



**Australian Government**  
**Department of Employment**

# EXPOSURE DRAFT

FOR EMPLOYMENT SERVICES 2015-2020  
PURCHASING ARRANGEMENTS

**This is an Exposure Draft only**

**Do not lodge tenders at this time**

Commonwealth of Australia 2014

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## GENERAL INFORMATION AND INDICATIVE TIMELINE

Title of Exposure Draft	Exposure Draft for Employment Services 2015-2020 Purchasing Arrangements
28 July 2014	Release of the Exposure Draft
30 July 2014	Exposure Draft Information Sessions <ul style="list-style-type: none"> <li>• Melbourne – 9.30 am to 12.30 pm</li> <li>• Melbourne – 1.30 pm to 4.30 pm</li> </ul>
31 July 2014	Exposure Draft Information Sessions <ul style="list-style-type: none"> <li>• Bendigo – 9.30 am to 12.30 pm</li> <li>• Brisbane – 9.30 am to 12.30 pm</li> <li>• Brisbane – 1.30 pm to 4.30 pm</li> <li>• Adelaide – 9.30 am to 12.30 pm</li> <li>• Sydney – 9.30 am to 12.30 pm</li> <li>• Sydney – 1.30 pm to 4.30 pm</li> </ul>
1 August 2014	Exposure Draft Information Sessions <ul style="list-style-type: none"> <li>• Canberra – 9.00 am to 12.00 noon</li> <li>• Cairns – 9.30 am to 12.30 pm</li> <li>• Perth – 9.30 am to 12.30 pm</li> <li>• Coffs Harbour – 9.30 am to 12.30 pm</li> </ul>
4 August 2014	Exposure Draft Information Sessions <ul style="list-style-type: none"> <li>• Hobart – 1.30 pm to 4.30 pm</li> <li>• Wagga Wagga – 9.30 am to 12.30 pm</li> <li>• Canberra – 9.30 am to 12.30 pm (via webinar)</li> </ul>
5 August 2014	Exposure Draft Information Sessions <ul style="list-style-type: none"> <li>• Northern Territory – 1.30 pm to 4.30 pm (via videoconferencing)</li> </ul>
25 August 2014	Closing date for comments on the Exposure Draft
Late September 2014	Release of the Employment Services 2015-2020 Request for Tender

The Department of Employment (the Department) has released this Exposure Draft of a proposed Request for Tender for Employment Services 2015-2020 for the purpose of informing stakeholders.

**Do not lodge a tender in response to this Exposure Draft.**

This document should be considered together with other information, including:

- information made available on the Employment Services Purchasing website
- labour market data, which provides historical information that can assist Tenderers to understand the employment service environment at the localities in which they may wish to bid—labour market information is available at the Department’s [Labour Market Information Portal](http://lmip.gov.au) (lmip.gov.au).

Organisations wishing to tender for Employment Services 2015-2020 will be required to register with AusTender to access all Request for Tender documentation. Registration will be available through the [AusTender](http://www.tenders.gov.au) (www.tenders.gov.au) website. It will be a requirement of the Request for Tender that tenders must be lodged through AusTender.

**This is an Exposure Draft only—do not lodge a tender at this time.**

## COMMENTS AND FEEDBACK ON THE EXPOSURE DRAFT

The Department welcomes comments and feedback on this Exposure Draft. Any feedback or comments should be made before 5.00 pm (Canberra time) Monday 18 August 2014 by email to the [Employment Services Purchasing Hotline](mailto:espurchasing@employment.gov.au) (espurchasing@employment.gov.au).

If feedback or comments are received after 5.00 pm (Canberra time) Monday 18 August 2014, the Department may not consider the feedback or comments.

The Department will conduct Information Sessions regarding this Exposure Draft in capital cities and selected regional centres across Australia. Details of these sessions are available on the Employment Services Purchasing website or through the Employment Services Purchasing Hotline.

The Hotline is the primary means of contact during the Exposure Draft period and can be contacted on 1300 733 514 (Monday to Friday, 9.00 am to 5.00 pm Canberra time, excluding ACT and national public holidays) or via email to the [Employment Services Purchasing Hotline](mailto:espurchasing@employment.gov.au) (espurchasing@employment.gov.au).

The Department will provide a response to a request for clarification or a question as soon as practicable. The Department may provide answers to all Tenderers without identifying the source of the question or clarification by posting such information on the Employment Services Procurement Information website.

A person or organisation providing any feedback or comments in relation to the Exposure Draft, or otherwise having access to the Exposure Draft, will be taken to have agreed to, or to have acknowledged that:

- The Department may use, modify, take into account, retain and copy feedback or comments for purposes related to Employment Services 2015-2020. The Department may publish feedback or comments, but will respect a respondent's request to not publish information that the respondent has specifically identified as being confidential. Notwithstanding the last sentence, the Department will disclose any feedback or comments received in response to the Exposure Draft where required or authorised to do so by law, or by a Minister or parliamentary body.
- An organisation is responsible for its costs and expenses incurred in responding to the Exposure Draft if it chooses to provide feedback or comments on it.
- Any response in relation to the Exposure Draft confers no right, advantage or benefit in any future tender process, grant administration or procurement of services of the kind referred to in the Exposure Draft.

The material comprising the Exposure Draft must be used only for the purpose of providing feedback or comments in response to the Exposure Draft.

## EXPOSURE DRAFT DISCLAIMER

This document is an Exposure Draft of a proposed Request for Tender for Employment Services 2015-2020. The Exposure Draft is produced for the information of stakeholders and potential Tenderers. The purpose of this document is to describe the proposed purchasing arrangements and Statement of Requirements in order to obtain comments and feedback that will inform the Request for Tender and process for funding Employment Services 2015-2020.

The information in the Exposure Draft is subject to change and should not be relied upon as the basis for any decision to take action, or not take action, on any matter that it covers, especially in relation to the preparation of a tender.

**Note: This is an Exposure Draft only. Tenderers should not submit tenders in response to the Exposure Draft. Any tenders submitted to the Department based on the Exposure Draft will not be accepted or considered by the Department. All Tenderers should prepare their tender responses on the basis of the Request for Tender that will be released by the Department at a later date.**

The Exposure Draft is circulated under the following conditions:

- it is still a working document
- the Department may, at its discretion, adopt all, some or none of the comments or suggestions provided in response to the Exposure Draft and may vary requirements or terms contained in the Exposure Draft when drafting the Request for Tender.

Although certain information is contained in the Exposure Draft, Tenderers must make their own independent assessments and investigations about the subject matter of the Exposure Draft and seek the advice of business advisers if necessary, noting that the Request for Tender that will be released by the Department at a later date may differ from the Exposure Draft.

To the maximum extent permitted by law, the Government and all persons acting for the Government in preparing the Exposure Draft disclaim all responsibility and liability to any person arising directly or indirectly from any person taking, or not taking, action based upon the information in the Exposure Draft.

The Government, its employees, consultants and contractors do not make any representations or warranties as to the accuracy, reliability or completeness of the information in the Exposure Draft, and do not accept any liability arising from this information or any activity associated with it.

In the Exposure Draft, unless the contrary intention appears:

- all payment amounts are GST inclusive
- all capitalised terms have the meanings given to them in the list of Definitions in Appendix A.

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# CHAPTER 1

## OVERVIEW

## 1.1. INTRODUCTION

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The Australian Government is committed to building a strong and prosperous economy that promotes workforce participation and helps more Job Seekers to find and keep a job. To achieve this goal, the Government is investing \$5.1 billion over the next three years in a new Employment Services 2015 Model to better meet the needs of Job Seekers, employers and Providers.

The new model, which will commence from 1 July 2015, represents a fundamental shift in the design and delivery of employment services, ensuring services to Job Seekers better meet the needs of employers.

The key objective of the new model is to promote stronger workforce participation by people of working age and help more Job Seekers move from welfare to work.

To achieve this, the new model provides stronger incentives for Employment Providers to deliver high-quality services and achieve sustained employment outcomes for Job Seekers. It sets clear expectations for active participation by Job Seekers and includes incentives where employers hire, train and retain Job Seekers. It significantly reduces the level of prescription, complexity and red tape for Employment Services Providers and rewards sustained performance.

The model incorporates measures announced in the 2014-15 Budget including changes for Job Seekers aged 18 to 30 and the Restart wage subsidy to support mature age employment. The new model builds upon other Government programmes including the Job Commitment Bonus for Young Australians, Relocation Assistance to Take Up a Job and the Tasmanian Jobs Programme.

The Employment Services 2015 Model includes the following components:

- Employment Providers (replacing the current Job Services Australia)
- Work for the Dole Coordinators
- New Enterprise Incentive Scheme (NEIS)
- Harvest Labour Services
- National Harvest Labour Information Services.

Tenderers seeking to become a Work for the Dole Coordinator, NEIS Provider or to provide Harvest Labour Services or the National Harvest Labour Information Service are not required to become Employment Providers but may choose to do so.

## 1.2. EMPLOYMENT PROVIDERS

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The Department will contract with Employment Providers for the delivery of services to assist eligible Job Seekers to find and keep a job.

The new model includes significant reforms to enhance the quality of services provided to Job Seekers and employers and improve employment outcomes. The key features of the new Employer Provider service include:

- Each Job Seeker will be placed into one of three service streams, based on their risk of becoming long-term unemployed and any serious non-job related issues. Funding is directed to those Job Seekers who need the most support to find and keep a job.
- The Mutual Obligation framework has been simplified and extended to ensure that more Job Seekers remain active and engaged while looking for work.
  - Most Job Seekers will be required to undertake up to 40 job searches per month
  - Most Job Seekers aged under 30 will be required to do Work for the Dole for 25 hours per week for six months each year.
  - Most Job Seekers aged 30 to 49 will be required to do Work for the Dole for 15 hours per week for six months each year.
  - Most Job Seekers aged 50 to 59 will be required to undertake an approved activity for 15 hours per week for six months each year.
- Training will be more tightly targeted and Job Seekers will not undertake training for training's sake.
- The Employment Fund will be restricted to work related items, post placement support, professional services and training that better meet the needs of Job Seekers and employers.
- Modern online and self-help services will assist Job Seekers to more easily engage with employers and Providers.
- There are wage subsidies to encourage employers to offer ongoing employment to young and mature aged Job Seekers and the long term unemployed.
- The existing Employment Services Areas will be replaced by 51 Employment Regions to encourage greater efficiency through economies of scale.
- It is expected that there will be around four to six Employment Providers in each Region, with each Employment Provider working with Job Seekers from across the range of client groups represented in the Region.
- There will be five year Deals to reduce costs and red tape for Providers.
- Payments to Providers will be restructured to promote stronger performance and emphasise the achievement of employment outcomes not process.
- There will be a flat administration fee paid in advance at six monthly intervals that will be supported by automated claiming.
- There will be four, 12 and 26 week outcome payments with higher levels of payments for achieving outcomes for Job Seekers with more complex issues and who have been unemployed longer.
- For specified Employment Regions, a new regional loading will be applied to payments.
- There will be a mid-contract price adjustment for administration fees and outcome payments to Employment Providers to ensure that they can continue to deliver the same level of service over the life of the contract.

- There will be less prescription with regard to the services to be delivered. Employment Providers will be contracted to deliver the services they outline in their tender documentation.
- A new performance framework will measure not only outcomes, but also service delivery quality.
- There will be targets for increasing Indigenous employment outcomes, and they will be part of Providers' ongoing performance assessment. The Request for Tender will include indicative targets for each Employment Region.
- A network of Work for the Dole coordinators (one per Employment Region) will be contracted to work with Employment Providers and source Work for the Dole places and projects with organisations such as local councils, schools, community organisations and state and federal government agencies.
- Employment Providers will be expected to collaborate to provide suitable Job Seekers for major employers and significant projects.
- Improvements in data-sharing with income support data will help verify employment outcomes more easily, reducing 'red tape' for employers and Employment Providers.
- The Job Seeker Compliance Framework will be strengthened to ensure that Job Seekers are more actively supported to work with their Employment Provider and meet their mutual obligation requirements.

It is expected that there will be a mix of Employment Providers across Australia, including for profit and not-for-profit organisations. Small organisations and those interested in providing services only to particular client groups are encouraged to consider group tendering arrangements if they do not wish to bid in their own right. Similarly, larger entities may consider partnering with organisations that deliver services to specific client groups to strengthen their bids.

For a detailed description of Services refer to Chapter 2.

### **1.2.1. Work for the Dole Coordinators**

The Department will contract Work for the Dole Coordinators to help source Work for the Dole places suitable for the range of Job Seekers. Coordinators will identify potential Host Organisations, secure hosted places, foster group activities and connect Host Organisations with Employment Providers.

In bidding to be a Work for the Dole Coordinator, Tenderers are not required to bid to be Employment Providers as well, but may choose to do so.

For a detailed description of Services refer to Chapter 3.

### **1.2.2. New Enterprise Incentive Scheme (NEIS) Providers**

The Department will contract NEIS Providers to provide a range of services to assist eligible Job Seekers to establish and run their own small businesses.



In bidding to deliver NEIS services, Tenderers are not required to bid to be Employment Providers as well, but may choose to do so.

For a detailed description of Services refer to Chapter 4.

### **1.2.3. Harvest Labour Services**

The Department will contract Harvest Labour Services Providers to deliver services to horticultural producers in regions where they demonstrate that there is need for out-of-area harvest workers. Harvest Labour Services Providers will be required to gather vacancies from employers of harvest labour and supply the harvest workers necessary from outside the harvest area to meet this need. In bidding to deliver Harvest Labour Services, Tenderers are not required to bid to be Employment Providers as well, but may choose to do so.

For a detailed description of Services refer to Chapter 5.

### **1.2.4. National Harvest Labour Information Service**

The Department will contract a National Harvest Labour Information Service Provider to coordinate and distribute harvest labour information across Australia.

In bidding to deliver National Harvest Labour Information Services, Tenderers are not required to bid to be Employment Providers as well, but may choose to do so.

For a detailed description of Services refer to Chapter 5.

## **1.3. FREEDOM OF INFORMATION**

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All documents created or held by the Department with regard to the Programmes are subject to the *Freedom of Information Act 1982* (FOI Act). Unless a document falls under an exemption provision, it will be made available to the general public if requested under the FOI Act.

All FOI requests are to be referred by post to:

FOI Team Leader—Loc C10MT1

Corporate Legal Branch

Department of Employment

GPO Box 9880

CANBERRA ACT 2601

or [by email](mailto:foi@employment.gov.au) (foi@employment.gov.au)

Decisions regarding requests for access will be made by the authorised FOI decision-maker in accordance with the requirements of the FOI Act.



# **CHAPTER 2**

## **STATEMENT OF REQUIREMENTS – EMPLOYMENT PROVIDER SERVICES**

## 2.1. INTRODUCTION

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This chapter describes the services a Tenderer will be required to deliver if awarded an Employment Services 2015–2020 Deed as an Employment Provider.

Successful Tenderers will be required to commence delivery of Employment Provider services on 1 July 2015.

## 2.2. OBJECTIVE OF EMPLOYMENT SERVICES

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The objectives of Employment Services are to:

- better meet the needs of employers
- increase Job Seeker activation by removing the option of passive welfare and introducing stronger Mutual Obligation requirements
- increase job outcomes for unemployed Australians with specific targets for Indigenous Job Seekers
- reduce service prescription and cut red tape.

## 2.3. OVERVIEW OF EMPLOYMENT SERVICES

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The Employment Services 2015 Model is driven by a strong emphasis on Mutual Obligation requirements that encourage a work-like culture among Job Seekers. These requirements reflect the principle that unemployed people should be working, preferably for a wage, and if not, for the dole.

The Model will focus on performance, cutting red tape, giving Job Seekers the practical support they need to get and sustain a job and move off welfare dependency as soon as possible, and satisfying the needs of employers for work-ready employees. Employment Services will focus on achieving job outcomes for Job Seekers and a high level of employer engagement to ensure employers can fill vacancies with Job Seekers who meet their needs. Providers will deliver pre-employment preparation and post-recruitment back-up, so that employers can expect more Job Seekers to have the skills and attributes they need to be recruited and stay in a job.

In most cases, Job Seekers will connect with Employment Providers following a referral by the Department of Human Services (Human Services). The Job Seeker will be assessed using the Job Seeker Classification Instrument (JSCI) and, where required, an Employment Services Assessment (ESAt). The JSCI measures a Job Seeker's relative difficulty in gaining and maintaining employment and also identifies those Job Seekers who have multiple and complex issues for employment that may require further assessment through an ESAt. The JSCI is a robust and accurate measure of Job Seeker difficulties in finding a job in the relevant labour market.

## 2.4. OUTLINE OF EMPLOYMENT PROVIDER SERVICES

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Job Seekers will be placed into one of three Streams (Stream A, B or C – see Section 2.9), based on the complexity of their employment-related issues. The amount of overall funding available to the Provider will be based on the Job Seeker's Stream. Providers will have the discretion to determine the amount and type of servicing Job Seekers receive, in addition to the services essential to meeting Mutual Obligation requirements. However, the service offer should be commensurate with the services Job Seekers need to secure a sustainable job and move off welfare as quickly as possible.

Employment Providers will work with Job Seekers to negotiate a Job Plan. The Job Plan is the key document that will set out the actions each Job Seeker must take to satisfy Income Support requirements and gain work as quickly as possible.

In delivering services, Employment Providers will be required to:

- understand the needs of employers and the labour market, and work with employers to identify job opportunities for which Job Seekers may apply
- make sure that Job Seekers are equipped to meet the needs of employers
- provide appropriate post placement support to employers and Job Seekers so Job Seekers stay in employment
- work with all Job Seekers on their caseload, regardless of the Stream, circumstances or client group
- actively identify jobs for Job Seekers and ensure that they apply for and accept any suitable job for which they are eligible
- ensure that Job Seekers are meeting their Mutual Obligation requirements, including attending appointments, undertaking job search and fulfilling annual Work for the Dole requirements
- take quick and decisive action, including reporting non-compliance to Human Services, where Job Seekers do not meet their requirements under Social Security law
- quickly move Job Seekers into suitable Work for the Dole places through close collaboration with Work for the Dole Coordinators
- manage wage subsidies
- meet targets for increasing job outcomes for Indigenous Job Seekers
- work collaboratively with other organisations which play a role in moving Job Seekers into work including other Providers, local community and health services, state, territory and local government.

Employment Providers will be funded to deliver services across Employment Regions. There will be 51 Employment Regions across Australia, with generally four to six Employment Providers delivering services to any one region. Employment Providers are required to identify how they intend to work with and collaborate with other Providers and community organisations that deliver services in the Employment Region for which they are tendering.

Funding to deliver services will be made available to Employment Providers through Administration Fees and Outcome Payments. The ratio of Administration Fees to Outcome Payments is designed to reward Employment Providers who move Job Seekers off income support and into employment as efficiently as possible. It is expected that both Administration Fees and Outcome Payments will be used

to fund service delivery and investment in Job Seekers. Administration Fees and Outcome Fees are fixed and not subject to price competition. However, a mid-Deed price adjustment will be applied (see Section 2.15.7).

Employment Providers are expected to implement strategies to develop and deliver training that is tailored to the specific needs of employers. Employment Providers will have access to a range of other resources to help them move Job Seekers into employment, including targeted wage subsidies and the Employment Fund that can be used to purchase work related items, professional services and post placement support, as well as specific and targeted training (see Section 2.9.7). These resources will assist Employment Providers to supply Job Seekers suited to the demands of employers.

Most Job Seekers will commence in Work for the Dole after six months with an Employment Provider (see Section 2.11). Job Seekers who require greater interventions from Employment Providers to prepare for work will commence in Work for the Dole after 12 months in Employment Services. Employment Providers will work closely with Work for the Dole Coordinators to deliver Job Seekers with timely and meaningful Work for the Dole places. Employment Providers will be responsible for assessing the suitability of each Work for the Dole place before referring a Job Seeker to an appropriate Work for the Dole activity and managing their satisfactory participation.

Transition arrangements will apply to Job Seekers transferring to the Employment Services 2015 Model from Job Services Australia (see Section 2.17).

## **2.5. 2014-2015 INITIATIVES**

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Some of the specific employment servicing related measures which have already been announced, and will be integrated into the Employment Services 2015 Model, follow.

### **2.5.1. Stronger Participation Incentives for Job Seekers under 30**

From 1 January 2015 (subject to the passage of legislation) all new job ready Job Seekers aged under 30 years of age claiming Newstart Allowance, Youth Allowance (Other) or Special Benefit will need to wait up to six months for income support while they participate in Employment Services and demonstrate they are undertaking appropriate job search activities. The maximum initial waiting period is reduced by one month for each year the Job Seeker has been in full-time employment, up to a maximum of five months. Part-time and casual employment will be pro-rated.

After the initial waiting period, Job Seekers will be eligible to receive income support for 26 weeks, subject to participation in 25 hours per week of Work for the Dole.

Job Seekers subject to this measure will be identified by Human Services and this will be recorded on the Department's Information Technology system when they are first referred to Providers.

They will be job ready Job Seekers, aged under 30, who are not:

- in full-time education
- assessed as having a partial work capacity (less than 30 hours per week)

- a parent receiving Family Tax Benefit for a FTB child
- a part-time apprentice
- a Principal Carer Parent
- eligible for Disability Employment Services.

Providers will be required to deliver services to these Job Seekers both during the waiting period and during the time they are receiving income support so that they can gain work related skills and find a job. This will include appointments with Job Seekers each month to discuss the job searches that they have undertaken in the previous month and refer Job Seekers to jobs that the Provider has identified. These appointments will also allow the early identification of any failures by Job Seekers to meet their Mutual Obligation requirements. Where a Provider reports non-compliance to Human Services, penalties may be imposed on a Job Seeker's income support or their waiting period may be extended.

Employers who hire Job Seekers, subject to this measure, after they have completed their first period in Work for the Dole, will be able to receive a wage subsidy of up to \$6,500. Employers will be able to use this wage subsidy to train Job Seekers in job-specific skills so they can become fully productive members of staff. This equates to about six months of income support assistance.

After they complete their first period of Work for the Dole, Job Seekers will also be entitled to assistance to relocate to take up a job. They will also be eligible to claim the Job Commitment Bonus if they find a job and remain employed (see Section 2.5.4).

## **2.5.2. Restart Wage Subsidy**

Restart is an incentive payment of up to \$10,000, available from 1 July 2014 to employers who hire a mature age Job Seeker (aged 50 years or older) who has been unemployed and on income support for a minimum of six months. Restart will help Providers increase the number of employers who are willing to take on mature age Job Seekers.

Mature age Job Seekers in part-time employment of between 15-29 hours per week may attract a pro-rated subsidy, commensurate with the actual hours worked.

Wage subsidies are also available for the employment of young and long-term unemployed Job Seekers (see Section 2.9).

## **2.5.3. The Relocation Assistance to Take Up a Job Programme**

The Relocation Assistance to Take Up a Job Programme aims to encourage labour mobility by assisting long-term unemployed Job Seekers to relocate to find employment. Employment Providers may be able to offer Job Seekers, who have been unemployed for 12 months or more, up to \$6,000 if they move to a regional area to take up a job, or up to \$3,000 if they move to a capital city to take up a job. Employment Providers can assist Job Seekers with up to \$3,000 if they move from a capital city with high unemployment to one with lower unemployment to take up a job. Families with dependents may be eligible for up to an extra \$3,000 to help cover the additional costs of relocation.

## **2.5.4. The Job Commitment Bonus**

The Job Commitment Bonus for Young Australians (including those subject to the Stronger Participation Incentives for Job Seekers under 30 measure – see Section 2.5.1) encourages long-term unemployed young Australians to find a job and keep it. The initiative commenced on 1 July 2014, with the first payments available from July 2015 (see Section 2.9.11).

## **2.5.5. The Tasmanian Jobs Programme**

The Tasmanian Jobs Programme provides a one-off payment of \$3,250 to any Tasmanian business that employs eligible Job Seekers for a period of at least six months. Job Seekers must have been a resident in Tasmania for the preceding six months, receiving Newstart Allowance, Youth Allowance (other) or Parenting Payment for the same period and have Mutual Obligation requirements. The two year trial commenced on 1 January 2014 and will be completed on 31 December 2015.

## **2.5.6. Work for the Dole**

Work for the Dole is the primary component of the Government's Mutual Obligation requirements in which eligible Job Seekers participate in work-like activities in return for receiving income support. The Programme is being phased in over 12 months in 18 selected areas across Australia from 1 July 2014 ahead of its national implementation from 1 July 2015.

Arrangements to apply nationally from 1 July 2015, as part of the Employment Services 2015 Model, are described at Section 2.11.

## **2.5.7. Support Services and Mutual Obligation Arrangements for Illegal Maritime Arrivals**

In the 2014-15 Budget, the Government strengthened Mutual Obligation arrangements for Illegal Maritime Arrivals. Since 1 July 2014, Illegal Maritime Arrivals who have been found to be owed protection (those holding substantive temporary protection visas) and have work rights have been required to participate in employment services and undertake Mutual Obligation activities, such as Work for the Dole, in return for receiving income support.

From 1 July 2015, Illegal Maritime Arrivals with work rights will be serviced under the Employment Services 2015 Model and will be subject to the same Mutual Obligation requirements as all other Job Seekers.

Illegal Maritime Arrivals under 30 years of age will be subject to the Stronger Participation Incentives for Job Seekers under 30 measure.

## 2.6. WHO MAY RECEIVE SERVICES?

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Eligibility for Employment Services generally depends on the type of income support the Job Seeker is receiving. Appendix B contains a comprehensive list of Job Seeker eligibility.

Eligibility for a particular stream is dependent on the outcome of the JSCI and, where applicable, an ESAt, as described at Section 2.8.

Job Seekers eligible for the full range of Employment Provider Services fall into one of the following categories:

- recipients of Newstart Allowance, Youth Allowance (other) and Parenting Payment, who are subject to Mutual Obligation including Principal Carer Parents and people with a partial work capacity
- Illegal Maritime Arrivals on substantive temporary protection visas with work rights
- Disability Support Pension recipients under 35 years who are deemed to have a participation requirement
- Students aged 15-24 years, in full time study, who present in crisis and have at least one serious non-vocational barrier, who are eligible for immediate Stream C services as a Vulnerable Youth (Student) if no appropriate youth services are available in the local area. Ongoing assistance is subject to confirmation through an ESAt
- recipients of other qualifying forms of income support (see Appendix B).

As at 30 June 2014 there were 809,000 Job Seekers on the Job Services Australia caseload. Based on the current profile of Job Seeker characteristics it is anticipated that in the Employment Services 2015 Model approximately 55 per cent of job seekers will participate in Stream A, 28 per cent to Stream B and 17 per cent to Stream C.

From time to time, the Department may deem groups of people eligible for employment services and/or specific streams, for example, people in receipt of labour market adjustment packages or targeted labour mobility strategies.

### 2.6.1. Volunteers

To promote labour market participation, Employment Providers will also deliver services to Volunteer Job Seekers.

Job Seekers will be eligible to volunteer for services if they are:

- on income support and do not have compulsory Mutual Obligation requirements (for example Parenting Payment recipients with a youngest child aged under six, Carer Payment recipients, Age Pensioners or Disability Support Pension recipients without participation requirements)
- aged 15-24 years (subject to the passage of legislation raising the qualifying age for Newstart to 25 years) and not on income support
- older than 24 (subject to the passage of legislation, otherwise older than 21) who are not on any type of income support and who are not:
  - full time students



- working in paid employment for 15 hours or more per week and not on income support
- overseas visitors on working holiday visas or overseas students studying in Australia
- prohibited by law from working in Australia
- full-time students seeking an apprenticeship or traineeship.

Volunteers will receive time limited services of up to six months to help them understand the skills and attributes local employers need, build their résumé, look for jobs and show them how to access self-help. Volunteers will have access to these services once only. Employment Providers will assist Volunteer Job Seekers by improving their employability skills, offering advice on how to navigate the labour market and referring them to jobs.

Volunteer Job Seekers will attract the Employment Provider funding (including Outcome Payments after three months) and Employment Fund credits that job ready (ie Stream A) Job Seekers receive in the first six months.

Employment Providers are required to assist all eligible Job Seekers who volunteer for employment services and can register them without the need for a referral from Human Services. Volunteer Job Seekers who register directly with Employment Providers will not be taken into account in managing contracted Business Shares, but will be included in the assessment of Employment Providers' performance.

## **2.6.2. When is a Job Seeker in service?**

A Job Seeker is considered to be receiving services from the time they commence in a Stream until they Exit. However, during a Job Seeker's service period, there may be times when service is Suspended due to the Job Seeker's individual circumstances. For example, service may be Suspended when Human Services notifies the Employment Provider of a Job Seeker's Exemption from compulsory participation.

Human Services will also notify the Employment Provider when the Exemption is lifted via the Department's IT systems.

Note: different arrangements may apply for Job Seekers subject to the Stronger Participation Incentives for Job Seekers under 30.

Job Seekers may Exit service for a number of reasons, including, but not limited to, when they:

- stop claiming Income Support
- are Job Seekers with reduced requirements which they are meeting
- are Volunteer Job Seekers who either reach their maximum of six months in Stream A or choose to withdraw from services.

## **2.7. HOW DO JOB SEEKERS CONNECT TO SERVICES?**

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Employment Providers will be contracted to help a proportion of Job Seekers in an Employment Region. This is called a 'Business Share'.

In most cases, Job Seekers will connect with Employment Providers following a referral by Human Services to a particular Stream. Employment Providers must accept and service all eligible Job Seekers referred to them. Where possible, the referral process will manage the allocation of Job Seekers to within a 30 per cent 'tolerance' of an Employment Provider's contracted Business Share. Job Seekers can also approach Employment Providers directly to volunteer for services.

Most Job Seekers will be connected using the Rapid Connect process, which seeks to have Job Seekers commenced with Employment Providers as quickly as possible (usually within two working days, up to a maximum of 14 calendar days) after their initial contact with Human Services. Employment Providers must ensure that at all times they have initial sessions available in the online Diary in the Department's IT systems so Human Services can book appointments within two business days.

### **2.7.1. Job Seeker choice**

All Job Seekers will be able to choose their Employment Provider when they first register. To inform this choice, Job Seekers will have access to information provided by Employment Providers (as well as their Star Rating) and Human Services on the services available in their area. Job Seekers will have access to Connections for Quality on the [Australian JobSearch website](http://www.jobsearch.gov.au) (www.jobsearch.gov.au).

Connections for Quality is a facility on JobSearch which allows Employment Providers to showcase their organisation and any specialty services, relationships or achievements that set them apart, particularly at a local level. Employment Providers are able to publish claims against five service Quality Indicators on their Site Details page on JobSearch using the Department's IT system. Job Seekers and employers can also submit feedback, comments and recommendations about their experience with Employment Providers.

A Job Seeker who nominates a preferred Employment Provider will be referred to that Employment Provider as long as the Employment Provider has not already achieved its upper tolerance of Business Share. If the preferred Employment Provider has achieved its upper tolerance of Business Share, the Job Seeker will be requested to nominate another Employment Provider.

### **2.7.2. Allocation if no choice made**

For Job Seekers who do not nominate an Employment Provider, the IT system will refer them to an appropriate Employment Provider with available appointments and not above its maximum tolerance of Business Share.

### **2.7.3. Changing Employment Providers**

If a Job Seeker changes address, and their Employment Provider has a Site in the new location that can be accessed by the Job Seeker, the Employment Provider must accept that Job Seeker at the new Site. This is regardless of limits on Business Share. The new Site will be responsible for providing ongoing services to the Job Seeker. Any transfer of Administration Fees, Employment Fund credits or Work for the Dole fees between its Sites is an internal matter for the Employment Provider.

A Job Seeker may change Employment Provider if the Job Seeker:

- changes residential address and can no longer reasonably access a site belonging to their original Employment Provider
- requests the Department to change Employment Providers if, at any time, the Job Seeker and Employment Provider are unable to maintain a reasonable and constructive servicing relationship
- requests to change Employment Provider and both Employment Providers agree to the change.

In these circumstances, the Job Seeker will be removed from their original Employment Provider's caseload and referred to a new Employment Provider that will accept a Job Seeker and provide ongoing services.

The following rules apply in the treatment of Administration Fees, Outcome Payments and Employment Fund credits for Job Seekers who change Employment Providers.

#### **2.7.4. What happens to Payments when Job Seekers transfer between Employment Providers?**

For all transfers, Employment Providers will receive a pro-rata Administration Fee when the Job Seeker commences with them.

Relinquishing Employment Providers will have the remaining proportion of their Administration Fees recovered. This recovery will be pro-rated based on the period of time between the Job Seeker commencing with them and the Job Seeker transferring.

When a Job Seeker is transferred to a different Provider during an Outcome Period, the Provider with which the Job Seeker was registered when the Job Seeker began the placement, will be eligible to claim an Outcome if all requirements are met. This applies to four, 12 and 26 Week Period Outcome claims (see Section 2.15).

For all transfers, a proportion of the Employment Fund will be transferred between Providers. Details will be provided in the Employment Fund Guidelines.

#### **2.7.5. Maximum time with Employment Provider**

Job Seekers who remain unemployed after two years for Stream A, or three years for Streams B and C, with the one Employment Provider, will usually be transferred, along with their business share, to another Employment Provider in the same Employment Region. Their new Provider will be expected to undertake a further interview and, in consultation with the Job Seeker, develop a new Job Plan.

To ensure that Employment Providers do not use this as a mechanism to move their least job ready Job Seekers to another Employment Provider without penalty, Providers' market shares will be impacted and adjusted at quarterly intervals.

## 2.8. HOW IS THE SERVICE STREAM DETERMINED?

The Job Seeker's Service Stream will be determined by using the JSCI and, where needed, an ESAt.

The JSCI is based on a statistical model that assesses a Job Seeker's relative level of difficulty in getting a job in the relevant labour market and likelihood of becoming or remaining long term unemployed.

The JSCI largely uses information disclosed by the Job Seeker along with the information gathered by Human Services.

The Job Seeker's responses are used to calculate the JSCI score as an expression of that Job Seeker's likelihood of remaining unemployed for at least another year, and to determine the Job Seeker's eligibility for Stream A or Stream B. The JSCI also indicates whether a Job Seeker has multiple and complex issues for employment that may require further assessment. Job Seekers who require further assessment are referred for an ESAt. Further information on the JSCI is on [the Department's JSCI website](http://www.employment.gov.au/job-seeker-classification-instrument) (www.employment.gov.au/job-seeker-classification-instrument).

An ESAt provides a comprehensive work capacity assessment for people with disability and/or other complex or multiple issues affecting their capacity to work. An ESAt recommends the most appropriate employment service and support interventions for the particular Job Seeker.

ESAts are completed through face-to-face, video or phone interviews by qualified health and allied health professionals. The ESAt will determine if the Job Seeker requires Stream C services or referral to other services such as Disability Employment Services.

More information on ESAts is on [the Department's ESAt website](http://www.employment.gov.au/employment-services-assessments) (www.employment.gov.au/employment-services-assessments).

## 2.9. EMPLOYMENT PROVIDER SERVICES

Table 2.1 outlines the services Employment Providers are required to deliver to Job Seekers while they are unemployed.

