

Appendix A

Workforce Australia - Transition to Work Deed 2022–2027 Particulars



Australian Government

**Department of Education,
Skills and Employment**

**Workforce Australia - Transition to Work Deed
2022–2027**

between

The Commonwealth of Australia

and

**Workways Australia Limited (ACN 141 659
734)
TtW022**

Workforce Australia - Transition to Work Deed
2022–2027

THIS DEED is made on the 24th day of February 2022

BETWEEN

The **COMMONWEALTH OF AUSTRALIA** (the **Commonwealth**) as represented by the **DEPARTMENT OF EDUCATION, SKILLS AND EMPLOYMENT** (ABN 12 862 898 150) (the **Department**)

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street, BAIRNSDALE VIC 3875
(the **Provider**)
(collectively, the **Parties**)

RECITALS

- A. The Parties have agreed to enter into the Workforce Australia - Transition to Work Deed 2022–2027 for the conduct of Transition to Work Services 2022–2027, referred to hereafter as 'this Deed'.
- B. This Deed consists of:
 - (a) any Conditions of Offer;
 - (b) these Particulars;
 - (c) Part A – General Terms and Conditions;
 - (d) Part B – Services Requirements;
 - (e) any annexures and attachments to this Deed;
 - (f) the Schedules;
 - (g) any Guidelines; and
 - (h) any documents incorporated by reference.
- C. The Provider has fully informed itself on all aspects of the work required to be conducted and agrees to conduct the Services in accordance with this Deed.
- D. The Commonwealth agrees to engage the Provider to provide the Services upon the terms and conditions of this Deed.

OPERATIVE PROVISIONS

Interpretation

1. This document (Particulars) forms part of this Deed.
2. Unless otherwise specified, all capitalised terms in these Particulars have the meaning given to them in ATTACHMENT 1 – Definitions to this Deed.

Identification, authority and liability – where the Provider consists of two or more legal entities

3. If the Provider is:
 - (a) a partnership, the partner which executes these Particulars warrants that it is authorised to bind all of the partners in the partnership; or
 - (b) a member of a Group Respondent, the lead member which executes these Particulars warrants that all other members of the Group Respondent are listed in Table 2 below, and further warrants that it is fully authorised by each member of the Group Respondent to act as its agent to negotiate, bind and act on its behalf in relation to this Deed,

and the partners, if the Provider is a partnership, or each member of the Group Respondent, if the Provider is a Group Respondent, agree that the Provider may, for the purposes of this Deed, be referred to by the name in Table 1 below:

Table 1 – Provider name

| Name of legal entity | ABN |
|----------------------|-----|
| | |

Table 2 – Provider members, if the Provider is a Group Respondent [see clause 3(b)]

| Name of legal entity | ABN |
|----------------------|-----|
| | |
| | |
| | |

Note: In relation to:

- *clause 3(a), the authorised partner should execute these Particulars; and*
- *clause 3(b), the lead member of the Group Respondent should execute these Particulars.*

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the Department of Education, Skills and Employment (ABN 12 862 898 150) by:

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please use the execution block that is relevant for your organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

s 22(1)

s 22(1)

and by

s 22(1)

s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for a sole director Corporations Act company:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by: [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734), the
fixing of which was witnessed in
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has authority to bind Workways
Australia Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Signature block for a local council:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations*
(Aboriginal and Torres Strait Islander) Act
2006 by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations*
(Aboriginal and Torres Strait Islander) Act
2006 by:

[Seal Affixed]

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 99-5(1) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 99-5(1) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 by:

Name of Sole Director

Signature

Signature block for State or Territory government:

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a sole director Corporations Act company acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

Workforce Australia - Transition to Work Deed 2022–2027

Please refer to the electronic copy of the Workforce Australia - Transition to Work Deed 2022–2027 (attached separately to this letter).

Workforce Australia - Transition to Work Deed 2022–2027

SCHEDULE 1 – DEED AND BUSINESS DETAILS

Item 1 **Account Manager** (clauses 13.2 and 77.1(a)(ii) of the Deed, ATTACHMENT 1 – DEFINITIONS to the Deed)

| | | | |
|------------------|---|----------------|------------------------------------|
| Contact | s 22(1) | | |
| Telephone | | Mobile | s 22(1) |
| Email | | | |
| Physical Address | Level 10 414 La Trobe Street MELBOURNE VIC 3000 | Postal Address | GPO Box 9880 MELBOURNE VIC 3001 |

Item 2 **Contact Person** (clauses 13.2 and 77.1(a)(ii) of the Deed, ATTACHMENT 1 – DEFINITIONS to the Deed)

| | | | |
|------------------|--|----------------|-----------------------------------|
| Contact | s 22(1) | | |
| Position | | | |
| Telephone | | Mobile | s 22(1) |
| Email | | | |
| Physical Address | 280 Main Street BAIRNSDALE VIC 3875 | Postal Address | PO Box 331 Bairnsdale VIC 3875 |

Item 3 **Account details for payment** (clause 18.1 of the Deed)

s 47G(1)(a)

Item 4 **Transition to Work Services**

| Item 4.1 Employment Region (clause 5.1(b), ATTACHMENT 1 - DEFINITIONS) | Item 4.2 Location(s) (comprised of one or more postcodes set out in APPENDIX A to this Schedule) (ATTACHMENT 1 – DEFINITIONS) | Item 4.3 Places allocated as at the Deed Commencement Date (ATTACHMENT 1 - DEFINITIONS) | Item 4.4 Site(s) (clause 5.1(b), ATTACHMENT 1 - DEFINITIONS) | Item 4.5 Site type (Full-Time Site, Part- Time Site, Outreach Site) (clause 79.5, ATTACHMENT 1 - DEFINITIONS) | Item 4.6 Business Days of operation of each Site (clause 79.5, ATTACHMENT 1 - DEFINITIONS) | Item 4.7 Site opening hours on each Business Day (clause 79.5, ATTACHMENT 1 - DEFINITIONS) |
|--|---|--|--|---|--|---|
| Gippsland | Morwell, Moe/Warragul and Traralgon | 391 | MOE | Full-time | Monday - Friday | 9.00 am - 5.00 pm |
| | | | MORWELL | Full-time | Monday - Friday | 9.00 am - 5.00 pm |
| | | | TRARALGON | Full-time | Monday - Friday | 9.00 am - 5.00 pm |

Note: From the Deed Commencement Date, for each Employment Region, the Department will regularly review the number of Places allocated to the Provider and vary that number as required to reflect changes in labour market demands.

Item 5 **Subcontractors approved by the Department**

| Item 5.1 Employment Region (clause 5.1(b), ATTACHMENT 1 - DEFINITIONS) | Item 5.2 Subcontractor(s) (if relevant) (clause 50.3, ATTACHMENT 1 - DEFINITIONS) | Item 5.3 Terms and conditions relating to use of each Subcontractor (clause 50.3) |
|--|---|---|
| Gippsland | Brotherhood of St Lawrence | |

Schedule 1 – Appendix A

| Employment Region | Postcode(s) |
|-------------------|--|
| Gippsland | 3825, 3835, 3840, 3841, 3842, 3844, 3854, 3856, 3857, 3869, 3870, 3873 |

Condition of Offer – Requirements for early Access to the Department's IT Systems

As a Condition of Offer of the *Workforce Australia - Transition to Work Deed 2022–2027* ('the Deed'), your organisation must, from the date of execution of the Deed by the Department, Access the Department's IT Systems for the purposes, and in accordance with the terms and conditions, specified in this Appendix D.

