (or full-time as determined by the institution), are not required to complete a minimum job search requirement. Participants must contact their provider or the DSCC to have their requirements adjusted.

~~⁽³⁾ The Points Target and minimum job search requirement can be tailored for participants undertaking Education and training over 15 hours per week or full-time as defined by the institution.~~

⁽⁴⁾ Participants undertaking these activities are not required to complete a minimum job search requirement.

Minister for Employment and Workplace Relations**QTB No: QB22-000210**

Last Updated by Department: 19 October 2022

Last Updated by Adviser: XX Month YYYY

WORK FOR THE DOLE**HEADLINE**

- The Work for the Dole program aims to keep people connected with the labour market and help them gain employability skills.

KEY ISSUES

- A Work for the Dole activity provides participants with work-like experiences for at least 8 weeks and is run by a host organisation.
- Work for the Dole activities are hosted by not-for-profit organisations, and cannot involve tasks or replace duties that would otherwise have been undertaken by paid workers. Local, state/territory or Australian Government agencies can also host Work for the Dole activities.
- Work Health and Safety matters are a critical priority for the program. Providers are responsible for ensuring all activities have an Activity Risk Assessment prior to starting. In addition, Providers must complete a Participant Risk Assessment for each participant before they can be referred to an activity.
- Income support payments are not a wage for participating in activities such as Work for the Dole. It is provided as a safety net while individuals are temporarily unable to financially support themselves. In return for income support payments, individuals are expected to do all that they are able in order to look for work or build their capacity to work.
- I am actively engaging with a range of stakeholders, including ACOSS, the Antipoverty Centre and the Australian Unemployed Workers Union, listening to feedback on Work for the Dole and Workforce Australia.
- My department continues to closely monitor Work for the Dole and the implementation of the changes introduced for Workforce Australia, and will advise me on this progress.
- I also recently announced the establishment of a Select Committee, which will examine the first 12 months of the implementation of Workforce Australia, and the extent to which Workforce Australia employment services support job seekers to prepare for and be successfully placed into secure work.
- The Committee is now accepting submissions from the community about their views and experiences with Workforce Australia employment services.

Minister for Employment and Workplace Relations

QTB No: QB22-000210

Last Updated by Department: 19 October 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- Providers may organise Work for the Dole activities with a Host Organisation to run for up to 12 months, to a maximum of 24 months. Participants will generally attend a Work for the Dole activity for at least 8 weeks, with multiple participants being placed into a Work for the Dole activity over the 12 month period.
- There are 2 types of Work for the Dole activities, Work for the Dole Placements and Work for the Dole Projects.
- Where possible, Work for the Dole activities should allow participants the opportunity to develop some or all of the core competencies identified by the National Skills Commission as critical to the workplace. Work for the Dole activities also allows for more formalised training to provide participants with the opportunity to obtain a license, qualification, micro-credential, or other recognised skill.
- Under Workforce Australia, new flexibilities have been introduced to the program to allow providers to tailor an appropriate number of hours to a person's individual circumstances – rather than having a 'set' number of hours prescribed (as was the case for Work for the Dole in jobactive). This requirement can not exceed 50 hours per fortnight.
- There are 2 participation requirement categories for Work for the Dole.
 - Category 1 (those aged 18-59 with full-time requirements) have a minimum requirement of 30 hours per fortnight and a maximum of 50 hours per fortnight.
 - Category 2 (eligible participants not in category 1) have a minimum requirement of 15 hours per fortnight and a maximum of 30 hours per fortnight.
- Where individuals participate in Work for the Dole, they accrue points towards their points based activation system target.
 - Participation of over 15 hours per week accrues, 20 points per week
 - Participation of up to 15 hours per week accrues 15 points per week.
- As part of the mandatory activity requirement for those in Workforce Australia Services (after 6 months in service or 3 months for those transferred from online services and then every 6 months thereafter) participants may choose to undertake other approved activities. However, if they have not done that, or been placed into an alternative activity, they are generally required to undertake Work for the Dole as a mandatory activity in their Job Plan for a minimum of 8 weeks.
- Participants in Workforce Australia Services may also undertake Work for the Dole activities voluntarily, outside of the mandatory activity requirement and will accrue points towards their points target.
- Participants in Work for the Dole receive a \$20.80 supplement, administered by Services Australia. Payments are also available to Providers and Host Organisations to support with the costs of running Work for the Dole activities.
- Under legislative criteria, those on a part rate of payment or aged under 18 or 60 and over cannot be required to undertake Work for the Dole, but can generally choose to volunteer (program rules specify those under 18 cannot volunteer).
- Participants in Digital Services, Disability Employment Services, ParentsNext, and Transition to Work are also ineligible to participate in Work for the Dole (due to program settings rather than legislation).

Minister for Employment and Workplace Relations

QTB No: QB22-000213

Last Updated by Department: 18 October 2022

Last Updated by Adviser: XX Month YYYY

EMPLOYABILITY SKILLS TRAINING

HEADLINE

- Employability Skills Training is a pre-employment program that helps individuals develop the skills that employers want, explore career options, and build job search and workplace skills.

KEY ISSUES

- The Australian Government acknowledges Employability Skills Training as a pathway to support individuals to explore career options and build job search and workplace skills.
- Employability Skills Training offers individuals targeted training to help them either:
 - develop their job search and workplace skills, including interview, communication and problem-solving skills, and the ability to work in a team and build digital literacy, or
 - understand the different industries in their local labour market, build industry specific skills, and gain insight into the tasks and duties of an industry, such as aged care or construction, so individuals can decide if an industry is right for them.
- Individuals in Workforce Australia Services Online are required to participate in Employability Skills Training if they are not already undertaking work, study, or another suitable activity by their fourth month in services.
- EST is always a voluntary activity for individuals with a Workforce Australia Services provider.
- Under new Workforce Australia settings, Employability Skills Training providers were originally required to refer individuals to Youth Jobs PaTH Internships and encouraged to refer individuals to the National Work Experience Program.
- However, in response to the Government's election commitment to abolish PaTH Internships, a pause on all referrals to PaTH Internships and the National Work Experience Program (that has similar settings) was implemented on 1 July 2022 and the programs ceased on 9 September 2022.
- The Government will now consider alternative settings for work experience programs that better meet its expectations around fair and equitable pay for job seekers.

Minister for Employment and Workplace Relations

QTB No: QB22-000213

Last Updated by Department: 18 October 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- Employability Skills Training commenced on 1 April 2017 as the 'Prepare' element of Youth Jobs PaTH (Prepare – Trial – Hire), with PaTH Internships being the 'Trial' element, and Youth Bonus Wage Subsidies being the 'Hire' element.
- Employability Skills Training was established in response to feedback from the Business Council of Australia, the Australian Chamber of Commerce and Industry, and employers more broadly, that young job seekers need to improve their employability skills and their level of work experience.
- The department's Survey of Employers' Recruitment Experiences show that a positive attitude to work, motivation, reliability and good personal presentation are essential attributes sought by employers recruiting for entry level jobs.
- Employability Skills Training comprises 2 blocks, each block comprising 75 hours of training.
- EST participants are not required to complete both Training Block 1 and 2. Participants can select the Training Block that meets their needs.
- Under Workforce Australia's Points Based Activation System, Employability Skills Training is valued at:
 - 20 points per week for courses delivered at 25 hours per week over 3 weeks
 - 15 points per week for courses delivered at 15 hours per week over 5 weeks .
- In response to the announcement that PaTH Internships and the National Work Experience Program would cease effective 9 September 2022, providers were advised they could lodge claims with the Department for reasonable and unavoidable costs incurred, directly attributable to the cessation of PaTH Internships and the National Work Experience Program.

Media

- On 27 July 2022, The Guardian published an article "*Workforce Australia job agencies rake in millions more from training contracts*".
- The article references how the employment services industry successfully lobbied the previous Government to stop a proposed rules banning providers from referring job seekers to their own training courses under Workforce Australia.
- On 8 October 2022, The Saturday Paper published an article "*Exclusive: Leaked Burke speech sets stakes for welfare reforms*".
- The article references that new Workforce Australia contractual arrangements allow employment services providers to refer job seekers to related entity training such as Employability Skills Training and Career Transition Assistance.
- For further information refer to Job Agencies QTB QB22-000216.

<https://www.theguardian.com/australia-news/2022/jul/27/workforce-australia-job-agencies-rake-in-millions-more-from-training-contracts>

Workforce Australia job agencies rake in millions more from training contracts

Department of employment intended to ban practice before **reversing course after ‘strong feedback’ from industry**

The employment services industry successfully lobbied to stop a proposed rule banning providers from referring jobseekers to their own training courses under the new \$1.5bn-a-year Workforce Australia model.

In a potential windfall for providers, Guardian Australia can reveal the Department of Employment last year intended to ban the practice before reversing course after **“strong feedback” from the industry.**

That included claims from providers **that the ban would be “counterproductive” to the “viability” of the Employability Skills Training program (EST), through which \$500m will flow to private providers over the next five years.**

A massive shake-up of **Australia’s privatised** employment services program has seen 43 providers awarded contracts under Workforce Australia, which replaced Jobactive this month and has faced [some early criticisms from jobseekers and welfare advocates](#).

A Guardian Australia analysis of the new Workforce Australia contracts found 19 job agencies or related entities were also awarded contracts in the EST scheme or the similar, older worker-focused Career Transition Assistance (CTA) program. This includes major for-profit companies such as APM, Max Solutions and Sarina Russo.

The department confirmed there were 21 in total, but noted some contracts were for different regions, meaning not all could refer clients to their own courses.

The big winner of the new contracts was the ASX-listed health services giant APM, which capped off its \$330m Workforce Australia contract with an extra \$67m over five years to run EST courses.

Non-profit Workskil Australia, which was awarded a \$266m Workforce Australia contract, also won a \$1m CTA contract. Max Solutions, a subsidiary of the multinational human services giant Maximus, was handed an extra \$16m in EST contracts on top of the \$148m it will get for Workforce Australia.

Among the top five Workforce Australia providers, only AtWork (\$226m over three years) **and the Salvation Army’s Employment Plus (\$190m) did not also win a training contract.**

The training contracts will see as much as \$301m in additional revenue flow to companies and non-profits also designated as Workforce Australia providers. The figure covers all fees EST and CTA providers could expect to make from payments. It

is unclear how much providers might specifically earn from referrals from their own organisation.

But tender documents circulated [among potential bidders in June](#) last year show the Department of Employment proposed a ban on so-called “own entity referrals” in order to “foster market diversity and quality of course content”.

Three months later, the department confirmed that after “feedback” from the industry on the exposure draft, it would instead cap so-called “own entity referrals” at 50%. The same cap applies in the CTA scheme.

The decision followed a [submission from the National Employment Services Association \(Nesa\)](#), which argued the “restriction of referral of job seekers to their own entity EST program is counterproductive to the viability of the program and is likely to result in reduced diversity of the provider pool”.

“Concerns around conflict of interest and own entity referrals should be dealt with in other ways,” Nesa said in a submission.

[Max Solutions, which held a \\$1bn contract under Jobactive, also opposed the referral cap](#), according to its submission to the department.

Experts have argued job agencies are able to bolster their bottom lines by referring job seekers to their own courses, while some jobseekers have told of being made to do such training under the threat of having their welfare payments stopped.

Employment providers have noted they will be expected to cover the cost of the EST “soft skills” training on a \$1,250 “fee-for-service” basis, meaning the ability to rake in more revenue is more limited in these cases. These “soft skills” include training with job applications, communication, problem solving and office technology, which the department views as “within scope of the core service” for providers.

However, in the case of the EST’s “industry specific training”, providers can refer jobseekers to their own courses, with the organisation’s training arm getting a \$950 fee from the government.

Providers can also claim a \$700 “progress payment” if a jobseeker completes one of their own CTA programs or EST soft-skills or industry specific training courses, in conjunction with another activity.

A Department of Employment and Workplace Relations spokesperson said the decision to allow “own entity” referrals was in response to “strong stakeholder feedback”.

The move would increase choice for jobseekers and “decrease an individual’s barriers to access a suitable EST course, especially in regional areas”.

It would also “build upon the provider’s established relationships with the individual to provide high quality services”.

The department “specifically invited stakeholder feedback” on the issue during the consultation process, the spokesperson said.

The department “continuously monitors provider performance, with IT systems in place to track each provider’s referrals, commencements, payments and participant attendance rates”.

The Nesa chief executive, Sally Sinclair, said the department had received feedback about the proposed ban on “own entity” referrals from “many stakeholders in addition to Nesa”.

Sinclair argued EST providers offered a unique program for the “industry specialist courses”, meaning a ban on “own entity referrals” might block people doing the most appropriate course.

The ban on these referrals could also worsen an existing issue around “course cancellations which inconvenienced job seekers and diminished the efficiency of the program”, she said.

Job agencies that also won training contracts under Workforce Australia

| Provider | Value | Program |
|--|----------|---|
| Serendipity (WA) Pty Ltd (Also known as APM) | \$334.9m | Workforce Australia Licence(s) to deliver Generalist, CALD and Indigenous services |
| Serendipity (WA) Pty Ltd (Also known as APM) | \$66.9m | Employability Skills Training Deed 2022-2027 |
| Workskil Australia Ltd. | \$266.4m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Workskil Australia Ltd | \$1.0m | Career Transition Assistance Deed 2022-27 |
| MAX Solutions Pty Ltd | \$147.7m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Max Solutions Pty Ltd | \$16.5m | Employability Skills Training Deed 2022-2027 |
| Enterprise & Training Company Limited | \$128.4m | Workforce Australia Licence(s) to deliver Generalist services |
| Enterprise & Training Company Limited | \$3.2m | Career Transition Assistance Deed 2022-27 |
| Enterprise & Training Company Limited | \$3.2m | Career Transition Assistance Deed 2022-27 |
| Karingal St Laurence Limited (Matchworks) | \$127.5m | Workforce Australia Licence(s) to deliver Generalist services |
| Karingal St Laurence Limited | \$5.2m | Employability Skills Training Deed 2022-2027 |
| Karingal St Laurence Limited | \$5.2m | Employability Skills Training Deed 2022-2027 |
| WISE Employment Ltd | \$123.7m | Workforce Australia Licence(s) to deliver Generalist, CALD and Ex-Offender services |
| Wise Employment Ltd | \$25.9m | Employability Skills Training Deed 2022-2027 |

| Provider | Value | Program |
|---|----------|---|
| SYC Ltd | \$120.5m | Workforce Australia Licence(s) to deliver Generalist services |
| SYC Ltd | \$15.3m | Employability Skills Training Deed 2022-2027 |
| SYC Ltd | \$15.3m | Employability Skills Training Deed 2022-2027 |
| RNTT Pty Ltd (Jobs Statewide) | \$114.1m | Workforce Australia Licence(s) to deliver Generalist services |
| RNTT Pty Ltd | \$23.7m | Employability Skills Training Deed 2022-2027 |
| RNTT Pty Ltd | \$650.5k | Career Transition Assistance Deed 2022-27 |
| Teldraw Pty. Limited (Global Skills) | \$83.4m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Teldraw Pty Limited | \$438.8k | Career Transition Assistance Deed 2022-27 |
| Sureway Employment and Training Pty Ltd | \$80.8m | Workforce Australia Licence(s) to deliver Generalist services |
| Sureway Employment and Training Pty Ltd | \$1.1m | Career Transition Assistance Deed 2022-27 |
| Sarina Russo Job Access (Australia) PTY. LTD. | \$76.7m | Workforce Australia Licence(s) to deliver Generalist, CALD and Refugee services |
| Sarina Russo Schools Australia Pty Ltd | \$36.2m | Employability Skills Training Deed 2022-2027 |
| Sarina Russo Schools Australia Pty Ltd | \$2.5m | Career Transition Assistance Deed 2022-27 |
| Joblink Plus Limited | \$75.7m | Workforce Australia Licence(s) to deliver Generalist, Ex-Offender and Indigenous services |
| Joblink Plus Limited | \$10.7m | Employability Skills Training Deed 2022-2027 |
| Jobfind Centres Australia Pty Ltd | \$68.3m | Workforce Australia Licence(s) to deliver Generalist services |
| Jobfind Centres Australia Pty Ltd | \$19.8m | Employability Skills Training Deed 2022-2027 |
| Jobfind Centres Australia Pty Ltd | \$1.1m | Career Transition Assistance Deed 2022-27 |
| Inner Northern Group Training Limited | \$65.7m | Workforce Australia Licence(s) to deliver Generalist services |
| Inner Northern Group Training Limited | \$14.9m | Employability Skills Training Deed 2022-2027 |
| Inner Northern Group Training Limited | \$1.1m | Career Transition Assistance Deed 2022-27 |
| MTC Australia Limited | \$50.1m | Workforce Australia Licence(s) to deliver Generalist services |
| MTC Australia Limited | \$24.5m | Employability Skills Training Deed 2022-2027 |
| MTC Australia Limited | \$447.9k | Career Transition Assistance Deed 2022-27 |

| Provider | Value | Program |
|--|----------|---|
| The Trustee for Designer Life (Queensland) Trust | \$37.3m | Workforce Australia Licence(s) to deliver Generalist services |
| The Trustee for Designer Life (Queensland) Trust | \$2.0m | Career Transition Assistance Deed 2022-27 |
| Jobs Australia Enterprises Ltd | \$15.2m | Workforce Australia Licence(s) to deliver Generalist services |
| Jobs Australia Enterprises Ltd | \$207.2k | Employability Skills Training Deed 2022-2027 |
| Western District Employment Access Incorporated | \$8.1m | Workforce Australia Licence(s) to deliver Generalist services |
| Western District Employment Access Inc. | \$7.3m | Employability Skills Training Deed 2022-2027 |
| Western District Employment Access Incorporated | \$199.0k | Career Transition Assistance Deed 2022-27 |
| Workskil Australia Ltd | \$1.0m | Career Transition Assistance Deed 2022-27 |

Providers who won Workforce Australia contracts

| Provider | Value |
|---|----------|
| AMES Australia | \$74.8m |
| AimBig Employment Pty Ltd | \$21.7m |
| Asuria People Services Pty Limited | \$115.9m |
| AtWork Australia Pty Ltd | \$226.6m |
| BEST Employment Limited | \$39.2m |
| CVGT Australia Limited | \$67.8m |
| Enterprise & Training Company Limited | \$128.3m |
| Family Services Illawarra Limited | \$32.9m |
| Impact Services Pty Ltd | \$32m |
| Individual Empowerment Network Pty Ltd | \$14m |
| Inner Northern Group Training Limited | \$65.6m |
| Job Futures Ltd | \$123.9m |
| Jobfind Centres Australia Pty Ltd | \$68.3m |
| Joblink Plus Limited | \$75.6m |
| Jobs Australia Enterprises Ltd | \$15.1m |
| Karingal St Laurence Limited (Matchworks) | \$127.4m |

| Provider | Value |
|--|--------------|
| MADEC Australia | \$37.5m |
| MAX Solutions Pty Ltd | \$147.7m |
| MEGT (Australia) Ltd | \$30.5m |
| MTC Australia Limited | \$50m |
| Mareeba Shire Job Training Assoc Inc | \$26.5m |
| NSWALC Employment and Training Ltd | \$7.7m |
| Nirrumbuk Aboriginal Corporation | \$4.6m |
| On-Q Human Resources Limited | \$48.1m |
| RNTT Pty Ltd (Jobs Statewide) | \$114m |
| SYC Ltd | \$120.4m |
| Sarina Russo Job Access (Australia) PTY. LTD. | \$76.7m |
| Serendipity (WA) Pty Ltd (Also known as APM) | \$334.9m |
| Sureway Employment and Training Pty Ltd | \$80.8m |
| Teldraw Pty. Limited (Global Skills) | \$83.3m |
| The Trustee for Designer Life (Queensland) Trust | \$37.3m |
| The Trustee for The Salvation Army (Victoria) Property Trust | \$190.7m |
| The Wirrpanda Foundation Limited | \$2.4m |
| Training Alliance Group Australia Pty Ltd | \$3m |
| Tursa Employment & Training Limited | \$81.9m |
| VERTO Ltd | \$59.1m |
| WISE Employment Ltd | \$123.6m |
| Western District Employment Access Incorporated | \$8m |
| Westgate Community Initiatives Group Ltd. | \$26.4m |
| Workpac Employment Services Pty Ltd | \$9.6m |
| Workskil Australia Ltd. | \$266.4m |
| Workskills Incorporated | \$20.1m |
| Workways Australia Limited | \$43.5m |

Exclusive: Leaked Burke speech sets stakes for...

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The Saturday Paper

Saturday 8th October 2022

2015 words

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Minister for Employment and Workplace Relations Tony Burke. Facebook

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In a major speech to private welfare operators, Tony Burke has warned there is 'flexibility' in contracts signed by the Coalition to establish the current welfare system.

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A legal threat from at least one job service provider in the \$1.5 billion-a-year privatised welfare system has prompted Minister for Employment Tony Burke to warn the sector that he has "flexibility" within contracts and he intends to use it. This is the clearest

indication yet that he will seek to reform outsourced welfare operations, which he has previously said he cannot change.

In an unreported speech to the Workforce Australia National Forum in Brisbane late last month, Burke delivered a "blunt" assessment of Workforce Australia – the largest single Commonwealth contract outside Defence.

"I've thought long and hard about this speech, to be honest," he said. "And I've been weighing up whether to just give the standard speech that had been prepared for me. It was a very good speech, but it probably wasn't as blunt as some of what I have to say."

Burke made it clear he does not bring "hostility" to the role but said he still needs to be convinced that the system is properly designed.

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The new Labor government is caught between opposing forces: decades of bipartisan ideological rhetoric that demands jobseekers prove they are working some way and somehow for their benefits, otherwise known as "mutual obligations", and by now overwhelming evidence that this system punishes the unemployed without improving their chances of finding employment.

Much of Burke's speech was spent admonishing providers for absurd abuses of process that had been reported in the media.

› Welfare reforms, Page 4



The obligation is mutual

Continued from Page 1

"We must never fall into the argument of saying, 'Oh, look, yes, sometimes things go wrong but most of the time we got it right'. With public funds we don't get away with that argument," he said.

"And while some of you are running charities, many non-profits, many for-profit commercial businesses, it doesn't matter – in every instance, it still comes back to taxpayers' money and we don't get away with the argument 'We get it right most of the time'. And that's been the case for all governments.

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"And in the last term of government, the previous government didn't get away with being able to say most of the companies that got JobKeeper were in fact eligible."

After being sworn in as minister for Employment, Burke was provided with an incoming ministerial brief from his department. It confirmed a key criticism of the employment services system: there aren't enough jobs for more than half of the caseload.

Of the 820,000 people in the Jobactive caseload when Labor came to government, 57 per cent were in the lowest skill category (Certificate 1 or secondary education) but just 1.4 per cent of advertised jobs were suitable for this cohort.

The numbers were better for higher-skilled cohorts but national data obscures local mismatches. For example, a quarter of the then Jobactive caseload (now transitioned to Workforce Australia) had a Vocational Education and Training (VET) qualification while 42 per cent of advertised jobs across the country suited this group. There was no guarantee, however, that the jobs were located near the people trying to find them.

Three-quarters of the entire caseload of unemployed people, according to the figures briefed to Burke when he began the job, are long-termers. In other words, they have been on income support for more than a year.

More than a quarter cannot get enough work to move out of the welfare system. As the brief notes: "The Jobactive caseload is higher than the ABS estimate of unemployment, in part due to some participants working, but not earning enough to exit income support (27.5 per cent of the caseload)."

A Labor MP who requested anonymity in order to speak frankly said the implications of this data, often advocated by anti-poverty activists, are an open secret.

"One thing which is well known but which politicians can't say openly is that a minority of the current long-term unemployed cohort are basically unemployable because of mental health issues, damage from drug use or they just have broken bodies from a lifetime of hard work," the MP said. "Society could really be kinder to them."

Burke reiterated his by-now familiar line that the \$7.1 billion worth of Workforce Australia contracts signed by the Coalition just months before the federal election were not ones he would have signed. But he went further in signalling areas of future scrutiny for the sector.

"I, for example, would not have designed a system – and it doesn't mean it won't work – but I would not have designed a system where the provider can also be the trainer, can also be the labour-hire company doing the employment," he said.

"There are big, big risks in that, and it's going to be up to those who won the tenders to prove me wrong. It's going to be up to those who won the tenders to show that the potential conflicts that are there in the program design do not result in the misuse of public money and that they do result in working for the caseload that we have. But I tell you up front what I have is not as I would have designed it."

The Saturday Paper has reported on how the new Workforce Australia contractual arrangements do not crack down on employment service providers shuffling unemployed people between related corporate entities but rather endorse it. Asuria People Services, for example, won a \$116 million contract under the new system. It also owns a subsidiary named Australian Employment and Training Solutions or AETS. In addition to offering qualifications in cyber security, aged and disability care or early childhood education, AETS is also licensed to provide both the employability skills training and career transition assistance under Workforce Australia, for which bonus payments from government are offered.

It is this system of mutual obligations that is responsible for so much of the taxpayer outrage and the erosion of quality training: it's all about churn.

"If we strip away the marketing spin and rhetoric, I agree with ACOSS's [the Australian Council of Social Safety] conclusion, that really there have been two overarching objectives of successive governments over the last 20 years, since the Liberals under John Howard fully privatised Australia's employment services system," Labor MP Julian Hill, chair of the new house of representatives select committee on Workforce Australia employment services,

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Hill was asked to chair the inquiry by Tony Burke who claims, as minister, to be looking for any opportunity to make changes to the system now, within the contracts, rather than just waiting for the contracts to expire in four years.

"I'm not ignorant of the power of these stereotypes in the community and the political danger in challenging these truisms," Hill said. "I chat to people in my community and this comes up regularly at street stalls, morning teas and all over the traps. But when you engage honestly, Australians are fair-minded and reasonable," Hill said, referring to the image of the "dole bludger" fashioned over preceding decades.

"The response I give is that 'Yeah, no doubt some people take the piss, and mutual obligation done properly is important. But most people want to work, and we need to be careful not to torture the 95 per cent to find the 5 per cent who are doing the wrong thing.'"

Hill said employment service providers often operated as a private security arm of Centrelink and while they were involved in enforcement, the rules were written by government.

Between January and June last year, for example, job seekers had their payments suspended temporarily almost 1.3 million times. A further 745,000 instances of payment suspensions would have happened were it not for the unemployed being able to convince a private provider they had a "reasonable" excuse for failing to meet mutual obligations.