**Table 2.1: Servicing requirements**

	STREAM A JOB COMPETITIVE – JSCI in a specified range		STREAM B VOCATIONAL ISSUES		STREAM C SERIOUS NON-VOCATIONAL ISSUES via ESAt referral
	under 30 Full work capacity*	All other Job Seekers	under 30-with JSCI in a specified range Full work capacity*	All other Job Seekers & under 30-JSCI greater than specified range. Full work capacity	
Initial Contact	<b>Comprehensive Interview</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Identify strengths and issues</li> <li>Job plan</li> </ul>	<b>Comprehensive Interview</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Identify strengths and issues</li> <li>Job plan</li> </ul>	<b>Comprehensive Interview</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Identify strengths and issues</li> <li>Job plan</li> </ul>	<b>Comprehensive Interview</b> <ul style="list-style-type: none"> <li>Identify strengths and issues</li> <li>Job plan</li> </ul>	<b>Comprehensive Interview</b> <ul style="list-style-type: none"> <li>Identify strengths and issues</li> <li>Job plan</li> </ul>
1-6 months	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Monthly contacts</li> <li>Self help</li> <li>40 job searches per month except in exceptional</li> </ul>	<b>Self Service and Job Activity</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Self help</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Monthly contacts</li> <li>Self help</li> <li>40 job searches per month except in</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Activity to increase job competitiveness</li> <li>40 job searches per month except in</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Activity to address non-vocational issues</li> <li>Activity to increase job competitiveness</li> </ul>

	circumstances		exceptional circumstances	exceptional circumstances	<ul style="list-style-type: none"> <li>40 job searches per month except in exceptional circumstances</li> </ul>
6-12 months	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>WfD 25hrs a week</li> <li>40 job searches per month except in exceptional circumstances</li> <li>Monthly contacts</li> </ul> See Section 2.9.3	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>WfD 15hrs a week</li> <li>Other support as per plan</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>WfD 25hrs a week</li> <li>40 job searches per month except in exceptional circumstances</li> <li>Monthly contacts</li> </ul>		
12-18 months	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Eligible for Wage Subsidy</li> <li>Monthly contacts</li> <li>Self help</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Services as per plan</li> <li>Support tools (wage subsidies, work experience, training)</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Eligible for Wage Subsidy</li> <li>Monthly contacts</li> <li>Self help</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Work for the Dole 15 hours per week (25 hours for under 30s)</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Work for the Dole – often group activity (25 hours for under 30s and 15 hours for 30 plus year olds)</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>
18-24 months	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>Eligible for Wage subsidy</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>Eligible for Wage subsidy</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Services as per plan</li> <li>Support tools (wage subsidies, work experience, training)</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>Referrals to jobs</li> <li>Services as per plan</li> <li>Support tools</li> <li>40 job searches per month except in exceptional circumstances</li> </ul>
	24 month Transfer to New Employment Provider where new Job Plan completed and servicing outlined in 12-24 months applies				
24-30 months	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>as for 12-18 months</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>as for 12-18 months</li> </ul>	<b>Income Support Waiting period</b> <ul style="list-style-type: none"> <li>as for 12-18 months</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>as for 12-18 months</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>as for 12-18 months</li> </ul>
30-36 months	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>as for 16-24 months</li> </ul>	<b>Work for the Dole Phase</b> <ul style="list-style-type: none"> <li>as for 18-24 months</li> </ul>	<b>WfD &amp; Income Support Period</b> <ul style="list-style-type: none"> <li>as for 18-24 months</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>as for 18-24 months</li> </ul>	<b>Case Management</b> <ul style="list-style-type: none"> <li>as for 18-24 months</li> </ul>
	36 month Transfer to New Employment Provider where new Job Plan completed and servicing outlined in 18-24 months applies				36 month Transfer to New Employment Provider where new Job Plan completed and servicing outlined in 18-24 months applies

\* Subject to the passage of legislation

## 2.9.1. Flexible servicing arrangements

An essential component of the Employment Services 2015 Model is that Employment Providers focus on getting Job Seekers into a job as quickly as possible. Employment Providers will be required to ensure Job Seekers take any available job that they are capable of doing, including seasonal work, which is suitable under Social Security law. Employment Providers will describe how they will achieve this goal for different groups of Job Seekers in their Tender response and in their Service Guarantees for Job Seekers (see Section 2.16.6). Importantly, they will be held accountable for what they agree to deliver, with sanctions applying for Employment Providers who do not deliver the services outlined in their Tender response to Job Seekers and/or employers.

Employment Providers will have flexibility to deliver services based on what each individual Job Seeker needs to help them become work ready. Other than the common elements listed below, Employment Providers will not be bound by a list of prescribed meetings or activities. Instead they are expected to use a wide range of new approaches to meet the needs of employers and Job Seekers, including using web and mobile technologies to deliver services.

## 2.9.2. Common elements across Streams

Services within each Stream will be tailored to the individual needs and circumstances of each Job Seeker, while ensuring that Job Seekers are best placed to fill available jobs and meet their Mutual Obligations under Social Security law.

All services for Job Seekers should be delivered within a framework that recognises other factors relevant to the individual, for example, caring responsibilities, disability, age, and cultural and linguistic diversity. Irrespective of the Stream, the Employment Provider will:

- conduct a comprehensive initial interview
- work with the Job Seeker to develop a Job Plan which contains items that enable Job Seekers to find work and meet their Mutual Obligations under Social Security law (where relevant)
- use available funding from the Employment Fund, Administration Fees and Outcome Payments to support the Job Seeker's agreed Job Plan
- monitor and assist with the job search undertaken by Job Seekers
- arrange, monitor and manage the Job Seeker's Work for the Dole requirement, as well as any other activities (e.g. attending appointments) as set out in a Job Seeker's Job Plan
- use additional tools such as wage subsidies, relocation assistance and self-help facilities where relevant
- encourage Job Seekers to consider job opportunities outside their local area
- maintain contact with Job Seekers and their employers during any wage subsidy period to provide relevant support where needed and ensure payments can be made where requirements are met.

Providers are obliged to accept all new registrations and transferring Job Seekers, provided there is sufficient available capacity within their allocated business share. Flexible service delivery provisions allow Providers to tailor their engagement model with particular Job Seekers to best suit individual circumstances.

The work that Employment Providers do with Job Seekers in each Stream will vary. However, the common objective for all Streams is to ensure continuous Job Seeker activation by removing the option of passive welfare, increasing job outcomes and introducing stronger Mutual Obligation requirements in return for taxpayer funded income support.

Services will be provided in three Streams.

**Stream A** Job Seekers will be the most job competitive. Typically they will:

- have a low to moderate JSCI score
- be required to find work by themselves with only limited support from Employment Providers in the first six months

- an example is a Job Seeker who resides in a labour market region with good employment opportunities, has reasonable language, literacy and numeracy skills, and recent work experience. Many of these Job Seekers will have one or two risk factors such as being a young person, mature age, or single parent. However, they will not have multiple significant issues.

It is anticipated that Stream A Job Seekers, will:

- be referred to available Vacancies by Employment Providers
- use the Australian JobSearch website and mobile facilities to undertake active and ongoing job search and participate in any other activities identified by Employment Providers
- commence in Work for the Dole or another approved activity after six months
- be case managed and provided with services specific to getting them into a job if they are still unemployed after 12 months
- have an annual six month Work for the Dole requirement while they remain unemployed.

**Stream B** Job Seekers will need their Employment Provider to play a greater role in making them job ready. They will have:

- a JSCI score indicating a moderate to high risk of Long-Term Unemployment i.e. being unemployed for 12 months or more
- characteristics, such as where they live or poor language, literacy and numeracy skills, which will make them less competitive in the job market.

Stream B Job Seekers will be referred to available Vacancies by Employment Providers and be case managed from when they register with the Employment Provider so the issues that are preventing them from getting a job can be proactively addressed. Employment Providers will be able to develop and deliver services that are specific to the Job Seeker. They will generally commence Work for the Dole or another approved activity at 12 months. They will have an annual Work for the Dole requirement from then on. Their range of Mutual Obligations will mean they will receive services aimed at getting them into a sustainable job while ensuring they do all they can to move off income support as quickly as possible.

**Stream C** Job Seekers will have a combination of vocational and non-vocational issues that need to be addressed so that they can take up and retain a job. Typically they will have a combination of serious personal issues, such as physical and/or mental health issues, low work capacity or substance abuse which have to be addressed to make them job ready for employers.

Stream C Job Seekers will be case managed to build work capacity and address personal issues (for example, those with a drug or alcohol addiction). Employment Providers will be able to develop and deliver services that are specific to the Job Seeker. They will also generally commence Work for the Dole or other approved activities at 12 months, depending on their issues. They will have an annual Work for the Dole requirement from then on. Their range of Mutual Obligations will mean they will receive services aimed at getting them into a sustainable job while ensuring they do all they can to move off income support as quickly as possible.

Job Seekers in Streams B and C will be required to fully and conscientiously participate in the vocational or non-vocational interventions that Employment Providers deem necessary to make them job ready during their first year of unemployment. If Employment Providers consider that a Job Seeker is not



benefiting from or actively participating in the intervention, the Employment Provider will refer the Job Seeker to Work for the Dole. It will not be necessary to wait for the full 12 months before the Job Seeker commences in Work for the Dole.

### **Under 30 year olds**

The exception to the servicing outlined above is the work Employment Providers will do with those Job Seekers aged under 30 years who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure (subject to legislation).

Note: Stream A and some Stream B Job Seekers, who will be identified to Employment Providers when they commence, will be subject to this measure. It does not apply to Stream C Job Seekers.

Regardless of whether they are placed in Stream A or B, these Job Seekers will participate in monthly interviews with their Employment Provider from when they register. These interviews will focus on the Job Seeker's job search activity in the previous month and any potential job vacancies the Employment Provider has identified to which they can refer the Job Seeker.

These appointments will also allow the early identification of any failures by Job Seekers to meet their Mutual Obligations so that the Employment Provider can determine if they have to report non-compliance to Human Services which could result in the Job Seekers having their waiting periods extended.

Those who begin receiving income support after 1 July 2015 will commence in Work for the Dole or another approved activity at the six month point. They will then have a six month Work for the Dole activity requirement each year that they remain unemployed. They will become eligible for the Youth Wage Subsidy (see Table 2.3) as well as assistance to relocate to take up a job.

## **2.9.3. Moving across Streams**

A Job Seeker's issues that impact on their capacity to gain a job may change over time. Where this occurs a change of circumstances re-assessment JSCI may be conducted to determine if the Job Seeker should be moved from Stream A to Stream B. If the Employment Provider identifies significant personal issues that emerge as they work with the Job Seeker that may require further assessment, the Employment Provider will be able to refer the Job Seeker back to Human Services for an ESAt.

In the first six months after a Job Seeker becomes unemployed, only Human Services will be able to conduct a change of circumstances JSCI if an Employment Provider believes a Job Seeker's circumstances have changed significantly.

## **2.9.4. Initial contact**

Employment Providers will not be restricted by imposed servicing requirements, but they will be required to undertake a comprehensive face to face interview with each Job Seeker when they first register with the Employment Provider.



All Job Seekers will have a Job Plan which records a Job Seeker's mutual obligation responsibilities, including the Job Seeker's responsibility to actively look for work at all times while they are on activity tested income support.

For Job Seekers who are more job competitive (Stream A), the initial interview will focus on jobs available in the local labour market, referrals to jobs and how Job Seekers can also help themselves to find a job. For those needing greater interventions from Employment Providers (Stream B and C) the interview will centre on how Job Seekers can build on their strengths and overcome issues holding them back from employment. It will also identify how Employment Providers will work with Job Seekers to improve their employability so they can find a job.

At the end of the interview with the Employment Provider, each Job Seeker will have a clear understanding about how the Employment Provider will work with them to get them into a job as quickly as possible.

### **2.9.5. Job Plan**

The Job Plan underpins the provision of services to a Job Seeker. The Job Plan must be recorded on the Department's IT systems and is the key document that will set out an individualised employment oriented action plan for each Job Seeker.

Employment Providers must ensure that all Job Seekers have a current Job Plan. The Job Plan will be tailored to the needs of each Job Seeker. It will outline agreed activities that will satisfy the Job Seeker's Mutual Obligation requirements (where relevant) and which will assist the Job Seeker to become work ready and gain sustainable employment, taking into account knowledge of the local labour market and employers' needs.

A Job Plan is a 'living document' that is updated as the Job Seeker progresses towards employment and to reflect changes in their circumstances. The Job Plan must contain the number of job searches a Job Seeker will undertake, as well as other activities that will enable the Job Seeker to meet their Mutual Obligation requirements under Social Security law. Information on the Mutual Obligation requirements can be found in the [Guide to Social Security law](http://guides.dss.gov.au/guide-social-security-law) (<http://guides.dss.gov.au/guide-social-security-law>).

Job Seekers who need to meet Mutual Obligation requirements in return for income support need a Job Plan outlining the agreed compulsory activities to be undertaken. Job Seekers undertaking activities or participating in services voluntarily should also have their activities outlined in a Job Plan.

Elements that must be included in each Job Plan include:

- the number of job searches that must be undertaken by the Job Seeker each month
- contact between the Employment Provider and Job Seeker
- basic details of mandatory vocational and non-vocational activities, such as the annual Work for the Dole requirement, vocational training, and any other work experience that Job Seekers will undertake with the objective of gaining employment.

In addition to the above requirements, the Job Plan for a Job Seeker with Mutual Obligation requirements can also include voluntary activities (for example, ongoing psychological counselling or drug and alcohol treatment).

Employment Providers must update the Job Plan regularly throughout the Period of Service, taking account of changes to the Job Seeker's needs. Employment Providers will also need to supply either an electronic or hard copy to the Job Seeker depending on the Job Seeker's preference.

## **2.9.6. Job Search requirements**

Active job search is central to the Employment Services 2015 Model's objective of removing passive welfare receipt and ensuring increased job outcomes for unemployed Australians. All Job Seekers with Mutual Obligation requirements will therefore be required to undertake 40 job searches each month unless they have complex issues or other exceptional circumstances, subject to parameters to be set out in guidelines and monitored by the Department, that prevent them from looking for this number of jobs.

Reports providing information on a Job Seeker's job search activity through Australian JobSearch will be made available to Employment Providers so that the quantum and quality of job search can be easily and actively monitored by Employment Providers in relation to individual Job Seekers at all times.

## **2.9.7. Employment Fund**

The Employment Fund is a pool of funds that can be used by Employment Providers to support Job Seekers to build experience and skills to meet employers' needs and get a job.

Employment Providers will seek reimbursement through the Employment Fund for work related items, professional services, post placement support and specific, targeted training that will assist the Job Seeker in obtaining employment. Employment Fund purchases must:

- be in accordance with the Employment Fund guidelines
- correspond with the Job Seeker's difficulties in finding a job in the labour market
- provide value for money
- comply with any work health and safety laws that may apply
- withstand public scrutiny
- not bring Employment Services or the Government into disrepute.

Evidentiary requirements for purchases under \$300 will be minimised, with most items requiring only a tax invoice or receipt.

Employment Providers will receive a one off Employment Fund credit for each registered Job Seeker on commencement, with the exception of Stream A Job Seekers who will receive Employment Fund credits after three months of service. The credits are not limited to any one Job Seeker in a particular Stream and can be used flexibly to provide services to any Job Seeker or group of Job Seekers. Unused Employment Fund monies cannot be retained by the Employment Provider.

**Table 2.2: Employment Fund credits**

Stream	Employment Fund Credit* (paid once only)
Stream A	\$300
Stream B	\$850
Stream C	\$1,200

*\*GST only applies to Employment Fund reimbursements*

Youth and Restart wage subsidies will be separately reimbursed through the Employment Fund. Additional credit of \$990 for each Job Seeker who meets the eligibility benchmark of 12 months unemployment (excluding Job Seekers attracting the Restart or Under 30 wage subsidies) will be made to the Employment Fund for Long Term Unemployed wage subsidies (see Section 2.9.9).

The following items should not be funded through the Employment Fund:

- training that is not directly related to a specific job
- any additional contacts with Job Seekers beyond those specified in your Service Guarantee
- mentoring outside post placement support
- outreach servicing
- Provider transport costs
- skills assessment costs
- reverse marketing.

### **2.9.8. Servicing through improved IT**

The Employment Services System is the main system supporting Employment Providers and manages the access to Job Seeker information and the recording of Employment Provider actions. The Department also manages Australian JobSearch, an online job board which advertises Employment Provider and employer vacancies. Enhanced functionality is planned for both software packages that will reduce administrative burden on Employment Providers, Job Seekers and employers as outlined below.

The IT infrastructure will support the key elements of the Employment Services 2015 Model. In particular, it will provide a framework that allows Job Seekers to take responsibility for their own employment situation and empower them to engage with Employment Providers. This will also allow Employment Providers to take more timely action should Job Seekers not be committed to looking for work. The core functions that will allow this servicing include:

- the introduction of mobile smartphone and tablet applications
- enhancements to Job Seeker home pages
- improved résumé functionality
- better job search functions and the recording of job search efforts to assist Employment Providers monitor activity
- a new Job Seeker performance diary to record actions relevant to the Job Plan.

Employment Providers will support Job Seekers' self service activities through the provision of free Wi-Fi in the Employment Providers' offices.

Employment Provider IT functionality will also support the new Model, including a focus on access to Job Seeker performance information and measures to make administrative requirements simple and straightforward, including auto-populating data fields where possible and the ability to share vacancies.

Servicing of employers will also be supported by the IT infrastructure for the Employment Services 2015 Model. It will be straight forward for employers to lodge vacancies and check how many times their vacancy has been viewed, contact an Employment Provider and develop their own employer record based on their Australian Business Number (ABN).

The Department will specify minimum mandatory data entry requirements in the IT System for Programme Assurance and compliance purposes.

If an Employment Provider uses a third party IT system:

- documentation held in that system relating to services supplied to Job Seekers and employers must be supplied on request to the Department
- the Employment Provider is responsible for ensuring that the third party IT system they use meets the minimum requirements of the Department for privacy, record keeping and Programme Assurance purposes and any relevant Commonwealth Government requirements as they apply.

## 2.9.9. Additional tools

### Wage subsidies

Wage subsidies which support the Government's broader objectives of increasing participation for all Australians will be a key element of the Employment Services 2015 Model. They will not only encourage employers to take on less job ready Job Seekers but also assist them to fund job specific training that will allow Job Seekers to increase their skills and become fully productive employees.

**Table 2.3 – Table of Wage Subsidies**

<b><i>Restart (mature age 50 years plus)</i></b>	<b><i>Youth</i></b>	<b><i>Long Term Unemployed</i></b>	<b><i>Tasmanian Jobs Programme</i></b>
Up to \$10,000 may be paid to eligible employers who hire a mature-age Job Seeker aged 50 years or older who is unemployed and on income support for a minimum of six months.  The first wage subsidy payment of up to	Up to \$6,500 may be paid to eligible employers to hire a Job Seeker under 30 years old who is subject to the Stronger Participation Incentives for Job Seekers under 30 measure.  Job Seekers will	Up to \$6,500 may be paid to eligible employers to hire and retain a long-term unemployed Job Seeker  The Job Seeker must have been unemployed and with an Employment Provider (including a Job Services	The Tasmanian Jobs Programme is a two year trial Programme which commenced on 1 January 2014 and finishes on 31 December 2015. It provides eligible Tasmanian employers with a one-off payment

<b><i>Restart (mature age 50 years plus)</i></b>	<b><i>Youth</i></b>	<b><i>Long Term Unemployed</i></b>	<b><i>Tasmanian Jobs Programme</i></b>
<p>\$3,000 is payable after the Job Seeker is employed for six months.</p> <p>Further payments of up to \$3,000 at 12 months, \$2,000 at 18 months and \$2,000 at 24 months subject to the Job Seeker's continuing employment.</p> <p>Payments will be pro-rated for part-time employment based on the actual hours worked where part time employment is a minimum of 15 hours per week.</p> <p>It is a demand driven national subsidy and will remain separately identified and managed.</p> <p>Restart may not be used in conjunction with other wage subsidies, except the Tasmanian Jobs Programme.</p> <p>For further information refer to <a href="http://www.employment.gov.au/restart-wage-subsidy">the Department's website</a> (www.employment.gov.au/restart-wage-subsidy).</p>	<p>become eligible from the commencement of their second period on a nil rate of income support (for example 12 months in Employment Services including a Job Services Australia provider).</p> <p>Employers will be eligible for the first wage subsidy payment after the Job Seeker is employed for six months.</p> <p>It is a demand driven national subsidy and will remain separately identified and managed.</p> <p>The Youth wage subsidy may not be used in conjunction with other wage subsidies, except the Tasmanian Jobs Programme.</p> <p>Further information to be provided closer to the commencement date.</p>	<p>Australia provider) for 12 months to attract the long-term unemployed subsidy.</p> <p>Employers will be eligible for the first wage subsidy payment of up to \$3250 after the Job Seeker is employed for six months with a second payment of up to \$3250 after 12 months.</p> <p>Funding for the long-term unemployed wage subsidy will be allocated to Employment Providers as part of their Employment Fund. Employment Providers will prioritise which Job Seekers require additional assistance to secure a job.</p> <p>The long-term unemployed wage subsidy may not be used in conjunction with other wage subsidies, except the Tasmanian Jobs Programme.</p> <p>Further information to be provided closer to the commencement date.</p>	<p>of \$3,250.</p> <p>Job Seekers must have been a resident in Tasmania for the preceding six months, receiving Newstart Allowance, Youth Allowance (Other) or Parenting Payment for the same period and have participation requirements.</p> <p>Employers will be eligible for the Tasmanian Jobs Programme payment after the Job Seeker is employed full-time for six months.</p> <p>The Tasmanian Jobs Programme may be used to supplement other wage subsidies but must not exceed 100 per cent of the subsidised wage.</p> <p>For further information refer to <a href="http://www.employment.gov.au/tasmanian-jobs-programme">the Department's website</a> (www.employment.gov.au/tasmanian-jobs-programme).</p>

## **2.9.10. Relocation Assistance**

As outlined in Section 2.5.3, relocation assistance will be available to provide financial assistance of up to \$6,000 to long-term unemployed Job Seekers if they move to a regional area to take up a job or up to an extra \$3,000 if they move to a metropolitan area. Job Seekers with families and dependent children will also be provided with up to an extra \$3,000 to help cover additional relocation costs. The Programme is available to long-term unemployed Job Seekers who have been receiving Newstart Allowance, Youth Allowance or Parenting Payment for more than 12 months.

Relocation assistance is also available to young people who have completed their first Work for the Dole placement under the Stronger Participation Incentives for Job Seekers under 30 measure.

Collaboration between the Employment Providers in both the location the Job Seeker is moving from and to will be important to ensure that the relocation is successful.

## **2.9.11. Job Commitment Bonus**

Young Australians aged 18 to 30 who were on Newstart Allowance or Youth Allowance (other) for 12 months or more, will receive a \$2,500 Job Commitment Bonus if they find and keep a job and remain completely off welfare for a continuous period of 12 months. They will receive a further Bonus of \$4,000 if they remain in a job and off welfare for a continuous 24 month period (which means a potential bonus of up to \$6,500 for eligible recipients).

Human Services will pay the Job Commitment Bonus directly to the Job Seeker at the end of the 12 and 24 month qualifying periods upon confirmation that the Job Seeker's work has been ongoing and the claimant has not returned to income support.

Employment Providers can use the Job Commitment Bonus to encourage young Job Seekers to get and keep a job, improving employment outcomes for their Job Seekers.

## **2.10. MUTUAL OBLIGATION REQUIREMENTS**

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The Employment Services 2015 Model has a focus on moving Job Seekers off income support and into work while also ensuring Job Seekers are giving back to the community that is supporting them. The Employment Services 2015 Model delivers on both these aims by establishing an annual Work for the Dole requirement that will see Job Seekers gaining real work skills by placing them in work-like settings. Job Seekers will also be required to continue to meet their other Mutual Obligation requirements, including actively looking for work and attending appointments with Employment Providers while participating in activities.

### **2.10.1. Job Seeker Requirements**

The primary responsibility of all Job Seekers in receipt of income support is to move into work and become self-supporting as quickly as possible. To this end, job search is a fundamental component of

their Mutual Obligation requirements under Social Security law and Job Seekers will be required to complete the number of job searches specified in their Job Plan.

Job Seekers will also be required to undertake a Work for the Dole or other approved activity for six months each year while they remain unemployed. In most instances Work for the Dole will be the principal activity. The number of hours each fortnight that Job Seekers participate in Work for the Dole or other approved activity will vary according to their age and work capacity (see Section 2.10, Table 2.4).

## 2.10.2. Participation

**Stream A** Job Seekers will be the most job ready and, as such, will commence Work for the Dole activities after six months of Employment Provider assistance.

**Stream B** Job Seekers will be case managed from when they register with the Employment Provider so the issues that are preventing them from getting a job can be proactively addressed. They will generally commence Work for the Dole activities after 12 months in Employment Services.

**Stream C** Job Seekers will be case managed to build work capacity and address personal issues (for example those with a drug or alcohol addiction). They will generally commence Work for the Dole after 12 months in Employment Services.

Job Seekers in Streams B and C will be required to fully and actively participate in the vocational or non-vocational interventions that Employment Providers deem necessary to make them job ready during their first year of unemployment.

Job Seekers aged under 30 years old who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure will, regardless of whether they are placed in Stream A or B, participate in Work for the Dole at the six month point.

Job Seekers aged 50-59 years can choose which approved activity they will undertake in order to satisfy their annual Work for the Dole requirement.

Job Seekers 60 years of age or over will have job search requirements that will be tailored to their individual circumstances and will be able to volunteer for Work for the Dole or other approved activities if they choose.

## 2.10.3. The annual Work for the Dole requirement

The requirements for Employment Services 2015 are set out in Section 2.10 and are summarised below.

- All Job Seekers will undertake an approved activity for six months each year while they remain unemployed.
- Job Seekers aged under 30 years will have an annual requirement to participate for 25 hours per week over six months in Work for the Dole. Work for the Dole will be the principal activity for this age group. However, they will also be able to meet their annual Work for the Dole requirement if they have already commenced in other activities such as part-time work and part-time study in a

skills in demand area that potentially leads to a job. Their participation will amount to 650 hours over six months.

- Job Seekers aged 30 and up to 49 years will participate for 15 hours per week, over six months, in Work for the Dole, unless they have already commenced participation in another approved activity such as training or part-time work. Work for the Dole will be the principal activity for this age group. Their participation will amount to 390 hours over six months.
- Job Seekers with a partial work capacity or who are principal carer parents will be required to participate for about half the number of hours required for full capacity Job Seekers. Work for the Dole will also be the principal activity for Principal Carer Parents and Job Seekers with a Partial Work Capacity aged under 30 years.
- Job Seekers aged 50 and up to 59 years will participate 15 hours per week (390 hours over six months). Work for the Dole, however, will not be mandatory.
- Job Seekers 60 years of age or over will not have an annual Work for the Dole requirement.



**Table 2.4: Mutual Obligation requirements for Job Seekers by age group**

Age of Job Seeker	Up to 30 years	30 and up to 49 years	50 and up to 60 years	Principal Carer Parents with part-time requirements <sup>(1)</sup> and Partial Work Capacity Job Seekers with work capacity of 15 hours or more per week <sup>(2)</sup>	60 years and over
<b>Job Search both outside and during the annual Work for the Dole requirement</b>	<u>Streams A &amp; B</u> : 40 job searches per month. <u>Stream C</u> : Job search dependent on capacity.	<u>Streams A &amp; B</u> : 40 job searches per month. <u>Stream C</u> : Job search dependent on capacity.	<u>Streams A &amp; B</u> : 40 job searches per month. <u>Stream C</u> : Job search dependent on capacity.	<u>Streams A &amp; B</u> : 40 job searches per month. <u>Stream C</u> : Job search dependent on capacity.	Job search dependent on capacity.
<b>Part-time Work to meet the annual Work for the Dole requirement</b>	Paid work of 650 hours over 26 weeks (25 hours per week).	Paid work of 390 hours over 26 weeks (15 hours per week).	Need to choose which activity they will participate in to satisfy their annual activity requirement. If the Job Seeker chooses paid work then 390 hours over 26 weeks (15 hours per week).	Paid work <ul style="list-style-type: none"> <li>18-30 year olds – 390 hours over 26 weeks (15 hours per week).</li> <li>Other age groups - 200 hours over 26 weeks (7-8 hours per week).</li> </ul>	Job Seekers aged over 60 years do not have an annual Work for the Dole requirement, but may choose to volunteer.
<b>Work for the Dole activities to meet the annual Work for the Dole requirement</b>	Work for the Dole of 650 hours over 26 weeks (25 hours per week). Job Seekers in this	Work for the Dole of 390 hours over 26 weeks (15 hours per week). Job Seekers in this	Need to choose which activity they will participate in to satisfy their annual activity requirement. If the Job Seeker chooses	Cannot be required to do Work for the Dole. If they volunteer: <ul style="list-style-type: none"> <li>18-30 year olds – 390 hours over</li> </ul>	

Age of Job Seeker	Up to 30 years	30 and up to 49 years	50 and up to 60 years	Principal Carer Parents with part-time requirements <sup>(1)</sup> and Partial Work Capacity Job Seekers with work capacity of 15 hours or more per week <sup>(2)</sup>	60 years and over
	age group will need to undertake Work for the Dole as the default activity unless the Job Seeker has already commenced participation in another approved activity at the time they become subject to the annual Work for the Dole requirement.	age group will need to undertake Work for the Dole as the default activity unless the Job Seeker has already commenced participation in another approved activity at the time they become subject to the annual Work for the Dole requirement.	Work for the Dole then 390 hours over 26 weeks (15 hours per week).	26 weeks (15 hours per week). <ul style="list-style-type: none"> <li>Other age groups – 200 hours over 26 weeks (7-8 hours per week).</li> </ul>	
<b>Voluntary work to meet the annual Work for the Dole requirement</b>	Volunteer Work of 650 hours over 26 weeks (25 hours per week).	Volunteer Work of 390 hours over 26 weeks (15 hours per week).	Need to choose which activity they will participate in to satisfy their annual activity requirement. If the Job Seeker chooses Voluntary Work then 390 hours over 26 weeks	Voluntary Work <ul style="list-style-type: none"> <li>18-30 year olds – 390 hours (15 hours per week).</li> <li>Other age groups – 200 hours (7-8 hours per week).</li> </ul>	Job Seekers aged over 60 years do not have an annual Work for the Dole requirement, but may choose to volunteer.

Age of Job Seeker	Up to 30 years	30 and up to 49 years	50 and up to 60 years	Principal Carer Parents with part-time requirements <sup>(1)</sup> and Partial Work Capacity Job Seekers with work capacity of 15 hours or more per week <sup>(2)</sup>	60 years and over
			(15 hours per week).		
<b>Skills In Education and Employment (SEE) Training to meet the annual Work for the Dole requirement</b>	Skills in Education and Employment training of at least 650 hours over 26 weeks (25 hours per week).	Skills in Education and Employment training of at least 390 hours over 26 weeks (15 hours per week).	Need to choose which activity they will participate in to satisfy their annual activity requirement.  Skills in Education and Employment training of at least 390 hours over 26 weeks (15 hours per week).	Skills in Education and Employment training: <ul style="list-style-type: none"> <li>• 18-30 year olds – 390 hours over 26 weeks (15 hours per week).</li> <li>• Other age groups – 200 hours over 26 weeks (7-8 hours per week).</li> </ul>	
<b>Part-time Study to meet the annual Work for the Dole requirement</b>	Part-time study in study of 650 hours over 26 weeks (25 hours per week) leading to a certificate III in a skills in demand area.	Part-time study in study of 390 hours over 26 weeks (15 hours per week) leading to a certificate III in a skills in demand area.	Need to choose which activity they will participate in to satisfy their annual activity requirement.  Part-time study in study of 390 hours over 26 weeks (15 hours per week) leading to a certificate III in a skills in demand area.	Part-time study leading to a certificate III in a skills in demand area: <ul style="list-style-type: none"> <li>• 18-30 year olds – 390 hours over 26 weeks (15 hours per week).</li> <li>• Other age groups – 200 hours over 26 weeks (7-8 hours per week).</li> </ul>	

Age of Job Seeker	Up to 30 years	30 and up to 49 years	50 and up to 60 years	Principal Carer Parents with part-time requirements <sup>(1)</sup> and Partial Work Capacity Job Seekers with work capacity of 15 hours or more per week <sup>(2)</sup>	60 years and over
				per week).	
<b>Defence Force Reserves to meet the annual Work for the Dole requirement</b>	Full participation in Defence Force Reserves of 240 hours over 26 weeks (9-10 hours per week).	Full participation in Defence Force Reserves of 240 hours over 26 weeks (9-10 hours per week).	Need to choose which activity they will participate in to satisfy their annual activity requirement.  Full participation in Defence Force Reserves of 240 hours over 26 weeks (9-10 hours per week).	Full participation in Defence Force Reserves of 240 hours over 26 weeks (9-10 hours per week).	
<b>Combination of activities to meet the annual Work for the Dole requirement</b>	One or a combination of activities which equate to 650 hours over 26 weeks (25 hours per week, including: <ul style="list-style-type: none"><li>• Part-time Work.</li><li>• Work for the Dole.</li><li>• Volunteering.</li></ul>	A combination of activities which equate to 390 hours over 26 weeks (15 hours per week, including: <ul style="list-style-type: none"><li>• Part-time Work.</li><li>• Work for the Dole.</li><li>• Volunteering.</li><li>• Skills in Education</li></ul>	Need to choose which activity they will participate in to satisfy their annual activity requirement.  A combination of activities which equate to 390 hours over 26 weeks (15 hours per week, including: <ul style="list-style-type: none"><li>• Part-time Work.</li><li>• Work for the Dole.</li></ul>	A combination of activities which equate to the required hours: <ul style="list-style-type: none"><li>• 18-30 year olds – 390 hours over 26 weeks (15 hours per week).</li><li>• Other age groups – 200 hours over 26 weeks (7-8 hours per week).</li></ul>	Job Seekers aged over 60 years do not have an annual Work for the Dole requirement, but may choose to volunteer.

Age of Job Seeker	Up to 30 years	30 and up to 49 years	50 and up to 60 years	Principal Carer Parents with part-time requirements <sup>(1)</sup> and Partial Work Capacity Job Seekers with work capacity of 15 hours or more per week <sup>(2)</sup>	60 years and over
	<ul style="list-style-type: none"> <li>Skills in Education and Employment training or other approved language, literacy and numeracy training course.</li> <li>Part-time Study.</li> <li>State Government programmes.</li> </ul>	and Employment training or other approved language, literacy and numeracy training course. <ul style="list-style-type: none"> <li>Part-time Study</li> <li>State Government programmes.</li> </ul>	<ul style="list-style-type: none"> <li>Volunteering</li> <li>Skills in Education and Employment training or other approved language, literacy and numeracy training course.</li> <li>Part-time Study.</li> <li>State Government programmes.</li> </ul>		
<b>Non-Vocational Activities</b>	Job seekers in Stream C can use interventions that address their non-vocational issues to contribute to their total hours but must undertake the annual Work for the Dole hours required for their age / Principal Carer Parent / Partial Work Capacity status.				

1. Principal carers with a youngest child over the age of six have to meet part-time mutual obligation requirements. They must be actively looking for suitable part-time work of at least 15 hours per week, or undertaking other approved activities as agreed with their employment provider. A Principal Carer can choose to fully meet their mutual obligation requirements by undertaking 30 hours per fortnight of (or any combination of) suitable paid work, approved study (where the total number of hours includes contact and non-contact hours), or voluntary work (in certain circumstances).
2. Job seekers with partial capacity to work of 0-14 hours per week can fully meet their mutual obligation requirements by attending a quarterly interview with the Department of Human Services. They can additionally volunteer to accept a referral to a suitable program of assistance.