Unless otherwise specified, all capitalised terms in this Appendix D have the meaning given to them in ATTACHMENT 1 – DEFINITIONS to the Deed.

Access to the Department's IT Systems will give your organisation access to a range of resources, including:

- Workforce Australia Online for Providers (formerly referred to as ESSWeb), to manage Participants and their Records, and to enable the processing of Payments to your organisation;
- the Provider Portal, a consolidated resource for all information relevant to delivering the Services;
- Department-developed reports for managing Participants; and
- the Learning Centre, containing a range of resources (including guidelines and training resources) for Providers.

Your organisation will require Access to the Department's IT Systems prior to 1 July 2022 to ensure that your Personnel are familiar with the resources on the Department's IT Systems and to undertake all required training as specified in the Guidelines.

Deed terms and conditions applicable to Access to the Department's IT Systems

From the date of execution of the Deed, your organisation must comply with the following clauses in the Deed in relation to Access to the Department's IT Systems:

- clause 13 – Liaison and directions,
- all clauses in Section A3.1 – Information Technology (including accreditation under the External Systems Assurance Framework), and
- all clauses in Section A3.3 – Control of Information.

The Department's External Systems Assurance Framework and Security Policy for External Employment Services Providers and Users, as referred to in the Deed, are attached.

The key requirements of the above-mentioned clauses are that:

- (a) your organisation's Personnel:
 - a. are familiar with the resources on the Department's IT Systems; and
 - b. have undertaken all required training relevant to providing the Services, as specified in the Guidelines; and
- (b) your organisation is compliant with the ESAF and accredited under the Department's 'Right Fit For Risk' (RFFR) risk-based approach to cyber security, as relevant to the status of your organisation (see below).

If your organisation has returned its Deed and it has been executed by the Department, the Department will then provide further information on how your organisation can commence Accessing the Department's IT Systems. A brief outline of the key aspects are set out below.

ESAF and Provider Accreditation

As set out in the RFT, the ESAF sets out the Department's accreditation of Providers' External IT Systems, using a Right Fit For Risk (RFFR) approach.

The Department's RFFR is a Provider accreditation approach forming part of the ESAF and is designed to support all Providers in moving towards accreditation of their External IT Systems (including any Third Party Employment and Skills systems).

The RFT further provided that successful Tenderers must maintain compliance with the ESAF guidelines, in conjunction with the relevant clauses in the Deed.

RFFR requirements are set out in the ESAF guidelines included in this letter. Your organisation will need to follow the Deed and ESAF guideline requirements, including relevant milestones, from the date of execution of the Deed.

Please note that the Deed, including the ESAF guideline requirements will apply to all Transition to Work Providers. The ESAF guidelines set out further information in relation to Providers who are currently accredited to RFFR and Providers who are not accredited.

If your organisation is not accredited to RFFR, your Personnel may Access the Department's IT Systems prior to 1 July 2022, provided that the other requirements referred to in this Appendix are met. However, your organisation will need to engage with the Department as early as possible from the date of execution of the Deed, in order to commence the RFFR accreditation process and reduce the risk that your organisation's Access to the Department's IT Systems will be interrupted.

myGovID Requirement

Your organisation's Personnel who will be accessing Workforce Australia Online for Providers and associated departmental IT systems will need a myGovID to login.

myGovID is the authentication for Workforce Australia Online. myGovID is not myGov. myGovID is the Australian Government's digital identity that allows it to prove who you are when accessing government services.

Further information about myGovID, including the myGovID support line, is available at www.mygovid.gov.au.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 1
of the
Workforce Australia - Transition to Work
Deed 2022-2027

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

TTW-22-0006

Workforce Australia - Transition to Work Deed 2022-2027

General Deed of Variation No. 1

THIS DEED is made on the 22nd day of December 2022

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0006). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. Clause 67.1 of the Deed states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- C. The Parties wish to vary the Deed, and this deed variation is referred to hereafter as 'General Deed of Variation No. 1'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 1 have the same meaning as in the Deed.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 1 commences on 1 January 2023 ('the Effective Date').
- 2.2 From the Effective Date, the Deed is varied in accordance with clause 3 of this General Deed of Variation No. 1.

3. Variation of the Deed

- 3.1 The Parties agree to amend the Deed by:
 - (a) deleting from the Deed the text that is in red and in strikethrough in Appendix A to this General Deed of Variation No. 1; and
 - (b) inserting into the Deed the text that is in red and underlined in Appendix A to this General Deed of Variation No. 1.

4. Applicable law

- 4.1 This General Deed of Variation No. 1 is governed by, and construed in accordance with, the laws in force in New South Wales.

5. Force

- 5.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this General Deed of Variation No. 1, the Deed shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 1 were supplemental to the Deed.

6. Indemnity

- 6.1 The Provider agrees to indemnify the Commonwealth against any costs, liabilities or expenses incurred in relation to the preservation or enforcement of any rights under this General Deed of Variation No. 1 including legal costs and expenses on a full indemnity basis.

7. Further Acts

- 7.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 1 and all transactions incidental to it.

8. Costs

- 8.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 1.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:) s 22(1)

s 22(1)

and by)
s 22(1) s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for a sole director Corporations Act company:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:)

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734),)
the fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Signature block for a local council:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734))
the fixing of which was witnessed in)
accordance with the requirements of)
section 99-5(2) of the *Corporations*)
(*Aboriginal and Torres Strait Islander*)
Act 2006 by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

| | | |
|--|---|----------------|
| The COMMON SEAL of Workways |) | |
| Australia Limited (ACN 141 659 734) |) | |
| the fixing of which was witnessed in |) | |
| accordance with the requirements of |) | |
| section 99-5(2) of the <i>Corporations</i> |) | |
| <i>(Aboriginal and Torres Strait Islander)</i> |) | |
| <i>Act 2006</i> by: | | [Seal Affixed] |

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and*
Torres Strait Islander) Act 2006 by:

Name of Sole Director

Signature

Signature block for State or Territory government:

~~SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:~~

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a sole director Corporations Act company acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used and the company is acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Appendix A

Marked-up copy of the Workforce Australia – Transition to Work Deed 2022 – 2027

Refer to the copy of the marked-up Workforce Australia – Transition to Work Deed 2022 – 2027 attached separately to this General Deed of Variation No. 1.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 2
of the
Workforce Australia - Transition to Work
Deed 2022-2027

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

TTW-22-0006

Workforce Australia - Transition to Work Deed 2022-2027

General Deed of Variation No. 2

THIS DEED is made on the 30TH day of JUNE 2023

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0006). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. Clause 67.1 of the Deed states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- C. The Parties wish to vary the Deed, and this deed variation is referred to hereafter as 'General Deed of Variation No. 2'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 2 have the same meaning as in the Deed.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 2 commences on 1 July 2023 ('the Effective Date').
- 2.2 From the Effective Date, the Deed is varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 2 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this General Deed of Variation No. 2, the Deed shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 2 were supplemental to the Deed.

5. Indemnity

- 5.1 The Provider agrees to indemnify the Commonwealth against any costs, liabilities or expenses incurred in relation to the preservation or enforcement of any rights under this General Deed of Variation No. 2 including legal costs and expenses on a full indemnity basis.

6. Further Acts

- 6.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 2 and all transactions incidental to it.

7. Costs

- 7.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 2.

