



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE

REGULATIONS AND DETERMINATIONS

Social Security (Reasonable Excuse- Participation Payment Obligations) (Employment) Determination 2014 (No. 1)

Disallowance

SPEECH

Wednesday, 27 August 2014

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner
Speaker Abetz, Sen Eric

Source Senate
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Senator ABETZ (Tasmania—Leader of the Government in the Senate, Minister Assisting the Prime Minister for the Public Service and Minister for Employment) (18:39): Australia, overall, has a very good welfare system. Australians are relatively pleased with it, and we as a government are seeking to maintain it. But it is vital that our welfare system be retained as a fair and sustainable system. And for it to remain fair and sustainable it has to be robust and it has to be as rort-free as possible.

Before going into what the legislative instrument, or regulation, actually does, allow me to debunk the myths we have just heard from Senators Cameron and Siewert. Senator Cameron's speech reminded me of the Empire State Building: for every story there was a major flaw. Whilst he generated a lot of heat in his contribution, there was not much light. It appears he actually pulled out the wrong speech. Let us just go through a few comments made by Senator Cameron. He talked about the parliament's Human Rights Committee's observations on this regulation. There was no such report. The report to which he referred refers to legislation that is still to come before the parliament, not this regulation. Wrong, wrong, wrong. But isn't it great to be wrong and to then make false accusations about the government and pretend that somehow, by peddling these falsehoods, you have heart, you have compassion, you have a social conscience? He was so concerned about the issues that he actually got the wrong speech and was talking about matters completely and utterly unrelated to this regulation.

He went on to say that job service providers will now have to make these decisions under this regulation—again, false; again, wrong. No: the Department of Human Services officials, under this regulation, will continue to make the decisions. But he said, 'But these professionals in the Department of Human services will be swept aside, and job service providers will have to make decisions they don't want to make.' Guess what? They will not have to. The Department of Human Services continues to make these decisions. Again, Senator Cameron was either clothing himself with complete ignorance when coming into this debate to make his contribution or deliberately seeking to scare the Australian community. Either way, Senator Cameron has done himself and the Australian Labor Party a great disservice.

Some of the comments he made also related to the draft request for tender—nothing to do with this regulation whatsoever. The Department of Human Services will continue to make the decisions. Then the good senator asked, 'What if the person has psychological issues, or he or she has drug and alcohol issues?' It is pretty simple. Have a look at the regulation—if you got that far. I think he was reading other documentation, and that is why we got the confused speech. All this regulation seeks to do is to explain matters to be taken into account in determining whether a person had a reasonable excuse: in clause (4)(i), 'If the person's failure was a result of the person being incapacitated due to illness, injury or disability'. The test further up says, with reference to the reasonable person, that if you suffer from injury or from mental illness then that is covered by the regulation. Every single example, every single story, was completely flawed in Senator Cameron's contribution.

He then asked, 'What about if you have family responsibilities?' It is a pity he did not read clause (4)(iv): 'If the person's failure was a result of the person having unforeseeable and unavoidable caring responsibilities'. It is there, black on white, for anybody who actually does the hard yards of reading the regulation. Anyone wanting to know what is actually in it will be satisfied that everything Senator Cameron said was spoken either in ignorance or with a complete wilfulness to mislead the Australian people. It is there, black on white. Then he asked, 'What about if somebody was the victim of criminal violence or the victim of assault?' I have already gone through if a person's failure is due to being incapacitated by injury. I would have thought that would be a pretty good answer to Senator Cameron's question.

Indeed, the regulation we have before us is designed to ensure that there is some robustness in the system, and every fair-minded Australian would say that that is reasonable. But because Senator Cameron does not want people to think it is reasonable or fair he came out with these extreme examples—each and every one of which is covered in the regulation before us. Indeed, he went as extreme as to ask, 'What if there was a death in the family?' If Senator Cameron had done his homework he would have seen that clause (3)(b) says the matters include:

(b) whether there were exceptional and unforeseeable circumstances beyond the person's control such that no reasonable person would expect the person to comply with the requirement that resulted in the failure ...

I think every Australian listening in to this debate this evening would accept that the professional people in the Department of Human Services would come to the conclusion that a death would be just such a circumstance covered by clause (3)(b). So it really does beg the question: what is it that motivates the harsh, ugly and misleading language used by the Australian Labor Party?

With what the senator said, trying to champion the workers of the Department of Human Services, he is in fact saying that the officials in the Department of Human Services, confronted with a job seeker not reporting because of a death in the family, would say that was not an exceptional or unforeseeable circumstance. Basically what he is saying is that the professional staff would be completely and utterly unreasonable. It is a sad reflection on Senator Cameron that he has such a view of the hardworking people in the Department of Human Services. It is a sad reflection on Senator Cameron and the Australian Labor Party that they do not understand that which is before them, black on white, in relation to this particular regulation. In all of this, Senator Cameron pretends that he is compassionate. There was a lot of passion in what he said, but it was not compassionate, because the passion with which he spoke was conceived in ignorance and born in ignorance. There was simply no truth to that which he was asserting.

Australians are willing to assist their fellow Australians in tough times. In exchange, those Australians who provide that assistance—namely, the taxpayers—do not unreasonably expect that those who are the beneficiaries of their largesse through their taxes will do their very best to do the right thing in all circumstances.

I return to Senator Siewert's comments. Regrettably, I think she may have listened in to the comments of Senator Cameron and then just echoed them. Senator Siewert asked, 'What if you have caring responsibilities?' I have already pointed out that caring is specifically referred to in the regulations. But then she had the audacity to say, 'This is a government that is harsh, cruel and seeking to demonise.' No. It was Senator Siewert's contribution that falsely accused the government of seeking to demonise and acting cruel and harshly in certain circumstances, but her assertions can be absolutely and utterly rebutted by the words of the regulation that is currently before us.

Having debunked the nonsense of Senator Cameron, in particular, and Senator Siewert, I will turn to the positive elements of this regulation.

Debate interrupted.