**Notes:**

- Job Seekers who participate in Green Army (aged 18-24 years) will generally leave income support and will then not have an annual Work for the Dole requirement for the period they are in Green Army.
- NEIS participants will not have an annual Work for the Dole requirement for the period they are participating in NEIS.
- Mutual Obligation requirements include Provider appointments (frequency as per specifics of the service offer in their tender response) in addition to the requirements outlined above.
- Volunteer job seekers do not have a mandatory number of job searches.
- Outside the annual Work for the Dole requirement Providers can require Job Seekers to participate in other activities included in their Job Plan (in addition to job search and Provider appointments) which are designed to help the Job Seeker improve their employment prospects.
- Job search can be less than 40 per month, subject to guidelines, to be monitored by the Department.

## **2.10.4. Transition**

Eligible Job Seekers who are under 30 years old, and who commenced with an Employment Provider before 1 January 2015, will be moved progressively to the Stronger Participation measure arrangements after they have completed their first period of Work for the Dole within the Employment Services 2015 Model, subject to passage of legislation.

If Job Seekers are undertaking an annual Work for the Dole requirement which results in them undertaking fewer hours than necessary, they will be required to make up the hours in another activity.

## **2.11. WORK FOR THE DOLE**

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### **2.11.1. Introduction**

Employment Providers are at the centre of the delivery of the Work for the Dole Programme and will be responsible for managing places and group activities. They will work collaboratively with Work for the Dole Coordinators.

By participating in a Work for the Dole activity, Job Seekers will be given the opportunity to develop and enhance their ability to work independently, work as part of a team, be guided by a supervisor, and improve or enhance their communication skills, motivation and dependability.

Work for the Dole activities must focus on:

- providing Job Seekers with work-like experiences
- providing Job Seekers with skills that are in demand within the local labour market
- training relevant to the specific activity. Work-like experiences involve Job Seekers in activities that provide them with experience similar to others in a workplace. This type of placement should assist in preparing Job Seekers to take up employment.

### **2.11.2. Training and Work for the Dole**

Training within a Work for the Dole activity can be offered to Job Seekers if it forms part of, or is required by, the Work for the Dole activity. Training cannot be the primary element of a Work for the Dole activity. Under no circumstances can training represent the majority of the activity, and there should be minimal classroom type training. Examples of acceptable training include:

- work health and safety training
- 'on the job' training related to the placement
- use of tools and equipment to be used in the placement.

Job Seekers participating in Skills in Education and Employment training or other approved language, literacy and numeracy training course, or other training relevant to building their work capacity, when

they reach their Work for the Dole phase, will be able to continue to undertake that training to its conclusion. However, they will need to make up the number of hours that they are required to undertake to meet their annual Work for the Dole requirement by participating in Work for the Dole (or another approved activity).

### **2.11.3. Work for the Dole Coordinators**

A network of Work for the Dole Coordinators will be contracted (one per Employment Region) to source Work for the Dole places. They will work with Employment Providers and potential Host Organisations to identify potential hosted places and group activities. However, Employment Providers will be responsible for matching Job Seekers with suitable activities and managing and servicing them once they are in either individual hosted or group activities.

Work for the Dole Coordinators will undertake an assessment to consider the safety of each potential Work for the Dole place(s), and to check there will be no adverse impacts on paid employees, including no displacement or reduction in paid work opportunities. This does not mitigate any liabilities that the Host Organisation may have to ensure they provide a safe work place for Job Seekers undertaking a Work for the Dole activity with them. Further information on Work for the Dole Coordinators and the tender requirements are at Chapter 3.

### **2.11.4. Role of Employment Providers**

The Employment Providers' responsibilities will include:

- working collaboratively with the Work for the Dole Coordinator
- planning so that a suitable Work for the Dole place is available before each Job Seeker's Work for the Dole requirements are due
- assessing the suitability of a Work for the Dole place for each Job Seeker before commencing them, including verifying the assessment undertaken by the Work for the Dole Coordinator
- placing Job Seekers in Work for the Dole places and activities, including ensuring that the Job Seeker has satisfactorily completed a Working with Vulnerable People check where required
- developing group activities as necessary
- working proactively with Host Organisations and other Providers to ensure successful delivery of the Programme
- negotiating the host agreement
- monitoring Job Seekers and actively monitoring attendance of the Job Seeker in their Work for the Dole place
- where required, taking timely action, including under the Job Seeker compliance framework, if a Job Seeker is not reliably attending their Work for the Dole activity
- providing employment services to the Job Seeker while they are in the placement, and helping them to transition into employment
- meeting monitoring and administrative requirements.

Employment Providers may secure their own Work for the Dole places, individual and group. In doing so, they may use those places to refer Job Seekers from their own caseload. In addition, Employment Providers which find their own places will have the same responsibilities as Work for the Dole Coordinators in sourcing and securing those places. In particular, this applies to work health and safety and ensuring the proposed Work for the Dole place would not normally be filled by a paid employee.

While Job Seekers are undertaking their Work for the Dole activities, Employment Providers will be required to maintain contact with them to ensure that they continue to focus on looking for work as well as participate in Work for the Dole. As part of this ongoing contact, Employment Providers will be expected to be identifying jobs for which Job Seekers can apply, referring them to those jobs, and reporting them to Human Services if they do not follow up the referral or attend a job interview that is offered by a prospective employer.

The Employment Provider is responsible for conducting a further assessment of a Work for the Dole place for each Job Seeker before commencing them to ensure that the particular placement does not pose a risk to that individual's work health and safety. Factors such as medical advice and work restrictions are to be taken into account in the assessment.

### 2.11.5. Work for the Dole activities

Work for the Dole activities will offer places for Job Seekers that benefit local communities and increase the work-readiness of Job Seekers. Work for the Dole activities can be hosted by not for profit organisations/charities, or local, state, territory or Commonwealth Government organisations or agencies.

The Employment Provider must not host, broker or purchase a Work for the Dole activity if the activity fulfils a function which would normally be undertaken by the Employment Provider under a Deed or any other contract or arrangement between the Employment Provider and the Department.

It is intended that Work for the Dole Coordinators will be the first point of contact for potential Host Organisations wishing to offer Work for the Dole places. However, places can be identified by the Work for the Dole Coordinator or the Provider. Job Seekers will be placed in either individual hosted places or group-based activities.

Places will be funded on the basis that they are of six months duration. There will be some flexibility for shorter or longer places in circumstances where a six month place is not suited to the project or the host organisation. Where this is the case, pro-rata payments will be made accordingly.

- **Individual hosted activities** will be undertaken by a single Job Seeker and should involve placing them into a work-like situation. A sequence of Job Seekers may undertake this activity should the original Job Seeker leave the place. A Host may offer multiple similar individual places for a number of individual Job Seekers. A Work for the Dole Coordinator (or Employment Provider where they have secured a place) agrees with the Host Organisation that the Host Organisation will provide a supervised place for a Job Seeker (noting that the Employment Provider will handle the negotiation and execution of the agreement with the Host Organisation) that will provide opportunities to gain personal and workplace skills to improve their employment prospects.



- **Group activities** are projects that require Job Seekers to carry out tasks as part of a specific group project to meet their six month requirement. These are generally one-off projects, rather than part of an ongoing existing workplace, but may last longer than six months. A Group-based activity will always involve more than one person and Job Seekers can be referred from multiple Employment Providers. Work for the Dole Coordinators will ensure that Group activities always have a dedicated supervisor working closely with the Work for the Dole Job Seekers.

Amongst other things, Work for the Dole activities, both Hosted and Group-based, will need to:

- incorporate adequate supervision of Job Seekers at all times
- be conducted in an environment where Job Seekers are safe and are not at risk of physical or other injury
- provide work-like experience that will develop or enhance a Job Seeker's ability to work as part of a team, take directions from a supervisor, work independently, communicate effectively, and improve Job Seeker motivation and dependability.

### 2.11.6. Types of places/activities

The types of tasks and associated skills and experience that Job Seekers will undertake can be varied and diverse. Some examples of activities that have been developed in the past, that may be useful to inform consideration of future activities, include:

- gardening or maintenance activities in schools or aged care facilities.  
Note: caring, teaching or direct supervision roles in these sectors will be excluded as Work for the Dole activities, as will activities in child care
- retail work in not-for-profit stores
- rehabilitation works of public parks and roadways
- environmental projects
- beautifying or restoring community facilities
- testing, stripping, refurbishing and distributing unwanted computers for not-for-profit organisations
- producing a publication that builds Job Seekers' skills in desktop publishing and graphic arts
- growing fresh produce at community market gardens, during which Job Seekers learn practical skills and undertake training in horticulture, irrigation techniques and operation of machinery.

### 2.11.7. Unpaid Work Experience

Job Seekers will be able to participate in up to four weeks of an Unpaid Work Experience at any point while they are unemployed, including as part of their Work for the Dole activity. This participation will count towards the Job Seeker meeting their required hours of the annual Work for the Dole requirement although Job Seekers will not receive the \$20.80 Work for the Dole (Approved Programme of Work) Supplement. Unpaid work experience will be allowable in:

- social enterprises and other not-for-profit entities
- public sector agencies, including local councils
- the private sector.

Unpaid work experience placements have been limited to a maximum of four weeks duration to ensure that there is no displacement of existing or potential paid employees.

### **2.11.8. Payments for Work for the Dole**

In addition to other payments to which an Employment Provider may be entitled, a Work for the Dole fee of \$1,000 per six month individual hosted place will be available.

The fee should be used to offset costs of the Host Organisation or to cover the costs of the Job Seeker undertaking the activity (e.g. specific work health and safety training, working with vulnerable persons checks, a contribution to the cost of Host organisation supervision etc). The Employment Provider is required to pass some or all of those funds to the Host Organisation to cover the cost of the place.

The Employment Provider is required to keep a record of the amount of funding that was paid to the Host Organisation or for overhead costs relating to the Job Seeker for the activity.

A Work for the Dole fee of up to \$3,500 will be available for each six month place in a group-based activity. This is for the cost of items such as supervision and equipment. There is an obligation for the Employment Provider to complete and submit their acquittal report within 40 business days of the activity ending. Host Organisations and the community may support activities. This includes in-kind and financial contributions.

Information on payments to Providers is at Section 2.15.

## **2.12. JOB SEEKERS WHO MEET EMPLOYER NEEDS**

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Employers are the generators of jobs and the new model is focused on Job Seekers meeting employer needs. Outcome payments will form a significant portion of Employment Provider income which will mean that Employment Providers have to find jobs, place Job Seekers in them and ensure that both employers and the Job Seekers are supported to achieve sustainable outcomes (see Section 2.15).

Employers can expect more Job Seekers to have the skills and attributes they need to be recruited and stay in a job. Job Seekers will take part in work-like activities like Work for the Dole, and any training they do will be relevant to employers' needs and real job opportunities.

Employment Providers will be able to develop their own methods of assisting employers to employ Job Seekers but will have a range of tools available to assist them including the wage subsidies (see Section 2.9.9) and a focused Employment Fund (see Section 2.9.7).

Employment Providers will be expected to work with industry and local employers to understand their needs and identify employment opportunities for Job Seekers. Employment Providers will be required to develop skills and training activities for Job Seekers, to identify and match Job Seekers to the employment opportunities and then refer them to local employers. Once Job Seekers are placed, Employment Providers may provide post placement support to ensure that Job Seekers remain in jobs.

Employment Providers will be required to work cooperatively with each other and with the Department on projects to assist medium to large employers to:

- recruit Job Seekers to expand their workforce as a result of large scale projects or developments
- target particular cohorts as part of their recruitment policies
- implement large scale redundancies which will have a major impact on a local economy.

## **2.13. WORKING WITH OTHER STAKEHOLDERS**

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The Employment Services 2015 Model will require Employment Providers to identify, as part of their tender, how they intend to work and collaborate with other Employment Providers and stakeholders, such as vocational training providers, social services providers and other organisations which play a role in moving Job Seekers into work. Successful Tenderers will then be held accountable for complying with their nominated approach.

Nominated approaches should include strategies to cover the need to deliver job ready Job Seekers to employers, particularly those recruiting large numbers of staff and who would benefit from being able to choose from the total pool of Job Seekers in the area. The outlined approach should also describe how Job Seekers will have access to those activities that optimise their employability, where those activities are provided by an organisation other than an Employment Provider.

## **2.14. OVERVIEW OF THE JOB SEEKER COMPLIANCE FRAMEWORK**

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As the Employment Services 2015 Model is driven by a strong emphasis on Mutual Obligation requirements that encourage a work like culture among Job Seekers, it needs to be supported by a streamlined and responsive Job Seeker compliance system to ensure that Job Seekers can be held to account if they fail to meet their requirements.

### **2.14.1. Special arrangements for under 30 year olds during a payment waiting period**

Job Seekers who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure (subject to legislation) will need to meet Mutual Obligation requirements while in a six month payment waiting period. They will generally be required to look for 40 jobs per month, accept any offers of suitable work and attend a monthly appointment with their Employment Provider.

These requirements will be included in a Job Plan and Employment Providers will need to actively monitor the compliance of these Job Seekers with their job plan at the monthly appointment and report any failure to comply to Human Services. The Provider will determine whether or not the Job Seeker's payment preclusion period should be extended and advise Human Services accordingly in the case of the Job Seeker failing to attend an appointment with a Provider, inadequate job search or failing to attend a job interview. Human Services will determine whether or not the Job Seeker's payment preclusion period should be extended in the case of the Job Seeker refusing or voluntarily leaving a job.

The length of the extension for each failure is yet to be determined but will not exceed four weeks in relation to each instance of non-compliance.

### **2.14.2. Arrangements for Job Seekers in all other circumstances**

Different Job Seeker compliance arrangements apply to all other Job Seekers who are receiving a part or full rate of income support. These different arrangements also apply to Job Seekers affected by the Stronger Participation for those under 30 measures when they are in receipt of more than nil rate of payment.

Key elements of the compliance framework are:

- a ‘no show, no pay’ approach under which Job Seekers can lose a day’s payment for each day they fail to participate in an activity or attend a job interview
- immediate suspension of income support payment, for non-attendance at appointments with Employment Providers where payment is typically restored, subject to legislation, on attendance at a rescheduled appointment
  - with full back payment on re-engagement only where the Job Seeker was not at fault due to extreme and unexpected circumstances that were beyond their control
  - otherwise,, subject to legislation, with no back payment on re-engagement
- eight-week non-payment penalties for serious failures, such as refusal of a job offer and persistent non-compliance, and for Job Seekers who are voluntarily unemployed or who have been dismissed due to misconduct.

Human Services will continue to be responsible for making all compliance-related decisions under Social Security law except where the Job Seeker fails to attend an appointment with their Employment Provider, in which case the Employment Provider concerned will decide whether or not the Job Seeker should be back paid.

Employment Providers will have the discretion not to take action under the compliance framework or not to report non-compliance to Human Services if they believe such action is counterproductive and not the best means of securing re-engagement at that particular juncture.

### **2.14.3. Failure to attend an appointment with an Employment Provider**

If a Job Seeker fails to attend an appointment with their Employment Provider and the Employment Provider chooses to submit a non-attendance report, the Human Services IT system will automatically suspend the Job Seeker’s income support payment to prompt the Job Seeker to make contact. Regardless of when contact occurs, Employment Providers will be responsible for booking a reconnection appointment for the Job Seeker and the Job Seeker’s payment may, subject to legislation remain suspended until they attend. A reconnection appointment needs to be scheduled to take place within two business days, as the Job Seeker may be losing money, subject to legislation, pending their attendance.

The Employment Provider will also determine whether the Job Seeker had a reasonable excuse for non-attendance at their initial appointment in accordance with legislation and guidelines. Subject to legislation, if the Employment Provider finds that the Job Seeker did not have a reasonable excuse, the Job Seeker will not be back paid for the period from and including the day of the initial missed appointment until the day before they attend a reconnection appointment. Job Seekers will generally lose one tenth of their fortnightly payment for each business day during this period.

#### **2.14.4. Failure to participate in an activity or attend a job interview**

A key element of the framework is a 'No Show, No Pay' penalty. Where a Job Seeker fails to attend or behave appropriately in an activity (such as Work for the Dole) or a job interview without giving prior notice of a valid reason and their Provider reports this to Human Services, they can lose one tenth of their fortnightly income support payment for each day they miss.

#### **2.14.5. Job search failures**

Job Seekers will report their regular job search to Employment Providers. Employment Providers are expected to ensure that job search efforts are sufficient and can report poor job search to Human Services. Poor job search can result in more onerous reporting requirements on Job Seekers. Persistently poor job search will result in Job Seekers being issued with Employer Contact Certificates, which must be signed by an employer to show the Job Seeker had actually applied for a real job. If these are issued, Job Seekers lose one tenth of their fortnightly payment for each business day until they are returned.

#### **2.14.6. Failure to enter a Job Plan**

If the Job Seeker refuses to enter into a Job Plan without good reason, this should be reported to Human Services. The Job Seeker will be required to attend an appointment to enter into a Job Plan. If the Job Seeker then fails to attend or attends but fails to enter into the Plan without good reason their payment may be cancelled until they do enter into a Plan.

#### **2.14.7. Comprehensive Compliance Assessment**

If a Job Seeker incurs a specified number of failures within a six month period, Human Services will conduct a Comprehensive Compliance Assessment to identify any possible issues to employment and possible alternative service options. This could result in the Job Seeker being assessed for a different service stream.

## **2.14.8. Eight week non-payment penalties for persistent and wilful non-compliance or employment-related failures**

Eight week non-payment penalties are applied to Job Seekers who, following a Comprehensive Compliance Assessment, are found to have no issues to participation and to have been persistently and wilfully non-compliant. Job Seekers who refuse a job offer or fail to commence work can also be subject to an eight week non-payment period without undergoing such an assessment.

Job Seekers who are voluntarily unemployed or who have been dismissed due to misconduct are subject to an eight week unemployment non-payment period from the date of unemployment, even where this occurred prior to claiming payment.

In some circumstances, a Job Seeker subject to an eight week non-payment penalty for persistent non-compliance can have their penalty waived and their payment reinstated immediately if they agree to undertake an intensive level of activity (generally Work for the Dole) or are unable to do so but are in severe financial hardship.

## **2.15. PAYMENTS TO PROVIDERS**

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The Employment Services 2015 Model will focus on real employment outcomes. Employment Providers' fee structures mean they are rewarded when Job Seekers stay in ongoing, sustainable jobs. Funding to deliver services will be made available to Employment Providers through both Administration Fees and Outcome Payments. Administration Fees and Outcome Fees are fixed and not subject to price competition.

The size of Administration Fees relative to Outcome Payments is designed to promote performance as well as to encourage Employment Providers to use funds from Outcome Payments to provide services and purchase additional assistance to generate employment outcomes for Job Seekers. The Administration Fee on its own is not designed to cover the cost of operating an Employment Services business. Employment Providers will have to invest a portion of their Outcome Payments in order to get Job Seekers into a job.

### **2.15.1. Regional Loading**

In recognition of the additional costs associated with delivering services in regional locations, a loading of 25 per cent will be applied to the Administration Fees and Outcome Payments for Employment Providers in the Employment Regions identified by the Department as Regional. Further details will be provided with the Request for Tender. See Appendix D for the Employment Regions which attract a Regional Loading.

## 2.15.2. Fees

### Administration Fees

The Employment Services 2015 Model includes a simple and flat Administration Fee structure that will be supported by automated claiming through the Employment Services System.

Administration Fees will be paid in advance at six monthly intervals for all Streams. A higher fee will be paid for Job Seekers subject to the Stronger Participation Incentives for Job Seekers under 30 measure (subject to legislation) in recognition of the mandatory monthly interviews that Employment Providers are required to conduct. Volunteer Job Seekers will attract the Stream A Administration Fee for the six months they are in service.

**Table 2.5: Fees**

	Fee	Fee with Regional Loading
<b>Administration Fee (paid six monthly)</b>		
Youth under 30* - Streams A and B	\$355	\$444
All other Job Seekers – Streams A, B and C	\$255	\$319

*\*Applies to Job Seekers who are subject to Stronger Participation Incentives for Job Seekers under 30 measure (subject to legislation)*

### Work for the Dole Fees

As detailed at section 2.11.8, additional Fees will be paid for managing and supporting Work for the Dole places. \$1000 will be available to support job seekers in hosted Work for the Dole places and \$3500 to support places in group activities.

Payment of Stream based Administration Fees will continue while a job seeker is in the Work for the Dole phase to recognise the requirement for Employment Providers to continue to identify job opportunities and ensure Job Seekers are continuing to look for work while participating in Work for the Dole.

**Table 2.6: Work for the Dole Fees**

<b>Work for the Dole Fees (no Regional Loading applies)</b>	
Hosted Place	\$1,000
Place in Group Activity	Up to \$3,500

### **2.15.3. Outcome Payments**

Outcome Payments are structured to reflect a Job Seeker's Stream and length of unemployment. This recognises that preparing Job Seekers to meet the needs of employers and moving them into work and supporting them in the early days of their employment is likely to require greater investment in services for Stream B and C Job Seekers and those who have been unemployed for longer.

Full Outcome Payments will be paid at four, 12 and 26 weeks. Full outcomes will be paid when a Job Seeker gets a job and moves fully off income support. Partial outcomes will be paid where a Job Seeker has a job which reduces their income support on average by 60 per cent and may be paid at four and 12 weeks only.

Access to a four week Outcome Payment recognises that short-term jobs of four weeks or more duration equip Job Seekers with work experience and work habits which they can subsequently use for placement into longer-term jobs. The four week Outcome Payment is designed to encourage Employment Providers to refer Job Seekers to seasonal work, such as fruit picking. Four week Outcome Payments will be capped at four per year per Job Seeker.

Stream A Job Seekers are the most job ready and should generally be able to find work more quickly than Job Seekers in other Streams. To account for this, Employment Providers will be eligible to begin a claim for an Outcome Payment for a Stream A Job Seeker only after they have been unemployed for three months (for example they will be eligible to receive the four week Outcome Payment at four months of unemployment). Employment Providers will be able to begin counting a job outcome for Stream B and C Job Seekers if they commence in a job from the first day they are unemployed.

Claiming Outcome Payments will be supported by Information Technology systems that will capture Job Seekers earnings through Human Services systems. Outcome Payments will be defined to cover an even number of weeks and align to whole payment fortnights to further increase the simplicity for claiming payments.

Note: NEIS Employment Outcomes in NEIS shall be payable as a Partial Outcome payment only.

### **2.15.4. Education Outcomes**

Education Outcomes reward Employment Providers for improving the job prospects and employability of Job Seekers aged between 15 and 17 years through participation in courses that lead to attainment of a qualification of not less than Certificate II level or successfully complete one semester of at least a two semester course within 12 months.

### **2.15.5. Verification**

Employment Providers will not be required to collect documentary evidence for employment-related Job Seeker Outcome claims where there is data from the Human Services that confirms a Job Seeker has met their minimum working hour requirements, or ceased or reduced their rate of income support.



Where it is not possible to verify an employment outcome claim by existing Human Services data, for example where a Job Seeker is not in receipt of income support, Employment Providers will be able to lodge a Special Claim. Special Claims will need to be supported by evidentiary requirements as set out in the Documentary Evidence for Claims for Payment Guidelines.

To be eligible to claim for Education Outcomes, Employment Providers will need to demonstrate that the Job Seeker has successfully passed the course and obtained a Certificate of Attainment.

**Table 2.7: Outcome Payments for Job Seekers in non Regional Locations**

	(i.e.<24 months UE)		(24-59 Months UE)		(60 months + UE)	
<b>Stream A (paid after 3 months)</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$160	\$400	\$200	\$500	\$240	\$600
12 Week	\$200	\$500	\$400	\$1,000	\$500	\$1,250
26 Week	\$0	\$650	\$0	\$1,250	\$0	\$1,550
<b>Total</b>	<b>\$360</b>	<b>\$1,550</b>	<b>\$600</b>	<b>\$2,750</b>	<b>\$740</b>	<b>\$3,400</b>
<b>Stream B</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$300	\$750	\$400	\$1,000	\$500	\$1,250
12 Week	\$600	\$1,500	\$800	\$2,000	\$1,000	\$2,500
26 Week	\$0	\$1,900	\$0	\$2,500	\$0	\$3,150
<b>Total</b>	<b>\$900</b>	<b>\$4,150</b>	<b>\$1,200</b>	<b>\$5,500</b>	<b>\$1,500</b>	<b>\$6,900</b>
<b>Stream C</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$400	\$1,000	\$600	\$1,500	\$800	\$2,000
12 Week	\$800	\$2,000	\$1,200	\$3,000	\$1,600	\$4,000
26 Week	\$0	\$2,500	\$0	\$3,750	\$0	\$5,000
<b>Total</b>	<b>\$1,200</b>	<b>\$5,500</b>	<b>\$1,800</b>	<b>\$8,250</b>	<b>\$2,400</b>	<b>\$11,000</b>
<b>Education Outcome For 15-17 Years</b>	<b>\$1,000</b>					

**Table 2.8: Outcome Payments for Job Seekers in Regional Locations**

	<b>Low (i.e.&lt;24 months UE)</b>		<b>Medium (24-59 Months UE)</b>		<b>High (60 months + UE)</b>	
<b>Stream A (paid after 3 months)</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$200	\$500	\$250	\$625	\$300	\$750
12 Week	\$250	\$625	\$500	\$1,250	\$625	\$1,563
26 Week	\$0	\$813	\$0	\$1,563	\$0	\$1,938
<b>Total</b>	<b>\$450</b>	<b>\$1,938</b>	<b>\$750</b>	<b>\$3,438</b>	<b>\$925</b>	<b>\$4,251</b>
<b>Stream B</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$375	\$938	\$500	\$1,250	\$625	\$1,563
12 Week	\$750	\$1,875	\$1,000	\$2,500	\$1,250	\$3,125
26 Week	\$0	\$2,375	\$0	\$3,125	\$0	\$3,938
<b>Total</b>	<b>\$1,125</b>	<b>\$5,188</b>	<b>\$1,500</b>	<b>\$6,875</b>	<b>\$1,875</b>	<b>\$8,626</b>
<b>Stream C</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>	<b>Partial</b>	<b>Full</b>
4 Week	\$500	\$1,250	\$750	\$1,875	\$1,000	\$2,500
12 Week	\$1,000	\$2,500	\$1,500	\$3,750	\$2,000	\$5,000
26 Week	\$0	\$3,125	\$0	\$4,688	\$0	\$6,250
<b>Total</b>	<b>\$1,500</b>	<b>\$6,875</b>	<b>\$2,250</b>	<b>\$10,313</b>	<b>\$3,000</b>	<b>\$13,750</b>
<b>Education Outcome For 15-17 Years</b>	<b>\$1,250</b>					

### 2.15.6. Non Payable Outcomes

There are some situations that will not attract Outcome Fees. These situations include the following circumstances:

- the employment is not considered valid (as the job may, for example, involve illegal activity, be associated with the sex industry, be funded or subsidised by another programme, be a voluntary or unpaid position, or be in another country)
- education does not meet the requirements for payment and is for Job Seekers aged 18 years and over
- employment or education was pre-existing prior to the Job Seeker commencing with the Provider.

### **2.15.7. Mid-Deed price adjustment**

To ensure that Administration Fees and Outcome Payments maintain their relative value and that actual Employment Provider costs are recognised, a mid-Deed (in January 2018) price adjustment of Administration Fees and Outcome Payments of 7.8 per cent will be offered.

## **2.16. PERFORMANCE FRAMEWORK**

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The Performance Framework will set out the contractual Key Performance Indicators in the Deed against which Employment Providers will be assessed. It will also comprise the Quality Assurance Framework and the service delivery standards that Job Seekers can expect from their Employment Provider (Service Guarantees) as well as the principles underpinning the relationship between the Department and Employment Providers (the Joint Charter of Deed Management).

### **2.16.1. Measurement of efficiency and effectiveness**

Star Ratings will be used, as they have for a number of years, to measure how effective Providers are in getting Job Seekers in employment and how quickly they achieve these outcomes. The Star Ratings have been publicly released since 2001 to inform Job Seeker and employer choice as well as business review and reallocation processes of the Department. They have measured how effective Employment Providers are in getting Job Seekers in employment and how quickly they achieve these outcomes. Employment Providers will continue to be assessed against these measures of performance. Further Information on the current Job Services Australia Star Ratings is available [on the Department's website](http://www.job-services-australia.gov.au/Provider-performance-star-ratings) ([www.job-services-australia.gov.au/Provider-performance-star-ratings](http://www.job-services-australia.gov.au/Provider-performance-star-ratings)).

A major review of the Star Ratings methodology was undertaken prior to the introduction of Job Services Australia in July 2009, to respond to feedback from Employment Providers and reflect the policy settings of Job Services Australia. Significant structural and methodological changes were subsequently recommended and implemented. Further limited changes were introduced in July 2012. Overall, these changes worked well and have been accepted and endorsed by industry stakeholders.

### **2.16.2. Quality Assurance Framework**

In recognition of the Government's commitment to ensuring the delivery of high quality employment services for Job Seekers and employers, a new Quality Assurance Framework will be introduced from 1 July 2015.

Within 12 months of the commencement of the Deed, Employment Providers will be required to gain certification against the Quality Assurance Framework and maintain certification for the duration of the Deed. Providers who are awarded business and do not achieve certification by 5:00 pm, Canberra time, Friday 1 July 2016, will have their Deed terminated.

The Quality Assurance Framework comprises two key elements:

- Quality Principles developed by the Department against which an Employment Provider must provide evidence, to demonstrate the delivery of quality services to Job Seekers, employers and the Department
- Certification against one of the Department approved Quality Standards, ISO 9001, the National Standards for Disability Services, the Employment Services Industry Standard or Investors in People.

The certification process will be undertaken by an accredited third party auditor from a panel appointed by the Department.

Further information on the Quality Assurance Framework as trialled during the Quality Standards Pilot in 2013 is available [on the Department's website](http://www.employment.gov.au/job-services-australia-isa?resource) (www.employment.gov.au/job-services-australia-isa?resource). Documents are referred to as Quality Standards Pilot – Activity 2 Instructions and Quality Standards Pilot – Preparation Kit. While the Quality Assurance Framework is being refined to reflect elements of employment services from 2015 onwards as outlined in this document, final documents will be published prior to the issue of a formal Request for Tender.

### **2.16.3. Deed compliance**

The Department will monitor compliance matters such as fraud, malfeasance, invalid claims, discrimination and other potential breaches of the Deed and raise any concerns in a timely manner. This is supported by ongoing review, Deed management and a programme of regular and discrete Programme Assurance activities.

Employment Providers are contractually obliged to honour the service offering they describe in their tender response in providing services to each Job Seeker. An Employment Provider's performance will be assessed against the delivery of services in accordance with what they describe in their tender response as well as the Deed.

The Department will apply business sanctions to administrative breaches of the Deed or any of its supporting guidelines. A separate legal framework applies where intent to defraud the Commonwealth is proven.

### **2.16.4. Performance Measures**

To support the development of the Performance Framework for the Employment Services 2015 Model an Expert Reference Group has been established. Members of the Expert Reference Group will include the Department's officers, a representative from Jobs Australia, the National Employment Services Association and the National NEIS Association (as required) – as well as an independent Quality of Service assessment expert. The role of the Expert Reference Group is to advise the Department on:

- the measures and weightings to be used to assess how efficient and effective Employment Providers are in getting Job Seekers in employment and Work for the Dole
- the methodology to assess Employment Providers against the measures of performance

- performance frameworks for the Work for the Dole Coordinators, New Enterprise Incentive Scheme (NEIS) and Harvest Labour Services
- how to assess Employment Providers' performance against their response outlined in their Tender and compliance with the Deed and how those assessments will be used, including options for incorporating the assessments into the determination of Star Ratings
- enhancing transparency and understanding on the performance and operation of Employment Provider.

The role of the Expert Reference Group is to provide advice to the Department, in the lead-up to the release of the Request for Tender, and during the transition and implementation phases of the Employment Services 2015 Model.

### **Performance Measures and Weightings**

The performance measures and weightings for assessing Employment Providers in getting all Job Seekers into employment and Work for the Dole will reflect the Programme design and the policy intent of the Employment Services 2015 Model.

### **Enhancements to methodology**

The Expert Reference Group will review possible enhancements to the ratings methodology. This will include:

- options to differentiate Employment Provider performance so that clusters of Employment Providers are not created
- possible inclusion of Deed compliance measures in the calculation of Star Ratings
- the determination of Deed and site level ratings including the treatment of part-time and outreach sites
- a review of the Job Seeker and labour market characteristics which are included in the regression model.

### **Enhancing Transparency and Understanding**

The Expert Reference Group will be asked to review the publicly released information and identify whether there are opportunities for expanding the scope and improving the clarity of that information. This will be focused on reinforcing the expectation that Employment Providers are accountable for the services they are contracted to deliver and part of that accountability includes public reporting.

The Expert Reference Group will also review the information which is presented to Employment Providers on the operation of the Performance Framework (including Advice documents reports published on Employment Services Reporting) to help Employment Providers monitor their performance and identify areas for early redress.

## **2.16.5. Business Reallocation**

There will be two performance-based business reallocations at 18 and 36 months points of the Deed.

### **2.16.6. Service Guarantees**

The Government is committed to ensuring the delivery of high-quality employment services for Job Seekers and employers.

For Employment Services 2015, Employment Providers will publish Service Guarantees which set out the level of service Job Seekers can expect to receive from them. They will comprise standards common to all Employment Providers (determined by the Department) and standards specific to the Employment Provider based on their service offer (as outlined in a Service Delivery Plan) in responses to the Selection Criteria. Employment Providers will be required to maintain accurate and up-to-date Service Delivery Plans to ensure that they meet the needs of Job Seekers and employers.

A set of common standards will be developed in consultation with the industry and will in part reflect and replace the existing Code of Practice.

The Department will release guidance to Employment Providers on developing their Service Delivery Plans prior to the issue of Deeds.

### **2.16.7. Compliance with the Service Guarantees**

The Service Guarantees form part of the performance framework to ensure each Job Seeker receives a high-quality service. The Department will monitor each Employment Provider's adherence to their Service Guarantees.

Job Seekers who believe they are not receiving service to the standard identified in the Service Guarantees will continue to be able to raise this with their Employment Provider in the first instance and, if not satisfied, may then raise their complaint with the Department's National Customer Service Line. The National Customer Service Line can investigate reported matters and will work to ensure Job Seekers are receiving the standard of service required. Complaints and the way in which Employment Providers respond to complaints is an important feature of the monitoring of Employment Services.

### **2.16.8. Joint Charter of Deed Management between the Department and Employment Providers**

The approach to the Charter has been redefined for Employment Services 2015 Model to ensure that it reflects the joint commitments of Employment Providers and the Department in contributing to the effective management of Employment Services. The Charter will focus Employment Providers and the Department on building a strong and vibrant employment services sector which continuously improves and builds on good practice to achieve outcomes for unemployed Australians.

The Joint Charter for Employment Services 2015 Model will be developed in consultation with the employment services industry and will be made available to successful Tenderers prior to issue of the final Deeds. As part of this process, the Code of Practice, which separately outlined Providers' commitments to managing employment services will in part be incorporated into the 2015 Charter.

## **2.17. ARRANGEMENTS FOR TRANSITION TO THE EMPLOYMENT SERVICES 2015 MODEL**

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Transition is the set of arrangements put in place to move the existing Employment Services Deed 2012-2015 to the new contracting period and to ensure Job Seekers continue to receive services and are transferred to a new Employment Provider, where and when required, taking into account their individual circumstances.

Transition involves communicating the arrangements to Employment Providers to inform them of the processes involved should they be exiting, obtaining new business, or continuing in the employment services industry. The Department will work with Employment Providers to resolve any issues arising during transition.