8. Partnerships and Group Respondents

- 8.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 2 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 2; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 2 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 2.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the) s 22(1)
requirements of section 127(1) of the)
Corporations Act 2001 by:)
s 22(1)

and by) s 22(1)
s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of
Workways Australia Limited (ACN
141 659 734) in accordance with the
requirements of section 127(2) of the
Corporations Act 2001 by:

)

)

)

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734),
the fixing of which was witnessed in
accordance with its Constitution by:

)
)
)

[Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Signature block for a local council:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)
)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734)
the fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations*
(*Aboriginal and Torres Strait Islander*)
Act 2006 by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734)
the fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations*
(*Aboriginal and Torres Strait Islander*)
Act 2006 by:

[Seal Affixed]

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and)
Torres Strait Islander) Act 2006* by:

Name of Sole Director

Signature

Signature block for State or Territory government:

SIGNED, SEALED and DELIVERED for)
and on behalf of Workways Australia)
Limited (ACN 141 659 734) by:)
)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a sole director Corporations Act company acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used and the company is acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

VARIATIONS TO
Workforce Australia - Transition to Work Deed 2022-2027

1. Variations in this Attachment 1 include variations set out at Appendices A to D to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 3
of the
Workforce Australia - Transition to Work
Deed 2022-2027

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

TTW-22-0006

Workforce Australia - Transition to Work Deed 2022-2027

General Deed of Variation No. 3

THIS DEED is made on the 21st day of December 2023

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0006). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. Clause 67.1 of the Deed states that: "Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."
- C. The Parties wish to vary the Deed, and this deed variation is referred to hereafter as 'General Deed of Variation No. 3'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 3 have the same meaning as in the Deed.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 3 commences on 1 January 2024 ('the Effective Date').
- 2.2 From the Effective Date, the Deed is varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 3 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this General Deed of Variation No. 3, the Deed shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 3 were supplemental to the Deed.

5. Further Acts

- 5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 3 and all transactions incidental to it.

6. Costs

- 6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 3.

7. Partnerships and Group Respondents

- 7.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 3 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 3; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 3 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 3.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:) s 22(1)
s 22(1)

and by

s 22(1) s 22(1)

Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director and company
secretary who states that they are the
sole director and company secretary of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by: _____

[Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[strike through whichever does not apply]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited
(ACN 141 659 734) by:

)
)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with its Constitution by:

[Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a natural person (i.e. individual)

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for other incorporated entities (including associations incorporated under a State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of sole director

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing common seal in the presence of two directors or a director and a corporation secretary:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

[Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/secretary

Signature

~~[strike through whichever does not apply]~~

VARIATIONS TO
Workforce Australia - Transition to Work Deed 2022-2027

1. Variations in this Attachment 1 include variations set out at Appendices A to C to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 4
of the
Workforce Australia - Transition to Work
Deed 2022-2027

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

TTW-22-0006

Workforce Australia - Transition to Work Deed 2022-2027

General Deed of Variation No. 4

THIS DEED is made on the 24th day of June 2024

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0006). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. Clause 67.1 of the Deed states that: "Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."
- C. The Parties wish to vary the Deed, and this deed variation is referred to hereafter as 'General Deed of Variation No. 4'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 4 have the same meaning as in the Deed.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 4 commences on 1 July 2024 ('the Effective Date').
- 2.2 From the Effective Date, the Deed is varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 4 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this General Deed of Variation No. 4, the Deed shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 4 were supplemental to the Deed.

5. Further Acts

- 5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 4 and all transactions incidental to it.

6. Costs

- 6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 4.

7. Partnerships and Group Respondents

- 7.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 4 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 4; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 4 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 4.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

| | |
|--|---------|
| EXECUTED for and on behalf of | |
| Workways Australia Limited (ACN 141 |) |
| 659 734) in accordance with section |) |
| 127(1) of the <i>Corporations Act 2001</i> (Cth) |) |
| by: |) |
| s 22(1) | s 22(1) |

| | |
|---------|---------|
| and by | |
| s 22(1) | s 22(1) |

Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director and company
secretary who states that they are the
sole director and company secretary of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a natural person (i.e. an individual)

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for other incorporated entities (including associations incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of director

Signature

and by

Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of sole director

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of two directors or a director and a corporation secretary:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

[Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary

Signature

[strike through whichever does not apply]

Execution block for a partnership where each partner is a natural person (e.g. is not a corporate entity) and all partners to the partnership are signing *[strike through any unused execution blocks based on the number of partners in the partnership]*

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

**VARIATIONS TO
Workforce Australia - Transition to Work Deed 2022-2027**

1. Variations in this Attachment 1 include variations set out at Appendices A to D to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 5
of the
Workforce Australia - Transition to Work
Deed 2022-2027

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

TTW-22-0006

Workforce Australia - Transition to Work Deed 2022-2027
General Deed of Variation No. 5

THIS DEED is made on the 12th day of December 2024.

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875
(**'the Provider'**)

(collectively, **'the Parties'**)

RECITALS

- A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0006). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. Clause 67.1 of the Deed states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- C. The Parties wish to vary the Deed, and this deed variation is referred to hereafter as 'General Deed of Variation No. 5'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 5 have the same meaning as in the Deed.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 5 commences on 1 January 2025 (**'the Effective Date'**).
- 2.2 From the Effective Date, the Deed is varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 5 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this General Deed of Variation No. 5, the Deed shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 5 were supplemental to the Deed.

5. Further Acts

- 5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 5 and all transactions incidental to it.

6. Costs

- 6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 5.

7. Partnerships and Group Respondents

- 7.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 5 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 5; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 5 warrants that it is fully authorised by each member of the Group Respondent to act as their agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 5.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:) s 22(1)

s 22(1)

and by s 22(1)

s 22(1)

Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director and company
secretary who states that they are the
sole director and company secretary of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(2) of the)
Corporations Act 2001 (Cth) by:) [Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

SIGNED, SEALED and DELIVERED by:)
)
)

Signature

Signature of witness

Execution block for other incorporated entities (including associations which are incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in
accordance with section 99-5(1) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:)

Name of director

Signature

and by

Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in
accordance with section 99-5(1) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:)

Name of sole director

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of two directors or a director and a corporation secretary

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with section 99-5(2) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:) [Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with section 99-5(2) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:) [Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(2) of the)
Corporations Act 2001 (Cth) by:) [Seal Affixed]

Name of director

Signature

and by

Name of director/company/secretary
[strike through whichever does not apply]

Signature

Execution block for a partnership where each partner is a natural person (e.g. is not a corporate entity) and all partners to the partnership are signing *[strike through any unused execution blocks based on the number of partners in the partnership]*

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

VARIATIONS TO
Workforce Australia - Transition to Work Deed 2022-2027

1. Variations in this Attachment 1 include variations set out at Appendices A to D to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted; Deed Administrator
 - (c) new definitions are inserted into Attachment 1 of the Deed in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Education,
Skills and Employment**

Workforce Australia Services Deed of Standing Offer 2022–2028

between

The Commonwealth of Australia

and

**Workways Australia Limited (ACN 141 659 734)
ES-22-0007**

WORKFORCE AUSTRALIA SERVICES DEED OF STANDING OFFER 2022-2028

THIS DEED is made on the 24 day of March 2022

BETWEEN

THE COMMONWEALTH OF AUSTRALIA (the **Commonwealth**) as represented by the **DEPARTMENT OF EDUCATION, SKILLS AND EMPLOYMENT** (ABN 12 862 898 150) (the **Department**)

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street, Bairnsdale VIC, 3875

(collectively, '**the Parties**')

RECITALS

- A. The Parties have agreed to enter into the Workforce Australia Services Deed of Standing Offer 2022-2028 referred to hereafter as 'this Deed'.
- B. The Deed consists of:
 - (a) any Conditions of Offer;
 - (b) these Particulars;
 - (c) Part A – General Terms and Conditions;
 - (d) Part B – Workforce Australia Services;
 - (e) any annexures and attachments to the Deed;
 - (f) the Schedule;
 - (g) any Guidelines; and
 - (h) any documents incorporated by reference.
- C. The Provider has fully informed itself on all aspects of the work required to be conducted and agrees to conduct the Services in accordance with the Deed.
- D. The Commonwealth agrees to engage the Provider to provide the Services upon the terms and conditions of the Deed.

