Australian Government

Workforce Australia
Employment

Managing the Work for the Dole Projects Fund Guide

Allocation, Budget, Expenditure and Acquittal

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Version History

Version	Date	Author/s	Summary of Changes
1.0	28 September 2022	Work for the Dole Team	Original Version
2.0	11 December 2023	Work for the Dole and Work Experience Team	Addition of advice regarding Committed Funds. Updates to the High-Cost Items section to include advice regarding Supervision costs.

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1. Introduction

Work for the Dole projects are specific community projects developed for the purpose of providing a work-like experience for groups of Participants and involve everyone working as a team to meet a specific common goal or deliverable.

The Work for the Dole Projects Fund is available to support the running of Work for the Dole projects. As outlined in the Work for the Dole chapter of the Guidelines, the Work for the Dole Projects Fund is notionally allocated every financial year, based on a Provider's anticipated caseload, per Employment Region.

This document provides guidance to Providers to assist in managing their Work for the Dole Projects Fund and prepare project acquittals. It does not outline the policy and processes for accessing this funding as this is covered in the Guidelines and relevant IT Task Cards.

This is not a stand-alone document, and it should be read in conjunction with the relevant Deed and Guidelines.

2. Principles

There are key principles and considerations that underpin the expenditure of Work for the Dole project funds. The principles are consistent with the *Public Governance, Performance and Accountability Act 2013* that governs the expenditure and management of Commonwealth funds.

Decisions and actions should be **efficient, effective, economical** and **ethical**.

Some considerations to ensure expenditure is consistent with these principles are:

- Is the activity and budget consistent with the Deed and Guidelines?
- Is the budget reasonable, defensible and able to withstand public scrutiny?
- Has the host organisation been made aware of program requirements regarding the budget, expenditure and acquittal?
- Do budgets include any costs that duplicate funding from other sources? For example, costs covered by any other Commonwealth, State or Local Government funding, including services provided under the relevant Deed
- Are the goods and services being purchased cost effective?
- Can the budget be fully acquitted with evidence to support the expenditure?
- Could the expenditure jeopardise the integrity or the reputation of the Work for the Dole program?
- Are supervisor and support costs appropriate for the activity?
- Have you considered the financial status and capability of the host organisation and activity when determining the payment schedule, including which fees are appropriate to pass on to the host organisation up front?
- Does the activity budget align with achieving a positive outcome for the community and stakeholders?
- Are there any costs that can be shared with other Work for the Dole projects in the Employment Region?
- Are there any Assets from previous Work for the Dole projects that could be used?

3. Budget

All Work for the Dole projects require a budget and the total budget amount must be included when creating the activity in the department's IT system.

The Provider must determine the budget for the upcoming project activity in consultation with the host organisation. It should cover all costs associated with a Work for the Dole project including supervision, equipment, resources, other operational costs and training, not just costs incurred by the host organisation.

The cost of the project may be partially or fully met by Work for the Dole Projects Fund. In some cases, a host organisation may make a financial or in-kind contribution. For the purpose of the budget and acquittal in the department's IT system, the Provider should only include those costs anticipated to be covered by the Work for the Dole Projects Fund.

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Considerations

The budget agreed to by the host organisation and arranging Provider should support the plan and goals expected to be achieved by the Work for the Dole project.

In determining the budget amount, the listed items should be considered:

- the overall objective of the activity
- the tasks involved in achieving the objective(s)
- the resources needed to carry out tasks and how much they cost
- identifying resources that can be reused from previous Work for the Dole projects
- the number of Participants required to complete the activity
- the turnover of Participants in the activity and how this will be managed
- the level and costs of supervision required, given the number of Participants and the nature of the tasks
- the work health and safety arrangements (e.g., Personal Protective Equipment and checks) and who will provide it.

The arranging Provider is required to manage the project for its duration. During the project, there may be circumstances where costs should be reviewed. For example, where:

- the expected number of Participants has not eventuated
- the scope of the activity needs to be changed
- the number of staff employed to provide supervision and/or project management/administration needs to be changed.

Where this results in expenditure that varies from the original budget, the arranging Provider must ensure they continue to operate within their Work for the Dole Projects Fund allocation at all times.

Advance Payment

To assist a Provider with upfront project costs a Provider can claim an advance payment from the Work for the Dole Projects Fund. Advance payments can be claimed up to 28 calendar days prior to the project start date and anytime until the project end date.

Where payments are claimed in advance, arranging Providers may claim up to 80% of the total budget for an individual project. The Provider can request more than one advance payment as long as it does not exceed 80% of the total budget.

Committed Funds

Once a Work for the Dole Project has been approved in the department's IT system, the funding is considered committed, and it is not possible for it to be returned to the overall allocation. In addition, the Budget for the Project cannot be decreased once the activity has had a status of 'Approved', even if the activity has been closed or withdrawn and does not proceed.

Where minor errors are identified in the creation of Work for the Dole Projects, Providers are encouraged to update these, rather than closing or withdrawing the activity and creating new Work for the Dole Projects in the system.

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4. Acquittals

There are two acquittal periods:

- the **interim acquittal** for the period of 1 July to 31 December
- the **final acquittal** for the period of 1 January to 30 June

Arranging Providers must submit one acquittal for each Employment Region for departmental approval within 56 days from the end of each acquittal period. Providers do not need to submit an individual acquittal for each project; however, acquittals must reflect actual expenditure, directly related to Work for the Dole projects. It is also important that expenditure is accurately reflected against the specific categories of the acquittal report. Please see Attachment A for an overview of these categories.

Both acquittal reports must be certified as accurate by an individual who has acquired through training, qualification or experience the appropriate knowledge and skills to accurately provide such certification. The cost of this process cannot be claimed through the Work for the Dole Projects Fund.

The department will endeavour to review all acquittal reports within 20 business days of being submitted. If there is insufficient information in the acquittal to allow the department to perform its role, the acquittal may be rejected. IT Task Cards are available to support Providers in completing acquittals on Digital Solutions Support.

High-Cost Items

When preparing acquittal reports, certain costs require specific itemisation. High-Cost items must be acquitted individually and itemised as a part of the acquittal report. High-Cost items are individual items valued at over $1,000 (GST inclusive), at the time of purchase High-Cost items are not always assets. For example, Supervisor Costs may exceed $1,000 (GST inclusive) and will require more details in the acquittal to ensure that supervisor costs are reasonable. Details could include number of supervisors, tasks undertaken and/or the number of hours worked that directly related to the Work for the Dole Project.

Low-cost items valued under $1,000 (GST inclusive) may be acquitted in bulk under the relevant category. This might include building materials, gardening supplies, stationery or general amenities.

Sunk Costs

Sunk Costs, otherwise known as unavoidable costs, can be claimed through the Work for the Dole Projects Fund. For example, where a supervisor is engaged, or materials have been purchased but it becomes apparent that insufficient Participants are available to complete the activity, or the project is unable to be finished for reasons beyond the Provider and/or host organisation's control.

Every effort should be made to ensure that sufficient Participants are placed into the activity. Arranging Providers are encouraged to communicate with other Providers to source suitable Participants to avoid low utilisation of activity places. In consultation with the department, the arranging Provider should consider whether the activity should close early if appropriate to avoid unnecessary ongoing costs.

Goods and Services Tax (GST)

The department does not provide GST advice. It is the responsibility of the Provider to be aware of their taxation obligations and seek their own advice. If a host organisation submits a tax invoice for items purchased or expenses incurred relating to a project, but the host organisation is not registered for GST, the Provider is entitled to claim GST so that they are not financially disadvantaged.

While host organisations are responsible for meeting their GST and other tax obligations, Providers should advise host organisations to check their GST status and obligations, ensuring these are considered in the acquittal process.

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You can contact the Australian Taxation Office for additional advice if needed.

Documentary Evidence

Documentary evidence is required to support expenditure claims, as detailed in the Work for the Dole Guidelines. Providers must obtain and, if requested, provide sufficient detail and evidence to support expenditure relating to projects.

Tax Invoices and receipts or other acceptable forms of evidence which demonstrates proof of payment **must** be kept for all eligible expenditure relating to projects. The Provider must be able to explain how the expenditure relates to the activities.

While Providers generally do not need to upload documented evidence when submitting the acquittal report for approval, the Provider may be asked to present documentary evidence at any time, (during a Program Assurance activity). If records are not provided, the expense may not qualify as eligible expenditure and may be recovered. Additional guidance on documentary evidence for specific expenditure items is provided in Attachment A.

5. Assets

As outlined in the Deed, an Asset means any item of tangible property that has a value equal to or greater than $1,000 inclusive of GST (at of purchase) and is purchased using any Work for the Dole Projects Fund payment for the purpose or as a result of a Work for the Dole project, including where the Provider is acting as the host organisation.

An Asset does not include property provided for the exclusive and individual use of a Participant or a third party. Furthermore, fixed items created for the purpose or as a result of the Work for the Dole projects are not an Asset (e.g., a pergola, pathway, fixed fence or other structure).

The initial purchase of assets must also be identified as part of the acquittal process.

Principles of Asset Management

There are key principles and considerations that underpin the management of Assets. These principles include:

- using the Asset only for the purposes of Work for the Dole
- retaining the Asset, where appropriate, to help reduce the cost of subsequent Work for the Dole activities
- not disposing of the Asset, prior to the Deed/Head Licence completion date, without the department's prior written approval
- maintaining and safeguarding the Asset
- maintaining an Asset register and Asset Disposal Plan.

It is expected that Assets are kept in good working condition and protected from loss, damage or unauthorised use, including maintaining all appropriate insurances and registrations.

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Retention and Disposal of Assets

Where appropriate, Providers should retain and continue to use Assets in other Work for the Dole activities. In accordance with the Deed, the Provider must not dispose of any Asset until the end of the Deed without the department's prior written approval. Where Assets purchased for particular Work for the Dole projects are no longer required for other Work for the Dole projects, Providers may consider using these for Work for the Dole placements where suitable.

As outlined in the Deed, the Provider must maintain an Asset Register which records for each Asset, the date of its creation or acquisition, its purchase price, its description, and the address of the physical location where the Asset is located.

The Provider must also develop an Assets Disposal Plan for the continued use or disposal of each asset listed in the Asset Register. As outlined in the Deed, the Provider must not encumber or dispose of any Asset, without the department's written approval. The intent is that Assets are retained for the duration of the Deed, and where appropriate used in future activities to reduce costs. The department appreciates there may be circumstances where this is not practical and as such, the Provider may seek approval from the department (through the Provider Lead) to dispose of an Asset prior to the end of the term of the Deed.

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Attachment A
Guide to Expenditure and Documentary Evidence Requirements

Term	Description	Guidance on Documentary Evidence
Overhead Costs		
Capital equipment	Items related to the delivery of the activity that are of considerable value and durability, (other than real estate or software) that are used to provide a service or to make, market, keep or transport products. This includes leased items. Providers should consider if there is capital equipment remaining from previous or other activities that can be used in the new activity to offset costs.	Documentary evidence to support the expenditure should include details, such as date of purchase, description of capital equipment, number and cost of items.
Insurance	The Work for the Dole Projects Fund can be used to pay for **additional** insurance specifically required to deliver the project. For example, if the Participant was not covered under the host organisation's existing insurance policies and the host organisation had to purchase additional insurance to extend the coverage, the Work for the Dole Projects Fund could be used to offset the additional insurance cost. However, if the host organisation's existing insurance policies are already sufficient to cover the Participants and the risk associated with the Work for the Dole project, the Work for the Dole Projects Fund cannot be used to cover the existing insurance costs (as it is not necessary for additional insurance to be purchased).	Documentary evidence to support the expenditure should include details of the additional insurance, including: • type of insurance being purchased • certificate of currency • policy title • duration of insurance • cost of insurance.
Materials (e.g., building materials)	Materials related to the delivery of the activity. Providers should consider if there are materials remaining from previous or other activities that can be used in the new activity to offset costs.	Documentary evidence to support the expenditure should include date of purchase, including the name, cost and number of items purchased. For example, a receipt for the purchase of the building materials will include the name and quantity of each item, itemised on a tax invoice/receipt.
Other Overhead Costs (e.g., graduation, signage/promotion, use of equipment and services, equipment maintenance, etc.)	Include any costs for items such as a graduation event, signage, promotion, and use of equipment and services etc. that are not covered by the above categories. Maintenance costs should be costed as a proportion of the total cost, based on the amount of time the item being maintained is used on the activity.	Documentary evidence to support the expenditure should include the date of purchase, name, cost and quantity of each item purchased.

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Term	Description	Guidance on Documentary Evidence
Host Organisation Project management costs	Host organisation costs that are directly related to the management of the activity. This may include reasonable preparation and planning prior to the commencement of the activity. For example, host organisation costs, specific to the delivery of the Work for the Dole project, such as bookkeeping, ordering equipment, completing payroll and invoicing. Project management costs are not intended to subsidise host organisations for their operational costs outside of the activity or to develop further Work for the Dole projects. *Note: Where a Provider is the host organisation, Work for the Dole Projects Fund cannot be used to pay for project management.*	Documentary evidence such as payslips to support the expenditure should include the name of the person undertaking the Project Manager task/s, the number of hours spent on the task and the hourly rate.
Supervision costs	Costs associated with paying a person who is responsible for directly monitoring and managing Participants undertaking activities. This may include the time that a Work for the Dole supervisor spends setting up or packing up an activity or completing work health and safety requirements or attendance records.	Documentary evidence to support the expenditure should include the name of the supervisor/s, period of supervision, number of supervisor hours and hourly rate. Documentary evidence may include payroll information or a payslip to reflect the hours worked on the activity. *Note: Payslips can be collected as long as the payslip is stored securely.*
Training - WHS Induction Training	Costs associated with ensuring that each Participant in a Work for the Dole activity receives the relevant Work Health and Safety training required for the activity.	Documentary evidence to support the expenditure should include the title and purpose of the training course, name of the trainer, cost (per Participant and number of Participants where relevant).
Other Training	Costs associated with providing training such as the attainments with a licence, qualification, Micro-credential or other recognised skill to Participants as part of the Work for the Dole project.	Documentary evidence to support the expenditure should include the title and purpose of the training course, name of the trainer, cost (per Participant and number of Participants where relevant).
Transport of Participants	Participants will generally be required to their own transport to and from an activity. In some instances, Providers or host organisations may arrange transport for Participants to and from an activity in cases where: • a Participant does not have access to a vehicle or does not have a driver's licence or alternative transport options (such as public transport) are not available • the activity is at an isolated location • access to the activity is along an unsealed road or track • the activity has a residential or overnight accommodation component	Documentary evidence to support the expenditure should include the period in which the transport was provided, the departing and arriving destinations and the number of Participants transported, together with the type and cost of the transport being used.

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Term	Description	Guidance on Documentary Evidence
Rent and Associated Infrastructure	Any rental costs of premises or associated infrastructure directly associated with the establishment and running of the project. Where the project is held at a shared location, the costs should be appropriately proportioned to the time/space that is used. For example, if half the building is dedicated to the Work for the Dole project, 50% of the rent would be a proportionate amount.	Documentary evidence to support expenditure should include details of the rented premises, including, cost and time periods used for Work for the Dole project.
Participant Costs		
Criminal and Other Background Checks	Where a check is required and before the Participant Participates in the activity, the Provider must arrange and pay for the check to be completed. The Work for the Dole Projects Fund may be used by the Provider to pay for any other checks (see relevant Deed; and Work for the Dole Guidelines, Checks).	Documentary evidence to support the proof of purchase should include a receipt number the type of check and cost per Participant.
Safety Equipment (PPE)	This may include personal protective equipment and other safety equipment required for the project.	Documentary evidence to support the expenditure should include a tax invoice and receipt, including a description, cost and quantity for each item purchased.
Other Participant Costs	Any additional Participant costs not covered elsewhere.	Documentary evidence to support the expenditure should include a description, cost and quantity for each item purchased.

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Wage Subsidy Operations Guide

Workforce Australia Services

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Reader's Guide

This Wage Subsidy Operations Guide (the Operations Guide) contains additional guidance for Workforce Australia Employment Services Providers (you) on Wage Subsidy operational and system processes.

Unless otherwise specified, all information in the Operations Guide relates to both Wage Subsidy types:

- Workforce Australia Services Wage Subsidy (WASWS), and
- Youth Bonus Wage Subsidy (YBWS).

This document should be read in conjunction with the:

- Workforce Australia Deed of Standing Offer 2022 - 2028 (the Deed)
- Workforce Australia Services Guidelines (the Guideline)
- 'Workforce Australia –Wage Subsidies' learning module.

The Operations Guide does not in any way vary the Deed or your obligations under the Deed (including without limitation any Guidelines). Any general statements in the Operations Guide do not diminish specific obligations applicable to you under the Deed or the Guidelines.

Please direct policy enquiries not answered in this document to your Provider Lead, Employment Region Lead or submit via the Question Manager tool within the Provider Portal.

If you require technical assistance for system issues, please contact the Employment Systems Help Desk in the first instance by:

- telephone 1300 305 520 between 8.30 am and 5.00 pm EST/ESDT, Monday to Friday
- logging a query to the 'Helpdesk' via the Department's IT System 'Helpdesk' form.

Document History

Date of Change	Brief Description	Page reference
1 July 2022	Original version released on Provider Portal.	N/A
6 December 2022	Policy Guidance: • Updates to Offering a Wage Subsidy to clarify Department's expectations • New Performance Framework section • Eligibility FAQs – new question on employer eligibility Guideline change • Update to FAQ on use of the 14-day 'grace period' to clarify application • Change to FAQ on which employer ABN must be recorded on the Head Agreement • New FAQs on engagement with third parties • New section on factoring approved leave into payment calculations • New section on overrides and manual claims System Guidance: • Updates to information/resources to support employers with myGovID authentication • New section on using RAM to authorise other entities	5 6 7 8 8 9-10 14 15 17 18

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	• New section – Resources for Monitoring Wage Subsidy Data	22
5 May 2023	Policy Guidance: • Update to FAQ on Large Employers to clarify third party arrangements for non-payslip documentary evidence. • Update to Pro-rata payments for Early Termination to include a Note about updating the end date of an Agreement. • Update to Factoring approved leave into wage subsidy calculations to remove unpaid sick leave example. • New section: Workers Compensation and Wage Subsidy Payments System Guidance: • New section: Updates to Employer ABN details	8 14 14 15 17
22 Sept 2023	Policy Guidance: • New FAQ regarding late employment start dates • New FAQ regarding ABN consistency across document evidence • Updates to 'Payments to Employers' section regarding the use of rounding when calculating payments. • Updates to payment calculations examples • Minor clarifications added to: o 28 day Approval Timeframe o FAQ on 14-day 'grace period' o Overrides and Manual Claims System Guidance: • New section and system step on 'Claiming Reimbursement'. • Addition of the Wage Subsidy Provider Qlik App in 'Resources for Monitoring Wage Subsidy Data'	8 9 11 Multiple Multiple 21 24
1 Jan 2024	Policy Guidance: • Updates to FAQ on ABN discrepancies to include Employers with a different ABN for payroll admin • Update to calculating pro-rata payments for Employers • Wording change to clarify early termination example • Updates to Factoring approved leave into wage subsidy calculations to include considerations • Updates to Factoring approved leave examples • New section on Tax File Numbers recorded in documentary evidence	10 12 16 17 17 18

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	System Guidance: • Update to Recovery of WASWS Reimbursements section regarding partial reimbursement following a full recovery.	22
1 Jan 2025	Policy Guidance: • Labour Hire Company employers: Changes to documentary evidence requirements to align with 1 January 2025 Guideline mandating the provision of evidence of disclosure to host businesses. • Pro-rata payments: o new FAQ and supporting information to clarify employer eligibility for payment where the Agreement approval date is after employment termination date o removal of calculation examples, replaced by explanation of how a pro-rata payment is calculated. • Removal of business shutdown section in line with Provider Portal News Item of 27 September 2024, advising that shutdowns will be treated the same as approved leave. System Guidance: • Note that amending a Vacancy will void an attached Agreement • Changes to clarify that employers must use the link in the notification email to approve • Replaced references to 'myGovID' with 'myID' in line with the name change of that service. New Section: Wage Subsidy Calculator • Abbreviated version of the Wage Subsidy Calculator User Guide added.	11, 14 9, 15 15 N/A 18 18, 21 Multiple 24

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Wage Subsidy Policy Guidance

Offering a Wage Subsidy

Wage Subsidies are a tool you can use to encourage Employers to hire eligible participants from your caseload into ongoing employment. Wage Subsidies can assist Employers to offset some of the initial costs associated with hiring a new employee who may require additional support to secure the job placement. You must ensure your business processes support this policy intent.

Wage Subsidies should be offered as part of a comprehensive program of support provided to the participant, so that you are able to match their skills and experience to the recruitment needs of an Employer. You should also consider if your wage subsidy usage is appropriate to local labour market characteristics and reflective of the diversity of employers in your Employment Region.

In considering whether to offer a wage subsidy to an Employer, you are expected to make defensible, discretionary decisions which align with the policy intent of wage subsidies, i.e., as a tool to place a participant into an ongoing job.

Wage subsidies are not intended to support the ongoing financial viability of a business. As part of the decision to offer a Wage Subsidy to an Employer, you are expected to consider whether a business will be able to support the ongoing employment of an individual beyond the Wage Subsidy Agreement term.

28 Day Approval Time frame

While Wage Subsidy Agreements can be approved up until 28 days (11.59pm Canberra time) after the participant commences Employment, it is expected that you will commence negotiating a Wage Subsidy Agreement with the Employer prior to Employment commencing. The 28-day timeframe allows Employers time to consider the terms and conditions of the Wage Subsidy Agreement and to submit their approval via their Workforce Australia Online for Business account.

The 28-day timeframe is not to be used to offer Employers time to establish their Workforce Australia Online for Businesses account. As per the Eligibility section of the Wage Subsidy Chapter of the Guideline, you must confirm an Employer already has an active account before offering a wage subsidy. This includes confirming that an Employer contact is authorised to approve an Agreement on behalf of their business.

Offering a Wage Subsidy Agreement to an Employer after the participant has commenced employment reduces the amount of time an Employer has to consider and approve a Wage Subsidy Agreement which can result in the 28-day timeframe being exceeded and the wage subsidy becoming unavailable to the Employer. This may result in reputational risk to the Department, the program, and your own business and relationships with Employers.

Negotiating Wage Subsidy Agreement Terms for Secure Work

Workforce Australia Services Wage Subsidy (WASWS) – Flexible Terms

For the WASWS you can negotiate the minimum average weekly hours, the maximum amount and duration of the Wage Subsidy Agreement with the Employer, based on your assessment of the Participant and Employer's needs.

These flexibilities allow you to manage your Employment Fund credits and incentivise better employment outcomes for participants on your caseload. d

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You have the flexibility to use the higher wage subsidy amounts to incentivise ongoing job placements for participants that will also provide them with employment benefits including leave entitlements and secure wages.

For example:

- If you have a participant who is a good fit for a casual ongoing placement:
    - you could offer the employer a wage subsidy term of 3 months and a maximum amount of $2,000 if the employer agrees to provide the participant with a minimum average of 15 hours per week
    - to incentivise secure employment, you could also offer the employer a 6-month wage subsidy for a maximum amount of $7,500 if they agree to provide the participant with a permanent part time role and a minimum average of 20 hours a week.
- If you have a participant who is a good fit for a part time placement:
    - you could offer the employer a wage subsidy term of 6 months and a maximum amount of $7,500 if the employer agrees to provide the participant with a minimum average of 20 hours work per week
    - to incentivise more secure employment, you could also offer the employer a 6-month wage subsidy for a maximum amount of $10,000 if they agree to provide the participant with a permanent full-time role and a minimum average of 30 hours a week.