Frequently – and only in reports that have emerged in the media because official complaint channels have failed – these suspensions have been revealed as provider error or as the cause of a chain reaction of other financial and social injuries.

"Some people aren't capable of work at a given point in time for legitimate reasons, and we should be supporting people, training them and requiring them to do things that will help them get work and good secure jobs," Hill said. "Not making everyone run around like hamsters in a wheel and do things that make them anxious, depressed, stigmatised, ashamed and less employable."

By Hill's own admission, the system does not result in proper work. Casual jobs count for so-called "outcome" or bonus payments, and as such officials are less interested in longevity. The system measures outcomes only up to six months. Beyond that, nobody knows what happens to those who "successfully" exited the caseload.

Despite these obvious deficiencies, Labor will not end mutual obligations. Burke and Hill want the government to tinker with them and are laying the groundwork to do so via the house of representatives inquiry.

"One of the things I'm really interested in finding a way through is how can we better value secure work," Burke told providers in Brisbane.

"Now, I know all the different forms of employment, and casual will always be the easiest to be able to place people. Always. But there is a world of difference after six months if someone has a part-time or full-time compared to whether they have a casual job."

"And at the moment we have a system that views them identically. I am really interested in what we can do to help prioritise and properly incentivise people finding their way into secure jobs."

Legal threats or otherwise, even a mild intervention by Burke will meet some resistance from the multibillion-dollar job provider network: they're worried about job security, too.

The Saturday Paper approached Burke for comment but did not hear back. ■

Minister for Employment and Workplace Relations

QTB No: QB22-000214

Last Updated by Department: 01 November 2022

Last Updated by Adviser: 7 November 2022

Workforce Australia

HEADLINE

- Since the introduction of Workforce Australia I have been actively engaging with stakeholders, and made some immediate adjustments to support people transitioning, including ensuring aspects of the system better reflect people's personal circumstances and labour market conditions.

KEY ISSUES

- I have also worked with my department to rectify a number of other concerns, including face-to-face meeting requirements, and privacy concerns when engaging with Workforce Australia. I have clarified the use of older mobile phones to access the Workforce Australia app, and asked the department to implement system changes to allow individuals to use their preferred name.
- Workforce Australia has now been operational for four months. Participants and providers are now fully engaging with the Workforce Australia system and continue to increase their understanding of the changes from the previous system.
 - Around 90 per cent of transitioned individuals have commenced in Workforce Australia, having signed Job Plans and meeting with providers.
 - This enables them to access the full range benefits that come with Workforce Australia, including the Employment Fund and Wage Subsidies, to help them find secure employment.
- I also recently announced the establishment of the Parliamentary Select Committee, which will examine the first 12 months of the implementation of Workforce Australia, and the extent to which Workforce Australia employment services support job seekers to prepare for and be successfully placed into secure work (refer to QB22-000244 for more information).
- The Committee is now accepting submissions from the community about their views and experiences with Workforce Australia employment services.
- On 30 August 2022, I hosted two roundtables with key stakeholders (representation from individuals, advocates, providers, community, business and unions) on disadvantaged and mature age individuals. This was a valuable discussion focusing on strategies to help individuals find secure work.
- The roundtables allowed me to hear firsthand the issues these vulnerable individuals face and how we can address this issue going into the Jobs and Skills Summit. I value the opinions of those who attended the roundtables and will continue to engage with these key groups into the future.

Minister for Employment and Workplace Relations

QTB No: QB22-000214

Last Updated by Department: 01 November 2022

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BACKGROUND

- The immediate changes made to Workforce Australia following its implementation included:
 - increasing the points value for a number of tasks and activities
 - ensuring that someone who is participating in full time study or training is not putting their qualifications at risk, and ensuring that vulnerable individuals will have no job search requirements if they are undertaking approved short full time courses.
 - reducing the minimum job search requirement from 5 to 4
 - reducing the points target to better recognise personal circumstances and weak labour market conditions.
- Additionally, it was confirmed that people who continue to do exactly what they did under the old system – apply for 20 jobs a month – will still meet their points requirements and therefore satisfy their mutual obligation.
- A “clean slate” policy was also implemented, getting rid of jobactive penalties or demerits.
- All participants (over 800,000) received notifications providing advice on their transition arrangements to the new online service and providers where applicable.
- To support Workforce Australia participants’ transition to the Points Based Activation System, no compliance action has been raised for their first two reporting periods if they don’t meet their points targets.
- The temporary suspension of mutual obligation requirements in those 37 New South Wales local government areas affected by the rain event and flooding ended on Wednesday 31 August 2022.
 - This means mutual obligation requirements returned from Thursday 1 September for all participants in Workforce Australia Services, Workforce Australia Online, Disability Employment Services and ParentsNext in these areas.
- A post-transition period for Workforce Australia was in place until 30 September 2022.
- Two Workforce Australia participant transition surveys were conducted between 28 July and 25 August 2022. Over 3,000 responses were received for each survey. Key highlights include:
 - Over 90 per cent of participants were aware of the change to Workforce Australia. o Almost three quarters (72 per cent) agreed they understand their mutual obligations and over half understand the Points Based Activation System (57 per cent).
 - Participants in provider services found the Contact Centres more helpful (33 per cent) than participants in Online services (28 per cent).
 - In the second survey, more than two-thirds (68 per cent) of participants knew what they had to do to commence in the new service and overall, more than half of participants indicated that there had been no disruption to their services (52 per cent).

Minister for Employment and Workplace Relations

QTB No: QB22-000216

Last Updated by Department: 18 October 2022

Last Updated by Adviser: 23 September 2022

Job agencies rake in millions more from training contracts

HEADLINE

- Workforce Australia Employment Service Providers can refer individuals to courses run by their own organisation, subject to a 50 per referral limit as specified in the Workforce Australia Services Guidelines.

KEY ISSUES

- I am aware of media articles regarding Workforce Australia Employment Service Providers being able to refer individuals to their own organisations for Career Transition Assistance and Employability Skills Training courses.
- Workforce Australia Employment Services Providers can refer participants to their own organisations who deliver Career Transition Assistance and Employability Skills Training courses, however these are subject to a 50 per cent referral cap.
- My department monitors provider performance, with IT systems in place to track each provider's referrals, commencements, payments and participant attendance rates. The department can direct providers to alter servicing arrangements, should any issues be identified.
- I have met, and will continue to meet, with a range of stakeholders, including ACOSS, employment services peak bodies, the Australian Unemployed Workers' Union and individuals who are using Workforce Australia.
- I am closely monitoring the impact of Workforce Australia and looking for ways to improve outcomes – in particular, making sure the services and supports are helping people find secure employment.
- The Select Committee on Workforce Australia Employment Services is another forum for the users to share their experiences in employment services. The Committee is now accepting submissions from the community about their views and experiences with Workforce Australia Employment Services.

Minister for Employment and Workplace Relations

QTB No: QB22-000216

Last Updated by Department: 18 October 2022

Last Updated by Adviser: 23 September 2022

BACKGROUND

- Workforce Australia guidelines outline the contractual requirements providers must meet in order to remain compliant with program settings. In this instance, if providers exceed their referral cap, the Department can take action including the suspension of Employability Skills Training referrals.

Recent media articles

- *8 October 2022 – "Exclusive: Leaked Burke speech sets stakes for welfare reforms" – The Saturday Paper – Rick Morton*
 - This article references that Workforce Australia contracts allow employment services providers to refer job seekers to their own courses, with specific reference to Employability Skills Training and Career Transition Assistance.
- *3 August 2022 – "Job agency refers welfare recipients to online course asking basic questions about computers" – The Guardian – Luke Henriques-Gomes*
 - This article discusses the appropriateness of the courses that providers are referring job seekers to under Workforce Australia.
- *1 August 2022 – "It felt insulting': welfare recipients sent to body language courses as job agencies profit" – The Guardian – Luke Henriques-Gomes*
 - This article talks about Workforce Australia providers being able to refer job seekers to their own courses, with specific reference to the Employability Skills Training program.
- *27 July 2022 – "Workforce Australia job agencies rake in millions more from training contracts" – The Guardian – Luke Henriques-Gomes*
 - This article discusses how the employment services industry successfully lobbied to stop a proposed rule banning providers from referring job seekers to their own training courses under Workforce Australia.

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The obligation is mutual

Continued from Page 1

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"One of the things I'm really interested in finding a way through is how can we better value secure work," Burke told providers in Brisbane.

"Now, I know all the different forms of employment, and casual will always be the easiest to be able to place people. Always. But there is a world of difference after six months if someone has a part-time or full-time compared to whether they have a casual job."

"And at the moment we have a system that views them identically. I am really interested in what we can do to help prioritise and properly incentivise people finding their way into secure jobs."

Legal threats or otherwise, even a mild intervention by Burke will meet some resistance from the multibillion-dollar job provider network: they're worried about job security, too.

The Saturday Paper approached Burke for comment but did not hear back. ■

Inequality reporting Welfare

• This article is more than **1 month old**

Job agency refers welfare recipients to online course asking basic questions about computers

Employability course created by company related to job agency labelled a 'waste of time, waste of resources' by one jobseeker

It felt insulting': welfare recipients sent to body language courses as job agencies profit

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Screenshot of the Catalyst course provided by Australian Employment and Training Solutions taken by a jobseeker who found the training 'offensive'

Supported by



About this content

Luke Henriques-Gomes *Social affairs and inequality editor*

Wed 3 Aug 2022 11:45 AEST

A job agency referred people into an online course created by a related company that asked basic technology questions such as “click on the laptop” and “click on the USB port”, featured a literacy and numeracy test and was described by one participant as “offensive”.

The Catalyst course is provided by Australian Employment and Training Solutions (AETS), the training arm of the multinational services company, Asuria, and was created specifically for the pandemic while many face-to-face training courses could not take place.

While Asuria, which has more than \$150m in job services contracts under the new Workforce Australia system, said the course was “optional”, one jobseeker insisted it had been compulsory for them to keep their welfare payments.

[Guardian Australia has been reporting extensively](#) on how the mutual obligations system - which underpins the privatised employment services model - can lead to perverse outcomes for those made to engage to receive jobseeker payments. Mutual obligations were suspended because of the Covid pandemic from March 2020 until October 2021.



Screen recording of Catalyst's Basic Computer Skills course.

Screengrabs of an early component of the three-week Catalyst course show the participant being asked a basic set of technology questions.

The test, itself completed on a computer, includes questions such as “click on the laptop computer”, “click on the USB port” and “click on the computer’s camera”, “click on the button ... that turns the monitor on and off” and “click on any icon on the desktop in the picture”.

There is a series of 38 questions in total. Michael* had an extensive employment history working in sports and media roles and a tertiary education when he was referred to the course. He had lost his job due to the pandemic.



Screenshot of the Catalyst course provided by Michael

For the majority of the unit, Michael was taught about different job search techniques, tips for job applications, résumé building, email etiquette and asked to create a “personal action plan”.

He was also asked to complete a basic reading, writing and numeracy skills test, and complete “reflective” writing tasks such as asking himself “am I willing and able to investigate new industries?” and “what is the labour market situation in my area?”.

Another section was a four-page “working from home checklist” where he answered questions such as “is your workspace clean and well maintained” and “what is your internet connection”.

| Work Environment and Equipment | |
|---|---------|
| Describe your digital work tools | Details |
| What type of hardware (computer/laptop/phone) are you using? | |
| What type of printer are you using? | |
| Do you have a scanner available? | |
| What software do you have available? | |
| Do you have access to manuals to assist you when using hardware & software? | |
| What is your internet connection? | |
| How do you digitally store information? Describe your back up situation. (cloud storage?) | |
| What type of consumables do you have available? (Do you have extra printer cartridges available?) | |
| Do you have audio/video recording tools suitable for the creation of images, audio recording, and video recording and playback? | |

📷 Screenshot of the working from home checklist in the Catalyst course

Jobseekers have long complained about being made to do “busy work” in order to keep their welfare payments, but the rise of such online courses has allowed them to document examples.

While elements of the course would be useful to other jobseekers, Michael was so offended by the course he made a screen capture recording.

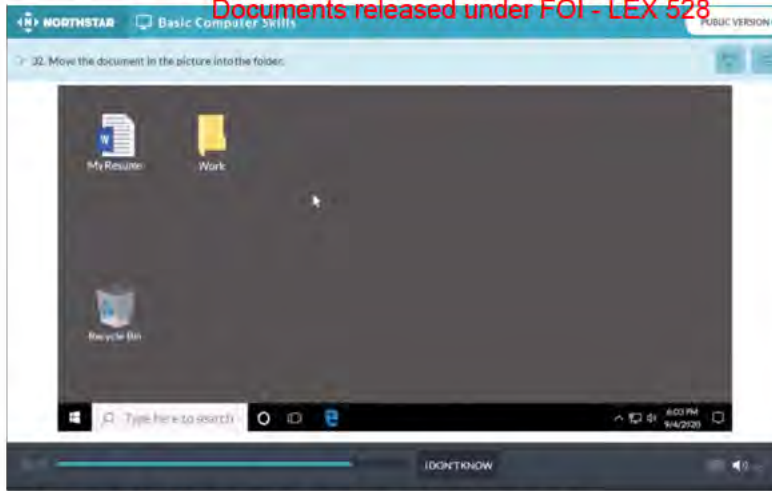
He said he since found a new job in the sports industry, which he acquired after paying for a sports management course himself.

📷 Screenshot of the personal action plan in the Catalyst course

“They’re paying someone to provide this course,” Michael said. “It was a waste of time, waste of resources, it was offensive that I’m being asked to do this, and money is being spent on this which could be spent to help people in their chosen industries.”

Under the various employment services contracts, there are various ways job agencies can claim payments from the taxpayer for referring jobseekers into courses, including those run by the same company or a related entity.

These include “outcome payments” for when a jobseeker completes an eligible course, while in some specific cases job agencies can claim the cost of the course through a reimbursement pool of money known as the “employment fund”.

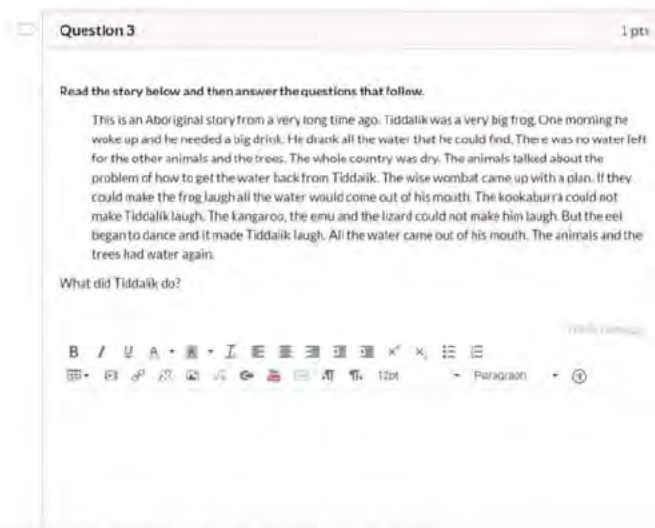


Screenshot of the basic computer skills section of the Catalyst course

In one case revealed by Guardian Australia on Monday, a job agency claimed more than \$100,000 by referring jobseekers to its own online short courses, which included **topics such as “body language” and “making decisions”**.

Guardian Australia was unable to confirm whether Asuria or AETS claimed any payments from taxpayers for the Catalyst course referrals.

An Asuria spokesperson declined to answer specific questions from Guardian Australia, including the cost of the course, or whether Asuria had claimed outcome payments or other fees from the employment fund for referring participants to Catalyst.



Screenshot of the writing test in the Catalyst course

“The Catalyst course is an optional, online, self-paced training program launched in 2020 in direct response to Covid lockdown measures, offering remote assistance to the recently unemployed looking to re-enter the workforce at the earliest opportunity,” the spokesperson said.

“While participation in the course helps job seekers to fulfil their mutual obligations, it is not mandatory, nor is it a requirement to maintain Centrelink payments.”

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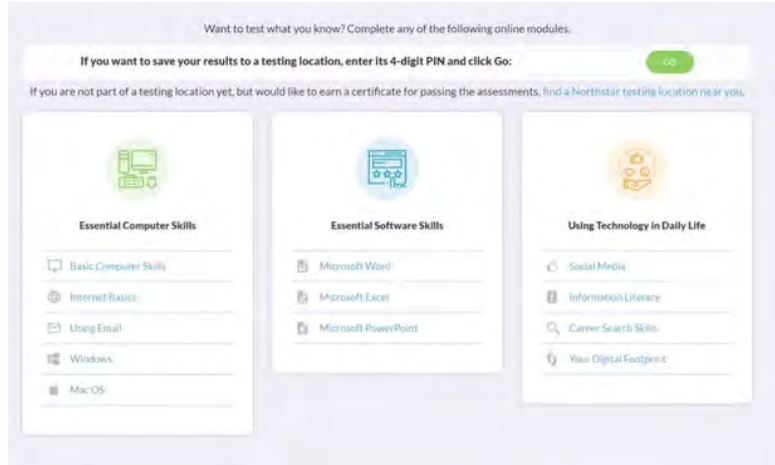
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The Asuria spokesperson said the brief computer literacy test was used to “establish each participant’s ability to complete the course unassisted”

and allowed them to “gain a Statement of Attainment from the nationally accredited Business Services Training Package”.

“All Catalyst course candidates are contacted prior to enrolment to ensure that they understand what the course entails and to check their suitability.”



Screenshot of the Catalyst course explanation

Kristin O’Connell, a spokesperson for the Antipoverty Centre, said: “We’ve received a lot of complaints about how embarrassingly bad and demeaning these courses are but frankly this one has me speechless.

“This is the inevitable outcome when you have these kind of perverse incentives in place - the government cannot claim ignorance about this problem.”

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Show

Under the new Workforce Australia model, Asuria has expanded its footprint, gaining a \$115m Workforce Australia contract while AETS was awarded a \$65m Employability Skills Training (EST) contract.

The Catalyst course is not part of the EST program, but has many of the same elements.

Guardian Australia revealed last week that the employment services industry had successfully lobbied to stop a proposed ban on job agencies referring jobseekers to EST, which was expanded under the new Workforce Australia model.



Screenshot of the reading and writing skills quiz in the Catalyst course

The Australian Council of Social Service has also warned against the focus on Employability Skills Training, saying it was a “slight” on those who were already experienced workers. It will see more than \$500m in payments flow to private providers in the new system over the next five years.

The Department of Employment and Workplace Relations did not answer specific questions about the Catalyst course.

The Albanese government on Tuesday announced it would establish a parliamentary committee to look at Workforce Australia after flagging concerns about the design of the contracts.

*Name changed for privacy.

This article was amended on 22 August 2022 to make clear that mutual obligations were suspended for 18 months as a result of the pandemic.

Do you know more? luke.henriques-gomes@theguardian.com



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'A waste of time'

When Sarah, now 27, was referred by Centrelink to the controversial \$115m-a-year ParentsNext program aimed at single parents on b Communicare, received a \$600 "service fee", paid every six months while an individual is on the program.

She had been studying, but in 2019 began to struggle with a chronic health issue.

After she deferred her studies for a semester, Communicare gave her a list of its "Elmo Talent" short courses. She ended up doing 10

These included: Understanding Body Language, Making Decisions, How to Communicate Effectively and Managing the Discipline P

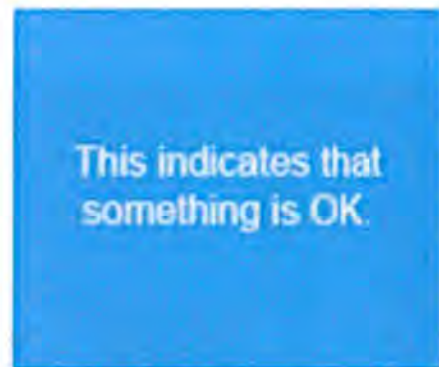
Guardian Australia has reviewed Making Decisions and Understanding Body Language, in which participants are taught the meanin; such as a thumbs up.

"A person's body language often demonstrates their true thoughts and feelings about a matter," says the introduction to Understand "Therefore, it is very useful for you to be able to read and understand the different elements of body language."

During the 20-minute course, a section on hand gestures informs the student that "rubbing hands together" "indicates excitement c person with their legs crossed indicates "caution".



Pointing finger



Index finger to thumb

Screen recording of Communicare's Understanding Body Language course.

Other sections include tips on reading a person's eyes and their head position.

IONS

s display their true emotions. Due to our emotional connection to situations, it is not easy to continually fake /pically flicker across the face, even when feelings are kept in check.

essions are:



Screen recording of Communicare's Understanding Facial Expressions course.

"It almost felt insulting being told to do these ... when I was midway through a bachelor's degree," Sarah says.

"I already struggle to find time to do critical things in my life. It was a massive waste of time."

Communicare said it had referred more than 2,000 of its clients - or about a third of its caseload - to its own short courses since 2018

When it did so, it claimed a reimbursement, racking up \$113,118 in extra payments from the Department of Employment and Workpl "participation fund" since 2018.

<https://www.theguardian.com/australia-news/2022/jul/27/workforce-australia-job-agencies-rake-in-millions-more-from-training-contracts>

Workforce Australia job agencies rake in millions more from training contracts

Department of employment intended to ban practice before **reversing course after ‘strong feedback’ from industry**

The employment services industry successfully lobbied to stop a proposed rule banning providers from referring jobseekers to their own training courses under the new \$1.5bn-a-year Workforce Australia model.

In a potential windfall for providers, Guardian Australia can reveal the Department of Employment last year intended to ban the practice before reversing course after **“strong feedback” from the industry.**

That included claims from providers **that the ban would be “counterproductive” to the “viability” of the Employability Skills Training program (EST), through which \$500m will flow to private providers over the next five years.**

A massive shake-up of Australia’s privatised employment services program has seen 43 providers awarded contracts under Workforce Australia, which replaced Jobactive this month and has faced [some early criticisms from jobseekers and welfare advocates](#).

A Guardian Australia analysis of the new Workforce Australia contracts found 19 job agencies or related entities were also awarded contracts in the EST scheme or the similar, older worker-focused Career Transition Assistance (CTA) program. This includes major for-profit companies such as APM, Max Solutions and Sarina Russo.

The department confirmed there were 21 in total, but noted some contracts were for different regions, meaning not all could refer clients to their own courses.

The big winner of the new contracts was the ASX-listed health services giant APM, which capped off its \$330m Workforce Australia contract with an extra \$67m over five years to run EST courses.

Non-profit Workskil Australia, which was awarded a \$266m Workforce Australia contract, also won a \$1m CTA contract. Max Solutions, a subsidiary of the multinational human services giant Maximus, was handed an extra \$16m in EST contracts on top of the \$148m it will get for Workforce Australia.

Among the top five Workforce Australia providers, only AtWork (\$226m over three years) and the Salvation Army’s Employment Plus (\$190m) did not also win a training contract.

The training contracts will see as much as \$301m in additional revenue flow to companies and non-profits also designated as Workforce Australia providers. The figure covers all fees EST and CTA providers could expect to make from payments. It

is unclear how much providers might specifically earn from referrals from their own organisation.

But tender documents circulated [among potential bidders in June](#) last year show the Department of Employment proposed a ban on so-called “own entity referrals” in order to “foster market diversity and quality of course content”.

Three months later, the department confirmed that after “feedback” from the industry on the exposure draft, it would instead cap so-called “own entity referrals” at 50%. The same cap applies in the CTA scheme.

The decision followed a [submission from the National Employment Services Association \(Nesa\)](#), which argued the “restriction of referral of job seekers to their own entity EST program is counterproductive to the viability of the program and is likely to result in reduced diversity of the provider pool”.

“Concerns around conflict of interest and own entity referrals should be dealt with in other ways,” Nesa said in a submission.

[Max Solutions, which held a \\$1bn contract under Jobactive, also opposed the referral cap](#), according to its submission to the department.

Experts have argued job agencies are able to bolster their bottom lines by referring job seekers to their own courses, while some jobseekers have told of being made to do such training under the threat of having their welfare payments stopped.

Employment providers have noted they will be expected to cover the cost of the EST “soft skills” training on a \$1,250 “fee-for-service” basis, meaning the ability to rake in more revenue is more limited in these cases. These “soft skills” include training with job applications, communication, problem solving and office technology, which the department views as “within scope of the core service” for providers.

However, in the case of the EST’s “industry specific training”, providers can refer jobseekers to their own courses, with the organisation’s training arm getting a \$950 fee from the government.

Providers can also claim a \$700 “progress payment” if a jobseeker completes one of their own CTA programs or EST soft-skills or industry specific training courses, in conjunction with another activity.

A Department of Employment and Workplace Relations spokesperson said the decision to allow “own entity” referrals was in response to “strong stakeholder feedback”.

The move would increase choice for jobseekers and “decrease an individual’s barriers to access a suitable EST course, especially in regional areas”.

It would also “build upon the provider’s established relationships with the individual to provide high quality services”.

The department “specifically invited stakeholder feedback” on the issue during the consultation process, the spokesperson said.

The department “continuously monitors provider performance, with IT systems in place to track each provider’s referrals, commencements, payments and participant attendance rates”.

The Nesa chief executive, Sally Sinclair, said the department had received feedback about the proposed ban on “own entity” referrals from “many stakeholders in addition to Nesa”.

Sinclair argued EST providers offered a unique program for the “industry specialist courses”, meaning a ban on “own entity referrals” might block people doing the most appropriate course.

The ban on these referrals could also worsen an existing issue around “course cancellations which inconvenienced job seekers and diminished the efficiency of the program”, she said.