OPERATIVE PROVISIONS

Interpretation

- 1. This document (Particulars) forms part of the Deed.
- 2. Unless otherwise specified, all capitalised terms in these Particulars have the meaning given to them in ATTACHMENT 1 – DEFINITIONS to the Deed.

Identification, authority and liability – where the Provider consists of two or more legal entities

3. If the Provider is:
- (a) a partnership, the partner which executes these Particulars warrants that it is authorised to bind all of the partners in the partnership; or
 - (b) a member of a Group Respondent, the Lead Member which executes these Particulars warrants that all other members of the Group Respondent are listed in Table 2 below, and further warrants that it is fully authorised by each member of the Group Respondent to act as its agent to negotiate, bind and act on its behalf in relation to the Deed,
- and the partners, if the Provider is a partnership, or each member of the Group Respondent, if the Provider is a Group Respondent, agree that the Provider may, for the purposes of the Deed, be referred to by the name in Table 1 below:

Table 1 - Provider Name

| Name of legal entity | ABN |
|----------------------|-----|
| | |

Table 2 - The Provider members, if the Provider is a Group Respondent [see clause 3(b)]

| Name of legal entity | ABN |
|----------------------|-----|
| | |

Note: In relation to:

- *clause 3(a), the authorised partner should execute these Particulars; and*
- *clause 3(b), the lead member of the Group Respondent should execute these Particulars.*

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Education, Skills and Employment (ABN 12 862 898 150)** by:

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please use the execution block that is relevant for your Organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of
Workways Australia Limited (ACN 141
659 734) in accordance with the
requirements of section 127(1) of the
Corporations Act 2001 by:)
)
)

s 22(1)

s 22(1)

and by

s 22(1)

s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of Director/Secretary [delete
position as appropriate] who states that
they are a company secretary/director
[delete position as appropriate] of
Workways Australia Limited (ACN 141
659 734)

Signature

Signature block for a sole director Corporations Act company who is also the sole company secretary for a proprietary Corporations Act company:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of sole Director and Secretary who
states that they are the sole director and
sole company secretary of Workways
Australia Limited (ACN 141 659 734)

Signature

Signature block for a sole director for a proprietary Corporations Act company that does not have a company secretary:

EXECUTED for and on behalf of)
 Workways Australia Limited (ACN 141)
 659 734) in accordance with the)
 requirements of section 127(1) of the)
Corporations Act 2001 by:

 Name of sole Director who states that
 they are the sole director of Workways
 Australia Limited (ACN 141 659 734)

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by: [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

)

Name of Committee member_____
Signature

In the presence of:

Name of witness_____
Signature of witness

and by

Name of Committee member_____
Signature

In the presence of:

Name of witness_____
Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways)
 Australia Limited (ACN 141 659 734) the)
 fixing of which was witnessed in)
 accordance with its Constitution by:) [Seal Affixed]

 Name of Committee member

Signature

In the presence of:

 Name of witness

Signature of witness

and by

 Name of Committee member

Signature

In the presence of:

 Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Workforce Australia Services Deed of Standing Offer 2022-2028 Particulars

Signature block for a local council:

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations
(Aboriginal and Torres Strait Islander) Act
2006* by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with the requirements of
section 99-5(2) of the *Corporations*
(*Aboriginal and Torres Strait Islander*) Act
2006 by:

[Seal Affixed]

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 99-5(1) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 99-5(1) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 by:

Name of Sole Director

Signature

Signature block for State or Territory government:

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a sole director Corporations Act company acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Signature block for a Corporations Act company where a common seal is used and the company is acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by: [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Appendix B
NESM Deed of Standing Offer Particulars

Please refer to the electronic copy of the Workforce Australia Services Deed of Standing Offer 2022-2028 (attached separately to this letter).

Workforce Australia Services Deed of Standing Offer 2022–2028

SCHEDULE – DEED AND PANEL MEMBER DETAILS

Item 1 Account Manager (clauses 22.2 and 86.1 of the Deed, ATTACHMENT 1 – DEFINITIONS to the Deed)

s 22(1)

| | | | |
|------------------|---|----------------|------------------------------------|
| Contact | | | |
| Telephone | | Mobile | s 22(1) |
| Email | | | |
| Physical Address | Level 10 414 La Trobe Street MELBOURNE VIC 3000 | Postal Address | GPO Box 9880 MELBOURNE VIC 3001 |

Appendix C
Schedule to the Deed

Item 2 Contact Person (clauses 22.2 and 86.1 of the Deed, ATTACHMENT 1 – DEFINITIONS to the Deed)

| | | | |
|-------------------------|--|-----------------------|-----------------------------------|
| Contact | | | |
| Position | | | |
| Telephone | | Mobile | |
| Email | | | |
| Physical Address | 280 Main Street Bairnsdale VIC 3875 | Postal Address | PO Box 331 BAIRNSDALE VIC 3875 |

Item 3 Sub-panels (clause 6.2 of the Deed, ATTACHMENT 1 – DEFINITIONS to the Deed)

| 3.1 Sub-panels to which the Panel Member is appointed (clause 6.2 of the Deed) | 3.2 Specialist Service Group (if applicable) (clause 100 and ATTACHMENT 1 – DEFINITIONS to the Deed) |
|--|--|
| Brisbane South East | All Client Types |
| Cairns | All Client Types |
| Capital Region | All Client Types |
| Gippsland | All Client Types |
| Gold Coast | All Client Types |
| North Western Melbourne | All Client Types |

Appendix C
Schedule to the Deed

| 3.1 Sub-panels to which the Panel Member is appointed (clause 6.2 of the Deed) | 3.2 Specialist Service Group (if applicable) (clause 100 and ATTACHMENT 1 – DEFINITIONS to the Deed) |
|---|---|
| Townsville (includes Mt Isa) | All Client Types |

Workforce Australia Services Deed of Standing Offer 2022–2028

SCHEDULE 1 – Head Licence Details

Item 1 – Head Licence Start Date (clause 10.3 of the Deed, Attachment 1 to the Deed)

01/07/2022

Item 2 – Head Licence End Date (clause 10.4 of the Deed, Attachment 1 to the Deed)

30/06/2028

Item 3 - Account details for payment (clause 27.1 of the Deed)
s 47G(1)(a)