Once the Agreement has been approved, you **must not** change the terms of the Agreement, for example to reduce the required minimum weekly hours. In accepting a Wage Subsidy Agreement, the Employer is agreeing to meet the terms negotiated. Only employer contact and business details can be changed during the Wage Subsidy Agreement term.

Youth Bonus Wage Subsidy (YBWS) - Set Terms

For the YBWS You must offer the employer a maximum amount of $10,000, and an agreement term of 6 months/26 weeks. The employer must agree to provide an average of at least 20 hours of work per week over the term of the agreement. You cannot require that an Employer offers more than 20 hours per week to be eligible for Wage Subsidy payments. You can negotiate the timing of instalment payments with these Employers, and you also have the discretion on whether or not to offer a wage subsidy to an eligible Employer.

Provider Performance Framework

As part of the Provider Performance Framework, under the Quality of Service to Employers Module, Providers are expected to have a clear understanding of the local labour markets in which they operate. The Department will conduct qualitative assessments of Provider engagement with a variety of employer types and employment opportunities that assisted Participants to gain sustainable, secure employment. This will include an assessment of how you are delivering on the

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expectations and policy intent of wage subsidies as set out in the relevant Guideline Chapter and this Operations Guide

Eligibility FAQs

An Employer has requested a Wage Subsidy, but they don't have an active Workforce Australia Online for Business account. Can I offer them a Wage Subsidy?

No. The Guideline requires an Employer to have an active Workforce Australia Online for Business account to be eligible for a Wage Subsidy. Refer to Employer access to myID for more information.

You cannot negotiate or offer a Wage Subsidy Agreement to an Employer before you have confirmed they have an active account.

An Employer and participant meet all eligibility criteria. Do I have to offer a Wage Subsidy for the placement if they ask for one?

No. You have discretion to determine whether a Wage Subsidy is the best intervention to address the employer and participant's needs. In some cases, alternative support such as additional training, or support for workplace items or certifications may be more appropriate.

You should also consider if the Employer has had wage subsidy agreements from your organisation before and if they have led to ongoing employment outcomes for the participants. This may help you determine if the Employer is well placed to support participants into ongoing work.

Additionally, for the WASWS, you must also consider the needs of all Participants on your caseload, and whether expenditure of Employment Fund credits on a Wage Subsidy is the most appropriate form of support (see also **Negotiating Wage Subsidy Agreement Terms for Secure Work** above).

I'm not sure Workforce Australia Online for Providers is showing the correct eligibility for a Participant, who should I contact?

As per the Guideline, the Department's IT System will determine a Participant's eligibility to attract a wage subsidy, based on their time in service. Participant eligibility is reflected in the IT System the day after they are commenced.

There may be instances where the eligibility displayed in the system is not current, for example, where a Participant's circumstances have changed, and eligibility has not yet updated in the system. You should refer to Attachment A of the Guideline in the first instance, to ensure you understand the policy requirements for a Participant's eligibility. If you have concerns, raise them with your Employment Region Lead in the first instance.

I had a Wage Subsidy Agreement in place, but the Employer started the participant a week earlier than we agreed – are they still eligible?

Yes. The Guideline (see Chapter 7, Not Eligible – Prior Employment) provides flexibility for you to allow changes to employment start dates, up to 14 days prior to the Job Placement Start Date recorded in the Approved Agreement. An example of this is below.

Example:

A Participant was employed to start work in a fortnight's time, but the Employer asked if they would come in for a shift earlier as they were short-staffed. When assessing the payroll evidence, you notice the first day of paid work is actually 10 days prior to the Job Placement Start Date recorded in the Department's IT System.

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- In these circumstances, do not change the start date in the system, as this will void the approved Wage Subsidy Agreement with the reason 'Created in Error'.
  - As the actual start date is within the 14-day 'grace period', retain the documentary evidence of the actual start date, and continue with the approved Wage Subsidy Agreement. The Wage Subsidy Employer must continue to meet the terms and conditions of the Head Agreement throughout the term of the Agreement.

When an earlier start date has occurred (as outlined above and supported with documentary evidence), you can choose to start calculating the agreed minimum weekly hour requirement from either the first week of work, or from the Wage Subsidy Agreement start date, whichever is most beneficial to the employer. You must ensure only the agreed number of weeks is counted when considering an earlier start date for calculating wage subsidy payments for an employer. An earlier start date cannot increase the duration of the Wage Subsidy Agreement term.

Note: the 14-day 'grace period' applies to approved Wage Subsidy Agreements only. The policy intent is to ensure Employers are not disadvantaged where they have commenced a Participant earlier than advised and be ineligible on the basis of prior employment. Unless otherwise notified by the Department, this flexibility must not be used to extend the 28-day timeframe to enter into a Wage Subsidy Agreement with an Employer.

The Participant commenced work after the Wage Subsidy Agreement start date. Will they still be eligible for the Wage Subsidy payments?

If you identify that the Participant did not commence Employment until after the Wage Subsidy Agreement start date, and it is still within the 28-day timeframe to approve, it is open to you to end the current Agreement with the reason 'Created in Error' and create a new one with the accurate start date, noting this must also be approved in the 28-day timeframe from the correct start date.

Where a late start date is not identified until after the 28-day timeframe you must work with the Employer to ensure they understand that the minimum weekly work hour requirement will be averaged over the term of the Wage Subsidy Agreement from the original start date. The Employer may need to offer additional work hours to the participant over subsequent weeks to ensure they meet the agreed average weekly requirement.

The Employer approved their Wage Subsidy Agreement after the Participant had already ceased employment. Are they still eligible for a pro-rata payment for the time the Participant worked for them?

No. By approving the Wage Subsidy Agreement the Employer is agreeing to the terms and conditions of the Head Agreement, including that the Wage Subsidy Placement is an ongoing, sustainable position, and that they must notify you immediately if employment terminates early.

Payments made to an Employer in these circumstances may result in recovery of the associated Reimbursement.

Refer to Pro-rata payments for more information.

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A large Employer has multiple subsidiary businesses under their Head ABN. Do they have to use the ABN of the subsidiary business they are employing the Participant under, or can they use their Head ABN instead?

The ABN of the subsidiary business directly employing the Participant (i.e., the Wage Subsidy Employer) must be on the Wage Subsidy Head Agreement. You must ensure the Employer understands which ABN is required to be recorded in the Department's IT System for the Head Agreement.

Where a Head ABN manages Wage Subsidy Agreements on behalf of their subsidiary ABNs, such as where they have a centralised administration function, the subsidiary ABN can use Relationship Authorisation Manager (RAM) to authorise other staff to access their account, including staff from other organisations. For details, see Using Relationship Authorisation Manager (RAM) to grant access to other entities.

Refer to the next question for details on how to manage circumstances where the payslip evidence is issued under a different ABN to that of the Wage Subsidy Employer.

The Employer ABN on the payslip evidence doesn't match the Wage Subsidy Agreement. Is the Employer still eligible for payment?

No. The ABN on the Wage Subsidy Agreement and on the payslip evidence must match for the Employer to be eligible for Wage Subsidy payments. However, there are circumstances where exceptions can be supported with additional evidence:

- The Employer engages a third party to act on their behalf to manage the administration of a wage subsidy (refer Engaging with Third Party FAQ below).
- The Employer has a separate ABN for the payroll function in their business structure.
- The Employer's ABN has changed since the agreement was approved and the Department's IT system does not support a corresponding change to the Head Agreement (see Updates to Employer ABN details). For example, when:
    - the ABN change is not identified until after the Agreement end date
    - your organisation already has an Employer record with that ABN registered (see KB0013524)
    - multiple job placements for different Participants are linked to the Head Agreement but only one Participant has moved to a different ABN.

In these cases, you should work with the Employer to obtain sufficient documentary evidence which clearly explains the relationship across the ABNs. This includes a written statement from the Employer that explains the reason for the discrepancy, supported with your record of the impacting IT issue if relevant. Where this documentary evidence has been provided and all other requirements have been met, you can make an assessment whether the Employer is eligible for payments.

You should refer to the Summary of Documentary Evidence section of the Workforce Australia Guidelines - Part B Workforce Australia Services - Chapter 7 - Wage Subsidies for information on acceptable documentary evidence.

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Labour Hire Company FAQs

The Guideline requires Employers who are also Labour Hire Companies to disclose they are receiving a Wage Subsidy to any host businesses they place the Wage Subsidy Participant with. What sort of evidence of this is acceptable? Do you need to review this before making a Wage Subsidy payment?

Any reasonable form of documentation recording the disclosure is acceptable, including emails, declarations, file notes (of phone calls), or contracts/placement agreements with host business. The disclosure must have occurred at the time of placing the Participant with the host business, i.e. retrospective disclosures are not acceptable. You must ensure Labour Hire Companies understand the documentary evidence requirements associated with their Wage Subsidy Agreement at the time of negotiating the terms and conditions of the Wage Subsidy Placement

From 1 January 2025 Labour Hire Companies must submit this evidence to you to be eligible for payment. This change means verbal declarations to you are no longer acceptable. Refusal to comply with this requirement will result in the Labour Hire Company employer forfeiting their Wage Subsidy payment, as you must not make payment until all documentary evidence has been received.

A Labour Hire Company entered into a Wage Subsidy Agreement but is refusing to disclose the ABNs of the host businesses they placed the Participant with. Are they still eligible for Wage Subsidy payments?

No. Under the Guideline, an eligibility requirement for Labour Hire Companies and Group Training Organisations is that they must provide the ABNs of all host businesses, or risk forfeiting Wage Subsidy payments.

The Wage Subsidy Payment Template includes space for ABNs to be recorded, and the duration of each placement, should Labour Hire Companies have concerns about supplying copies of the payroll evidence.

Engaging with Third Party FAQs

An Employer has engaged a third party to act as their agent on their behalf to enter into a Wage Subsidy Agreement. Can I continue to offer a Wage Subsidy Agreement under this arrangement? Who is bound under a Wage Subsidy Agreement where a third party is acting as the Employer's agent?

Employers are legally entitled to engage a third party to act as their agent and enter into a Wage Subsidy Agreement on their behalf. The Employer's details must be included in the Wage Subsidy Agreement (including the Employer's ABN).

The Employer, and not the agent is bound by the Wage Subsidy Agreement, as the agent will only be executing the Wage Subsidy Agreement on the Employer's behalf.

Where an Employer engages a third party to act as their agent, the agent is not contractually bound by the Department or the Provider and the relationship between the Employer and their agent sits outside your authority under the Wage Subsidy Agreement. It is a matter between the Employer and the third-party agent to agree arrangements between the parties, including compensation for services rendered.

To reduce the likelihood of any risks associated with enforcing Wage Subsidy Agreement terms and conditions, you are encouraged to liaise with the Employer to confirm they have given authority for a third party to act on their behalf.

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Can Participant information be disclosed to third party agents engaged by an Employer?

Only if the Participant provides consent. Under the Social Security Law and the Privacy Act, an authority from an Employer that authorises the third party to act as the Employer's agent would not authorise you to share protected information and personal information of a Participant with the third party.

The Participant may choose to provide consent to the disclosure of their protected information and personal information to that third party.

In these circumstances it is recommended that before the Participant's authority is accepted, a verification process be undertaken to ensure the Participant is in fact the person who have given the consent. Taking such steps mitigates the risk of any non-compliance with the Social Security Law and the Privacy Act.

Work Trials and Wage Subsidy Agreements

A paid work trial (referred to as a Paid Induction Period in the Deed and Guideline) can be undertaken in conjunction with a Wage Subsidy Agreement, either:

- prior to the Wage Subsidy Agreement commencing, or
- within the first two weeks of the Wage Subsidy Agreement.

A Wage Subsidy Agreement cannot be created from a Paid Work Trial Vacancy type in the Department's IT System. A new Vacancy will be required where ongoing Employment with a Wage Subsidy has been negotiated. See Creating a Wage Subsidy Agreement for further information.

A paid work trial undertaken within the 14-day flexible period prior to a Wage Subsidy Agreement commencing is not considered prior employment. Any paid work trials outside of this period and within the past two years will exclude an Employer from being eligible for a Wage Subsidy, unless appropriate documentary evidence confirming the validity of the Paid Induction Period is provided by the Employer.

Paid work trials funded from any Australian Government source, or state or territory wage subsidy or similar program funding cannot be included within the Wage Subsidy Agreement term but can occur immediately prior to the Agreement commencing without being considered prior employment.

Managing Wage Subsidy Agreements on Behalf of Another Provider

You can collaborate with other Providers to manage Wage Subsidy Agreements for Wage Subsidy Participants who are not on your Caseload (e.g., where a Participant exits a Provider's Caseload prior to the creation of the Vacancy and Wage Subsidy Agreement). All Providers must agree on the division of responsibilities for managing all aspects of the Wage Subsidy Agreement. You can liaise through your Provider Lead where assistance establishing the Wage Subsidy Agreement is required.

If you collaborate with other Providers to cater for an Employer's needs, whoever owns the Vacancy should negotiate, create, approve, and manage the Wage Subsidy Agreement with the Wage Subsidy Employer, including making any Wage Subsidy payments.

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For Wage Subsidy Agreements funded through the Employment Fund, you must negotiate and agree to transfer Employment Fund credits for the Wage Subsidy Agreement between the managing and servicing Providers before the Wage Subsidy Agreement is entered into.

See the Employment Fund Chapter in the Guideline for information relating to transferring credits between Providers.

Calculating Wage Subsidy Payments for Employers

As per the Wage Subsidy Chapter of the Guideline, a Wage Subsidy Calculator is available to support Providers to calculate the Wage Subsidy amount an Employer is eligible to receive. The Wage Subsidy Calculator can be found on the Provider Portal. Refer to the Wage Subsidy Calculator section below for information on how to use the Calculator.

There are three payment types Wage Subsidy Employers may be eligible for throughout a Wage Subsidy Agreement term:

- Wage Subsidy Periods payment (instalment payments)
- pro-rata payments (when employment terminates before the agreement end date, and/or when the average weekly hours requirement has not been achieved over the full term of the Agreement)
- the final Wage Subsidy payment (at the end of the Agreement).

You cannot compel an Employer to offer more than the average weekly hours recorded in the Schedule. Employers may however choose to offer additional hours to maintain or increase their average hours requirement over the Agreement term to be eligible for payments.

When calculating all Wage Subsidy payment types, you must only apply rounding to the final amount. The final figure only must be calculated to two decimal points, with no upwards rounding.

Wage Subsidy Periods

Wage Subsidy Periods are instalment payments made throughout the Wage Subsidy Agreement term, the frequency of which is negotiated between you and the Employer.

Employers are only eligible to receive a Wage Subsidy Period payment where they have met the Terms and Conditions at the time of requesting the payment.

Example

An Employer agreed to a YBWS for a Participant with a minimum requirement of 20 hours work per week averaged over the 26-week Agreement.

Wage Subsidy Periods were negotiated for $5,000 at the 13-week point, with the remaining $5,000 being payable at the end of the Wage Subsidy Agreement.

The Participant worked 10 hours per week for 13 weeks and then 30 hours per week for the following 13 weeks.

- In this scenario, the Wage Subsidy Employer is not eligible to receive the first Wage Subsidy Period payment as they did not meet the minimum requirement of 20 hours work per week over the first 13 weeks.

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- However, the Employer could claim the full $10,000 at the end of the Wage Subsidy Agreement, as the Participant's working hours met the minimum average of 20 hours work per week over the 26-week period.

- When setting up an Agreement Schedule, the Wage Subsidy Period amounts (Instalment frequency) will default to 'Quarterly', you may need to change this to align with the frequency you negotiated with the Employer. The Frequency selected will trigger system notifications to the Employer (see **Notifications to Employers** below).
- For WASWS Agreement Schedules, make sure the payment frequency is relevant to the length of the Agreement.
- To set your own Wage Subsidy Period amounts in the Wage Subsidy Schedule, select 'Milestone' from the Frequency drop-down list and add the relevant amount in the field.
- All other frequency options (e.g. Monthly, Quarterly) will leave the payment field blank; you will be required to advise Employers of the correct amount to invoice for.
    - Labour Hire Companies and Group Training Organisations must provide:
        - the ABN of any host businesses they have placed the Participant with, and
        - evidence they disclosed to any host business/es that they were in receipt of a wage subsidy for the Participant

    to be eligible for Wage Subsidy Period payments.

Wage Subsidy Final Payment

As per the Wage Subsidy Head Agreement, Employers have 28 days from the Wage Subsidy Agreement end date to request the remaining balance from you. Employers must submit an invoice to you for the eligible amount, based on evidence the Participant has worked the required minimum average hours over the duration of the Wage Subsidy Agreement.

- To streamline the process of submitting documentary evidence, a payment template is available for Employers to complete in lieu of payslip evidence (see Wage Subsidy Payment Template for a sample copy). A fillable copy is available for download on the Provider Portal which can be sent to Employers.
- You may still request payslip evidence where further confirmation is required, prior to making the final payment.
- Labour Hire Companies and Group Training Organisations must provide the ABN of all host businesses they have placed the Participant with over the Agreement term, and evidence they disclosed to all host businesses that they were receiving a wage subsidy for the Participant, to be eligible for Wage Subsidy payments. The Wage Subsidy Payment Template includes space for this information to be recorded, without the need for additional payroll evidence.

- You have 56 days from the end of the Wage Subsidy Agreement to claim Reimbursement for Wage Subsidy payments. This means that where an Employer does not meet the 28-day

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timeframe, but is still within the 56-day timeframe, you can still decide to make the final Wage Subsidy payment and claim Reimbursement.

Pro-Rata Payments

Where a Wage Subsidy Employer has not met the Terms and Conditions of the Wage Subsidy Head Agreement including where they have not met the minimum weekly work hours averaged over the full Agreement duration, or where employment terminated early, they will not be eligible for the full Wage Subsidy payment amount. However, the Wage Subsidy Employer may be eligible for a lesser amount calculated on a pro-rata basis as outlined below.

Weekly rate = Total agreement value / Agreement duration in weeks
Pro-rata payment = Weekly rate * Number of weeks eligible for payment.
Note: the 100% rule applies to all payments.

The Wage Subsidy Employer is required to immediately notify you where employment terminates early. Once notified, you must update the end date of the Wage Subsidy Agreement in the Department's IT system. The 56-day timeframe to claim reimbursements will be calculated from the new end date.

Before making a pro-rata payment you must ensure the Employer has met the terms and conditions of the Wage Subsidy Head Agreement. Where the employment termination date is prior to the Wage Subsidy Agreement approval date, a pro-rata payment is not payable.

As per clauses 6 and 11 of the Wage Subsidy Agreement, the Employer may not be eligible to receive Wage Subsidy Payments if the required paperwork is not provided within 28 days of the Wage Subsidy Placement End Date, including where the end date has been updated due to early termination.

There is no IT functionality to reinstate an Agreement which has been ended early in error and manual claims for administrative errors will not be considered.

Factoring approved leave into Wage Subsidy payment calculations

Documentary evidence from the Employer, or gaps in evidence provided, may indicate periods where the Participant did not work. You have discretion to determine whether these periods can be considered approved leave, based on your assessment of the evidence.

Under the Wage Subsidy Head Agreement, you can request additional evidence from the Employer where the documentation provided does not sufficiently address a period where the Participant was not working. In determining if approved leave should be applied, the following should be considered:

- Is the leave recorded in documentary evidence?
  - Approved leave must be recorded in documentary evidence.
- If the leave was unpaid, was this agreed by the Wage Subsidy Employer?
  - A participant declining work or failing to turn up is not approved leave.
- Does the leave comply with the National Employment Standards and/or the relevant Industry Award?
  - Under the Wage Subsidy Head Agreement, an Employer must comply with these requirements to be eligible for a payment.

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- Does the leave appear to regularly supplement the agreed minimum average hours of work per week?
    - If yes, you can seek clarification and additional documentary evidence from the Employer to establish if there was a genuine reason for the leave (e.g., see the example below), otherwise this practice is prohibited.

Examples:
An Employer agrees to a Youth Bonus Wage Subsidy which requires 20 hours of work per week. The documentary evidence indicates the participant worked 15 hours and had 5 hours unpaid leave for many of the weeks. When questioned, the Employer cannot provide evidence to support the participant's regular leave to indicate that they requested sick or personal leave. The Employer **has not** met wage subsidy requirements.

An Employer has agreed to a WASWS requiring 25 hours of work per week. The documentary evidence indicates the participant has taken unpaid leave over several of these weeks. When questioned, the Employer provides emails indicating the participant requested leave to care for unwell children. The Employer **has** met wage subsidy requirements.

Workers Compensation and Wage Subsidy Payments

Workers Compensation payments are an acceptable form of approved leave and count toward the hours worked by the Wage Subsidy Participant for the purposes of meeting the terms of the Wage Subsidy Agreement, provided this is reflected in documentary evidence.

Workers Compensation payments made to the Participant do not count as wages paid by the Employer when calculating the total Wage Subsidy Payment the Employer is eligible to receive.

Documentary Evidence and Tax File Numbers

As per Chapter 3.6.2 of the Workforce Australia - Part A: Universal Guidelines, Tax File Numbers must be redacted from any pay slips prior to being uploaded into the Department's IT System as Documentary Evidence to support Wage Subsidy payments.

Wage Subsidy Override and Manual Claim Requests

Override and manual claim requests under Workforce Australia are restricted to Departmental system defects and/or limitations, or as otherwise notified by the Department (e.g., in response to a natural disaster or pandemic).

Approval for these requests is required from the Assistant Secretary of the Department's Funds and Payments Branch, following consideration by both the Provider Lead and the Wage Subsidy Team in National Office.

Requests for overrides or manual claims due to Provider or Employer administrative delays, including in relation to Employers setting up their Workforce Australia Online for Business accounts will not be considered.

Override Requests

There is no override functionality in Workforce Australia Online for Providers, and therefore all override requests will be managed via email.

Override requests will be considered where:

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- a Departmental system defect and/or system functionality limitation prevented an employer from approving a Wage Subsidy Agreement within the 28-day timeframe;
- a previous Wage Subsidy Agreement created by another Provider (see below) for the same Participant overlaps with the dates for a new Wage Subsidy Agreement and the Department's IT System shows a concurrency error;
- a Participant's eligibility is incorrectly reflected in the Department's IT System; or
- as otherwise notified by the Department's Wage Subsidy Team.

Override requests will not be considered for all other issues, including those resulting from:

- your organisation's administrative errors or delays, e.g. failing to check if the participant already has an active agreement with your organisation.
- an employer not having an active Workforce Australia Online for Businesses account.

To submit an override request, providers must include as much supporting information as possible with their request, including screenshots of any error messages, and details of the employer's interaction with the relevant support team (e.g. National Customer Service Line reference or Applications Support ticket number). Provider Leads will assess the request and, where it meets the criteria above, will forward to the Department's Wage Subsidy Team in National Office for further consideration.

Manual Claims

Where you have received the required approval from the Assistant Secretary, Funds and Payments Branch to claim reimbursement for a wage subsidy payment outside the 56-day timeframe, you may use the 'Request Payment' functionality in Workforce Australia Online for Providers to lodge a manual claim.

Manual claims requests will be considered where a Departmental system defect and/or system functionality limitation prevented you from submitting a claim within the 56-day timeframe.

Unless specifically advised by the Department, Employer delays in submitting payslip evidence for their final Wage Subsidy payment is not grounds for requesting a manual claim.

Refer to the Guideline for how to manage the 56-day timeframe to ensure you can claim Reimbursement for payments made to the Employer.