Job agencies that also won training contracts under Workforce Australia

| Provider | Value | Program |
|--|----------|---|
| Serendipity (WA) Pty Ltd (Also known as APM) | \$334.9m | Workforce Australia Licence(s) to deliver Generalist, CALD and Indigenous services |
| Serendipity (WA) Pty Ltd (Also known as APM) | \$66.9m | Employability Skills Training Deed 2022-2027 |
| Workskil Australia Ltd. | \$266.4m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Workskil Australia Ltd | \$1.0m | Career Transition Assistance Deed 2022-27 |
| MAX Solutions Pty Ltd | \$147.7m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Max Solutions Pty Ltd | \$16.5m | Employability Skills Training Deed 2022-2027 |
| Enterprise & Training Company Limited | \$128.4m | Workforce Australia Licence(s) to deliver Generalist services |
| Enterprise & Training Company Limited | \$3.2m | Career Transition Assistance Deed 2022-27 |
| Enterprise & Training Company Limited | \$3.2m | Career Transition Assistance Deed 2022-27 |
| Karingal St Laurence Limited (Matchworks) | \$127.5m | Workforce Australia Licence(s) to deliver Generalist services |
| Karingal St Laurence Limited | \$5.2m | Employability Skills Training Deed 2022-2027 |
| Karingal St Laurence Limited | \$5.2m | Employability Skills Training Deed 2022-2027 |
| WISE Employment Ltd | \$123.7m | Workforce Australia Licence(s) to deliver Generalist, CALD and Ex-Offender services |
| Wise Employment Ltd | \$25.9m | Employability Skills Training Deed 2022-2027 |

| Provider | Value | Program |
|---|----------|---|
| SYC Ltd | \$120.5m | Workforce Australia Licence(s) to deliver Generalist services |
| SYC Ltd | \$15.3m | Employability Skills Training Deed 2022-2027 |
| SYC Ltd | \$15.3m | Employability Skills Training Deed 2022-2027 |
| RNTT Pty Ltd (Jobs Statewide) | \$114.1m | Workforce Australia Licence(s) to deliver Generalist services |
| RNTT Pty Ltd | \$23.7m | Employability Skills Training Deed 2022-2027 |
| RNTT Pty Ltd | \$650.5k | Career Transition Assistance Deed 2022-27 |
| Teldraw Pty. Limited (Global Skills) | \$83.4m | Workforce Australia Licence(s) to deliver Generalist and Ex-Offender services |
| Teldraw Pty Limited | \$438.8k | Career Transition Assistance Deed 2022-27 |
| Sureway Employment and Training Pty Ltd | \$80.8m | Workforce Australia Licence(s) to deliver Generalist services |
| Sureway Employment and Training Pty Ltd | \$1.1m | Career Transition Assistance Deed 2022-27 |
| Sarina Russo Job Access (Australia) PTY. LTD. | \$76.7m | Workforce Australia Licence(s) to deliver Generalist, CALD and Refugee services |
| Sarina Russo Schools Australia Pty Ltd | \$36.2m | Employability Skills Training Deed 2022-2027 |
| Sarina Russo Schools Australia Pty Ltd | \$2.5m | Career Transition Assistance Deed 2022-27 |
| Joblink Plus Limited | \$75.7m | Workforce Australia Licence(s) to deliver Generalist, Ex-Offender and Indigenous services |
| Joblink Plus Limited | \$10.7m | Employability Skills Training Deed 2022-2027 |
| Jobfind Centres Australia Pty Ltd | \$68.3m | Workforce Australia Licence(s) to deliver Generalist services |
| Jobfind Centres Australia Pty Ltd | \$19.8m | Employability Skills Training Deed 2022-2027 |
| Jobfind Centres Australia Pty Ltd | \$1.1m | Career Transition Assistance Deed 2022-27 |
| Inner Northern Group Training Limited | \$65.7m | Workforce Australia Licence(s) to deliver Generalist services |
| Inner Northern Group Training Limited | \$14.9m | Employability Skills Training Deed 2022-2027 |
| Inner Northern Group Training Limited | \$1.1m | Career Transition Assistance Deed 2022-27 |
| MTC Australia Limited | \$50.1m | Workforce Australia Licence(s) to deliver Generalist services |
| MTC Australia Limited | \$24.5m | Employability Skills Training Deed 2022-2027 |
| MTC Australia Limited | \$447.9k | Career Transition Assistance Deed 2022-27 |

| Provider | Value | Program |
|--|----------|---|
| The Trustee for Designer Life (Queensland) Trust | \$37.3m | Workforce Australia Licence(s) to deliver Generalist services |
| The Trustee for Designer Life (Queensland) Trust | \$2.0m | Career Transition Assistance Deed 2022-27 |
| Jobs Australia Enterprises Ltd | \$15.2m | Workforce Australia Licence(s) to deliver Generalist services |
| Jobs Australia Enterprises Ltd | \$207.2k | Employability Skills Training Deed 2022-2027 |
| Western District Employment Access Incorporated | \$8.1m | Workforce Australia Licence(s) to deliver Generalist services |
| Western District Employment Access Inc. | \$7.3m | Employability Skills Training Deed 2022-2027 |
| Western District Employment Access Incorporated | \$199.0k | Career Transition Assistance Deed 2022-27 |
| Workskil Australia Ltd | \$1.0m | Career Transition Assistance Deed 2022-27 |

Providers who won Workforce Australia contracts

| Provider | Value |
|---|----------|
| AMES Australia | \$74.8m |
| AimBig Employment Pty Ltd | \$21.7m |
| Asuria People Services Pty Limited | \$115.9m |
| AtWork Australia Pty Ltd | \$226.6m |
| BEST Employment Limited | \$39.2m |
| CVGT Australia Limited | \$67.8m |
| Enterprise & Training Company Limited | \$128.3m |
| Family Services Illawarra Limited | \$32.9m |
| Impact Services Pty Ltd | \$32m |
| Individual Empowerment Network Pty Ltd | \$14m |
| Inner Northern Group Training Limited | \$65.6m |
| Job Futures Ltd | \$123.9m |
| Jobfind Centres Australia Pty Ltd | \$68.3m |
| Joblink Plus Limited | \$75.6m |
| Jobs Australia Enterprises Ltd | \$15.1m |
| Karingal St Laurence Limited (Matchworks) | \$127.4m |

| Provider | Value |
|--|--------------|
| MADEC Australia | \$37.5m |
| MAX Solutions Pty Ltd | \$147.7m |
| MEGT (Australia) Ltd | \$30.5m |
| MTC Australia Limited | \$50m |
| Mareeba Shire Job Training Assoc Inc | \$26.5m |
| NSWALC Employment and Training Ltd | \$7.7m |
| Nirrumbuk Aboriginal Corporation | \$4.6m |
| On-Q Human Resources Limited | \$48.1m |
| RNTT Pty Ltd (Jobs Statewide) | \$114m |
| SYC Ltd | \$120.4m |
| Sarina Russo Job Access (Australia) PTY. LTD. | \$76.7m |
| Serendipity (WA) Pty Ltd (Also known as APM) | \$334.9m |
| Sureway Employment and Training Pty Ltd | \$80.8m |
| Teldraw Pty. Limited (Global Skills) | \$83.3m |
| The Trustee for Designer Life (Queensland) Trust | \$37.3m |
| The Trustee for The Salvation Army (Victoria) Property Trust | \$190.7m |
| The Wirrpanda Foundation Limited | \$2.4m |
| Training Alliance Group Australia Pty Ltd | \$3m |
| Tursa Employment & Training Limited | \$81.9m |
| VERTO Ltd | \$59.1m |
| WISE Employment Ltd | \$123.6m |
| Western District Employment Access Incorporated | \$8m |
| Westgate Community Initiatives Group Ltd. | \$26.4m |
| Workpac Employment Services Pty Ltd | \$9.6m |
| Workskil Australia Ltd. | \$266.4m |
| Workskills Incorporated | \$20.1m |
| Workways Australia Limited | \$43.5m |

Minister for Employment and Workplace Relations

QTB No: QB22-000217

Last Updated by Department: 01 December 2022

Last Updated by Adviser: 7 September 2022

ParentsNext

HEADLINE

- The Australian Government is committed to better supporting parents with young children to balance their caring roles with opportunities for training and work that improves their family and financial wellbeing.

KEY ISSUES

- Our child care policies will deliver more affordable child care, making it easier for parents, children and working families to get ahead.
- We are also looking closely at ParentsNext – a pre-employment program to help parents with young children plan and prepare for work.
- I have heard stakeholder concerns about ParentsNext – particularly the compulsory nature of the program – and have taken early action.
 - The Select Committee on Workforce Australia Employment Services agreed on 20 September to my request to include ParentsNext in the scope of the Inquiry.
 - Among other things, I have suggested that the Committee's Inquiry could involve consideration of the program's eligibility and compulsory participation requirements.
 - The Committee has agreed to make any recommendations before the end of February 2023.
- Along with other programs in the employment portfolio, due to recent weather events, participation requirements under ParentsNext have been suspended in several areas of NSW, Victoria and South Australia.
- Participation requirements will recommence from 6 January 2023.
- For all other participants, mutual obligation requirements will be suspended for the holiday period from Monday, 19 December 2022 to Monday, 2 January 2023 (inclusive).

Minister for Employment and Workplace Relations

QTB No: QB22-000217

Last Updated by Department: 01 December 2022

Last Updated by Adviser: 7 September 2022

BACKGROUND

- ParentsNext had **115,390** participants over the 2021-22 financial year.

Mutual obligation requirements

- The overwhelming majority of ParentsNext participants are subject to mutual obligation requirements and the Targeted Compliance Framework (a very small number of participants volunteer into the program).
- Compulsory participants are required to:
 - attend an initial ParentsNext appointment and then every three months (attendance at these subsequent appointments can be in person/phone/online)
 - negotiate and agree to a Participation Plan, and
 - participate in at least one activity.
- Participants who do not meet a requirement have their Parenting Payment temporarily suspended if they do not re-engage or supply a valid reason within two business days. When parents re-engage, their payment suspension is lifted, and they receive full back pay.
- Exemptions to participation requirements can also be granted in certain circumstances (e.g. for medical reasons, large families and major personal crises).
- Participation requirements are currently suspended in:
 - Bland, Cabonne, Cowra, Forbes, Gunnedah, Lachlan, Moree Plains, Murray River, Narrabri, Parkes and Walgett (NSW);
 - Campaspe Shire, Gannawarra Shire, Mildura, Moira Shire and Swan Hill (Victoria); and
 - Alexandrina, Berri Barmera, Coorong District, Karoonda East Murray, Loxton Waikerie, Mid Murray, Murray Bridge, Renmark Paringa and the Pastoral Unincorporated Area (South Australia).

Select Committee on Workforce Australia Employment Services

- You have asked the Select Committee to consider the following regarding the program:
 - policy objectives – including the role the program plays in providing early intervention to disadvantaged parents as part of the overall Workforce Australia employment services system
 - eligibility and compulsory participation requirements – including strategies to engage the participants most in need of early intervention
 - impact on women's economic equality and workforce participation, in recognition that 95 per cent of participants are women, overwhelmingly single mothers, and noting the gendered nature of domestic and family violence
 - efficacy in addressing structural and cultural barriers to accessing family support, education and employment – including referral pathways and connections with broader community services, and
 - funding and service delivery arrangements – including whether these enable providers to effectively tailor services to meet participant needs.

Assurance Activity

- Following policy changes to the ParentsNext program in July 2021, access to assistance under the Participation Fund was extended to **all** participants.

Minister for Employment and Workplace Relations

QTB No: QB22-000217

Last Updated by Department: 01 December 2022

Last Updated by Adviser: 7 September 2022

- An assurance activity on claims made between September 2021 and March 2022, found that 23% of claims for assistance (covering wage subsidies, education and employment outcomes and general assistance) were deficient (e.g. claims were not within the required timeframe, GST was incorrectly treated or documentary evidence was incorrectly recorded). Recovery action was taken in 15% of the identified cases.



Australian Government



ParentsNext



Find your next step with ParentsNext

What is ParentsNext?







ParentsNext is a support program to help you **plan your next steps towards study or work**.

You don't need to start looking for a job.

Your **ParentsNext consultant** is there to help you build your confidence, develop your skills and access local services.

How does ParentsNext support parents?

Support might include:

-  help with finding a **suitable course or work experience**
-  putting you in touch with **other parents**
-  **help with arranging financial support** for child care and study
-  help with skills such as **writing a resume** and **job interview practice**
-  **connecting you** with local services
-  when you are ready to look for work you may be eligible to access **employer wage subsidies** and **relocation assistance**, if you would like to relocate to take up an offer of employment.

Why was I asked to take part in ParentsNext?

ParentsNext is for parents and carers who:



have received **Parenting Payment** for the last 6 months



care for a child between 9 months and **under 6 years of age**



have **not reported paid work** to Centrelink in the last 6 months.

What happens next?



Attend your Centrelink meeting (by phone or in person) to schedule your first appointment with a **ParentsNext consultant**.



You're welcome to bring your children if you want to.



If the location of the ParentsNext office doesn't suit you, **please tell your ParentsNext consultant**. It may be possible to find an **office closer to you**.



What happens at my first ParentsNext appointment?

You will **meet your ParentsNext consultant**. They will get to know you and listen to what you hope to achieve for family, study and future work.

You need to go to this meeting to keep getting your payment.

If there is a reason **you can't go**, please contact your consultant **before the meeting** to let them know.

Before the meeting

Take some time to think about:

The things that interest you

Any concerns you might have

Skills you have

The kind of work you might like to do in the future



Translation services

For help speaking or understanding English, call the Interpreting Service (TIS National) on **131 450** for the cost of a local call. Ask them to call the National Customer Service Line **1800 805 260** (free from landlines) if you need information translated. Or visit the Resources page on the ParentsNext website for information in other languages.

For more information go to dese.gov.au/parentsnext

Making the most of ParentsNext

If you need more support

Parents and carers can have a lot going on in their lives. Please talk to your ParentsNext consultant if you are unwell or having problems at home. **Support is available** and you can ask to take a break from your plan if you need to.



Making a complaint or changing consultants

You can talk to your consultant about any problems you may have with ParentsNext. If you aren't comfortable talking to your consultant please call the National Customer Service Line on **1800 805 260** (free from landlines), or email nationalcustomerserviceline@dese.gov.au, or fill out the **Complaints, Compliments and Suggestions form** on the ParentsNext webpage.



Sticking with your plan

To keep getting Parenting Payment it's very important that **you attend appointments**, do your **agreed activities** and **report on your progress**. If something happens and you can't attend or report on time, **tell your consultant as soon as possible** to avoid having your payment put on hold.



Department of Employment and Workplace Relations
Documents released under FOI - LEX 528

Your information

Your personal information is protected by law, including the *Privacy Act 1988* and the social security law. Your ParentsNext consultant will provide you with a Privacy Notification and Consent form that outlines how your personal information will be used.

Translation services

For help speaking or understanding English, call the Interpreting Service (TIS National) on **131 450** for the cost of a local call. Ask them to call the National Customer Service Line **1800 805 260** (free from landlines) if you need information translated. Or visit the Resources page on the ParentsNext website for information in other languages.

For more information go to dese.gov.au/parentsnext



Document 24
ParentsNext
AN AUSTRALIAN GOVERNMENT INITIATIVE



Balancing your family, study and work goals

There are many benefits to participating in ParentsNext. Your **ParentsNext consultant will work with you** to help you build your confidence, develop skills and access local support and services to **plan for the future**.

You don't have to look for work while you're in the program. But if you are ready and want to look for work, **your consultant can help**.

Study or work might seem far away right now but taking part in ParentsNext will put you in a much better position to act on opportunities **when the time is right**.



How ParentsNext works

There are four main things you will be asked to do in ParentsNext to keep getting Parenting Payment.



1. Attend appointments

Your ParentsNext appointments will usually be **once every three months**.

Your consultant will listen to you and help you decide what **you want to achieve**. They will also help you plan your next steps.



Without my ParentsNext provider, I don't think I would have had the confidence to even start to look for a course. Not only did they help me start my dream job as a nurse and pay for some of my work and study expenses, they also helped me find appropriate child care which relieved a lot of stress."

Madalene-Kate, ParentsNext participant

2. Choose activities

Your consultant will help you choose activities **that will help you** prepare for work in the future.

These activities should fit with your family life and should be relevant to **what you want to achieve**.

3. Make and agree on a plan

Your ParentsNext consultant will help you create a **Participation Plan**.

This plan outlines the activities, reporting and appointments that **you agree to do**.



ParentsNext helped me go to college to finish year 11 and 12. The secondary college was set up with a free childcare facility so I knew that my kids were being looked after while I was in class—this made a big difference!"

Ashleigh, ParentsNext participant

4. Reporting

Every two weeks **you must report to Centrelink**.

Your consultant will let you know if you also need to **report to ParentsNext**.

Your consultant will tell you how and when to report.

For more information go to dese.gov.au/parentsnext

Contribute →

News Opinion Sport Culture Lifestyle



Inequality reporting

'It felt insulting': welfare recipients sent to body language courses as job agencies

Providers in the welfare-to-work system are making lucrative earnings by enrolling clients into their own taxpayer-funded programs

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'A waste of time'

When Sarah, now 27, was referred by Centrelink to the controversial \$115m-a-year ParentsNext program aimed at single parents on b Communicare, received a \$600 "service fee", paid every six months while an individual is on the program.

She had been studying, but in 2019 began to struggle with a chronic health issue.

After she deferred her studies for a semester, Communicare gave her a list of its "Elmo Talent" short courses. She ended up doing 10

These included: Understanding Body Language, Making Decisions, How to Communicate Effectively and Managing the Discipline P

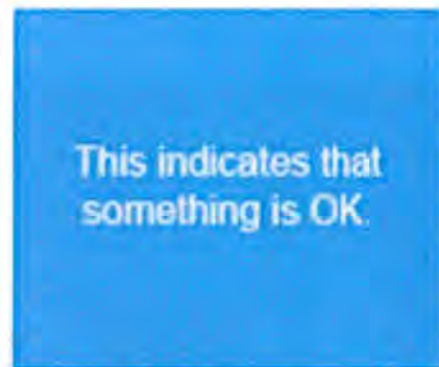
Guardian Australia has reviewed Making Decisions and Understanding Body Language, in which participants are taught the meanin; such as a thumbs up.

"A person's body language often demonstrates their true thoughts and feelings about a matter," says the introduction to Understand "Therefore, it is very useful for you to be able to read and understand the different elements of body language."

During the 20-minute course, a section on hand gestures informs the student that "rubbing hands together" "indicates excitement c person with their legs crossed indicates "caution".



Pointing finger



Index finger to thumb

Screen recording of Communicare's Understanding Body Language course.

Other sections include tips on reading a person's eyes and their head position.

IONS

s display their true emotions. Due to our emotional connection to situations, it is not easy to continually fake /pically flicker across the face, even when feelings are kept in check.

essions are:



Screen recording of Communicare's Understanding Facial Expressions course.

"It almost felt insulting being told to do these ... when I was midway through a bachelor's degree," Sarah says.

"I already struggle to find time to do critical things in my life. It was a massive waste of time."

Communicare said it had referred more than 2,000 of its clients - or about a third of its caseload - to its own short courses since 2018

When it did so, it claimed a reimbursement, racking up \$113,118 in extra payments from the Department of Employment and Workpl "participation fund" since 2018.



Inequality reporting

Job agencies running ParentsNext scheme made invalid claims for taxpayer-funded bonuses, audit finds

Noncompliant claims widespread across the \$110m-a-year scheme, part of the federal government's welfare-to-work system

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support to single parents on benefits with children under six years old.

About 80,000 parenting payment recipients are compelled to attend appointments and take part in activities - including playgroup or education courses - to assist them with parenting and preparing for work.

Providers running the program get a \$626 fee every six months for each participant referred to their service and \$312.20 "outcome payments" when a client completes an education course or works sufficient hours.

But an audit of these claims, obtained by Guardian Australia under freedom of information laws, found 59% of education outcomes and 20% of employment outcomes were noncompliant.

The audit was small, covering only 105 education outcomes (\$32,000) and 79 employment outcomes (worth \$24,000) between September 2021 and March 2022. The department recouped a combined \$21,000 in invalid claims.

The documents suggest the education claims were mostly faulty because providers had failed to provide dates for when participants had started and completed their education courses. Similar issues around the recording of hours and pay were found with employment outcomes.

It was the first time education and employment outcome payments had been included in the audit, the documents say.

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The job agency is not required to have found the job for the participant for them to

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related equipment, public transport or fuel vouchers and training courses.

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Only 4% of claims to the participation fund were noncompliant, with the department recouping just over \$2,000 of the \$172,000 in spending that was audited.

But compliant claims have also raised eyebrows. Guardian Australia has previously reported the same fund allows job agencies to legally claim fees for referring participants to **courses run by the same organisation**, including online modules in topics such as “body language” that were labelled “insulting” by a participant.

Groups including the Australian Council of Social Service and the National Council of Single Mothers and their Children have labelled the scheme discriminatory, while a **parliamentary inquiry last year recommended** it be made voluntary.

ParentsNext **underwent some minor changes in 2019** amid **widespread complaints**, including allegations revealed by the Guardian that some providers had denied exemptions to single mothers experiencing **health issues or domestic violence in order to keep receiving taxpayer funds**.

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Minister for Employment and Workplace Relations

QTB No: QB22-000218

Last Updated by Department: 01 November 2022

Last Updated by Adviser: XX Month YYYY

Employment Services Procurement for Workforce Australia

HEADLINE

- The Government welcomes the Australian National Audit Office's review of the decision-making process used to select Workforce Australia Services providers.

KEY ISSUES

- Key decisions around the delivery of Workforce Australia – including finalising around \$7 billion in provider contracts – were taken shortly before the caretaker period commenced.
- The Government made an election commitment to review the procurement processes used to select Workforce Australia Services providers and how these decisions were made.
- One of the Government's earliest actions was to write to the Auditor-General, Mr Grant Hehir, to seek his agreement to conduct this review.
- I'm pleased to advise the procurement of Workforce Australia Services has been included in the Australian National Audit Office 2022–23 Annual Audit Work Program.
 - The scope of this audit will assess the establishment of the National Panel for Workforce Australia Services, and the selection of the suppliers from the panel to deliver the first three years of services.
 - The Audit has commenced.
 - Staff from my department are currently providing assistance to the Australian National Audit Office team and will continue to do so throughout the audit , and I look forward to the outcome.

Minister for Employment and Workplace Relations

QTB No: QB22-000218

Last Updated by Department: 01 November 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- Procurement processes to select providers to support the delivery of Workforce Australia were completed and contracts finalised by April 2022.
- This included the selection of providers to deliver Workforce Australia Services, Employability Skills Training, Career Transition Assistance, Self-Employment Assistance, Entrepreneurship Facilitator services and Transition to Work.
- On 4 April 2022 in his (then) capacity as Shadow Minister for National Reconstruction, Employment, Skills and Small Business, the Deputy Prime Minister, the Hon Richard Marles MP, committed that '[i]f an Albanese Labor Government is elected, we will properly review how these decisions are made'.
- On 8 June 2022, Mr Marles (in his capacity as Interim Employment Minister) wrote to the Auditor-General seeking his agreement to conduct the review.
- The Auditor-General replied on 5 July 2022. His response advised that a potential audit to assess the establishment of the National Panel for Workforce Australia Services and the selection of suppliers from the panel would be included in the Australian National Audit Office 2022–23 Annual Audit Work Program.
- The Australian National Audit Office has commenced the audit and is currently working with departmental staff on the audit.

Minister for Employment and Workplace Relations

QTB No: QB22-000220

Last Updated by Department: 28 November 2022

Last Updated by Adviser: 28 November 2022

CURRENT LABOUR FORCE FIGURES

HEADLINE

- The latest ABS *Labour Force Survey* results for October 2022 continue to reflect the underlying strength and resilience of the Australian labour market and government is taking action to ensure a tightening labour market delivers jobs with better pay and security.

KEY ISSUES

- The unemployment rate decreased by 0.1 percentage point over the month, to 3.4% in October 2022, and has not been lower than this since 1974.
- Seasonally adjusted employment increased by 32,200 over the month, to a record high of more than 13.6 million in October 2022. In the reference month:
 - Full-time employment increased over the month by 47,100, to a record high of more than 9.5 million.
 - Part-time employment fell by 14,900 over the month, to stand at just under 4.1 million.
- The participation rate was steady over the month, at 66.5% in October 2022, close to the all-time high of 66.7% recorded in June 2022.
- While labour market conditions for youth were mixed this month, the unemployment rate for young women fell by 0.2 percentage points, to a record low of 6.6% in October 2022.
- Despite these strong headline employment figures, there are still too many Australians stuck in insecure work.
- In August 2022, there were still nearly 2.7 million casual employees (23.5% of all employees) with no paid leave entitlements, of which over 700,000 casual employees have had regular work with their employer.
- In August 2021, there were over 400,000 workers on fixed-term contracts - more than half are women; and more than 40% of fixed term employees have been with their employer for two or more years.

Minister for Employment and Workplace Relations

QTB No: QB22-000220

Last Updated by Department: 28 November 2022

Last Updated by Adviser: 28 November 2022

BACKGROUND

Government's Policy

- The Government remains cognisant of the big economic challenges that face our nation.
- To this end, as part of the 2022-23 Budget, the Government is introducing measures to get wages moving again and ensure that workplaces are safer, fairer and more secure while also driving economic growth. The initiatives will also help reduce barriers to employment so that all Australians have the opportunity to participate in the labour market to their full potential. Key measures include:
 - The Government's Secure Jobs, Better Pay Bill, which places job security at the heart of the Fair Work Commission's decision making, by making job security an object of the Fair Work Act;
 - A \$4.7 billion investment over four years to make it easier and cheaper for parents to access early childhood education and care;
 - A \$531.6 million investment to expand the Paid Parental Leave scheme up to 26 weeks by July 2026 – the biggest boost to Australia's Paid Parental Leave scheme since it was created in 2011;
 - \$34.8 million to provide a more integrated Workforce Australia experience by moving the Skills for Education and Employment, Self-Employment Assistance, and Harvest Trail Services programs to the Workforce Australia Digital Platform;
 - \$25.8 million over four years to expand and reform the Pacific Australia Labour Mobility (PALM) scheme, including measures to make the scheme more attractive for workers and Australian industry; and
 - \$20.2 million over four years to the Fair Work Commission to establish a Pay Equity Expert Panel, a Care and Community Sector Expert Panel, and a specialised research unit to inform and improve the Commission's capacity to assess pay equity claims and help address the workforce challenges in the care and community sector.

Minister for Employment and Workplace Relations

QTB No: QB22-000222

Last Updated by Department: 21 November 2022

Last Updated by Adviser: 23 September 2022

Pacific Australia Labour Mobility (PALM) scheme

HEADLINE

- Labour mobility is central to our strategic agenda in the Pacific and provides vital support to addressing Australian workforce shortages. The PALM scheme continues to grow and provides mutual benefits for Australian and Pacific and Timor-Leste economies and communities.