Implementation of the transition will occur in mid-2015 once successful Tenderers have been announced. This will ensure that there is sufficient time to implement communications and transition arrangements for Job Seekers currently connected to Employment Providers that are not awarded business under the new Deed and also that Job Seekers have a general awareness of the new servicing arrangements that will occur under the Employment Services 2015 Model.

The expectation is that Employment Providers who are exiting or closing some sites will continue to deliver services until 30 June 2015. However, the Department will consider on a case-by-case basis Employment Providers who wish to hand back business early.

### **2.17.1. Transition objectives**

The objective of transition is a smooth transfer to the future contracting arrangements that has minimal disruption to Job Seekers, employers and Employment Providers and maintains the continuity of services.

The Department will manage the transition process using the following principles:

- transition activities must support continuity of employment services
- all eligible Job Seekers will:
  - remain connected with their current Provider if possible, or
  - be referred to a new Provider taking into account their individual needs and circumstances
- transition will continue to support connections between employers and Job Seekers where possible
- transition activities will support the future employment services arrangements.

### **2.17.2. Job Seeker movements**

Job Seekers who are registered with a Job Services Australia provider on 30 June 2015 will be moved to a new Employment Provider consistent with the overall objectives of the Employment Services 2015

Model. It is expected that Job Seekers will be commenced in the Employment Services 2015 Model within six weeks.

A set of principles will be followed to facilitate the transfer of Job Seekers with minimal disruption and allocate Job Seekers to Employment Providers based on contracted Business Share.

Where their Job Services Australia Provider is exiting, Job Seekers will be transferred to a new (successful Tenderer) Employment Provider. The Department will nominate the gaining Employment Provider. A Job Seeker may, however, be able to request that they be moved to a different Employment Provider.

The central feature of the transition is that Job Seekers will move to the closest equivalent type of service. Job Seekers' information on the JSCI may be updated at any time that circumstances change or additional information is disclosed that may indicate that a change in Stream may be appropriate (in the case of a Job Seeker in the first six months with their new Employment Provider, they must be referred to Human Services for a review of the JSCI).

Tables 2.9 and 2.10 detail to which Stream Job Seekers will be moved.

The Department does not guarantee and makes no representation that a particular number of Job Seekers will be allocated to Employment Providers. Employment Providers should note that the transfer of Job Seekers available to be allocated to a particular Employment Provider will depend on a number of factors including, but not limited to, the caseload and characteristics of Job Seekers transferred in a particular Employment Region and parts of an Employment Region, Job Seeker preference of Employment Provider and the Employment Provider's Business Share in an Employment Region.

Further advice will be developed to inform Employment Providers on the continuation of Job Seeker activities and the cessation of referrals from Human Services to Employment Providers during the Transition Period.

**Table 2.9: Transition of Job Seekers - Employment Services**

Stream	Phase in JSA	Transition Point
<b>Stream 1 (Limited)</b>		Exited
<b>Stream 1</b>		
	Stream Services 0-6 months (under 30 subject to Stronger Participation measure)	Commence in Stream A until they finish their 6 month waiting period at which point they will enter Work for the Dole
	0-6 months	Stream A
	7-12 months (under 30 subject to Stronger Participation measure)	Stream A – Mutual Obligation
	7-12 months	Stream A – Mutual Obligation
	Work Experience – In Activity (under 30 subject to Stronger Participation measure)	Stream A
	Work Experience – In Activity	Stream A



Stream	Phase in JSA	Transition Point
	Work Experience – Not in Activity (under 30 subject to Stronger Participation measure)	Stream A – Mutual Obligation
	Work Experience – Not in Activity	Stream A – Mutual Obligation
	Compulsory Activity Phase (under 30 subject to Stronger Participation measure)	Stream A – Mutual Obligation
	Compulsory Activity Phase	Stream A – Mutual Obligation
<b>Stream 2</b>		
	Stream Services 0-6 months (under 30 subject to Stronger Participation measure with low to moderate JSCI score)	Commence in Stream A and move to Work for the Dole when they finish their 6 month waiting period
	Stream Services 0-6 months (under 30 subject to Stronger Participation measure with moderate to high JSCI score)	Commence in Stream B and move to Work for the Dole when they finish their 6 month waiting period.
	Stream Services 0-6 months with a low to moderate JSCI score	Stream A
	Stream Services 0-6 months with a moderate to high JSCI score	Stream B
	Stream Services 7-12 months (under 30 subject to Stronger Participation measure with low to moderate JSCI score)	Stream A – Mutual Obligation
	Stream Services 7-12 months (under 30 subject to Stronger Participation measure with moderate to high JSCI score)	Stream B – Mutual Obligation
	Stream Services 7-12 months with a low to medium JSCI score	Stream A – Mutual Obligation
	Stream Services 7-12 months with a moderate to high JSCI score	Stream B – 6 months of servicing
	Work Experience – In Activity (under 30 subject to Stronger Participation measure with low to moderate JSCI score)	Stream A
	Work Experience - In Activity (under 30 subject to Stronger Participation with a moderate to high JSCI score)	Stream B
	Work Experience – In Activity with a low to medium JSCI score	Stream A
	Work Experience - In Activity with a moderate to high JSCI score	Stream B
	Work Experience – Not in Activity (under 30 subject to Stronger Participation measure with a low to moderate JSCI score)	Stream A – Mutual Obligation
	Work Experience – Not in Activity ( under 30 subject to Stronger Participation with a moderate to high JSCI score	Stream B – Mutual Obligation

Stream	Phase in JSA	Transition Point
	Work Experience – Not in Activity with a low to moderate JSCI score	Stream A – Mutual Obligation
	Work Experience – Not in Activity with a moderate to high JSCI score	Stream B – Mutual Obligation
	Compulsory Activity Phase (under 30 subject to Stronger Participation measure with low to moderate JSCI score)	Stream A – Mutual Obligation
	Compulsory Activity Phase (under 30 subject to Stronger Participation measure with a moderate to high JSCI Score)	Stream B – Mutual Obligation
	Compulsory Activity Phase with a low to moderate JSCI score	Stream A – Mutual Obligation
	Compulsory Activity Phase with a moderate to high JSCI score	Stream B – Mutual Obligation
<b>Stream 3</b>		
	Stream Services 0-6 months	Stream B
	Stream Services 7-12 months	Stream B – 6 months of servicing
	Work Experience – In Activity	Stream B
	Work Experience – Not in Activity	Stream B – Mutual Obligation
	Compulsory Activity Phase	Stream B – Mutual Obligation
<b>Stream 4</b>		
	Stream Services 0-6 months	Stream C
	Stream Services 7-18 months	Stream C – 6 months of servicing
	Work Experience – In Activity	Stream C
	Work Experience – Not in Activity	Stream C – Mutual Obligation
	Compulsory Activity Phase	Stream C – Mutual Obligation

**Table 2.10: Transition of Job Seekers for Employment Services - Other Groups**

Cohort under current arrangements	Current Stream placement	Proposed Stream placement
Early School Leavers	Stream 2	Stream B
Structural Adjustment Packages	Stream 2 or 3	Stream B
Vulnerable Youth	Stream 4	Stream C

### 2.17.3. Closure of the Employment Pathway Fund

Current Job Services Australia Providers will continue to operate during the Transition Period, with Providers expected to provide assistance to Job Seekers in accordance with the current Deed. The current Employment Pathway Fund will be closed effective 1 July 2015. The Department will honour all commitments made by Job Services Australia Providers that cannot be finalised by the date of site

closure, as long as these commitments have been made in accordance with the Employment Pathway Fund Guidelines, the Job Services Australia Deed 2015-2020 and recorded in the Employment Services System by 30 June 2015.

Time limits will apply with Providers required to finalise reimbursements within 60 days from 30 June 2015 with the exception of wage subsidies and post placement support payments that must be completed within 210 days (as per current Employment Pathway Fund transition processes). Providers, including those leaving the market, will have access to the Employment Services System and will be able to process Employment Fund reimbursements for up to 210 days after 30 June 2015.

#### 2.17.4. Transition Employment Fund credits

All Job Seekers who transition to the Employment Services 2015 Model will be eligible for a transition Employment Fund credit. The table below outlines the transition credit amounts that will apply.

**Table 2.11 Transition Credit Amounts**

Transition point	Employment Fund Credit
<b>Stream A</b>	\$50
Stream A – Mutual Obligation	\$50
<b>Stream B</b>	\$300
Stream B – Mutual Obligation	\$150
<b>Stream C</b>	\$550
Stream C – Mutual Obligation	\$275

#### 2.17.5. Non Employment Fund Wage Subsidies

The Department administers a number of wage subsidy Programmes. Employment Providers will be required to manage agreements with employers where the Job Seeker's previous Job Services Australia Provider is no longer providing Employment Services in that location. Guidelines will be provided with more details about these arrangements.

#### 2.17.6. Communication

Communication with all stakeholders is vital to achieving the transition principles. Regular news and update items will be issued to inform Providers of decisions and guidelines that have been developed. Job Services Australia Providers will have the opportunity to speak with their Department's Account or

Deed Manager throughout the Transition Period. A transition mailbox will be available during the Transition Period for any transition enquiries.

Training Guidelines and online modules will be available to assist new Employment Providers in understanding the Department's IT systems. The start of the Deed period will result in changes in Employment Providers, and Job Seekers will be notified of these changes. Job Seekers will be allocated notionally to Employment Providers obtaining business, and will receive a letter informing them of their new Employment Provider. The letters given to Job Seekers will inform them that they have the ability to select a preferred Employment Provider before transfer.



# **CHAPTER 3**

## **STATEMENT OF REQUIREMENTS - WORK FOR THE DOLE COORDINATORS**

### 3.1. INTRODUCTION

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This chapter describes the services that Work for the Dole Coordinators will be required to deliver following execution of a Work for the Dole Coordinator Services 2015-2020 Deed with the Commonwealth.

Successful Tenderers for Work for the Dole Coordinators services will be required to commence delivery of Work for the Dole Coordinator Services on 1 May 2015.

### 3.2. OBJECTIVE OF WORK FOR THE DOLE

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The Australian Government is committed to Mutual Obligation and practical measures to support Job Seekers into work. Work for the Dole is the primary Mutual Obligation activity that the majority of eligible Job Seekers will undertake at prescribed times for 25 hours each week over six months. Work for the Dole provides Job Seekers with the opportunity to develop and enhance their ability to work independently, work as part of a team, be guided by a supervisor, and improve or enhance their communication skills, motivation and dependability.

Work for the Dole activities must focus on:

- providing Job Seekers with work-like experiences
- providing Job Seekers with skills that are in demand within the local labour market
- provision of any training that is relevant or prerequisite to the activity being undertaken.

**Prospective Tenderers should familiarise themselves with the detail and requirements of Work for the Dole Coordinators outlined at Section 2.11.**

### 3.3. OUTLINE OF WORK FOR THE DOLE COORDINATOR SERVICES

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A network of Work for the Dole Coordinators will be contracted (one per Employment Region) to source Work for the Dole places. They will identify potential Host Organisations, secure hosted places, foster group activities and connect Host Organisations with Employment Providers. These Work for the Dole places will be distributed fairly and appropriately across Employment Providers within the Employment Region.

Work for the Dole Coordinators will undertake an assessment to consider the safety of each potential Work for the Dole place(s) and to check there will be no adverse impacts on paid employees, including no displacement or reduction in paid work opportunities. This does not mitigate any liabilities that the Host Organisation may have to ensure they provide a safe work place for Job Seekers undertaking a Work for the Dole activity with them.

Once satisfied, the Work for the Dole Coordinator will record the availability of each place in the IT system where Employment Providers can search. Employment Providers are equally able to source Work for the Dole places from appropriate entities as outlined above. The same requirements for assessment and recording of the availability of each place will apply.

The Employment Provider is responsible for conducting a further assessment of a Work for the Dole place for each Job Seeker before commencing them to ensure that the particular placement does not pose a risk to that individual's Work Health and Safety. Factors such as medical advice and work restrictions are to be taken into account in the assessment.

Work for the Dole Coordinators will oversee the Work for the Dole Programme in their contracted area. Prior to the commencement of the Deed period the Department will provide guidelines on specific tasks and activities. The main areas of Work for the Dole Coordinator responsibilities are outlined below.

**Table 3.1: Work for the Dole Coordinator Responsibilities**

Role	Responsibility
Identify Host Organisations, secure quality places and establish effective working relationships	<ul style="list-style-type: none"> <li>• identify and contact potential Host Organisations to identify and secure sufficient places for eligible Job Seekers in the Employment Region</li> <li>• undertake an assessment that includes work health and safety checks of projects and places they have identified</li> <li>• confirm, to the extent possible, that the Work for the Dole place is not to the detriment of current or potential paid employees</li> <li>• develop good working relationships with potential Host Organisations for the effective and quality delivery of the Programme and to meet Host Organisation needs</li> <li>• develop good working partnerships with Employment Providers in the Employment Region to ensure the smooth implementation of Work for the Dole places and delivery of the Programme</li> <li>• as appropriate, foster the development of group activities, of benefit to the community, in consultation with Host Organisations and Employment Providers</li> <li>• assist Employment Providers with the development of group activities and/or assessing proposals for such activities from sponsors within the community</li> <li>• collaborate with key stakeholders in the selected area(s) and help deliver the objectives of the Work for the Dole Programme.</li> </ul> <p>Note: Employment Providers are responsible for placing Job Seekers into suitable Work for the Dole places, ongoing supervision and servicing of Job Seekers while participating in Work for the Dole, and monitoring and day to day management of hosted and group activities.</p>
Promotion	<ul style="list-style-type: none"> <li>• promote Work for the Dole in their Employment Region by</li> </ul>

Role	Responsibility
	<p>conducting stakeholder engagement and communication activities designed to support the objectives of the Work for the Dole Programme in the area</p> <ul style="list-style-type: none"> <li>work with Employment Providers to help meet Host Organisation needs.</li> </ul>
Monitoring and Reporting	<ul style="list-style-type: none"> <li>monitor the number, nature and delivery of places under the Programme to ensure that the Programme objectives and any targets, as notified by the Department, are achieved</li> <li>monitor Host Organisations to ensure they are satisfied with the services delivered by Employment Providers</li> <li>report, as required by the Department, on progress and issues arising in the selected area, including providing ad hoc reports.</li> </ul> <p>It is expected that an IT solution will be available to assist with monitoring and reporting.</p>
Management	<ul style="list-style-type: none"> <li>fairly and appropriately distribute places, in the Employment Regions they are contracted to service, to Employment Providers and work with Employment Providers to achieve Programme objectives</li> <li>help to meet Host Organisation needs</li> <li>help to build the capacity and quality of delivery of the Work for the Dole Programme by Employment Providers</li> <li>identification and dissemination of best practice in the management and delivery of the Programme: <ul style="list-style-type: none"> <li>identify opportunities for minimising red tape</li> <li>ensure, in consultation with the Host Organisation and Employment Providers, that places are suitable and consistent with work health and safety best practice.</li> </ul> </li> </ul>
Administration	<p>Work for the Dole Coordinators must have sufficient and appropriate infrastructure in place in each of the Employment Regions for which they are contracted. This infrastructure includes as a minimum:</p> <ul style="list-style-type: none"> <li>a physical presence, for example, appropriate office space</li> <li>appropriate technical and communication infrastructure.</li> </ul>

Work for the Dole Coordinators must attend all training specified by the Department. These sessions are most likely to be held in capital cities or via video/teleconferencing.

Work for the Dole Coordinators will have strong local knowledge together with a wide network of relevant stakeholders in the Employment Region. They will have a good understanding of employment issues, work health and safety best practice as this applies to Work for the Dole places, the objectives of the Work for the Dole Programme and relevant service arrangements.



They will work in constructive partnership with the Department and Employment Providers in the contracted Employment Region as well as Host Organisations.

Expertise in brokering arrangements with a range of stakeholders and development of project proposals is critical.

Each Work for the Dole Coordinator must have one specified person in their organisation who will be the primary day-to-day contact for the Department for each Employment Region for which they are selected. These individuals must be located in the contracted Employment Region and preferably remain so for the period of the Deed. The Department must be notified of any prospective change to the specified person.

### 3.4. EMPLOYMENT REGIONS

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It is anticipated that there will be one Work for the Dole Coordinator for each Employment Region. Employment Regions are detailed at Appendix D. It is anticipated that there will be around 150,000 Job Seekers who will participate in Work for the Dole places each year across all regions. Each region will have indicative targets to be achieved. Information on indicative targets will be provided in the Request for Tender.

### 3.5. PAYMENT MODEL

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Work for the Dole Coordinators will be contracted for a period of five years.

It is anticipated that Work for the Dole Coordinators will be paid the following fees:

- Establishment Fee – An Establishment Fee of \$64,000 will be paid on 1 May 2015.
- Service Fee - \$190,000 will be paid for each six month milestone period. The schedule is set out below.
- Place Fee – a Place Fee of \$220 (or \$275 with regional loading) to be paid for each place when the first Job Seeker is placed in a six month Work for the Dole place.

#### Schedule for Service fee payments

The Work for the Dole Coordinator Services Deed 2015-2020 is expected to include 11 milestone payments (including an Establishment Fee).

**Table 3.2 Work for the Dole Payment Schedule**

Milestones	Dates	Fee	\$	Paid on
1	On establishment of Deed	Establishment Fee	\$64,000	1 May 2015
2	1 July 2015 – 31 December 2015	Six month service fee	\$190,000	1 July 2015

Milestones	Dates	Fee	\$	Paid on
3	1 January 2016 – 30 June 2016	Six month service fee	\$190,000	1 January 2016
4	1 July 2016 – 31 December 2016	Six month service fee	\$190,000	1 July 2016
5	1 January 2017 - 30 June 2017	Six month service fee	\$190,000	1 January 2017
6	1 July 2017 – 31 December 2017	Six month service fee	\$190,000	1 July 2017
7	1 January 2018 - 30 June 2018	Six month service fee	\$190,000	1 January 2018
8	1 July 2018 – 31 December 2018	Six month service fee	\$190,000	1 July 2018
9	1 January 2019 - 30 June 2019	Six month service fee	\$190,000	1 January 2019
10	1 July 2019 – 31 December 2019	Six month service fee	\$190,000	1 July 2019
11	1 January 2020 - 26 June 2020	Six month service fee	\$95,000 \$95,000	1 January 2020 1 June 2020
		<b>Total fee</b>	<b>\$1,964,000</b>	

### 3.6. DEED TERM AND REQUIREMENTS

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Work for the Dole Coordinators will be contracted on a full-time basis from 1 May 2015 until 26 June 2020. This start date provides successful Tenderers with time to establish themselves and have sufficient places available for commencement of the Employment Services 2015 Model on 1 July 2015.

### 3.7. INDUCTION

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It is anticipated that induction will be provided by the Department prior to commencement of the Deed.

### 3.8. PERFORMANCE FRAMEWORK

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The Department will measure and monitor performance against the requirements of the Work for the Dole Coordinator Services Deed, including performance against Key Performance Indicators that will be

set out in the Deed. Work for the Dole Coordinators will be assessed in relation to their success in sourcing suitable places and the geographic distribution of those places as well as their compliance with Deed requirements.

An Expert Reference Group has been established to advise the Department on the performance framework for the Employment Services 2015 Model (see Section 2.16.4).

Details on the measurement against the Key Performance Indicators will be provided before commencement of the Deed. There will be a review of Key Performance Indicators every six month period. Work for the Dole Coordinators who fail to meet their Key Performance Indicators will be subject to the performance management arrangements outlined in the Deed and may have their Deed terminated.

All information gathered by the Department may be used to assess performance and compliance with the Work for the Dole Coordinator Services Deed.

### **3.8.1. Joint Charter of Deed Management between the Department and Work for the Dole Coordinators**

The Joint Charter for Employment Services 2015 Model will be developed in consultation with the employment services industry (see Section 2.16.8).



# **CHAPTER 4**

## **STATEMENT OF REQUIREMENTS - NEW ENTERPRISE INCENTIVE SCHEME**

## 4.1. INTRODUCTION

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This chapter describes the services a Tenderer will be required to deliver if awarded business as a New Enterprise Incentive Scheme (NEIS) provider under the Employment Services 2015-2020 Deed.

Successful Tenderers for NEIS will be required to commence delivery of NEIS on 1 July 2015.

## 4.2. OBJECTIVE OF THE NEW ENTERPRISE INCENTIVE SCHEME

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The objectives of NEIS are to:

- support job outcomes for eligible unemployed Australians by helping 6,300 Job Seekers per annum start-up their own small business following participation in nationally accredited small business training and approval of a business plan
- increase the number of NEIS businesses that achieve financial viability through the provision of 52 weeks of business mentoring and coaching and through the provision of up to 39 weeks of NEIS Allowance
- increase the number of NEIS participants who remain off income support three months after exiting NEIS
- reduce service prescription and cut red tape.

## 4.3. OVERVIEW OF NEIS

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NEIS recognises that running a small business is legitimate form of employment for many Australians.

NEIS helps Job Seekers to start new small businesses. NEIS is an activity under Employment Services that provides accredited small business training, business advice and mentoring for eligible Job Seekers for up to 52 weeks, plus NEIS Allowance for up to 39 weeks.

Eligible Job Seekers registered with Employment Providers or Disability Employment Services Providers may be referred to NEIS.

Up to 6,300 NEIS places will be available per year and the selection of Job Seekers for NEIS is competitive.

The Employment Services 2015 Model encourages Providers to achieve longer-term outcomes for NEIS participants, with payments linked to small business commencements (rather than to training) and to participants remaining off income support for three months after exiting the Scheme. The Model also focuses on cutting red tape, simplifying previous payment arrangements to a single fee, paid in two instalments.

## 4.4. THE ROLE OF NEIS PROVIDERS

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NEIS Providers will be responsible for screening and selecting eligible Job Seekers to undertake NEIS Training. NEIS Providers will assess the Job Seeker's suitability for self-employment and the potential viability of their business ideas. NEIS Providers will then advise the referring Employment Provider of those selected for NEIS Training before training starts so that the Job Seeker's Job Plan can be updated and so an appropriate referral can be entered into the Department's employment services system.

NEIS Providers are responsible for checking Job Seeker and business eligibility for NEIS.

NEIS Providers will arrange NEIS Training for Job Seekers. NEIS Providers will have the flexibility to decide whether the Certificate IV in Small Business Management or the Certificate III in Micro Business Operations is appropriate for the individual Job Seeker and their business proposal. NEIS Providers must deliver face-to-face training unless circumstances require mixed mode delivery. Appropriate supervision and monitoring throughout training will still be required.

NEIS Providers will assess and approve the business plans of prospective participants against Business Eligibility Criteria and advise the referring Employment Provider of the outcome of this assessment. The NEIS Provider may use an advisory committee of independent business experts to assess a business plan. The NEIS Provider will be responsible for approving any NEIS Assistance for Job Seekers whose business plan has been approved.

NEIS Providers will notify prospective participants of the outcomes of assessments within five Business Days if approved and within 10 Business Days if rejected. NEIS Providers will maintain a written record of the approval or rejection of each NEIS Business Plan.

Where business plans are not approved, the NEIS Provider will offer to work with the Job Seeker to further develop the business idea and business plan so that it can be reassessed, if the Job Seeker so desires.

NEIS Providers are required to monitor the performance of NEIS Businesses for the first year of their operation and provide advice and counselling to Participants in relation to their businesses. To do this, the NEIS Provider must make contact with the Participant at least monthly during the period of the NEIS Participant Agreement. At each contact, the NEIS Provider must confirm that the Participant is operating their business in accordance with the approved business plan, offer advice and counselling and, if necessary, collect financial information on the NEIS Business from the Participant.

NEIS Providers must test the commercial viability of NEIS Businesses at the end of their second and third financial quarters and provide to the Department written reports on businesses encountering difficulties and not likely to be Commercially Viable. The Department will then consider terminating NEIS Assistance. The NEIS Provider will also provide this information to the Participant's Employment Provider.

NEIS Providers must conduct the Service using the IT systems provided by the Department for that purpose.

## 4.5. MENTORING

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NEIS Providers must arrange or provide mentor support for all Participants for the first 12 months of the business operation and maintain close contact with them during their entire period of NEIS Assistance. Mentors are expected to have a demonstrated understanding of the skills required to run a small business and a sound knowledge of the local industry base and the labour market.

NEIS Providers should ensure that mentors provide five mentoring contacts over the 12-month period. They must meet with Participants at least once in the first month of business operation (at the business) and then every financial quarter during the period of NEIS Assistance. Three of the mentoring visits must be on a one-to-one basis at the Participant's business premises, except where:

- the business is home-based or mobile, in which case the NEIS Provider may agree with the Participant on an alternative location to hold face-to-face meetings
- there are exceptional circumstances - for example when the business is located in an isolated area and mentor visits are not practical - in which case the NEIS Provider may negotiate an alternative mentoring plan.

If a NEIS Participant refuses mentor support, the Department may suspend or terminate NEIS Allowance or Assistance.

## 4.6. REFERRALS TO NEIS AND THE NEIS PROVIDERS

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In the majority of cases, an Employment Provider or Disability Employment Services Provider will refer an eligible Job Seeker to a NEIS Provider to discuss the Job Seeker's proposed business idea. Where a Job Seeker directly approaches a NEIS Provider, it is expected that the NEIS Provider would inform and seek the agreement of the Job Seeker's Employment Provider or Disability Employment Services Provider before any action is taken to enrol the Job Seeker in NEIS Training.

## 4.7. ELIGIBILITY FOR NEIS

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To be eligible for NEIS Assistance, Job Seekers must be registered for Employment Provider Services or Disability Employment Services and must:

- be at least 18 years of age
- be in receipt of an eligible allowance as outlined in the Guidelines
- be available to participate in NEIS Training and work full-time in the proposed NEIS business (fewer hours may be eligible)
- not be an undischarged bankrupt
- agree to hold and maintain a controlling interest in the business while receiving NEIS Assistance
- not, at any time, have received NEIS Assistance for a similar business
- not have received NEIS Assistance in the previous two years.

Job Seekers must also meet a range of Business Eligibility Criteria including that the proposed NEIS Business:

- is not already operating on a commercial basis
- will be independent, reputable and lawful
- has been assessed as commercially viable by the NEIS Provider
- is not based on the purchase or takeover of an existing business
- will not compete directly with existing businesses, unless it can be demonstrated that there is an unsatisfied demand for the product or service, or that the new product is to be provided in a new way
- will be established, located and operated solely within Australia.

## **4.8. PAYMENT MODEL**

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NEIS fees will be fixed for NEIS Providers at \$5,580 for each NEIS participant.

The fee is for delivering NEIS services, including:

- liaison with Employment Providers for referrals
- assessment of Job Seeker and business eligibility
- arranging for the participant to be trained
- business plan assessment and approval
- mentoring and regular contact
- ongoing support through advice and counselling for each participant.

The NEIS fee will be paid:

- 80 per cent of the NEIS fee on achievement of a Commencement (that is, a business start-up)
- 20 per cent of the NEIS fee on achievement of a post-programme outcome.

A NEIS commencement occurs when a participant commences operating their NEIS Business as agreed in their NEIS Participant Agreement. A NEIS post-programme outcome occurs when the Department verifies a participant is not receiving unemployment allowance or other qualifying income support from Human Services, 13 weeks after exiting NEIS. For participants previously in receipt of Parenting Payment (single), Disability Support Pension, Carer Payment or War Widower/s or Partner Service Pension a post-programme outcome occurs if the participants are in employment (at least 20 hours per week) 13 weeks after exiting NEIS.

## **4.9. SERVICING THE WHOLE OF THE EMPLOYMENT REGION**

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A network of NEIS Providers will be required to deliver NEIS services across Employment Regions. There will be a maximum of three NEIS Providers delivering NEIS services to any one Employment Region. In cases where the uptake of NEIS places in an Employment Region is below expectations, NEIS Providers



may, with the approval of the Department, seek to transfer a portion of their allocated places to another Employment Region.

A portion of NEIS places will be available across each Employment Region based on the Job Seeker population for that Employment Region at the time of the tender. Tenderers will need to detail their preferred number of places per annum, indicating a minimum and maximum they would accept. Further detail will be provided in the Request for Tender.

Tenderers for NEIS services are not required to also bid for Employment Provider Services, but may choose to do so.

## **4.10. PERFORMANCE MANAGEMENT FRAMEWORK**

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NEIS Providers' performance will be assessed against a Performance Management Framework. Monitoring activities will start from the date on which the Deed commences, but will largely be tied to performance periods. Each performance period will be six months and NEIS Providers will be expected to maximise performance against the Performance Management Framework for each performance period.

Performance reviews will be undertaken at times set by the department, and where the department determines that a NEIS Providers performance is less than satisfactory, their share of NEIS places may be reduced for future performance periods.

NEIS Providers are responsible for ensuring an even flow of commencements over the performance period.

Details on the measurement against the Key Performance Indicators will be provided before commencement of the Deed.

An Expert Reference Group has been established to advise the Department on the performance framework for the Employment Services 2015 Model (see Section 2.16.4).

### **4.10.1. Joint Charter of Deed Management between the Department and NEIS**

The Joint Charter for Employment Services 2015 Model will be developed in consultation with the employment services industry (see Section 2.16.8).

## **4.11. BUSINESS REALLOCATION**

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Poor performing NEIS Providers may have their business share reallocated to high performing NEIS Providers through a business reallocation process. The business reallocation process will be conducted in conjunction with performance reviews at times determined by the Department.

## **4.12.      TRANSITION ARRANGEMENTS**

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To ensure continuity of services for Participants in NEIS at the time of transition, successful Tenderers for NEIS will be required to deliver services to Participants from 1 July 2015. If a Provider delivering NEIS Services as part of the 2012–2015 Deed has not been offered ongoing business, that NEIS Provider will remain obliged under the terms of their deed to continue providing services to NEIS participants for the remaining term of their NEIS Participants' Agreements.



# **CHAPTER 5**

## **STATEMENT OF REQUIREMENTS - OTHER PROGRAMMES**

## 5.1. INTRODUCTION

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This chapter describes the services a Tenderer will be required to deliver if awarded business as a Harvest Labour Services Provider or National Harvest Labour Information Services Provider under the Employment Services 2015-2020 Deed.

Successful Tenderers for the Harvest Labour Service and National Harvest Labour Information Services will be required to commence delivery of services on 1 July 2015.

## 5.2. HARVEST LABOUR SERVICES

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### 5.2.1. Objectives of Harvest Labour Services

The objectives of Harvest Labour Services are to:

- supply the labour necessary to meet the harvest requirements of growers
- mobilise people from outside of the Harvest Area to meet growers' labour needs
- connect people looking for Harvest Work, including Job Seekers on income support, with Harvest Labour opportunities.

### 5.2.2. Overview of Harvest Labour Services

Tenderers will be able to bid to deliver Harvest Labour Services to growers of fruit, nuts and vegetables in regions where they can demonstrate that out-of-area harvest workers are required. All job seekers who are legally entitled to work in Australia are eligible for placement into Harvest Work, not only those receiving Income Support Payments.

An organisation may tender to deliver Harvest Labour Services without tendering to deliver Employment Services.

Harvest Labour Services Providers supply the labour necessary to meet the harvest requirements of growers in specified sectors of the horticultural industry. A Harvest Labour Services Provider is expected to maintain a presence in the Harvest Area throughout each year of the Deed Period to ensure ongoing liaison with growers and grower organisations. Harvest Labour Services Providers should liaise with growers and support their labour needs before and throughout each Harvest Period.

Harvest Work vacancies are to be lodged on the Department's IT systems for posting on [the Harvest Trail website](http://jobsearch.gov.au/harvesttrail/default.aspx) (jobsearch.gov.au/harvesttrail/default.aspx) and via the Department's Australian JobSearch mobile applications. Vacancies must be lodged as soon as possible after receipt, kept current and be removed within 24 hours of being filled.

Harvest Labour Services Providers must promote and market Harvest Labour Services within and outside the Harvest Area to ensure an adequate labour supply during Harvest Periods, mobilising eligible Job Seekers from locations outside the Harvest Area. Harvest Labour Services Providers must

provide harvest workers with information about accommodation, transport, quarantine procedures, plus the terms and conditions of employment in Harvest Work.

Harvest Labour Services Providers should refer only harvest workers who are suitable for growers' requirements and should only refer them to workplaces that have safe systems of work in place. They should confirm placements with growers and ensure those placements are recorded on the Department's IT systems.

Harvest Labour Services Providers must maintain suitable premises at each of the Harvest Labour Services Provider's Sites during peak harvest times, and provide the Department with quarterly and annual reports in accordance with the Deed.

Harvest Labour Services Providers will be responsible for gathering local labour market intelligence and feeding this information to the National Harvest Labour Information Service.

Harvest Labour Services Providers will monitor the practices of private labour hire contractors operating in the Harvest Area and pass any reports of potentially illegal practices to the Fair Work Ombudsman and/or the Department of Immigration and Border Protection.

Harvest Labour Services Providers will be expected to give information to growers and grower organisations on why there may have been shortages of available labour, and develop strategies to overcome future shortages.

### **5.2.3. Harvest Labour Fees**

Harvest Labour Services Providers will be eligible for two fixed-rate payments:

- a Harvest Placement Fee of \$49.50 payable per eligible placement into Harvest Work, to be paid fortnightly in arrears for placements made upon receipt of a tax invoice
- a Harvest Service Fee of \$53,900 payable quarterly in advance for delivery of other Harvest Services upon receipt of a tax invoice.

Harvest Labour Services Providers must deliver the services for all crops to be harvested during the harvest period in the specified Harvest Area.

Harvest Labour Services Providers may claim a maximum of one Harvest Placement Fee for placing a harvest worker with the same grower, in the same Harvest Area, in the same Harvest Period. If the Harvest Period is 12 months, Harvest Labour Services Providers may claim up to two Harvest Placement Fees in the same Harvest Area and the same Harvest Period, provided each placement has occurred at least six months apart.

Harvest Labour Services Providers may claim a maximum of two Harvest Placement Fees for placing a harvest worker with different growers in a single seven-day period.

### **5.2.4. Performance framework**

An Expert Reference Group has been established to advise the Department on the performance framework for the Employment Services 2015 model (see Section 2.16.4).

### **5.2.5. Joint Charter of Deed Management between the Department and Harvest Labour Providers**

The Joint Charter for Employment Services 2015 Model will be developed in consultation with the employment services industry (see Section 2.16.8).

## **5.3. NATIONAL HARVEST LABOUR INFORMATION SERVICE**

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### **5.3.1. Objectives of the National Harvest Labour Information Service**

The objective of the National Harvest Labour Information Service is to develop and disseminate information about harvest related work opportunities across Australia to support the work of Harvest Labour Service Providers.

### **5.3.2. Overview of National Harvest Labour Information Service**

The National Harvest Labour Information Service provides national coordination, development and promotion of information about harvest related work opportunities across Australia. The service was established in 2003 to support the network of Harvest Labour Services Providers. Recent developments in information technology provide the context for a more streamlined and cost-effective service during the next Deed Period, rather than relying on production and distribution of physical products and staff travel to networking opportunities.

Services are to include, but will not be limited to, producing and distributing an electronic National Harvest Guide, maintaining information on harvest job opportunities on [the Harvest Trail website](http://jobsearch.gov.au/harvesttrail/default.aspx) (jobsearch.gov.au/harvesttrail/default.aspx) which is hosted and managed by the Department, and a free-call national telephone service.

The National Harvest Labour Information Service Provider will be required to:

- produce the National Harvest Guide in formats such as:
  - PDF/ebook version
  - website pages suitable for desktop computers or mobile devices
  - apps for mobile computing devices
- maintain market awareness by gathering harvest-related information from Harvest Labour Services Providers, growers, grower associations, recruitment agencies and government departments at the local, state and federal levels
- assess and respond to the particular needs of Harvest Labour Services Providers and other users of the service

- maintain a feedback and complaints system.