Appendix D
Schedule 1

Item 4 – Licences (clause 12.1 of the Deed)

| Item 4.1 Employment Region (Attachment 1 to the Deed) | Item 4.2 Type of Licence and Specialist Service Group (if Specialist Provider) (clauses 89.5 and 100, Attachment 1 to the Deed) | Item 4.3 Business Share (Attachment 1 to the Deed) | Item 4.4 Licence Start Date (clause 12.1, Attachment 1 to the Deed) | Item 4.5 Licence End Date (clause 12.1, Attachment 1 to the Deed) | Item 4.6 Site(s) (Attachment 1 to the Deed) | Item 4.7 Site type (Full-Time Site, Part- Time Site or Outreach Site) (clause 89.6, Attachment 1 to the Deed) | Item 4.8 Business Days of operation of Site (clause 89.6, Attachment 1 to the Deed) | Item 4.9 Site opening hours on each Business Day (clause 89.6, Attachment 1 to the Deed) | 4.10 Subcontractor/Group Respondent member servicing Site (if relevant) (clauses 54 and 59, Attachment 1 to the Deed) |
|---|--|--|---|--|--|---|---|---|---|
| Brisbane South East | All Client Types | 20% | 1/07/2022 | 30/06/2028 | Beenleigh | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9– 6.30, S 10am–12pm Digital | |
| | | | | | Browns Plains | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9– 6.30, S 10am–12pm Digital | |
| | | | | | Capalaba | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9– 6.30, S 10am–12pm Digital | |
| | | | | | Jimboomba | Outreach | TBC | TBC | |

Appendix D
Schedule 1

| Item 4.1 Employment Region (Attachment 1 to the Deed) | Item 4.2 Type of Licence and Specialist Service Group (if Specialist Provider) (clauses 89.5 and 100, Attachment 1 to the Deed) | Item 4.3 Business Share (Attachment 1 to the Deed) | Item 4.4 Licence Start Date (clause 12.1, Attachment 1 to the Deed) | Item 4.5 Licence End Date (clause 12.1, Attachment 1 to the Deed) | Item 4.6 Site(s) (Attachment 1 to the Deed) | Item 4.7 Site type (Full-Time Site, Part- Time Site or Outreach Site) (clause 89.6, Attachment 1 to the Deed) | Item 4.8 Business Days of operation of Site (clause 89.6, Attachment 1 to the Deed) | Item 4.9 Site opening hours on each Business Day (clause 89.6, Attachment 1 to the Deed) | 4.10 Subcontractor/Group Respondent member servicing Site (if relevant) (clauses 54 and 59, Attachment 1 to the Deed) |
|--|--|---|--|---|--|---|---|--|--|
| | | | | | Stones Corner | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| | | | | | Upper Mount Gravatt | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| | | | | | Woodridge | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| Gippsland | All Client Types | 33% | 1 July 2022 | 30 June 2028 | Bairnsdale | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |

Appendix D
Schedule 1

| Item 4.1 Employment Region (Attachment 1 to the Deed) | Item 4.2 Type of Licence and Specialist Service Group (if Specialist Provider) (clauses 89.5 and 100, Attachment 1 to the Deed) | Item 4.3 Business Share (Attachment 1 to the Deed) | Item 4.4 Licence Start Date (clause 12.1, Attachment 1 to the Deed) | Item 4.5 Licence End Date (clause 12.1, Attachment 1 to the Deed) | Item 4.6 Site(s) (Attachment 1 to the Deed) | Item 4.7 Site type (Full-Time Site, Part- Time Site or Outreach Site) (clause 89.6, Attachment 1 to the Deed) | Item 4.8 Business Days of operation of Site (clause 89.6, Attachment 1 to the Deed) | Item 4.9 Site opening hours on each Business Day (clause 89.6, Attachment 1 to the Deed) | 4.10 Subcontractor/Group Respondent member servicing Site (if relevant) (clauses 54 and 59, Attachment 1 to the Deed) |
|---|--|--|---|--|--|---|---|---|---|
| | | | | | Moe | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| | | | | | Morwell | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| | | | | | Sale | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |
| | | | | | Traralgon | Full-Time | Monday - Saturday | M, W & F 9- 5; T & Th 9- 6.30, S 10am-12pm Digital | |

Item 5 – Subcontractors approved by the Department

| Item 5.1 Employment Region (Attachment 1) | Item 5.2 Type of Licence and Specialist Service Group (if Specialist Provider) (clause 89.5 and 100, Attachment 1 to the Deed) | Item 5.3 Subcontractor(s) (if relevant) (clause 59.3, Attachment 1 to the Deed) | Item 5.4 Terms and conditions relating to use of each Subcontractor (clause 59.3) |
|---|--|--|---|
| | | | |
| | | | |

Condition of Offer – Requirements for Early Access to the Department's IT Systems

As a Condition of Offer of the *Workforce Australia Services Deed of Standing Offer 2022–2028* (the Deed), your Organisation must, from the date of execution of the Deed by the Department, Access the Department's IT Systems for the purposes, and in accordance with the terms and conditions, specified in this Appendix E.

Unless otherwise specified, all capitalised terms in this Appendix E have the meaning given to them in ATTACHMENT 1 – DEFINITIONS to the Deed.

Access to the Department's IT Systems will give your Organisation access to a range of resources, including:

- Workforce Australia Online for Providers (formerly referred to as ESSWeb), to manage Participants and their Records, and to enable the processing of Payments to your Organisation (this will be available from 4 July 2022);
- the Provider Portal, a consolidated resource for all information relevant to delivering the Services;
- Department-developed reports for managing Participants; and
- the Learning Centre, containing a range of resources (including Guidelines and training resources) for Providers.

Your Organisation will require Access to some aspects of the Department's IT Systems prior to 1 July 2022 to ensure that your Personnel are familiar with the resources on the Department's IT Systems can undertake all required training as specified in the Deed or Guidelines.

Deed terms and conditions applicable to Access to the Department's IT Systems

From the date of execution of the Deed, your Organisation must comply with the following clauses in the Deed in relation to Access to the Department's IT Systems:

- clause 22 – Liaison and directions,
- all clauses in Section A3.1 – Information Technology (including accreditation under the External Systems Assurance Framework), and
- all clauses in Section A3.3 – Control of Information.

The Department's *External Systems Assurance Framework (ESAF)* and *Security Policy for External Employment Services Providers and Users*, as referred to in the Deed, are **attached** separately.

The key requirements of the above-mentioned clauses are that:

- (a) your Organisation's Personnel:
 - are familiar with the resources on the Department's IT Systems; and
 - have undertaken all required training relevant to providing the Services, as specified in the Guidelines; and
- (b) your Organisation is compliant with the ESAF and accredited under the Department's 'Right Fit For Risk' (RFFR) risk-based approach to cyber security, as relevant to the status of your Organisation (see below).

If your Organisation has returned its Deed and it has been executed by the Department, the Department will then provide further information on how your Organisation can commence Accessing the Department's IT Systems. A brief outline of the key aspects is set out below.

ESAF and Provider Accreditation

As set out in the RFP, the ESAF sets out the Department's accreditation of Providers' External IT Systems, using a RFFR approach.

The Department's RFFR is a Provider accreditation approach forming part of the ESAF and is designed to support all Providers in moving towards accreditation of their External IT Systems (including any Third Party Employment Systems).

The RFP further provided that successful Respondents must maintain compliance with the ESAF guidelines, in conjunction with the relevant clauses in the Deed.

RFFR requirements are set out in the ESAF Guideline included in Part A of the Guideline Handbook that is separately attached to Employment Services Providers. The ESAF Guideline sets out information in relation to both Providers who are currently accredited to RFFR and Providers who are not accredited.