KEY ISSUES

- The PALM scheme is Australia's key temporary migration program for low, semi and unskilled workers and eases the impact of labour shortages, particularly in the agriculture sector and in regional Australia.
- Our Government is committed to improving and expanding the PALM scheme to maximise benefits for workers, their communities and Australian industry. The 2022-23 Budget delivers on this commitment by:
 - increasing the number of PALM workers in Australia to around 35,000 by June 2023
 - As at 31 October 2022, there were 31,500 PALM scheme workers in Australia—a record number
 - 20,413 short-term seasonal workers (up to 9 months)
 - 11,087 long-term workers (up to 4 years)
 - As at 30 June 2022, there were 40,100 workers registered in the 'work ready pool' in participating countries.
 - allowing long-term workers to bring their immediate family to Australia, where employer-sponsored, with access to additional social supports to ensure they have a positive experience
 - expanding existing aged care pilots to support a further 500 PALM workers to complete their Certificate III in Individual Support (Ageing)
 - allowing employers to request reimbursement of costs that cannot be recouped from seasonal workers, less a \$300 employer contribution to workers' flights, through no fault of the employer
 - relocating aspects of the former Australian Agriculture Visa (AAV) program under the scheme.
- PALM workers are protected by the same workplace rights and laws as Australians, including minimum pay and conditions. Additional obligations are imposed on employers, ensuring the welfare of workers is protected. We monitor compliance with these requirements closely.

Minister for Employment and Workplace Relations

QTB No: QB22-000222

Last Updated by Department: 21 November 2022

Last Updated by Adviser: 23 September 2022

BACKGROUND

- The PALM scheme is a shared responsibility of both: my department and the Department of Foreign Affairs and Trade (DFAT).
 - My department is responsible for program delivery and operations, including compliance, program assurance and domestic stakeholder engagement.
 - DFAT is responsible for strategic policy, external strategic communications, and Pacific and Timor-Leste support and engagement.

Legal action against former PALM Approved Employer NQ Powertrain (labour hire)

- Our Government does not tolerate worker exploitation – all allegations are taken seriously. I am aware that the Fair Work Ombudsman has commenced legal action against former PALM Approved Employer, NQ Powertrain, for alleged underpayments to PALM workers of \$49,933 and that the alleged underpayments were rectified in full. Given there are legal proceedings, it is inappropriate to comment further.

Disengaged workers

- My department works closely with workers to support them to re-engage with the scheme or to help them to return home. It is not appropriate for me to comment regarding allegations that may be referred to border officials, or regarding an individual's specific circumstances.

Refer to Home Affairs for actions the Government is taking to target illegal facilitators or visa decisions or applications for Protection Visas

PALM scheme worker deaths

- The Government takes worker safety very seriously. Sadly, 48¹ Pacific workers have died in Australia since 2012. To date, none of these deaths have been found to be directly related to a workplace incident.
- We have a number of supports in place including safe driving training, preventative health advice in relevant languages, and a 24/7 welfare service line, and continue consulting with Approved Employers, PALM workers and unions on improving the health and safety of PALM workers in Australia.
- We are aware of an incident on the weekend in which a Fijian PALM worker was found deceased in a Perth Hotel. Western Australia Police are leading an investigation.
- My department has notified the High Commissioner of Fiji and are continuing to provide support and closely monitor the situation.

Workers impacted by the recent floods (as at 18 November 2022)

- 1,032 PALM workers have been impacted by recent floods. All workers returned to their permanent accommodation and are safe
- 675 workers located in New South Wales:
 - All, but 48 PALM workers, have returned to work.
- 357 PALM workers were affected by floods are in Victoria:
 - 34 workers have been redeployed due to crop damage.

¹ 7 deaths not counted in the 48 as they occurred in Australia after the workers had disengaged from the program.

Minister for Employment and Workplace Relations

QTB No: QB22-000222

Last Updated by Department: 21 November 2022

Last Updated by Adviser: 23 September 2022

- | o 8 workers have chosen to repatriate home.
- The department is supporting workers to access support and where requested is redeploying workers (with their consent). We are in close contact with High Commissions and Country Liaison Officers regarding the impact on their workers.

Media (6 articles)

1. Sky News, 20 November 2022, "Unresponsive": Man questioned over death of woman at Perth hotel", by Angie Raphael

A man is being questioned by homicide squad detectives after a woman was found unresponsive at a hotel and later died.

Homicide squad detectives are investigating after a woman was found unresponsive at an East Perth hotel. Police were called to Quality Hotel Ambassador Perth on Adelaide Tce about 9.40am on Sunday.

"A woman was located inside the hotel unresponsive and has since died," police said in a short statement.

"A man, who is believed to be known to the woman, is assisting police with their investigations."

There are reports the woman may have been stabbed, but police have not confirmed it. Guests were prevented from re-entering the hotel for some time as forensic officers scoured the area.

Police will hold a press conference later on Sunday about the incident.

[Man questioned over death of woman at Perth hotel | Sky News Australia](#)

2. Nine News, 20 November 2022, "Woman dies after alleged stabbing at Perth hotel", by Sarah Swain

A woman has died after an alleged stabbing in a Perth hotel.

It's understood the woman - believed to be aged in her 30s - was allegedly stabbed by a man she knew on the sixth floor of the Quality Hotel Ambassador Perth just after 9.30am this morning.

A man has been arrested.

Detective Senior Sergeant Michael Foge said a weapon was involved in the incident, which he said happened "inside one of the rooms and then migrated into the corridor".

No charges have so far been laid.

[Perth: Woman dies after alleged stabbing at Perth hotel \(9news.com.au\)](#)

3. Moruya Examiner, 8 November 2022, "Labour Hire firm allegedly underpaid 87 visa farm workers", by Brandon Long

A former labour hire company in Far North Queensland is facing major penalties after allegedly underpaying 87 visa-holding farm workers almost \$50,000.

The now closed Innisfail-based firm, which employed workers under the Pacific Labour Scheme and Seasonal Worker Programme between December 2018 and May 2020, allegedly deducted more than \$42,000 from the workers' wages for accommodation costs in excess of the actual cost of boarding houses and farmhouses.

The Fair Work Ombudsman launched legal action after receiving reports of potential non-compliance from the Queensland Labour Hire Licensing Compliance Unit and the federal government departments administering the PLS and SWP.

Fair Work alleges more than a dozen instances of the company deducting, in total, in excess of \$1000 more from a worker's wages than was required to cover their accommodation costs.

The accused also made unlawful deductions from workers' wages for transport costs, and underpaid their Sunday overtime rates, time-off-in-lieu entitlements and minimum-engagement pay, under the Horticulture Award 2010.

The company faces penalties of up to \$63,000 per contravention. It is unclear how many contraventions in total would apply.

It employed the workers from countries including Papua New Guinea, Vanuatu and Solomon Islands for periods of between one month to about 16 months, supplying them on an on-hire basis to farms at locations near Cairns, including Innisfail, Tolga, Walkamin, Mareeba, Upper Daradgee and Mourilyan. They picked, sorted and packed fruit and vegetables and performed general labouring and housekeeping tasks on the farms.

Fair Work Ombudsman Sandra Parker said taking action to improve compliance in the agriculture sector and protect vulnerable workers were top priorities.

"This sector engages many vulnerable workers, such as visa holders, who may be unaware of their rights or unwilling to speak up," Ms Parker said.

"Employers who fail to deliver all their employees' entitlements - including due to unlawful deductions - will be found out and risk facing penalties."

<https://www.batemansbaypost.com.au/story/7972992/labour-hire-firm-allegedly-underpaid-87-visa-farm-workers/>

4. ABC News, 7 November 2022, 5:15am, Landline

The national farmers' federation is accusing the federal government of breaking an election commitment to fund airfares for foreign farm workers. As part of a pre-election announcement axing the agriculture visa, Federal labor promised it would pay axing the agriculture visa, Federal labor promised it would pay most of the flight fees for workers arriving under existing worker schemes.

"For workers arriving under existing worker schemes. we will make it easier for employers to bring people to this country under the seasonal worker program by reducing the cost of the scheme under the seasonal worker program by reducing the cost of the scheme to employers, the up-front cost, by the Australian Government paying all but \$300 of the airfares, which we will then recoup from the workers through the taxation system."

But the federal budget last month shows the government will instead underwrite the costs, only paying employers when the airfare can't be recouped from a worker when the airfare can't be recouped from a worker. This falls a long way short of getting workers here, reducing the cost of getting workers here and doesn't address the seasonality nature of the workforce requirements that's desperately short across all of agriculture. The government says it was responding to advice from the Australian Fresh Produce Alliance, which represents major horticulture producers, including Costa, Driscoll's and Pinata Farms. The alliance says the commitment makes sense, helping employers manage risks associated with up-front costs helping employers manage risks and avoiding unnecessary red tape.

Link: <https://app.streem.com.au/view/TC169967852>

5. The Australian, 26 October 2022, 12.00am, "Tourism, trade cuts to pay for regional drive"

The budget confirms the government will increase official development assistance to the Pacific by \$375m, on top of an already promised \$525m, lifting Labor's aid boost to the region to \$900m in the next four years.

A promised \$470m boost in support for the Asia-Pacific is also allocated in the budget, along with a \$500m boost to the government's 10-year regional infrastructure building fund already flagged by Foreign Minister Penny Wong.

The budget funds Labor's election promise to expand the Pacific Australia Labour Mobility scheme, providing \$67.5m over four years towards workers' travel costs, family support costs and compliance activities to make sure workers aren't exploited.

Link to article:

[https://media.streem.com.au/restricted/zGLbWYHybb?keywords%5B%5D=Tourism&keywords%5B%5D=Pa
cific&keywords%5B%5D=Labour&keywords%5B%5D=scheme&keywords%5B%5D=workers](https://media.streem.com.au/restricted/zGLbWYHybb?keywords%5B%5D=Tourism&keywords%5B%5D=Pa
cific&keywords%5B%5D=Labour&keywords%5B%5D=scheme&keywords%5B%5D=workers)

6. Stock Journal, 8 September 2022, "Ag industry and unions unite", byamieson Murphy

THE sound of farmers across the country rolling their collective eyes was almost audible when news of yet another taskforce into the sector's labour shortage was announced in the wake of the federal government's Job Summit.

But Agriculture Minister Murray Watt said the taskforce was the first time the government had been able to get both the agriculture industry and the unions in the same room, which he labelled a "huge step forward" and an "historic agreement".

The taskforce - made up of representatives from government, agricultural sector, meat processing industry and several unions - will be given 12 months to solve the labour shortage, which is estimated to be 172,000 workers from paddock to plate.

National Farmers Federation president Fiona Simson said the taskforce positioned the agriculture industry to influence government policy but acknowledged farmers "were sick of waiting".

"I can totally understand the sighs and the eye rolls at news of yet another process," Ms Simson said.

"Farmers were waiting for the ag visa, then waiting for countries to sign on to the visa, then waiting for the election, then the jobs summit. But still there is no meaningful outcome for the 172,000-worker shortage."

The Australian Workers' Union has been waging a running skirmish with the NFF, clashing over ag visas, workers' rights, importing shearers from New Zealand and seasonal piece rates.

AWU national secretary Daniel Walton said if someone suggested he'd be standing side-by-side with the NFF a week ago, he "would have questioned whether or not you've been on the drink".

"It is strange standing up here with them.... But what the last couple of days has shown is some genuine desire across the board to reach out and find some meaningful solutions to the big problems," Mr Walton said.

Although the taskforce would look for medium to long-term solutions, Mr Watt said several announcements would help in the short term. More than \$36m will be used to employ 500 additional staff to clear the visa backlog, including the 40,000 workers ready to come to Australia under the Pacific Australia Labour Mobility (PALM) scheme.

PALM applications are taking up to 16 weeks to process and once in Australia, a request to change farms is taking three weeks, making time-sensitive work difficult.

The overall migration cap will be lifted to 195,000, with an extra 9000 visas specifically for the regions (for a total of 34,000), while next year there will be 180,000 free TAFE positions, funded by state and federal governments, including within agricultural courses.

There is also a one-off increase in how much pensioners will be allowed to work before it affects their fortnightly payments. The \$4000 bump will only apply to this financial year.

"There's a range of measures that we've committed to that will start right now and will have immediate benefit for agriculture," Mr Watt said.

"We will then work on some of the more long-term issues through that tripartite working group."

Nationals leader and former agriculture minister David Littleproud said the measures announced, "wouldn't even touch the sides" and continued his call for the Coalition's ag visa to be reinstated.

The taskforce will meet monthly from October and an employment white paper will be released in about a year's time.

7. Herald Sun, 6 September 2022, "Mirani MP Stephen Andrew says South Sea islanders still disadvantaged", by Duncan Evans

Mirani MP Stephen Andrew says South Sea islanders still disadvantaged

The dark shadow of slavery continues to hang over Queensland — from 'human trafficking and trade in body parts' of South Sea Islanders to their 'cruel' forced deportation from Australia. Here's what we can do about it.

The dark legacy of slavery in Mackay continues to haunt the present, Mirani MP Stephen Andrew says, and the government needs to do more than just talk to make things better.

Thousands of [South Sea islanders were kidnapped from the Pacific and 'blackbirded' into indentured servitude](#) on Mackay and [Bundaberg's sugar fields](#).

Mr Andrew says his family has the scars to show the generational damage.

"(My) Grandad couldn't drive a tractor because they ([South Sea islanders](#)) were not allowed to and he cut cane all his life," Mr Andrew said.

"You were held back.

"Go and find me a South Sea islander person that owned a farm.

"None, zero."

[News Corp Australia has launched a campaign in Bundaberg](#) calling for a Royal Commission to put an end to season worker exploitation from farmers and labour hire agencies.

[An e-petition to #EndExploitation](#) calls on the government to consider an overhaul of labour hire regulation, including tightening regulations and issuing more regular compliance checks, as well as providing financial support to farmers to help with the health and wellbeing of seasonal workers; and publicly recognise employers who provide excellent working conditions and fair pay.

Mr Andrew said his father also experienced the sting of racist discrimination.

"When my father asked his best friend's dad to sell him his farm, he said 'no', he will not sell it to a black fella," he said.

"That was happening all the time."

Mr Andrew also spoke of how teachers "belted" his father every day just because he was a South Sea islander.

"Dad left school when he was 11 years old, not because he was a bad student, but because he used to get belted every day.

"They were treated totally different."

Mr Andrew said his family worked on cane farms across the region, including in Homebush and the Pioneer Valley.

[South Sea islanders were enslaved in Queensland in the late 19th and early 20th centuries](#) and this week marks the 22nd anniversary of their formal recognition as a distinct cultural group.

But Mr Andrew said little had been done to roll back the damage, arguing the state government had “administratively ethicised” his community.

He said they had been detached from documents and policies, which had in turn reduced access to health, education, and employment opportunities.

“We show up on no documents,” Mr Andrew said.

Speaking [in parliament last week](#), Mr Andrew moved a motion calling on the House of Representatives to express “sincere regret” for the “human trafficking and trade in body parts” of South Sea Islanders and their “cruel” forced deportation from Australia.

He called on the government to ensure the full participation of South Sea islanders in the economic, social, political, and cultural life of the state, which he said the government had already pledged to do 22 years ago.

“The government said it would require its department and other agencies to act on this commitment through their policies, programs and services,” he said.

“I think it is fair to say that [none of these promises have been fulfilled](#), until recently when a bit of money was given across and some of that was a government department job.”

Whitsunday MP Amanda Camm said Queenslanders should “hang our heads in shame” for the crime of blackbirding.

“The shameful act of blackbirding, for which all of us in this state should hang our heads in shame, was the foundation of what is now economic prosperity,” she said.

“We talk about wealth and economic prosperity.

“We would not have a sugar industry if it were not for the hard work of those men and women, whom my grandfathers and great grandfathers worked alongside.”

Ms Camm also said the government had failed to commit “meaningful resources”.

“The greater Mackay region has [the largest population of Australian South Sea islanders](#) in the state and I say to those opposite that they deserve more than lip service,” she said.

“I ask the minister to not just meet with the member for Mirani but come and spend time with my community.

“We ask for tangible and practical outcomes across all government departments, across health, across education and across justice we need real engagement.”

Multicultural Affairs Minister Leanne Linard said the government was “responding” to calls for more resources and attention.

“This year we are providing \$75,000 to QUASSIC (Queensland United Australian South Sea islander Council) to deliver a number of activities to support Australian South Sea islander organisations and communities, including the development of protocols to support respectful engagement with Australian South Sea islander people,” she said.

“During budget week I also announced \$1.1m over four years and \$170,000 per annum ongoing to strengthen recognition of and services to Australian South Sea islander peoples in Queensland through support for projects and activities to address current levels of disadvantage faced by the community.

Speaking separately, Mr Andrew said his motion to parliament was “never about causing division” but [a call for the government to address the full horror of history](#), referencing the early 20th century deportation of South Sea islanders to hammer home his point.

In his account, some islanders were purposefully left on reefs at low tide so they would drown at high tide, a “cheaper” option than transporting them all the way back to their Pacific homelands.

“Granddad told me about it,” Mr Andrew said.

“You can’t make that up.”

Sign the [e-petition to #EndExploitation here](#).

Originally published as [Mirani MP Stephen Andrew says South Sea islanders still disadvantaged](#)

8. NewCorp, 5 September 2022 End exploitation of seasonal farm workers in Australia

Evidence of exploitation of Pacific Islander farm workers has recently been uncovered in Bundaberg.

The most disturbing thing is that this issue was found to be occurring in Australia in 2022, years after slave trade was supposedly abolished in our country. South Sea Islander workers living and working in Bundaberg had to seek urgent assistance to have their visas restored under the PALM Scheme after they claimed they were induced by a non-approved employment firm to work illegally.

It’s alleged an interstate-based contractor “exploited” the workers after they came to Australia to work and make money to send home to their families in Vanuatu. At least 50 workers claim the contractor “exploited” them and felt they had been 'blackbirded' like their forefathers in the late 1800s, where men were coerced into coming to Australia to work and forced into slave labour and harsh conditions on sugar cane farms by the government.

An interstate human rights law firm and Bundaberg motel manager joined forces to help the vulnerable workers after the motel manager discovered her guests were living off a few dollars a week.

Horrific stories were told by Vanuatuan men who accused the current Australian Government of allowing modern day slavery in Bundaberg; stories which were shared with Bundaberg NewsMail reporter, Angeline Lowther.

The NewsMail is now campaigning to put an end to seasonal worker exploitation by farmers and labour hire agencies through a Royal Commission held by the Australian Government. We're calling on the government to consider an overhaul of labour hire regulation, including tightening regulations and issuing more regular compliance checks; re-establish relationships and hold crisis talks with Pacific Island nations providing workers to Australia; reconsider continued privatisation of the PALM scheme, provide financial support to farmers to assist them with the health and wellbeing of their seasonal workers; and publicly recognise farmers and labour hire groups who provide excellent working conditions and fair pay to hard-working seasonal workers.

Show your support by signing this e-petition to #EndExploitation and show the Australian Government that a Royal Commission is desperately required to investigate the issues surrounding seasonal farm work.

[Petition · End exploitation of seasonal farm workers in Australia · Change.org](#)

Minister for Employment and Workplace Relations

QTB No: QB22-000244

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 4 September 2022

Select Committee on Workforce Australia Employment Services

HEADLINE

- The Australian Government has established a Select Committee on Workforce Australia Employment Services to examine the first 12 months of the new Workforce Australia system.

OUR POLICY

- The previous government contracted over \$7 billion of employment services just 14 days before calling the election.
- Anecdotally, it appears that the user experience of the new Workforce Australia system has varied from person to person and provider to provider.
- The Select Committee will look at whether Workforce Australia is delivering services in a way that is fair, leaves no one behind, respects individuals' needs, and supports job seekers to find secure work.
- The Select Committee will also examine the role of ParentsNext in providing early intervention to disadvantaged parents.
- It will take evidence on where best practice is occurring and where it is not. It will recommend where we can make immediate improvements as well as longer-term reforms.
- I have already made changes to help people transition to Workforce Australia – including implementing a “clean slate” policy so people who accrued penalties or demerits under the old system started fresh.
- I have also increased the points value attached to a number of activities that help people get job ready, such as full-time study or training.
- I encourage everyone with an interest in this issue to get involved and to make a submission to the inquiry.
- The Select Committee has undertaken to make any recommendations in relation to ParentsNext by the end of February 2023, as part of an interim report. The Select Committee is to provide a final report back to Parliament by 29 September 2023.

Minister for Employment and Workplace Relations

QTB No: QB22-000244

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 4 September 2022

BACKGROUND

Media

- Several media outlets have reported on the announcement. Media has reported that the system is brand new but that its roll out has been somewhat controversial.
- The Australian Council of Social Service, ACOSS, has published a media release welcoming the Inquiry.

Public hearings and submission process

- The Select Committee opened a written submission process on ParentsNext on 14 October 2022 with submissions due by 30 November 2022.
- The Committee will separately call for submissions on Workforce Australia and the employment services system more broadly in the coming weeks, and will publish guidance material to assist submitters.
- Public hearings were held on 3 November 2022 for Workforce Australia, and 11 November 2022 for ParentsNext. Further public hearings for ParentsNext are scheduled for 6 and 7 December 2022.

Recent changes to Workforce Australia

- Mutual obligation requirements have resumed from Monday, 1 August 2022 for participants in Workforce Australia Services, Workforce Australia Online and ParentsNext.
- To further support Workforce Australia participants in transitioning into the Points Based Activation System, they will have a further reporting period where no compliance action will be raised.
- People who continue to do exactly what they did under the old system – apply for 20 jobs a month – will still meet their points requirements and therefore satisfy their mutual obligation.

Minister for Employment and Workplace Relations

QTB No: QB22-000266

Last Updated by Department: 7 November 2022

Last Updated by Adviser: 7 November 2022

Respect@Work

HEADLINE

- The Government is taking action to tackle sexual harassment in the workplace and is implementing all of the Respect@Work recommendations that the previous government chose to ignore.

KEY ISSUES

- Sexual harassment is a serious workplace issue.
- The 2018 National Survey of Sexual Harassment in Australian Workplaces found 33 per cent of people who had been in the workforce in the past five years had experienced sexual harassment in the workplace, mostly women
- Important amendments have been put before the Parliament to make it clear that sexual harassment will not be tolerated under our national workplace relations laws.
- By expressly prohibiting sexual harassment in the Fair Work system – using the definition in the Sex Discrimination Act – we will be sending a clear message this is a serious workplace issue.
- These amendments will introduce an express prohibition on sexual harassment in the Fair Work Act and provide an avenue for workers across the country to ask the Fair Work Commission to deal quickly and effectively with a complaint of sexual harassment.
- This will implement recommendation 28 of the Respect@Work report.
- Along with the Respect@Work amendments proposed by the Attorney General, this sees all of the legislative changes proposed by the Respect@Work report before the Parliament.
- Vital funding for the Fair Work Commission, the Fair Work Ombudsman and women's working centres was also announced in the Budget to support the implementation of these reforms.

Minister for Employment and Workplace Relations

QTB No: QB22-000266

Last Updated by Department: 7 November 2022

Last Updated by Adviser: 7 November 2022

BACKGROUND

Key Facts

- The Government made an election commitment to implement all 55 recommendations of the Respect@Work Report.
- There are three recommendations in the Fair Work system that had not been implemented:
 - Recommendation 15 – The Australian Government ratify International Labour Organisation Convention 190 (Violence and Harassment Convention) (ratification expected in 2023).
 - Recommendation 28 – The Fair Work system be reviewed to ensure and clarify that sexual harassment, using the definition in the Sex Discrimination Act, is expressly prohibited.
 - Recommendation 49 – provide increased and recurrent funding to working women’s centres to help vulnerable workers who experience sexual harassment, including establishing or working women’s centres in jurisdictions where they do not currently exist.
- Work is underway by the Government to address this with the Budget containing funding measures to support the implementation of recommendations 28 and 49.

Funding for Recommendation 28

- This measure will provide \$15.1 million over four years in funding to support implementation of Recommendation 28 of the Respect@Work Report – to include a prohibition on sexual harassment in the Fair Work Act 2009 (Fair Work Act). This includes:
 - \$12.0 million for the Fair Work Commission to establish and administer a new sexual harassment jurisdiction, and provide advice and guidance on the operation of the new jurisdiction. This includes funding for an additional Deputy Commissioner, Commissioner and nine ongoing staff, and
 - \$3.1 million for the Fair Work Ombudsman for investigation and enforcement activity under the new sexual harassment jurisdiction, and the provision of education, advice and referrals on the new jurisdiction. This includes funding for an additional four ongoing staff.

Funding for Working Women’s Centres

- Working women’s centres provide information, advocacy, advice and assistance to women on workplace issues, including workplace sexual harassment.
- Working women’s centres are currently operational in Northern Territory, Queensland and South Australia.

Minister for Employment and Workplace Relations

QTB No: QB22-000268

Last Updated by Department: 20 October 2022

Last Updated by Adviser: XX Month YYYY.

Fair Entitlements Guarantee

HEADLINE

The Fair Entitlements Guarantee scheme covers certain unpaid entitlements for eligible employees left out of pocket when their employer enters liquidation or bankruptcy.

KEY ISSUES

- Employees **should be paid what they're owed** for the work they do.
 - That includes the timely payment of outstanding entitlements when employment ends due to insolvency.
 - In the 2021-22 financial year the scheme made payments of \$95.6 million to 5,142 claimants.
- Access to the Fair Entitlements Guarantee scheme is limited.
 - Eligibility is limited to Australian citizens, permanent residents or Special Category Visa holders (New Zealand citizens).
 - Temporary migrant workers' entitlements are not protected.
 - The Government has committed to implementing all recommendations of the Migrant Workers' Taskforce, including extending the Fair Entitlements Guarantee scheme to migrant workers.
- We will **protect the integrity and financial sustainability of the Fair Entitlements Guarantee scheme** to ensure it is not misused.
 - The Fair Entitlements Guarantee Recovery Program commenced on 1 July 2015 to increase the return of Fair Entitlements Guarantee advances and protect the integrity of the scheme.
 - Over its life the Fair Entitlements Guarantee Recovery Program has recovered (as at 30 June 2022):
 - \$232.6 million in FEG advances and costs,
 - \$22.87 million in non-FEG entitlements for employees, and
 - \$19 million to the Australian Taxation Office for employees' superannuation.

Minister for Employment and Workplace Relations

QTB No: QB22-000268

Last Updated by Department: 20 October 2022

Last Updated by Adviser: XX Month YYYY.