When lodging manual claims you must supply documentary evidence in the form of a completed Wage Subsidy Payment Template, pay slips or payroll summaries which support the Wage Subsidy payment. Documentary evidence must be uploaded using the 'Document Upload' feature in the 'Request Payment' flow.

You will be required to select the 'PRO6 Wage Subsidy Payment' from the drop-down list and choose the appropriate Wage Subsidy type. Payments are linked to a Contract ID, Jobseeker ID and Vacancy referral.

Wage Subsidy System Guidance

Creating a Wage Subsidy Agreement

Wage Subsidy Agreements are generated from a Vacancy.

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- When entering a Vacancy in the Department's IT Systems, you need to enter a range of information including a job description, Employer details, hours, salary and whether the job was sourced by the Participant. You will also need to select a Vacancy type.
    - Employer type must be 'Other' only (Own Organisation and Related Entity are not eligible)
    - Vacancy types eligible for a Wage Subsidy Agreement include Normal, Apprenticeship and Traineeship.
    - Tenure (duration) of the Vacancy can be either Permanent (6 months +) or Contract.
    - Seasonal and Temporary (less than 6 months) vacancies, and both Unpaid and Paid Work Trial placement types are ineligible for wage subsidies, in line with the requirement that a wage subsidy is for ongoing employment only.
- Where a Participant is successful in gaining Employment, you must place the Participant into the relevant Vacancy and record the Job Placement Start Date. The Job Placement Start Date is the first day of ongoing Employment.
- Once a Participant has been placed into a Vacancy, you select 'Add Wage Subsidy Agreement' from the confirmation screen and follow the prompts to enter information relevant to the Wage Subsidy Placement.

Refer to the Wage Subsidy Agreement Task Card for further information.

IMPORTANT: Once a Wage Subsidy Agreement has been created from a Vacancy, the Vacancy details cannot be edited. Changing any Vacancy details (e.g., the tenure) will void any attached Wage Subsidy Agreements with the reason 'Created in Error'.

Before updating any Vacancy you must first check for any attached Wage Subsidy Agreements via the 'Agreements' tab. Where a Vacancy has an Agreement attached you should instead create a new Vacancy rather than amending the existing one.

Voided Agreements cannot be reinstated. If this occurs outside the 28-day approval timeframe to recreate and reapprove a Wage Subsidy Agreement, override requests for this administrative error will not be considered.

Approving Agreements

Employers must have an active Workforce Australia Online for Business account to be eligible for a Wage Subsidy. Employers must use their account to approve and manage their Wage Subsidy Agreement.

As per the Guideline, offline Agreements are not available.

When you select 'Send for Approval' against the Draft Wage Subsidy Agreement, employers will receive a secure link via their email address which they must follow to approve their Agreement. The Agreement will not be visible in their Workforce Australia Online for Business account until the link is utilised.

The online account provides Employers with greater visibility of their Wage Subsidy Agreement terms and conditions. It assists them to manage requirements across all Providers they engage with and to save and upload their documentary evidence online. The account ensures Employers receive targeted notifications regarding instalment payments and timeframes.

Help guides are available for Workforce Australia Online for Business, including a specific guide to assist Employers approve, view and manage their Wage Subsidy Agreements online.

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Employers can also contact the Employer Hotline (phone 13 17 15) for any technical support with Workforce Australia Online for Business.

Updates to Employer ABN details

If an Employer updates their ABN, they will be required to set up a new Workforce Australia Online for Business account linked to the new ABN. When they advise you of the details, you must update the Employer record in the IT System with the new ABN, which will change the Wage Subsidy Head Agreement status to 'Draft'.

After updating the record, you must select 'Send for Reapproval' to send the notification to the Employer to action via their new account. The Wage Subsidy Head Agreement must be reapproved by the Employer before the end date of the Wage Subsidy Agreement, for the Employer to be eligible for payment.

See "When the ABN attached to a Wage Subsidy Head Agreement has been updated" under Notifications to Employers on page 21 of this Guide for additional information.

Note: where you are unable to update the Employer ABN in the Department's IT System you should retain appropriate documentary evidence of both the system issue (e.g. screenshot of the error) and the ABN details. (Refer to the question about this in Policy Guidance).

Employer access to myID (formerly myGovID)

Employers will require a myID to obtain a Workforce Australia Online for Business account and allow them to approve and manage their wage subsidy.

You should direct Employers to the appropriate source for assistance to work through this process before negotiating a Wage Subsidy, as they will not be eligible until this process is complete.

Employers can visit help pages on the Workforce Australia site for assistance with registering and signing in with Digital Identity.

- How to register a business account with myID
- Sign in as a business user
- Common myID questions

Another resource for Employers is Digital Identity for accessing DEWR online services, which provides help for common issues with setting up myID and RAM, which is recommended reading before contacting the support lines.

If an Employer is having issues registering with myID they can contact the myID support line on 1300 287 539. If an Employer has any issues with linking their business with Digital identity, they can contact the help desk for Relationship Authorisation Manager at 1300 287 539 (select option 3).

Using Relationship Authorisation Manager (RAM) to grant access to other entities

Where an Employer requires other staff, internal or external to their business, to access their account to approve and manage Wage Subsidy Agreements on their behalf, they will need to authorise staff using the RAM.

For initial setup, each subsidiary business will require a principal authority to link their digital identity to the ABN in the RAM. From RAM, the principal authority user can then authorise another staff member of the business to act on their behalf.

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In some circumstances an external third party or Head ABN needs to manage Wage Subsidy Agreements on behalf of the Employer. To enable this, the principal authority of the Wage Subsidy Employer ABN can create a RAM authorisation for a staff member from the external organisation to act on their behalf. This person using their digital identity, can have access to multiple ABNs and manage the business's Wage Subsidy Agreements.

Important RAM setup evidence

- When authorising a staff member to the ABN in RAM, the staff member must be given **Custom** or **Full** agency access to the **Department of Employment and Workplace Relations** (without this, the ABN will not be available when creating the Workforce Australia Online for Business account).

Using Employment Fund Credits for WASWS Agreements

Note: This section applies to WASWS only, as YBWS is separately funded from a demand-driven pool.

Creating a WASWS Agreement

When you create a WASWS Agreement, an Employment Fund Commitment for the full Wage Subsidy amount is committed from the managing Site's General Account notional bank balance. A Wage Subsidy Agreement cannot be created in anticipation of future Employment Fund credits.

A message requiring confirmation to continue to create the Wage Subsidy Agreement using Employment Fund credits displays**.**

- If you agree, the Wage Subsidy Agreement creation continues.
- If you disagree, the creation of an Agreement is prevented.

The IT System checks if the managing Site has sufficient credits in the Site's available credit balance.

- The current notional bank balance will display on the Wage Subsidy Schedule details screen while recording the Wage Subsidy Agreement information.
- If there are sufficient credits in the available balance, the Wage Subsidy Agreement is created on selecting 'Submit'.
- If there are insufficient credits in the available balance, a message displays advising there are insufficient credits. To create the Wage Subsidy Agreement, you can either:
    - transfer credits from another Site, or
    - change to a Site that has a sufficient available balance, or
    - negotiate with the Employer to lower the amount of the WASWS Agreement being offered.

Recovery of WASWS Reimbursements

You are responsible for ensuring all criteria for a Wage Subsidy payment has been met prior to paying an Employer. In some cases, you may identify (after Reimbursement has been claimed from the Department) that the payment was not made in accordance with the Deed and/or Guideline. It

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remains up to you to action any recovery requests with Employers, in line with the Terms and Conditions of the Head Agreement.

Where you identify a Wage Subsidy Reimbursement must be recovered, you must contact your Employment Region Lead to action a full recovery of a Reimbursement.

- You must supply the Claim ID and a reason why the recovery is needed.
    - Where the Wage Subsidy Agreement is active, the recovered credits return to the commitment.
    - Where the Wage Subsidy Agreement is not active, recovered credits return to site's notional bank balance.
- Where a partial recovery is required, a full recovery must be actioned and a new reimbursement made for the partial amount.
    - Where this occurs after the 56-day timeframe to claim Reimbursement, you must contact your Provider Lead and request approval to submit a Manual Claim for the correct amount after the recovery has been actioned. Refer to Manual Claims for further details.

Claiming Reimbursement for Wage Subsidy Payments

To claim Reimbursement for wage subsidy payments to Employers (regardless of which wage subsidy type) you must navigate to the Agreement Summary Page for the specific Wage Subsidy Agreement you are claiming Reimbursement for.

From the Agreement Summary Page:

- Select Instalment from the menu on the left side of the screen.
- Select the Add to Reimbursement button.
- Complete the Claim Details and Submit.

Notifications to Employers

Notifications are sent to an Employer's email address throughout the term of a Wage Subsidy Agreement. Some are triggered by your actions, others are automatic. The following are the five notifications an Employer may receive relating to their Wage Subsidy Agreement.

When a Wage Subsidy Agreement is ready for the employer to approve

You can send this Notification to an Employer once all information in the Wage Subsidy Agreement is complete. A link to Workforce Australia Online for Businesses will be included in the email to the employer. Employers must use this link to access the draft Agreement for approval.

Select 'Send for Approval' to trigger the following notification to the Employer's email address.

For Employers entering into their first Wage Subsidy Agreement with your organisation, this notification will trigger two approval requests. The Employer will be asked to accept and approve the Terms and Conditions of the Wage Subsidy Head Agreement and approve the Head Agreement.

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The Employer will then be asked to confirm the details included in the Agreement Schedule are accurate and approve the Wage Subsidy Agreement. For any subsequent schedules to this Head Agreement, this notification will ask Employers to review and approve the Schedule Agreement only.

The first wage subsidy approved between your organisation and the Employer via this notification will link the Employer's Workforce Australia Account with the Wage Subsidy Head Agreement with your organisation and ensure the Employer can manage this and all future Wage Subsidy Agreements via their account.

Subject: Wage Subsidy Agreement ready for approval

Hi {{Name}}

Your Wage Subsidy Agreement for {{Employee name}} is ready for you to approve.

To be eligible for any wage subsidy payments, you must {{approve and finalise}} your agreement within 28 days of the employment start date.

Sign in using your Workforce Australia details. If you haven't already, you can register with Workforce Australia now.

Once approved, you can continue to manage your agreement online. Contact us if you need any help.

Thank you for giving {{Employee name}} this opportunity.

When a Wage Subsidy Agreement is ready to view and manage

The Notification is sent to an Employer automatically following their approval of the Schedule details which will finalise the Wage Subsidy Agreement and the status of the Agreement in the Department's IT System will change to Approved.

Subject: Wage Subsidy Agreement approved

Hi {{Name}}

Your Wage Subsidy Agreement for {{Employee name}} is approved. Sign into Workforce Australia to view and manage your agreement.

Please contact us if you have any questions or need help.

Thank you for giving {{Employee name}} this opportunity.

When the ABN attached to a Wage Subsidy Head Agreement has been updated

When a Wage Subsidy Employer changes their ABN – they will first need to set up a new Workforce Australia Account linked to the new ABN.

After this, you can update the Employer's record in the Department's IT System with the new ABN, and the Wage Subsidy Agreement will require reapproval. You should check if the Employer's email details are still correct.

- Select 'Resend for Approval' to trigger the following notification to the Employer's email address.

While it remains the Employer's responsibility to approve the updated Wage Subsidy Agreement, you should follow up prior to the Wage Subsidy Agreement end date to ensure this action has been

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taken. If an Agreement reaches the end date without reapproval, it will not be eligible for Wage Subsidy payments.

Subject: Confirm changes to your ABN Hi {{Name}} We have updated your Wage Subsidy Head Agreement because of a change to your ABN. Sign into Workforce Australia to make sure your records are up to date and manage your agreements online. Contact us if you need any help.

When a Wage Subsidy instalment payment is due

When the agreed instalment period is complete as set up in the Schedule agreement, the following notification will be sent automatically to the Employer.

Subject: Request Wage Subsidy payment Hi {{Name}} It's time to request your wage subsidy payment for {{Employee name}}. You'll need to declare that {{Employee name}} has worked the required hours. You may need to provide additional information to ensure we pay you the right amount. Don't worry, we'll contact you if we need anything. Contact us if you have any questions or need help to complete your payment request.

When a Wage Subsidy Agreement has ended

On the Wage Subsidy Agreement end date, an automatic notification is sent to the Employer to advise them to submit their documentary evidence and invoice for the final Wage Subsidy payment within 28 days of the Agreement ending.

Subject: Wage Subsidy Agreement ended Hi {{Name}} Your Wage Subsidy Agreement for {{Employee name}} has ended. You have 28 days to request your final wage subsidy payment. You'll need to declare that {{Employee name}} has worked the required hours. You may need to provide additional information to ensure we pay you the right amount. Don't worry, we'll contact you if we need anything. Contact us if you have any questions or need help to complete your payment request.

Resources for Monitoring Wage Subsidy Data

There are currently three reports to assist you to manage and monitor Wage Subsidy Agreements. These reports can be accessed through the link on the Workforce Australia for Providers home page under Reporting and Publishing Employment Systems Reporting. Wage Subsidy Reports include:

- SUB533 – Workforce Australia Services Wage Subsidy Agreements:

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- Generates an excel list of caseload participants eligible for a wage subsidy by contract type
- Provides details of negotiated wage subsidy agreements against participants.

- SUB542 – Workforce Australia Services Noticeboard – Agreements:
  - Generates an excel list to inform when an action has been taken against a wage subsidy agreement
  - Notifications include employer approval of an agreement, payment instalment due, and receipt of documentary evidence.
- QAP Mashup – wWSA01-Workforce Australia Services Wage Subsidy Agreements
  - Provides a visualisation of SUB533, allowing providers to generate tables and graphs to show how they are servicing of wage subsidy eligible participants, including comparisons against national averages.
  - This includes the ability to analyse targeting of wage subsidies to different cohorts at the organisational, Employment Region, site and industry level.
  - The tables can be used to drill down to unit level data which can be exported to excel.

Wage Subsidy Calculator

The Wage Subsidy Calculator (the calculator) has been developed to assist in calculating the Wage Subsidy amount an employer is eligible to receive, and the value of the reimbursement paid to the Provider.

You are strongly encouraged to save a copy of the calculator result for each Wage Subsidy Agreement separately. This provides an audit trail and additional evidence to support the final result as well as an explanation of complex eligibility assessments or payment calculations. Closing and re-opening the calculator is recommended between assessments to ensure the auto-population formulas reset.

Recording Wage Subsidy Agreement details

Wage Subsidy Agreement details are recorded in the box at the top right of the calculator. Input field notes have been included to indicate the required values and format for each cell.

Step 1.1. Record the **Job Seeker Id** and **Agreement Id**. While these fields are not mandatory to the function of the calculator, it is recommended that this information is included to support documentary evidence requirements for an audit trail.

Step 1.2. Select the **Wage Subsidy Type** (Workforce Australia Services Wage Subsidy or Youth Bonus Wage Subsidy) from the drop-down menu.

Step 1.3. Record the Wage Subsidy **Agreement Start Date**.

Step 1.4. Record the duration of the Wage Subsidy Agreement in **Agreed Duration in Weeks**. Where the Wage Subsidy Type is a Youth Bonus Wage Subsidy, the duration must be 26 weeks.

Step 1.5. Record the maximum amount of the Wage Subsidy offered in **Agreed Wage Subsidy**. For the Youth Bonus Wage Subsidy this must be $10,000.00.

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Step 1.6. Record **Agreed Min Weekly Hours** which should reflect the minimum average hours per week agreed in the Schedule to the Wage Subsidy Head Agreement. For the Youth Bonus Wage Subsidy, the minimum average hours per week must be 20 hours.

Step 1.7. Record **Date Ceased Employment** if the Wage Subsidy Participant ceased employment with the employer during the Wage Subsidy Period. This does not need to be recorded if employment has been maintained over the duration of the Wage Subsidy Agreement.

Recording payslip details

The calculator includes the term **Payslip** to refer to the documentary evidence submitted to demonstrate the hours worked (including any periods of approved leave taken) and wages paid for the entire Wage Subsidy Period, that meets Guideline requirements.

Once the **Agreement Start Date** is entered, the first **Payslip Start** and **Payslip End** fields will be populated to reflect one fortnight starting on the **Agreement Start Date**.

The remaining **Payslip Start** and **Payslip End** fields will be populated with fortnightly dates to the end of the Wage Subsidy Agreement Period when the **Agreed Duration in Weeks** is entered.

Any pay slip dates can be manually overwritten. Where a pay slip date is overwritten, this will alter all subsequent pay slip dates to reflect the same period as the previous manually overwritten dates. For example, where a pay period is weekly rather than fortnightly, any adjustment to pay slip dates will change all subsequent dates to reflect weekly pay slips.

Manually recording pay slip details

Pay slip details do not need to be recorded sequentially. The auto-populated Payslip Start and Payslip End dates can be manually overwritten, and details recorded in any order.

Where pay periods include days that are before the start and/or after the end of the Wage Subsidy Agreement, the dates as recorded on the pay evidence should be entered (e.g. the Wage Subsidy Agreement ended two days prior to the pay period end date). The calculator will make necessary adjustments to reflect the days that are not included in the Wage Subsidy Period.

Step 2.1. Record **Payslip Start** and **Payslip End** dates.

Step 2.3. Record **Hours** which should reflect the total number of ordinary work hours recorded on the payslip.

Step 2.4. Record **Leave** which should reflect the total number of any approved leave hours the Provider considers applicable based on the documentary evidence.

Step 2.5. Record **Earnings** which should reflect the Total Earnings or Gross Wage recorded on the payslip.

Minimum wage alert

Where the **Earnings** field is highlighted in orange, this indicates that the wages paid to the Participant *may* be under the National Minimum Wage.

This alert does not automatically indicate that the Participant was underpaid and does not consider the range of awards the Participant may be employed under. It serves as an indicator for the Provider to confirm that the earnings presented on the payslip are accurate and that the Participant

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is being paid in accordance with prescribed minimum wage rates. Providers should still undertake due diligence to ensure the Participant is being paid appropriately in the absence of any alerts.

Calendar and cumulative average hours summary

Following the inclusion of Wage Subsidy Agreement and pay slip information, the calculator generates the calendar and cumulative average hours summary. Both the calendar and cumulative hours summary reflect each week of the Wage Subsidy Period with the information entered into the calculator automatically distributing the hours and earnings recorded across each week. Green highlighted cells indicate requirements have been satisfied for Wage Subsidy payment for that week and red highlighted cells indicate requirements have not been satisfied.

The calculator automatically distributes the hours and earnings recorded for each pay period across each week of the Wage Subsidy Period. Where an employer has provided a detailed breakdown of the hours (e.g. by individual weeks or days) these can be recorded in the calculator as individual pay periods.

Wage Subsidy eligibility

When all information has been entered into the calculator, and the Provider is satisfied as to the accuracy of the information entered, Wage Subsidy eligibility is populated in the box at the top right of the calculator.

Total Eligible Earnings	Displays the total value of the wages paid to the Wage Subsidy Participant over the Wage Subsidy Period.
Eligible Weeks	Displays the number of weeks of the Wage Subsidy Period which are eligible for payment. This is calculated based on the earnings and hours worked by the Wage Subsidy Participant.
Total Entitlement	Displays the value of the Wage Subsidy the Employer is eligible to receive, and the reimbursement the Provider is entitled to claim.

Eligibility summary

The final field will populate with a summary of Wage Subsidy eligibility. The message displayed in this field indicates one of the following:

Not enough information	Insufficient information has been entered to calculate eligibility.
Not eligible for any Wage Subsidy	The Employer does not meet the eligibility requirements and is not eligible for payment.
Eligible for full Wage Subsidy over Agreement	The Employer is eligible for the full amount of the Wage Subsidy over the full duration of the Wage Subsidy Period.
Wage Subsidy limited by average hours	The Participant has not worked sufficient hours over the full duration of the Wage Subsidy Period. The Employer may be eligible for a pro-rata payment for the week/s this requirement was met. The payment amount is displayed in the **Total Entitlement** field.
Wage Subsidy limited by earnings	Participant earnings are less than the agreed Wage Subsidy value so the amount of Wage Subsidy the Employer is eligible to receive is

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limited to the value of the Wage Subsidy Participant earnings. The payment amount is displayed in the **Total Entitlement** field.

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Wage Subsidy Payment Template (SAMPLE ONLY)

Australian Government

Workforce Australia Support

Wage Subsidies Payroll Declaration By completing this form, you are declaring the information provided is true and accurate. Information provided will be used to assess and substantiate any wage subsidy payments you may be eligible to receive.			
Business Name		ABN	Signature/Declaration
Employee Name	Date	Agreement Amount $	Agreement Length - Weeks
Totals over duration of Agreement (if claiming maximum value of agreement)			
Weeks	Worked Hours	Approved leave - In Hours	Earnings
Or			
Payroll Details by Week (claiming pro-rata amount or instalment)			
Week	Worked Hours	Approved leave - In Hours	Earnings - $
1			$
2			$
3			$
4			$
5			$
6			$
7			$
8			$
9			$
10			$
11			$
12			$
13			$
14			$
15			$
16			$
17			$
18			$
19			$
20			$
21			$
22			$
23			$
24			$
25			$
26			$
Totals			$
Labour hire arrangement			
Placement	Duration (eg. Weeks 1-4)	Business Name	ABN
1			
2			
3			

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Agreement ID:

Wage Subsidy Head Agreement (SAMPLE ONLY)

Provider details	Provider name:	
	Provider ABN:	
	Site address:	
Wage Subsidy Employer (Employer) details	Legal name:	
	ABN:	
	Address:	
Head Agreement Term	Start date:	Commenced, or deemed to have commenced, on <insert date>
	End date:	30 June 2028 unless terminated earlier

General Terms and Conditions:

Preliminary:

1. The Provider and Employer agree that each Schedule that the Provider attaches to this Head Agreement will relate to a single Wage Subsidy Placement (Placement) and will create a separate contract (Wage Subsidy Agreement) between the Provider and the Employer in relation to that Placement. Each Wage Subsidy Agreement consists of the terms and conditions of this Head Agreement and the relevant terms relating to the Placement, Wage Subsidy Participant (Participant) and Wage Subsidy Period/s set out in the relevant Schedule.

2. The Employer acknowledges that Wage Subsidies are funded by the Commonwealth of Australia through the Department of Employment and Workplace Relations (the Department) and that the Department may take action to ensure the proper use of Wage Subsidies. For example, the Department may review the Employer's use of Wage Subsidies and, where improper use is identified, suspend or permanently exclude the Employer from receiving further Wage Subsidies.