If your Organisation is not accredited to RFFR, your Personnel may Access the Department's IT Systems prior to 1 July 2022, provided that the other requirements referred to in this Appendix are met. However, your Organisation will need to engage with the Department as early as possible from the date of execution of the Deed by the Department, in order to commence the RFFR accreditation process and reduce the risk that your Organisation's Access to the Department's IT Systems will be interrupted.

myGovID requirement

Your Organisation's Personnel who will be Accessing Workforce Australia Online for Providers and associated departmental IT systems will need a myGovID to login.

myGovID is the authentication for Workforce Australia Online. myGovID is not myGov. myGovID is the Australian Government's digital identity that allows it to prove who you are when accessing government services.

Further information about myGovID, including the myGovID support line, is available at www.mygovid.gov.au.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 1
of the
Workforce Australia Services Deed of
Standing Offer 2022-2028

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

ES-22-0015

Workforce Australia Services Deed of Standing Offer 2022-2028

General Deed of Variation No. 1

THIS DEED is made on the 5th day of January 2023
BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the
Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the
Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0015). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. The Department issued a Work Order to the Provider under clause 9.1 of the Deed on 1 July 2022. In accordance with clause 10.1 of the Deed, a separate contract formed between the Provider and the Department when the Work Order was issued by the Department. This contract, together with any subsequent variations thereto, is referred to hereafter as the 'Head Licence'.
- C. Clause 76.1 of the Deed and Head Licence states that: "*Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties.*"
- D. The Parties wish to vary the Deed and Head Licence, and this deed variation is referred to hereafter as 'General Deed of Variation No. 1'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 1 have the same meaning as in the Deed and Head Licence.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 1 commences on 1 January 2023 ('the Effective Date').
- 2.2 From the Effective Date, the Deed and Head Licence are varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 1 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and Head Licence and, subject only to the variations contained in this General Deed of Variation No. 1, the Deed and Head Licence shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 1 were supplemental to the Deed and Head Licence.

5. Indemnity

- 5.1 The Provider agrees to indemnify the Commonwealth against any costs, liabilities or expenses incurred in relation to the preservation or enforcement of any rights under this General Deed of Variation No. 1 including legal costs and expenses on a full indemnity basis.

6. Further Acts

- 6.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 1 and all transactions incidental to it.

7. Costs

- 7.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 1.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) by:

s 22(1)

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 127(1) of the)
Corporations Act 2001 by:) s 22(1)
s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for a sole director Corporations Act company:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:)

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734),)
the fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:)

)

_____))

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Signature block for a local council:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734))
the fixing of which was witnessed in)
accordance with the requirements of)
section 99-5(2) of the *Corporations*)
(*Aboriginal and Torres Strait Islander*)
Act 2006 by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734))
the fixing of which was witnessed in)
accordance with the requirements of)
section 99-5(2) of the *Corporations*)
(*Aboriginal and Torres Strait Islander*)
Act 2006 by:

[Seal Affixed]

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and*)
Torres Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and*)
Torres Strait Islander) Act 2006 by:

Name of Sole Director

Signature

Signature block for State or Territory government:

SIGNED, SEALED and DELIVERED for)
and on behalf of Workways Australia)
Limited (ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a sole director Corporations Act company acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

Signature block for a Corporations Act company where a common seal is used and the company is acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

**VARIATIONS TO
Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed
under that Deed**

1. Variations in this Attachment 1 include variations set out at Appendices A to H to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) in Appendices A – G:
 - a. words shown in red and strikethrough are deleted;
 - b. words in red and not in strikethrough are inserted;
 - c. new definitions are inserted into Attachment 1 of the Deed and Head Licence in alphabetical order; and
 - d. other new provisions are inserted into the Deed in numerical order;
 - (b) the Joint Charter and the Service Guarantee at Attachments 2 and 3 of the Deed and Head Licence are deleted in their entirety and replaced with the Joint Charter and Service Guarantee set out in Appendix H; and
 - (c) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 2
of the
Workforce Australia Services Deed of
Standing Offer 2022-2028 (Deed) and Head
Licence formed under clause 10.1 of the
Deed

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

ES-22-0007

Workforce Australia Services Deed of Standing Offer 2022-2028 (Deed) and Head Licence formed under clause 10.1 of the Deed

General Deed of Variation No. 2

THIS DEED is made on the 30TH day of JUNE 2023

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0007). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. The Department issued a Work Order to the Provider under clause 9.1 of the Deed on 1 July 2022. In accordance with clause 10.1 of the Deed, a separate contract formed between the Provider and the Department when the Work Order was issued by the Department. This contract, together with any subsequent variations thereto, is referred to hereafter as the 'Head Licence'.
- C. Clause 76.1 of the Deed and Head Licence states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- D. The Parties wish to vary the Deed and Head Licence, and this deed variation is referred to hereafter as 'General Deed of Variation No. 2'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 2 have the same meaning as in the Deed and Head Licence.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 2 commences on 1 July 2023 ('the Effective Date').
- 2.2 From the Effective Date, the Deed and Head Licence are varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 2 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and Head Licence and, subject only to the variations contained in this General Deed of Variation No. 2, the Deed and Head Licence shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 2 were supplemental to the Deed and Head Licence.

5. Indemnity

- 5.1 The Provider agrees to indemnify the Commonwealth against any costs, liabilities or expenses incurred in relation to the preservation or enforcement of any rights under this General Deed of Variation No.2 including legal costs and expenses on a full indemnity basis.

6. Further Acts

- 6.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 2 and all transactions incidental to it.

7. Costs

- 7.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 2.

8. Partnerships and Group Respondents

- 8.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 2 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 2; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 2 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 2.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) by:

s 22(1)

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Signature block for a Corporations Act company where there are either two directors or a director and a secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the) s 22(1)
Corporations Act 2001 by:

s 22(1)

and by

s 22(1)

s 22(1)

Signature block for a Corporations Act company acting as a trustee where there are either two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for a sole director Corporations Act company:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the
requirements of section 127(1) of the)
Corporations Act 2001 by:

Name of Sole Director and Secretary

Signature

)
)
)

Signature

Signature block for a Corporations Act company where a common seal is used:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an incorporated association:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association where a common seal is used:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734),)
the fixing of which was witnessed in) [Seal Affixed]
accordance with its Constitution by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for an incorporated association acting as a trustee:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)

)

)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a natural person (individual):

SIGNED, SEALED and DELIVERED by:)

)

_____))

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for other incorporated entities (including incorporated associations which are incorporated under a State Act and incorporated charitable institutions):

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Signature block for a local council:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)
)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and there are two directors or a director and a secretary:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734))
the fixing of which was witnessed in)
accordance with the requirements of)
section 99-5(2) of the *Corporations*)
(Aboriginal and Torres Strait Islander)
Act 2006 by:

[Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734))
the fixing of which was witnessed in)
accordance with the requirements of)
section 99-5(2) of the *Corporations*)
(Aboriginal and Torres Strait Islander)
Act 2006 by:

[Seal Affixed]

Name of Sole Director

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is not used and there are two directors or a director and a secretary:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and*)
Torres Strait Islander) Act 2006 by:

Name of Director

Signature

and by

Name of Director/Secretary

Signature

Signature block for an Aboriginal and Torres Strait Islander Corporation where a common seal is used and the corporation has only one director:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 99-5(1) of)
the *Corporations (Aboriginal and*)
Torres Strait Islander) Act 2006 by:

