

Our Reference: A2312530

23 February 2023

The Hon Mr Julian Hill MP
Chair
Select Committee on Workforce Australia Employment Services
Via email: waes.reps@aph.gov.au

Dear Chair

Workforce Australia inquiry

The purpose of the Office of the Commonwealth Ombudsman (OCO) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly
- influence systemic improvement in government administration.

We aim to achieve our purpose by:

- independently and impartially reviewing of complaints and disclosures about government administrative action
- influencing government agencies to be accountable, lawful, fair, transparent, and responsive
- assisting people to resolve complaints about government administrative action; and
- providing a level of assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers.

The Committee is inquiring into matters related to Workforce Australia and the employment services system.

At the highest level, the OCO is concerned about the risk of government social policies and programs subjecting disadvantaged participants to unreasonably onerous and punitive conditions.

For Workforce Australia, the OCO is concerned the incentive structure for Providers and their discretion concerning participants' job plans may not always produce fair outcomes for participants. For example, participants may be subject to significant penalties such as payment suspensions for relatively minor instances of non-compliance.

Workforce Australia Employment Services Providers (Providers) are not directly within the OCO's jurisdiction under the *Ombudsman Act 1976*. However, the administrative actions of the Department of Employment and Workplace Relations (the department), which has responsibility for Workforce Australia, are within OCO's jurisdiction.

The OCO expects the department to implement robust and readily accessible procedures to handle complaints about Providers by participants and clearly and widely communicate to participants the fact of and way to access these procedures. The OCO will continue to investigate, via the department, complaints about Providers too.

The OCO will be closely following the inquiry and looks forward to the Committee's report.

Yours sincerely

A handwritten signature in black ink, appearing to be 'IA', written in a cursive style.

Iain Anderson
Commonwealth Ombudsman

Influencing systemic improvement in public administration