The Placement and Participant:

3. The Employer agrees in relation to each Placement and Participant that:
    a. within the two years prior to the Wage Subsidy Placement Start Date, the relevant Participant has not been employed by the Employer, employed by any other entity associated with the Employer, or hosted by the Employer via a labour hire company or group training organisation;
    b. the relevant Participant is not a family member of the Employer;
    c. it will employ the relevant Participant for:
        i. a minimum average of 20 hours per week for a Youth Bonus Wage Subsidy, or
        ii. the minimum average hours per week specified in the Schedule for a Workforce Australia Services Wage Subsidy

    for the duration of the Wage Subsidy Agreement Term;

    d. the relevant Placement is not funded by the Australian Government or a State or Territory government entity;
    e. if the relevant Placement becomes funded either in full or in part by the Australian Government or State or Territory government entity during the Wage Subsidy Agreement Term, the Employer will notify the Provider immediately of any such funding;
    f. the total value of the Wage Subsidy for the Placement will not exceed 100 per cent of the relevant Participant's wages at any point over the Wage Subsidy Agreement Term;
    g. the employment of the relevant Participant has not, does not, and will not, displace an existing employee;

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h. the Placement is a sustainable and ongoing position that is not intended to end when the Wage Subsidy payments cease, and in respect of which the Employer knows of no reasons why the employment will not continue indefinitely;

i. the employment of the relevant Participant is one that complies with all employment standards for the employment position under any relevant Commonwealth, State and/or Territory laws, including:

   i. complying with the National Employment Standards[1]; and

   ii. paying the relevant Participant at least the equivalent of the minimum rate prescribed in any Modern Award that covers or applies to the employment position, or if no Modern Award covers or applies to the employment position, at least the equivalent of the National Minimum Wage;

j. it will ensure a safe place of work for the Participant at all times during the Placement;

k. the Placement is not commission-based, self-employment or a subcontracted position; and

l. if it is a labour hire or group training organisation, the Employer must:

   i. pay the Participant's wages;

   ii. ensure that the host business and placement of the Participant with the host business meets all eligibility criteria of the Employer and Placement (respectively);

   iii. disclose to the Provider the ABN of any host business the relevant Participant was placed with for the duration of the Wage Subsidy Agreement Term;

   iv. disclose to any relevant host business that it is receiving a Wage Subsidy for the relevant Placement and retain written evidence of any disclosure under this clause 3l(iv).

Note: For the purposes of clauses 3a and 3b, for Employers that are not constituted in an individual capacity (e.g. sole trader or partnership), the individuals behind the legal entity (e.g. directors, trustees, board members) will be treated as the 'Employer' for the purposes of determining whether a Participant is a family member of the Employer, or whether a Participant has ever been employed by the Employer or any other entity associated with the Employer.

Note: For the purpose of clause 3k, the requirement that the Placement not be a subcontracted position excludes Placements with labour hire companies or group training organisations.

4. The Employer must comply with all relevant laws and requirements of any Commonwealth, State, Territory, or local authority, including work, health and safety laws.

5. The Provider and the Employer must, as soon as possible, bring to the attention of the other party any difficulties the relevant Participant may have in the relevant Placement, and work towards supporting the Participant to continue in the Placement.

6. Where a Participant's employment ends prior to the Wage Subsidy Placement End Date, the Employer must:

   a. immediately notify the Provider of this;

   b. issue a separation certificate to the Participant; and

   c. provide to the Provider a written statement of the reasons why the Participant's employment ended and any other information that the Provider requires;

   and the parties agree that the Wage Subsidy Agreement for that particular Placement and Participant is terminated.

Documentary Evidence:

7. If the Provider requests, the Employer must provide documentary evidence to the Provider within the timeframe required, including but not limited to:

   a. all payslips, payroll summaries, declarations and/or tax invoices;

   b. evidence required to be retained under clause 3l;

   c. information required to be provided under clause 6; and

   d. any other evidence that the Provider deems necessary,

[1] Note: For the National Employment Standards, see section 61 of the *Fair Work Act 2009* (Cth).

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relating to the relevant Placement, Participant and/or Wage Subsidy Agreement.

8. The Employer must provide documentary evidence of the relevant Participant's employment over the relevant Wage Subsidy Period to the Provider within the timeframe required by the Provider.

Wage Subsidy Payment:

9. Subject to clauses 10, 11 and 13 and the Employer's compliance with the terms and conditions of the Wage Subsidy Agreement to the Provider's satisfaction, including in relation to the provision of documentary evidence, the Provider will pay the Wage Subsidy payment/s for the Wage Subsidy Period/s specified in the relevant Schedule to the Employer in accordance with the Wage Subsidy Agreement.

10. Where the Wage Subsidy Agreement terminates prior to the Wage Subsidy Placement End Date, any outstanding Wage Subsidy payments owed to the Employer for that Participant will only be paid based on the number of consecutive weeks that the Participant was employed for the minimum average hours per week specified in the Schedule from the Wage Subsidy Placement Start Date.

11. The Provider is not required to pay the Wage Subsidy payment in relation to the final Wage Subsidy Period if the Employer does not supply the required documentary evidence for that payment with the final wage subsidy payment request to the Provider within 28 days from the Wage Subsidy Placement End Date.

Compliance and Remedies:

12. The Employer must not misuse Wage Subsidies including by, but not limited to:
    a. not offering a genuine sustainable and ongoing employment opportunity (as evidenced, for example, by the Employer engaging a large number of Participants but very few or none of them resulting in ongoing employment after Wage Subsidy payments cease);
    b. establishing a business where the sole source of income is from Wage Subsidy payments or similar employment incentive payments; and/or
    c. manipulating anything or anyone associated with Wage Subsidies with the effect of improperly obtaining a benefit for the Employer or any other person or persons.

13. Where the Provider or the Department determines, at their absolute discretion, that the Employer has:
    a. misused Wage Subsidies, including, but not limited to, by breaching clause 12;
    b. not met the terms and conditions of the Wage Subsidy Agreement;
    c. been suspended and/or excluded by the Department from participating in Wage Subsidies;
    d. or may have, engaged in any suspected fraudulent practice in relation to Wage Subsidies; or
    e. otherwise engaged in activity that may bring, or could be perceived to bring, the use of Wage Subsidies or the Commonwealth of Australia into disrepute,

    the Provider may take action, including, but not limited to:

    f. refusing to make any Wage Subsidy payment to the Employer;
    g. recovering any Wage Subsidy payment/s already made to the Employer as a debt;
    h. terminating the Head Agreement and/or any Wage Subsidy Agreement with the Employer; and
    i. in the case of suspected fraud, referring the matter to relevant authorities for further investigation.

14. Where the Employer is required to return to the Provider any part of the Wage Subsidy payment/s in relation to a relevant Placement as a debt, such amounts must be returned to the Provider within 10 business days of the Provider requesting it.

Privacy:

15. The Provider, and other providers of employment services and programs will be able to view, through the Department's IT systems, information relating to the Employer, including:

    a. the relevant Participant, including the details of their employment with the Employer; and

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b. the Employer, including the Employer's ABN.

16. The information in and related to this Wage Subsidy Agreement is collected by the Department for the purpose of facilitating the wage subsidy, including administering employment services programs in Australia, and related purposes as described in the Department's Privacy Policy. The Department may contact the Employer to discuss the wage subsidy.

17. The Employer agrees to notify its employees and any other individuals assisting it in relation to wage subsidies about the potential disclosure of their personal information to the Provider and the Department where requested.

18. Both parties acknowledge and agree that the Provider may be required to disclose information it receives from the Employer to the Department.

19. The parties each acknowledge that the Department may in future be authorised by law to share 'Public Sector Data' with third parties, including under the *Data Availability and Transparency Act 2022 (Cth)* (DAT Act). Note: 'Public Sector Data' is defined in the DAT Act to mean "data lawfully collected, created or held by or on behalf of a Commonwealth body ... " and therefore includes any data provided to the Department, or collected by the Provider, for the purpose of facilitating a wage subsidy.

Assignment and Novation:

20. The Employer must not assign any of its rights under the Head Agreement and Wage Subsidy Agreement or enter into an arrangement that will require the novation of the Head Agreement and Wage Subsidy Agreement, without the Provider's prior written approval.

21. The Employer agrees that the Provider may assign, transfer, novate, and otherwise deal in any manner with, all or any part of the benefit of the Wage Subsidy Agreement and any of its rights, remedies, powers, duties and obligations under the Wage Subsidy Agreement to any person including the Department, without the consent of the Employer or relevant Participant.

Termination:

22. The Employer agrees that the Provider may terminate the Head Agreement and/or Wage Subsidy Agreement/s if the Department directs the Provider to terminate these agreements at any time and for any reason.

23. The Employer agrees that if the Department advises the Provider, or the Provider determines, that the relevant Participant, Placement or Employer does not, or has ceased to meet the eligibility requirements for the Wage Subsidy, the Provider may terminate the Head Agreement and/or Wage Subsidy Agreement/s.

Survival:

24. The termination or expiry of the Wage Subsidy Agreement, regardless of the reason, does not extinguish or otherwise affect the operation of clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this Wage Subsidy Agreement, and any provisions, other than those aforementioned, that are expressly specified as surviving, or by implication from their nature are intended to continue after termination.

Privacy Statement:

Personal information in relation to this Wage Subsidy Agreement is collected by the Department for the purposes of administering Wage Subsidies, including to monitor compliance or to promote Wage Subsidies, and may be shared between the Department and its Providers for these purposes. Your personal information may also be shared with the Australian Taxation Office for the purpose of monitoring compliance. Your personal information will not be used for any other purpose, unless you agree or it is otherwise permitted by law. If you do not provide some or all of your personal information, the Department may not be able to administer the appropriate Wage Subsidy.

The Department's Privacy Policy is available at Privacy (https://www.dese.gov.au/using-site/privacy) and contains more information about the way the Department manages personal information, including your rights to access and correct your information as well as information on how you can complain about a breach of the Australian Privacy Principles.

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Freedom of Information:

Documents in the possession of the Department and its contracted service providers may be subject to disclosure in response to a request made under the *Freedom of Information Act 1982*. Where appropriate, the Department will consult with affected individuals or organisations prior to making a decision on access to the relevant documents falling within the scope of the request.

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Declaration and execution of Head Agreement by the Provider:

By signing the below, I declare that:

- I have explained the terms and conditions of the Head Agreement to the Employer;
- I am duly authorised to sign this declaration and Head Agreement on behalf of the Provider;
- I agree to all the terms and conditions specified in this Head Agreement on behalf of the Provider;
- the details provided in this Head Agreement are true and correct;
- I am satisfied that the Employer meets the requirements as set out in the relevant Deed with the Department and Guidelines; and
- before attaching a Schedule to this Head Agreement, I will ensure that the Employer agrees with the terms of the Schedule, and the Participants and Placement (as detailed in the Schedules) meet the requirements as set out in the relevant Deed with the Department and Guidelines.

Signature:	
Date:	
Name:	
Position:	

Declaration and execution of Head Agreement by the Wage Subsidy Employer:

By signing the below, I declare that:

- the terms and conditions of the Head Agreement have been explained to me by the Provider;
- I am duly authorised to sign this declaration and Head Agreement on behalf of the Wage Subsidy Employer;
- the details provided in this Head Agreement are true and correct; and
- I agree to all the terms and conditions specified in this Head Agreement on behalf of the Wage Subsidy Employer.

Signature:	
Date:	
Name:	
Position:	

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Head Agreement ID:

Schedule ID:

Schedule to Wage Subsidy Head Agreement (SAMPLE ONLY)

To claim your Wage Subsidy payment, you need to employ [Participant Name] into a sustainable and ongoing employment position. The general terms and conditions applicable to this Schedule are included in the Head Agreement.

Wage Subsidy Details	Participant Name:	
	Maximum Wage Subsidy amount payable: (GST Inclusive)	
Wage Subsidy payment/s and **Wage Subsidy Period/s**	Milestone Payment/s:	
	Payment frequency:	
Wage Subsidy Agreement Term	Wage Subsidy Agreement Start Date:	Commenced or deemed to have commenced on <insert date>
	Wage Subsidy Agreement End Date:	<insert date> or as earlier terminated.
Wage Subsidy Placement Details	Vacancy ID:	
	Job Title/Description:	
	Minimum weekly hours:	
Provider Contact Details	Name:	
	Phone Number:	
	Email Address:	
Employer Contact Details (this must be the same legal entity that entered into the Head Agreement)	Name:	
	Position in business:	
	Phone Number:	
	Email Address:	

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Australian Government

Workforce Australia
Employment

Employment Fund Supporting Document

Workforce Australia Services

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1. Reader's Guide

This Employment Fund Supporting Document (the Supporting Document) contains Frequently Asked Questions (FAQs) for Workforce Australia Employment Services Providers (Providers) on Employment Fund operational and system processes.

This document will be updated from time to time to ensure Providers always have access to current information.

This document should be read in conjunction with the:

- Workforce Australia Deed of Standing Offer 2022 - 2028 (the Deed)
- Workforce Australia Services Guidelines (the Guidelines)
- Workforce Australia – Employment Fund learning module.

The Supporting Document does not in any way vary the Deed or the obligations of Providers under the Deed (including without limitation any Guidelines). Any general statements in the Supporting Document do not diminish specific obligations applicable to Providers under the Deed or the Guidelines.

Please direct policy enquiries not answered in this document to your Provider Lead, Employment Region Lead or submit via Question Manager on the Digital Solutions Support Portal.

If you require technical assistance for system issues, please contact the Employment Systems Help Desk in the first instance by:

- telephone 1300 305 520 between 8.30 am and 5.00 pm EST/ESDT, Monday to Friday
- logging a query to the 'Helpdesk' via the Department's IT system 'Helpdesk' form.

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Revision history

Version and date of effect	Change and location
6.0 – March 2025	**System Update:** 2.10 Additional information added to advise the department's IT system will enforce the Guideline requirement that individual sites must not create a new advanced purchase commitment while there is existing unacquitted commitment for the same assistance type. 2.11 New section added to inform Providers how to lift the block on creating new advanced purchases. 3.8 Clarification added to Commitment Statuses diagram to indicate how to check the status of a partial recovery. 3.9 Cross-reference to section 2.10 for further information on advanced purchase commitments. 3.12 Additional information added to advise that the department's IT system: • allows for the processing of partial recoveries, with the exception of the professional services and Provider Indigenous Mentoring Capability categories • cannot process recoveries for five calendar days after the commitment status moves to claimed • will adjust any cap or limit accordingly as part of a full or partial recovery; this includes the Did Not Attend allowance for professional services claims. 3.13 New section added to provide information on partial recoveries. 3.14 Clarification to advise the department's IT system allows for ECRs for partial recoveries of the professional services and Provider Indigenous Mentoring Capability categories only. This follows the introduction of partial recoveries for other categories. • Table 1 updated to reflect this change.
5.0 – 1 July 2024	**Policy Update:** 2.10 Additional information added to clarify the assistance types under the Transport Category. 3.12 Clarification that the Did Not Attend allowance for Professional Services claims does not recredit if the claim is recovered. 4 Additions and clarifications to the Additional Category Guidance has been provided for the following categories: • Transport – inclusion of driving courses that are endorsed by the applicable State or Territory Government and attract bonus logbook hours, as eligible expenditure. • Work-Related Training and Licensing – inclusion of guidance on the eligibility of fitness related training.
4.0 – 1 January 2024	**Policy Update:** 2.7 Clarification on claimable costs associated with non-government programs. 2.9 Clarification on what Communication and Technology vouchers are appropriate. 2.9 Additional information added to clarify that an advanced purchase of driving lessons is not considered a voucher. 2.11 Micro-Policy change to include the EST charge for Training Block 2 as claimable under the Employment Fund. 2.13 New section added to provide guidance on effective and sustainable servicing. 3.10 New section added to inform Providers how to withdraw a commitment.

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	3.13,3.14 & 3.15 New sections added to provide guidance on the Exceptional Circumstance Request process, including eligibility, system steps and the assessment. 4 Additions and clarifications to the Additional Category Guidance has been provided for the following categories: • Accredited Training – inclusion of guidance on actioning the Participant's Activity Placement Start Date. • Activity Costs – inclusion of guidance on Activity placements. • Activity Costs – inclusion of EST Training Block 2 as an allowable activity type. • Activity Costs – inclusion of guidance on actioning the Participant's Activity Placement Start Date. • Cohort-Specific Training – inclusion of refugees as an appropriate cohort. • Professional Services – inclusion of guidance around duplicate records for professional staff members. • Transport – inclusion of advice that drink driving and similar courses are not claimable under the Transport category. • Transport – Additional information added to clarify that Driving Lessons can be purchased as an Advanced Purchase. 4.1 Addition of Psychiatrist Appointments as they are commonly miscategorised.
3.0 – 1 January 2023	**Policy update:** 2.9 Additional information to clarify requirements for supplying cards and vouchers to Participants 2.11 Clarification on Employability Skills and information on the EST program 2.12 New section to provide advice on appropriate use of the Employment Fund where a Provider has been approached by a supplier, recruitment consultant of labour hire company with a project proposal 4.1 New section to assist with selection of the correct category and assistance type, including a ready reference of the purchases most commonly claimed under the incorrect category and or assistance type.
2.0 – 1 October 2022	**Policy updates:** 2.3 Clarification of when Providers can claim Activity costs through the Employment Fund 2.6 Inclusion of 'ongoing business costs' as at item that Providers cannot claim reimbursement for 2.7 Clarification that claims must be for eligible costs associated with an approved non-government program 2.9 New section to provide clarification of evidence required to demonstrate that a Participant has received a card or voucher 2.10 New section to advise of how many Advanced Purchases in the Transport category Providers can have at once 2.11 New section to provide clarification of what non-accredited foundation skills and employability skills are 3.5 Expanded to include 'assistance types' in the information about how Providers claim an invoice for multiple items that fall under different categories 3.10 New section to advise of how Providers can withdraw claims 3.11 Previously 3.10, this section now includes information about the department's IT system not having functionality for partial recoveries 4 Additions and clarifications to the Additional Category Guidance has been provided for the following categories: • Accredited training – inclusion of advice about evidence requirements to demonstrate an auspicing/third party arrangement • Activity Costs – inclusion of advice that not all Activities are suitable for claiming costs under the Employment Fund, and removal of PaTH Internships

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	and National Work Experience Programme activities from the list of allowable Activities • Professional Services – added to include advice that psychologists holding Provisional registration from the Australian Health Practitioner Regulation Agency satisfy the requirements for the Psychologist rates • Relocation Assistance – clarification that All Vacancy Types that are not Unsuitable are allowed • Transport – inclusion of specification that Providers are able to claim only for standard driving lessons, and that Providers should not use this category for 'Licensing' projects that include wrap-around servicing • Work-Related Training and Licensing – added to include advice that the non-accredited training claimed through this category is intended to focus on practical skills development.
1.0 – 1 July 2022	Commencement of Workforce Australia Services

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2. Employment Fund policy FAQs

2.1 How much Relocation Assistance funding is available for Participants?

There is no cap per participant for Relocation Assistance support. However, Providers are expected to use their discretion to make defensible decisions in line with the Employment Fund purchasing principles.

2.2 Are there any placement requirements for Relocation Assistance?

Providers can support participants with Relocation Assistance if the participant has accepted a job more than 90 minutes away from their current residence and the Vacancy is not 'Unsuitable' as defined in the Deed. There are no other specific job placement requirements such as duration or number of hours of the job. However, Providers are expected to use their discretion to make defensible decisions in line with the Employment Fund purchasing principles.

2.3 Can Providers claim for Activity costs through the Employment Fund?

The Employment Fund can cover some of the costs to help a participant undertake an Activity, such as Risk Assessments or additional insurance costs. Refer to the Activity Costs category description in Attachment 6A – System and Documentary Evidence Requirements in the Employment Fund chapter of the Guidelines.

However, where a good or service is already funded (e.g. through a Workforce Specialist Project or Local Jobs Program Project) the Provider cannot claim for the cost through the Employment Fund. Please see the list of Prohibited Purchases at s6.4.2 of the Guidelines for excluded items.

2.4 Can Providers claim for Risk Assessments for a participant to undertake an Activity?

Providers may claim Activity Risk Assessments and Participant Risk Assessments that are conducted by a Competent Person (as defined in the Deed) who is employed by a Provider's Own Organisation or Related Entity, or by an external organisation. The department does not stipulate the reimbursement amount Providers can claim for a Risk Assessment. However, a Provider must consider the Employment Fund principles, including whether the amount is reasonable and provides value for money.

For Risk Assessments completed by a Competent Person employed by a Provider's Own Organisation or Related Entity, only the cost of the Competent Person's time to conduct the Risk Assessment can be claimed. A Provider must not claim the administrative costs or on-costs incurred by employing a Competent Person as this is viewed as costs and overheads associated with the provision of Employment Services, the claiming of which is prohibited.

In the case of Workforce Specialist Projects or Local Jobs Program projects, Providers should claim costs for Risk Assessments through these agreed projects in the first instance. For further information about Risk Assessments refer to the Activity Management Chapter in the Guidelines.

2.5 Can the Employment Fund be used to claim insurance related costs for a participant to undertake an Activity?

As per the Activity Management Chapter in the Guidelines, the department purchases personal accident insurance and combined public and/or product liability insurance to cover Participants undertaking Activities. However, these policies have exclusions. If the department's insurance coverage is insufficient, then Providers should confirm whether the Host Organisation has appropriate insurance coverage. If the combined insurance coverage of the department and the Host Organisation is insufficient, then a Provider can purchase additional insurance.

Providers should refer to the Insurance Reader's Guide and insurance policies on the Provider Portal to determine the exclusions from the department's insurance policies.

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2.6 Can Providers help Participants start their Self-Employment Assistance Business with business-related costs through the Employment Fund?

Providers can use the Employment Fund to help Participants in Self-Employment Assistance with business-related start-up costs. This may include business insurance (e.g., public liability insurance), advertising, business cards and uniforms, which can be claimed under the 'Work-Related Items' category. Providers must not claim reimbursement for ongoing business costs or items already paid for by the Self-Employment Assistance provider.

2.7 Can a Provider claim costs for non-government programs?

Providers can claim eligible costs related to non-government programs approved by the department from the Employment Fund. These costs can be claimed under the Activity Costs category. However, being approved by the department does not mean that the full cost of a non-government program is automatically eligible for reimbursement from the Employment Fund. The list of prohibited items at s6.4.2. of the Guidelines, still apply and are not overridden by departmental approval of the program. Providers may still only claim the eligible costs of the program, if any, and where there is a mix of eligible and ineligible costs, ensure their documentation contains a clear breakdown of the costs of the eligible items being claimed.

Providers must claim all eligible costs associated with an approved non-government program under the Activity Costs category and not claim separately against the other Employment Fund categories. This includes all tools, equipment, clothing and transport (excluding provider-supplied transport) costs. Refer to the Activity Costs category description in Attachment 6A – System and Documentary Evidence Requirements in the Employment Fund chapter of the Guidelines.

2.8 Can Providers claim a supplier charge such as a layby fee or credit card surcharge?

If a supplier charges a layby fee or credit card surcharge for a purchase, a Provider may claim reimbursement for the full amount (i.e., the cost of the item or services and the fee or surcharge).

2.9 What evidence needs to be kept to demonstrate that a Participant received a card or voucher?

There are four categories in the Employment Fund that allow Providers to supply vouchers to Participants. All of these categories require Providers to retain Documentary Evidence demonstrating the Participant received the item:

- Communication and Technology (phone cards/vouchers or data cards/vouchers)
- Non-Vocational Support (food vouchers)
- Relocation Assistance (travel related vouchers)
- Transport (petrol vouchers and public transport cards)

The Employment Fund Guidelines are silent on the form that this Documentary Evidence must take to allow for variations in Providers' business practices and the way in which these vouchers are being supplied to Participants. The intent of this requirement is to provide assurances that this assistance is being received by individuals.

For example:

- where the Participant is receiving a voucher via an email, the Documentary Evidence would include the details of where the voucher was sent (email address) which would then align with the details in the Participant's record. Provided this alignment was there, this would be sufficient to demonstrate that the Participant has received the item
- some online e-voucher retailers offer reporting that demonstrates whether the voucher has been opened and/or redeemed by the recipient

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- where a Participant is receiving a physical item, the Employment Fund team has seen various forms of appropriate evidence spanning from signed declarations from Participants to signed registers.

The use of cards and vouchers for purchases that would fall under other categories is not permitted. For example, Providers are not permitted to issue vouchers as a reimbursement or to purchase clothing or other items. Supplying cards and vouchers to Participants as gifts or incentives is prohibited.