BACKGROUND

Expanding FEG to cover superannuation and migrant workers

- Unpaid superannuation is not currently covered by FEG.
- In March 2022, the Senate Economics References Committee inquiry into unlawful underpayment of employees' remuneration (underpayments inquiry) recommended that the Government consider including superannuation in FEG (recommendation 11).
- A range of stakeholders – including Industry Super Australia, the Association of Superannuation Funds of Australia and the Queensland Government – have recently called for FEG to be extended to cover superannuation.
- The Migrant Workers' Taskforce recommended that the Government extend access to FEG following consultation regarding the benefits, costs and risk, and excluding people who have deliberately avoided their tax obligations (recommendation 13).
- The Migrant Workers' Taskforce also recommended that FEG should not be extended to migrant workers without work rights on the basis this may create incentives for people who do not have work rights to work illegally, undermining the integrity of the migration system and potentially displacing Australian workers.
- The underpayments inquiry recommended that the Government, as a priority, extend FEG to all employees, including those on temporary visas (recommendation 15)

Misuse of FEG

- The Ovato Group undertook a restructure in 2020 achieved through the innovative use of schemes of arrangement. Assets were separated (transferred to businesses that continued to trade) from employee entitlement liabilities which were left in the entities that were wound-up.
- The previous Government did not intervene in scheme approval proceedings before the NSW Supreme Court. The schemes were approved on 21 December 2020.
- Four entities were then wound up with the express intention of relying on FEG to fund the bulk of employee entitlement liabilities.
 - A total of \$16.4 million in FEG advances has been paid to 205 claimants.
 - On 13 October 2022 the liquidator for Ovato Group returned a dividend from Ovato Print and three smaller companies of \$1.875 million, or a return of 11%. No further recovery action is available because of the scheme of arrangement.
- On 20 July 2022, the remaining companies in the Ovato Group went into Voluntary Administration. On 14 September 2022, IVE Group announced it had completed the acquisition of substantially all the printing and finishing assets of the Ovato Group.
- On 26 September 2022 the Minister made a declaration under section 49 of the FEG Act extending the operation of the Act to former employees of the Ovato companies, currently in voluntary administration. This means the former employees can make

Contact Officer: s 22(1)
Recovery and Litigation Branch
Telephone: s 22(1)

s 22(1)
Branch, Telephone: s 22(1), FEG

Date QTB Created: 30 August 2022 16:50

Minister for Employment and Workplace Relations

QTB No: QB22-000268

Last Updated by Department: 20 October 2022

Last Updated by Adviser: XX Month YYYY.

claims for FEG advances now, rather than waiting until their employer enters liquidation.

Phoenix Taskforce and matters involving illegal phoenixing activity

- The Phoenix Taskforce comprises 38 government agencies working together to protect revenue, businesses and employee entitlements by addressing illegal phoenix activity.
- The FEG Recovery Program refers matters to the Phoenix Taskforce. Any outcome of investigations is a matter for the ATO, the lead agency on the Phoenix Taskforce.
- As at 22 September 2022, the FEG Recovery Program is funding and conducting investigations and claims into 16 matters with suspected illegal phoenix activity, involving circa \$19 million in FEG advances. Further details cannot be disclosed as it may impact the investigations or outcomes.

Minister for Employment and Workplace Relations

QTB No: QB22-000270

Last Updated by Department: 15 November 2022

Last Updated by Adviser: 21 November 2022

Gender Pay Equity

HEADLINE

- The Government is making **gender equality** a central objective of the workplace relations system and we will lead a national push to close the gender pay gap.

KEY ISSUES

- Our Secure Jobs Better Pay Bill that we introduced on 27 October 2022 will strengthen the **Fair Work Commission's ability to order pay increases for workers** in low paid female-dominated industries by:
 - providing **\$20.2 million over the next 4 years to set up two new Expert Panels in the Fair Work Commission** – one for Pay Equity and one for the Care and Community Sector, backed up by a dedicated and fully-funded research unit.
 - introducing a statutory Equal Remuneration Principle to help guide the way the Commission considers pay equity cases; and
 - making **gender equality** an object of the Fair Work Act.
- We will **improve job security and pay equity for Australian women** and we have already delivered.
 - Direct care workers such as nurses and home care workers will get at least a 15 per cent pay rise because of the advocacy of the Albanese Government, workers and unions through the work value case in the Fair Work Commission
 - We passed legislation for ten days paid family and domestic violence leave.
 - Our Secure Jobs Better Pay Bill will amend the Fair Work Act to provide stronger access to flexible working arrangements so families can better share work and caring responsibilities.
 - The Bill will also prohibit pay secrecy clauses, so that employees have the right to disclose their pay if they want to. Workers who want to have a discussion about pay equity at work should not be prohibited by their employment contracts from doing so.
 - Making bargaining more accessible for those who have been traditionally shut out of bargaining, such as those in low paid and traditionally feminised industries.

Minister for Employment and Workplace Relations

QTB No: QB22-000270

Last Updated by Department: 15 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

EXPERT PANELS

- This is an ongoing measure with \$20.2 million allocated over the forward estimates (1 January 2023 through to 30 June 2026). It includes funding for 4 full-time Commissioners, each supported by an Associate, with 10 ASL for the research unit.
- A Pay Equity Expert Panel will hear equal remuneration and work value applications and have experts with knowledge or experience in gender pay equity or anti-discrimination. A Care and Community Sector Expert Panel will hear award variation applications that relate to the care and community sector and have experts with knowledge or experience in the care and community sector. A joint Pay Equity and Care and Community Sector Panel will be constituted where an application is relevant to the work of both panels.
- 'Expertise' for each panel to be provided by either a part-time Expert Panel Member (as defined in the Fair Work Act) or an appropriately qualified Fair Work Commission member. This will provide flexibility by in effect creating a pool of appropriately qualified Commission members that the President can elect to sit on an Expert Panel.

JOBS AND SKILLS SUMMIT

- As an outcome of the Jobs and Skills Summit, the Government also committed to amending unpaid parental leave provisions in the Fair Work Act. The department is working with the Department of Social Services to progress this commitment in alignment with the announced changes to the Paid Parental Leave Scheme.

KEY FACTS

- The Gender Pay Gap is currently 14.1 per cent, which means women earn \$263.90 less than men per week, on average (ABS, Average Weekly Earnings, May 22).
- The Workplace Gender Equality Agency collects pay data annually from non-public sector organisations with 100 or more employees, covering more than 4 million employees and 11,000 employers in Australia. The total remuneration gender pay gap based on Workplace Gender Equality Agency data is 22.8 per cent, meaning men earn nearly \$25,792 a year more than women.
- Women only make up 38.6 per cent of full-time workers in Australia. They are more likely to be in insecure work and are over-represented in lower-paid industries.

OPPOSITION COMMENTS

- The previous Government did not provide the national leadership needed to ensure women and those working in the care sector get the pay and conditions they deserve.
- The previous government wanted to keep wages low – and they did. They ignored the Aged Care Royal Commission and ignored calls to increase wages for aged care workers. They never once advocated for low-paid workers to get a pay rise in the Annual Wage Review.

Refer to Aged Care Work Value Case QTB (QB22-000276) for questions on the financial impact of supporting wage increases in care sectors.

Minister for Employment and Workplace Relations

QTB No: QB22-000271

Last Updated by Department: 17 November 2022

Last Updated by Adviser: 21 November 2022

Secure Work

HEADLINE

- The Albanese Labor Government will close the loopholes that are undermining job security and wages.

KEY ISSUES

- Too many Australians are stuck in insecure work – and that’s dragging down wages.
- It used to be those in insecure jobs were students or people looking for some extra pocket money. Now all too often it’s people trying to support a family or run a household.
- Their mortgage isn’t casual; Their rent isn’t casual; Their bills and childcare costs aren’t casual – But they’re stuck in casual work.
- People in insecure work can’t take sick leave, can’t get a loan and can’t get ahead.
- There are too many rorts and loopholds – and the previous Liberal government did nothing about them for 10 years.
 - The Secure Jobs, Better Pay Bill will make **job security an object of the Fair Work Act**.
 - The Bill will also restrict the use of fixed term contracts, which often leave workers effectively on a permanent probation.
 - We are also making bargaining more accessible to those who have traditionally been shut out of the benefits of enterprise bargaining, including workers in low paid and feminised sectors of the workforce.
- The Secure Jobs, Better Pay Bill passed the House on 10 November 2022. The Albanese Labor government is delivering on our commitment to secure jobs and strong, sustainable wages growth.

Minister for Employment and Workplace Relations

QTB No: QB22-000271

Last Updated by Department: 17 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

Casual employees

- There are nearly 2.7 million casual employees (or 23.5 per cent of all employees) (ABS, August 2022). These are workers with no paid leave entitlements.
- Of the 1.3 million low-paid employees in 2021 (ABS, 2021), nearly 60 per cent were employed on a casual basis (HILDA, 2020).
- Around 704,000 casual employees (30.7 percent of all casual employees) have had regular work with their employer (ABS, August 2020).
 - Nearly 2 in 3 of these (450,000) have had regular work with their employer for more than 12 months (ABS, August 2020).
- Almost one-third (31.6 per cent) of casual part-time workers reported underemployment (ABS, August 2021).

Fixed-term employees

- There are 404,800 employees (3.8 per cent of all employees) on fixed term contracts (ABS, August 2021).
- There are 79,100 long-term workers on rolling fixed-term contracts (or 19.5 per cent of all fixed-term contractors) (ABS, August 2021). Many of these are in Government-funded sectors.

Labour-hire employees

- Median hourly earnings for labour hire employees are 10 per cent lower than median hourly earnings for direct-hire employees, and more than 85 per cent of labour hire employees have no paid leave entitlements (ABS, August 2020).

Multiple job-holders

- In June 2022, a record 898,900 people (6.5 per cent of all workers) were employed in more than one job, an increase of 8.0 per cent over the year and up 13.2 per cent since March 2020 (ABS, June 2022).
- 14.8 per cent of employees with two or more jobs did not expect to remain in their current job for the next 12 months, compared with 10.2 per cent of employees with only one job (ABS, February 2021).

Gig workers

- The gig economy is growing – increasing rapidly over the past decade – but remains difficult to quantify. Some estimates suggest the gig economy could be as high as 250,000 workers (2019).

Minister for Employment and Workplace Relations

QTB No: QB22-000272

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 21 November 2022

Wages

HEADLINE

- The Government wants to get wages moving again. We're taking action through the Fair Work Commission, getting bargaining moving again and removing unfair loopholes that allow wages to go backwards.

KEY ISSUES

- Action **through formal structures**.
 - In our first week we made a submission to the **Annual Wage Review** arguing that wages of low-paid workers shouldn't go backwards. The Commission delivered a 5.2% increase to the national minimum wage and a minimum \$40 a week increase for all other award wages – this benefits 2.7 million employees.
 - The Fair Work Commission has awarded a 15 per cent interim increase in minimum wages for aged care workers in direct care roles on the Aged Care Award and the Social, Community, Home Care and Disability Services Award. Our Government promised to fight for a pay rise for Australia's aged care workers and we did.
 - **Gender equality and women's economic security** is at the heart of the Government's agenda. The Secure Jobs Better Pay Bill:
 - makes gender equality an object of the Fair Work Act;
 - introduces a statutory Equal Remuneration Principle to help guide the way the Commission considers equal remuneration and work value cases, making it easier for equal remuneration orders to be made and
 - sets up two new Expert Panels, one for Pay Equity and one for the Care and Community Sector.
- **Getting bargaining moving** again.
 - The Secure Jobs Better Pay Bill makes bargaining more accessible, so that those who have traditionally been shut out of it will be able to access the benefits and gains of enterprise agreements.
 - Employees whose pay is set by an enterprise agreement consistently earn more than employees on awards.
- To **close loopholes** that allow wages to go backwards we will stop employers threatening to **unilaterally** terminate enterprise agreements as an underhanded bargaining tactic.

Minister for Employment and Workplace Relations

QTB No: QB22-000272

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

Wage Price Index

| | | Sep-22 | Jun-22 | Mar-22 | Dec-21 |
|-----------|----------------|-------------|-------------|-------------|-------------|
| Annual | Overall | 3.1% | 2.6% | 2.4% | 2.3% |
| | - Private | 3.4% | 2.6% | 2.4% | 2.4% |
| | - Public | 2.4% | 2.4% | 2.2% | 2.1% |
| Quarterly | Overall | 1.0% | 0.8% | 0.7% | 0.7% |
| | - Private | 1.2% | 0.8% | 0.7% | 0.7% |
| | - Public | 0.6% | 0.6% | 0.6% | 0.7% |

Source: ABS, *Wage Price Index, September 2022*.

- Inflation, as measured by the quarterly Consumer Price Index, rose by 1.8 per cent over the September quarter 2022, and by 7.3 per cent over the year to the September quarter 2022.
- The monthly Consumer Price Index increased by 6.9 per cent over the year to October 2022.

Real wages growth

| | Sep-22 | Jun-22 | Mar-22 | Dec-21 |
|---------------|--------|--------|--------|--------|
| Annual | -4.2% | -3.5% | -2.7% | -1.2% |

Sources: ABS, *Wage Price Index, September 2022*, ABS, *Consumer Price Index, September 2022*.

Wage increases for Enterprise Agreements

| | Jun-22 | Mar-22 | Dec-21 | Sep-21 |
|---|--------|--------|--------|--------|
| Current agreements* | 2.6% | 2.6% | 2.6% | 2.6% |
| Agreements approved in the quarter | 2.8% | 2.6% | 2.6% | 2.7% |

Source: Department of Employment and Workplace Relations, *Trends in Federal Enterprise Bargaining Report, June quarter 2022*. *Current agreements are those that have not expired or been terminated.

- The Fair Work Commission's new indicator of enterprise agreement wage rises (launched 26 September) shows that the 152 agreements covering 16,294 employees lodged between 8 October and 21 October 2022 paid an average annualised wage increase of 3.5 per cent over an effective duration of 2.7 years.
- The Commission's data differs from the Trends data shown above: it reports on agreements lodged rather than agreements approved; it does not include any greenfields agreements; and it does not take into account agreements which offer flat dollar rate increases instead of percentage wage increases.

Government forecasts of wages growth and inflation (percentage growth)

| | 2021-22 (actual)* | 2022-23 | 2023-24 | 2024-25 | 2025-26 |
|--|-------------------|---------|---------|---------|---------|
| Wage Price Index | 2.6 | 3 ¾ | 3 ¾ | 3 ¼ | 3 ½ |
| Consumer Price Index | 6.1 | 5 ¾ | 3 ½ | 2 ½ | 2 ½ |
| Calculated real wages growth based on actuals/forecasts | | | | | |
| Real Wages Growth | -3.5 | -2 | ¼ | ¾ | 1 |

Source: Wage Price Index (WPI) and Consumer Price Index (CPI) forecasts are from the October 2022-23 Budget. Real wages growth has been calculated based on the WPI and CPI forecasts. Forecasts are through the year growth to the June quarter. *These are actual figures from ABS, *Wage Price Index* and ABS, *Consumer Price Index*.

Minister for Employment and Workplace Relations

QTB No: QB22-000273

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 16 November 2022

Election Commitments

HEADLINE

The Albanese Labor Government is committed to taking action to boost job security, lift wages and create a fairer workplace relations system for working Australians.

KEY ISSUES

- The Albanese Government is serious about getting wages moving again and ensuring safer, fairer and more secure workplaces – all while helping to drive economic growth.
- We are moving quickly to deliver our workplace relations election commitments and jobs summit outcomes in a matter of months, not years. These reforms cannot wait.
- We are delivering – and we will not waste a day.
 - In our first week, we made a submission to the **Annual Wage Review** arguing that real wages of Australia's lowest paid should not go backwards.
 - We have made submissions to the Fair Work Commission calling for **pay increases for all aged care workers**. Aged care nurses will get a pay rise because of the advocacy of workers, unions and the Albanese Labor Government.
 - We delivered the **Jobs and Skills Summit** where business and unions came together to revitalise a culture of good faith negotiation and dialogue to achieve better outcomes for all.
 - We passed legislation to create **10 days paid family and domestic violence leave**, and backed this up with \$3.4 million over four years to support small business to understand and implement the new entitlement
- I introduced the **Secure Jobs Better Pay Bill** in the last week of October to implement many of the remaining election commitments and outcomes of the Jobs and Skills Summit. We have dedicated \$160.4 million over the forward estimates to fund measures in the Bill and to support implementation of the Secure Jobs, Better Pay package.
 - Whatever we don't get to this year – because it's more complex or requires further consultation– will happen next year.

Minister for Employment and Workplace Relations

QTB No: QB22-000273

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 16 November 2022

BACKGROUND

- One of the Government's election commitments, to make a submission to the Annual Wage Review in support of an increase to the National Minimum Wage, has already been implemented. The Fair Work Commission subsequently decided to raise the National Minimum Wage by \$40 per week (5.2%).
- On 27 October 2022, the Government passed a legislation to include 10 days paid family and domestic violence leave in the National Employment Standards.
- The Secure Jobs Better Pay Bill will include:
 - Abolishing the ROC and the ABCC
 - Amending the objects of the Fair Work Act to include 'Job Security' and 'Pay Equality'
 - Establishing Fair Work Commission expert panels on pay equity and the care and community sectors
 - Prohibiting pay secrecy provisions
 - Introducing a statutory equal remuneration principle in the Fair Work Act
 - Implementing the remaining workplace relations recommendations from the Respect@Work Report, and
 - Limiting the use of fixed-term contracts
- The Secure Jobs Better Pay Bill will also include measures from the Jobs and Skills Summit:
 - Ensure the process for agreement terminations is fit for purpose and fair
 - Sunset 'zombie agreements'
 - Improving access to single and multi-employer agreements
 - Remove unnecessary complexity and make the better off overall test simple, flexible and fair
 - Increase the capacity of the Fair Work Commission to proactively help workers and businesses reach agreements
 - Provide stronger access to flexible working arrangements, and
 - Stronger protections for workers with protected attributes.
- Government amendments are expected to be introduced in the House of Representatives which would include provisions to establish a National Construction Industry Forum in the Bill (Jobs and Skills Summit outcome).
- Election commitments and Jobs and Skills Summit outcomes not implemented by the Bill will progress separately.

Funding through the October 2022-23 Budget:

- Workplace relations measures received a total of \$163.8 over the forward estimates in the October 2022-23 Budget.
- The following measures were announced:
 - \$3.4 million over four years to support small businesses to understand and implement the new entitlement to 10 days family and domestic violence leave.

Minister for Employment and Workplace Relations

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Last Updated by Adviser: 16 November 2022

- \$20.2 million over four years to fund the establishment of two new expert panels in the Fair Work Commission on pay equity and the care and community sector, and a dedicated research unit to inform their work.
- In relation to implementing the recommendations of the Respect@Work Report:
 - \$32 million over four years to properly fund Working Womens Centres; and
 - \$15.1 million over four years to support the Fair Work Commission and Fair Work Ombudsman to tackle sexual harassment in the workplace.
- \$6.4 million over four years to enhance the small claims court processes which support workers to recover unpaid entitlements, and to conduct a review into further reform opportunities.
- \$7.9 million over four years to proactively support workers and businesses, especially small businesses, to help reach agreements that benefit them through the Fair Work Commission;
- \$8.9 million over three years to support employer representatives and unions to improve safety, fairness and productivity in workplaces.
- \$69.9 million over four years for the Fair Work Ombudsman to regulate the building and construction industry following the abolition of the Australian Building and Construction Commission.
 - Abolishing the Commission will save the Budget \$130.9 million over the forward estimates, reducing the total cost of the Secure Jobs Better Pay package to \$29.5 million over the forward estimates.

Minister for Employment and Workplace Relations

QTB No: QB22-000275

Last Updated by Department: 19 October 2022

Last Updated by Adviser: 04 November 2022

Family and Domestic Violence Leave

HEADLINE

- On 27 October 2022, the Australian Government passed legislation to provide 10 days' paid family and domestic violence leave as a universal workplace right for employees, including for casuals.

KEY ISSUES

- Employees should never have to choose between their safety and wages.
 - Millions of workers in Australia still face this impossible choice.
 - Paid family and domestic violence leave will save lives.
- The Government is supporting **small business** to implement this entitlement through:
 - Delayed commencement for small business of 6 months.
 - Providing a **\$3.4 million** Small Business Assistance package.
- The Government has addressed concerns around **privacy and recording the entitlement on a pay slip**.
 - The Bill was amended to ensure the Fair Work Regulations can be updated to prohibit a pay slip showing an employee's family and domestic violence leave balance.
- Employees are protected from **adverse action**.
 - The taking or requesting to take paid family and domestic violence leave is protected by the general protections in the Fair Work Act.

Minister for Employment and Workplace Relations

QTB No: QB22-000275

Last Updated by Department: 19 October 2022

Last Updated by Adviser: 04 November 2022

BACKGROUND

Fair Work Amendment (Paid Family and Domestic Violence Leave) Bill 2022

- Our Bill provides 10 days of paid family and domestic violence leave:
 - for full-time, part-time and casual employees
 - in full upfront, in a 12-month period
 - paid at their full rate of pay.
- The Bill will take effect on 1 February 2023 for businesses other than small business (with fewer than 15 employees) and on 1 August 2023 for small business.
- The Government agreed to Opposition amendments requiring an independent review to be conducted into the operation of the amendments. The review must begin as soon as practicable from 1 February 2024 (12 months from commencement) and report to Government within 3 months and subsequently tabled in Parliament.

Funding for small business

- Small business employers have a uniquely close relationship with their employees but don't have the same human resources expertise and resources available to larger businesses.
- The Small Business Assistance package announced in the Budget, provides \$3.4 million over four years to deliver a range of holistic supports to help small businesses implement paid family and domestic violence leave. This funding will support:
 - Updates to resources and increased workplace relations advice and education from the Fair Work Ombudsman.
 - Funding to support peak bodies develop tailored workplace relations guidance and support.
 - Commissioning an independent review to assess support to small business and the effectiveness of the legislation.
- In addition, specialist family and domestic violence information, support and training will be also available to small businesses through the existing 1800RESPECT and DV-Alert programs, so they can assist victim-survivors access support services.
- Together, these measures will ensure small business can access the right advice at the right time to provide the best support to their employees experiencing family and domestic violence.
 - My department will be consulting further with stakeholders on the Small Business Assistance package.

Minister for Employment and Workplace Relations

QTB No: QB22-000275

Last Updated by Department: 19 October 2022

Last Updated by Adviser: 04 November 2022

Key Facts

- Around 2.2 million Australians have experienced violence from a current or previous partner since the age of 15, and 1.6 million of them are women.¹
- One in 4 women have experienced violence by an intimate partner.²
- On average, one woman in Australia is killed by an intimate partner every 10 days.
- The COVID-19 pandemic has seen an increase in the prevalence of family violence – a Queensland study showed 67% of family and domestic violence workers reported new clients seeking their help for the first time.³
- More than two-thirds of people experiencing family and domestic violence are in paid work.⁴
- Women experiencing family and domestic violence earn 35% less than those who do not.⁵
- The impact of family and domestic violence costs employers up to \$2 billion a year.⁶

¹ Seymour K, Hirsch R, Wendt S and Natalier K (2021), Family and Domestic Violence Leave Entitlement in Australia: A Systemic Review, Social Work Innovation Research Living Space, Flinders University, November

² Australian Bureau of Statistics (2017) <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2016>

³ Impact COVID on Domestic and Family Violence Workforce and Clients: Submission to the Australian Parliament Standing Committee on Social Policy and Legal Affairs inquiry into and report on family, domestic and sexual violence. (qut.edu.au)

⁴ Roff, E. Family violence and the workplace: Recent developments in Australian law, Supplement: Alternative Law Journal, 2020, vol. 45, no. 1

⁵ Jane Aeberhard-Hodges and Ludo McFerran, (2018) 60(2) 'An International Labour Organisation instrument on violence against women and men at work: The Australian influence' University of Industrial Relations 246.

⁶ Seymour K, Hirsch R, Wendt S and Natalier K (2021), Family and Domestic Violence Leave Entitlement in Australia: A Systemic Review, Social Work Innovation Research Living Space, Flinders University, November

Minister for Employment and Workplace Relations

QTB No: QB22-000276

Last Updated by Department: 15 November 2022

Last Updated by Adviser: 21 November 2022

AGED CARE CASE

HEADLINE

- The Fair Work Commission (FWC) has proposed an interim wage increase of 15% for personal care workers and nurses in aged care.

KEY ISSUES

- **We welcome the Fair Work Commission's interim decision.**
 - The FWC has decided that **at least** a 15 per cent increase to minimum wages would be justified for work value reasons for direct care workers, that is registered nurses, enrolled nurses, assistants in nursing, home care workers and personal care workers.
 - The FWC has indicated its intention to consider increases for other workers including administrative and support staff. It has not ruled out a further increase for direct care workers.
 - The Albanese Labor Government is committed to provide funding to support any increases to award wages.
 - We will work with the Commission and the parties regarding the timing of implementation of any increases.
- **Fair pay for workers** and better care for older Australians.
 - The Royal Commission into Aged Care Quality and Safety recommended that the Government collaborate with employer and employee organisations and a Fair Work Commission application be made to vary wage rates in relevant awards (Recommendation 84).
 - The modern award minimum wage for a Certificate III-qualified aged care personal care worker is \$24.76 per hour. This significantly undervalues the complexity and demands of care work.
 - Paying aged care workers fairly will attract and retain more staff, and ensure older Australians receive the care and respect they deserve.
- We are committed to working to **close the gender pay gap.**
 - 86 per cent of direct residential aged care workers are women. Getting them better wages is critical to addressing the gender pay gap.