The National Harvest Labour Information Service Provider will be required to have the infrastructure in place to deliver the National Harvest Labour Information Service, including the following:

- ability to provide coverage national, not just to areas serviced by Harvest Labour Services Providers
- a communication strategy to support the harvest function
- processes to monitor and review their own performance
- capacity to work closely with the Department to develop and maintain the information on the Harvest Trail website
- capacity to establish and operate the National Harvest Telephone Information Service, operating during business hours from Monday to Friday, taking into consideration daylight savings in all states and territories, with strategies to manage calls outside of these hours including weekends
- capacity to coordinate large numbers of Harvest Labour vacancies.

### **5.3.3. Payments**

The National Harvest Labour Information Service Provider will be paid a contracted Fee, set through this competitive tender, for the delivery of the National Harvest Labour Information Service. The Fee, as tendered, must cover the full cost of delivering the services detailed above. Fees will not be paid for lodging individual vacancies or making referrals of individual harvest workers to Harvest Labour Services Providers or recruitment providers.

The National Harvest Labour Information Service Provider will receive quarterly payments in advance, subject to the satisfactory delivery of these services in each quarter. The Department reserves the right to review the level of funds paid to the National Harvest Labour Information Service Provider should the contracted services not be fully delivered.

The Department will measure outcomes through information obtained through quarterly performance reports for each year of the Deed Period, data on the Department's IT systems and the Harvest Trail website, and feedback from growers, Job Seekers and Harvest Labour Services Providers.

### **5.3.4. Joint Charter of Deed Management between the Department and the National Harvest Labour Information Service Provider**

The Joint Charter for Employment Services 2015 Model will be developed in consultation with the employment services industry (see Section 2.16.8).



# **CHAPTER 6**

## **PURCHASING ARRANGEMENTS**



This chapter sets out the tendering process, application requirements and associated information required to submit a tender. Potential Tenderers should refer to Chapters 2 – 5, which describe the services.

## 6.1. OVERVIEW

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The Commonwealth Procurement Rules are issued by the Minister for Finance under Section 101(1) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). The Commonwealth Procurement Rules establish the core procurement policy framework and articulate the Government's expectations for all departments and agencies that are subject to the PGPA Act and their officials, when performing duties in relation to procurement.

Value for money is the core principle underpinning Government procurement and it is enhanced by:

- encouraging competitive and non-discriminatory processes
- using public resources in an efficient, effective, economical and ethical manner that is not inconsistent with the policies of the Commonwealth
- making decisions in an accountable and transparent manner
- considering the risks
- conducting a process commensurate with the scale and scope of the procurement.

In the procurement of Employment Services 2015, where the cost is largely fixed and where Providers are required to instil pro-work behaviours in Job Seekers, meet the needs of employers and achieve sustainable employment outcomes, the value for money principle is further supported by:

- quality of services, incorporating demonstrated performance of each Tenderer of the services or similar services being tendered, in particular, services to Job Seekers so that they move from welfare to sustainable work
- local linkages to, and collaboration with, other relevant services, particularly Work for the Dole Coordinators and services that meet the vocational and non-vocational needs of Job Seekers, including those at most risk of becoming long term unemployed or who have serious non-job related barriers
- diversity, including for-profit and not-for-profit organisations
- client choice
- appropriate coverage
- meeting the needs of specific client groups
- the relative risk of each proposal
- the flexibility to adapt to possible change over the term of the Deed.

## 6.2. TENDERING PROCESS

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### 6.2.1. Future Matters

All market information (eg data) provided to Tenderers, whether incorporated into the Request for Tender or otherwise, is based on historical information. The information provided should not be relied upon by Tenderers as the basis for any decision to take action or not take action. Tenderers should make their own independent assessments of actual workload requirements under any Deed, and any tender will be deemed to have been based upon the Tenderer's own independent assessments.

The Department does not, and will not, guarantee to any party a specified or minimum level of business.

### 6.2.2. No Deed or Undertaking

Nothing in the Request for Tender will be construed as creating any binding deed, express or implied, between the Department and any Tenderer. Any statement or conduct related to the Request for Tender or the procurement processes being undertaken by the Department under the Request for Tender, whether prior or subsequent to the issue of the Request for Tender, is not, and will not be, deemed to be:

- an offer to enter into a Deed
- a binding undertaking of any kind

by the Department. This includes, without limitation, an undertaking that could give rise to any rights based on promissory estoppel, *quantum meruit* or any other contractual, quasi-contractual or restitutionary grounds, or any rights with a similar legal or equitable basis whatsoever.

### 6.2.3. Probity

The Department is committed to ensuring that competition for the purchase and supply of Employment Services is fair and transparent. To do this, it is important that the tendering processes are transparent and subject to appropriate scrutiny and that all tendering procedures published by the Department are followed.

The Department has appointed Maddocks as the external Probity Adviser. The role of the Probity Adviser is to advise the Delegate (Deputy Secretary, Employment) on the probity and integrity of the tendering processes. The role includes developing an overarching Probity plan that applies to the tendering process and providing advice on probity issues, conducting appropriate probity training and advising on relevant security arrangements.

The Department has a complaints handling process in place for purchasing under the Request for Tender. This process requires, as is appropriate, involvement of senior management and officials independent of the process. Consistent with these requirements, persons with any concern about the

probity or integrity of the tendering process can raise their concerns with our internal legal adviser, [Luke de Jong](mailto:luke.dejong@employment.gov.au) (luke.dejong@employment.gov.au). Where appropriate, Mr de Jong will refer concerns to the external Probity Adviser.

Any questions about the process or services covered by the Request for Tender process should, in the first instance, be lodged through the Employment Services Purchasing Hotline (the Hotline) (see Section 6.5.7).

#### **6.2.4. Debriefing**

All Tenderers will be entitled to an oral debriefing upon request, following the announcement of the tender outcomes. The request for a debriefing must be made within one month of the announcement of the tender outcomes with the debriefing to be conducted within three months of the announcement of the tender outcomes. The debriefing may be by telephone. All costs incurred by the Tenderer to attend a debriefing will be at the Tenderer's expense. In accordance with Government policy, Tenderers will not be provided with information concerning other tenders submitted by other Tenderers, except for publicly available information and except in so far as comparative statements can be made without breaching confidentiality.

### **6.3. USE OF AUSTENDER**

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#### **6.3.1. AusTender**

AusTender is the online procurement information system for Government agencies. AusTender allows Tenderers to download tender documentation and upload their tender. Tenderers must first register with [AusTender](http://www.tenders.gov.au) (www.tenders.gov.au). There is no fee for registering with AusTender.

Access to and use of AusTender is subject to terms and conditions. Tenderers registering with AusTender must comply with those terms and conditions and any applicable instructions, processes, procedures and recommendations as advised on AusTender.

It is the responsibility of Tenderers to ensure that their infrastructure, including operating system and browser version levels, meet the minimum standards as defined on AusTender. Neither the Department nor the Government will take any responsibility for any problems arising from Tenderers' infrastructure and or internet connectivity.

Tenderers acknowledge that although the Government has implemented the security measures described on AusTender, the Government does not warrant that unauthorised access to information and data transmitted via the internet will not occur.

Tenderers must inform themselves of all security measures and other aspects of the AusTender technical environment prior to using it for any matter related to the Request for Tender. The Department accepts no responsibility for issues that may arise with respect to the use, or attempted use, of AusTender by any person.

### 6.3.2. Addenda

If the Department varies the terms of the Request for Tender (or the structure) requirements or process referred to in the Request for Tender prior to the Tender Closing Time, the Department will issue a formal addendum to the Request for Tender via AusTender. AusTender will automatically issue electronic advice to those organisations registered with AusTender in regard to the Request for Tender. Tenderers should ensure their AusTender registration details are correct for this purpose. All alterations, corrections and notices will be available on the AusTender website only, so only Tenderers that have registered via the AusTender website will be provided with details of any alteration, correction or notice in relation to the Request for Tender. Tenderers will be required to log in to AusTender and collect addenda as notified.

The Department and the Government accept no responsibility if a Tenderer fails to become aware of any alteration, correction or notice which would have been apparent via the AusTender website.

If a Tenderer has obtained Request for Tender documentation from a source other than AusTender, the Tenderer should register at AusTender and download the documentation for the Request for Tender. The Department will not guarantee the accuracy or currency of Request for Tender documentation obtained from sources other than AusTender.

Responses to general questions received through the Employment Services Purchasing Hotline will be published on the [Employment Services Procurement Information website](http://www.employment.gov.au/esprocurement) ([www.employment.gov.au/esprocurement](http://www.employment.gov.au/esprocurement)).

### 6.3.3. AusTender Help Desk

All queries and requests for technical or operational support in relation to AusTender should be directed to:

AusTender Help Desk

Telephone: 1300 651 698

Email: [Austender](mailto:tenders@finance.gov.au) ([tenders@finance.gov.au](mailto:tenders@finance.gov.au))

The AusTender Help Desk is available between 9.00 am and 5.00 pm (Canberra time) Monday to Friday (excluding ACT and national public holidays).

## **6.4. ELIGIBILITY TO TENDER**

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### **6.4.1. Australian Government departments, employees and agents of Australian Government departments**

Australian Government departments, agencies, employees or agents are not eligible to respond to this Request for Tender. Further, Australian Government departments, agencies, employees or agents cannot assist potential Tenderers in responding.

This does not include persons who are, or may be, regarded as authorised agents of any Australian Government departments including the Department under existing employment service arrangements or arrangements for the administration of the Social Security law, for example, Job Services Australia Providers currently contracted with the Department or entities currently contracted with the Department of Human Services to perform Human Services functions.

A potential Tenderer that has received assistance from an Australian Government Department, agency, or a Departmental employee or agent, may be excluded from consideration at the Department's discretion.

Potential Tenderers may request information through the Hotline in accordance with the procedures set out in this document.

### **6.4.2. Sole traders**

Tenderers may tender as sole traders provided all the requirements to submit a tender and to contract with the Department are met.

### **6.4.3. Group Tendering**

A group of legal entities (Tendering Group) can tender as a consortium, joint venture, partnership or some other form of alliance in order to deliver the Services. A Tenderer must specify in its tender the business model (for example, consortium, joint venture) it proposes.

Each Tendering Group must be a group of individual legal entities that lodges a tender collectively.

Unless the Department agrees in writing to any changes to the members of a Tendering Group, the membership must remain as specified in the tender:

- throughout the period from receipt of the tender
- through assessment and contracting
- throughout the Deed period.

Any proposed changes to the membership of a Tendering Group must be requested of the Department in a letter signed by the authorised representative(s) of the Tendering Group.

The Department reserves, at its discretion, the right to cease considering, or otherwise dealing with, a tender received from a Tendering Group when the composition of the Tendering Group has changed from that specified in the tender, for example, because of the insolvency of a member of a Tendering Group, a voluntary withdrawal of a member of the Tendering Group or a conflict of interest among members of a Tendering Group.

If the Department decides to deal with a Tendering Group of changed composition, the Department may, at its discretion, impose conditions. Such conditions may include:

- a requirement for the altered Tendering Group members to confirm the terms of the original tender response
- a requirement for confirmation of the authority of the authorised representative of the Tendering Group to act on its behalf
- other conditions that the Department considers necessary or appropriate in the circumstances.

### **Consortium**

A consortium is a group of individual legal entities that lodge a tender collectively. A partnership does not constitute a consortium. If a group of entities incorporates, it would tender as the incorporated entity, not as a consortium.

If a Tendering Group is a consortium, the consortium must appoint a lead member entity to act as agent for the other member entities. The lead member entity must be authorised to negotiate, act on behalf of and contractually bind each member of the consortium. Each member of the consortium must confirm the authority of the lead member entity in writing as required by the Department.

### **Joint venture**

A joint venture is a business enterprise in which two or more legal entities enter into a temporary partnership through the use of a joint venture agreement for the purpose of delivering the Services.

### **Partnership**

A partnership is an agreement entered into by two or more legal entities in which each agrees to provide a part of the capital and/or labour for a business enterprise, and by which each shares a defined proportion of profits and losses.

### **Other alliances**

If there are other alliance arrangements between corporate entities or individuals that have not been contemplated by the Department, provided the arrangements meet the above group tendering requirements, the Department will be open to the delivery of Services through those arrangements.

An alliance of individual legal entities will need to provide details and evidence of the alliance's actual or proposed legal arrangements, as an attachment to the Financial and Credentials Information Form.

The alliance must appoint a lead member entity to act as agent for the other member entities. The lead member must be authorised to negotiate, act on behalf of and contractually bind each member of the alliance. Each member of the alliance must confirm the authority of the lead member entity.

Section 6.4.5 provides further information on entities with which the Department will enter into Deeds.

#### **6.4.4. Subcontracting arrangements**

Some Tenderers may want to deliver Services through Subcontractors. Under the terms of the Deed, Providers can only Subcontract Services with the written permission of the Department.

Tenderers will remain responsible for the provision and quality of Services they Subcontract as set out in the Deed with the Department and must ensure Subcontractors meet the same requirements of successful Tenderers identified in Section 6.7.1. Tenderers must also ensure that any Subcontractor is informed of its obligations in relation to security of information and management of Personal Information under the *Privacy Act 1988* (Cth) and that these, and any other relevant obligations, are made conditions of the Subcontract.

Only the Tenderer, not the proposed Subcontractor(s), may submit a tender and only the Tenderer is entitled to a debriefing.

If a Tenderer wishes to engage a Subcontractor to perform part of the Services, details of the proposed Subcontracting arrangements must be provided in the tender.

A Subcontractor may be nominated as part of a tender by one or more Tenderers. A nominated Subcontractor may also tender in its own right.

Unless the Department agrees in writing to any changes to nominated Subcontractor(s), they must remain as specified in the tender:

- throughout the period from receipt of the tender
- through assessment and contracting
- throughout the Deed period.

Where the Tenderer enters into any external administration arrangement, or becomes insolvent, or otherwise loses the capacity to enter into a Deed with the Commonwealth, the Department may, at its absolute discretion, exclude the Tender from further consideration. This applies regardless of whether a Tenderer proposes that certain Services would be delivered through a Subcontractor or Subcontractors.

#### **6.4.5. Contracting with legal entities**

The Department will contract only with entities that have legal personality and have full legal capacity to contract to provide Employment Services Model 2015. Individuals operating as sole traders are considered to have legal personality.

An unincorporated organisation is not a legal person and will not be contracted by the Department.

Refer to Section 7.12.7 for information about Tenderers' capacity to contract.

#### **6.4.6. Joint and several liability**

Where more than one legal entity is a signatory to a deed (that is, where the Tenderer is a Tendering Group) each of those entities is jointly and severally liable for:

- the performance of all of the obligations under the Deed
- all losses caused by any Subcontractor engaged for the purpose of the Deed.

### **6.4.7. Proportionate liability**

The draft Deed, which will be provided as an Appendix to the Request for Tender, will set out that the Deed is governed by the law of New South Wales and proportionate liability under the *Civil Liability Act 2002* (NSW) is expressly excluded under the Deed for all matters arising under, or in connection with, the Deed anywhere in Australia. In addition, proportionate liability is also expressly excluded in all jurisdictions that make provision for this in relation to all matters arising in those jurisdictions under, or in connection with, the Deed.

### **6.4.8. Foreign companies**

The Department will only accept a tender from a foreign company if it is registered under Part 5B.2 of the *Corporations Act 2001* (Cth).

### **6.4.9. Competing entities**

Subject to the exceptions set out below, a Tenderer must not compete against itself within an Employment Region by submitting alternative tenders. For this purpose, a tender from one entity and a separate tender from another entity Controlled by the first entity will be treated as alternative tenders, and both will be excluded.

Subject to the exceptions set out below, a legal entity cannot compete against itself within the same Employment Region, including where a Tenderer retains its legal identity as a member of a Tendering Group. That is, a Tenderer cannot submit an alternative tender for an Employment Region in which it has otherwise tendered, even if it does so as part of a Tendering Group. For the purposes of this Section 'Controlled' has the same meaning as the *Corporations Act 2001* (Cth).

#### **Exceptions**

This provision does not apply to Subcontractors. A Subcontractor may be nominated as part of a tender by one or more Tenderers for the same Employment Region. A nominated Subcontractor may also tender in its own right in that Employment Region.

Organisations providing services to particular client groups can be a member of two or more different Tendering Groups tendering to provide services within the same Employment Region.

### **6.4.10. Collusive bidding**

The tender process is designed to promote fair competition in the open market. Tenderers and their respective officers, employees, agents and advisers must not engage in any collusive bidding, anti-



competitive conduct or any other similar unlawful conduct with any other Tenderers, or any other person in relation to the preparation or lodgement of their tender.

To ensure the probity of the tender exercise, the Department may require Statutory Declarations and other evidence as it sees fit, to the effect that Tenderers have not engaged in any of the above conduct during the tender process.

#### **6.4.11. Conflict of interest**

Where a Tenderer considers that a conflict of interest exists or might arise in relation to the tender process and/or the Tenderer providing Services under the Deed, the Tenderer must identify the actual or potential conflict of interest. A conflict of interest may exist, for example, if the Tenderer, or any of its Personnel, has a relationship (whether professional, commercial or personal) with a party who is able to influence the tender process such as a Departmental staff member.

Each Tenderer will be required to declare in the Tenderer's Declaration in its tender that to the best of its knowledge there is no conflict of interest that would prevent the Tenderer from proceeding with the tender or any deed it may enter into with the Commonwealth.

If at any time during the tender process or prior to entering into a deed with the Commonwealth a Tenderer considers that an actual or potential conflict of interest arises or may arise for them, that Tenderer must immediately notify the Department in writing.

If a conflict of interest, whether actual, potential, or perceived, is identified, either by a Tenderer or by any other means, the Department may at its discretion:

- exclude the relevant tender from further consideration
- enter into discussions to seek to resolve such conflict of interest
- take any other action it considers appropriate, including requiring amendments to the Deed to manage the conflict of interest.

#### **6.4.12. Improper influence**

Tenderers and their officers, employees, agents or advisers:

- must not, and must not attempt to, improperly influence any employee of the Government in connection with the assessment of tenders
- must not have violated, and must not violate, any applicable laws or Government, state or territory policies regarding the offering of inducements, so far as those laws or policies may be relevant to the preparation of the tender.

#### **6.4.13. Improper assistance**

In preparing their tenders, Tenderers must not use information obtained from a current or former officer or employee of the Government:

- in circumstances that are contrary to the Communication Protocol for dealing with existing service Providers, Tenderers and potential Tenderers (see Appendix C)
- in circumstances that constitute a breach of the *Crimes Act 1914* (Cth), the *Public Service Act 1999* (Cth), or the *Public Service Regulations 1999* (Cth)
- in breach of an obligation of confidentiality or fidelity.

#### **6.4.14. Professional advice**

Tenderers should make their own independent assessment and investigations, and obtain their own legal, business and other professional advice on, and in relation to, the Request for Tender and its requirements.

### **6.5. CONDITIONS OF TENDER LODGEMENT**

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#### **6.5.1. Onus on the Tenderer**

Tenderers are deemed to have:

- examined the Request for Tender and all documents referred to in the Request for Tender
- examined any information made available in writing by the Department to Tenderers for the purpose of tendering, including any additions to or clarifications of the Request for Tender
- examined all further information that is obtainable by making reasonable enquiries relevant to the risks, contingencies and other circumstances having an effect on their tenders
- satisfied themselves as to the correctness and sufficiency of their tenders.

#### **6.5.2. Electronic tender lodgement conditions**

##### **General**

Tenders must be lodged electronically in accordance with the electronic tender lodgement conditions. Where there is any inconsistency between the tender lodgement procedures set out on AusTender and those set out in the Request for Tender, the Request for Tender will prevail.

Tenders submitted by any other means, (including by hand, courier, post, facsimile or email) will be deemed to be not lodged, and will be returned unopened.

Tenderers should note that they will not be registered as Tenderers if the Request for Tender was obtained through a process other than via download from AusTender.

##### **Lodgement preparation and process**

Tenderers must:

- ensure their technology platform (including hardware, software and Internet connectivity) meets the minimum requirements identified on AusTender

- refer to AusTender's Help guidance, if required, on uploading tenders
- take all steps to ensure that the tender is free from anything that might reasonably affect useability, the security or the operations of AusTender, the Department's computing environment
- ensure that the tender does not contain macros, script or executable code of any kind, unless that specific material has previously been approved in writing by the Department
- ensure that the tender complies with all file type, format, naming conventions, size limitations or other requirements, or otherwise advised by the Department or required by AusTender
- ensure that the tender is lodged through the correct Approach to Market (ATM) on AusTender
- tenders lodged through the correct ATM on AusTender will be deemed to be authorised by the Tenderer.

**Tenderers must ensure sufficient time is provided to complete the lodgement of their tender prior to the Tender Closing Time.**

All queries and requests for technical or operational support must be directed to:

AusTender Help Desk

Telephone: 1300 651 698

Email: [AusTender](mailto:tenders@finance.gov.au) (tenders@finance.gov.au)

The AusTender Help Desk is available between 9.00 am and 5.00 pm (Canberra time) Monday to Friday (excluding ACT and national public holidays).

### **Tender lodgement conditions**

Tenders must be lodged in accordance with the conditions set out in the Request for Tender. Tenderers need to ensure that they download and access the appropriate software to create and then upload their tender.

Tenderers should allow adequate time to access and understand the tendering software, including time to resolve any potential problems prior to attempting to lodge their tender.

More information on electronic lodgement of tender will be provided in the Request for Tender.

### **6.5.3. Corrections and additions**

Once a Tenderer has lodged a response on AusTender, the tender cannot be changed or withdrawn. If the Tenderer wishes to change any information in a lodged tender response prior to the Tender Closing Time, the Tenderer will need to submit a new response through the correct ATM on AusTender.

When a new response is lodged, the Tenderer should notify the Department, via the [Hotline](mailto:espurchasing@employment.gov.au) (espurchasing@employment.gov.au) of the legal name and the ABN of the Tenderer, the time and date on the AusTender tender response receipt of the new and any previous tenders, as well as the reason for submitting a new tender.

The initial response, and any other superseded response, will not be considered any further.

Where multiple tenders from the same entity have been lodged, but no email is received, the Department will only consider the last tender lodged through the correct ATM on AusTender before the Tender Closing Time.

#### **6.5.4. Incomplete tenders and corrupt files**

Incomplete tenders, including those with electronic files that cannot be read or decrypted, and tenders that the Department believes may contain any virus, malicious code or anything else that might compromise the integrity or security of AusTender and/or the Department's computing environment may, at the Department's sole discretion, be excluded from the evaluation process.

#### **6.5.5. Proof of lodgement**

When tender lodgement has been successfully completed, an official receipt is provided on screen. The receipt will record the time and date the tender was received by AusTender and will constitute conclusive evidence of successful lodgement of a tender. Tenderers should save and print this receipt as proof of lodgement. A separate email confirming receipt of the tender will also be automatically dispatched to the email address of the registered user whose details were recorded at login. Failure to receive a receipt means that lodgement has not completed successfully.

Where no receipt has been issued by AusTender, the attempted lodgement will be deemed to have been unsuccessful and Tenderers should lodge their tender again.

#### **6.5.6. Tenderers' responsibility**

Tenderers acknowledge that:

- lodgement of their tenders before the Tender Closing Time and in accordance with the Request for Tender is entirely their responsibility
- the Department will not be liable for any loss, damage, costs or expenses incurred by Tenderers or any other person if, for any reason, a tender or any other Material or communication relevant to the Request for Tender is not received on time, is corrupted or altered or is not received as sent, cannot be read or decrypted, or has its security or integrity compromised.

#### **6.5.7. Further information prior to the Tender Closing Time**

All requests to the Department for further information regarding the Request for Tender should be directed to the Hotline as per the details below:

Telephone: 1300 733 514

Facsimile: 02 6275 3935

Email: [ES Purchasing Hotline](mailto:espurchasing@employment.gov.au) (espurchasing@employment.gov.au)

The Hotline operates Monday to Friday, 9.00 am to 5.00 pm (Canberra time), excluding ACT and national public holidays.

Tenderers' requests for further information, including where they have been asked to put their question in writing, must be submitted to the Hotline prior to 5.00 pm (Canberra time) five days before the Request for Tender closing time. There will be no obligation on the Department to answer questions received after that deadline but the Department may, at its sole discretion, provide answers to late questions.

All requests for assistance with the application forms should also be directed to the Hotline. The Hotline and the Department cannot guarantee that calls will be answered or responded to on the tender closing date due to the expected high volume of calls on this date. Tenderers should leave sufficient time to enable technical support to be provided in the days leading up to the tender closing date.

### **6.5.8. The Department's answers to requests for further information**

Answers to requests by Tenderers for further information may be given orally or through written notice from the Department, at its sole discretion. If the Department considers it necessary, an interview may be arranged to discuss an enquiry. The Probity Adviser may be present at any interviews and may be consulted in relation to any interviews or requests for further information.

Where, in the opinion of the Department, further information provided to one Tenderer should be provided to all Tenderers, this information will be distributed by a notice on the [Department's website](http://www.employment.gov.au/esprocurement) (www.employment.gov.au/esprocurement) on a non-attributable basis.

### **6.5.9. Tender Closing Time**

Tenders must be submitted before the Tender Closing Time.

Any attempt to lodge a tender after the Tender Closing Time will not be permitted by AusTender.

If a tender consists of multiple uploads, due to the number of files or file size, Tenderers must ensure that transmission of all files is completed before the Tender Closing Time.

**IMPORTANT:** Tenderers should aim to lodge their tender early, to allow time to resolve any technical or other issues.

Tenderers must allow sufficient time for tender lodgement, including taking into account additional time that may be required for any problem analysis and resolution prior to the Tender Closing Time.

Where a Tenderer commences electronic lodgement of a tender before the Tender Closing Time and date but lodgement finishes after the Tender Closing Time, the tender as a whole will be deemed to be a late tender even if parts of the tender were successfully lodged prior to the Tender Closing Time (see Section 6.5.11). Any conditions or advice set out on the AusTender website, or otherwise emanating from AusTender, that suggest a position to the contrary do not apply. A receipt from AusTender indicating the successful lodgement of your tender at a time after the Tender Closing Time only means

that the electronic file has been received by AusTender. The tender will still be a late tender if lodgement was not completed prior to the Tender Closing Time.

Tenderers should be aware that holding the 'Lodge a Response' page open in the web browser will not hold the electronic tender box open beyond the Tender Closing Time. A message will be issued if the lodgement process is attempted after the Tender Closing Time.

The decision of the Department as to the time a tender has been lodged will be final. In particular:

- the time displayed on AusTender is deemed to be the correct time and will be the means by which the Department will determine whether tenders have been lodged before the Tender Closing Time
- where electronic lodgement of a tender started before the Tender Closing Time but finished after the Tender Closing Time, and upload of the tender file(s) has completed successfully, as confirmed by AusTender system logs, the tender as a whole will be deemed to be a late tender even if parts of the tender were successfully lodged before the Tender Closing Time.

### 6.5.10. Extension of time

The Department may extend the Tender Closing Time by issuing an addendum on [AusTender](http://www.tenders.gov.au) ([www.tenders.gov.au](http://www.tenders.gov.au)).

Where the Department extends the Tender Closing Time, the new Tender Closing Time will apply to all Tenderers.

### 6.5.11. Late tenders

Tenders received or lodged after the Tender Closing Time will be deemed late tenders and will not be accepted unless the delay is due solely to mishandling by the Department.

It is the responsibility of the Tenderer to ensure the complete lodgement of their tender before the Tender Closing Time.

**Tenderers should allow sufficient time to complete the lodgement of all required tender files on AusTender, including allowing for resolution of any lodgement problems, prior to the Tender Closing Time.**

### 6.5.12. Further information after Tender Closing Time

The Department will not accept or respond to Tenderers' requests for information on the status or progress of the tender evaluation process.

All Tenderers will be promptly informed of the outcome of the tender process at its conclusion.

Information on the outcome of the tender process will be published on AusTender and [the Department's website](http://www.employment.gov.au/esprocurement) ([www.employment.gov.au/esprocurement](http://www.employment.gov.au/esprocurement)).

### **6.5.13. Unintentional errors of form**

If the Department considers, in its sole discretion, that there are unintentional errors contained in a Tenderer's response, the Department may request the Tenderer to correct or clarify the error, but will not permit any material alteration or addition to the tender. Unintentional errors of form might include, for example, situations where the Department considers the Tenderer has made a typographical error.

### **6.5.14. Incomplete tenders**

Tenders that are incomplete or clearly non-competitive may be excluded from consideration at any time during the evaluation process at the Department's sole discretion. Alternatively, the Department may still consider such tenders and seek clarification.

### **6.5.15. Requests from the Department for further information from Tenderers**

The Department may seek further information from Tenderers at any stage during the evaluation process, including during business allocation and as part of the Deed negotiations.

Each Tenderer must nominate a person to answer queries that may arise during the evaluation of tenders. The name, title, address, email address, telephone and facsimile numbers of that person must be included in the tender. Where it is necessary for the Department to direct specific queries to Tenderers during the evaluation process, the Tenderer will be required to respond in the manner and form specified by the Department and within the time stipulated by the Department.

Where a response is not provided within the stipulated time, evaluation will be based on the information provided in the tender.

The Department is under no obligation to request further information from Tenderers should their tender be incomplete. Should it receive further information, the Department may choose either to use or not to use this information at the Department's absolute discretion.

### **6.5.16. False and misleading claims**

Tenderers must not make false or misleading statements in their tenders, and must answer all questions honestly and completely.

The attention of Tenderers is drawn to Division 137 of the Schedule to the *Criminal Code Act 1995* and Tenderers are advised that giving false or misleading information to the Commonwealth is a serious offence.

## **6.6. TENDER INFORMATION**

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### **6.6.1. Ownership of Tenders**

All tenders become the property of the Department once lodged. The Department may copy, amend, extract or, otherwise, deal with all or any part of a tender for the purpose of conducting the Request for Tender process or negotiating a Deed.

### **6.6.2. Return of information**

At any stage the Department may require that all written or electronically stored information provided to Tenderers, whether confidential or otherwise, and without regard to the type of media on which such information was provided to any Tenderer, and all copies of this information made by Tenderers, be:

- returned to the Department, in which case the Tenderer must promptly return all such information to the address identified by the Department
- destroyed by the Tenderer, in which case the Tenderer must promptly destroy all such information and provide the Department with written certification that the information has been destroyed.

### **6.6.3. Confidential information**

The Department operates within a governance and public accountability framework established under legislation that requires it to:

- ensure efficient, effective, economical and ethical use of Government resources
- ensure openness and transparency of its activities through public reporting processes
- allow for external scrutiny, for example by the Auditor-General and the Ombudsman
- provide information to the relevant Minister and to the Parliament of Australia acting through its committees.

This governance and accountability framework requires the Department to minimise the amount of information that is subject to confidentiality requirements, either under Deed or otherwise, but at the same time give appropriate protection to sensitive information provided by a Tenderer in its tender, and to information generated by the Department in relation to the tender process.

Without prejudice to any other right of the Department under the Request for Tender, or at law, the Department may disclose, or allow at any time the disclosure of, any information contained in or relating to any tender, and whether confidential to a Tenderer or not, for any of the following purposes:

- evaluating or clarifying the tender
- evaluating any subsequent offer
- negotiating a Deed
- managing a Deed following its execution



- taking action in relation to any apparent collusion or other inappropriate, improper or illegal action by or on behalf of a Tenderer
- anything else related to the above purposes, including audit requirements, compliance with Government reporting requirements and responding to any challenge relating to, or arising out of, the Request for Tender process.

The Department may disclose, or allow at any time the disclosure of, any information contained in, or relating to, any tender:

- to its advisers or employees for purposes related to the Request for Tender process, or to any subsequent Deed negotiation and management processes
- to its internal management personnel for purposes related to the Request for Tender process, or to any subsequent Deed negotiation and management processes
- to the relevant Ministers
- in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia
- within the Department's organisation, or to another agency, where this serves the legitimate interests of the Government
- where the information is authorised or required by law to be disclosed
- where the information is in the public domain other than by the Department's disclosure.

Subject to the above, the Department will treat as confidential information:

- all information in a tender
- any additional information provided to the Department in the course of the tender process, including during any negotiations (collectively known as 'Tenderer-provided information').

Where the Department provides Tenderer-provided information, or any part of it, to:

- a third party for the purposes of assisting the Department in tender-related activities, including evaluation, or the preparation of any resultant Deed, the Department will obtain a Deed of confidentiality between the Department and the third party, obliging that third party to protect the information as confidential information prior to that third party being provided with the information, or will otherwise satisfy itself that the third party is under appropriate existing confidentiality obligations to the Department that would cover the information provided
- its employees or its internal management personnel, Tenderers are informed that those persons are under statutory obligations not to disclose that information (for example, *Crimes Act 1914*, *Privacy Act 1988* and *Public Service Act 1999*)
- the relevant Minister, or in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia, the Department will notify the Minister, House or Committee that the information is confidential information.

Subject to the above, any information or documentation generated by the Department (for example, tender evaluation reports) as a result of the tender process will not be disclosed outside of the Department without the Tenderer's consent, except where authorised or required by law.

If the Department and a Tenderer enter into Deed negotiations, the Department and the Tenderer will first reach agreement on any information that will be protected as Provider's Confidential Information under the Deed.

Accordingly, Tenderers must identify in their tender any information they will be providing to the Department that they consider should be protected as confidential information under any resultant Deed. Tenderers should also provide reasons why this information should be protected as confidential information.

In determining what information will be regarded as confidential, the Department will consider, among other things:

- the matters covered by Department of Finance's guidance [Confidentiality Throughout the Procurement Cycle](http://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/contract-issues/confidentiality-procurement-cycle/principles.html) ([www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/contract-issues/confidentiality-procurement-cycle/principles.html](http://www.finance.gov.au/procurement/procurement-policy-and-guidance/buying/contract-issues/confidentiality-procurement-cycle/principles.html))
- relevant public interest considerations
- details of potential harm that the Tenderer has indicated it is, or may be, likely to suffer if the information is disclosed.

If a Deed is entered into, the Department is also subject to legislative and policy requirements that oblige it to disclose certain information in, or in relation to, the Deed, including:

- reporting Government deeds and standing offers with an estimated liability (including GST where applicable) of \$10,000 or above on AusTender, within six weeks of entering into that deed
- publishing on the Department's website a list of deeds that have a value of \$100,000 or more, which have not been fully performed, or which have been entered into in the previous 12 months, and disclosing certain details, including the confidentiality requirements in, or in relation to, these deeds.

## 6.7. LEGAL REQUIREMENTS

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### 6.7.1. Compliance with Applicable Law and Policy

Each Tenderer should ensure that it has complied with all relevant laws and with Government and Commonwealth policy in preparing and lodging its tender and taking part in the tender process.

Tenderers should be aware that if a Deed is entered into, Tenderers will be required, in performing that Deed, to comply with their obligations under all relevant statutes, regulations, by-laws and requirements of any Government, state, territory or local authority, and any Government or Commonwealth policies as notified by the Department, including (but not limited to):

- the *Privacy Act 1988* (Cth)
- the *Freedom of Information Act 1982* (Cth)
- the *Workplace Gender Equality Act 2012* (Cth)—information about this legislation can be obtained from the Workplace Gender Equality Agency on 1800 730 233
- the *Competition and Consumer Act 2010* (Cth)

- the *Auditor-General Act 1997* (Cth)
- the *Fair Work Act 2009* (Cth)
- the *Work Health and Safety Act 2011* (Cth)
- any other work health and safety legislation applicable to any successful Tenderer
- the obligations under Part 4 of the *Charter of the United Nations Act 1945* (Cth) and the *Charter of United Nations (Terrorism and Dealing with Assets) Regulations 2008* (Cth). These laws require any person who holds assets or funds belonging to a person or organisation on the list of persons and entities designated as terrorists to immediately freeze those assets. It is an offence to make any funds or assets available to a person or organisation on the list. The list and more information are available at Australia's Implementation of United Nations Security Council Financial Sanctions
- any obligations applicable to any successful Tenderer contained in the legislation arising from the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth).