Name of Sole Director

Signature

Signature block for State or Territory government:

SIGNED, SEALED and DELIVERED for
and on behalf of Workways Australia
Limited (ACN 141 659 734) by:

)
)
)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Signature block for a Corporations Act company where a common seal is used and the company is acting as a trustee:

EXECUTED for and on behalf of)
Workways Australia Limited (ACN)
141 659 734) in accordance with the)
requirements of section 127(2) of the)
Corporations Act 2001 by:) [Seal Affixed]

Name of Director

Signature

and by

Name of Director/Secretary

Signature

**VARIATIONS TO
Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed
under that Deed**

1. Variations in this Attachment 1 include variations set out at Appendices A to E to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed and Head Licence in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government
**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 3
of the
Workforce Australia Services Deed of
Standing Offer 2022-2028 and Head Licence
formed under clause 10.1 of the Deed

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

ES-22-0007

**Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence
formed under clause 10.1 of the Deed**

General Deed of Variation No. 3

THIS DEED is made on the 21st day of December 2023

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the
Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875
(**'the Provider'**)

(collectively, **'the Parties'**)

RECITALS

- A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0007). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. The Department issued a Work Order to the Provider under clause 9.1 of the Deed. In accordance with clause 10.1 of the Deed, a separate contract formed between the Provider and the Department when the Work Order was issued by the Department. This contract, together with any subsequent variations thereto, is referred to hereafter as the 'Head Licence'.
- C. Clause 76.1 of the Deed and Head Licence states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- D. The Parties wish to vary the Deed and Head Licence, and this deed variation is referred to hereafter as 'General Deed of Variation No. 3'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 3 have the same meaning as in the Deed and Head Licence.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 3 commences on 1 January 2024 (**'the Effective Date'**).

2.2 From the Effective Date, the Deed and Head Licence are varied in accordance with Attachment 1.

3. Applicable law

3.1 This General Deed of Variation No. 3 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

4.1 The Parties confirm all the other provisions of the Deed and Head Licence and, subject only to the variations contained in this General Deed of Variation No. 3, the Deed and Head Licence shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 3 were supplemental to the Deed and Head Licence.

5. Further Acts

5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 3 and all transactions incidental to it.

6. Costs

6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 3.

7. Partnerships and Group Respondents

7.1 If the Provider is:

- a. a partnership, the partner which executes this General Deed of Variation No. 3 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 3; or
- b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 3 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 3.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by: s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:) s 22(1)
s 22(1)

and by
s 22(1) s 22(1)

Execution block for a Corporations Act company acting as a trustee where there are either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director and company
secretary who states that they are the
sole director and company secretary of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Name of sole director who states that they are the sole director of Workways Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[strike through whichever does not apply]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited
(ACN 141 659 734) by:

)
)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with its Constitution by:

[Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a natural person (i.e. an individual)

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for other incorporated entities (including associations incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of sole director

Signature

**Execution block for an Aboriginal and Torres Strait Islander corporation affixing common seal
in the presence of two directors or a director and a corporation secretary:**

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

)
)
)

[Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres
Strait Islander) Act 2006* (Cth) by:

[Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of Director

Signature

and by

Name of director/secretary
[strike through whichever does not apply]

Signature

VARIATIONS TO
Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed
under that Deed

1. Variations in this Attachment 1 include variations set out at Appendices A to H to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed and Head Licence in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 4
of the
Workforce Australia Services Deed of
Standing Offer 2022-2028 (Deed) and Head
Licence formed under clause 10.1 of the
Deed

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

ES-22-0007

**Workforce Australia Services Deed of Standing Offer 2022-2028 (Deed) and Head
Licence formed under clause 10.1 of the Deed**

General Deed of Variation No. 4

THIS DEED is made on the 24th day of June 2024

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the
Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875
(**'the Provider'**)

(collectively, **'the Parties'**)

RECITALS

- A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0007). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. The Department issued a Work Order to the Provider under clause 9.1 of the Deed on 31 May 2024. In accordance with clause 10.1 of the Deed, a separate contract formed between the Provider and the Department when the Work Order was issued by the Department. This contract, together with any subsequent variations thereto, is referred to hereafter as the 'Head Licence'.
- C. Clause 76.1 of the Deed and Head Licence states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- D. The Parties wish to vary the Deed and Head Licence, and this deed variation is referred to hereafter as 'General Deed of Variation No. 4'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 4 have the same meaning as in the Deed and Head Licence.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 4 commences on 1 July 2024 (**'the Effective Date'**).

2.2 From the Effective Date, the Deed and Head Licence are varied in accordance with Attachment 1.

3. Applicable law

3.1 This General Deed of Variation No. 4 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

4.1 The Parties confirm all the other provisions of the Deed and Head Licence and, subject only to the variations contained in this General Deed of Variation No. 4, the Deed and Head Licence shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 4 were supplemental to the Deed and Head Licence.

5. Further Acts

5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 4 and all transactions incidental to it.

6. Costs

6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 4.

7. Partnerships and Group Respondents

7.1 If the Provider is:

- a. a partnership, the partner which executes this General Deed of Variation No. 4 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 4; or
- b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 4 warrants that it is fully authorised by each member of the Group Respondent to act as its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 4.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:) s 22(1)

s 22(1)

and by

s 22(1)

s 22(1)

Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:)

Name of sole director and company secretary who states that they are the sole director and company secretary of Workways Australia Limited (ACN 141 659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[strike through whichever does not apply]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member *Signature*

In the presence of:

Name of witness *Signature of witness*

and by

Name of Committee member *Signature*

In the presence of:

Name of witness *Signature of witness*

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a natural person (i.e. an individual)

SIGNED, SEALED and DELIVERED by:)

)

_____)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for other incorporated entities (including associations incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)
)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section 99-)
5(1) of the *Corporations (Aboriginal and)*
Torres Strait Islander) Act 2006 (Cth) by:

Name of sole director

Signature



Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of two directors or a director and a corporation secretary

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with section 99-5(2) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 (Cth) by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[strike through whichever does not apply]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with section 99-5(2) of the)
Corporations (Aboriginal and Torres
Strait Islander) Act 2006 (Cth) by:

[Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(1) of the *Corporations Act 2001* (Cth))
by:

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of)
Workways Australia Limited (ACN 141)
659 734) in accordance with section)
127(2) of the *Corporations Act 2001* (Cth))
by:

[Seal Affixed]

Name of director

Signature

and by

Name of director/company
[strike through whichever does not apply]

Signature

Execution block for a partnership where each partner is a natural person (e.g. is not a corporate entity) and all partners to the partnership are signing *[strike through any unused execution blocks based on the number of partners in the partnership]*

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:)
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and on)
behalf of Workways Australia Limited (ACN)
141 659 734) by:
)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

VARIATIONS TO
Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed
under that Deed

1. Variations in this Attachment 1 include variations set out at Appendices A to F to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) words shown in red and strikethrough are deleted;
 - (b) words in red and not in strikethrough are inserted;
 - (c) new definitions are inserted into Attachment 1 of the Deed and Head Licence in alphabetical order;
 - (d) other new provisions are inserted into the Deed in numerical order; and
 - (e) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.



Australian Government

**Department of Employment
and Workplace Relations**

GENERAL DEED OF VARIATION No. 5
of the
Workforce Australia Services Deed of
Standing Offer 2022-2028 (Deed) and Head
Licence formed under clause 10.1 of the
Deed

between

the Commonwealth of Australia

and

Workways Australia Limited (ACN 141 659 734)

ES-22-0007

**Workforce Australia Services Deed of Standing Offer 2022-2028 (Deed) and
Head Licence formed under clause 10.1 of the Deed**

General Deed of Variation No. 5

THIS DEED is made on the 12th day of DECEMBER 2024.

