

Social Security (Administration) (Job Search Efforts) Determination 2018

I, KERRI HARTLAND, Secretary of the Department of Jobs and Small Business, make the following determination.

Dated 7 June 2018

K Hartland

KERRI HARTLAND

Secretary of the Department of Jobs and Small Business

Contents

1 Name of determination 1

2 Commencement 1

3 Authority 1

4 Definitions 1

5 Matters to be taken into account in determining if a person has undertaken adequate job search efforts 2

1 Name

This instrument is the *Social Security (Administration) (Job Search Efforts) Determination 2018.*

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 July 2018. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 42AC(3) of the Act.

4 Definitions

Note: The following term used in this instrument is defined in subsection 23(1) of the *Social Security Act 1991*: employment pathway plan.

In this instrument:

***Act*** means the *Social Security (Administration) Act 1999*.

***contact*** includes:

(a) contact by telephone, in writing, or in person;

(b) submitting a written or online application;

(c) acting on a referral to a job; or

(d) attending an interview.

***job search effort*** means making contact with a potential employer in relation to, and for the purpose of obtaining, a job with that employer:

(a) whether or not it is in relation to a particular job; and

(b) whether or not the potential employer has advertised any job vacancies.

***suitable work*** means paid work that is not unsuitable to be undertaken by the person, having regard to the matters referred to in subsections 502(4), 541D(1) or 601(2A) or section 731B of the *Social Security Act 1991* as relevant (depending on the person’s participation payment).

1. Working out whether a person has undertaken adequate job search efforts
2. For the purposes of subsection 42AC(2) of the Act, the question of whether, under paragraph 42AC(1)(e) of the Act, a person has undertaken adequate job search efforts in relation to a particular period, is to be worked out in accordance with this section.

*Adequate quality of job search efforts*

1. To work out whether a person has undertaken adequate job search efforts in relation to a period, the Secretary must take into account whether the person has undertaken job search efforts:

(a) in relation to jobs at a variety of levels of seniority or remuneration that are suitable work for the person;

(b) in relation to jobs in a variety of fields and occupations, including fields and occupations other than those in which the person has qualifications or experience, if that work is suitable work for the person; and

(c) using a variety of methods to make contact with potential employers.

Note: The matters in subsection (2) are matters the Secretary must take into account when working out if a person has undertaken adequate job search efforts in a period. They are not criteria the person must meet in every period.

*Adequate quantity of job search efforts*

1. To work out whether a person has undertaken adequate job search efforts in relation to a period, the Secretary must take into account the number of job search efforts the person has undertaken in that period, and whether those job search efforts meet the number of job search efforts specified in the person’s employment pathway plan.
2. For the purposes of subsection (3), when the Secretary is calculating the number of job search efforts the person has undertaken in relation to a period:

(a) if a person contacts a potential employer in relation to a particular job on more than one occasion during the period, only the first instance of making contact with the potential employer in relation to that job may be counted as a job search effort for that period;

(b) if a person contacts a potential employer otherwise than in relation to a particular job on more than one occasion during the period, only the first instance of making contact with the potential employer otherwise than in relation to a particular job during the period may be counted as a job search effort for that period; and

(c) to avoid doubt, if a person contacts a potential employer in relation to more than one particular job during the period, the first instance of making contact with the potential employer in relation to each particular job during the period may be counted as a separate job search effort for that period.

1. To avoid doubt, subsections (1) through (4) do not limit the matters that the Secretary may take into account to work out whether a person has undertaken adequate job search efforts in relation to a period.