### 6.7.2. Indigenous Employment Strategy

Tenderers should be aware that if a Deed is entered into, Tenderers will be required, in performing that Deed, to develop and maintain an Indigenous Employment Strategy for the recruitment of Indigenous Australians within their organisation.

### 6.7.3. Indigenous Opportunities Policy

Tenderers should note that the Indigenous Opportunities Policy may apply to any business awarded to them that is valued over \$5 million that involves activity in a region with a significant Indigenous population.

If a Tenderer is awarded a Deed to which the Indigenous Opportunities Policy applies, the Tenderer must:

- have the Department of Prime Minister and Cabinet approve the Indigenous Australian Training, Employment and Supplier Plan (Plan) prior to the execution of the relevant Deed
- if successful in obtaining a Deed, report annually on the implementation of, and outcomes achieved, under its Plan. The Department of Prime Minister and Cabinet has an annual reporting template to facilitate this process.

The Indigenous Opportunities Policy Administrator will monitor the implementation of Plans by reviewing successful Tenderers' annual outcome reports to monitor their effectiveness in relation to providing Indigenous Australians with training, employment and business opportunities.

If a Tenderer does not report on the implementation of its Plan or take adequate steps to implement its Plan in relation to a Deed, it may not be able to tender or enter into new Deeds with the Commonwealth for business affected by the Indigenous Opportunities Policy and it may face sanctions through its Deed.

Regardless of the requirements set out above, an organisation may submit an Indigenous Opportunities Policy Plan to the Department of Prime Minister and Cabinet for approval at any time, independent of any Commonwealth approach to market.

More information on Plan requirements and the associated Indigenous Opportunities Policy Guidelines can be found on the [Indigenous Employment Opportunities Policy website](http://employment.gov.au/background-indigenous-opportunities-policy) (employment.gov.au/background-indigenous-opportunities-policy). Questions regarding Indigenous Opportunities Policy should be directed to [the IOP email address](mailto:iop@employment.gov.au) (iop@employment.gov.au).

#### **6.7.4. The Department's rights and liabilities**

Participation in any stage of the Request for Tender process, or in relation to any matter concerning the Request for Tender, will be at the sole risk, cost and expense of each Tenderer or nominated Subcontractor. The Department will not be responsible in any circumstance for any costs or expenses incurred by any Tenderer or nominated Subcontractor in preparing or lodging a tender, in taking part in the Request for Tender process, or taking any action related to the Request for Tender process.

Neither the Department nor its officers, employees or advisers will be liable to any Tenderer, nominated Subcontractor, or anyone else on the basis of any rights based on promissory estoppel, *quantum meruit* or any other contractual, quasi-contractual or restitutionary grounds or any rights with a similar legal or equitable basis whatsoever or in negligence as a consequence of any matter or thing relating or incidental to the participation of a Tenderer or a nominated Subcontractor or anyone else in the Request for Tender process, including, but not limited to, instances where:

- a Tenderer or nominated Subcontractor is not engaged under a Deed
- the Department decides not to outsource all or any of the services
- the Department does or does not play any role in developing service delivery arrangements with any Tenderer, any nominated Subcontractor or anyone else
- the Department exercises or fails to exercise any of its other rights under or in relation to the Request for Tender
- the Department makes information available or provides information to a Tenderer or a nominated Subcontractor or anyone else relating to the Tenderer's assets, procedures, plans, tenders and or existing arrangements for provision of the services or any possible future arrangements.

The Department will not accept responsibility or liability for any misunderstanding arising from failure to comply with the Request for Tender documentation, or from any ambiguity contained in the tender.

The Department may at any stage of the Request for Tender process, including during the evaluation process:

- vary the Request for Tender or the Draft Deed, including the timing and processes referred to in the Request for Tender
- forward any clarification of the meaning of the content of the Request for Tender to all known Tenderers and nominated Subcontractors on a non-attributable basis and without disclosing any confidential information of any Tenderer or nominated Subcontractor
- shortlist Tenderers, including Tenderers that have nominated Subcontractors

- obtain clarification or additional information from Tenderers, nominated Subcontractors or anyone else and use any such information for the evaluation of the tenders
- provide additional information to Tenderers or nominated Subcontractors
- negotiate with one or more Tenderers, including negotiating with all Tenderers without shortlisting, or discontinue negotiations
- contact nominated Subcontractors directly and seek further information from them in relation to any matters, including their capacity to deliver the services to all Tenderers by which they have been nominated
- impose conditions on Tenderers that have nominated Subcontractors, including any condition that the Department considers necessary or appropriate
- reassess any tender in whole or in part at any stage where the Department considers that a nominated Subcontractor may not be able to deliver the specified services
- vary the assessment process, for example to conduct a further assessment phase
- require a Tenderer to provide details of a substitute Subcontractor for any nominated Subcontractor
- remove any tender from consideration where, in the opinion of the Department, the Request for Tender otherwise allows for the exclusion of a tender
- terminate or abandon the Request for Tender process if it considers that no tender offers value for money in accordance with the Request for Tender, or the Department otherwise determines that it is in the public interest to terminate or abandon the Request for Tender process.

### **6.7.5. Language and measurement**

Tenders, including all attachments and supporting material, must be written in English. Unless otherwise specified, measurement must be expressed in Australian legal units of measure. Any references to currency must be expressed in Australian dollars.

## **6.8. FINANCIAL VIABILITY AND OTHER CHECKS**

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The Department may perform such security, probity and financial investigations and procedures as it determines necessary in relation to any Tenderer, its employees, officers, partners, associates, Subcontractors or related entities. The Department may exclude a tender from further consideration if the Tenderer does not provide, at its cost, all reasonable assistance to the Department in this regard.

### **6.8.1. Financial Viability**

The objective of the financial viability process is to assess, on the basis of information provided with the tender:

- whether the Tenderer may be considered financially viable to meet the Service requirements of the Request for Tender (the financials check)

- whether there are any circumstances that may adversely affect the Tenderer's ability (and its Subcontractor's ability where it has Subcontracting arrangements) to meet its contractual obligations to supply services for at least the Deed period (the credentials check)
- any risk exposure for the Commonwealth.
- the Department may take these matters into account as part of the business allocation process (see Section 7.12.4).

This process is used to minimise risk to the Commonwealth. The process is not used to measure the profitability of an organisation or its potential for success in the Employment Services 2015 market.

The onus of proof is on a Tenderer to satisfy the Department of its financial viability to meet the Service requirements described in the Request for Tender. If a Tenderer does not provide all information requested by the Department, or if the Tenderer is otherwise unable to demonstrate its financial viability, the Department may not be able to make an assessment, or the assessment may be adversely affected. In these circumstances, the Department may, at its sole discretion, exclude a tender from further consideration at any stage of the evaluation process.

A Tenderer should note that its business levels will be subject to a degree of client choice, and that the services offered will depend on client needs. It is therefore important that a Tenderer makes realistic assumptions about its projected cash flows and its working capital requirements throughout the Deed period.

Additional Deed conditions, such as the provision of the Department's *Deed of Financial Undertaking and Performance Guarantee* or more frequent provision of financial statements, may be required by the Department as a result of the financial viability assessment.

To enable the Department to assess a Tenderer's financial viability, each Tenderer, including each member of a Tendering Group, should supply the information requested in the Request for Tender. Each Tenderer must submit a completed *Financial and Credentials Information Form* and provide the most relevant information to prove its financial viability.

## Financials check

Tenderers should provide financial statements that:

- are current and include the statements for the last complete financial year
- are for the entity as a whole, not for individual projects
- are prepared in accordance with the Australian Equivalents to International Financial Reporting Standards
- include all notes to the statement(s)
- are presented in Australian dollars.

If the financial statements are audited, Tenderers must provide the auditor's report and any management letters from the auditor.

The Department prefers financial statements to be prepared on an accrual basis and to be audited.

The Department expects the following Tenderers to provide audited financial statements:

- organisations that are incorporated under the *Corporations Act 2001* (Cth) and are required to provide audited financial statements because they are:
  - disclosing entities as defined under s111AC of the *Corporations Act 2001* (Cth)
  - public companies
  - large proprietary companies, if two of the following apply:
    - the consolidated gross operating revenue for the Financial Year of the company and the entities it Controls, if any, is \$25 million or more
    - the value of the consolidated gross assets at the end of the Financial Year of the company and the entities it Controls, if any, is \$12.5 million or more
    - the company and the entity it Controls, if any, have 50 or more employees at the end of the Financial Year
    - associations incorporated under the state or territory associations incorporation laws, which specify that financial statements must be audited.

If a Tenderer does not fall into these categories, or audited financial statements are not available, the Tenderer should provide unaudited financial statements.

To assist the Department in assessing financial viability, Tenderers should observe the following:

- If the financial statements provided by the Tenderer are in a different name, or the accounting period has changed, a satisfactory explanation should be provided.
- If the Tenderer has recently merged with another organisation, the terms of the merger and ownership of assets and responsibility for liabilities should be provided.
- If assets are recorded in the balance sheet that are not owned by the Tenderer, for example, assets owned by the Commonwealth, the extent of that ownership and the value should be recorded in the notes to the accounts.

If the Tenderer has access to additional funds, Documentary Evidence should be included that substantiates:

- a bank loan

- a line of credit
- access to financial support
- a guarantee.

If a guarantee is not from a bank, the guarantor should provide evidence of the capacity of the guarantor to honour the guarantee. This may take the form of financial statements.

## Credentials check

Further relevant information that Tenderers should provide includes:

- descriptions of any recent changes of substance in the Tenderer's financial position that are not reflected in the most recent financial statements
- details of any significant events, matters or circumstances that have arisen since the end of the last Financial Year that may significantly affect the Tenderer's ability to perform the services
- a summary of any court actions, charges, liens or encumbrances affecting any assets of the Tenderer
- the Tenderer's ultimate holding entity, if any, their respective related Corporations and their respective Directors, and any shares in the Tenderer, its ultimate holding entity and their respective related Corporations
- any other factors the Tenderer wishes to describe to support its demonstration of financial capacity.

For the purpose of conducting financial viability assessments, the Department may contact Tenderers to seek clarification of information received or obtained.

## Existing organisations

Existing organisations are defined as those that have been in operation for at least 12 months. In assessing these organisations, the Department will examine existing financial records.

Where the existing financial capability of a Tenderer requires supplementation to undertake the tendered business levels, the Tenderer should also supply information of the kind identified for new organisations.

## New organisations

New organisations are defined as those that have been in operation for less than 12 months. These organisations should provide independent supporting evidence of their financial capacity and start-up capital.

If a number of organisations group together to form a new entity, the newly incorporated entity will need to provide evidence from its constituent members of their commitment to its continuing financial viability. This may take the form of articles of association, Constitutions or guarantees. If the guarantor(s) is other than a bank or lending institution, the guarantor(s) should provide evidence of capacity to honour the guarantee. This may take the form of financial statements.



## Ultimate Holding Entity

If a Tenderer has an ultimate holding entity, the Tenderer should provide a copy of any guarantee or cross deed of indemnity from the ultimate holding entity, and financial statements and a completed financial summary table for the ultimate holding entity.

## Trusts

If a Tenderer is associated with a trust and is tendering as trustee for that trust, the Tenderer should provide a copy of the trust deed and details of the relationships between the trust and any related organisations.

Other documents that may help the Department in assessing financial viability of trusts include:

- financial statements for the trust and related organisations
- an explanation of loans and borrowings between the trust and its related organisations and trusts.

If substantial monies from a trust are distributed, additional Deed conditions, such as a financial undertaking or performance guarantee, may be required by the Department in the final Deed. In this instance, a Tenderer may also need to provide financial statements from the guarantor(s) unless a bank guarantee is provided.

If a Tenderer is associated with a family trust, the Tenderer should specify family trust assets and how those assets may be used to support the trust.

## Group Tendering

If tendering as a Tendering Group, each member of the Tendering Group, including the lead member if applicable, must complete a separate *Financial and Credentials Information Form* and should provide supporting documentation relevant to their individual organisations.

Copies of relevant deeds or deeds regulating the Tendering Group, including deeds of cross-guarantee, deeds of partnership, Constitutions, shareholders' agreements and the like, should also be provided.

## Subcontractors

If Tenderers wish to engage a Subcontractor to perform part of the services, each Subcontractor must complete a separate *Subcontractor Credentials Information Form* and should provide supporting documentation relevant to their organisation.

The Subcontractor must authorise the Department to undertake certain checks that involve the disclosing of Personal Information to other agencies and organisations, including the Tenderer.

## 6.8.2. Further checks of Tenderers

The Department may undertake further checks of a Tenderer, its Subcontractors and its relevant persons, including checking whether there is any information on the public record or contained in the Department or other Commonwealth agency internal databases that the Department considers may adversely affect the Tenderer's ability to meet its potential contractual obligations or may otherwise represent a risk exposure for the Commonwealth. The Department also conducts checks for non-disclosure.

Without limitation, the Department may use its internal databases holding debt, fraud and other information and will also obtain information from external parties, such as credit reference agencies and the Australian Securities and Investments Commission, to verify information provided by the Tenderer and to identify any adverse information.

The Department may also follow up with nominated referees (see Section 7.12.3). The Department also reserves the right to make any inquiries it considers appropriate about any matters that the Department considers relevant to the evaluation of a tender.

## **6.9. CONTRACTING WITH THE DEPARTMENT**

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### **6.9.1. Draft Deed**

Successful Tenderers will be required to enter into a Deed. The content of the tender will form part of the contractual obligations.

The Employment Services Deed will commence on 1 July 2015 and cease on 26 June 2020, or on such date(s) as subsequently notified by the Department. The Work for the Dole Deed will commence on 1 May 2015 and cease on 26 June 2020.

If there is any inconsistency between the requirements set out in the Request for Tender and the Draft Deed(s), the terms and conditions contained in the Draft Deed(s) will prevail. The Department reserves the right to make changes to the Draft Deed(s) in the period between the release of the Request for Tender and the execution of final Deeds.

### **6.9.2. Acceptance of Deed Terms**

The Department's offers of business are made on an 'all or nothing' basis and, except as set out below, there will be no negotiation regarding the terms of the Deed.

Where a Tenderer successfully bids for business in a number of Employment Regions but refuses to accept the offer in its totality, the Tenderer risks losing all the business being offered.

Where extenuating circumstances arise, the Department may consider, on a case-by-case basis, a request for a variation to the Department's offer of business. In making its determination, the Department will take into account factors such as the impact on overall service delivery coverage and diversity.

### **6.9.3. Offers to remain open**

Any Tenderer's offer in response to the Request for Tender remains open for a period of nine months after the tender closing date, or until receipt by the Tenderer of notification from the Department that its offer was unsuccessful, whichever is the later.

### **6.9.4. ABN and Goods and Services Tax**

Successful Tenderers must have a current and valid Australian Business Number (ABN).

All payment amounts for services specified are Goods and services Tax (GST) inclusive, unless otherwise specified. If the services are not, or cease to be, a taxable supply, payment amounts will be reduced by an amount equivalent to the GST that would be payable if the services were a taxable supply.

### **6.9.5. Double funding**

The Department does not want to discourage tenders from organisations that receive other public sector funding for Employment Services 2015. However, an organisation cannot claim payments from the Department that would constitute double funding, that is, receiving a fee from:

- the Department for providing services
- another Government, state, territory, or local public funding source, including a different source within other departments, for providing the same or similar services.

Each Tenderer is asked to declare any actual or potential contractual relationships with public funding bodies (Government, state, territory or local government) under which it may be entitled to a fee for the provision of the same or similar services prior to a Deed being finalised.

Whenever such actual or potential contractual relationships exist, the Tenderer must also provide details of the controls and arrangements it intends to put in place to ensure separation of claims, receipts and fees from different public funding sources.

### **6.9.6. Insurance**

Successful Tenderers will be required to obtain and maintain the insurance specified in the Deed.

### **6.9.7. Guidelines**

Successful Tenderers will be required to observe and implement the provisions of any guidelines issued by the Department.

Successful Tenderers will be required to adhere to promotion and style guides issued by the Department to govern promotional activity, including any obligation to ensure that all advertisements, publicity and promotional materials carry the approved badging and signage and acknowledge the financial and other support provided by the Government.



# **CHAPTER 7**

## **BIDDING FOR BUSINESS AND TENDER EVALUATION**

## **7.1. INTRODUCTION**

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This chapter outlines the bidding arrangements for Employment Services 2015-2020. This includes arrangements for the following elements:

- Employment Provider
- Work for the Dole Coordinator
- New Enterprise Incentive Scheme (NEIS)
- Harvest Labour Services
- National Harvest Labour Information Service.

## **7.2. BIDDING FOR BUSINESS – EMPLOYMENT PROVIDER**

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### **7.2.1. Business Levels– Employment Provider**

The total business available through the Request for Tender process comprises the total number of eligible Job Seekers referred through Human Services.

Providers will be contracted to help a proportion of Job Seekers in an Employment Region. This is called a ‘business share’. The proportion may be up to one hundred per cent of the business in a particular Employment Region. As outlined in Section 2.6.1, Volunteer Job Seekers who register directly with Employment Providers are not included in contracted Business Share calculations.

### **7.2.2. Bid Ranges – Employment Provider**

One hundred per cent of business is available through the Request for Tender process in each Employment Region.

Tenderers should bid for their preferred business level in an Employment Region as a percentage range.

Tenderers should not bid for business at a Site level.

Tenderers will not generally be offered business outside their bid range within an Employment Region. However, the Department reserves the right to do so.

The Department does not, and will not, guarantee a specified or minimum level of business to any party.

### **7.2.3. Number of Providers Required – Employment Provider**

The Department expects that there will be a mix of Providers, including for-profit and not-for-profit organisations, across Australia.

All successful Tenderers are to deliver services for all eligible Job Seekers, including Job Seekers with specific needs, from different age groups, Job Seekers with Disability (not participating in Disability Employment Services or an Australian Disability Enterprise) Indigenous Australians and Job Seekers from Culturally and Linguistically Diverse backgrounds.

The Department makes no representation or guarantee as to the number of Providers it may require in any Employment Region. The Department anticipates there will be at least two Providers and generally four to six Providers in each Employment Region unless there are exceptional circumstances.

#### **7.2.4. Coverage – Employment Provider**

The Department is seeking market coverage that is as wide as possible. Preference will be given to tenders that geographically cover all of an Employment Region.

Tenderers may indicate in their bid that, in providing services for all Job Seekers, they will have specialised approaches in locations where there are significant numbers of Job Seekers from particular client groups, eg young, Culturally and Linguistically Diverse or Indigenous Job Seekers.

Where adequate coverage of an Employment Region is not available through higher ranked tenders, the Department reserves the right to select lower ranked tenders, no tenders, or use 'gap filling' methods (see Section 7.12.11).

#### **7.2.5. Sites – Employment Provider**

Tenderers must nominate sites from which they propose to deliver services in an Employment Region. Each site must be identified as one of the following types:

- a permanent Full-Time Site, which, as a minimum, would operate Monday to Friday from 9.00 am to 5.00 pm daily
- a permanent Part-Time Site, at which there is a regular weekly presence with hours of operation less than a Full-Time Site
- an Outreach Site, at which there is not a permanent presence, for example, operating on a monthly, seasonal or 'as needs arise' basis at a local library, town hall or other location.

A Tenderer must demonstrate that the type of site nominated sufficiently covers the local labour market needs of the geographic area proposed to be covered from that site.

Preference may be given to Tenderers that propose at least one Full-Time Site in an Employment Region over similarly ranked Tenderers that only propose Part-Time or Outreach Sites. Preference may also be given to Tenderers with more sites in the Employment Region.

When sufficient competitive, geographic or business coverage is not available through higher ranking tenders or, where, in the Department's view, it is in the best interests of Job Seekers, the Department reserves the right to select lower ranking tenders, to not select any tenders at all, or to use 'gap filling' methods.

## **7.2.6. Local Labour Market Conditions – Employment Provider**

Tenderers will need to refer to the make-up of the local labour market for the Employment Region in which they are bidding and provide detailed strategies to assist eligible Job Seekers, including Job Seekers with specific needs, from different age groups, Job Seekers with disability (not participating in Disability Employment Services or an Australian Disability Enterprise) Indigenous Australians and Job Seekers from culturally and linguistically diverse backgrounds.

## **7.3. BIDDING FOR BUSINESS – WORK FOR THE DOLE**

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### **7.3.1. Business Levels – Work for the Dole**

All business is available through the tender process in each Employment Region.

### **7.3.2. Bid Ranges – Work for the Dole**

Successful Tenderers will be required to deliver Work for the Dole across the entire Employment Region.

### **7.3.3. Number of Providers Required – Work for the Dole**

There will be one Work for the Dole Coordinator in each Employment Region.

### **7.3.4. Coverage – Work for the Dole**

Only tenders that geographically cover all of an Employment Region will be considered for an offer of business.

### **7.3.5. Sites – Work for the Dole**

Tenderers must nominate a permanent site(s) from which they propose to deliver services in an Employment Region.

Preference may be given to Tenderers that propose at least one Full-Time Site in an Employment Region over similarly ranked Tenderers that only propose Part-Time or Outreach Sites. Preference may also be given to Tenderers with more sites in the Employment Region.

### **7.3.6. Local Labour Market Conditions – Work for the Dole**

Tenderers will need to refer to the make-up of the local labour market for the Employment Region in which they are bidding and provide detailed strategies to assist eligible Job Seekers, including Job Seekers with specific needs, from different age groups, Job Seekers with disability (not participating in Disability Employment Services or an Australian Disability Enterprise) Indigenous Australians and Job Seekers from culturally and linguistically diverse backgrounds.

## **7.4. BIDDING FOR BUSINESS – NEW ENTERPRISE INCENTIVE SCHEME**

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### **7.4.1. Business Levels – NEIS**

The total NEIS business available per Employment Region will be determined based on the eligible Job Seeker population and the relative proportion of NEIS places based on 6,300 NEIS places being available per annum.

NEIS Providers will be contracted to deliver NEIS services to a portion of the eligible Job Seeker population in an Employment Region. This is called a ‘business share’.

### **7.4.2. Bid Ranges – NEIS**

One hundred per cent of NEIS business is available through the Request for Tender process in each Employment Region.

Tenderers should bid for their preferred business level in an Employment Region as a percentage range.

Tenderers will not generally be offered business outside their bid range in an Employment Region. However, the Department reserves the right to do so.

### **7.4.3. Number of Providers Required – NEIS**

A wide range of NEIS Providers are required to meet the needs of Job Seekers across Australia. The Department expects there will be a mix of Providers: large; medium and small, for-profit and not-for-profit.

The Department expects that there will be a maximum of three NEIS Providers in each Employment Region, unless there are exceptional circumstances (for example, the Employment Region has a large spread out Job Seeker population).



#### **7.4.4. Coverage – NEIS**

The Department is seeking market coverage as wide as possible. Tenderers bidding for service in an Employment Region must provide services consistently to the entire Employment Region.

NEIS Providers will be required to make placements available for any eligible Job Seekers in the Employment Region in which they are tendering. All activities performed will be required to be within the Employment Region in which business is allocated by the Department.

#### **7.4.5. Sites – NEIS**

Preference will be given to Tenderers that have a Full-Time Site in the Employment Region over similarly ranked Tenderers that do not.

A Full Time Site is a permanent physical presence in a location, operating at least Monday to Friday from 9.00 am to 5.00 pm.

### **7.5. BIDDING FOR BUSINESS - HARVEST LABOUR SERVICE**

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The Department will only award business to Tenderers that have demonstrated an adequate demand for Harvest Labour Services in a Harvest Area. The Department will consider that there is an adequate demand for Harvest Labour Services where Tenderers demonstrate that the anticipated placements for the Harvest Area will result in a reasonable Unit Cost for the overall Harvest Labour Services in that Harvest Area.

The Unit Cost per annum for a Harvest Area can be calculated using the following formula:

$$\frac{(\text{Anticipated Placements per year} \times \$49.50) + \$215,600 (4 \times \text{quarterly service fee})}{\text{Anticipated Placement per year}}$$

A Tenderer must specify its preferred Harvest Area based on an amalgam of SA2 geographical regions as specified by the Australian Bureau of Statistics.

Harvest Labour Services Providers will be expected to provide a service for growers of all crops in a Harvest Area, not only the main crops.

### **7.6. BIDDING FOR BUSINESS - NATIONAL HARVEST LABOUR INFORMATION SERVICE**

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Tenderers may bid to deliver the single National Harvest Labour Information Service that covers the whole of Australia.

## 7.7. CONDITIONALITY

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A Tenderer may specify that its provision of Employment Provider services in one Employment Region is conditional on it winning Employment Provider business in another Employment Region ('the essential Employment Region').

If a Tenderer does indicate an essential Employment Region in an Employment Provider Bid and is unsuccessful in that essential Employment Region, this conditionality provision will automatically exclude it from an offer of Employment Provider business in any other Employment Region where its Bid is expressed as being conditional on the awarding of business in that essential Employment Region.

A Tenderer may specify that its provision of Work for the Dole Coordinator services in an Employment Region is conditional on it winning business for Employment Provider services in the same, or another Employment Region.

If a Tenderer does indicate that its provision of Work for the Dole Coordinator services in an Employment Region is conditional on it winning business for Employment Provider services in the same, or another Employment Region, and is unsuccessful in winning the specified Employment Provider business, this conditionality provision will automatically exclude it from an offer of Work for the Dole business in the Employment Region where its Bid is expressed as being conditional on winning that Employment Provider business.

Tenderers should consider the implications of specifying conditional Bids. Specified conditions could mean that the Tenderer's partial or entire Bid is unsuccessful. The Department will not offer business at a locality unless the condition the Tenderer specified has been achieved. Nor will the Department allocate business simply to ensure that a Tenderer's conditionality provisions are met or that a Bid for one Service is conditional on winning business for another Service.

If a Tenderer does indicate an essential Bid, and is unsuccessful in that essential Bid, this conditionality provision will automatically exclude it from an offer of business for either Service.

A Tenderer may not specify in its Work for the Dole Tender that its offer of services in one Employment Region is conditional on it winning business in another Employment Region. Individual Bids for each Employment Region will be assessed separately.

## 7.8. LABOUR MARKET INFORMATION

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### 7.8.1. Employment Regions

For the purposes of tendering and contracting Employment Services 2015–2020, Australia is divided into 51 Employment Regions. Most of the Employment Regions are built up from ABS Statistical Area Level 4 (SA4) boundaries. The SA4s were designed by the ABS to reflect regional labour markets for the purpose of conducting its monthly Labour Force Survey. A small number of Employment Regions follow the more detailed ABS Statistical Area 2 boundaries (or deviate only slightly from them).

The Employment Regions do not cover the area serviced by the Remote Jobs and Communities Programme.

Maps and key labour market data for the Employment Regions for tender will be published for the Request for Tender process on the Department's [Labour Market Information Portal](http://lmip.gov.au/) (lmip.gov.au/).

Harvest Labour Services may be provided in non-remote or remote harvest areas. The HLIS has national coverage.

## **7.8.2. Non-Remote Areas**

Providers are being sought to provide Employment Provider, Work for the Dole and NEIS Services in all Employment Regions. This excludes Services for remote Job Seekers provided through the Remote Jobs and Communities Programme within the Jobs, Land and Economy Programme administered by the Department of Prime Minister and Cabinet.

Harvest Labour Services may be provided in non-remote or remote harvest areas. The National Harvest Labour Information Service has national coverage.

## **7.8.3. Labour Market Data**

The Department provides data relating to the existing labour market on the [Labour Market Information Portal](http://lmip.gov.au/) (lmip.gov.au/). For the Request for Tender process, the Labour Market Information Portal will contain information representing Employment Regions, including:

- data relating to the labour market
- additional data considered particularly relevant to the delivery of services available for tender.

## **7.9. PUBLIC DISCLOSURE AND USE OF TENDER INFORMATION**

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In line with the Government's objectives of assisting Job Seekers and employers to make informed choices in relation to their individual service needs and as set out in Section 6.6.3, information provided by Tenderers as part of their tender may be published by the Department. This includes information from Tenderers' responses to any of these selection criteria, particularly the organisation's strategies and business relationships.

During the period of the Deed, successful Tenderers will be assessed against statements made in response to these Selection Criteria as part of the Department's performance monitoring. Achievements against indicators of performance referred to in Tenderers' responses to the Selection Criteria may also be made public.

Additionally, successful Tenderers will need to publish information on the Connections for Quality section of the JobSearch website (on the Provider Site Details page) (see Section 2.7.1).

## 7.10. RESPONDING TO SELECTION CRITERIA

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### 7.10.1. Completing claims against the Selection Criteria

In bidding to deliver Services, Tenderers must address the selection criteria. Tenderers must complete all relevant selection criteria at the national, Employment Region or Harvest Area level as specified for each Service for which they are bidding.

Tenders will be assessed competitively on the basis of responses to all Criteria.

It is important to note that Tenderers' responses to the selection criteria represent the service delivery model that they commit to delivering if they are successful in gaining a Deed. The information provided will be used to:

- inform the feasibility of proposals and identify where there is a risk that Tenderers may be outlining service delivery strategies that are not realistic to implement or sustain
- provide the Department with a basis for identifying and addressing instances where the Provider's services differ from the commitments included in the tender response.

The claims Tenderers make against the selection criteria will be:

- included in Deeds and form the basis for Providers to deliver services as they are described
- included in the deed management and Programme Assurance planning of the Department, to ensure that the proponents are delivering the service delivery model that has seen them be successful in gaining a Deed.

Tenderers' responses to each criterion should reflect their understanding of the Government's objectives for employment services as outlined in the Request for Tender. Responses should particularly consider all aspects of the Statement of Requirements.

While anecdotes and individual Job Seeker and employer testimonials are welcome against each of the selection criteria, they will not be assessed as highly as quantitative evidence, research findings and best practice case studies.

### 7.10.2. A guide when tendering for services

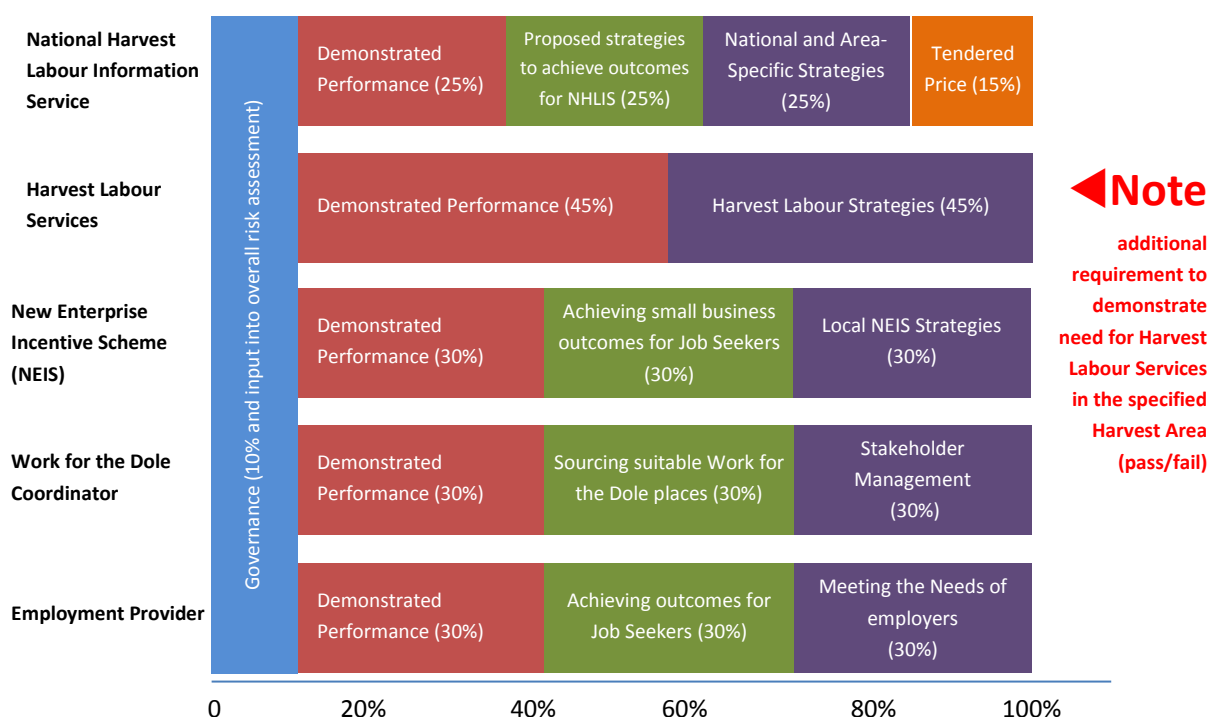
**Table 7.1 Guide for Tenderers to complete the Selection Criteria relevant to the services being tendered.**

Service you are Tendering to deliver:	You must complete	
All Tenderers	Governance (see Section 7.10.3)	Once at the Organisational level
Employment Provider	Criterion 1	Once for each Employment Region for which you are Tendering

	Criterion 2	Once at the Organisational level Once for each Employment Region for which you are Tendering
	Criterion 3	Once at the Organisational level Once for each Employment Region for which you are Tendering
Work for the Dole Coordinators	Criterion 1	Once for each Employment Region for which you are Tendering
	Criterion 2	Once at the Organisational level Once for each Employment Region for which you are Tendering
	Criterion 3	Once at the Organisational level Once for each Employment Region for which you are Tendering
New Enterprise Incentive Scheme	Criterion 1	Once for each Employment Region for which you are Tendering
	Criterion 2	Once at the Organisational level Once for each Employment Region for which you are Tendering
	Criterion 3	Once for each Employment Region for which you are Tendering
Harvest Labour Scheme	Criterion 1	Once for each Harvest Area for which you are Tendering
	Criterion 2	Once for each Harvest Area for which you are Tendering
	Criterion 3	Once for each Harvest Area for which you are Tendering
National Harvest Labour Information Service	Criterion 1	Once
	Criterion 2	Once
	Criterion 3	Once
	Criterion 4	Once

*Note: All Tenderers must complete the Governance Selection Criterion once at the organisational level.*

Selection criterion weighting is summarised in the following diagram:



### 7.10.3. Governance – All Tenderers must address this requirement

The information provided in this requirement will be used to ensure Tenderers have robust governance that demonstrates the integrity of their organisation in delivering tendered services or similar services to government.

**Character Limit: 15,000 (approximately 5 pages)**

**Weighting 10 per cent**

**This information is to be addressed at the organisational level**

**Demonstrate that your organisation has the structure, management and systems as well as the skills and capacity and resources to deliver the actions you have outlined in this tender and deliver the Government's policies.**

In responding to this question you should indicate whether your organisation is currently certified against the Department's Quality Assurance Framework, and if so, detail any remedial work that is underway to address any non-compliance issues.

If your organisation has not received accreditation against the Quality Assurance Framework, you should indicate if you have current accreditation against one of the Quality Standards endorsed by the Department as underlying the Framework: ISO 9001, the National Standards for Disability Services, the Employment Services Industry Standard or Investors in People. You should also explain any strategies you have underway or planned to address any non-compliance noted in your certification as well as those to address the additional requirements of the [Quality Assurance Framework](http://www.employment.gov.au/job-services-australia-jsa?page=4&resource=) (www.employment.gov.au/job-services-australia-jsa?page=4&resource=).