BETWEEN

THE COMMONWEALTH OF AUSTRALIA ('the Commonwealth') acting through and represented by the Department of Employment and Workplace Relations (ABN 96 584 957 427) ('the Department')

AND

Workways Australia Limited (ACN 141 659 734) of 280 Main Street Bairnsdale VIC 3875 ('the Provider')

(collectively, 'the Parties')

RECITALS

- A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0007). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.
- B. The Department issued a Work Order to the Provider under clause 9.1 of the Deed. In accordance with clause 10.1 of the Deed, a separate contract formed between the Provider and the Department when the Work Order was issued by the Department. This contract, together with any subsequent variations thereto, is referred to hereafter as the 'Head Licence'.
- C. Clause 76.1 of the Deed and Head Licence states that: *"Except for action the Department is expressly authorised to take elsewhere in this Deed, no variation of this Deed is binding unless it is agreed in writing and signed by the Parties."*
- D. The Parties wish to vary the Deed and Head Licence, and this deed variation is referred to hereafter as 'General Deed of Variation No. 5'.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

- 1.1 Unless the contrary intention appears, capitalised terms used in this General Deed of Variation No. 5 have the same meaning as in the Deed and Head Licence.

2. Commencement and General Effect

- 2.1 Unless otherwise specified herein, General Deed of Variation No. 5 commences on 1 January 2025 ('the Effective Date').
- 2.2 From the Effective Date, the Deed and Head Licence are varied in accordance with Attachment 1.

3. Applicable law

- 3.1 This General Deed of Variation No. 5 is governed by, and construed in accordance with, the laws in force in New South Wales.

4. Force

- 4.1 The Parties confirm all the other provisions of the Deed and Head Licence and, subject only to the variations contained in this General Deed of Variation No. 5, the Deed and Head Licence shall remain in full force and effect and shall be read and construed and be enforceable as if the terms of this General Deed of Variation No. 5 were supplemental to the Deed and Head Licence.

5. Further Acts

- 5.1 Each of the Parties must promptly execute all documents and do all things that the other Party from time to time reasonably requests to effect, perfect or complete this General Deed of Variation No. 5 and all transactions incidental to it.

6. Costs

- 6.1 The Parties shall each bear their own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation, execution and delivery of this General Deed of Variation No. 5.

7. Partnerships and Group Respondents

- 7.1 If the Provider is:
- a. a partnership, the partner which executes this General Deed of Variation No. 5 warrants that it is authorised to bind all of the partners in the partnership in relation to this General Deed of Variation No. 5; or
 - b. a Group Respondent, the Lead Member which executes this General Deed of Variation No. 5 warrants that it is fully authorised by each member of the Group Respondent to act as their agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 5.

EXECUTED by the Parties as a deed on the date above.

EXECUTED AS A DEED for and on behalf of:

THE COMMONWEALTH OF AUSTRALIA represented by the **Department of Employment and Workplace Relations (ABN 96 584 957 427)** by:

s 22(1)

s 22(1)

In the presence of:

s 22(1)

s 22(1)

Please execute the execution block that is relevant for your organisation and cross out the other execution blocks.

Execution block for a Corporations Act company where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the) s 22(1)
Corporations Act 2001 (Cth) by:)

s 22(1)

and by

s 22(1)

s 22(1)

Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a company secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of director who states that they
are a director of Workways Australia
Limited (ACN 141 659 734)

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]
who states that they are a
director/company secretary [*strike
through whichever does not apply*] of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director who is also the sole company secretary

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director and company
secretary who states that they are the
sole director and company secretary of
Workways Australia Limited (ACN 141
659 734)

Signature

Execution block for a proprietary Corporations Act company that has a sole director and no company secretary

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(2) of the)
Corporations Act 2001 (Cth) by:) [Seal Affixed]

Name of director

Signature

and by

Name of director/company secretary
[*strike through whichever does not apply*]

Signature

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Workways)
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with its Constitution by:) [Seal Affixed]

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a natural person (i.e. an individual)

SIGNED, SEALED and DELIVERED by:

)

)

)

Name of signatory

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for other incorporated entities (including associations which are incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of authorised officer

Signature

who by signing warrants that he/she has
authority to bind Workways Australia
Limited (ACN 141 659 734)

In the presence of:

Name of witness (print)

Signature of witness

Execution block for a local council

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of signatory

Signature

by the authority of the Council

In the presence of:

Name of witness

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation where either two directors or a director and a corporation secretary are signing

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in
accordance with section 99-5(1) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:)

Name of director

Signature

and by

Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation that has a sole director

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in
accordance with section 99-5(1) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:)

Name of sole director

Signature

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of two directors or a director and a corporation secretary

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the
fixing of which was witnessed in
accordance with section 99-5(2) of the
*Corporations (Aboriginal and Torres Strait
Islander) Act 2006* (Cth) by: [Seal Affixed]

Name of director

Signature

and by

Name of director/corporation secretary
[~~strike through whichever does not apply~~]

Signature of witness

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of its sole director

The COMMON SEAL of Workways
Australia Limited (ACN 141 659 734) the)
fixing of which was witnessed in)
accordance with section 99-5(2) of the)
Corporations (Aboriginal and Torres Strait
Islander) Act 2006 (Cth) by:) [Seal Affixed]

Name of sole director

Signature

Execution block for State or Territory government

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of Delegate

Signature

In the presence of:

Name of witness

Signature of witness

Execution block for a proprietary Corporations Act company that has a sole director, and is acting as a trustee

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(1) of the)
Corporations Act 2001 (Cth) by:)

Name of sole director who states that
they are the sole director of Workways
Australia Limited (ACN 141 659 734)

Signature

Execution block for a Corporations Act company affixing a common seal and acting as a trustee

EXECUTED for and on behalf of Workways)
Australia Limited (ACN 141 659 734) in)
accordance with section 127(2) of the)
Corporations Act 2001 (Cth) by:) [Seal Affixed]

Name of director

Signature

and by

Name of director/company/secretary
[strike through whichever does not apply]

Signature

Execution block for a partnership where each partner is a natural person (e.g. is not a corporate entity) and all partners to the partnership are signing *[strike through any unused execution blocks based on the number of partners in the partnership]*

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

SIGNED, SEALED and DELIVERED for and)
on behalf of Workways Australia Limited)
(ACN 141 659 734) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

VARIATIONS TO
Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed
under that Deed

1. Variations in this Attachment 1 include variations set out at Appendices A to E to this Attachment 1.
2. Provisions referred to in this Attachment 1 are amended as follows:
 - (a) in Appendices A – D:
 - (i) words shown in red and strikethrough are deleted;
 - (ii) words in red and not in strikethrough are inserted;
 - (iii) new definitions are inserted into Attachment 1 of the Deed and Head Licence in alphabetical order; and
 - (iv) other new provisions are inserted into the Deed in numerical order;
 - (b) the existing Service Guarantee is deleted in its entirety and replaced with the Service Guarantee set out in Appendix E; and
 - (c) otherwise as stated.

Note 1: Where only part of a provision appears in an appendix, the relevant variations are intended to apply only to that part of the provision, and the balance of the provision is unchanged.