Please note that the advanced purchase of driving lessons is not considered a voucher and does not have the same documentary evidence requirements as the four voucher categories above.

2.10 How many Advanced Purchases in the Transport category can I have at once?

A Provider site must acquit all advanced purchases within a specific assistance type by fully attributing them to Participants before making more purchases under the same assistance type. Advanced purchases must be acquitted within 183 days of reimbursement

The department's IT system will enforce the Guideline requirement that individual sites must not create a new advanced purchase commitment while there is existing a reimbursed not yet acquitted (NACQ) commitment for the same assistance type.

For clarity, this is applicable to individual sites only; it does not apply if another site for the same Provider has an outstanding advanced purchase. It also does not preclude a Provider Site from making an advanced purchase for another assistance type (for example, the Provider can still make an advanced purchase for bus tickets under the Assistance Type – Other Transport Costs, even though an advanced purchase for petrol has not been fully attributed).

2.11 How do I lift the block on creating new Advanced Purchases?

The block on creating new advanced purchases can be lifted by:

- fully attributing the value of the commitment, which will move the commitment to acquitted status (ACQD)
- seeking a full recovery for the entire value of the commitment, which will move the commitment status to recovered status
- seeking a partial recovery for the value that cannot be attributed; once the partial recovery has been processed (usually within 24 hours) the commitment will move to acquitted status (ACQD).

There is no override; departmental users cannot lift the block through any other means.

A provider site can edit a previously acquitted commitment (e.g. to remove an attached participant) and bring it back to NACQ **only** if there is not a pre-existing NACQ advanced purchase of the same assistance type.

2.12 What are non-accredited foundation and employability skills and why can't I use the Employment Fund for them?

Foundation skills are defined by the Australian Government's *My Skills* website as being a combination of language, literacy and numeracy skills. They include listening, speaking, reading, writing, digital literacy and use of mathematical ideas.

Employability skills are defined by the Australian Government's *Core Skills for Work Developmental Framework* as being the non-technical, generic skills needed for participating in workplaces. Often called 'soft skills', employability skills include communication, teamwork, problem solving, decision making, planning and organising, self-management and resilience.

These skills are often included in pre-employment offerings. Non-accredited training in these areas is prohibited for claiming through the Employment Fund because it is considered core servicing under Workforce Australia Services.

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When considering what kind of work-ready skills Participants might need, Providers are strongly encouraged to consider the Employability Skills Training (EST) program. In particular, EST Training Block 2 delivers industry-specific training in areas where there are entry-level jobs available. Training Block 2 has a strong focus on industry and on helping Participants understand the industries that are in demand or have emerging opportunities in the local labour market. Training Block 2 is subsidised by the government, with Workforce Australia Providers able to claim the Provider contribution payment of up to $300 through the Employment Fund.

Whilst the Employment Fund cannot be used for EST Training Block 1, this restriction does not impact provider payments. Both EST Training Block 1 and EST Training Block 2 are eligible to count towards a Progress Payment as a vocational intervention. Participation in EST (including EST Training Block 1) does not impact on eligibility for employment outcomes with any employment resulting from Participation in EST eligible to track for Outcome Payments in the same manner as other job placements.

2.13 I've been approached by a supplier, recruitment consultant or labour hire company with a project proposal. Can I use the Employment Fund?

Employment Fund expenditure must be tailored to each Participant's individual needs and to their specific challenges in finding and keeping a job in the relevant labour market. The Employment Fund is not flexible project funding and it is not intended as a means to offset hiring and induction costs for employers or as an alternative to other programs.

Providers must obtain sufficient information from Suppliers to ensure that there are no prohibited items in their offerings and that the entire purchase meets the Employment Fund Principles.

Providers are encouraged to instead consider whether there are more appropriate sources of funding and how the existing flexibilities of the Employment Fund could be used, based on the individual circumstances and needs of each Participant. This might include supplying the Participant with transport support, appropriate clothing, accredited training and workplace checks.

2.14 Should the Employment Fund be used to provide Participants with regular and ongoing support?

The Employment Fund should be used to provide tailored and individual support to Participants and to sustainably address challenges the Participant is experiencing in finding and keeping a job. Providers should regularly review and evaluate how the Employment Fund is being spent on individual Participants to ensure that it remains fit for purpose and is supporting them into work. All requests for assistance from Participants should be considered.

As an example of considering sustainable support from the Employment Fund, if a Participant does not have a driver's licence or access to public transport, a Provider may consider offering a short period of taxi assistance, while organising and providing access to driving lessons to ensure that long-term the Participant can get themselves to their employment. It would not be considered sustainable support to continue to provide taxi support indefinitely.

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3. Employment Fund IT System FAQs

3.1 When can Providers use the generic ABN?

Providers can enter the generic ABN (99 999 999 999) into the Commitment when a Provider has:

- reimbursed a Participant directly. While not limiting the flexibilities within the Employment Fund, the department discourages the practice of requiring Participants to first meet the cost of items before being reimbursed by the Provider
- purchased an item or service from an international supplier without an ABN. It is best practice for the Provider to include a comment in the Comments field of the Commitment noting the name of the supplier and that they are an international supplier
- purchased an Uber service directly and the Documentary Evidence of the trip does not include the driver's ABN. The threshold for issuing a full tax invoice (including the driver's ABN) is $82.50 and above. For lower-cost trips where an Uber driver does not issue a tax invoice and only the emailed receipt is available, the use of the generic ABN is permissible. It is best practice for the Provider to include a comment in the Comments field of the Commitment noting the supplier was an Uber Driver
- purchased an item or service from a supplier with a suppressed ABN. It is best practice for the Provider to include a comment in the Comments field of the Commitment noting the supplier has a supressed ABN.

3.2 Which ABN does a Provider use when reimbursing an Employer?

When a Provider has reimbursed an Employer of a Participant, such as for clothing, then a Provider must use either the ABN of the original supplier (i.e. the supplier of the clothing) or the ABN of the Employer whom a Provider has reimbursed.

3.3 Which ABN does a Provider use when payment is made through a third-party?

If a supplier authorises another organisation to collect payments on their behalf (e.g. a newsagency, Australia Post, PayPal, government shopfronts), then a Provider must use either the ABN of the original supplier or the ABN of the third-party payment supplier.

3.4 How do Providers determine the correct GST treatment?

A Provider must select the GST determination of the commitment. The explanations below are provided as examples only and do not constitute tax advice or form part of this Supporting Document. A Provider should obtain their own independent tax advice relevant to their situation.

GST Inclusive supplies purchased from third parties where an input tax credit is claimable

For goods or services for which GST is payable and for which a Provider can claim an input tax credit in respect of the GST payable, the Provider selects **GST Inclusive** as the GST determination and enters the total cost of the item (including the GST) into the Total GST inclusive invoice amount field.

GST Inclusive supplies purchased from third parties where no input tax credit is claimable

When a Provider is not claiming an input tax credit in respect of the GST payable, the Provider selects **GST Free** as the GST determination and enters the total cost of the item into the Total GST free invoice amount field.

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GST Combined supplies

For purchases where, within the total cost of an invoice, some parts are GST inclusive and some parts are GST free, the Provider selects **GST Combined** as the GST determination. The Provider then enters the total GST inclusive cost into the Total GST inclusive invoice amount field and the total GST free cost into the Total GST free invoice amount field. In Job Seeker Details, the Provider must enter the Jobseeker GST inclusive amount and the Jobseeker GST free amount for each participant attributed to the Combined GST commitment. Combined GST commitments are not available for claims made under the Professional Services category.

Reimbursement of Participants

If a Provider reimburses a Participant, then the Participant must supply a Tax Invoice or Receipt for the item to meet Documentary Evidence requirements. As a Provider cannot claim an input tax credit for a reimbursement to a Participant, the reimbursement should be treated as if it was GST free, even if there is GST included in the amount indicated on the Tax invoice or Receipt. The Provider selects **GST Free** as the GST determination and enters the total cost of the item into the Total GST free invoice amount field.

Purchases from international suppliers

International suppliers are not likely to have an ABN nor be registered for GST. Receipts from international suppliers will therefore not meet the minimum Tax Invoice requirements stipulated by the Australian Taxation Office (ATO). As a result, a Provider will likely not be able to claim any input tax credit from the ATO for these purchases. As a Provider cannot claim an input tax credit, the reimbursement should be treated as GST free. The Provider selects **GST Free** as the GST determination and enters the total cost of the item into the Total GST free invoice amount field. Other fields will populate automatically.

3.5 How do Providers claim an invoice for multiple items that fall under different categories or assistance types?

It is best practice for Providers to submit individual claims where items on the Documentary Evidence fall under different categories. However, if a Provider submits a single claim under the category or assistance type that comprises the largest proportion of the total amount and includes a description in the Comments field setting out the other items on the invoice, this claim will be assessed as correct and as meeting requirements.

If any of the categories relevant to the claim have a cap or additional evidence requirements (such as driving lessons under the Transport category), this method cannot be applied. All categories will need to be claimed separately.

3.6 How do Providers claim an invoice that is for multiple Participants?

Where the invoice relates to more than one Participant, Providers can attach up to 20 Job Seeker IDs for Standard purchases. For example, if a Provider receives a single invoice for the purchase of three business shirts for three different Participants, this can be created as one Commitment with the three Job Seeker IDs attached to the Commitment.

However, for Professional Services, where the session type is individual or report preparation, only one Job Seeker ID is allowed. For the group (1-5) session type, only 1 to 5 Job Seeker IDs are allowed, and for group (6 to 20) up to 20 Job Seeker IDs are allowed.

3.7 Can Providers claim for part of an Invoice?

Yes. If a Provider is claiming reimbursement for part of the total amount written on the Tax Invoice or Receipt, then the Provider should include in the Comments field how the amount was calculated.

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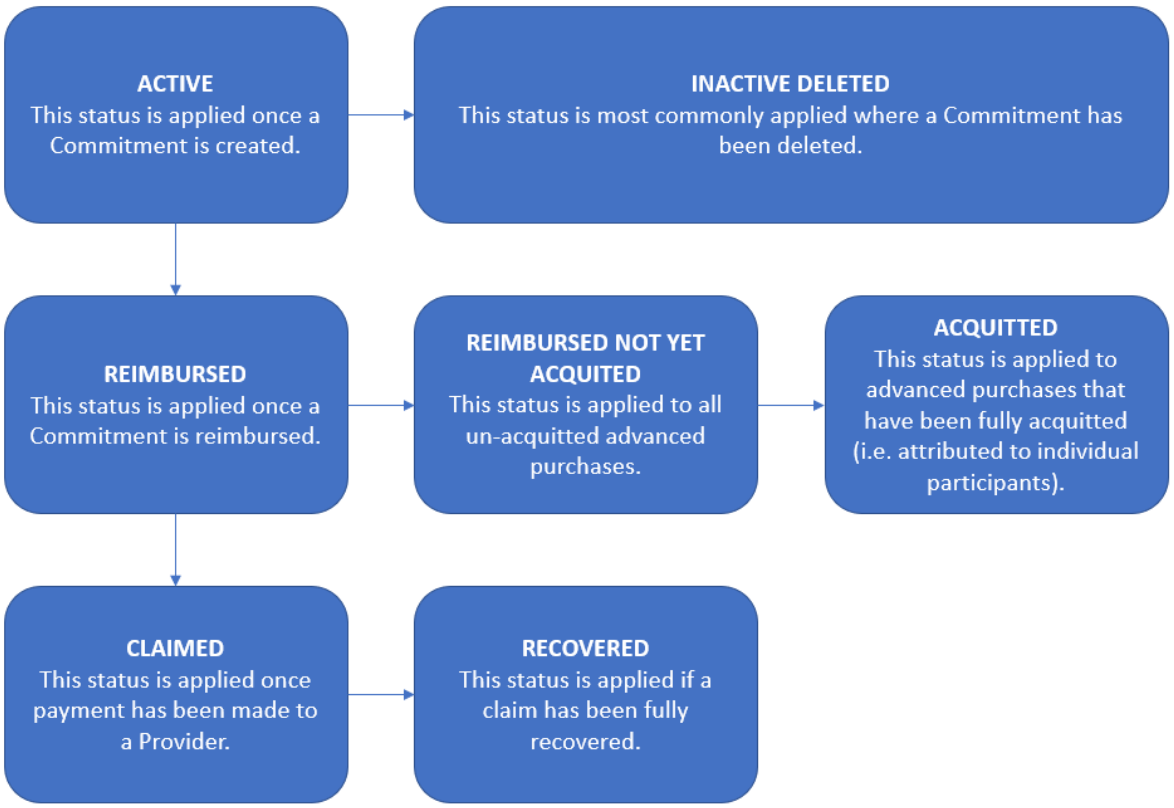
For example: A Tax Invoice totals $300 for three pairs of work boots at $100 each. The reimbursement is for one pair of boots for $100. The Comments field will state: “Partial reimbursement of total invoice amount. One pair of boots at $100 each equals $100 to be claimed.”

3.8 What are the Employment Fund Commitment statuses?

The below provides guidance on the Employment Fund Commitment statuses in Workforce Australia Online for Providers.



*A commitment that has been partially recovered will remain at ‘claimed’ status. The status of a partial recovery can be viewed through the status history of the associated Payment ID.

3.9 How many Participants can be attached to an Advanced Purchase commitment?

The maximum number of Job Seeker IDs that can be attached to an Advanced Purchase Commitment is 100.
N.B. for further information on advanced purchase commitments, including advanced purchase blocks, please see section 2.10

3.10 How does a Provider withdraw a commitment?

Providers are able to withdraw or delete commitments, unless they have already been claimed.

To withdraw an unclaimed commitment, a Provider should open the commitment and under the Actions drop down, select Delete.

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3.11 How does a Provider withdraw a claim?

The Department's IT system does not have the functionality to allow Providers to withdraw a claim once it has been submitted for payment.

If withdrawal/recovery of a claim is required, a Provider must contact their Provider or Employment Region Lead to request a recovery of the reimbursement.

3.12 How does a Provider request a recovery?

A recovery is required where:

- a reimbursement has been claimed incorrectly
- a reimbursement has been identified as not meeting all requirements (including those identified through departmental compliance activities)
- the provider has received a refund, credit note or cash-back from the Supplier.

Providers are reminded that Employment Fund purchases must withstand public scrutiny, and not bring Workforce Australia Employment Services, the provider or the department into disrepute. Any provider receiving partial refunds should return that money to the department; to do otherwise would not meet public expectations or the value for money principle.

A Provider must contact their Provider Lead or Employment Region Lead to request a partial or full recovery of a reimbursement. A Provider must supply the Commitment or Payment ID and a reason why the recovery is required. For a partial recovery, the Provider must also advise the adjustments to be made to participant and total invoice amounts.

A partial or full recovery of a claim will have the equivalent effect on any cap or limit. For example, recovery of a $100 driving lesson claim will reduce the amount claimed against the cap by $100. Recovery of a professional services claim marked Did Not Attend (DNAT) will reduce the number of DNATs counting towards the professional services category cap.

NB: Recoveries (partial and full) cannot be processed until five calendar days have elapsed since the commitment status moved to 'claimed' and the payment status moved to 'approved'. If a user attempts to submit a recovery they will encounter an error and a message indicating the date that a recovery will be available.

3.13 Can a Provider request a partial recovery?

Partial recovery functionality was introduced in March 2025 for all categories except professional services and Provider Indigenous Mentoring Capability (PIMC) commitments. As a result, Providers no longer need to seek full recovery of a reimbursed commitment and submit a new commitment or an Exceptional Circumstance Request (ECR).

Until otherwise advised, professional services and PIMC claims will need to be fully recovered and either re-submitted as a standard claim (if within the 56 day period since the supplier was paid) or as an Exceptional Circumstance Request (Reason Two).

A partial recovery can only be used to reduce the total or participant amounts or to remove a participant from a commitment/claim. A partial recovery cannot add a participant or change:

- category
- assistance type
- GST treatment
- supplier details
- date supplier paid
- date of service.

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The status of a commitment will not change following a partial recovery, it will remain at 'claimed' status. The status of a partial recovery can be viewed through the status history of the associated Payment ID.

NB: When a partial recovery is conducted on a claim, the total amount of the related commitment will update after the payment has been processed: this is generally overnight. Similarly, where a partial recovery is conducted on the unacquitted portion of an advanced purchase, the status of that advanced purchase will move to 'acquitted' after the payment has been processed.

3.14 What are the Eligibility Requirements for submitting an Exceptional Circumstance Request?

Providers can submit an Employment Fund 'Exceptional Circumstance Request' (ECR) within the Workforce Australia Online for Providers System for consideration. An ECR will be considered if the Provider can demonstrate it meets the eligibility requirements of one of the three approved ECR reasons detailed in Table 1 below.

ECRs will not be approved if a Provider:

- has not met the specific requirements of the identified ECR reason (as per Table 1 below), or
- failed to meet Deed and/or Guideline requirements due to a failure of their internal processes or systems, including user error (e.g. Provider did not submit request for reimbursement within 56 days of paying a Supplier), or
- supplied goods or services outside of the Deed and Guidelines (e.g. provided goods to an ineligible Participant; provision of a prohibited item).

ECR assessment and approval is undertaken by the department's Employment Fund team. The decision to approve an ECR is at the department's absolute discretion.

Table 1: Exceptional Circumstance Request Reasons and Eligibility Requirements

Approved ECR Reasons	Eligibility Requirements
ECR Reason One: Temporary IT System defects	ECRs will be considered under this reason where a departmental IT System defect has prevented creation and/or reimbursement of an Employment Fund claim through the standard claim process. <u>Requirements to be eligible:</u> 1. The purchase must be for an eligible good or service under the Employment Fund in line with the Deed and Guidelines. 2. The IT defect must have been identified before the ECR was lodged. 3. The Provider must provide the Knowledge Base article number or defect number as part of their supporting comments in the ECR and where necessary, provide supporting evidence to prove that the defect prevented auto-lodgement of the claim (e.g. screen shots of error message/s; departmental IT Help Desk incident/ticket information and details). 4. Where an IT defect does not have a Knowledge Base article number or defect number, the Provider must prove (i.e. through the upload of evidence) that it took appropriate steps to raise this issue with the department's IT Help Desk, or where the IT Help Desk advised to liaise directly with contract manager, that the Provider raised the issue with its Provider Lead, prior to submitting the ECR request. 5. The Provider must upload all mandatory documentary evidence to support the claim under the relevant category (and assistance type

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	where applicable) in line with Section 6.7 and Attachment 6A of Chapter 6 of the Guidelines. For example, for Accredited Training claims, in addition to uploading evidence verifying the purchase and payment to the supplier, the Provider must a) supply sufficient items of evidence that in combination identifies the name of the RTO and the relevant course code or unit code as identified on training.gov.au; and b) where applicable, provide additional evidence that demonstrates the auspice relationship between a training organisation which is not a registered RTO but is operating through a registered RTO, to substantiate the training is nationally recognised. Another example, for fuel vouchers under the Transport category/Petrol assistance type, in addition to uploading evidence verifying the purchase and payment to the supplier, the Provider must supply evidence that demonstrates the Participant received the item.
ECR Reason Two: System Functionality Delays	Currently, the only system functionality not yet implemented for the Employment Fund within the Workforce Australia Online for Providers System is partial recoveries for the professional services and Provider Indigenous Mentoring Capability (PIMC) categories. Currently, only full recoveries can be made against Employment Fund claims in these categories. Where a claim: a) is identified as requiring a partial recovery, b) is for the professional services or PIMC category **and** c) the 56-day timeframe to claim reimbursement has expired (thus preventing resubmission through the standard commitment process) an ECR for the revised amount will be necessary so that the Provider is not disadvantaged. Requirements to be eligible: 1. The purchase must be for PIMC expenditure or an eligible professional service under the Employment Fund, in line with the Deed and Guidelines. 2. The Provider must supply the Commitment ID or Payment ID of the original claim that has been fully recovered. 3. The Provider must detail in the supporting comments the reason/s for the partial recovery and for it taking place after the 56-day timeframe has elapsed (e.g. recovery was identified by the department through assurance activities, a supplier has issued a refund, the Provider identified an administrative error with the original claim). 4. The Provider must upload evidence verifying the purchase and payment to the supplier, and meet all applicable category requirements.
ECR Reason Three: Exceptional Circumstances outside a Provider's control related to natural	ECRs will be considered under this reason where the department has announced contingency measures (such as suspended Mutual Obligations) in an identified Local Government Area (LGA)/postcode due to natural disasters (e.g. bushfires, floods) or external circumstances (e.g. a pandemic), and the

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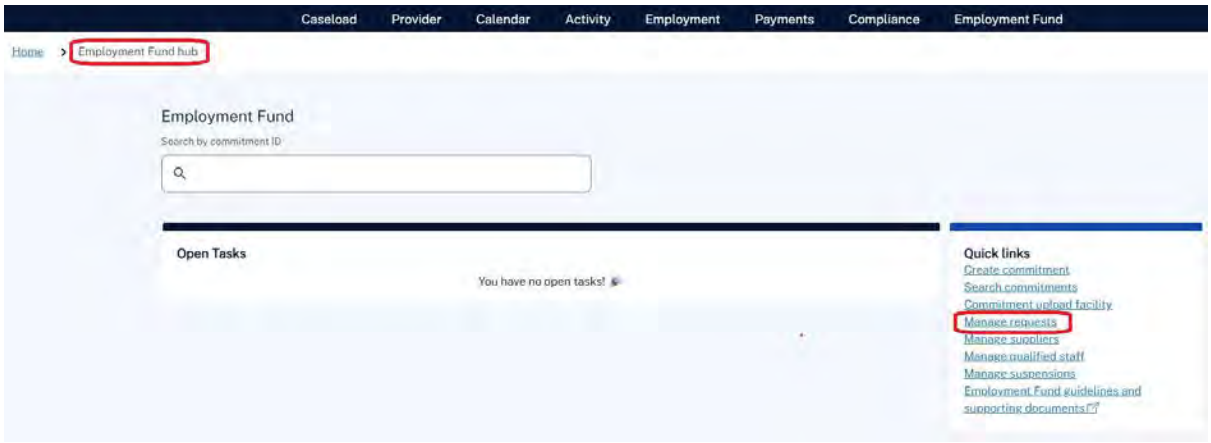
disasters or external circumstances.	exceptional circumstances has prevented creation and/or reimbursement of an Employment Fund claim through the standard claim process. Requirements to be eligible: 1. The purchase must be for an eligible good or service under the Employment Fund in line with Deed and Guideline requirements. 2. If relevant, the Participant/s linked to the ECR must reside in the identified LGA/postcodes. 3. The Provider must detail in the ECR what action they took to try and remedy the situation and that a suitable alternative approach was not possible (such as processing the claim from a site that was not impacted), and the Provider would be disadvantaged if no action is taken. 4. The Provider must upload all documentary evidence available to support the claim under the relevant category (and assistance type where applicable) in line with Section 6.7 and Attachment 6A of Chapter 6 in the Guidelines, or in line with special advice from the department where evidence has been destroyed because of a natural disaster.

3.15 How does a Provider submit an Exceptional Circumstance Request?

The ECR functionality is available under the 'Manage requests' page in the Employment Fund hub (Workforce Australia Online for Providers | Employment Fund hub | Manage requests).