If your organisation does not hold accreditation against one of the standards mentioned above, you will need to provide detailed information on the appropriateness and maturity of your organisation's management and governance arrangements.

Your response to this criterion will be input to consideration of risk that your organisation poses to the delivery of Programmes for which you respond.

#### **7.10.4. Employment Provider Selection Criteria**

##### **CRITERION 1: Demonstrated Performance**

**Character Limit: 25,000 (approximately 8 pages)**

**Weighting: 30 per cent**

**This criterion is to be addressed at the Employment Region level**

*For existing Providers contracted by the Department, the Department will use current performance and other quantitative data held by the Department. Where an existing Stream Services Provider operates in a number of current Employment Service Areas which either fully or partially fall within the boundaries of a 2015 Employment Region, the Department will derive the Provider's performance data using existing data relating to current Employment Service Areas managed by the Provider. Existing Providers should focus their response on qualitative information to support their case.*

*Existing Stream Services Providers who are tendering for an Employment Region in which they have not previously delivered services, may choose to nominate an analogous Region in which they currently deliver services, to support their claims. The Department reserves the right, in its absolute discretion, to accept or reject Tenderers' nominated analogous Regions.*

*Tenderers that have not delivered employment services on behalf of the Department should supply evidence and the details of referees that may verify their claims. They should also ensure that they describe the services they have provided and how they are related to the services being tendered. In answering the following questions Tenderers should use quantitative data as well as qualitative information to support their claims.*

*More information about how the Department will use referee reports is available Section 7.12.3.*

**Demonstrate in quantitative and qualitative terms your organisation's experience and performance in delivering employment services or similar services to Job Seekers and employers.**

Descriptions of performance should be presented against all areas of service delivery most relevant to Stream Services as described in the Request for Tender and demonstrate experience achieving results, including in working with Job Seekers, providers of other services or employers.

You may identify barriers to high performance or other external influences that may have affected performance.

Your response should address, but is not limited to, your organisation's experience, expertise, and achievements in:

- moving a wide range of Job Seekers into employment and the duration of that employment

- working with Job Seekers with significant vocational or non-vocational issues so that they are able to gain ongoing employment
- meeting the needs of employers and ensuring Job Seekers have the skills that employers need
- identifying, establishing and managing Work for the Dole or similar activities, including ensuring the activities are conducted and maintained with a high regard for work health and safety
- establishing and building linkages (including partnerships and or practical collaborations) with organisations which play a role in moving Job Seekers into work
- collaboration with other Employment Providers
- details of your own workforce development programme, noting the shift in emphasis to employer engagement (for example, marketing expertise; details of your workforce development practices; any innovative work practices as an organisation; and other skilling of staff to service the needs of both Job Seekers and employers)

and address how this performance demonstrates your capacity to deliver Stream Services in the Employment Regions for which you are tendering.

All respondents should include the results of all audits undertaken by any local/state/federal/overseas government in connection with correctness of claims made since January 2012 together with details of any remedial actions undertaken.

## **CRITERION 2: Achieving outcomes for Job Seekers**

***Character Limit: 25,000 (approximately 8 pages)***

***Weighting: 30 per cent***

Note: This criterion is to be addressed at both the organisational level and at the Employment Region level. You should identify the strategies that are part of your core service offer and that you will deliver in all Employment Regions in which you are bidding to deliver services. In addition you should identify the specific strategies you will apply in each of the Employment Regions for which you are bidding to take into account the local labour market and/or specific concentrations of Job Seekers with particular characteristics.

### **Demonstrate your organisation's ability and capacity to move Job Seekers into work.**

Your response should address, but is not limited to, at the organisational level:

- how your organisation will be able to move Job Seekers into work
- the services, processes and actions your organisation will take to prevent welfare dependency, promote the workforce participation of Job Seekers and move Job Seekers into work as quickly as possible
- the arrangements that you will put in place to:
  - identify jobs for Job Seekers and the support you will provide to ensure that Job Seekers are equipped to meet the needs of employers and, once placed, remain in the job long term (i.e. at least 26 weeks)
  - ensure that Job Seekers are meeting their Mutual Obligation requirements, including their job search and annual Work for the Dole requirement
  - meet targets for job outcomes for Indigenous Job Seekers



- any additional or specific actions you will take with different cohorts of Job Seekers
- how your organisation will work with other organisations which play a role in moving Job Seekers into work
- how your organisation will encourage continuous improvement and innovation in the servicing of Job Seekers

For each Employment Region for which your organisation is tendering, you should also describe the specific strategies you will adopt to achieve outcomes for Job Seekers.

Your response should address, but is not limited to, how your organisation will:

- provide access to your services, including details of the accessibility of your premises for people with disability
- ensure Job Seekers across the entire Employment Region have equal access to your services
- adapt your strategies to the circumstances and cohorts of Job Seekers in the Employment Region, especially specific concentrations of Job Seekers with particular characteristics
- work with specific local community organisations and other stakeholders to support Job Seekers to achieve sustainable employment outcomes

### **CRITERION 3: Meeting the needs of employers**

***Character Limit: 25,000 (approximately 8 pages)***

***Weighting: 30 per cent***

Note: This criterion is to be addressed at both the organisational level and at the Employment Region level. You should identify the strategies that are part of your core service offer and that you will deliver in all Employment Regions in which you are bidding to deliver services. In addition you should identify the specific strategies you will apply in each of the Employment Regions for which you are bidding to take into account the local labour market and/or specific recruitment opportunities and employer connections.

#### **Demonstrate the general and local strategies your organisation will use to meet the needs of employers.**

Your response should include, but is not limited to, demonstrating how the service offer you are proposing will be effective in meeting the workforce needs of employers and address how your organisation:

- will engage with:
  - medium/large employers
  - small employers
- work with other Employment Providers to meet the needs of medium and large employers in a region so that these employers have coordinated access to all Job Seekers in an Employment Region
- deliver post placement support so Job Seekers remain in the job long term
- work with training providers and other organisations which play a role in assisting employers meet their labour force needs
- encourage continuous improvement and innovation in supporting employers.

## 7.10.5. Work for the Dole Coordinators Selection Criteria

### CRITERION 1: Demonstrated Performance

**Character Limit: 10,000 (approximately 3 pages)**

**Weighting: 30 per cent**

**This criterion is to be addressed at the Employment Region level**

*For existing Department Providers, the Department will use current performance and other quantitative data held by the Department. Where an existing Provider operates in a number of 2012 Employment Service Areas which either fully or partially fall within the boundaries of a 2015 Employment Region, the Department will derive the Provider's performance data using existing data relating to current Employment Service Areas managed by the Provider. Existing Providers should focus their response on qualitative information to support their case.*

*Tenderers that have not delivered employment services on behalf of the Department should supply evidence and the details of referees that may verify their claims. They should also ensure that they describe the services they have provided and how they are related to the services being tendered. In answering the following questions you should use quantitative data as well as qualitative information to support your claims.*

*More information about how the Department will use referee reports is available at Section 7.12.3.*

**Demonstrated performance, to a high standard, to deliver tendered services, or services that are similar to those being tendered.**

Your response should address, but is not limited to the following:

- your organisation's performance in all areas of service delivery outlined in the Work for The Dole Coordinator Service Requirements including sourcing suitable work-like places that meet relevant standards, in particular, work health and safety.
- quantitative data and qualitative evidence to demonstrate your achievements and performance outcomes
- your organisation's track record in the establishment and maintenance of successful networks/partnerships
- how this performance demonstrates your capacity to be engaged as a Work for the Dole Coordinator in the Regions for which you are tendering.

Demonstrate that your organisation has the ability and capacity to effectively manage operations, including sound management and administration, professionalism, integrity, sound judgement and the capacity to deal with complexity. Your response should include quantitative and qualitative evidence, as well as details of key personnel whom you propose for each region.

You may identify barriers to high performance or other external influences that may have affected performance.

## **CRITERION 2: Sourcing suitable Work for the Dole Places**

***Character Limit: 10,000 (approximately 3 pages)***

***Weighting: 30 per cent***

Note: This criterion is to be addressed at both the organisational level and at the Employment Region level. You should identify the strategies that are part of your core service offer and that you will deliver in all Employment Regions in which you are bidding to deliver services. In addition you should identify the specific strategies you will apply in each of the Employment Regions for which you are bidding.

**Demonstrate that your organisation will be able to source and secure sufficient suitable Work for the Dole places.**

Your response should address, but is not limited to:

- how your organisation will broker and negotiate places, and promote the Programme within the region/s tendered
- how your organisation will ensure, in consultation with the Host Organisation and Employment Provider(s), that places are suitable, including consideration of the safety of each Work for the Dole place and no adverse impacts on paid employees or future employment
- how your organisation will plan and source, in the timeframes required, sufficient Work for the Dole places which are suitable for the range of Job Seekers in the Employment Regions for which you are tendering
- how your organisation will identify and flexibly respond to emerging implementation issues or unexpected events
- how your organisation will engage in and encourage continuous improvement and innovation

## **CRITERION 3: Stakeholder Management**

***Character Limit: 10,000 (approximately 3 pages)***

***Weighting: 30 per cent***

**This criterion is to be addressed primarily at the organisational level.** However you should also propose strategies for establishing and maintaining successful networks/partnerships in the selected Employment Regions tendered.

**Demonstrate strategies and arrangements to establish and maintain stakeholder connections and networks to ensure the availability of sufficient suitable Work for the Dole places.**

Your response should address, but is not limited to:

- how your organisation will engage collaboratively with all Employment Providers in the Employment Regions for which you are tendering to facilitate the effective operation of Work for the Dole
- the strategies your organisation will adopt to develop and maintain long-term relationships and work constructively with all stakeholders, including Host Organisations and potential Host Organisations in the Employment Regions for which you are tendering.

## 7.10.6. New Enterprise Incentive Scheme Selection Criteria

### CRITERION 1: Demonstrated Performance

**Character Limit: 25,000 (approximately 8 pages)**

**Weighting: 30 per cent**

**This criterion is to be addressed at the Employment Region level**

*For existing Department Providers, the Department will use current performance and other quantitative data held by the Department. Where an existing Provider operates in a number of 2012 Employment Service Areas which either fully or partially fall within the boundaries of a 2015 Employment Region, the Department will derive the Provider's performance data using existing data relating to current Employment Service Areas managed by the Provider. Existing Providers should focus their response on qualitative information to support their case.*

*Tenderers that have not delivered employment services on behalf of the Department should supply evidence and the details of referees that may verify their claims. They should also ensure that they describe the services they have provided and how they are related to the services being tendered. In answering the following questions you should use quantitative data as well as qualitative information to support your claims.*

*More information about how the Department will use referee reports is available at Section 7.12.3.*

**Demonstrate your organisation's ability and capacity to deliver quality results.**

**Demonstrated performance, to a high standard, to deliver tendered services, or services that are similar to those being tendered.**

Your response should describe, but is not limited to:

- your experience, expertise, and achievements in:
  - small business training, including methods of delivery
  - assessment of business plans
  - mentoring support
  - providing business advice
  - understanding Job Seekers' needs
- how your performance levels or Job Seeker outcomes demonstrates your organisation's ability to deliver NEIS services.

You may identify barriers to high performance or other external influences that may have affected performance.

## **CRITERION 2: Achieving small business outcomes for Job Seekers**

***Character Limit: 15,000 (approximately 5 pages)***

***Weighting: 30 per cent***

**This criterion is to be addressed primarily at the organisational level.** However you should also identify how you intend to vary your services in different Employment Regions (for example, due to different geography, Job Seeker demographics or economic/industrial base).

**Demonstrate that your organisation will be able to achieve small business outcomes for Job Seekers.**

Your response should address, but is not limited to:

- the arrangements that you will put in place to deliver NEIS, including, but not be limited to:
  - promote and market NEIS, including liaison with Employment Providers
  - attract prospective participants
  - provide on-going support to participants
- any other services your organisation would deliver in addition to the services listed in Criterion 1.
- proposed management and administration support, including, but not be limited to:
  - strategies to provide services to clients, such as recruitment or liaising with stakeholders
  - your organisation's record keeping and provision of information practices
  - strategies in place, or to be put in place, to undertake and support administration services for NEIS participants
  - the experience and expertise of key personnel who will be providing NEIS services in each region, in particular, expertise in establishing a small business and providing mentoring support and business advice
  - information on your organisation's people management strategies such as training (initial and ongoing), recruitment and work health and safety (WHS).

## **CRITERION 3: Local NEIS Strategies**

***Character Limit: 15,000 (approximately 5 pages)***

***Weighting: 30 per cent***

**This criterion is to be addressed at the Employment Region level**

**Demonstrate strategies to deliver services at the regional level.**

Your response should include information on regional strategies related, but not limited to:

- the unique characteristics of the region, including remoteness, Job Seeker groups or sub groups that comprise a significant or locally recognised proportion of the population
- the provision of services to participants from rural and regional areas
- the provision of services to a diverse range of Job Seekers
- the establishment and maintenance of community/stakeholder linkages in the region (this should include marketing your services and the skills of your participants)
- meeting changes in labour market conditions within this region and in the needs of particular participant groups
- the delivery of NEIS services to prospective participants across the entire region.

## 7.10.7. Harvest Labour Services Selection Criteria

### **CRITERION 1: Demonstrated need for Harvest Labour Services in the specified Harvest Area.**

**(Pass/Fail)**

***Character Limit: 8,000 (approximately 2.5 pages)***

***Weighting: Pass/Fail***

**Tenderers must demonstrate the need for the Department to purchase Harvest Labour Services in the Harvest Area**, defined by Australian Bureau of Statistics SA2 boundaries, for which the organisation is tendering.

Your response should include, but is not limited to, the crop types and how long each crop will take to harvest. Only if the Department is satisfied that you have demonstrated a need for Harvest Labour Services in the Harvest Area, will the tender proceed for assessment against the other criteria.

### **CRITERION 2: Demonstrated Performance**

*For existing Providers, the Department will use current performance and other quantitative data held by the Department.*

*Tenderers that have not delivered employment services on behalf of the Department should supply referee reports to verify their claims. They should also ensure that they describe the services they have provided and how they are related to the services being tendered. In answering the following questions you should use quantitative data as well as qualitative information to support your claims.*

*More information about how the Department will use the referee reports is available at Section 7.12.3.*

***Character Limit: 8,000 (approximately 2.5 pages)***

***Weighting: 45 per cent***

**This criterion is to be addressed at the Harvest Area level**

**Demonstrated performance, to a high standard, to deliver tendered services, or services that are similar to those being tendered**

**Demonstrate your organisation's ability and capacity to deliver quality results.** Descriptions of performance should be presented against all areas of service delivery outlined in the Request for Tender and demonstrate a proven track record in achieving results.

You may identify barriers to high performance or other external influences that may have affected performance.

Your response should cover, but is not limited to:

- the services your organisation has previously delivered that are most relevant to delivering Harvest Labour Services
- information relevant to your performance in delivering Harvest Labour Services, or similar services, including performance levels or outcomes.

### **CRITERION 3: Harvest Labour Strategies**

***Character Limit: 25,000 characters (approximately 8 pages)***

***Weighting: 45 per cent***

**This criterion is to be addressed for each Harvest Area you intend to service.**

**Demonstrate that your organisation will be able to deliver Harvest Labour Services. Discuss what you will do to achieve outcomes for Harvest Labour Services, including for employers, Job Seekers and other stakeholders.**

Your response should describe, but is not limited to:

- how you will deliver Harvest Labour Services, including:
  - liaising with employers to determine how best to assist them with their harvest labour requirements before and throughout the Harvest Period, including developing strategies to overcome labour shortages
  - promoting and marketing Harvest Labour Services within and outside the Harvest Area
  - mobilising participants from locations outside the Harvest Area
  - providing information participants about accommodation, transport and conditions of employment
  - strategies to attract participants, including income support Job Seekers.
- the management and administration support that will be used in providing Harvest Labour Services, including:
  - the skills and experience of the people in your organisation who will be working with growers and participants in the Harvest Area
  - other resources, such as phones and office arrangements, that will support the Service.

## **7.10.8. National Harvest Labour Information Service Selection Criteria**

### **CRITERION 1: Demonstrated Performance**

***Character Limit: 8,000 (approximately 2.5 pages)***

***Weighting 25 per cent***

**Demonstrated performance, to a high standard, to deliver tendered services, or services that are similar to those being tendered.**

Your response should include, but is not limited to:

- descriptions of the services your organisation has previously delivered that are most relevant to delivering the National Harvest Labour Information Service or similar services
- information about the level of outcomes or performance that was achieved by your organisation in the delivery of the National Harvest Labour Information Service or similar services
- how achievement of these performance levels or outcomes demonstrates your organisation's ability to deliver the National Harvest Labour Information Service.

## **CRITERION 2: Proposed strategies to achieve outcomes for the National Harvest Labour Information Service**

***Character Limit: 8,000 (approximately 2.5 pages)***

***Weighting: 25 per cent***

Your response should describe, but is not limited to:

- your proposed service delivery strategy, including how you will:
  - gather information nationally about seasonal vacancies Australia wide to be placed on the Harvest Trail website
  - provide correct and current harvest vacancy information on the Harvest Trail website
  - market and promote the Harvest Trail website
  - provide an Australia-wide National Harvest Telephone Information Service
  - produce and distribute the National Harvest Guide electronically.
- how your organisation will develop and maintain networks with Harvest Labour Services Providers, growers, grower associations, employment agencies and relevant government departments
- how your organisation will strive for quality service delivery and continuous improvement
- your proposed management and administration support, including the skills and experience of the people in your organisation who will be working with Harvest Labour Services Providers and other stakeholders. Your response should also include your proposed infrastructure (including IT).

## **CRITERION 3 National and Area-Specific Strategies**

***Character limit: 8,000 (approximately 2.5 pages)***

***Weighting: 25 per cent***

**Proposed national and area-specific strategies to promote, sustain and enhance the outcomes of the National Harvest Labour Information Service.**

Describe your organisation's strategies at the national level, and for National Harvest Labour Information Service Harvest Regions.

Your response should include, but is not limited to:

- actively identifying any likely Harvest labour shortages and promptly advising the Department of any such shortages
- providing correct and current harvest vacancy information through the Harvest Trail website and the National Harvest Guide
- delivering the Australia-wide National Harvest Telephone Information Service
- developing networks through promotion and marketing of the Harvest Labour Services and National Harvest Labour Information Service with Harvest Labour Services Providers, growers, grower associations, recruitment agencies and government departments at the local, state and federal levels.



## **CRITERION 4 Tendered Price**

***Character limit: 8,000 (approximately 2.5 pages)***

***Weighting: 15 per cent***

### **Tendered price to deliver National Harvest Labour Information Service.**

Tendering for National Harvest Labour Information Service will be on a price competitive basis.

Tenderers should tender a total price based on their own estimates of service delivery costs. The

tendered total price should clearly identify individual prices for each of the following service categories:

- the Harvest Trail website
- the National Harvest Telephone Information Service
- an electronic version of the National Harvest Guide and other information materials
- using electronic media, gathering information nationally about seasonal vacancies Australia wide to be placed on the Harvest Trail website
- other items such as staffing and administration.

## **7.11. ATTACHMENTS**

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The Department will not accept any attachments submitted with their tender response on AusTender with the exception of those requested as part of their Tenderer's submission.

## **7.12. TENDER EVALUATION**

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### **7.12.1. Evaluation overview**

The overriding principle guiding the selection of Tenderers will be value for money to the Government.

The supporting principles of value for money are:

- encouraging competitive and non-discriminatory processes
- using public resources in an efficient, effective, economical and ethical manner that is not inconsistent with the policies of the Commonwealth
- making decisions in an accountable and transparent manner
- considering the risks
- conducting a process commensurate with the scale and scope of the procurement.

Value for money is the optimum combination of quality of services, price and other factors (including diversity, coverage and meeting the needs of specific client groups) and minimal risk exposure for the Government.

The tender evaluation process will involve:

- Departmental staff with appropriate expertise, training and local knowledge who will assess the Tenderer's financial viability, responses to Selection Criteria and other data, and make recommendations to a committee of senior Departmental managers who will oversee the process and review the recommendations
- the Department's Deputy Secretary, Employment, who will consider recommendations and make final decisions.

The Probity Adviser will observe, monitor and advise on any probity matters but will play no role in, the evaluation process.

The Department may seek clarification from, and enter into discussion with, any or all of the Tenderers (including, where tendering as a Tendering Group (for example a Consortium), each member of the Tendering Group) and Subcontractors in relation to their tender.

Before any tender is admitted to detailed evaluation, it will be screened to ensure it meets all the Mandatory Requirements.

The Mandatory Requirements are:

- tenders must be lodged to the correct Approach to Market (ATM) via the AusTender website and received before the Tender Closing Time
- tenders must be in English.

Subject to the provisions of the Commonwealth Procurement Rules, any tender that fails to meet a Mandatory Requirement will be automatically excluded from further consideration.

A short-listing process may occur at any stage of the Request for Tender process in which the Department may, at its absolute discretion, exclude a tender from further consideration at any stage of the Request for Tender process.

Where the Department considers that a Tenderer has failed to adequately demonstrate its claims against each relevant selection criterion, the tender may be deemed to have failed and may be excluded from further consideration.

The Department will not necessarily accept any tender.

The Department reserves the right to select all or some of the tenders at its sole discretion. The Department reserves the right to contact Tenderers to clarify information, substantiate any assertions made and ensure a shared understanding of organisational capability and processes.

All Tenderers will be informed in writing of the outcome of their tenders at the conclusion of the Request for Tender process.

**Consistent with all other information provided for this tender, the information included in Tenderer's responses may be used in the preparation of the Deed which successful Tenderers will be offered.**

## 7.12.2. Evaluation process

The Department reserves the right to conduct some or all of the following stages at the same time or in a different order to that stated. In addition, the Department reserves the right to not evaluate, or to cease evaluation of a tender or bid that is clearly non competitive.

Stages 1, 2, 3 and 4 will be conducted in respect of tenders submitted for all Services (that is, for Employment Providers, Work for the Dole Coordinators, Harvest Labour Services, NEIS, and National Harvest Labour Information Service).

### **Stage 1—Registration and Conformance**

Each tender will be downloaded from AusTender and will be given a unique identifier.

Each tender will be initially assessed to ensure that:

- the tender has been submitted before the Tender Closing Time
- at the time of opening the tender, the tender meets the Language and Measurement requirements as specified in Section 6.7.5
- the Tenderer has submitted the forms containing completed tender information, including a statement of claims against the selection criteria.

Failure to meet these requirements, including failure to respond to any of the relevant selection criteria, may result in exclusion from further evaluation.

### **Stage 2—Eligibility to Tender**

Tenders will be assessed against the Eligibility to Tender conditions as set out in Section 6.4.

Failure to meet these requirements may result in exclusion from further consideration in the evaluation process.

### **Stage 3—Financial Viability**

Tenderers will be assessed for financial viability. Tenderers should submit sufficient and appropriate material to enable the Department to assess financial viability.

### **Stage 4—Selection Criteria**

Each conforming and eligible tender will be assessed against the relevant Selection Criteria to provide a ranking of suitable Tenderers.

The Department reserves the right to consider all information contained in a tender, and any other relevant information available to it.

Assessment of demonstrated performance will be based on the information provided in a tender. However, the Department will use past performance data as it considers appropriate. The Department does not require existing Providers of Services to provide a response to criterion 1 (Demonstrated Performance) or references if they do not wish to do so.

Tenderers which do not currently provide Services to the Department must address the Demonstrated Performance criterion. Those Tenderers must also provide the names and contact details of two referees, as well as a short description of their dealings with the referee (See Section 7.12.3 for information on Referees).

### **7.12.3. Referees**

In the Tender Response Form all Tenderers will be requested to provide contact details for two referees and a short description (up to 250 characters) of their dealings with this referee.

The Department may contact nominated referees to seek clarification of information provided, information on the Tenderer's claims against the Selection Criteria or information concerning the Tenderer (including its past performance) generally. If a Tenderer has provided related Services to another organisation but does not nominate them as a referee, the Department reserves the right to contact that organisation and seek information relevant to the assessment of the Tenderer's Bids.

The Department also reserves the right to, in its absolute discretion, contact any persons, including referees, to verify claims made in a tender.

**Current employees of the Department cannot be a referee for a Tenderer.**

The Department reserves the right not to consider information provided by a referee that is not relevant to the Selection Criteria.

### **7.12.4. Preliminary allocation of business**

For each Employment Region and Harvest Area, the Department will undertake a comparative assessment of the tenders, taking into account the characteristics of the Employment Region or Harvest Area, Tenderers' preferred bid ranges, any conditionality, coverage, diversity, meeting the needs of specific client groups in general, and any risk exposure for the Australian Government.

The Department will then allocate business on the principle of giving preference to higher ranked tenders, but the Department reserves the right to allocate business to a lower ranked tender over a higher ranked tender where this represents better value for money and ensures the best service for Job Seekers.

The Department will endeavour to allocate business in accordance with a Tenderer's preferred minimum and maximum share as specified in the Tenderer's bid range. If business cannot be allocated in accordance with the Tenderer's preferred minimum and maximum share, the Tenderer may not be contracted to deliver the service in that Employment Region or Harvest Area.

As there is no business allocation associated with the National Harvest Information Service, these principles do not apply. Instead, all organisations tendering to deliver the National Harvest Labour Information Service will be advised of the outcome of the tender assessment, including the successful Tenderer.

### **7.12.5. Contacting Tenderers**

The Department may contact, on a confidential and without prejudice basis, Tenderers (including, where tendering as a Tendering Group each member of the Tendering Group) or nominated Subcontractors during this stage about proposed business levels or about any question that the Department may have, including the availability of any nominated Subcontractor. The Department may in its absolute discretion request any Tenderer to provide, within a specified time, details of an alternative approach to achieving the outcomes proposed in any Bid in the event that any nominated Subcontractor may not be available.

Any such contact will not bind the Commonwealth in any way and will not constitute an offer of business.

The Department may choose during this stage to publish to Tenderers, on a confidential and without prejudice basis, details of entities that any Tenderer may consider (but is not bound to consider) inviting to agree to become a nominated Subcontractor of a Tenderer.

### **7.12.6. Capacity to deliver**

The Department will review the preliminary allocations of business taking into account the capacity of each Tenderer to which business has been allocated to deliver all of that business in all of the relevant Employment Regions or Harvest Areas.

This review will involve consideration of each Tenderer's financial and organisational capacity to deliver the relevant Services at the allocated level, and maintain the required quality of service delivery and any risk exposure for the Government. The review will look at each Tenderer's whole business including any business allocated to the Tenderer under business reallocation processes.

### **7.12.7. Capacity to contract**

The Department will only contract with entities that have legal personality and have full legal capacity to contract to provide Employment Services 2015. For example, the Department considers a corporation registered under the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* to have legal personality and have full legal capacity to contract.

An unincorporated organisation is not a legal person and will not be contracted by the Department.

The onus is on Tenderers to satisfy the Department that the proposed contracting entity has full legal capacity to contract to provide Employment Services 2015. Tenderers should make their own enquiries and obtain their own professional advice in this regard if necessary. The Department reserves the right to make its own enquiries and assessment of whether the proposed contracting entity has full legal capacity to provide Employment Services 2015, including but not limited to interpretation of the statute under which a body corporate is incorporated and assessment of the content of the constitution or other governing instrument of the body corporate. The Department's assessment of whether a

proposed contracting entity has the full legal capacity to contract to provide Employment Services 2015 will be final.

Where the Department is of the view that a proposed contracting entity does not have full legal capacity to contract to provide Employment services, the Department may, at its sole discretion:

- invite the Tenderer to put forward an alternative proposed contracting entity
- make modifications to the Deed to overcome any limitations in the legal capacity of the proposed contracting entity.

If the Tenderer puts forward an alternative proposed contracting entity in response to the Department's invitation, the financial viability of the alternative proposed contracting entity will be assessed in accordance with Section 6.8. However, the Department will not re-assess the original tender response in any other respect, and in particular, of the Tenderer's responses to Selection Criteria. The Tenderer will not be permitted to provide new information that would allow it to improve or modify its bid in any qualitative sense.

### **7.12.8. Decision by Delegate**

The Delegate will make the final decision on the award of Deeds having regard to the principle of value for money (see Section 6.1).

### **7.12.9. Early 'without prejudice' announcements**

An early 'without prejudice' announcement of preferred Tenderers and successful panel members may be made. Such an announcement will be entirely at the Department's discretion and the Department does not guarantee that the preferred Tenderers included in the early 'without prejudice' announcement will be offered Deeds.

### **7.12.10. Execution of Deeds**

The Deed will come into effect only upon execution by the Delegate on behalf of the Commonwealth of Australia.

When an offer does not proceed to an executed Deed, the Department may make additional offers to other suitable Tenderers.

### **7.12.11. Gap filling**

Should the Request for Tender process fail to produce suitable Providers in a particular Employment Region or Harvest Area, the Department, in its absolute discretion, having regard to value for money and the public interest, may consider a number of options to obtain additional service coverage, including:

- a select tendering process

- offering business to other Tenderers, successful or otherwise, including through direct sourcing.

Tenderers and/or Providers may be required to provide additional gap-filling services to the Department from time to time, as and when agreed with the Department.



## **CHAPTER 8**

# **ACCESS TO DEPARTMENT'S IT SYSTEMS**



## 8.1. INTRODUCTION

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Providers of Services covered under the Employment Services Deed 2015-2020 are required to have access to, and use, the Department's IT systems, which include a number of internet-based websites and transactional systems.

For optimum performance, Providers should access the Department's IT systems from a personal computer running Microsoft Windows 7 or 8 (versions Home Premium, Professional, Enterprise and Ultimate); or Remote Desktop Services on Windows Server 2008 and Terminal Services on Microsoft Windows Server 2003 (typically using Citrix) with sufficient capacity and capability to support associated smart clients (that is .NET applications) and other software required for concurrent use.

The Department's systems will be optimised for use with Microsoft Internet Explorer 11 web-browser.

## 8.2. SECURITY, PRIVACY AND CONFIDENTIALITY

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Providers must ensure and secure the confidentiality, integrity and availability of the Department's IT systems and the information within them.

The Australian Privacy Principles described in the *Privacy Act 1988* (Cth) that apply to the Department will also apply to Providers and their IT software and service providers under the terms of the Deed. Providers must, therefore, ensure that they and their agents safeguard Job Seekers' personal information and sensitive information, as defined under the Privacy Act 1988, that is accessible through the Department's IT systems. The Department requires Providers to install a secure operating system on all personal computers that have access to the Department's IT systems. The security controls in the operating system must safeguard the data that is stored on the personal computer's disk drive from being read by unauthorised personnel. The operating system must also prevent unauthorised personnel from accessing software on the personal computer that would facilitate access to personal information and sensitive information.

Providers must seek the prior approval of the Department before sending or hosting outside Australia any personal or sensitive information relating to Employment Programmes. This includes the use of overseas cloud-based data solutions.

## 8.3. OPERATING SYSTEMS

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The Department provides key IT systems to support Employment Programmes as a Smartclient (thick client) download and installation. While this continues as the delivery approach, Providers must install and use one of the following base configurations for personal computer operating systems where the Department's IT systems are to be accessed:

- Microsoft Windows 7 or 8 (32-bit or 64-bit, versions Home Premium, Professional, Enterprise, and Ultimate)

- Terminal Services on Microsoft Windows Server 2003 and Windows Servers 2008 (typically using Citrix).

Providers who believe that an alternative operating system can deliver the same level of security controls and functionality may request approval from the Department to use the alternative operating system. In giving approval for alternate operating systems, the Department may impose such terms and conditions as it thinks fit.

The Department is considering options to replace the Smartclient download with a web-browser (thin client) system. With that delivery approach, the Department would no longer have a requirement for Providers to use a specific operating system.

## 8.4. USE OF THIRD-PARTY IT SYSTEMS

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A third-party IT system is a system supplied to a Provider, or one built or configured in-house by a Provider, to replace or be an adjunct to the IT systems provided by the Department. Providers must advise the Department of the use of any third-party IT systems which hold or manage personal information or sensitive information. At any time, the Department can require access to these systems and the data they contain to ensure adherence to the Department's policies, the requirements under the Deed and the law. Providers must not give access to electronic Records, or any derivative thereof, to a third-party IT provider who has not signed an agreement with the Department (in a form specified by the Department), and only grant such access in accordance with the terms of the said agreement, the Department's Security Policies and any Guidelines. The relevant agreement will require third-party IT providers to give the Department access to their IT systems, to comply with the Department's IT security policies, to protect personal and sensitive information, to report all breaches of security, and to comply with certain record keeping requirements.

Providers electing to use third-party IT systems must ensure that those systems present, manage, record and display information consistent with that provided by the Department's systems. For example, a question and response presented in the Department's system must be worded the same in any third-party IT systems.

The interfacing of third-party IT systems with the Department's IT systems must not negatively impact performance of the Department's IT systems for users and will be subject to such terms and conditions as the Department thinks fit. The Department may, for any reason, suspend the access of a third-party IT system to the Department's IT systems.

Departmental IT systems will be upgraded during the Deed period in response to identified systems issues, to make technical enhancements and to implement new policy and Programme requirements. While the Department will use its best endeavours not to impact the functioning of third-party IT systems there is a risk that their connectivity and/or functionality may be adversely affected.

Providers must seek the approval of the Department before using any third-party IT system that sends or hosts outside Australia any personal or sensitive information relating to Employment Programmes.

## 8.5. IT CONTACT

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The Provider must:

- nominate personnel to receive technical advice from the Department on the Department's IT systems, and to provide advice to the Department of technical issues arising from the deployment of the Department's IT systems (the IT Contact)
- where that IT Contact changes, advise the Department accordingly
- ensure that the IT Contact:
  - disseminates technical advice to personnel and subcontractors as appropriate, in order to minimise disruption to services
  - provides advice, as requested by the Department
- assist in resolution of the Department's IT systems technical issues in relation to the Provider's readiness to deploy system upgrades to the Department's IT systems.

## 8.6. PRINTING

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The Department's IT systems have been designed to minimise the information that Providers will need to print. Providers will need to have access to a printer that is locally connected to their personal computer or accessible via their office local area network.

It is the responsibility of the Providers to supply equipment capable of printing from the Department's IT systems. The choice of equipment is up to each Provider.

## 8.7. ACCESS TO THE INTERNET

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To obtain full access to the internet, Providers will need an internet service Provider (ISP). Internet access is separate from access to the Department's IT systems.

## 8.8. EMAIL

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To enhance communication, the Department will establish a mailing list to disseminate information. It is mandatory that Providers have email accounts accessible via the internet for appropriate staff. ISPs can provide information about obtaining email services.

The Department may communicate with Providers on a day-to-day basis via email.

## 8.9. INFORMATION TECHNOLOGY SUPPORT

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The following information technology support services are available:

- initial security and connection, registration and subsequent changes, resets and troubleshooting
- help desk facilities.

Access to these services is available by calling the Employment Services Help desk on 1300 305 520, Monday to Friday, 8.30 am to 7.00 pm (Canberra time) excluding national public holidays.

## 8.10. INFORMATION TECHNOLOGY TRAINING

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The Department may supply Providers with training in Departmental operational policy and IT systems, and will include self-paced learning modules and the use of a training database. The Department may mandate that identified training is completed by a Provider's staff to ensure they have an appropriate understanding of programs and responsibilities. The material will be made available through the internet support site database. This is provided online and accessed through the Learning Centre.