Minister for Employment and Workplace Relations

QTB No: QB22-000276

Last Updated by Department: 15 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

- The Health Services Union and Australian Nursing and Midwifery Federation filed three separate work value applications, to vary three modern awards covering most aged care workers to provide 25 per cent wage increases. A summary is below:

| Applicant | Awards | Coverage | Outcome sought |
|---|---|---|--|
| Health Services Union (AM2020/99) | Aged Care Award 2010 | All classifications including general and administrative services, food services and personal care. | 25% increase to all classification levels Vary the classification definitions in Schedule B of the Aged Care Award, including to recognise Senior Personal Care Workers and Specialist Personal Care Workers. |
| Australian Nursing and Midwifery Federation (AM2021/63) | Aged Care Award 2010 | Personal care only. | Provide a separate classification structure for personal care workers in residential aged care, with a 25% increase for the personal care workers covered by the new structure. |
| | Nurses Award 2020 | Nurses in Aged Care – both residential and home care. | Insert a separate Schedule for aged care nurses, increasing wages by 25%, to expire after a four year period. |
| Health Services Union (AM2021/65) | Social, Community, Home Care and Disability Services Industry Award 2010. | Home care employees working in aged care | Insert a definition of Home Aged Care employee, with a 25% wage increase for all home aged care employees. |

- On 8 August 2022, the Commonwealth filed submissions supporting an increase to minimum wages for aged care workers without nominating a specific increase.
- On 4 November 2022, the FWC Full Bench (Ross P, Asbury DP and O’Neill C) proposed a 15 per cent interim increase for direct care workers and nurses.
- The Full Bench is yet to reach a final view on whether making the proposed interim variation determination is necessary to achieve the modern awards objective.
- There will be two further stages to the proceedings to hear further from the parties.
- The second stage will consider if the proposed interim increase for direct carers is necessary to achieve the modern awards objective and if so, the timing and phasing in of the interim increase.
- The third stage will consider if it is appropriate to award an increase for ancillary workers and whether a wage increase beyond 15 per cent is justified by work value reasons for the direct care workers. This phase will also consider the classification structures and definition of the awards.
 - The Commission may provide an interim increase to Head Chefs/Cooks and Recreational Activities Officers during stage two if the parties agree quantum.
- On 4 November 2022, following the Full Bench’s decision, President Ross issued a statement as to the principles that can be drawn from the decision concerning gender undervaluation, and identifying other modern awards that apply to female-dominated industries. The statement indicates that the FWC is available to facilitate discussions between parties who may be interested in applying to vary other modern awards.
- On 14 November 2022, the Health Services Union wrote to the Australian Government Solicitor, requesting that the Commonwealth make its position on funding, timing and phasing of the interim wage rise clear by 16 November 2022.
- The Department of Health and Aged Care is convening stakeholder meetings to discuss when and how the proposed interim wage increase could be implemented.
- The matter is listed for mention on Tuesday, 22 November 2022 in respect of the second phase of the proceedings.

Minister for Employment and Workplace Relations

QTB No: QB22-000279

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 21 November 2022

Industrial Action

HEADLINE

- The Albanese Labour Government will reinvigorate bargaining so we can improve productivity and get wages moving, including for those who have traditionally been shut out of bargaining

KEY ISSUES

- Parties should **bargain in good faith for agreements** which deliver productivity gains and fair wage increases and fair conditions for workers.
- Good faith bargaining does not include an employer threatening to **terminate agreements** and make unilateral cuts to workers' pay and conditions.
- I am taking advantage of the momentum and good gains we have made, together with business and unions out of the **Jobs and Skills Summit**, to fix bargaining, resolve disputes, and get wages and productivity moving, in the spirit of tripartite dialogue and cooperation.
 - This will help create stronger and more constructive workplace relationships – resulting in better outcomes for workers, for employers, for our communities, and for our nation.
 - I want solutions that help bring parties together to secure agreements, rather than retreat to unilateral action.
- The Fair Work Commission has a key role to play in helping parties reach an agreement where there is an impasse.

Will loosening the rules around multi-employer bargaining lead to sector-wide strikes ?

- The purpose of these reforms is not to allow for industry-wide strikes.
- They are focused on improving access for employers and employees to bargaining which can enable productivity improvements and wages growth. Industrial action will be permitted for the Supported Bargaining Stream and the Single Interest Stream with safeguards in place.
- The Secure Jobs, Better Pay Bill will give enhanced dispute resolution powers to the FWC, which will enable it to settle disputes during bargaining and help to avoid industrial action. Conciliation will now be mandatory to avoid industrial action.

Minister for Employment and Workplace Relations

QTB No: QB22-000279

Last Updated by Department: 30 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

- Rates of industrial action are at a historic low.

Industrial dispute trends

- There has been a large reduction in the rate of industrial dispute since the mid-1990s, with the rate of working days lost remaining low compared to historic trends.
- The latest data from the ABS shows that there were 10.4 working days lost per thousand employees due to industrial dispute in the June quarter 2022, compared to 1.6 in the March quarter 2022, and 0.9 in the June quarter 2021.
- There were 128,100 working days lost due to industrial dispute in the June quarter 2022, compared to 19,600 in the March quarter 2022, and 10,400 in the June quarter 2021.
- In the June quarter 2022, the 'Education and training and Health care and social assistance' industries had a dispute rate of 39.2 working days lost per thousand employees, the highest across all industries, and accounted for 91.0 per cent (116,600) of the total working days lost in the June quarter 2022.
- The 'Transport, postal and warehousing' industry had the second highest dispute rate, at 4.3 working days lost per thousand employees.
- In the June quarter 2022, New South Wales had the highest dispute rate of all states and territories, at 31.2 working days lost per thousand employees, followed by the Australian Capital Territory at 3.3, and South Australia, at 2.3.

Key industrial dispute matters

Airservices Australia

- The United Firefighters Union on Australia is bargaining with Airservices Australia for a new agreement covering firefighters at Australian Airports.
- The union has stated that Airservices has reduced the number of firefighters at airports to unsafe levels.
- The union has notified a nationwide 4-hour stoppage to occur on 9 December 2022. The strike action will reportedly impact 27 airports and is likely to lead to flight delays and cancellations, particularly on the east coast due to the coordinated timing of the action.
- The union has advised Airservices Australia that the Fire Control Centre will continue to be staffed and non-regulated emergencies (life, property, environment) will be responded to.
- The parties will be participating in conciliation before the Fair Work Commission on 30 November 2022.

Svitzer

- Svitzer has been involved in a protracted bargaining dispute with unions (AIMPE, AMOU and MUA) for over three years.

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- The company has sought to have its current enterprise agreement terminated. Hearings are scheduled for December 2022 and February 2023.
- The department understands that the company has lodged an undertaking with the Fair Work Commission to maintain wage rates indefinitely in the event that the agreement is terminated.
- Following the company announcing it would lock out employees from 18 November 2022, the Fair Work Commission intervened and suspended industrial action for six months under s 424 of the Fair Work Act. You intervened to support the termination of the industrial action.

NSW Sydney Trains bargaining dispute

- Negotiations to replace the NSW Trains Enterprise Agreement 2018 and the Sydney Trains Enterprise Agreement 2018 commenced on 19 May 2021.
- During the last round of bargaining in 2018, FWC suspended protected industrial action after an application by the NSW Government. There is ongoing industrial action in the current bargaining round, and both parties have applied to FWC for a variety of orders.
- RTBU industrial action in the form of deactivating Opal card readers has been the subject of ongoing legal action in both the Federal Court and Fair Work Commission.
- Adjacent to bargaining, unions and the NSW Government were in dispute over purported safety issues of the new intercity train fleet.
- On 14 November 2022, NSW Minister for Employee Relations, the Hon Damien Tudehope MLC, wrote to you requesting that you exercise your powers to unilaterally terminate industrial action under s 431 of the Fair Work Act. Your reply indicated that the NSW Government was best placed to make an application to the Fair Work Commission to suspend or terminate the protected industrial action.
- The parties have reached in-principle agreement, with a final wage outcome to be arbitrated by the Fair Work Commission. Minimum guaranteed increases of 2.53 and 3.03 per cent and a \$4,500 'top up' payment are included.

Ministerial powers

- You, as the responsible Minister, have standing to apply to the FWC for orders to suspend or terminate protected industrial action, but it is usually preferable for directly affected parties to seek such orders as they are best placed to lead evidence about the status of negotiations and business impacts.
- The Minister has power to unilaterally terminate protected industrial action (including anticipated action) by declaration (s 431). However, this power was envisaged as an option of last resort, has never been used since its introduction in 2006, and would be highly controversial.

Summary of proposed changes to industrial action under the Secure Jobs Better Pay Bill

- Under the Government's Secure Jobs Better Pay Bill, Protected industrial action would now be permitted under the Supported Bargaining stream, and will remain

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available for the Single Interest Stream. For further details, see **QB22-000280**:

Bargaining

- Additional safeguards around taking protected industrial action will help to reduce the likelihood of industrial action and allay concerns about widespread action being taken.
- Protected industrial action will be subject to a successful protected action ballot; the provision of 120 hours' notice; and a mandatory requirement for the parties to attend Fair Work Commission conciliation concurrent with the Protected Action Ballot process.
 - The requirement for conciliation will significantly minimise the likelihood of industrial action being taken and the requirement for 120 hours' notice in the Supported Bargaining and Single Interest streams will provide employers adequate time to put in place contingencies.
- Under the Government's Secure Jobs Better Pay Bill:
 - The Fair Work Commission will be empowered to establish a publicly-accessible panel of pre-approved ballot providers.
 - New requirements will apply before protected industrial action can be taken.
 - When issuing a Protected Action Ballot Order, the Fair Work Commission must direct parties into a mandatory 14-day conciliation period, to occur concurrently with the ballot vote.
 - A party that does not attend this conciliation will be unable to take protected industrial action resulting from the relevant protected action ballot.
 - Once a protected action ballot has succeeded, the parties wishing to take industrial action must provide 3 working days' notice (in the single-enterprise stream) or 120 hours' notice (in the single-interest and supported bargaining streams).

Minister for Employment and Workplace Relations

QTB No: QB22-000280

Last Updated by Department: 04 November 2022

Last Updated by Adviser: 8 November 2022

Small Business Bargaining Support

HEADLINE

- The Government has committed \$7.9 million over the forward estimates to expand the Fair Work Commission's capacity to proactively support the uptake of enterprise bargaining for small businesses.

KEY ISSUES

- This measure was an immediate action of the Jobs and Skills Summit, 'to give the Fair Work Commission the capacity to proactively help workers and businesses reach agreements that benefit them, particularly small businesses'.
- The enterprise bargaining system should be accessible to any employer wanting to negotiate an agreement. This measure will level the playing field for small businesses, who want to unlock the productivity gains.
- Small businesses lack the dedicated, internal human resources functions that allow them to navigate the bargaining process and are missing out on the benefits to be gained from bargaining. We recognise that the issues faced in bargaining vary widely between small businesses.
- The Fair Work Commission will develop and deliver the Small Business Bargaining Support project, informed by consultation with my department and key workplace relations stakeholders. The Fair Work Commission will evaluate the ongoing effectiveness of this project through its regular review and consultation mechanisms.
- This measure includes ongoing funding of \$2.1 million per year from 2026-27 and is estimated to deliver \$14.8 million annually in regulatory savings for small businesses. This is achieved by:
 - increasing the efficiency of bargaining and in the administrative savings generated by businesses not dropping out of enterprise bargaining prematurely.

Minister for Employment and Workplace Relations

QTB No: QB22-000280

Last Updated by Department: 04 November 2022

Last Updated by Adviser: 8 November 2022

BACKGROUND

Bargaining is important but is in decline

- Improved access to enterprise bargaining can help drive wage outcomes. Bargained outcomes for small business employees are 74 per cent higher than for small business employees on awards (ABS, Employee Earnings and Hours).
- As of 31 March 2022, there were 57 per cent fewer current enterprise agreements than there were in December 2010 (Department of Employment and Workplace Relations, Workplace Agreements Database, 2022).
- On 27 October, the Government introduced the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022 to the House.
- The Secure Jobs, Better Pay Bill will boost bargaining by removing unnecessary complexity, ensuring bargaining is genuine, fair and conducted in good faith, and making the better off overall test simple, flexible and fair.

The Fair Work Commission can help to reinvigorate bargaining

- Separate research and analysis by Boston Consulting Group and Pivot Management Consulting found that the enterprise agreement making and approval process is complex and demands a high level of technical requirements. This research also indicated that a 'one size fits all approach' to information and assistance for agreement makers disadvantages those with different needs or requirements.
- While the Secure Jobs, Better Pay Bill will reduce the complexity of bargaining, small business will need assistance to navigate the new changes and be encouraged to interact with the system.
- Resourcing the Fair Work Commission to deliver tailored assistance to small business and their employees will assist the Government to deliver on its commitments to support the uptake of enterprise bargaining, improve workplace productivity and facilitate real wages growth.

Minister for Employment and Workplace Relations

QTB No: QB22-000281

Last Updated by Department: 19 November 2022

Last Updated by Adviser: 17 November 2022

Australian Building and Construction Commission

HEADLINE

- The Fair Work Ombudsman will receive \$69.9 million over four years from 2022-23, to regulate workplace laws in the building and construction industry.
 - This includes an additional 80 staff.

KEY ISSUES

- The Government's Secure Jobs Better Pay Bill will abolish the Australian Building and Construction Commission.
- The additional resourcing for the Fair Work Ombudsman will ensure there is no shortfall in workplace relations regulation within the industry.
- The Australian Building and Construction Commission's legal cases will be transferred to the Fair Work Ombudsman.
- Only a handful of the current Australian Building and Construction Commission's legal cases involve either an underpayment to a worker or delayed payment to a sub-contractor.
 - The rest involve prosecutions of union officials and delegate.

Minister for Employment and Workplace Relations

QTB No: QB22-000281

Last Updated by Department: 19 November 2022

Last Updated by Adviser: 17 November 2022

BACKGROUND

- The Government has committed to abolishing the Australian Building and Construction Commission and repealing the *Code for the Tendering and Performance of Building Work 2016* (Building Code) in full.
 - The Government took the first step in July by issuing the Interim Building Code which removed restrictions on agreement clause that deal with issues such as safety, apprentices and same job same pay.
- This announcement gives further effect to the Government's commitment.

Minister for Employment and Workplace Relations

QTB No: QB22-000282

Last Updated by Department: 24 October 2022

Last Updated by Adviser: 26 October 2022

Registered Organisations Commission

HEADLINE

- The Government has committed to abolishing the Registered Organisations Commission as the Australian public simply cannot have any faith in its competence or impartiality.

KEY ISSUES

- Discredited regulator
 - The Registered Organisations Commission has been thoroughly discredited by its continued and costly pursuit of one particular union.
 - It is a biased and politicised body set up by the Liberals and Nationals to go after unions – organisations that fight for secure jobs, better wages and safer workplaces.
 - Around \$1.3 million taxpayer dollars was spent pursuing the union, only to be abandoned by the Registered Organisations Commission in February 2022.
- Abolition
 - The Albanese Labor Government will stop the attacks on workers, abolish the Registered Organisation Commission and transfer its regulatory functions to the Fair Work Commission.
 - The cost of this measure will be met from within the existing FWC resourcing.
 - Abolishing the Registered Organisations Commission and transferring its functions to the Fair Work Commission will restore integrity to the regulation of registered organisations.
- Maintaining standards
 - The Government will maintain a balanced and effective compliance regime for registered organisations, ensuring the highest standards of transparency and accountability.
- The Fair Work Commission is an independent, impartial regulator that successfully regulated registered organisations for many years up until 2017. It is appropriate that these functions return to the Fair Work Commission.

Minister for Employment and Workplace Relations

QTB No: QB22-000282

Last Updated by Department: 24 October 2022

Last Updated by Adviser: 26 October 2022

BACKGROUND

The Royal Commission into Trade Union Governance and Corruption

- The Royal Commission into Trade Union Governance and Corruption was established on 13 March 2014 by the Abbott Government.
- On 30 December 2015, the Trade Union Governance and Corruption's final report was tabled in Parliament and included 79 recommendations for reform.
- In response to the report, the former Government reintroduced legislation relating to the governance of registered organisations, as well as legislation to re-establish the Australian Building and Construction Commission. These two bills were used as the trigger for the 2016 double dissolution election.

Registered Organisations Commission

- The Registered Organisations Commission is an independent statutory entity that regulates and educates registered organisations in Australia and was established in 2017.
- A registered organisation is an association of employers or employees, formed to represent members broad interests and provide advice on workplace matters, that has been formally registered by the Fair Work Commission under the *Fair Work (Registered Organisations) Act 2009*.
- Prior to establishment of the Registered Organisations Commission in 2017, the General Manager of the Fair Work Commission was responsible for most of the functions of the Registered Organisations Commission.
- The Registered Organisations Commission handles issues such as annual and financial reporting, elections and compliance of organisations, and the Fair Work Commission's role includes assessing applications for registration, permits and rules.
- The Registered Organisations Commission has experienced a high level of scrutiny regarding its use of enforcement powers and its independence following its investigation of the Australian Workers' Union and subsequent litigation.

Registered Organisations Commission abolition – budget implications

- The Registered Organisations Commission's funding and staff will be transferred to the Fair Work Commission. The Registered Organisations Commissioner position will be abolished and replaced by a Senior Executive at the Fair Work Commission.

| (\$000s) | 2022-23 | 2023-24 | 2024-25 | 2025-26 | Total |
|----------|---------|---------|---------|---------|--------|
| FWC | 3.743 | 7.510 | 7.599 | 7.665 | 26.517 |

| ASL | 2022-23 | 2023-24 | 2024-25 | 2025-26 |
|-----|---------|---------|---------|---------|
| FWC | 15.0 | 29.4 | 29.4 | 29.4 |

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Minister for Employment and Workplace Relations

QTB No: QB22-000283

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

Work Health and Safety Laws

HEADLINE

- Every worker deserves to be healthy and respected in their workplace, and I will do whatever it takes to improve health and safety outcomes for Australian workers.

KEY ISSUES

Boland Review

- I will move quickly on years of inaction by the former Government.
- I will ensure that important and overdue work health and safety reforms, such as those recommended by the Boland Review of Model Work Health and Safety Laws, are progressed quickly.

Industrial manslaughter

- The human impact of a workplace death is catastrophic and far-reaching. For the families and friends of those individuals killed at work, the terrible and profound human cost and consequences they must suffer is life-long.
- Numerous reviews and inquiries have recommended an industrial manslaughter offence in the Model Work Health and Safety Laws.
- I intend to discuss this important issue with my state and territory counterparts at the next meeting of Work Health and Safety Ministers.

Psychosocial risks

- The Government is committed to protecting the psychological health of workers and strongly supported amendments to the model WHS Regulations, published on 6 June 2022, that make clear employers' duties in relation to psychological health.
- A new model Code of Practice was published on 1 August 2022 which provides practical guidance to duty holders on complying with the amended Regulations and managing a range of psychological risks in the workplace, for example high job demands and workplace violence.
- It is now up to each jurisdiction to implement the amended model Regulation and new model Code of Practice. This is under consideration in the Commonwealth.

Minister for Employment and Workplace Relations

QTB No: QB22-000283

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

Funding for Safe Work Australia social partners

- In the Budget, the Government will reinstate funding for social partner organisations to support their membership of Safe Work Australia, the tripartite work health and safety policy body.
- Social partners' engagement with Safe Work Australia ensures that national work health and safety and workers' compensation policy is fully informed by the positions of worker and employer representatives.
- Providing funding will ensure these organisations are resourced to undertake consensus building activities with their affiliates and members to better represent the views of workers and employers.
- The Government will provide funding to each Safe Work Member representing the Australian Council of Trade Unions, Australian Chamber of Commerce and Industry, and the Australian Industry Group.

Minister for Employment and Workplace Relations

QTB No: QB22-000283

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

BACKGROUND

Model Work Health and Safety (WHS) Laws

- The model WHS laws, maintained by Safe Work Australia (SWA), comprise the model WHS Act, model WHS Regulations and model Codes of Practice. They are supported by the National Compliance and Enforcement Policy which sets out principles on how WHS regulators monitor and enforce compliance with WHS laws.
- Changes to the model WHS laws are subject to a two-thirds majority of WHS Ministers. To have effect, amendments must be implemented by individual jurisdictions under their own WHS laws.

Safe Work Australia (SWA)

- SWA comprises 15 Members representing the Commonwealth, state and territory governments; two employer representatives (the Australian Chamber of Commerce and Industry (ACCI) and Ai Group); two employee representatives (the Australian Council of Trade Unions (ACTU)); the Chief Executive Officer of SWA; and an independent Chair.
- SWA is not a regulator. SWA's statutory functions are limited to national WHS and workers' compensation policy and strategy, oversight of model WHS laws, data collection and analysis and education.

Funding for Safe Work Australia social partners

- Successive governments have funded the consultative work of social partner representatives on work health and safety tripartite forums since 1985.
- In 2014, the previous government terminated the funding arrangements.
- Social partner members of Safe Work Australia are statutory positions. This mandates a level of participation and engagement by social partner organisations, which incur costs associated with their participation.
- The social partners wrote to the Minister requesting that funding for their participation in Safe Work Australia be reinstated. ACCI and Ai Group wrote jointly to the Minister on 18 August 2022 each requesting s 47G(1)(a) per member per annum. The ACTU wrote to the Minister on 15 September 2022 requesting \$395,000 per member per annum.

Boland review of model WHS laws

- In December 2018, Marie Boland released the Review of model WHS laws.
- In December 2019, SWA released the Decision Regulation Impact Statement on the Review of the model WHS laws.
- In May 2021, the previous Commonwealth Government convened a Meeting of WHS Ministers to consider the recommendations of the review. A path forward (implement Boland Recommendation, implement Decision RIS Recommendation or maintain the status quo) was agreed for every recommendation.
- Notably, the Boland recommendation to introduce a model industrial manslaughter offence did not receive the required two-thirds majority. The former Commonwealth Minister held the deciding vote on this recommendation and voted against it.

Minister for Employment and Workplace Relations

QTB No: QB22-000283

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

They Never Came Home Report

- In 2018, the Senate Standing Committee on Education and Employment conducted an inquiry into industrial deaths in Australia.
- The Committee made 34 recommendations in relation to the prevention, investigation and prosecution of industrial deaths in Australia.
- The former Government responded to the report, commissioning SWA to lead a range of recommendations.
- There is a sense of dissatisfaction among unions and advocates about the approach and timeliness of SWA in progressing these recommendations.
- SWA has completed a number of recommendations but several remain outstanding.
- Recommendations relating to funding and the operating policies of WHS regulators are matters for individual jurisdictions rather than SWA.

Workplace fatalities

2021 worker fatality data

- SWA published its Work-related Traumatic Injury Fatalities report for 2021 on 14 November 2022, which provides national statistics on all workers and bystanders fatally injured at work.
- There were 169 worker fatalities in 2021, compared with 194 worker fatalities in 2020. In 2021, the fatality rate was 1.3 per 100,000 workers, a reduction from 1.5 in 2020 fatality rate:
 - Industries with the highest fatalities: Transport, postal and warehousing (52); Agriculture, forestry and fishing (33); and Construction (24).
 - Most common causes of fatalities: vehicle collisions (38 per cent); being hit by moving objects (14 per cent); and falls from a height (11 per cent).
 - The states with the most worker fatalities (by location rather than jurisdiction): NSW (46); Queensland (43); and Victoria (34).

2022 worker fatality data

- The preliminary year-to-date data for 2022 indicate that there have been 134 workplace fatalities in Australia as of 10 November 2022. At the same point in 2021, there had been 137 workplace fatalities.

Minister for Employment and Workplace Relations

QTB No: QB22-000285

Last Updated by Department: 02 November 2022

Last Updated by Adviser: DD/MM/YYYY

SILICOSIS

HEADLINE

- The Government's clear objective is the elimination of silicosis and increased quality of life for affected workers and their families.

KEY ISSUES

- Joint, deliberate action is required from all levels of government, industry, unions and workers to drive necessary change.

Work health and safety measures

- I am working with the states and territories, unions and employer groups through Safe Work Australia to implement the Occupational Lung Diseases Workplan.
- I have recently approved a new work health and safety Code of Practice on *Managing the risks of respirable crystalline silica from engineered stone in the workplace* for the Commonwealth jurisdiction.
- The Code of Practice is based on the model code developed by Safe Work Australia and provides practical guidance on how to manage the health and safety risks associated with silica dust that is generated from cutting engineered stone.
- I will also act quickly on amendments to the model work health and safety regulations to explicitly prohibit uncontrolled dry cutting of engineered stone.
- I am meeting with Work Health and Safety Ministers shortly to advance this nationally significant issue and consider what more can be done to protect workers.

Minister for Employment and Workplace Relations

QTB No: QB22-000285

Last Updated by Department: 02 November 2022

Last Updated by Adviser: DD/MM/YYYY

BACKGROUND

Import ban on engineered stone

- The All of Governments' Response to the Final Report of the National Dust Disease Taskforce (Response) notes the Taskforce's recommendation to ban engineered stone by July 2024 if there are no improvements in compliance rates.
- The Department of Health and Aged Care is leading work on a monitoring and evaluation framework to help assess the impact and effectiveness of initiatives in this space.

Workplace exposure limit for silica

- In December 2021, Safe Work Australia Members did not agree to further lower the workplace exposure limit for silica dust to 0.025 milligrams per cubic metre (mg/m³) due to concerns that exposure levels cannot be reliably measured, and therefore enforced, at this lower level. Members did not reach majority agreement to do so as limits cannot currently be reliably measured and enforced.
- Safe Work Australia Members requested the Agency continue to monitor the measurability issue and report back to Members.

The National Dust Disease Taskforce (Taskforce)

- In July 2019, the former Government established the Taskforce, supported by the Department of Health and Aged Care, as part of a \$5 million election commitment to assist the development of a national approach for the prevention, early identification, control and management of dust diseases in Australia.
- The Response was released on 4 April 2022. The Response supports, or supports in-principle, all but two of the Taskforce's recommendations. Recommendations relating to commencing the process to implement a ban on engineered stone (Rec 1d.) and funding to establish multi-disciplinary teams of medical professionals (Rec 5a.) were 'noted'.
- Support from Health and WHS Ministers from both the Commonwealth and the states and territories is required to implement many of the Taskforce's recommendations.
- The Commonwealth is leading the development of a: National Silicosis Prevention Strategy; National Action Plan; Monitoring and Evaluation Framework; Rapid Response Protocol; and National Occupational Respiratory Disease Registry.

Contact Officer: s 22(1)

Telephone: s 22(1)

Date QTB Created: 30 August 2022 123 of 165

Minister for Employment and Workplace Relations

QTB No: QB22-000286

Last Updated by Department: 21 October 2022

Last Updated by Adviser: 1 September 2022

COVID-19

HEADLINE

- The Government is committed to ensuring businesses and workers have the right tools and guidance available to them to make informed decisions about how to manage risks of COVID-19 in the workplace.