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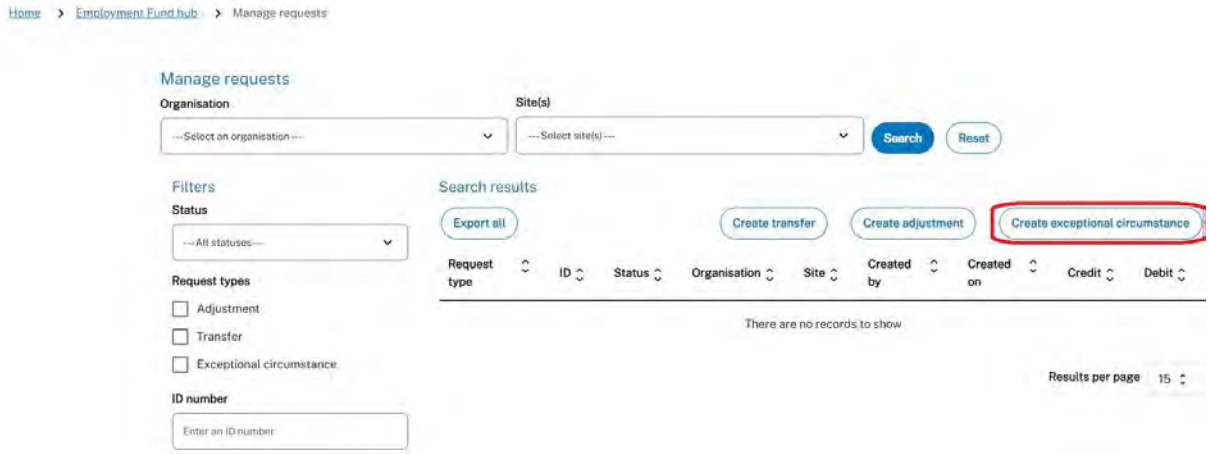
Once on the Manage requests page, select ‘Create exceptional circumstance’ to create an ECR.



The workflow mirrors a standard commitment. The IT System will ask a Provider to supply all information it would for a standard commitment (including specific requirements for certain categories and/or assistance types) and will conduct checks on the information provided.

Some things to note:

- A Provider can assign multiple Participants to a single ECR.
- A Provider will need to provide contact details so the Employment Fund team can contact the relevant staff member with any additional queries or follow ups.
- Uploading of documentary evidence is *mandatory* for all ECRs. Once created, the Provider will be prompted to upload the relevant documentary evidence before it can be submitted for assessment. If the ECR status is *‘Pending’*, it means evidence has not been uploaded and will not be assessed.
- While the System will not enforce all requirements (e.g. category caps), the Employment Fund team will carefully check every piece of information during the assessment to ensure the Deed and Guideline requirements have been met.
- Once an ECR has been submitted for review it cannot be edited, however the Provider can email the Employment Fund team at EmploymentFund@dewr.gov.au to request the ECR be sent back for edits.
- Your Provider Lead will have visibility of ECRs in the System, however they do not have delegation to approve or reject.

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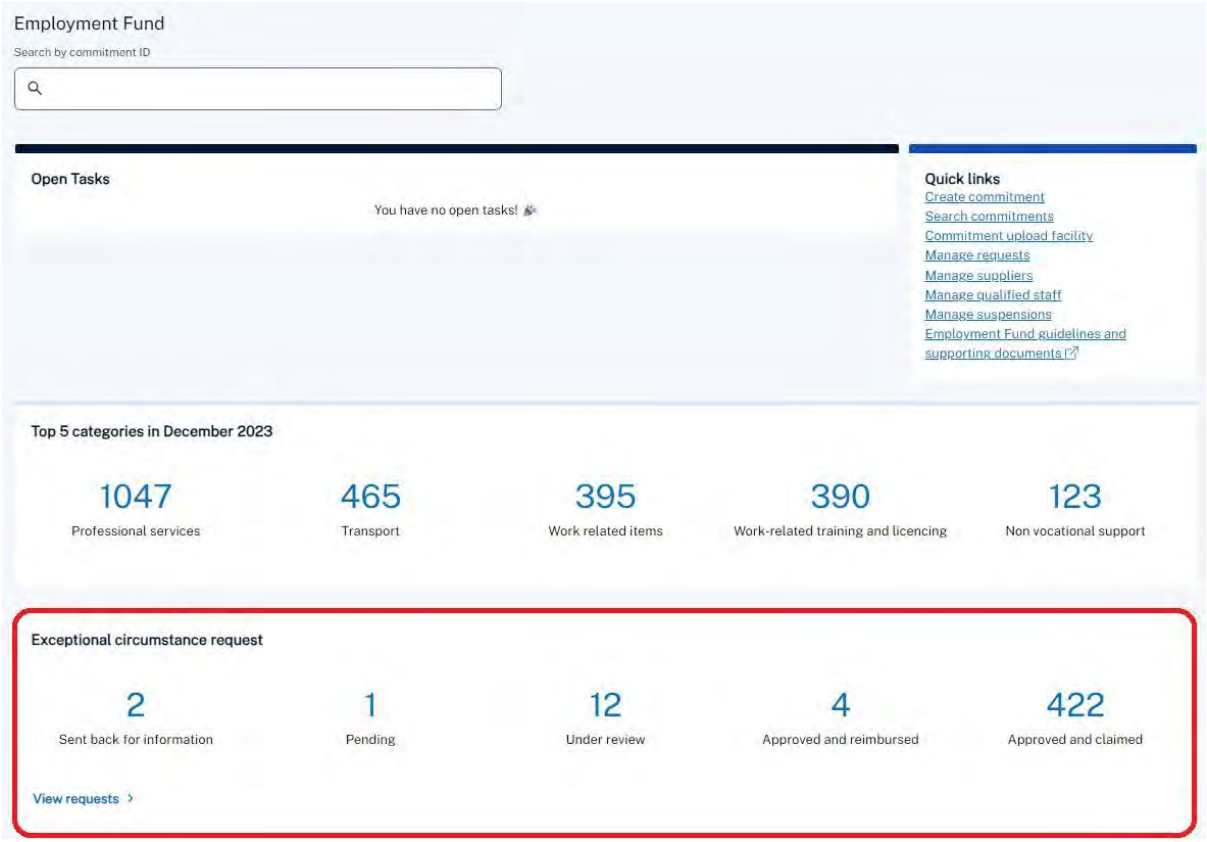
Providers can view the status of their requests at any time through the Employment Fund hub (Workforce Australia Online for Providers | Employment Fund hub).



3.16 How is an Exceptional Circumstance Request assessed and finalised?

The Employment Fund team will process the ECR within the IT System.

ECRs will be assessed in accordance with the Deed, relevant Guidelines and reference material issued by the department. This includes this advice as well as the:

- Workforce Australia Services Deed of Standing Offer 2022-2028
- Part B – Workforce Australia Services Guidelines

If a request is **approved**, a Claim ID will be generated, it will be sent for payment/tax invoice and a Payment ID will be created. The Provider site's available balance will be adjusted accordingly.

If the Employment Fund team requires **further information**, the ECR will be returned to the Provider for review and actioning. The team will make the request through comments in the record, which will be returned to the Provider to update the request. Once the record has been edited and saved, it can be resubmitted and returned to the Employment Fund team for further review and approval/rejection.

If a request is **rejected**, a comment will be added to indicate the reason for the decision and the ECR record will be closed.

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4. Additional Category Guidance

The below table provides additional guidance on some Employment Fund categories, including how to meet specific requirements detailed in Attachment 6A – System and Documentary Evidence Requirements in the Employment Fund chapter of the Guidelines.

Table 2: Additional Category Guidance

Category	Additional Category Guidance
Accredited Training	Providers must refer a Participant to an Activity and enter the Activity into the commitment. The Activity Types allowed under this category are: • Accredited Education and Training (Vocational) (AETV) • Other Government Programmes (OAPG) When creating the Activity, Providers must enter the course code or unit code into the Activity. • An accredited training course (or parts of a course) will have a course code or unit codes • For secondary education delivered by a training organisation that is not listed on training.gov.au, a Provider must enter Year 11 or Year 12 Certificate in the Activity Description field. Providers must enter the Registered Training Organisation (RTO) into the Activity. • In the Host Organisation Details pane of an Activity, you can select an existing host. If you need to create a new host, identify the Host Type by selecting RTO. Select Add New Host and add it to the Host details as required. The RTO in the Activity must match the details of the Supplier who was paid. The above two steps also apply where a training organisation is not registered as an RTO but is auspicing through a recognised and registered RTO. The Participant must be referred into an Activity at a site within their own organisation as at the Job Seeker Date of Service with an Activity Placement Status of Expected to Start (ETS) or Placement Confirmed (P) and with an Activity Status of Approved (AP), Closed (CL) or Suspended (SS). If the Activity Placement Start Date (or Expected to Start date) is after the Job Seeker Date of Service entered into the commitment, Providers will be prevented from claiming reimbursement. The workaround for this is as follows: • If you entered the incorrect Activity Start Date, the workaround for this is to backdate the Participant's Activity Placement Start Date to the correct date (which should be before or on the Job Seeker Date of Service). • If the Participant's Activity Placement Status is Expected to Start, you can backdate up to 28 days. If the date is greater than 28 days in the past, then you can submit an override request to your Provider Lead to have the Participant's Activity Placement Start Date backdated. • Note: When submitting this request, the Provider Lead requires the Activity ID, Participant details and the new Activity Placement Start Date. The Provider should state that the incorrect Activity Placement Start Date was recorded and is preventing reimbursement of the associated Employment Fund claim. The Provider should also state when the 56-day deadline to claim reimbursement is due so that the backdating can be prioritised and thus avoid an Exceptional Circumstance Request. At all times, providers need

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Category	Additional Category Guidance
	to be proactive in managing their reimbursements and should engage with the Department well before the 56-day deadline to claim expires. • If the Participant's Activity Placement Status is Placement Confirmed, then you will need to change the status to Created in Error, then create a new Activity Referral with an Expected to Start status. Once this is done, you should then submit an override request to your Provider Lead to backdate the Activity Placement Start Date against the new referral. Once the backdating has been actioned, Providers should be able to create and reimburse the Activity linked commitment. **Auspicing/Third Party arrangements** The requirement to keep evidence of an auspicing/third party arrangement is a requirement of the Australian Skills Quality Authority, as "the National Vocational Education and Training Regulator Act 2011 restricts the conduct of non-RTOs in the delivery of VET training and/or assessment". Where there is doubt, we recommend that the Supplier chosen to deliver Accredited Training is approved to deliver nationally recognised training themselves or has evidence of the auspicing/third party arrangement prior to using the Employment Fund Accredited Training category. Providers should obtain a copy of the agreement to meet the documentary evidence requirements. Recoveries will be undertaken where evidence of an auspicing arrangement cannot be provided to the Department.
Activity Costs	Providers must refer the Participant to an Activity or a Vacancy and enter the Activity or Vacancy into the Commitment. Note that not all Activities are suitable for claiming costs under the Employment Fund. The Activity types allowable under this category are: • Accredited Education and Training (Vocational) (AETV) • Non-Accredited Education and Training (NETV) • Voluntary Work in community/non-profit sector or (VWRK) • Defence Force Reserves (MDF) • PaTH Employability Skills Training (PAET) • Observational Work Experience (Other) (UWEP) • Other Government Programmes (OGP) • Approved Non Government Programs (ANGP) • Launch into Work (LIW) • Local Jobs Program (LCJB) • Workforce Specialists Projects (WFS) • Employability Skills Training (EST) Training Block 2 The Participant must be referred into an Activity at a site within their own organisation as at the Job Seeker Date of Service with an Activity Placement Status of Expected to Start (ETS) or Placement Confirmed (P) and with an Activity Status of Approved (AP), Closed (CL) or Suspended (SS). All Activity placements must be actioned before a Participant exits.

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Category	Additional Category Guidance
	If the Activity Placement Start Date (or Expected to Start Date) is after the Job Seeker Date of Service entered into the commitment, Providers will be prevented from claiming reimbursement. The workaround for this is as follows: • If you entered the incorrect Activity Start Date, the workaround for this is to backdate the Participant's Activity Placement Start Date to the correct date (which should be before or on the Job Seeker Date of Service). • If the Participant's Activity Placement Status is Expected to Start, you can backdate up to 28 days. If the date is greater than 28 days in the past, then you can submit an override request to your Provider Lead to have the Participant's Activity Placement Start Date backdated. o Note: When submitting this request, the Provider Lead requires the Activity ID, Participant details and the new Activity Placement Start Date. The Provider should state that the incorrect Activity Placement Start Date was recorded and is preventing reimbursement of the associated Employment Fund claim. The Provider should also state when the 56-day deadline to claim reimbursement is due so that the backdating can be prioritised and thus avoid an Exceptional Circumstance Request. At all times, Providers need to be proactive in managing their reimbursements and should engage with the Department well before the 56-day deadline to claim expires. • If the Participant's Activity Placement Status is Placement Confirmed, then you will need to change the status to Created in Error, then create a new Activity Referral with an Expected to Start status. Once this is done, you should then submit an override request to your Provider Lead to backdate the Activity Placement Start Date against the new referral. Once the backdating has been actioned, Providers should be able to create and reimburse the Activity linked commitment. The Vacancy type allowable under this category is Workforce Specialists Projects (WFS). The Participant must be referred into a vacancy at a site within their own organisation as at the Job Seeker Date of Service with a vacancy referral result of Expected to Start (ETS) or Placement Confirmed (P).
Cohort Specific Training	Training for Aboriginal and Torres Strait Islander and Refugee Participants under this category is limited to $1,650 (GST inclusive) per Participant, per financial year when delivered by an Own Organisation or a Related Entity. • The Job Seeker Date of Service is used to determine whether the cap is reached • The cap is GST Inclusive and is based off the Reimbursement Amount, not the Total Invoice Amount entered into the Commitment • The Unused Cap Amount column in the Job Seeker List displays the remaining cap amount where services are delivered by a Provider's Own Organisation or Related Entity. There may be instances where a Participant has reached the $1,650 cap for the financial year while they were with a different Provider. This means the current Provider will be unable to claim reimbursement for Own Organisation or Related Entity pre-placement training under this category for the participant for the remainder of the financial year. Further, the previous Provider will not be able to make a late reimbursement if the participant's current Provider reaches the cap within the financial year.
Professional Services	Psychologists holding Provisional registration from the Australian Health Practitioner Regulation Agency (AHPRA) satisfy the requirements for the Psychologist rates.

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Category	Additional Category Guidance
	Staff members do not require a profile to be created for each site at which they provide services – it is sufficient for them to have a single profile in the Provider's records. Where duplicate profiles are identified, the Provider will be asked to delete surplus profiles.
Relocation Assistance	Providers must refer a Participant to a Vacancy and enter the Vacancy into the Commitment. All Vacancy Types that are not 'Unsuitable' are allowed under this category. The Participant must be referred into a vacancy at a site within their own organisation as at the Job Seeker Date of Service with a vacancy referral result of expected to start (ETS) or placement confirmed (P). Providers must ensure the employment opportunity is 90 minutes away from the Participant's current address.
Transport	Driving lessons under this category are limited to $8,800 (GST inclusive) per Participant, per Provider, per Period of Unemployment. • The Job Seeker Date of Service is used to determine whether the cap is reached. • The Unused CAP Amount column in the Job Seeker List displays the remaining cap amount. • The cap is GST inclusive and is based off the Reimbursement Amount, not the Total Invoice Amount entered into the commitment. • Providers are able to claim only for standard driving lessons which are being delivered by a suitably qualified driving instructor. • Driving courses that are endorsed by the applicable State or Territory Government and attract bonus logbook hours, are eligible under this category. • Participation in a Traffic Offender Intervention Program (or similar) that is a result of being convicted or found guilty of drink or drug driving, is prohibited under the Employment Fund. • Providers are able to make an Advanced Purchase of driving lessons in line with the guidance and documentary evidence requirements for Advanced Purchases. • Providers should not use this assistance type for 'Licensing' projects that include wrap-around servicing, as the costs associated with mentoring and coordination are prohibited under the Employment Fund. Costs associated with standard lessons that are part of a broader project can be claimed (see 3.7 for more information on claiming for part of an invoice).
Wage Subsidies	Refer to the Wage Subsidy Operational Guide for Workforce Australia Services for guidance.
Work-Related Training and Licensing	The non-accredited training that can be claimed through this category is intended to focus on practical skills development, consistent with the examples in the Guidelines. This category cannot be used to claim paid inductions, paid work-trials or pre-employment onboarding such as filling out forms and reading procedures. Non-accredited foundation and employability skills are expressly prohibited. Fitness and/or strength training is only eligible if it is for a specific industry where those skills are required. Providers should seek sufficient information from Suppliers to enable them to make decisions that are in accordance with the Guidelines. Where the proposed training contains appropriate training types as well as services that are unsuitable for reimbursement from the Employment Fund, the invoice should be itemised to allow for partial reimbursement.

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4.1 Correct use of Employment Fund categories

When Providers are claiming a reimbursement under the Employment Fund, it is important that they identify the correct category for the claim. Incorrect categorisation of claims is a risk to the integrity of the Employment Fund, particularly for those categories with caps and/or additional documentary evidence requirements.

In addition, under Workforce Australia there are six Employment Fund categories that have different assistance types. Claims under those categories must be further specified.

Employment Fund category	Assistance types
Accredited Training	N/A
Activity Costs	N/A
Certified Interpreters	N/A
Cohort-Specific Training	Training for Indigenous participants Training for Refugee participants
Communication and Technology	Hardware and software packages Mobile phones Phone credit and internet data
Non-Vocational Support	Food Medical expenses Other support Rent and crisis accommodation
Professional Services	N/A
Provider Indigenous Mentoring Capability	N/A
Relocation Assistance	Disturbance costs Removalist costs Short-term accommodation Travel costs
Transport	Driving lessons Driving licences Other transport costs Petrol
Wage Subsidies	N/A
Work-Related Items	N/A
Work-Related Training and Licensing	Licences, tickets and cards Non-accredited training Work-related training

While the Employment Fund Guidelines and this document contain guidance (see 4. *Additional Category Guidance*) around how to categorise particular goods and services, the Employment Fund team is identifying many commitments that are being incorrectly categorised. The ready reference table below contains the items identified by the Department as being categorised incorrectly most frequently.

Item purchased	Correct category/assistance type	Incorrect category/assistance type
Accredited training	• Accredited Training	• Activity Costs
Mobile phones	• Communications and Technology / Mobile phones assistance type	• Work-Related Items
Phone cards, SIMs	• Communication and Technology / Phone credit and internet data assistance type	• Any other assistance type in the Communication and Technology category • Work-Related Items

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		• Non-Vocational Support
Laptops	• Communications and Technology / Hardware and software packages assistance type	• Work-Related Items
All services delivered by qualified registered psychologists or qualified allied health professionals (i.e. counselling)	• Professional Services	• Non-Vocational Support
Out-of-pocket Psychiatrist appointments	• Non-Vocational Support / Medical expenses assistance type	• Professional Services
Driving lessons for cars and motorcycles #	• Transport / Driving lessons assistance type	• Any other assistance type in the Transport category • Work-Related Training and Licensing • Non-Vocational Support • Work-Related Items
Drivers' licences, including replacements	• Transport / Driving licences assistance type	• Work-Related Training and Licensing • Non-Vocational Support
Petrol cards	• Transport / Petrol assistance type	• Non-Vocational Support • Work-Related Items
Motor vehicle expenses such as servicing and repairs	• Transport / Other transport costs assistance type	• Non-Vocational Support
Any kind of background check for employment – police, working with vulnerable people, working with children, working with people with disability (aka blue cards, yellow cards, ochre cards, etc)	• Work-Related Items	• Work-Related Training and Licensing
Clothing, footwear, PPE	• Work-Related Items	• Non-Vocational Support
Driving lessons and licences that are not for cars or motorcycles (e.g. heavy rigid licences, forklifts, taxis)	• Work-Related Training and Licenses / Licences, tickets and cards assistance type • Non-vocational support	• Transport
White cards, including replacements	• Work-Related Training and Licensing / Licences, tickets and cards assistance type	• Any other assistance type in the Work-Related Training and Licensing category • Work-Related Items
Pre-employment screening	• Work-Related Items	• Non vocational support • Medical expenses
Using the services of a certified translator, translating important documents such as qualifications, training certificates and transcripts	• Certified Interpreters	• Non-vocational support • The category that applies to a purchase made with the assistance of a certified interpreter

Commitments for driving lessons created outside of the Transport / Driving lessons assistance type will be recovered. This is to ensure that the driving lessons cap of $8,800 per Participant, per Provider, per Period of Unemployment is not compromised.

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Australian Government
Department of Employment and Workplace Relations

Our Reference: CTAP-22-0020

Provider Lead
s 22(1)

s 22(1)
CEO Employment Services
SERENDIPITY (WA) PTY LTD
58 Ord Street
West Perth WA 6005

Email: s 22(1)

Dear s 22(1)

Workforce Australia - Career Transition Assistance Deed 2022-2027
General Deed of Variation No. 4

I refer to the Workforce Australia - Career Transition Assistance Deed 2022-2027 (**the Deed**) between the Commonwealth of Australia as represented by the Department of Employment and Workplace Relations (**the Department**) and Serendipity (WA) Pty Ltd (ABN 64 062 160 614) (**your organisation**).

Attached for your organisation's consideration is General Deed of Variation No. 4 (**GDV No. 4**) that the Department proposes for the Deed, which is applicable to the provision of your organisation's services. The Department is providing this GDV No. 4 to address administrative and operational matters under the Deed.

Annexure A to this letter provides a summary of significant changes to the Deed under GDV No. 4. While reasonable efforts have been made to ensure the accuracy of Annexure A, it is provided for quick reference only and, in the event of any inconsistency between Annexure A and GDV No. 4, GDV No. 4 prevails.

All the terms and conditions in your organisation's Deed which are not varied by this GDV No. 4 continue to operate.

Execution of the general variation

Clause 68.1 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.*"

Subject to this letter, if your organisation wishes to enter into this general variation, two (2) copies of GDV No. 4 must be properly signed in ink by your organisation.

GDV No. 4 can be properly signed by the person(s) with authority to bind your organisation in accordance with the rules of your organisation and the relevant law. If the person(s) signing is

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different from those who originally signed the Deed, please provide proof (e.g. Power of Attorney or ASIC Extract) that the signatories are authorised to sign GDV No. 4.

Please advise your Provider Lead if your organisation would like to sign GDV No. 4 electronically, and has not previously done so. You will need to provide evidence that your organisation is registered under the *Corporations Act 2001* (Cth). If your organisation has previously provided evidence of registration, you do not need to provide evidence again.

You need to select and use the signature block that best suits your organisation's requirements and cross out the other signature blocks that are not used. Please contact me if none of the signature blocks are suitable for your organisation's requirements.

Do not date the two (2) signed copies of GDV No. 4, as the Department will insert the date upon execution by the Department.

Once the two (2) copies of GDV No. 4 have been properly signed, please send them, within 10 business days of the date of this letter, to the Department at the following address:

s 22(1)
Department of Employment and Workplace Relations
GPO Box 9828
BRISBANE QLD 4001

The Department will then execute GDV No. 4, by signing and dating GDV No. 4, and will forward one (1) fully executed copy to your organisation. GDV No. 4 takes effect on 1 January 2025.

Please contact me on s 22(1) if you have any questions.

