Social Security (Digital Protections Framework for Employment Services Programs) Determination 2026

I, Simon Duggan, Secretary of the Department of Employment and Workplace Relations, make the following determination.

Dated

Simon Duggan
Secretary of the Department of Employment and Workplace Relations

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Part 1—Preliminary

1 Name

This instrument is the *Social Security (Digital Protections Framework for Employment Services Programs) Determination 2026*.

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	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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 subitem 159A(7) of Schedule 1 to the *Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Act 2022*.

4 Definitions

In this instrument:

Amendment Act means the *Social Security Legislation Amendment (Streamlined Participation Requirements and Other Measures) Act 2022*.

Commonwealth employment services program means an employment services program established by the Commonwealth.

employment pathway plan means an employment pathway plan under Division 2A of Part 3 of the *Social Security (Administration) Act 1999*.

Employment Secretary has the same meaning as in item 159A of Schedule 1 to the Amendment Act.

participant means a person who makes a claim for, or receives, a participation payment (within the meaning of the *Social Security (Administration) Act 1999*).

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subitem 159A(9) matters means the matters referred to in paragraphs 159A(9)(a) to (e) of Schedule 1 to the Amendment Act.

Part 2—Digital protections framework

5 Natural justice, transparency and freedom from bias

The Employment Secretary must promote the rules of natural justice and transparency in the delivery and administration of Commonwealth employment services programs that use technological processes by promoting the following:

(a) giving participants a reasonable opportunity to make submissions on relevant decisions, and considering any submissions received before those decisions are made;

(b) making decisions about participants that:

(i) are free from actual or apprehended bias; and

(ii) do not apply any non-legislative policies inflexibly; and

(iii) do not fetter any discretions conferred on the Employment Secretary by the social security law;

(c) giving participants written notice of relevant decisions, the reasons for those decisions and rights of review in relation to those decisions;

(d) giving written notices under paragraph (c) that use clear and simple language, and explain legal or technical terms;

(e) technological processes that are consistent with the rules of natural justice;

(f) designing and administering appropriate complaints handling processes about the Employment Secretary's use of technological processes in relation to the subitem 159A(9) matters;

(g) reporting on how the Employment Secretary's use of technological processes in relation to the subitem 159A(9) matters complies with this Part.

6 Human rights protections

(1) The Employment Secretary must promote the human rights of participants in the delivery and administration of Commonwealth employment services programs that use technological processes by promoting technological processes that:

(a) do not unlawfully discriminate; and

(b) are compatible with the human rights of participants.

(2) In this section, ***human rights*** has the same meaning as in the *Human Rights (Parliamentary Scrutiny) Act 2011*.

7 Privacy

The Employment Secretary must promote the privacy of participants in the delivery and administration of Commonwealth employment services programs that use technological processes by promoting the following:

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(a) accessing, collecting, using and disclosing personal information of participants in a way that is consistent with the *Privacy Act 1988*;
(b) technological processes that are consistent with the *Privacy Act 1988* and the social security law.

8 Accessibility of technological processes and Commonwealth employment services programs

(1) The Employment Secretary must promote the accessibility of technological processes that are used in Commonwealth employment services programs by promoting the following:
(a) designing and administering technological processes in a way that takes into account the needs of people with disability;
(b) where appropriate, giving participants choice in relation to which technological processes, if any, are used by participants;
(c) giving participants support in their use of technological processes in relation to the subitem 159A(9) matters;
(d) taking reasonable steps to give participants who choose to not use a technological process an alternative process that can be used by the participants.

Note: An example of an alternative process may be to allow a participant to request a variation to an employment pathway plan in person.

(2) In this section, ***disability*** has the same meaning as in the *Disability Discrimination Act 1992*.

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