KEY ISSUES

- We cannot completely stop COVID-19 infection, but we can slow its spread and protect the vulnerable.
- Resources are available to help businesses make informed decisions about how to manage COVID-19 in the workplace:
 - Safe Work Australia has guidance for businesses about how to understand and manage their work health and safety obligations in relation to COVID-19 risks in the workplace.
 - The Fair Work Ombudsman has guidance to help businesses and workers to understand their rights and responsibilities at work during the COVID-19 pandemic.
- The National Cabinet agreed to end mandatory isolation requirements for COVID-19 effective 14 October 2022 and end the Pandemic Leave Disaster Payment effective the same date.
- To protect the most vulnerable and those in high-risk settings, the National Cabinet agreed to continue targeted financial support for casual workers, on the same basis as the Pandemic Leave Disaster Payment, for workers in aged care, disability care, aboriginal healthcare and hospital care sectors. More information is available from Services Australia.
- These arrangements will be reviewed at the December meeting of National Cabinet.
- The Government is committed to being responsive to the needs of business and workers as circumstances continue to change.
 - On 8 August 2022, the Minister for Health and Aged Care and I held a roundtable with business and unions to talk with them directly about COVID-19 issues in the workplace.
 - This was a productive session, and an additional roundtable with business and unions will be held shortly to discuss options further.

Contact Officer: s 22(1)

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Telephone: s 22(1)

Date QTB Created: 30 August 2022 124 of 165

Minister for Employment and Workplace Relations

QTB No: QB22-000366

Last Updated by Department: 31 August 2022

Last Updated by Adviser: 6 September 2022

Concerns around automation in Workforce Australia

HEADLINE

- Workforce Australia was designed to avoid issues that may arise with automated IT systems.

KEY ISSUES

- Workforce Australia Online allows individuals who can self-manage online to do so, with support still available through the Digital Services Contact Centre if required. Those who require or choose to have additional support are referred to and serviced by an employment services provider.
- The online service, Workforce Australia Online, supports job-ready individuals to access online tools, information and training to help them move into employment. Everyone accessing Workforce Australia Online will be supported by dedicated staff from the department's Digital Services Contact Centre.
 - Social Security law requires that individuals must always be given the option to enter a Job Plan with a person instead of online.
 - Individuals also always have the choice to opt out of digital services and instead be serviced by a provider.
- If a person disagrees with a decision affecting their payment, there are clear and accessible review options available to them.
 - Individuals can ask to have the decision reviewed by an Authorised Review Officer in Services Australia, and if they are still not satisfied, they can appeal to the Administrative Appeals Tribunal and Federal Court.
- Decisions that require judgement are made by human decision makers. For example, whether a person had a valid reason for not meeting a requirement.
- If a person incurs a financial penalty, it is not a debt. Penalties are generally deducted from an individual's current fortnight's payment.
- Some decisions in Workforce Australia are automated where they are decisions related to fact. These decisions would not be different if a person made that decision, for example, whether a person meets their points target or not.

Minister for Employment and Workplace Relations

QTB No: QB22-000366

Last Updated by Department: 31 August 2022

Last Updated by Adviser: 6 September 2022

- Job seekers have two business days 'resolution time' to either supply a valid reason for not meeting a requirement, or re-engage with their requirements in order to avoid a payment suspension.

Minister for Employment and Workplace Relations

QTB No: QB22-000366

Last Updated by Department: 31 August 2022

Last Updated by Adviser: 6 September 2022

BACKGROUND (from the Department of Social Services)

- A Royal Commission into the Robodebt Scheme was an election commitment.
- On 25 August 2022 the Prime Minister, Attorney General, Minister for Social Services, and the Minister for Government Services announced the commencement of the Royal Commission into Robodebt following the Governor-General issuing Letters Patent that established the Royal Commission.
- The Government has committed \$30 million to conduct this Royal Commission, which will be led by the Honourable Catherine Holmes AC SC.
- The Royal Commission is scheduled to run for approximately eight months, with the final report delivered to the Governor-General by 18 April 2023.
- On 6 June 2019, a former Austudy recipient, Ms Amato who had her ATO refund garnisheed to pay an alleged debt raised under the Robodebt Scheme, applied to the Court for review of her debt (*Amato v the Commonwealth of Australia*).
 - In November 2019, the Court found that there was insufficient evidence to support the determination that a debt existed, effectively finding the approach used by the Robodebt scheme to be unlawful.
- On 19 November 2019, the then Minister for Government Services announced Services Australia would cease raising debts based solely on averaged ATO income data.
- On 29 May 2020, the then Minister for Social Services announced Services Australia would refund all repayments made on debts based wholly or partially on averaged ATO income data.
- Over 99 per cent of the Robodebt Scheme refunds have now been made.
 - The remainder that are outstanding includes former customers who have not responded to Services Australia's request for information to enable the refund to occur (such as provision of bank account information), and those with complex circumstances who require tailored servicing, such as incarcerated customers, and deceased estates.
- On 16 November 2020, the Commonwealth and Gordon Legal agreed to settle the *Prygodicz & Ors v Commonwealth of Australia* class action on the Robodebt Scheme and on 11 June 2021, the Federal Court of Australia approved the class action settlement and the proposed Settlement Distribution Scheme.

Long term unemployment figures

HEADLINE

- Over 480,000 people in Workforce Australia are long-term participants in employment services

KEY ISSUES

- Approximately 125,000 people are long-term unemployed including 74,000 who are very long-term unemployed – that is, they have been out of work for 2 years or more. (ABS Labour Force, Australia, September 2022)
- There are 481,085 long term participants on the Workforce Australia caseload. These people have been in employment services for 12 months or more. (DEWR administrative data, 31 October 2022)
- Many long-term participants are employed or have recent work, but have insufficient earnings to be independent of income support. Others are counted among the long-term unemployed.
- 411,221 long-term participants have been in employment services for 2 years or more, including 153,180 for at least 5 years.

Minister for Employment and Workplace Relations

QTB No: QB22-000374

Last Updated by Department: 21 November 2022

BACKGROUND

The table below provides a breakdown of the demographic and other characteristics of long-term participants in Workforce Australia.

Long-term participants in Workforce Australia*, 31 October 2022

| | Number | Per cent |
|-------------------------------------|----------------|-----------------|
| Total long-term participants | 481,085 | 100.0% |
| 24+ months | 411,221 | 85.5% |
| 60+ months | 153,180 | 31.8% |
| Male | 223,017 | 46.4% |
| Female | 258,068 | 53.6% |
| Indigenous | 68,967 | 14.3% |
| Refugee | 22,502 | 4.7% |
| CALD | 91,126 | 18.9% |
| People with disability | 153,051 | 31.8% |
| Parent | 96,938 | 20.1% |
| Ex-Offender | 64,896 | 13.5% |
| Mental Health | 74,692 | 15.5% |
| Drug and Alcohol | 39,199 | 8.1% |
| Age Group | | |
| Under 22 Years | 28,928 | 6.0% |
| 22 to 24 Years | 32,840 | 6.8% |
| 25 to 29 Years | 52,134 | 10.8% |
| 30 to 34 Years | 48,486 | 10.1% |
| 35 to 39 Years | 52,831 | 11.0% |
| 40 to 44 Years | 56,045 | 11.6% |
| 45 to 49 Years | 53,141 | 11.0% |
| 50 to 54 Years | 45,921 | 9.5% |
| 55 to 59 Years | 38,762 | 8.1% |
| 60 to 64 Years | 51,153 | 10.6% |
| 65+ Years | 20,844 | 4.3% |
| Education Level | | |
| None | 3,841 | 0.8% |
| Years 1-9 | 51,500 | 10.7% |
| Years 10-11 | 137,702 | 28.6% |
| Completed Secondary School | 79,671 | 16.6% |
| Trade or Tafe | 161,412 | 33.6% |
| University | 43,425 | 9.0% |
| Not Stated | 3,534 | 0.7% |

*Workforce Australia caseload includes Workforce Australia Online, Workforce Australia Services and Transition to Work.

Contact Officer: s 22(1)
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Date QTB Created: Registered Date & Time

Minister for Employment and Workplace Relations

QTB No: QB22-000375

Last Updated by Department: 25 October 2022

Last Updated by Adviser: XX Month YYYY

DEWR Department staff figures

KEY ISSUES

- As at 310 ~~September~~August, 30285 APS staff (18052 female, 1221 male, <5 not identified/non-binary) were employed in the Department of Employment and Workplace Relations (DEWR).
 - 689 staff (or 2.23 per cent) identified as Aboriginal and Torres Strait Islander
 - 1176 staff (or 3.98 per cent) were recorded as having a disability
 - 199202 (or 6.67 per cent) identified as being Culturally and Linguistically Diverse (CALD).
- DEWR continues to work towards increasing its First Nations representation and [representation of](#) staff with a disability by participating in targeted entry level programs, and applying specific recruitment measures.
- DEWR is committed to diversity and inclusion.
 - As a new department, it is in the process of establishing its employee-led diversity networks and SES Diversity Champions.
 - The department celebrates days of significance such as National Reconciliation Week, NAIDOC Week, International Day of People with Disability and Wear It Purple Day.

OUR POLICY

- Under the *Commonwealth Aboriginal and Torres Strait Islander Workforce Strategy 2020-2024*, the APS has committed to aspirational targets for First Nation representation in the public service:
 - 5% for APS 4 to 6 staff by 2022
 - 5% for EL1 and EL2 staff by 2024
 - 3% for SES employees by 2024
- Under the *Australian Public Service Disability Employment Strategy 2020–25*, the APS has committed to an employment target for people with disability of 7% by 2025.

PREVIOUS GOVERNMENT

- Nil.

POTENTIAL HOT ISSUES

Minister for Employment and Workplace Relations

QTB No: QB22-000375

Last Updated by Department: 25 October 2022

Last Updated by Adviser: **XX Month YYYY**

- Nil.

BACKGROUND

Table 1: Employee Diversity Representation (Headcount) at 31 ~~September~~ August 2022

| Diversity Group | % of Workforce | Ongoing | Non-Ongoing | Total |
|---------------------------------------|----------------|---------|-------------|--------|
| Aboriginal and Torres Strait Islander | 2.23% | 656 | 3 | 689 |
| People with disability | 3.98% | 14008 | 78 | 1176 |
| Non-English-Speaking Background | 6.67% | 1957 | 45 | 199202 |
| Female | 59.6% | 1,74134 | 648 | 1,8052 |
| Mature Age 55+ | 134.80% | 41207 | 121 | 42184 |
| Part Time | 15.04% | 43531 | 2323 | 4548 |

Note: Excludes inactive employees, casuals, Public Office Holders, and the Secretary.

Workforce Australia transition surveys - results

KEY ISSUES

- I welcome and value participants' feedback on Workforce Australia services and that is why I instructed the department to conduct an early participant transition survey in addition to an already planned participant transition survey. I encourage participants to continue to engage with their providers and the Department of Employment and Workplace Relations to improve the digital and employment services that are being provided.
- We knew the move to Workforce Australia would be an adjustment for participants, which is why the Australian Government made changes ahead of the program's launch. To support people through this transition period, we:
 - Implemented a 'clean slate' policy, meaning participants who had penalties or demerits under jobactive did not carry those over to Workforce Australia
 - Suspended mutual obligation requirements for the first month of the new program and suspended compliance action for not meeting their points target for the first two monthly reporting periods
 - Reduced the new minimum compulsory job search requirement from five to four per month
 - Reduced the points target for some participants to better recognise personal circumstances and labour market conditions that could impact their ability to find work, and
 - Removed job search requirements for vulnerable participants undertaking a full-time training course of less than 12 months duration.
- Each robust survey received approximately 3,000 participant responses. The first took place at the end of Workforce Australia's first month in operation, the second during its second month of operation. Since that time the department has already made improvements in response to user and stakeholder feedback received.
- I have asked the department to review its communications to ensure a cohesive onboarding experience for newly referred digital participants, and to raise awareness of the support available through the department's contact centres.

Minister for Employment and Workplace Relations

QTB No: QB22-000377

Last Updated by Department: 20 October 2022

Last Updated by Adviser: 23 September 2022

- The department is looking into the issues raised to further improve Workforce Australia services. I am monitoring the transition into Workforce Australia closely.
- The department is also in the process of reviewing participant notifications to ensure that they meet the needs of participants. This includes consultation with key stakeholders such as the Australian Council of Social Services (ACOSS).
- The department's comprehensive survey program will continue to gather and report on participant views and experiences under Workforce Australia, which contributes to the overall Workforce Australia Provider Performance Framework assessment, and will continue to inform ongoing program improvement.

Minister for Employment and Workplace Relations

QTB No: QB22-000377

Last Updated by Department: 20 October 2022

Last Updated by Adviser: 23 September 2022

BACKGROUND

- All Workforce Australia Services Deeds were in effect by 28 March 2022.
- Key insights gained from the first participant survey (conducted 28 July to 4 August 2022) were:
 - Overall, almost all participants were aware of the change to Workforce Australia (90.2%).
 - Almost three quarters (72.2%) of participants agreed they understand their mutual obligations and over half that they understand the Points Based Activation System (57.3%).
 - Indigenous participants were less likely to be aware of the change to Workforce Australia (82.6%) than non-Indigenous participants (91.5%). They were also likely to agree that they understood their mutual obligation requirements and the new Points Based Activation System.
- Key insights from the second participant survey (conducted 8 August to 25 August 2022) were:
 - The proportion of participants who were aware of the change to Workforce Australia increased to 90.8% (from 90.2% in the first survey).
 - around 7 in 10 (70.3%) participants knew where to get further information and support.
 - Overall, 1 in 10 (10.7%) participants indicated that the change represented a 'great deal of disruption'

If asked, about the surveys undertaken by ACOSS and the Australian Unemployed Workers Union

- The Australian Council of Social Services and the Australian Unemployed Workers Union had approximately 300 responses to their initial Workforce Australia surveys. The department was not involved in the design or administration of these surveys so I am unable to comment on the robustness of these surveys.

Minister for Employment and Workplace Relations

QTB No: QB22-000382

Last Updated by Department: 28 September 2022

Last Updated by Adviser: 8 September 2022

Letter to FWC

Key points

- Workplace relations ministers and their departments routinely communicate with the Fair Work Commission.
- The former government did it – mostly to encourage the Commission to cut wages and conditions:
 - For example, Christian Porter wrote to the Commission on 9 December 2020, asking it to replace penalty rates with a single wage rate.
- The Government has written to the Fair Work Commission on four matters:
 - Arguing for a pay increase for minimum wage workers
 - Advising of our intention to legislate for paid family and domestic violence leave.
 - Arguing for a pay increase for age care workers
 - To notify the President of the outcomes of the Job Summit's workplace relations sessions relevant to the Commission's operations, namely:
 - Changes to bargaining, increased tripartism, improved good faith negotiation, and impending new rules for agreement terminations.
- As I have been saying for months, I don't want to see cuts to workers' pay and conditions used as a tactic during bargaining. It's not reasonable and it's not negotiating in good faith.
 - A month ago I made these comments about a dispute involving the company Svitzer and tugboat operators that Dominic Perrottet called "heroic" and "incredibly impressive".
- My letter simply advises the Commission of relevant outcomes of the Jobs Summit, as is routine and appropriate. I made no reference in that letter to any particular dispute.

Minister for Employment and Workplace Relations

QTB No: QB22-000382

Last Updated by Department: 28 September 2022

Last Updated by Adviser: 8 September 2022

- There has been no application lodged in the Commission in the Sydney Trains dispute – so there is no matter currently before the Commission.

BACKGROUND

Applications to terminate agreements

- As at 5 September 2022 there were 18 applications on hand in the Fair Work Commission for unilateral termination of agreements under section 225 of the *Fair Work Act 2009*.
- On 31 August 2022, the **NSW Premier Dominic Perrottet** threatened to terminate its existing enterprise agreement with the Rail, Tram and Bus Union in response to ongoing protected industrial action of **rail workers**. Rail workers are set to vote on the state government's most recent offer, despite a list of claims – including a push for a 0.5 per cent pay rise above the public sector wages cap – being outstanding. On 1 September 2022, the NSW Government sent unions a final draft of the agreement, indicating that if it was not accepted by close of business 2 September 2022, it would withdraw the offer and would seek to have the current agreement terminated. On 2 September 2022, the unions applied to FWC for a bargaining order. The matter is listed for further hearing on 6 September 2022.
- In February 2022, **Svitzer** (a Danish towage company with over 600 crew in Australia) applied to terminate its 2016 Agreement and return to the *Marine Towage Award 2020*. The 2016 Agreement expired on 31 December 2019 and bargaining was underway for a new Agreement. The wages and conditions in the 2016 Agreement are significantly more generous than the Award. The Department of Employment and Workplace Relations has confirmed that termination of the 2016 Agreement would result in a “significant reduction” in entitlements for the workers involved. The union has estimated pay-cuts of at least 40 per cent, with conditions such as working hours also likely to be affected. Svitzer disputes that impact will be of this magnitude. Svitzer advises that an undertaking would be offered to preserve pay rates. However, this would not prevent cuts to conditions, and there is no guarantee that it would be accepted by the Fair Work Commission.
- On November 2021, **Tuftmaster Carpets** in Victoria applied to the Fair Work Commission to terminate its 2017 Agreement and return to the Textiles Award. The workers at Tuftmaster are predominantly low-paid, culturally diverse and aged in their 40's to 60's. The 2017 Agreement expired in August 2020 and bargaining was underway for a new Agreement when Tuftmaster applied to terminate.
 - On 7 September 2022, Deputy President Gostencnik found it was not appropriate to terminate the Tuftmaster Carpets agreement taking into account all of the circumstances, including the views of employees, the employer, and the CFMMEU. The Deputy President found:
 - the impact on employees were also matters weighing against termination. For example, termination would be likely to affect employees' job security by removing their current entitlements.

Minister for Employment and Workplace Relations

QTB No: QB22-000382

Last Updated by Department: 28 September 2022

Last Updated by Adviser: 8 September 2022

- "the change in the bargaining dynamic and the impact on bargaining that will be brought about by terminating the Agreement because the applicant has said it will depart from its position on matters that are currently the subject of in principle agreement also weighs against such a conclusion" [110].

Minister for Employment and Workplace Relations

QTB No: QB22-000470

Last Updated by Department: 26 October 2022

Last Updated by Adviser: XX Month YYYY

Budget QTB
Onboarding Complementary Programs to the Workforce Australia Digital Platform

HEADLINE

- To enable provider staff to spend less time on system tasks, and more time assisting clients, the Skills for Education and Employment, Self-Employment Assistance and Harvest Trail Services will be added to the Digital Platform

KEY ISSUES

- These programs help job seekers to find a job or create their own business.
- *Skills for Education and Employment* and *Self-Employment Assistance* are long standing programs that help job seekers with their language, literacy, numeracy and digital literacy skills or offer them the tools needed to create and run a small business and achieve financial independence.
- *Harvest Trail* connects rural employers to workers. In our current labour market it is important that we do what we can to help our rural employers find capable workers to get their produce harvested and delivered to markets.
- This measure will have a positive effect on program delivery and will allow provider staff to spend less time on system tasks, and more time assisting clients.

Minister for Employment and Workplace Relations

QTB No: QB22-000470

Last Updated by Department: 26 October 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

The three complementary programs to be uplifted are:

- The Skills for Education and Employment Program, which provides language, literacy, numeracy and digital literacy assessment and training to eligible job seekers, with the aim of improving their ability to secure employment either directly or through participation in further training. The program currently assists around 25,000 job seekers each financial year.
- Self-Employment Assistance, which offers the tools needed to create and run a small business and earn an income to achieve financial independence. Self-employment can be a highly effective labour market intervention for Australians who may otherwise face discrimination and other challenges when seeking employment.
- Harvest Trail Services delivers free job placement services for the horticulture sector, and operates to connect job seekers with farmers and growers in 16 major harvest areas across Australia.

Minister for Employment and Workplace Relations

QTB No: QB22-000471

Last Updated by Department: 19 October 2022

Last Updated by Adviser: 24 October 2022

Budget QTB

2022-23 October Budget – Workforce Australia Micro-Policy Changes

HEADLINE

- The Government made minor policy changes associated with the introduction of Workforce Australia.

KEY ISSUES

- To support the implementation of Workforce Australia, the Government made eligibility changes to allow the following groups of participants to access Workforce Australia Provider Services instead of Workforce Australia Online:
 - Disability Support Pension recipients under 35 years of age (on an ongoing basis).
 - Individuals who, over the period 4 July 2022 to 31 December 2022, begin mutual obligation requirements without making a new claim for payment.
 - Eligible retrenched workers and their partners from 4 July 2022 to 30 July 2023.
- These changes were to allow these participants to access more intensive and tailored support through a Workforce Australia Provider.
- The Government also introduced a change to not apply the Four Month Activity Requirement to participants who transitioned to Workforce Australia Online (from other employment programs) at the start of Workforce Australia.

How many participants will be impacted by these changes?

- Around 250 Disability Support Pension recipients over four years are forecast to be referred to Workforce Australia Provider Services instead of Workforce Australia Online.
- Approximately 9,100 individuals who begin mutual obligation requirements without making a new claim for payment are forecast to be referred to Workforce Australia Provider Services instead of Workforce Australia Online over the period July to December 2022.
- It is estimated that around 700 retrenched workers and their partners will participate in Workforce Australia Provider Services instead of Online.

Minister for Employment and Workplace Relations

QTB No: QB22-000471

Last Updated by Department: 19 October 2022

Last Updated by Adviser: 24 October 2022

- Approximately 88,400 transition job seekers over the period October 2022 to December 2022 will not be required to undertake the Four Month Activity Requirement.

BACKGROUND

- The changes under this measure were in response to IT issues that emerged late in the implementation of Workforce Australia, which commenced on 4 July 2022.

Minister for Employment and Workplace Relations

QTB No: QB22-000472

Last Updated by Department: 24 October 2022

Last Updated by Adviser: 24 October 2022

Budget QTB
2022-23 October Budget – Reversing Workforce Australia
Communication Activities

HEADLINE

- The Government is not proceeding with the Workforce Australia Advertising Campaign which was announced by the former Government as part of the March 2022–23 Budget.

KEY ISSUES

- Not proceeding with the Workforce Australia Advertising Campaign will save \$4.0 million over two years.
- The Workforce Australia Advertising Campaign was identified through the Audit of Wasteful Spending and the Review of March 2022–23 Budget measures as funding that could be used more efficiently to help meet emerging Government priorities.
- The savings will instead be used to offset other immediate priorities in the October 2022–23 Budget.
- The Department of Employment and Workplace Relations will continue to promote Workforce Australia to employers through its broader communications and engagement activities.
 - \$350,000 in departmental costs has been retained by the department to enable unpaid and very low-cost communication activities to reach employers, such as through the department's social media posts.

Minister for Employment and Workplace Relations

QTB No: QB22-000472

Last Updated by Department: 24 October 2022

Last Updated by Adviser: 24 October 2022

BACKGROUND

- The Workforce Australia Advertising Campaign was announced by the previous government as part of the March 2022–23 Budget.
- It provided administered funding of \$4.0 million over two years for an advertising campaign that would introduce Workforce Australia to employers and differentiate it from the previous employment services model.

Minister for Employment and Workplace Relations

QTB No: QB22-000473

Last Updated by Department: 26 October 2022

Last Updated by Adviser: XX Month YYYY

Budget QTB

Abolition of PaTH Internships and the National Work Experience Program

HEADLINE

- As part of the October 2022–23 Budget process the Government abolished the Youth Jobs PaTH (PaTH) Internship program and the National Work Experience Program.

KEY ISSUES

- Youth Jobs PaTH Internships did not meet the Government's expectations around fair and equitable pay and the Government committed to abolish the program during the 2022 Federal Election campaign.
- The National Work Experience Program had very similar program settings to PaTH Internships, where work experience participants were paid income support and a supplement, rather than the award wage.
 - Abolishing these programs produces a save of \$50.0 million over the forward estimates (2022-23 to 2025-26).
- The Government recognises the important role that work experience can play in supporting people into secure work – especially for disadvantaged people and those who are young or have little work experience.
- The Government will consider alternative ways for people to gain work experience while receiving fair remuneration for their participation.
- Employment service providers will continue to support individuals to gain work experience through wage subsidies, Observational Work Experience, and volunteer work.

Minister for Employment and Workplace Relations

QTB No: QB22-000473

Last Updated by Department: 26 October 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- On 1 July 2022, the Department advised all eligible Providers to pause referrals to PaTH Internships and the National Work Experience Program while the government considered alternate arrangements.
- On 9 September 2022, the Department provided a Notice of Reduction in Scope to all eligible Providers advising of the cessation of PaTH Internships and the National Work Experience Program.
- The Department advised providers that as part of the Notice of Reduction in Scope, they may submit claims for reimbursement of reasonable and unavoidable costs that are directly attributable to the reduction in contract scope flowing from the decision to cease these programs.
 - The cost of these potential liabilities has been estimated and offset against the saves generated by this measure.
 - A Reasonable Costs Framework has been released detailing the claim process to providers. The department is managing the process.

PaTH Internships

- PaTH Internships provided opportunities for a voluntary work trial for individuals aged 17 – 24 years old. A young person was placed with a host business for 4 – 12 weeks.
- While undertaking the PaTH Internship, the young person received an additional \$200 per fortnight on top of their income support payment. Host businesses received a payment of \$1000 to help cover the costs of hosting an intern. The PaTH Internship was supervised and participation was for 30-50 hours per fortnight.

National Work Experience Program

- The National Work Experience Program provided voluntary, short-term work trials for participants aged 25 years and older. Each placement lasted 2 – 4 weeks for 30-50 hours per fortnight.
- Under Workforce Australia participants were to be paid their current income support payment plus an additional \$200 per fortnight, as per PaTH Internships. The program was paused prior to the commencement of Workforce Australia.

Relationship to minimum/award wage

- Whether or not participants in PaTH Internships or the National Work Experience Program received the equivalent of the relevant minimum wage or award wage was reliant on the amount and type of income support they received e.g. JobSeeker, Youth Allowance, Parenting Payment (based on individual circumstances), the number of hours per week they participated and which minimum / award wage applied to the particular placement.

Minister for Employment and Workplace Relations

QTB No: QB22-000474

Last Updated by Department: 25 October 2022

Last Updated by Adviser: XX Month YYYY

**Budget QTB
Abolition of ReBoot**

HEADLINE

- The Government has abolished the ReBoot program before it commences, achieving a save of \$42.1 million over the period from 2022-23 to 2025-26.