Yours sincerely

s 22(1)

s 22(1)
2 December 2024

Summary of significant changes to the Deed under GDV No. 4

Significant changes under GDV No. 4	Summary
Appendix A *Compliance with the Commonwealth Supplier Code of Conduct*	New clause 75A and a definition for 'Commonwealth Supplier Code of Conduct' at ATTACHMENT 1 - DEFINITIONS have been inserted into the Deed to reflect the Commonwealth Supplier Code of Conduct which came into effect on 1 July 2024. The Commonwealth Supplier Code of Conduct outlines the Commonwealth's minimum expectations of suppliers and their subcontractors with respect to integrity and accountability. It is broadly consistent with Providers' existing obligations under the Deed. New clause 75A requires Providers to: • take action to prevent and discourage breaches of the Commonwealth Supplier Code of Conduct; • monitor Personnel and Subcontractor's compliance with the Commonwealth Supplier Code of Conduct and Notify the Department if there has been a breach; and • rectify the breach.
Appendix B *Delivery of CTA Courses*	Clause 87.1 of the CTA Deed is being varied as follows: • subclause 87.1(c) is amended to align the delivery requirement with the relevant policy position of three to eight weeks; and • a new subclause 87.1(d) has been inserted to limit the delivery of Courses to Business Days only.
Appendix C *Miscellaneous*	• Clause 42 has been varied to insert new provisions requiring the Provider to provide access and assistance to the Auditor-General, Commonwealth Ombudsman and Australian Information Commissioner (including their authorised persons or officials) for the purpose of any audit, review or investigation relating to the Deed. These clauses ensure that the Department complies with rule 17AG(8) of the *Public Governance, Performance and Accountability Rule 2014*. • General drafting improvements and corrections.
Appendix D *Notice No. 3*	These variations incorporate changes notified in Notice No. 3, including changes to:

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Significant changes under GDV No. 4	Summary
	• reflect that Parent Pathways Providers may Refer Participants to Career Transition Assistance following the commencement of the new voluntary Parent Pathways service on 1 November 2024; • insert a new definition for 'Parent Pathways Provider'; and • update the definition of 'Referring Provider' to include Parent Pathways Providers.

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Australian Government

Department of Employment and Workplace Relations

GENERAL DEED OF VARIATION No. 4

of the

Workforce Australia - Career Transition Assistance Deed 2022-2027

between

the Commonwealth of Australia

and

Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

CTAP-22-0020

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Workforce Australia - Career Transition Assistance Deed 2022-2027

General Deed of Variation No. 4

THIS DEED is made on the 6th 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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street West Perth WA 6005

(**'the Provider'**)

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

RECITALS

A. The Parties have entered into a Workforce Australia - Career Transition Assistance Deed 2022-2027 (CTAP-22-0020). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.

B. Clause 68.1 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 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. 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

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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 their agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 4.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

s 22(1)

(Printed name)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:)

s 22(1)

s 22(1)

Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

and by

s 22(1)

s 22(1)

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution b Corporations Act company acting as a trustee wh two directors or a director and a ecretary are signing

EXECUTED for and f)
Serendipity (WA) Pty L 062 160)
614) in accordance with s (1) of)
the *Corporations Act 2001* (C)

Name of director who states that t ure
are a director of Serendipity (W
(ABN 64 062 160 614)

and by

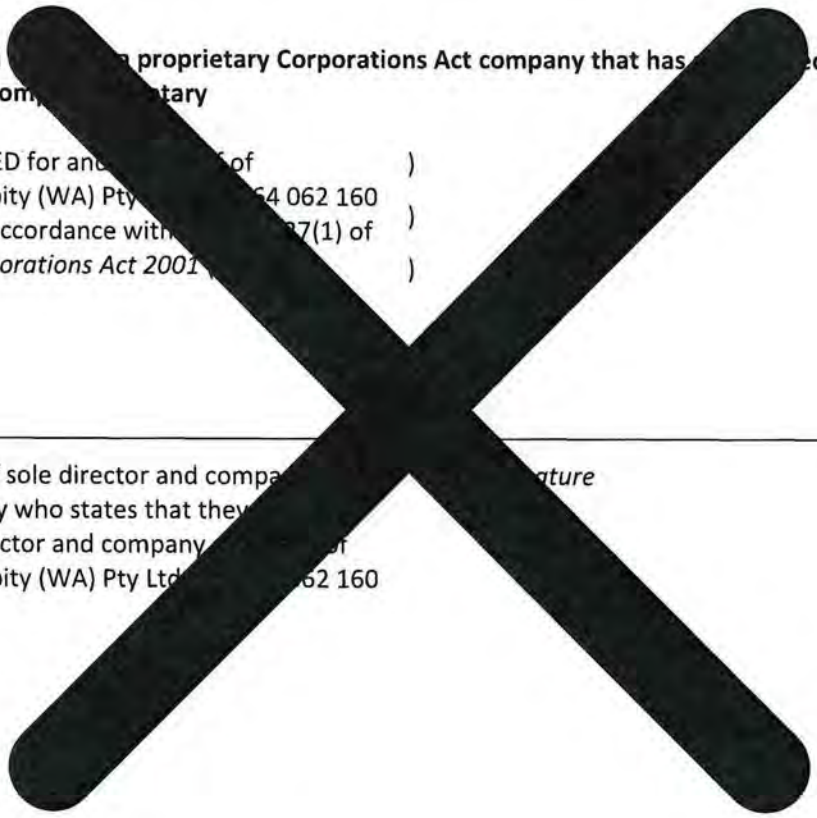
Name of director/company secretary [*strike through whichever does not apply*] who states that they are a director/company secretary [*strike through whichever does not apply*] of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution [illegible] proprietary Corporations Act company that has [illegible] ector who is also the sole com[illegible]tary

EXECUTED for and [illegible] of) Serendipity (WA) Pty [illegible] 64 062 160) 614) in accordance with [illegible] 7(1) of) the *Corporations Act 2001*)

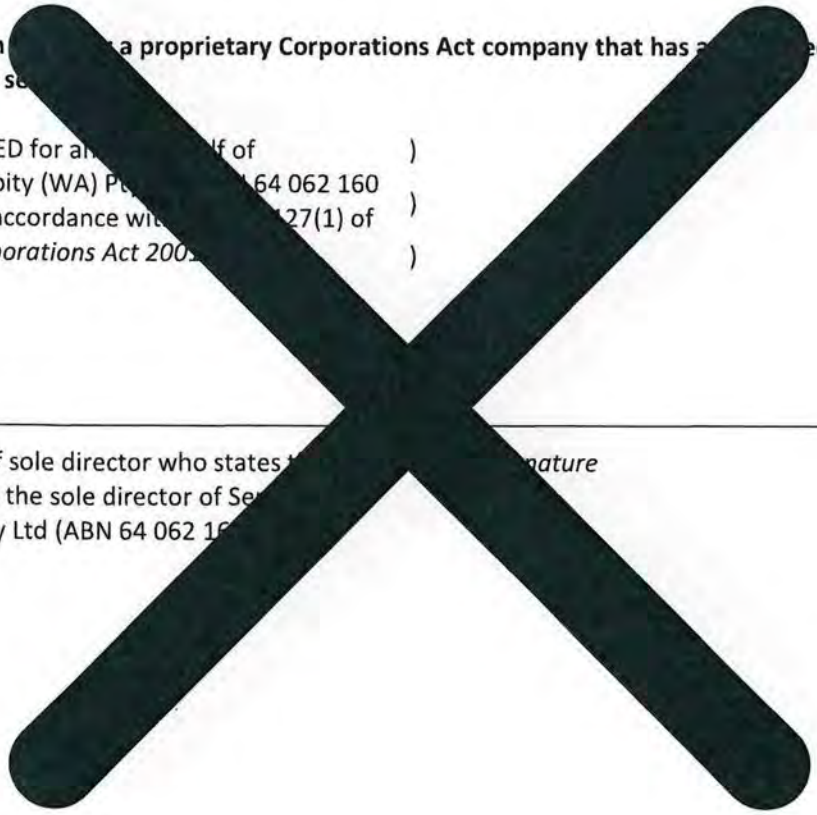


Name of sole director and compa[illegible] *ature* secretary who states that they[illegible] sole director and company [illegible] Serendipity (WA) Pty Ltd [illegible] 62 160 614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution a proprietary Corporations Act company that has a ector and no company se

EXECUTED for a lf of)
Serendipity (WA) Pt 64 062 160)
614) in accordance wi 27(1) of
the *Corporations Act 200*)



Name of sole director who states t nature
they are the sole director of Se
(WA) Pty Ltd (ABN 64 062 1

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(2) of the *Corporations Act 2001* by:)

[Seal]

Name of director

Signature

and by

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

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution by an incorporated association

SIGNED, SEALED AND DELIVERED for and on behalf of Serendipity Pty Ltd (ABN 64 062 160 614) 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*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution [illegible] an incorporated association affixing a common seal

The COMMO[illegible]erendipity (WA) Pty Ltd (ABN 64 [illegible]4) the fixing of which was witnesse[illegible]dance with its Constitution by:)

[Seal]

Name of Committee member

Signature

In the presence of:

Name of [illegible]

Signature of witne[illegible]

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution [illegible] an incorporated association acting as a trustee

SIGNED, SEA[illegible]ELIVERED for and on behalf of Se[illegible]/A) Pty Ltd (ABN 64 062 160 6[illegible])
)
)

Name of Committee member | *Signature*

In the presence of:

Name of w[illegible] | *Signature of witn[illegible]*

and by

Name of Committee member | *Signature*

In the presence of:

Name of witness | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution – a natural person (i.e. an individual)

SIGNED, SEALED AND DELIVERED by:)
)
)

Name of signatory *Signature*

In the presence of:

Name of *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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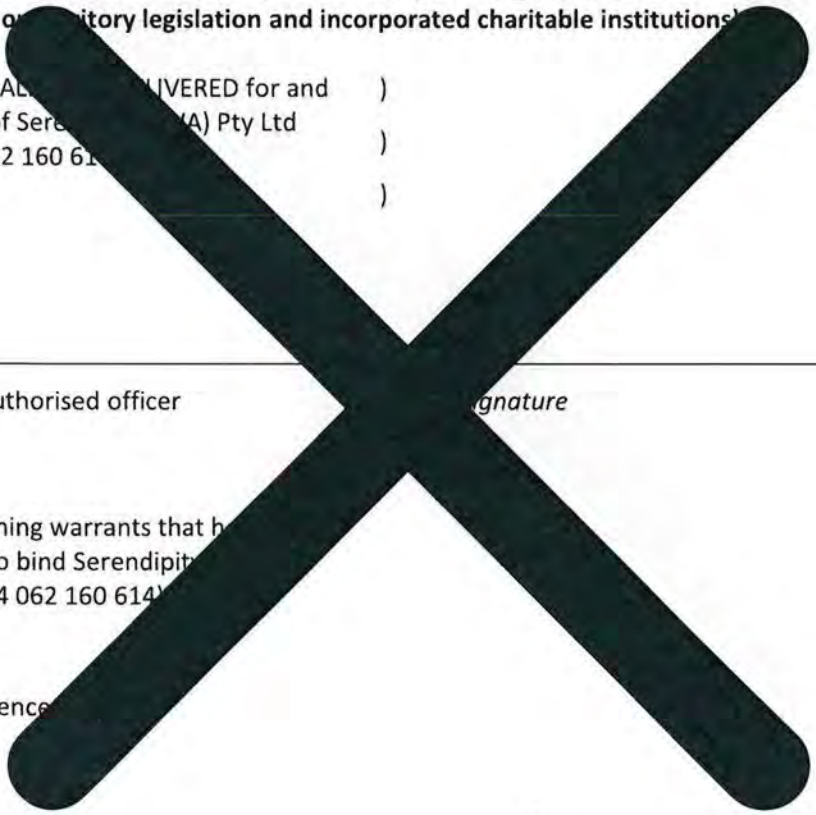
Execution block for other incorporated entities (including associations which are incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED AND DELIVERED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614))
)
)



Name of authorised officer

Signature

who by signing warrants that he has authority to bind Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

In the presence of:

Name of witness (print)

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a local council

SIGNED, SEALED and DELIVERED for and)
on behalf of Se WA) Pty Ltd)
(ABN 64 062 160)

Name of signatory *nature*

by the authority of the Council

In the presence of:

Name of w *Signature of witnes*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED … behalf of)
Serendipity (W… /ABN 64 062 160)
614) in accordanc… …on 99-5(1))
of the *Corporations (… …nd*
Torres Strait Islander) A… …h) by:)

Name of director

…ature

and by

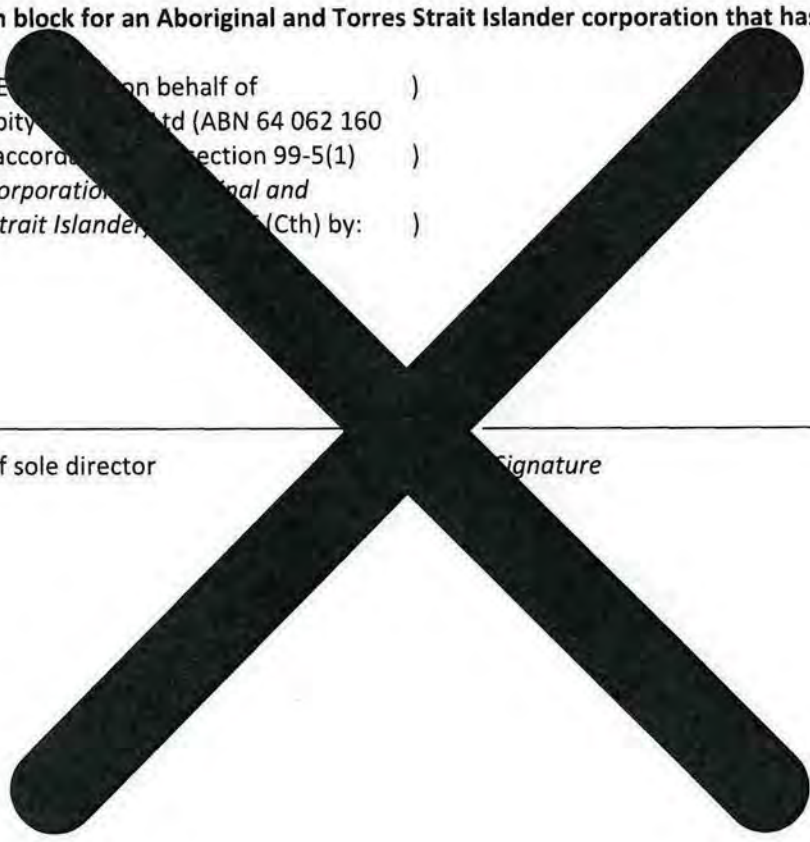
Name of di…or/corporation secretary
[strike through whichever does not apply]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTE[illegible]on behalf of Serendipity[illegible]td (ABN 64 062 160 614) in accord[illegible]ection 99-5(1) of the *Corporatio[illegible]al and Torres Strait Islander[illegible](Cth) by:)



Name of sole director *[illegible]ignature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 COMM of Serendipity (WA) Pty Ltd (ABN 614) the fixing of which was witn cordance with section 99-5(2) of t tions *(Aboriginal and Torres der) Act 2006* (Cth) by:) [Sea

Name of director *nature*

and by

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

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

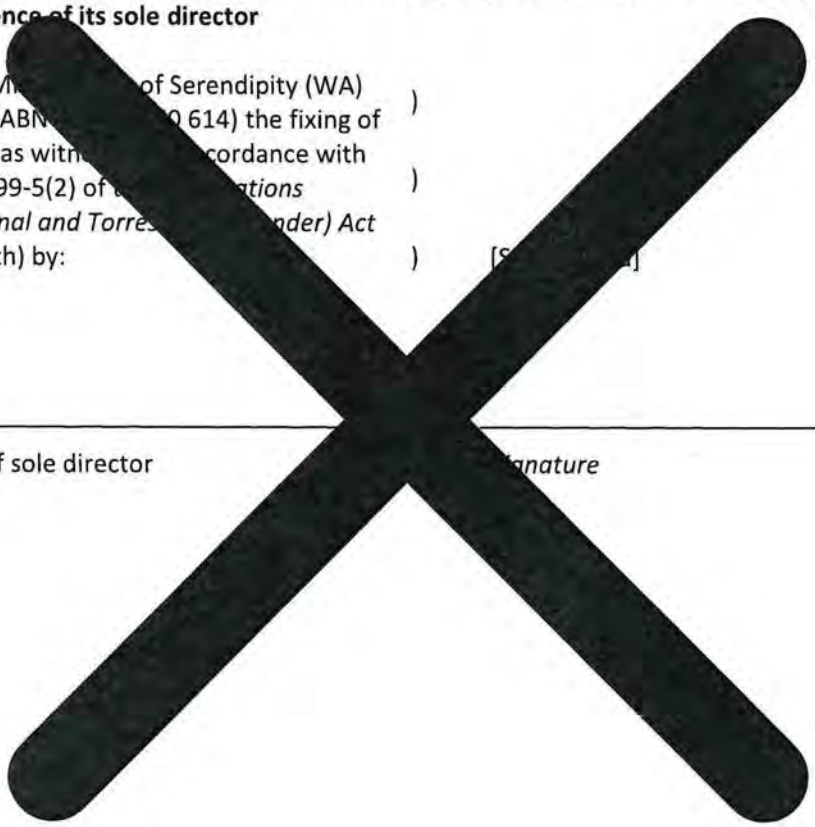
The COM[illegible] of Serendipity (WA) Pty Ltd (ABN [illegible] 614) the fixing of which was witn[illegible] cordance with section 99-5(2) of t[illegible] *ations (Aboriginal and Torres [illegible] nder) Act 2006* (Cth) by:)

)

)

)

[S[illegible]]



Name of sole director

[illegible]gnature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Executio[redacted] State or Territory government

SIGNED, SEAL[redacted]IVERED for and)
on behalf of Ser[redacted]A) Pty Ltd)
(ABN 64 062 160 6[redacted])

Name of Delegate | *Signature*

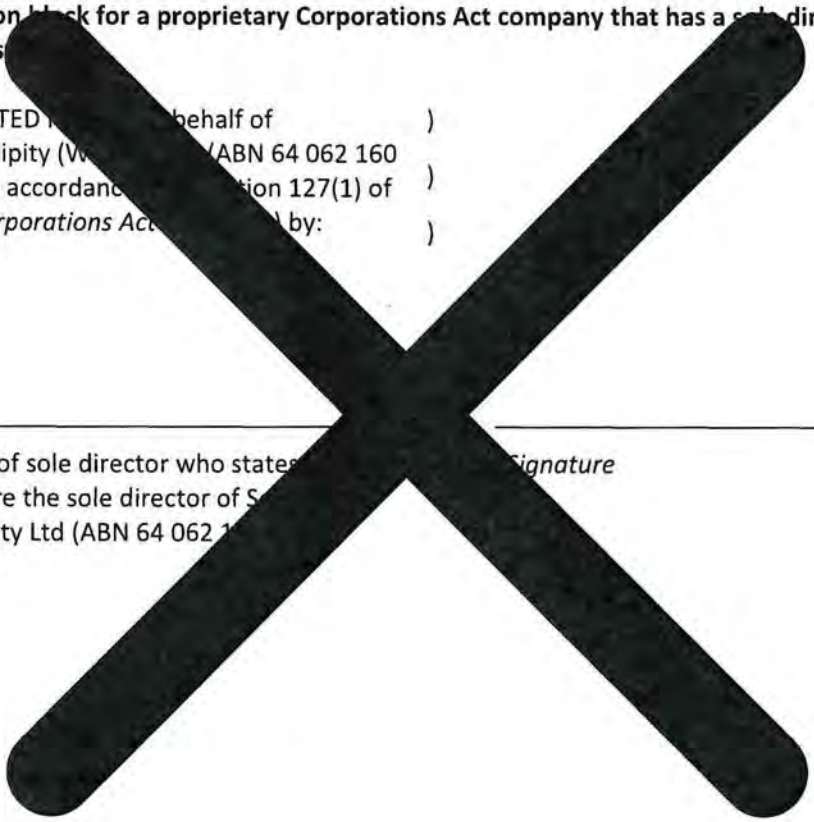
In the presence of:

Name [redacted] | *Signature of wit[redacted]*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED [illegible] behalf of)
Serendipity (W[illegible] (ABN 64 062 160)
614) in accordanc[illegible]tion 127(1) of)
the *Corporations Act* [illegible] by:)



Name of sole director who state[illegible] *Signature*
they are the sole director of S[illegible]
(WA) Pty Ltd (ABN 64 062 1[illegible]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Executio[illegible] a Corporations Act company affixing a common s[illegible]cting as a trustee

EXECUTED fo[illegible]half of Serendipity (WA[illegible]ABN 64 062 160 614) in accordance[illegible]n 127(2) of the *Corporations Act 2[illegible]*y:)

[S[illegible]]

Name of director

Signature

and by

Name of [illegible]/company/secretary

Signature

[strike through whichever does not apply]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 [illegible] based on the number of partners in the partnership*]

SIGNED, SEAL[illegible]IVERED for and)
on behalf of Ser[illegible](A) Pty Ltd)
(ABN 64 062 160 61[illegible])

Name of partner | *Signature*

In the presence of:

Name of [illegible]nt) | *Signature of with[illegible]*

SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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SIGNED, [redacted] DELIVERED for and)
on behalf of [redacted] (WA) Pty Ltd)
(ABN 64 062 1[redacted])

Name of partner | [redacted]ature

In the presence of:

Name of witn[redacted] | Signature of [redacted]

SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Attachment 1

VARIATIONS TO

Workforce Australia - Career Transition Assistance 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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Australian Government
Department of Employment and Workplace Relations

Our Reference: EST-22-0017

Provider Lead
s 22(1)

s 22(1)
CEO Employment Services
SERENDIPITY (WA) PTY LTD
58 Ord Street
West Perth WA 6005

Email: s 22(1)

Dears 22(1)

Workforce Australia - Employability Skills Training Deed 2022-2027
General Deed of Variation No. 5

I refer to the Workforce Australia - Employability Skills Training Deed 2022-2027 (**the Deed**) between the Commonwealth of Australia as represented by the Department of Employment and Workplace Relations (**the Department**) and Serendipity (WA) Pty Ltd (ABN 64 062 160 614) (**your organisation**).

Attached for your organisation's consideration is General Deed of Variation No. 5 (**GDV No. 5**) that the Department proposes for the Deed, which is applicable to the provision of your organisation's services. The Department is providing this GDV No. 5 to address administrative and operational matters under the Deed.

Annexure A to this letter provides a summary of significant changes to the Deed under GDV No. 5. While reasonable efforts have been made to ensure the accuracy of Annexure A, it is provided for quick reference only and, in the event of any inconsistency between Annexure A and GDV No. 5, GDV No. 5 prevails.

All the terms and conditions in your organisation's Deed which are not varied by this GDV No. 5 continue to operate.

Execution of the general variation

Clause 68.1 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.*"

Subject to this letter, if your organisation wishes to enter into this general variation, two (2) copies of GDV No. 5 must be properly signed in ink by your organisation.

GDV No. 5 can be properly signed by the person(s) with authority to bind your organisation in accordance with the rules of your organisation and the relevant law. If the person(s) signing is

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

different from those who originally signed the Deed, please provide proof (e.g. Power of Attorney or ASIC Extract) that the signatories are authorised to sign GDV No. 5.

Please advise your Provider Lead if your organisation would like to sign GDV No. 5 electronically and has not previously done so. You will need to provide evidence that your organisation is registered under the Corporations Act 2001 (Cth). If your organisation has previously provided evidence of registration, you do not need to provide evidence again.

You need to select and use the signature block that best suits your organisation's requirements and cross out the other signature blocks that are not used. Please contact me if none of the signature blocks are suitable for your organisation's requirements.

Do not date the two (2) signed copies of GDV No. 5, as the Department will insert the date upon execution by the Department.