Online training modules are produced in a range of multimedia file formats including:

- Windows Media Video (.wmv)—viewed through a media player
- Shockwave Flash (.swf)—requiring the Adobe Flash Player.

In addition, the Department will provide information and training using web conferencing. Web Conferencing audio will be delivered through teleconferencing or Voice over Internet Protocol (VOIP). Replays of recorded sessions may be downloaded at no cost from the Learning Centre.

Training may also be provided through other mechanisms.

## 8.11. EMPLOYMENT SERVICES NETWORK INTERNET SUPPORT SITE

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The Provider component of the Department's Employment Community Services Network (ECSN) internet support site is an important source of systems-related information, including:

- training materials
- information bulletins
- hours of availability
- system changes
- required forms
- frequently asked questions and answers.

The internet support site will allow access, in the same manner as that provided for access to the Department's IT systems, to a number of services restricted to authorised Providers, notably:

- system-related reports
- materials of a sensitive or privileged nature, such as bulletins, departmental instructions and payment schedules.

These services will only be accessible to Providers that have been granted access through a User ID and password. All access to the Department's IT systems is logged, and Providers will be required to enter a valid User ID and password in a secure login process before the pages will display.

The sites are presently available from 8.00 am to 10.30 pm (Canberra Time) Monday to Friday except for ACT and national public holidays, and 9.00 am to 1.00 pm (Canberra Time) on Saturdays. The exception is when sites are offline for maintenance purposes. The hours of access are under constant review and all changes will be communicated in advance to Providers.

## **8.12. INFORMATION TECHNOLOGY COSTS**

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Providers will be required to meet the cost of:

- all ISP charges
- acquiring and installing any equipment (hardware and software) described in this Section
- any alternative network solution proposed by the Provider.

Internet charges are a matter for negotiation between each Provider and their ISP. Providers are responsible for supplying the IT equipment they will use, as the Department will not provide any IT equipment.

## **8.13. SECURITY POLICY FOR EXTERNAL USERS OF THE DEPARTMENT'S IT SYSTEMS**

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The *"Department's External Security Policy – For Contracted Service Providers & Users"* and companion documents will be available from the Procurement and Contacts page of the [Employment Services Purchasing website](http://www.employment.gov.au/esprocurement) ([www.employment.gov.au/esprocurement](http://www.employment.gov.au/esprocurement)).

The policy may be updated from time to time to incorporate changes to Government security policies.



# APPENDIX A

## GLOSSARY

This Glossary provides Tenderers with further information on the relevant terms used in the Exposure Draft.

<b>ABN</b>	Stands for Australian Business Number, a unique identifier provided by the Australian Tax Office. An ABN enables businesses in Australia to deal with a range of government departments and agencies using an identification number.
<b>ABSTUDY</b>	is an Income Support Payment that helps Indigenous Australians who are studying or undertaking an Australian Apprenticeship.
<b>Adult Migrant English Language Programme (AMEP)</b>	A Government programme administered by the Department of Immigration and Border Protection. Adult Migrant English Language Programme provides up to 510 hours of free English language tuition to eligible migrants from the skilled, family and humanitarian visa streams, to help them learn basic English to assist with their settlement in Australia.
<b>Annual Work for the Dole requirement</b>	The requirement for Job Seekers under 60 years of age on participation payments to undertake Work for the Dole and/or other work experience activities for six calendar months out of each year.
<b>Apprenticeship(s)</b>	Apprenticeship(s) (see also Australian Apprenticeships) combine

	practical work with structured training leading to a nationally recognised qualification.
<b>AusTender</b>	The centralised <a href="http://www.tenders.gov.au">online procurement information system</a> (www.tenders.gov.au) for Australian Government agencies.
<b>Australian Apprenticeship(s)</b>	An umbrella term for the national apprenticeship and traineeship arrangements. The main characteristics of Australian Apprenticeships include a deed of training between employer and apprentice or trainee, public funding and support for employers, choice of training provider, a wider range of occupations and industries than previously, competency-based training using national training packages, apprenticeships in schools, and a continued role for group training companies.
<b>Austudy</b>	An Income Support Payment for eligible students aged 25 years and over who are undertaking an approved full-time course at an approved educational institution.
<b>Bid</b>	Part of a tender, comprising a schedule and statement of claims against Selection Criteria for a service in an Employment Region.
<b>Business Level or Business Share</b>	The proportion of Job Seekers a successful Tenderer will be contracted to service in an Employment Region.
<b>Carer Payment</b>	Provides income support to Australians who, because of the demands of their caring role, are unable to support themselves through substantial workforce participation.
<b>Connections for Quality</b>	Functionality on Australian JobSearch enabling Providers to promote the range and diversity of individualised services, community linkages and productive relationships with employers, training organisations and community organisations to benefit Job Seekers and employers in the local area. Claims are published against a suite of five service quality indicators to assist stakeholders to make a more informed choice of Provider.

<b>Consortium</b>	A group of two or more legal entities, however constituted, other than a partnership, which have entered into an arrangement for the purposes of jointly delivering Employment Services, and which may have appointed a lead member of the group with authority to act on behalf of all members of the group.
<b>Contract Managers</b>	The Department's personnel located in the Department's state/territory/regional offices who are responsible for managing and monitoring the Department's services contracts and funding deeds at the Site level.
<b>Culturally and Linguistically Diverse (CALD)</b>	Refers to Job Seekers who speak a language other than English and/or Job Seekers from culturally and linguistically diverse backgrounds.
<b>Customer Service Line (CSL)</b>	A free-call telephone service that puts Job Seekers and employers in contact with a Departmental Customer Service Officer in the state or territory where the phone call is made, and is 1800 805 260, or such other number as notified by the Department from time to time.
<b>Defence Force Reserves</b>	Members of the Australian Defence Force Reserves can meet their Mutual Obligation requirements by completing their training and active service obligations.
<b>Disability Employment Services</b>	The Disability Management Service, Employment Support Service, National Disability Resource Coordinator services and Job Access services provided under the Disability Services Deed and administered by the Department of Social Services.
<b>Disability Support Pension (DSP)</b>	<p>A payment made to people with disability who are unable to work for at least 15 hours per week at or above the relevant minimum wage, or be re-skilled for such work, within the next two years because of their disability.</p> <p>See the <i>Social Security Act 1991</i> (Cth) for a more detailed definition.</p>
<b>Draft Deed</b>	Draft of the Employment Services Deed 2015-2020 which will



	appear in the final Request for Tender.
<b>Early School Leaver</b>	A Youth Allowance (other) recipient without a Year 12 or equivalent qualification (Certificate II).
<b>Employer Contact Certificate</b>	A form issued by Human Services to a Job Seeker following failure to complete satisfactory job search as determined by Human Services. The form is signed by a prospective employer as evidence that a Job Seeker is actively seeking and willing to undertake suitable work.
<b>Employment Fund</b>	A pool of funds that can be used by Providers to support Job Seekers to build experience and skills to meet employers' needs and get a job.
<b>Employment Provider</b>	Providers of Streams A, B and C.
<b>Employment Regions</b>	<p>A geographical area. Tenderers (except for those bidding for Harvest Labour Services or the National Harvest Labour Information Service) will need to bid for business based on these geographical areas.</p> <p>See <a href="http://lmip.gov.au/">Labour Market Information Portal (lmip.gov.au/)</a> for a list of Employment Regions.</p>
<b>Employment Services</b>	<p>A generic term used in the Request for Tender to refer to the Services available for tender as part of the Request for Tender. It includes:</p> <ul style="list-style-type: none"> <li>• Employment Provider Services</li> <li>• Work for the Dole Coordinators</li> <li>• New Enterprise Incentive Scheme</li> <li>• Harvest Labour Services</li> <li>• National Harvest Labour Information Service.</li> </ul>

<b>Employment Services Provider</b>	<p>A term used in the Request for Tender to refer to Providers of the following services:</p> <ul style="list-style-type: none"> <li>• Employment Providers of Streams A, B and C</li> <li>• Work for the Dole Coordinators</li> <li>• New Enterprise Incentive Scheme</li> <li>• Harvest Labour Services</li> <li>• National Harvest Labour Information Service.</li> </ul> <p>These services will commence on 1 July 2015.</p>
<b>Employment Services Assessment (ESAt)</b>	<p>Employment Services Assessments (ESAts) recommend the most appropriate employment service assistance based on an assessment of a Job Seeker's:</p> <ul style="list-style-type: none"> <li>• barriers to finding and maintaining employment (this may relate to the impact of a person's disability, injury, illness, or other disadvantage)</li> <li>• work capacity (in hour bandwidths).</li> </ul>
<b>Exit</b>	<p>Exit of a participant from Employment Services in accordance with the Deed.</p>
<b>Freedom of Information (FOI)</b>	<p>The right of Australians to information in the possession of the Government, as provided under the <i>Freedom of Information Act 1982</i> (Cth), limited only by exemption provisions as set out in the legislation.</p>
<b>Full Time Site</b>	<p>Open Monday to Friday from 9.00 am to 5.00 pm daily on Business Days, or as otherwise agreed with the Department.</p>
<b>Fully Eligible</b>	<p>A Job Seeker who is fully eligible for all Employment Services. Refer to the Eligibility table at Appendix B of the Request for Tender.</p>
<b>Harvest Area</b>	<p>The area in which the Harvest Labour Services Provider must provide Harvest Labour Services.</p>

<b>Harvest Period</b>	The time period during which the Provider must provide Harvest Labour Services as defined by the Harvest Labour Service Provider and agreed by the Department.
<b>Harvest Placement Fee</b>	The contracted Fee for which a Harvest Labour Services Provider may claim in respect of each Harvest Placement.
<b>Harvest Service Fee</b>	The amount a Provider may claim in respect of Other Harvest Labour Services.
<b>Harvest Vacancy</b>	Means a vacancy that: <ul style="list-style-type: none"> <li>• involves Harvest Work</li> <li>• takes place during the Harvest Period</li> <li>• does not contravene Commonwealth, state or territory legislation</li> <li>• provides terms and conditions of employment which are consistent with the relevant workplace relations laws, or any instrument made under such laws, and work health and safety laws, or any instrument made under such laws.</li> </ul>
<b>Harvest Work</b>	Work that includes, but is not limited to: <ul style="list-style-type: none"> <li>• harvesting, cleaning and packing fruit and vegetables</li> <li>• harvesting cereals and other crops</li> <li>• pruning and trimming vines and fruit trees</li> <li>• thinning and trimming flowers</li> <li>• chipping and weeding</li> <li>• operating harvesting equipment</li> <li>• other like activities.</li> </ul>
<b>Harvest Worker</b>	A person who is not prohibited by law from working in Australia and is undertaking Harvest Work.
<b>Host Organisations (for Work for the Dole)</b>	Not-for-profit organisations or local, state and Commonwealth government agencies in which a Job Seeker physically undertakes

	a Work for the Dole place.
<b>Human Services</b>	The Commonwealth Department of Human Services, which delivers Government payments and services.
<b>Identity Management, User Management, User Administration</b>	Tasks such as creation and termination of UserIDs, password resets, maintenance of UserIDs and user authorisation. The 'Security policy for external users of the Department's IT systems' requires Providers to manage their own users.
<b>Illegal Maritime Arrival</b>	Individuals who have been granted a substantive temporary visa by the Department of Immigration and Border Protection.
<b>Income Support Payment</b>	A payment of a benefit or pension under the <i>Social Security Act 1991</i> (Cth).
<b>Indigenous Employment Programme (IEP)</b>	Means the programme administered by the Department of Prime Minister and Cabinet which provides a range of tools to achieve employment and economic development for Indigenous Australians.
<b>Job Plan</b>	Key document that will set out the action each Job Seeker must take to satisfy Income Support requirements and gain work.
<b>Job Seeker</b>	The term used in the Request for Tender to refer to a participant in Employment Services 2015–2020, including Fully Eligible Participants and Volunteers.
<b>Job Seeker Classification Instrument (JSCI)</b>	The Job Seeker Classification Instrument is the tool used by Human Services and Providers to measure a Job Seeker's relative difficulty in gaining and maintaining employment and helps identify what level of support the Job Seeker will need to help them find work. Fully eligible Job Seekers will have an assessment when they first register for Australian Government employment assistance, and whenever their circumstances change.
<b>Job Seeker Diary</b>	A booklet issued by Human Services following a failure being applied for a Job Seeker not completing satisfactory job search

	who are for recipients of Newstart or Youth Allowance to record job search efforts up to a 12 week period.
<b>Job Services Australia</b>	The Commonwealth employment services programme of that name, administered by the Department.
<b>Monitoring visit</b>	A visit by the Department to a Provider's Site(s) to examine performance against KPIs, the compliance with the Employment Services Deed 2015-2020, any Programme guidelines, Joint Charter of Deed Management and relevant Service Guarantees.
<b>Mutual Obligation</b>	All of the participation-related obligations a person must meet as a condition of receiving participation payments under Social Security law.
<b>NEIS Allowance</b>	An allowance and rental assistance paid by the Department to a NEIS participant in accordance with an agreement entered into between the NEIS participant and the Department.
<b>Newstart Allowance</b>	Newstart Allowance provides income support for eligible Job Seekers aged 25 years or over (subject to the passage of legislation) and under Age Pension age. Recipients must satisfy the activity test by seeking and accepting suitable work and participating in activities designed to improve their employment prospects, including their annual Work for the Dole requirement.  See the <i>Social Security Act 1991</i> (Cth) for a more detailed definition.
<b>Other Harvest Labour Services</b>	Includes maintaining a presence in the Harvest Area, liaising with Harvest employers, promoting and marketing Harvest Labour Services and providing information to Harvest Workers and prospective Harvest Workers.
<b>Partial Work Capacity</b>	A Fully Eligible participant with a physical, intellectual or psychiatric impairment that prevents them from working 30 or more hours per week at the relevant minimum wage or above, independently of a programme of support, for at least the next two years.

	See the <i>Social Security Act 1991 (Cth)</i> for a more detailed definition.
<b>Participation Payment</b>	<p>An income support payment with participation requirements. That is:</p> <ul style="list-style-type: none"> <li>• Newstart Allowance</li> <li>• Youth Allowance, not including full-time students or apprentices</li> <li>• Parenting Payment with participation requirements</li> <li>• Special Benefit for nominated visa holders.</li> </ul>
<b>Participation Report</b>	A report completed by Employment Providers when a Job Seeker has not satisfactorily met their Activity Test or Participation Requirements and does not have a Reasonable Excuse for not doing so.
<b>Post-placement Support</b>	Assistance provided to Job Seekers who are working to aid their transition into the workplace and maximise success in securing long-term employment.
<b>Principal Carer Parents</b>	<p>A principal carer of a dependent child under 16 years of age.</p> <p>See the <i>Social Security Act 1991 (Cth)</i> for a more detailed definition.</p>
<b>Probity</b>	<p>Refers to procedural integrity of the tender process, underpinned by:</p> <ul style="list-style-type: none"> <li>• equal treatment of all Tenderers</li> <li>• the quality of, and adherence to, published tender documentation</li> <li>• the evaluation processes used to ensure that there is objective and consistent assessment at each phase, by appropriately qualified and trained assessors</li> <li>• decision-making in accordance with legislative or regulatory powers and consistent with key administrative law principles.</li> </ul>

<b>Provider</b>	An organisation contracted to deliver Employment Services under the Employment Services Deed 2015-2020.
<b>Rapid Connect</b>	The policy which seeks to have Job Seekers commenced with Providers as quickly as possible (usually within two working days, up to a maximum of 14 calendar days) after their initial contact with Human Services in order to receive their first income support payment.
<b>Reasonable Excuse</b>	<p>The reason that is considered acceptable following non-compliance with a Job Seeker's Activity Test or Participation Requirements.</p> <p>Reasonable Excuse exists where a Job Seeker, for exceptional and unforeseeable circumstances beyond their control, was prevented from complying with their Activity Test Requirements and, where appropriate, from giving notice of their inability to comply.</p>
<b>Smart Token or One-time Password Generator Token</b>	A small device issued to a user of the Department's IT systems to help to authenticate that user. The device displays a code that the user can enter into a logon screen, along with a password and UserID to complete authentication.
<b>Social Security law</b>	the <i>Social Security Act 1991</i> (Cth), the <i>Social Security (Administration) Act 1999</i> (Cth), and includes all relevant subordinate legislation, as amended from time to time
<b>Statement of Requirements</b>	The information contained in Chapters 2, 3, 4 and 5 of the Request for Tender.
<b>Tender Closing Time</b>	The time and date, as specified by the Department in the Request for Tender, by which tender submissions must be lodged.
<b>Tenderer</b>	Any person who is a prospective Tenderer, and following submission of a tender, the person who submits that tender.
<b>the Department</b>	The Department of Employment.

<b>Third Party IT system</b>	A system supplied to a Provider, or one built or configured in-house by a Provider, to replace or be an adjunct to the IT systems provided by the Department.
<b>Traineeship</b>	Practical work combined with structured training leading to a nationally recognised qualification (see also Australian Apprenticeships).
<b>Transition Period</b>	The period, if any, notified to a provider in the Deed.
<b>UserID</b>	The name and other details of a user of the Department's IT systems.
<b>Volunteers</b>	<p>Job Seekers who are:</p> <ul style="list-style-type: none"> <li>• youth aged 15-24 years (subject to the passage of legislation raising the qualifying age for Newstart from 22 years to 25 years) and not on income support</li> <li>• older than 24 (subject to the passage of legislation, otherwise older than 21) who are not on any type of income support who are not: <ul style="list-style-type: none"> <li>○ full time students</li> <li>○ working in paid employment for 15 hours or more per week and not on income support</li> <li>○ overseas visitors on working holiday visas or overseas students studying in Australia</li> <li>○ prohibited by law from working in Australia</li> </ul> </li> <li>• full-time students seeking an apprenticeship or traineeship</li> <li>• on income support and do not have compulsory Mutual Obligation requirements (for example Parenting Payment recipients with a youngest child aged under six, Carer Payment recipients, Age Pensioners or Disability Support Pension recipients without participation requirements)</li> </ul>
<b>Work for the Dole Activity</b>	<p>Activities are work-like experiences hosted by not-for profit organisations/charities, or local, state, territory or Commonwealth Government organisations or agencies</p> <p>Activities will:</p> <ul style="list-style-type: none"> <li>• incorporate adequate supervision of Job Seekers at all times</li> </ul>



	<ul style="list-style-type: none"> <li>• be conducted in an environment where Job Seekers are safe and are not at risk of physical or other injury</li> <li>• provide work-like experience that will develop or enhance a Job Seeker's ability to work as part of a team, take directions from a supervisor, work independently, communicate effectively and improve Job Seeker motivation and dependability</li> <li>• generate outcomes that benefit the community.</li> </ul> <p>Employment Providers will be responsible for putting in place agreements with Host Organisations, helping meet the needs of Host Organisations and placing and servicing Job Seekers in Work for the Dole places.</p>
<b>Work for the Dole Coordinators</b>	Work for the Dole Coordinators are contracted to the Department to identify potential Work for the Dole Host Organisations, secure quality hosted places, foster the development of group activities and connect Host Organisations with Employment Providers. Work for the Dole Coordinators will work closely with Employment Providers and use their community networks and marketing/advertising to promote and deliver Work for the Dole.
<b>Work for the Dole Host Organisation</b>	Not-for-profit organisations or local, state and Commonwealth government agencies in which a Job Seeker undertakes a Work for the Dole place.
<b>Work for the Dole Place</b>	A Work for the Dole Place is a six month period in of work-like experience.
<b>Youth Allowance (other)</b>	<p>Youth Allowance (other) is a means-tested income support payment available to eligible young people aged 16-24 years (subject to the passage of legislation raising qualifying age for Newstart to 25 years) who are seeking or preparing for paid employment; or who, until they attain Year 12 or an equivalent Certificate II qualification, are undertaking study or training in combination with other approved activities.</p> <p>See the <i>Social Security Act 1991 (Cth)</i> for a more detailed definition.</p>



# APPENDIX B

## ELIGIBILITY FOR EMPLOYMENT SERVICES

This list identifies the main categories of Job Seekers and their eligibility for Employment Services. The Department may change the eligibility for Employment Services at any time.

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
Newstart Allowance	YES	NO	<p>Includes Newstart Allowance recipients who are under 30 years who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure.</p> <p>Includes Newstart Allowance recipients who are voluntary participants in Employment Services such as:</p> <ul style="list-style-type: none"> <li>Principal Carers and people with a Partial Capacity to Work who are fully meeting their requirements through part-time paid employment or study, who do not have a requirement to remain connected to their Provider but may elect to participate in Employment Services.</li> </ul> <p>Note: activity-tested job seekers who volunteer for services (including those who are fully meeting their part-time Mutual Obligation requirements or are</p>

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
			currently subject to a DHS granted Exemption) remain as Fully Eligible job seekers and are not subject to the six month service limit.
Youth Allowance (other)	YES	NO	Includes Youth Allowance (other) recipients who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure.
Young Job Seekers aged 15-24 not in Full-Time education or employment and not on income support	NO	YES	Job Seekers under school-leaving age, including those under 17 years, can be registered only if they have permission to leave school.
ABSTUDY	NO	NO	<ul style="list-style-type: none"> <li>Students aged 15–24 years, in full-time study, who present in crisis and have at least one serious non-vocational barrier, are eligible for immediate Stream C services as a Vulnerable Youth (Student) if no appropriate youth services are available in their local area. Ongoing assistance is subject to confirmation through an ESAt.</li> <li>Full-time students seeking an apprenticeship or traineeship are eligible for servicing as a Volunteer.</li> </ul>
Austudy	NO	NO	
Full-time students not on Income support	NO	YES	
Youth Allowance (Full-Time Student)	NO	NO	
Age Pension	NO	YES	<p>Job Seekers who are in receipt of the Age Pension before connecting with a Provider are eligible for Stream A services for up to six months.</p> <p>Job Seekers who are Commenced in Employment Services at the time they are granted the Age Pension, may elect to remain in their current stream for a further six months.</p>
Parenting Payment	YES	YES	<p>Parenting Payment recipients with participation requirements are a fully eligible Job Seeker.</p> <p>Parenting Payment recipients without participation requirements can participate as a Volunteer – in Stream A for up to six months.</p>
Disability Support Pension – with compulsory requirements	YES	NO	Disability Support Pension recipients aged under 35 years with a work capacity of eight or more hours per week (without a youngest child under six years) will have compulsory activity requirements and will

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
			be fully eligible for employment services.
Disability Support Pension – without compulsory requirements	NO	YES	<p>Disability Support Pension recipients without participation requirements can participate as a Volunteer – in Stream A for up to six months.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>Disability Support Pension recipients aged 35 years and over</li> <li>Disability Support Pension recipients aged under 35 years with a work capacity of less than eight hours per week or with a youngest child under six years.</li> </ul>
Disability (Blind)	NO	YES	These Income Support recipients are eligible to access employment services as a Volunteer in Stream A for up to six months.
Carer Payment	NO	YES	
Bereavement Allowance	NO	YES	
Widow Allowance	NO	YES	
Non income support recipients aged over 24 (subject to the passage of legislation, otherwise over 21)	NO	YES	<p>Subject to them not being</p> <ul style="list-style-type: none"> <li>full time students</li> <li>working in paid employment for 15 hours or more per week and not on income support</li> <li>overseas visitors on working holiday visas or overseas students studying in Australia or</li> <li>prohibited by law from working in Australian Government.</li> </ul>
Farm Household Allowance	NO	YES	N/A
Australian Government Disaster Recovery Payment	NO	NO	N/A
Sickness Allowance	NO	YES	N/A
People receiving workers	NO	NO	N/A

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
compensation			
Special Benefit	YES	YES	<p>Includes Special Benefit recipients who are:</p> <ul style="list-style-type: none"> <li>Under 30 years who are subject to the Stronger Participation Incentives for Job Seekers under 30 measure during both income waiting periods and Work for the Dole/Income Support periods</li> <li>Illegal Maritime Arrivals (note the interaction with the overarching under 30 years measure).</li> </ul> <p>Generally, Special Benefit recipients are Fully Eligible for Employment Services. Some visa holders may only be eligible for as a Volunteer even if they are receiving Special Benefits.</p>
Migrants in the two year waiting period	NO	NO	N/A
Visa holders with working rights attached, including temporary residents	NO	NO	N/A
New Zealand non-protected Special Category Visa holders eligible for Newstart Allowance or Youth Allowance	YES	NO	<p>New Zealand citizens who are non-protected Special Category Visa holders may be eligible to receive up to six months of income support with the associated Employment Services assistance if they have lived in Australia continuously for 10 years beginning on or after 26 February 2001. These Job Seekers are ineligible for the New Enterprise Incentive Scheme.</p>
New Zealand non-protected Special Category Visa holders eligible for Sickness Allowance	NO	YES	
Overseas visitors on working holiday visas	NO	NO	These Job Seekers can access Harvest Labour Services only.

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
Pre-release prisoners	YES	NO	<p>Prisoners must meet <i>all</i> of the following criteria:</p> <ul style="list-style-type: none"> <li>• In the last 12 months of their sentence and be approved by corrective services case managers.</li> <li>• Meet one of these criteria: <ul style="list-style-type: none"> <li>○ Be an adult pre-release prisoner, even though not on income support, that has been referred to a Provider by a state or territory Correctional Service Officer and directly registered by the Provider</li> <li>○ Be a detainee or prisoner between the ages of 15 and 24, not in Full-Time education or training, who has been registered with Department of Human Services as looking for work.</li> </ul> </li> </ul>
Australian Disability Enterprises	NO	YES	
Disability Pension (DVA)	NO	YES	
Service Pension (DVA)	NO	YES	
Partner Service Pensioners (DVA)	NO	YES	
War Widow(er)s Pension (DVA)	NO	YES	
Rehabilitation Allowance	NO	YES	
Wife Pension Age	NO	YES	
Wife Pension Disability	NO	YES	
Widows B Pension	NO	YES	
Mature Age Partner Allowance	NO	YES	
Partner Allowance	NO	YES	
Assistance for Isolated Children	NO	YES	

Job Seeker Circumstances	Fully Eligible Job Seekers	Volunteers (Stream A – six months)	Exceptions and qualifying comments
Child Care Assistance	NO	YES	
Carer Allowance	NO	YES	
Double Orphan Pension	NO	YES	
Family Payment	NO	YES	
Low Income Card	NO	YES	
Maternity Allowance	NO	YES	
Mobility Allowance	NO	YES	
Labour Adjustment Package (LAP) or Structural Adjustment Package (SAP) Job Seekers	YES	NO	



# **APPENDIX C**

## **COMMUNICATION PROTOCOL FOR DEALING WITH EXISTING SERVICE PROVIDERS, TENDERERS AND POTENTIAL TENDERERS**



The following is a communication protocol established to support the Request for Tender for Employment Services 2015-2020.

The purpose of this protocol is to establish procedures to minimise the risk of any improper practice occurring that could influence the fair operation of the market or the probity of the Request for Tender process. These procedures also make provision for addressing any allegation of such impropriety.

Those who may be in positions that the public could perceive as having the power to influence the operation of the Request for Tender process have been identified as, including:

- employees of the Department
- Ministers, Parliamentary Secretaries and their staff
- Parliamentarians, whether Commonwealth, state or territory
- existing Employment Service Providers and industry groups
- anyone else directly or indirectly involved in the tender process acting for the Department or with access to information about the Department's activities that is not generally known (that is, those with 'inside' information).

The following procedures have been adopted to minimise the risk of any inappropriate influence on the Request for Tender process and must be adhered to.

### **Contact with Portfolio Ministers**

During the Request for Tender process, Portfolio Ministers will continue to interact with relevant stakeholders for business-as-usual, meetings, conferences and social activities.

However, during these interactions, the only information, if any, that can be provided about the Request for Tender process will be limited to information that is already available in the public arena. Tenderers and potential Tenderers must not seek to elicit or obtain from Portfolio Ministers, or their staff, any information concerning the Request for Tender process that is not already available in the public arena.

The Request for Tender process will be conducted by the Department with all decisions made by the Department in accordance with the approved delegation.

### **Contact with the Department**

During the Request for Tender process, the Department continues to interact with relevant stakeholders as a part of its ongoing business (on a business-as-usual basis), including continuing any regular discussions with a range of interest groups and industry representative bodies.

At these business-as-usual interactions, any discussions relating to the Request for Tender process, however, will not be permitted. The following principles will apply:

- all Tenderers will only use the process set out in the Request for Tender to contact the Department for the purpose of querying or clarifying any aspect of the Request for Tender process

- the Department will not consider unsolicited references or submissions on behalf of Providers or Tenderers outside those provided for in the Request for Tender process
- Tenderers or other persons with an interest in the Request for Tender process must not enter into discussions with or otherwise engage in any activity with the Department, persons directly or indirectly involved in the Request for Tender process acting for the Department, and other persons who have been identified as being in positions of potential influence over the operation of the Request for Tender process. Further, the Department will not enter into discussions or otherwise engage in any activity with Tenderers, or such other persons with an interest in the Request for Tender process, where this could be perceived as influencing the operation of the Request for Tender process
- views on an individual Tenderer or Tenderers must not be expressed to the Department in a way that could be perceived as an attempt to influence the Department to favour, or disfavour, any Tenderer
- details of any approaches by or on behalf of an individual Tenderer or Tenderers will be fully documented
- communications or conduct suspected of involving a breach of this communication protocol or of the Request for Tender process, including any suspected illegality will be investigated and may be taken into account during the Request for Tender evaluation process.

## Assistance

Tenderers will compete on the basis of fair and open competition.

Tenderers must not seek help from any person in a position that the public could perceive as having power to influence the operation of the Request for Tender process to develop their submissions. Tenderers must not seek any assistance in interpreting or otherwise using any information that has been made available about, or as part of, the Request for Tender process except as provided for in procurement documentation published by the Government, such as the Request for Tender.

## Information

Except as provided in procurement documentation published by the Government:

- no Tenderer will be provided with information about the Request for Tender process (including any policy matters relevant to or affecting the tender process)
- no Tenderer will receive information about the decision-making processes.

Further, the following principles will guide the Department in communicating with Tenderers:

- no Tenderer will receive any information in advance of it being made available generally to Tenderers
- no Tenderer will receive more information than is publicly available

- data relating to an individual Tenderer will only be made available to the Tenderer to which the data relates, except when the data is used for the purposes of the tender or deed management and associated activities such as auditing
- where in the opinion of the Department, information provided to one Tenderer should be made available to all Tenderers, that information will be distributed on the Department's website on a non-attributable basis.

## Further Information on purchasing arrangements

The Employment Services Purchasing Hotline (the Hotline) is the primary means of contact during the Request for Tender process, and can be contacted on 1300 733 514 (Monday to Friday, 9.00 am to 5.00 pm Canberra time, excluding ACT and national public holidays) or via [email](mailto:espurchasing@employment.gov.au) ([espurchasing@employment.gov.au](mailto:espurchasing@employment.gov.au)).

In order to ensure the probity of the tender process, the Hotline cannot provide interpretation or advice on how to respond to the Request for Tender, or provide information that is not contained in the Request for Tender, unless that information is otherwise publicly available. Tenderers should note that, during a call to the Hotline, they may be asked to put their question in writing and send it to the above email address.

The website, Hotline and email address are the primary mechanisms for communications relating to purchasing matters. All persons are required to refer or direct any purchasing-related enquiries to the Hotline, website or email address.

## Complaints Handling

The Department has a complaints handling process in place for purchasing under the Request for Tender. This process requires, as is appropriate, involvement of senior management and officials independent of the process. Consistent with these requirements, persons with any concern about the probity or integrity of the tendering process can raise their concerns with our internal legal adviser, Luke de Jong at [luke.dejong@employment.gov.au](mailto:luke.dejong@employment.gov.au). Where appropriate, Mr de Jong will refer concerns to the external probity adviser.

Any questions about the process or services covered by the Request for Tender process should, in the first instance, be lodged through the Employment Services Purchasing Hotline (the Hotline).

## Probity Adviser

The Department is committed to ensuring that competition for the purchase and supply of Employment Services is fair and transparent. To do this, it is important that the tendering processes are transparent and subject to appropriate scrutiny and that all tendering procedures published by the Department are followed.

The Department has appointed Maddocks as the external Probity Adviser. The role of the Probity Adviser is to advise the Delegate (Deputy Secretary, Employment) on the probity and integrity of the

tendering processes. The role includes developing an overarching Probity Plan that can be applied to tendering and providing advice on probity issues, conducting appropriate probity training and advising on relevant security arrangements.



## APPENDIX D

# EMPLOYMENT REGIONS

Table D1 provides details of the 51 Employment Regions including Regional Loadings.

For maps of all Employment Regions, see Attachment A of this Exposure Draft.

Attachment A contains State/Territory maps and maps of individual Employment Regions.

The State/Territory maps identify remote areas and Employment Regions that attract a Regional Loading.

The individual maps of the proposed Employment Regions are overlaid with the 2009 Employment Service Areas (ESAs). On each map, the area covered by the Employment Region is shaded in grey without any cross-hatching. Cross-hatched areas are covered by the Remote Jobs and Communities Programme (RJCP), and are excluded from the Employment Regions. ESA boundaries are shown in red.

It should be noted that the Employment Regions, where possible, adhere to Australian Bureau of Statistics boundaries, and in most cases Statistical Area Level 4 boundaries, to enable better monitoring of labour market conditions within each Employment Region. Fact sheets which provide more information about the ABS boundaries are available on the [Australian Bureau of Statistics website](http://www.abs.gov.au/websitedbs/d3310114.nsf/home/asgs+fact+sheets) (www.abs.gov.au/websitedbs/d3310114.nsf/home/asgs+fact+sheets).

**Table D1 – List of Employment Regions**

Employment Region	No Regional Loading	Regional Loading
<b>New South Wales</b>		
Capital Region	✓	
Central West		✓
Far West Orana (includes Broken Hill)		✓
Hunter	✓	

Employment Region	No Regional Loading	Regional Loading
Illawarra South Coast	✓	
Mid North Coast		✓
Murray Riverina		✓
New England and North West		✓
North Coast		✓
Sydney East Metro	✓	
Sydney Greater West	✓	
Sydney North and West	✓	
Sydney South West	✓	
<b>Victoria</b>		
Ballarat		✓
Barwon	✓	
Bendigo		✓
Gippsland		✓
Goulburn/Murray		✓
Inner Metropolitan Melbourne	✓	
North Eastern Melbourne	✓	
North Western Melbourne	✓	
South Coast of Victoria		✓
South Eastern Melbourne and Peninsula	✓	
Western Melbourne	✓	
Wimmera Mallee		✓
<b>Queensland</b>		
Brisbane South East	✓	
Cairns		✓
Darling Downs		✓
Eastpoint	✓	
Fitzroy		✓
Mackay		✓

Employment Region	No Regional Loading	Regional Loading
Somerset	✓	
Townsville (includes Mt Isa)		✓
Wide Bay and Sunshine Coast		✓
Wivenhoe	✓	
<b>South Australia</b>		
Adelaide North	✓	
Adelaide South	✓	
Mid North SA		✓
Murray and South East		✓
North West Country SA		✓
<b>Western Australia</b>		
Broome		✓
Esperance		✓
Geraldton		✓
Great Southern – Wheatbelt		✓
Kalgoorlie		✓
Perth – North	✓	
Perth – South	✓	
South West WA		✓
<b>Tasmania</b>		
Hobart and Southern Tasmania		✓
North and North Western Tasmania		✓
<b>Northern Territory</b>		
Darwin (includes Alice Springs)	✓	



# APPENDIX E

## MAPS OF EMPLOYMENT REGIONS

Appendix E can be found as a separate document in Exposure Draft pack downloaded from AusTender.