KEY ISSUES

- ReBoot was announced in the March 2022-23 Budget, with services to run from February 2023 until early 2026.
- ReBoot was unlikely to achieve its policy objectives because its program settings were not well targeted to disadvantaged and disengaged young people and it risked duplication of existing supports, such as the Transition to Work Service.
- Ceasing the ReBoot program before it commences means that funding can be directed to support Government priorities more effectively. This includes improving productivity through initiatives that promote secure employment, boost participation, and support safer and fairer workplaces.

Minister for Employment and Workplace Relations

QTB No: QB22-000474

Last Updated by Department: 25 October 2022

Last Updated by Adviser: XX Month YYYY

BACKGROUND

- ReBoot was intended to assist up to 5,000 disadvantaged and disengaged young people over three years.
- This measure does not directly impact any individuals as the program has been abolished prior to commencement.
- The Workforce Australia – Transition to Work service provides comprehensive support for young people, including disadvantaged youth.
- The total financial impact of abolishing ReBoot is outlined in the table below.

| | \$ millions | 2022-23 | 2023-24 | 2024-25 | 2025-26 | Total |
|--|-------------|---------|---------|---------|---------|-------|
| Department of Employment and Workplace Relations – Payment | | -6.8 | -13.7 | -13.3 | -8.0 | -41.9 |
| Department of Employment and Workplace Relations – Capital | | -0.3 | 0.0 | 0.0 | 0.0 | -0.3 |
| Total Impact on Underlying Cash: | | +7.1 | +13.7 | +13.7 | +8.0 | +42.1 |

Minister for Employment and Workplace Relations

QTB No: QB22-000477

Last Updated by Department: 07 November 2022

Last Updated by Adviser: 8 November 2022

Secure Jobs Better Pay Bill

HEADLINE

- On 27 October, I introduced the Secure Jobs Better Pay Bill.
- This Bill delivers on the Albanese Government's commitment to ensure a fairer workplace relations system that provides Australians with job security, gender equity and sustainable wage growth.

KEY ISSUES

- We are taking action to improve workplace conditions, wages and security – including to safeguard high economic growth and support Australians to afford increasing costs of living – by implementing our election commitments and outcomes from the Jobs and Skills Summit.
- The workplace relations system is not working well, for workers or employers – the bargaining system is broken.
- It is not delivering the fairness, gender equity, or economic growth that Australia needs and that Australian workers deserve.
- This first tranche of reforms we'll deliver are a significant step in delivering on our commitment to improve Australia's workplace relations system in our first term of government.
- Australian workers have waited long enough. And while waiting they have turned up every day and done their job. It's now time we did ours and legislated for secure jobs and better pay.
- My Department and I have consulted closely with businesses and unions in the design of these reforms and will continue conversations.
- We've listened to feedback about how to make sensible improvements to the practical application of the Bill.
- For nearly ten years, wages were kept low as a deliberate design feature of the previous government's management of the economy.

Minister for Employment and Workplace Relations

QTB No: QB22-000477

Last Updated by Department: 07 November 2022

Last Updated by Adviser: 8 November 2022

BACKGROUND

- The Bill and associated funding will:

Boost bargaining and workplace relationships by:

- ensuring the process for agreement terminations is fit for purpose and fair
- sunsetting 'zombie agreements', which are legacy agreements still in existence from 2009
- improving access to single and multi-employer agreements
- removing unnecessary complexity and making the Better Off Overall Test simple, flexible and fair
- increasing the capacity of the Fair Work Commission to proactively help workers and businesses reach agreements
- funding the Fair Work Commission to provide proactive support for workers and businesses – in particular small business – to reach agreements
- funding employer representatives and unions to improve safety, fairness and productivity in workplaces.

Improve job security and gender equity by:

- including gender equity and job security as objects of the Act
- limiting the use of fixed-term contracts to genuine fixed-term arrangements
- introducing a statutory equal remuneration principle
- creating two new expert panels in the Fair Work Commission, supported by a dedicated research unit, to inform and improve the Commission's capacity to assess pay equity claims and help address the workforce challenges in the care and community sector
- prohibiting pay secrecy clauses.

Improve workplace conditions and protections by:

- providing stronger access to flexible working arrangements
- providing stronger protections against workplace discrimination for the protected attributes of gender identity, intersex status and breastfeeding
- implementing recommendation 28 of the Respect@Work Report to expressly prohibit sexual harassment in the Act and allow disputes to be pursued through the Fair Work Commission
- prohibiting jobs being advertised with below-minimum rates of pay
- enhancing small claims to enable unpaid entitlement recovery by increasing the limit that can be awarded in small claims proceedings from \$20,000 to \$100,000 and enabling the Court to award filing fees.
- improving workers' compensation outcomes for firefighters by amending the firefighter provisions in the Safety, Rehabilitation and Compensation Act 1988 to update the list of work-related cancers and extend coverage to volunteer firefighters in the ACT.

Minister for Employment and Workplace Relations

QTB No: QB22-000477

Last Updated by Department: 07 November 2022

Last Updated by Adviser: 8 November 2022

Restore balance to workplace relations institutions by:

- abolishing the Australian Building and Construction Commission and transferring its functions to the Fair Work Ombudsman
- abolishing the Registered Organisations Commission and transferring its functions to the Fair Work Commission.

Minister for Employment and Workplace Relations

QTB No: QB22-000478

Last Updated by Department: 09 November 2022

Last Updated by Adviser: 08 November 2022

Secure Jobs Better Pay Bill Consultation

HEADLINE

- The Secure Jobs Better Pay Bill implements our election commitments, as well as immediate outcomes of the Jobs and Skills Summit.

KEY ISSUES

- Consultation on this Bill has been extensive and underway since August 2022, including:
 - a confidential written submission process in the lead up to the Jobs and Skills Summit;
 - bilateral and small group consultations with unions, employer representatives, academics and peak bodies (including the National Women's Alliance); a Committee on Industrial Legislation meeting – a sub-committee of the National Workplace Relations Consultative Committee (comprising union and employer representatives) – to work through the technical detail of the legislation;
 - Meeting of Ministers with my state and territory counterparts as well as Senior Officials Meetings between Commonwealth, state and territory governments;
 - We've been happy to listen to feedback about how to make sensible improvements to the practical application of the Bill. After additional consultations the Government has drafted a number of amendments we will move in the House this week;
 - Senate Inquiry commenced on Friday 4 November – 4 days of an inquiry with expert submissions from business, employer groups, academics, National Women's Alliances, workers and unions.
- I won't be taking lessons on consultation from those Opposite.

Minister for Employment and Workplace Relations

QTB No: QB22-000478

Last Updated by Department: 09 November 2022

Last Updated by Adviser: 08 November 2022

BACKGROUND

Department has led consultations with:

- The ACTU and other unions on multiple occasions
- Key business peaks BCA, ACCI, Ai Group and COSBOA on multiple occasions
- Many business groups representing single interests such as:
 - Clubs Australia
 - MBA - Master Builders Association
 - NFF - National Farmers Federation
 - AREEA – Australian Resources and Energy Employer Association
 - ACAPMA – Australasian Convenience and Petroleum Marketers Association
 - HVAC Manufacturing and Installation Association Consultation
- Individual employers such as:
 - Qantas
 - DP World
 - Team Global Express (formerly Toll Group)
- The National Women's Alliances, comprising groups such as:
 - Harmony Alliance – representing migrant and refugee women
 - NRWA – National Rural Women's Coalition
 - WWDA – Women with Disabilities Australia
- Academics with a focus on workplace practices and law, including:
 - Professor Anthony Forsyth (RMIT)
 - Professor Shae McCrystal (Uni of Syd)

The Department sought confidential written submissions from 34 organisations or individuals (20 received), ahead of the Jobs and Skills Summit, followed by bilateral discussions on those submission with key groups such as COSBOA and BCA.

From 10 – 14 October 2022, the Department held 10 dedicated consultations:

- ACTU
- Business peaks – ACCI, Ai Group, COSBOA, BCA
- Employers e.g. Woolworths
- Academics e.g. Associate Professor Tess Hardy
- State and territory officials
- National Women's Alliances

Minister for Employment and Workplace Relations

QTB No: QB22-000478

Last Updated by Department: 09 November 2022

Last Updated by Adviser: 08 November 2022

The Department has participated in multiple consultations with the Minister or his Advisors since the Bill was introduced to Parliament on 27 October 2022, including:

- **Parliamentarians:**
 - Adam Bandt MP
 - Senator Michaelia Cash
 - Senator David Pocock
 - Senator Barbara Pocock
 - Senator Roberts
 - Allegra Spender MP
 - Kylea Tink MP
 - Zali Steggall MP
- A House of Reps Cross Bench briefing
- **Stakeholder meetings:**
 - COSBOA
 - Ai Group
 - ACCI
 - BCA
 - Clubs Australia
 - Franchise Council of Australia
- **Business:**
 - Coles
 - BHP
 - Wesfarmers

Further consultations have also occurred since the Bill was introduced with the Minister and/or his advisors, which the Department did not participate in.

Minister for Employment and Workplace Relations

QTB No: QB22-000505

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

SJBP Bill amendments

KEY ISSUES

On 10 November, the Secure Jobs, Better Pay Bill passed the House of Representatives. In response to consultation, we moved a number of amendments to the Bill and accepted cross-bench amendments which aligned with the Albanese Government's vision for workplace relations.

OUR POLICY

- The Albanese Government is listening to what Australian's need. This is why we have moved and accepted amendments to close loopholes and clarify the operation of the Secure Jobs, Better Pay Bill.
- The lions share of the amendments we made in the House are in response to consultation with businesses and businesses groups.

The amendments I moved in the House will make changes to:

- replace references to the term 'gender equity' with the words 'gender equality' in the objects of the Act, the modern awards objective, and the minimum wages objective, to adopt language more consistent with the Convention on the Elimination of All Forms of Discrimination against Women and to reflect the policy objective of both formal and substantive gender equality.
- Require majority support from employees of each employer for a single interest bargaining stream authorisation;
- Provide that businesses and workers cannot be compelled into an authorisation or single interest employer agreement when they have showed a willingness to bargain in the single enterprise stream;
- Make further changes to the Better Off Overall Test to ensure new employees under an agreement are not left worse off;

Minister for Employment and Workplace Relations

QTB No: QB22-000505

Last Updated by Department: 16 November 2022

Last Updated by Adviser: 21 November 2022

- Clarify that the Fair Work Commission must be satisfied a minimum period of good-faith bargaining has occurred before moving to arbitrate;
- Establish the Government's promised new National Construction Industry Forum as a statutory advisory body;
- Give business up to 12 months to adjust to changes to fixed-term contracts; and
- Streamline the amendments in the Bill, strengthen safeguards and make minor or technical corrections.

We also accepted **cross-bench amendments moved by the Member for Fowler, Ms Le, and the Member for North Sydney, Ms Tink**, to:

- Codify the Fair Work Ombudsman and Fair Work Commission's functions to provide in language support to culturally and linguistically diverse communities; and
- Safeguard the transparency of the National Construction Industry Forum and ensure that small to medium enterprises are adequately represented.

POTENTIAL HOT ISSUES

Why is the government moving amendments already to the Secure Jobs, Better Pay Bill? Does this mean the Bill was rushed?

- The Bill implements outcomes that were the subject of consultation at the Jobs and Skills Summit and specific election commitments.
- The government is committed to getting wages moving.
- I am undertaking constructive consultation with businesses and unions and the cross bench and I am willing to make sensible improvements to the practical application of the Bill.
- I flagged this approach to consultation in my second reading speech introducing the Bill.

Minister for Employment and Workplace Relations

QTB No: QB22-000614

Last Updated by Department: 21 November 2022

Last Updated by Adviser: XX Month YYYY

IR Survey Results

KEY ISSUES

- The workplace relations system is not working to deliver the fairness, gender equity, or economic growth that Australia needs. The Government's reforms are a significant step towards restoring fairness and prosperity to Australia's workplace relations system.
- Business NSW's recent survey was conducted over **2 days** and covered **less than 2 per cent of businesses** represented by Business NSW and **less than 0.1 per cent of all businesses in NSW**. There are **862,800** businesses in NSW.
- The Bill has been informed by an extensive program of stakeholder engagement and consultation with a range of employer and employee representatives, community groups and academics, commencing in July 2022. Consultations included proactive engagement with the Council of Small Business Australia and other small business representatives to ensure small business needs are properly considered.
- The Government will continue to consult on all aspects of this Bill, and when it becomes law the Fair Work Commission and Fair Work Ombudsman will support businesses and workers to understand and utilise the reforms.

OUR POLICY

- Business NSW said a survey of their members showed **only 16 per cent of respondents had bargained before** – this is why this legislation is so important. The enterprise bargaining system should be accessible to any employer wanting to negotiate an agreement. The reforms include a range of measures to reduce the complexity of bargaining and make it easier for employers and employees to make agreements.
- The Secure Jobs, Better Pay Bill ensures that single-enterprise bargaining will remain the primary form of bargaining. Increasing the ability for employers and employees to develop multi-employer enterprise agreements, while retaining sensible limitations on their use will enable more employers and employees to access the benefits of bargaining. This includes, for example, that small businesses cannot be compelled into the single-interest bargaining stream.
- Government support for small business includes a commitment of \$7.9 million over the forward estimates to expand the Fair Work Commission's capacity to proactively support the uptake of enterprise bargaining for small businesses.

Minister for Employment and Workplace Relations

QTB No: QB22-000614

Last Updated by Department: 21 November 2022

Last Updated by Adviser: XX Month YYYY

PREVIOUS GOVERNMENT

- The previous government had ample opportunity to get wages moving, to close loopholes, to turn up and use the processes of the Commission to argue for wage rises, and they never did any of them.
- The previous government's attempt to address known problems with the agreement-making process was to introduce legislation and then suspend it for two years, allowing wages to keep going backwards and for workers to be worse off.

POTENTIAL HOT ISSUES

IF ASKED: Why didn't the Government consult on the Bill?

- The Bill has been informed by an extensive program of stakeholder engagement and consultation with a wide range of employer and employee representatives, community groups and academics, both before and after the Job and Skills Summit.
- My department has conducted more than 50 consultations with a variety of stakeholders prior to introduction of the Bill, including business and industry groups, employers, unions, advocacy groups, academics, and state and territory government officials. Consultations included proactive engagement with the Council of Small Business Australia and other small business representatives to ensure small business needs are properly considered.
- Stakeholder consultations have continued since the introduction of the Bill, and the sensible amendments that have followed demonstrates my commitment to listen and to get wages moving, increase job security and improve gender equity.

Minister for Employment and Workplace Relations

QTB No: QB22-000614

Last Updated by Department: 21 November 2022

Last Updated by Adviser: XX Month YYYY

IF ASKED: Have you read the Business NSW survey results?

- I am aware of Business NSW's recent survey of member businesses on the Government's workplace relations reforms.
- I understand this was a survey conducted over 2 days and covered less than 2 per cent of businesses represented by Business NSW and less than 0.1 per cent of all businesses in NSW.
- Business NSW argues there's a lack of awareness about the reforms, but their survey indicates that 66 per cent have an awareness of the Bill, even before it has been introduced to the Senate.
- The Government will continue to consult on all aspects of the Bill and when it becomes law the Fair Work Commission and Fair Work Ombudsman will support businesses and workers to understand and utilise the reforms.

IF ASKED: How will the co-operative workplaces stream help small business?

- Small businesses have not previously had access to the benefits of bargaining due to the resources required at the firm level. Multi-enterprise bargaining allows the costs of bargaining to be shared among multiple employers leading to greater efficiency and economies of scale.
- The voluntary nature of this stream is attractive to small business as they can opt in and out of the stream at any time, for example, if their circumstances change or they decide instead to make a single enterprise agreement.

Minister for Employment and Workplace Relations

QTB No: QB22-000614

Last Updated by Department: 21 November 2022

Last Updated by Adviser: XX Month YYYY

Background: Data on Australian businesses

Table 1: Count of businesses by state, June 2022

| State | Number of businesses | Proportion of all businesses |
|-------------------------------------|----------------------|------------------------------|
| New South Wales | 862,800 | 33.6% |
| Victoria | 726,800 | 28.3% |
| Queensland | 486,000 | 18.9% |
| Western Australia | 242,100 | 9.4% |
| South Australia | 157,800 | 6.1% |
| Tasmania | 42,600 | 1.7% |
| Australian Capital Territory | 33,900 | 1.3% |
| Northern Territory | 15,800 | 0.6% |
| Other Territories/Currently Unknown | 2,000 | 0.1% |
| Australia | 2,569,900 | 100.0% |

Source: ABS, *Counts of Australian Businesses, June 2018 to June 2022*.

Note: This data is broken down by businesses' by main state. Businesses that operate across multiple locations are only classified to a single geography to prevent double counting.

Data on small businesses:

The department does not have data on business size (small, medium and large) disaggregated by State/Territories.

As at June 2022, there were 955,900 employing small businesses which represent 93.7 per cent of all employing businesses or 37.2 per cent of all businesses in Australia.

Table 1: Australian businesses by employment size, June 2022

| Employment size | No. of business (No's) | Share of all employing businesses (%) | Share of all businesses (employing and non-employing) (%) |
|--|------------------------|---------------------------------------|---|
| All employing businesses | 1,019,700 | 100.0% | 39.7% |
| • Small businesses (1-19 staff) | 955,900 | 93.7% | 37.2% |
| • Medium and large businesses (20 or more staff) | 63,900 | 6.3% | 2.5% |
| All businesses (employing and non-employing) | 2,569,900 | N/A | 100.0% |

Source: ABS *Counts of Australian Business, June 2018-2022*

BUSINESS NSW

19 November 2022

The Hon Tony Burke MP, Parliament of Australia
Minister for Employment and Workplace Relations, Minister for the Arts, Leader of the House
House of Representatives
Parliament House
Canberra ACT 2600

Dear Mr Burke

INDUSTRIAL RELATIONS REFORMS

I write to you as a matter of urgency regarding the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill.

As the representative of more than 45,000 businesses in NSW, I cannot stress enough the alarm our members are experiencing in relation to this piece of legislation.

And that's just the ones that know about it.

Fundamentally, businesses are in the dark about industrial relations reform. They need time to understand the proposed changes and the government needs time to properly consult with business and industry.

Business NSW conducted a pulse check survey of members over 48 hours from Sunday evening, November 13.

Of 737 respondents, 50 per cent were either not at all aware or only slightly aware of the Bill (let alone its likely implications for them).

Only 16 per cent have previously bargained an Enterprise Agreement.

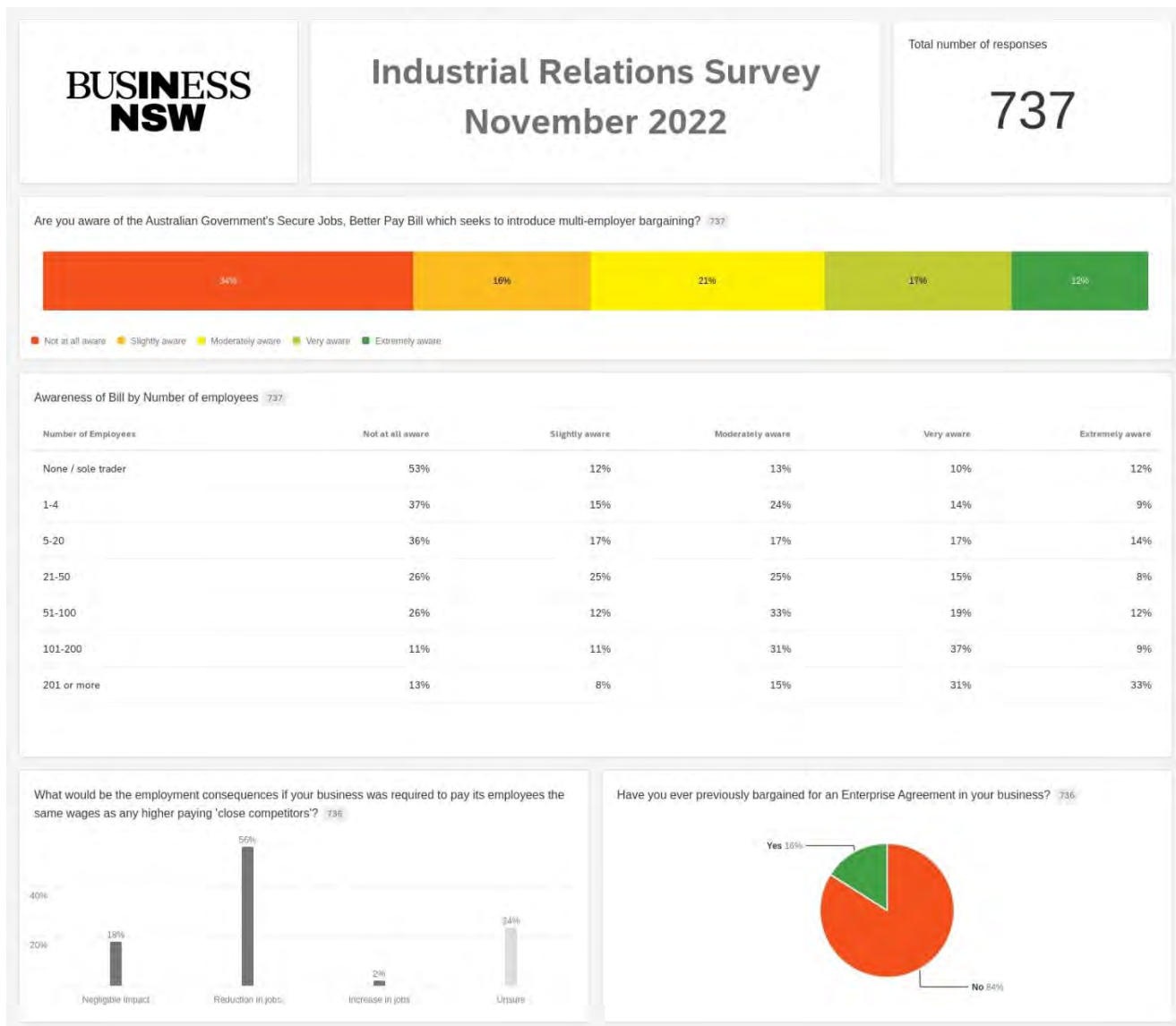
Of the 216 respondents that are very aware or extremely aware of the bill, 61 per cent believe it will lead to job losses in their business.

Business NSW received a particularly strong response from those in professional services, manufacturing, accommodation, food services and healthcare.

The nature of multi-employer bargaining means bigger employers may show less resistance to bargaining.

Smaller players who may not necessarily have the same resources, however, will be roped into that larger employers' bargaining arrangement.

This may in turn increase the risk of anti-competitive practices, adversely impacting on smaller enterprises.



The fact that small businesses are not exempt from the supported stream of multi-employer bargaining is also extremely concerning.

Business understands the need to build a stronger, more resilient economy and the need to tackle inflation.

In the face of global economic challenges, business does not need industrial relations red tape taking workplaces back to an era of conflict and disruption.

Our community as a whole will not benefit from union driven multi-employer bargaining when union representation is so minimal (14 per cent) compared to the total workforce.

There is still time for greater dialogue and consultation and sensible adjustment of this bill.

Business NSW would welcome the opportunity to discuss these matters with you at any time alongside, if appropriate, some concerned business owners.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daniel Hunter', with a stylized flourish at the end.

Daniel Hunter

Chief Executive Officer

Business NSW

140 Arthur Street, North Sydney NSW 2060
Tel 02 9466 4712 | daniel.hunter@businessnsw.com | businessnsw.com

Formerly the NSW Business Chamber, Business NSW is the peak policy and advocacy body which has been representing businesses in NSW since 1826.

Minister for Employment and Workplace Relations

QTB No: QB22-000654

Last Updated by Department: 30 November 2022

Last Updated by Adviser:

Jenkins Report

KEY ISSUES

- Today's fifth national survey of sexual harassment in Australian workplaces shows that rates of workplace sexual harassment remain unacceptably high.
 - Little has changed since the last survey in 2018.
- The Government is taking action to address this by implementing all 55 recommendations of the Respect@Work report.
- The passage of the Government's Respect@Work laws in Parliament this week is a significant step in the right direction and will ensure employers are required to actively prevent workplace sexual harassment.
- Amendments to Australia's workplace relations laws to expressly prohibit sexual harassment in connection with work are also currently before Parliament. These amendments recognise sexual harassment addressed as a serious workplace issue that should be addressed in Australia's workplace relations framework.

KEY FACTS AND FIGURES

Incidence of workplace sexual harassment

- In the last 12 months, about one in 5 Australians (19%) have been sexually harassed at work.
- In the last 5 years, one in 3 Australians (33%) have been sexually harassed at work (41% of women and 26% of men).
- Most harassers were men; overall, 77% of people sexually harassed at work were harassed by a man

Prevalence – industry specific

- Workplace sexual harassment is notably higher than the national incidence rate of 33% in the following industries:
 - Information, Media and Telecommunications (64%)
 - Arts and Recreation Services (44%)
 - Electricity, Gas, Water and Waste Services (40%)
 - Retail Trade (40%)
 - Accommodation and Food Services (34%).
 - Women were more likely to be harassed in the following industries:
 - Arts and Recreation Services (72% of women compared to 14% of men)

Minister for Employment and Workplace Relations

QTB No: QB22-000654

Last Updated by Department: 30 November 2022

Last Updated by Adviser:

- Electricity, Gas, Water and Waste Services (71% of women compared to 30% of men)
- Mining (62% of women compared to 25% of men)
- Agriculture, Forestry and Fishing (47% of women compared to 17% of men)
- Administrative and Support Services (34% of women compared to 12% of men)

Reporting and seeking support in relation to workplace sexual harassment

- Fewer than one in 5 people (18%) made a formal report or complaint about sexual harassment at work.
- Two in 5 people (40%) who made a formal report or complaint said that no changes occurred at their workplace as a result.

Minister for Employment and Workplace Relations

QTB No: QB22-000654

Last Updated by Department: 30 November 2022

Last Updated by Adviser:

BACKGROUND

- The Commonwealth of Australia, as represented by the Attorney-General's Department, provided funding to the Australian Human Rights Commission to conduct the 2022 National Survey.
- The survey was conducted between August and September 2022 to investigate the prevalence, nature and reporting of sexual harassment in Australian workplaces over the last 5 years.
- The Commission has conducted and reported on similar workplace sexual harassment surveys in 2003, 2008, 2012 and 2018.
- While the reported incidence of workplace sexual harassment rose sharply in previous reports, it has remained relatively stable in the most recent survey.