Once the two (2) copies of GDV No. 5 have been properly signed, please send them, within 10 business days of the date of this letter, to the Department at the following address:

s 22(1)
Department of Employment and Workplace Relations
GPO Box 9828
BRISBANE QLD 4001

The Department will then execute GDV No. 5 by signing and dating GDV No. 5 and will forward one (1) fully executed copy to your organisation. GDV No. 5 takes effect on 1 January 2025.

Please contact me on s 22(1) if you have any questions.

Yours sincerely

s 22(1)

s 22(1)
2 December 2024

Summary of significant changes to the Deed under GDV No. 5

Significant changes under GDV No. 5	Summary
Appendix A *Compliance with the Commonwealth Supplier Code of Conduct*	New clause 75A and a definition for 'Commonwealth Supplier Code of Conduct' at ATTACHMENT 1 - DEFINITIONS have been inserted into the Deed to reflect the Commonwealth Supplier Code of Conduct which came into effect on 1 July 2024. The Commonwealth Supplier Code of Conduct outlines the Commonwealth's minimum expectations of suppliers and their subcontractors with respect to integrity and accountability. It is broadly consistent with Providers' existing obligations under the Deed. New clause 75A requires Providers to: • take action to prevent and discourage breaches of the Commonwealth Supplier Code of Conduct; • monitor Personnel and Subcontractor's compliance with the Commonwealth Supplier Code of Conduct and Notify the Department if there has been a breach; and • rectify the breach.
Appendix B *EST Services*	• Clause 87.2 of the Deed is being varied by inserting a new subclause 87.2(c) to limit the delivery of Courses to Business Days only. • Clause 87.2 has also been slightly reformatted.
Appendix C *Miscellaneous*	• Clause 42 has been varied to insert new provisions requiring the Provider to provide access and assistance to the Auditor-General, Commonwealth Ombudsman and Australian Information Commissioner (including their authorised persons or officials) for the purpose of any audit, review or investigation relating to the Deed. These clauses ensure that the Department complies with rule 17AG(8) of the *Public Governance, Performance and Accountability Rule 2014*. • General drafting improvements and corrections.
Appendix D *Notice No. 3*	These variations incorporate changes notified in Notice No. 3, including changes to:

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Significant changes under GDV No. 5	Summary
	• reflect that Parent Pathways Providers may Refer Participants to Career Transition Assistance following the commencement of the new voluntary Parent Pathways service on 1 November 2024; • insert Payment arrangements for Participants referred from Parent Pathways Providers; • insert a new definition for 'Parent Pathways Provider'; and • update the definition of 'Referring Provider' to include Parent Pathways Providers.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Australian Government

Department of Employment and Workplace Relations

GENERAL DEED OF VARIATION No. 5

of the

Workforce Australia - Employability Skills Training Deed 2022-2027

between

the Commonwealth of Australia

and

Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

EST-22-0017

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Workforce Australia - Employability Skills Training Deed 2022-2027

General Deed of Variation No. 5

THIS DEED is made on the 6th 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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street West Perth WA 6005

(**'the Provider or the Lead Member'**)

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

RECITALS

A. The Parties have entered into a Workforce Australia - Employability Skills Training Deed 2022-2027 (EST-22-0017). This deed, together with any subsequent variations thereto, is referred to hereafter as 'the Deed'.

B. Clause 68.1 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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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 its agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 5.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

(Printed name)

s 22(1)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:)	
s 22(1) _____	s 22(1) _____
Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	
and by	
s 22(1) _____	s 22(1) _____
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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	*Signature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth))
)
)

Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

and by

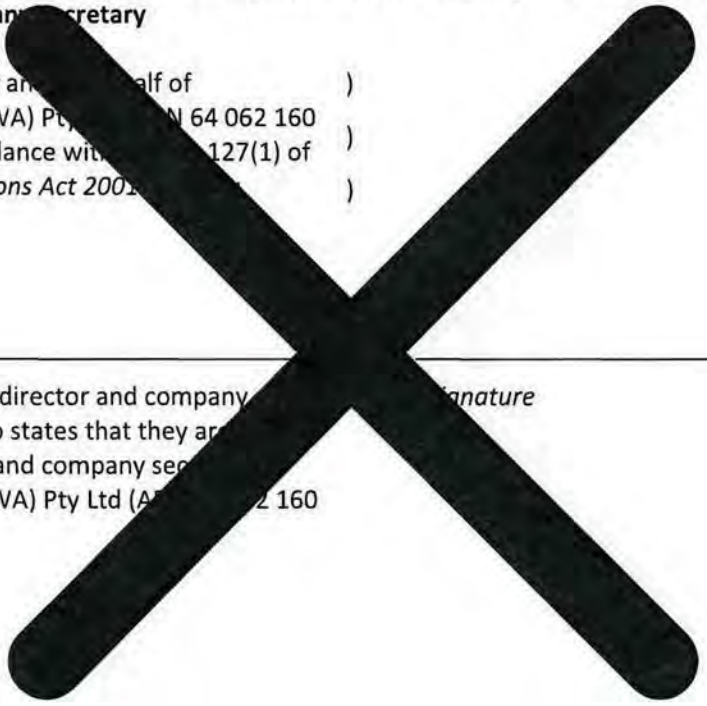
Name of director/company secretary [*strike through whichever does not apply*] who states that they are a director/company secretary [*strike through whichever does not apply*] of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for an behalf of)
Serendipity (WA) Pty N 64 062 160)
614) in accordance with 127(1) of)
the *Corporations Act 2001*)



Name of sole director and company *Signature*
secretary who states that they are
sole director and company sec
Serendipity (WA) Pty Ltd (A 2 160
614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for and f of)
Serendipity (WA) Pty 64 062 160)
614) in accordance with 27(1) of)
the *Corporations Act 2001*)

Name of sole director who states tha *nature*
they are the sole director of Seren
(WA) Pty Ltd (ABN 64 062 160

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(2) of the *Corporations Act 2001* (Cth):)
)
)
[Seal required]

Name of director

Signature

and by

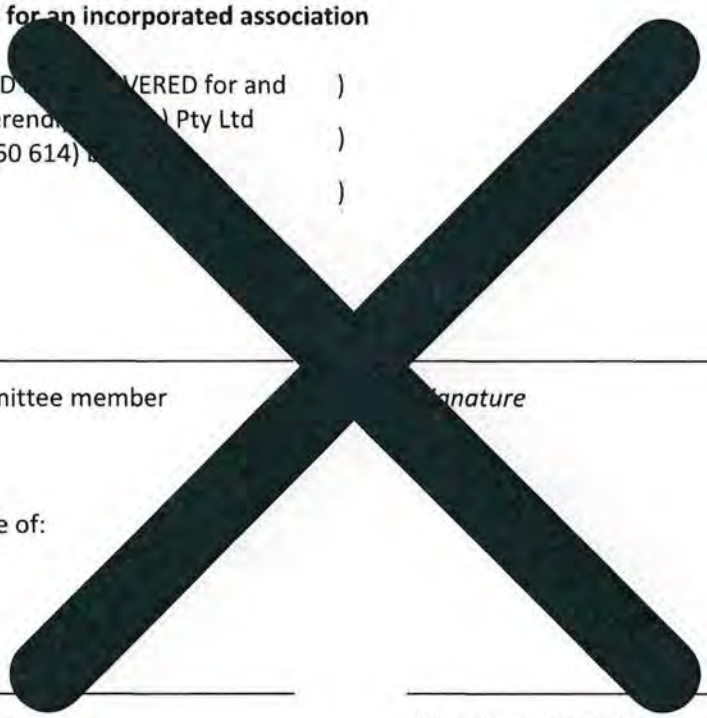
Name of director/company secretary
[*strike through whichever does not apply*]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for an incorporated association

SIGNED, SEALED [illegible]VERED for and)
on behalf of Serend[illegible] Pty Ltd)
(ABN 64 062 160 614) [illegible])



Name of Committee member | *[illegible]nature*

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*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Serendipity (WA) Pty Ltd (ABN 6 60 614) the fixing of which was witn ccordance with its Constitution by:) [Seal Affix

Name of Committee member *ignature*

In the presence of:

Name of witne *Signature of w*

and by

Name of Committee member *Signature*

In the presence of:

Name of witness *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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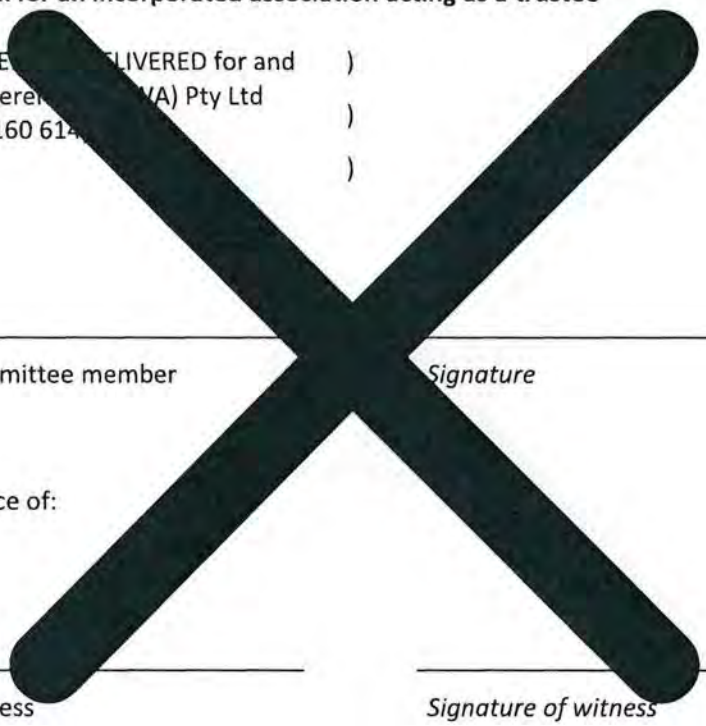
Execution block for an incorporated association acting as a trustee

SIGNED, SEALED AND DELIVERED for and on behalf of Serei[illegible]VA) Pty Ltd (ABN 64 062 160 614[illegible]))
)
)



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*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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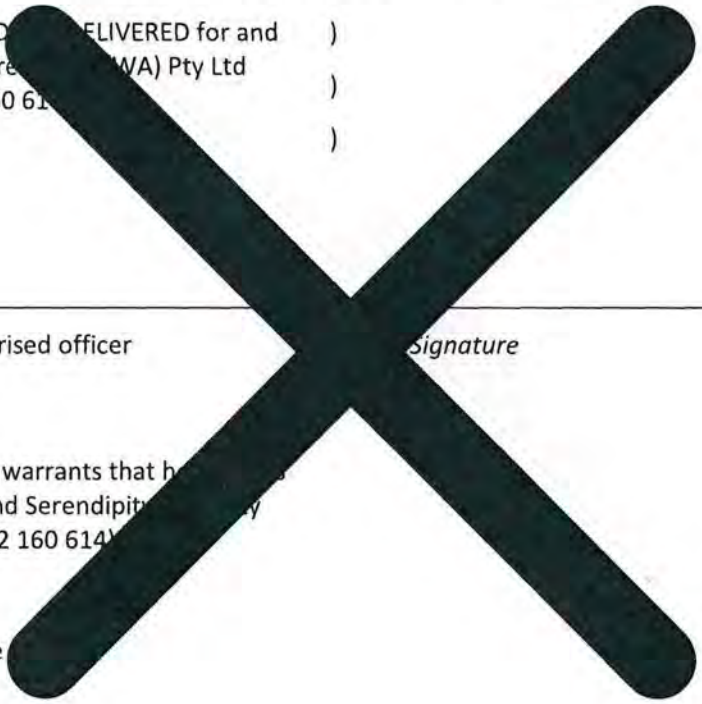
Execution block for other incorporated entities (including associations which are incorporated under State or Territory legislation and incorporated charitable institutions)

SIGNED, SEALED [illegible] ELIVERED for and)
on behalf of Sere [illegible] WA) Pty Ltd)
(ABN 64 062 160 61[illegible])



Name of authorised officer *Signature*

who by signing warrants that h[illegible]
authority to bind Serendipit[illegible]y
Ltd (ABN 64 062 160 614)

In the presence [illegible]

Name of witness (print) *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution bloc[redacted]local council

SIGNED, SEALED a[redacted]ERED for and)
on behalf of Serendip[redacted]Pty Ltd)
(ABN 64 062 160 614) b[redacted])

[redacted]

Name of signatory *Signature*

by the authority of the Cou[redacted]

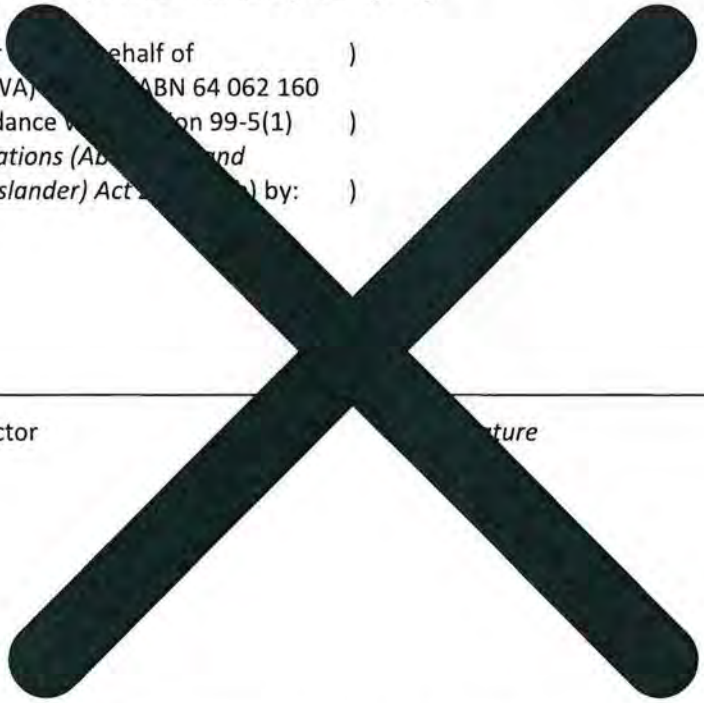
In the presence of[redacted]

Name of witness *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 [redacted] behalf of Serendipity (WA) [redacted] ABN 64 062 160 614) in accordance [redacted] on 99-5(1) of the *Corporations (Ab[redacted]nd Torres Strait Islander) Act [redacted]*) by:)



Name of director *[redacted]ture*

and by

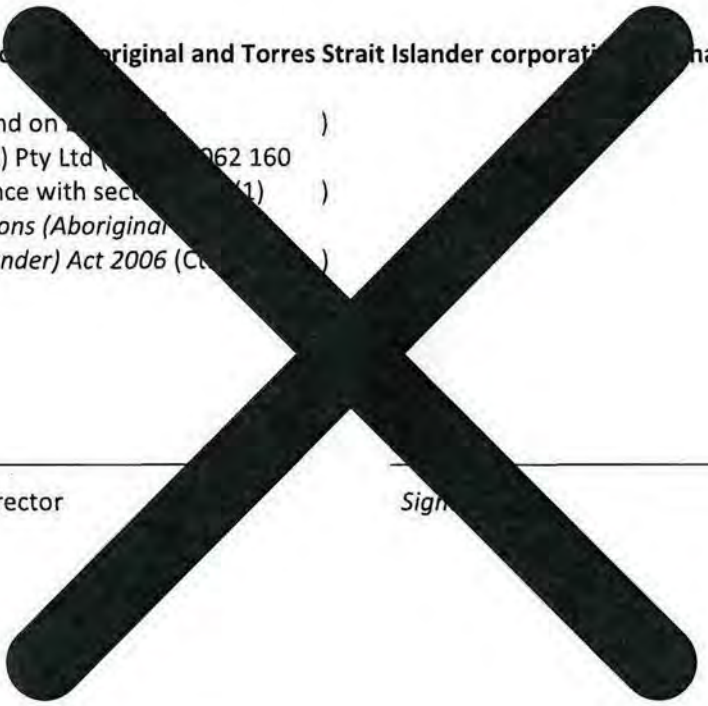
Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block fo riginal and Torres Strait Islander corporati has a sole director

EXECUTED for and on) Serendipity (WA) Pty Ltd (062 160 614) in accordance with sect 1)) of the *Corporations (Aboriginal Torres Strait Islander) Act 2006* (Ct)



Name of sole director

Sign

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for an Aboriginal and Torres Strait Islander corporation affixing a common seal in the presence of t[illegible]ectors or a director and a corporation secreta[illegible]

The COMMON SEA[illegible]dipity (WA) Pty Ltd (ABN 64 062 1[illegible]e fixing of which was witnessed in a[illegible]e with section 99-5(2) of the *Corpo[illegible] (Aboriginal and Torres Strait Isl[illegible]t 2006* (Cth) by:)
)
)

[illegible]ffixed]

Name of director

S[illegible]

and by

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

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

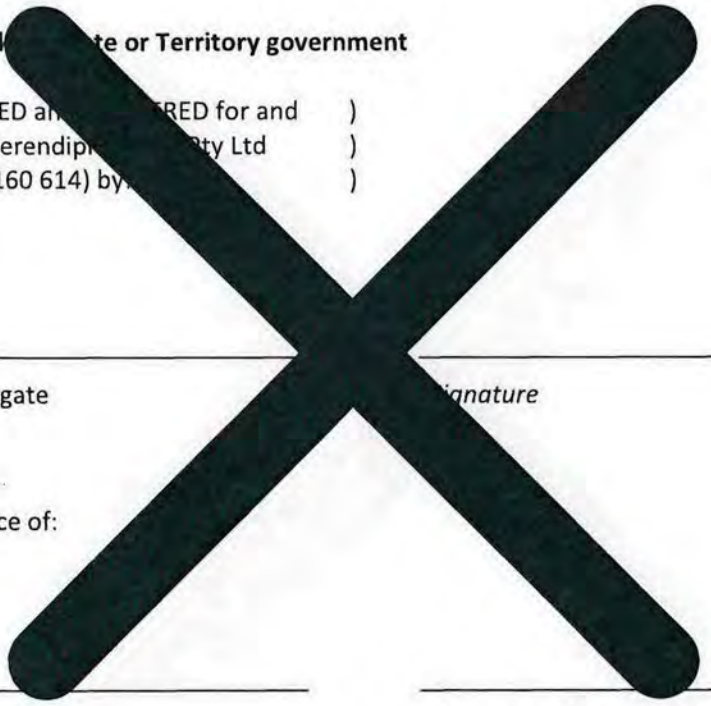
The COMMON SEAL of Serendipity (WA) Pty Ltd (ABN 64 062) the fixing of which was witnessed in accordance with section 99-5(2) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) by:) [Affixed]

Name of sole director

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block[illegible]te or Territory government

SIGNED, SEALED a[illegible]RED for and)
on behalf of Serendip[illegible]ty Ltd)
(ABN 64 062 160 614) by[illegible])



Name of Delegate

[illegible]ignature

In the presence of:

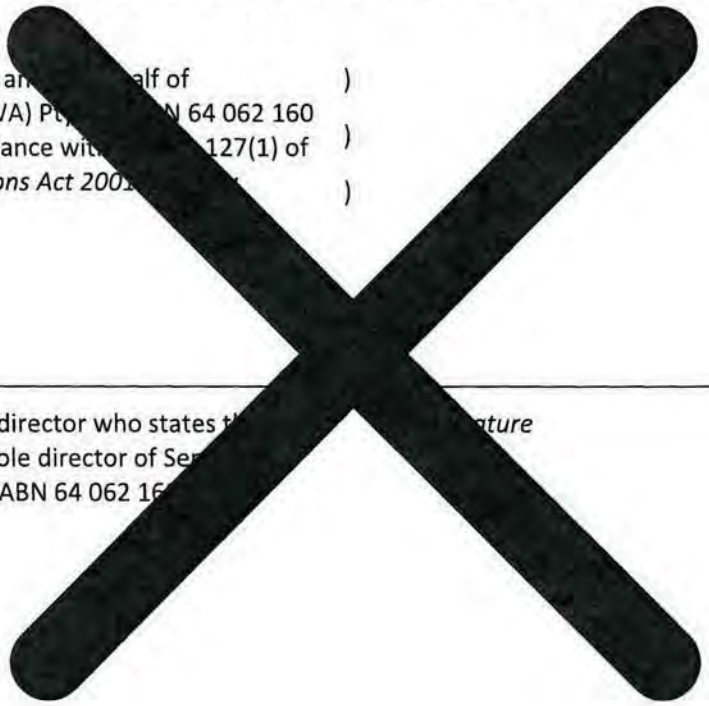
Name of witness

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for an[illegible]alf of)
Serendipity (WA) Pty[illegible]N 64 062 160)
614) in accordance wit[illegible]127(1) of)
the *Corporations Act 200[illegible]*)



Name of sole director who states t[illegible]*nature*
they are the sole director of Se[illegible]
(WA) Pty Ltd (ABN 64 062 16[illegible]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for ehalf of)
Serendipity (WA) ABN 64 062 160)
614) in accordance on 127(2) of)
the *Corporations Act* by:)

[Seal

Name of director

Signature

and by

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

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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 Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614))

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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SIGNED, SEALED [redacted]VERED for and)
on behalf of Seren[redacted]) Pty Ltd)
(ABN 64 062 160 614))

Name of partner *[redacted]gnature*

In the presence of:

Name of witness [redacted] *Signature of witness*

SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner *Signature*

In the presence of:

Name of witness (print) *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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VARIATIONS TO

Workforce Australia - Employability Skills Training 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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Australian Government
Department of Employment and Workplace Relations

Our Reference: SEA-22-0021

Provider Lead
s 22(1)

s 22(1)
CEO Employment Services
SERENDIPITY (WA) PTY LTD
58 Ord Street
West Perth WA 6005

Email: s 22(1)

Dear s 22(1)

Workforce Australia - Self-Employment Assistance Deed 2022-2027
General Deed of Variation No. 4

I refer to the Workforce Australia - Self-Employment Assistance Deed 2022-2027 (**the Deed**) between the Commonwealth of Australia as represented by the Department of Employment and Workplace Relations (**the Department**) and Serendipity (WA) Pty Ltd (ABN 64 062 160 614) (**your organisation**).

Attached for your organisation's consideration is General Deed of Variation No. 4 (**GDV No. 4**) that the Department proposes for the Deed, which is applicable to the provision of your organisation's services. The Department is providing this GDV No. 4 to address administrative and operational matters under the Deed.

Annexure A to this letter provides a summary of significant changes to the Deed under GDV No. 4. While reasonable efforts have been made to ensure the accuracy of Annexure A, it is provided for quick reference only and, in the event of any inconsistency between Annexure A and GDV No. 4, GDV No. 4 prevails.

All the terms and conditions in your organisation's Deed which are not varied by this GDV No. 4 continue to operate.

Execution of the general variation

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."*

Department of Employment and Workplace Relations – Documents released under FOI - LEX 1514

Subject to this letter, if your organisation wishes to enter into this general variation, two (2) copies of GDV No. 4 must be properly signed in ink by your organisation.

GDV No. 4 can be properly signed by the person(s) with authority to bind your organisation in accordance with the rules of your organisation and the relevant law. If the person(s) signing is different from those who originally signed the Deed, please provide proof (e.g. Power of Attorney or ASIC Extract) that the signatories are authorised to sign GDV No. 4.

Please advise your Provider Lead if your organisation would like to sign GDV No. 4 electronically, and has not previously done so. You will need to provide evidence that your organisation is registered under the *Corporations Act 2001* (Cth). If your organisation has previously provided evidence of registration, you do not need to provide evidence again.

You need to select and use the signature block that best suits your organisation's requirements and cross out the other signature blocks that are not used. Please contact me if none of the signature blocks are suitable for your organisation's requirements.

Do not date the two (2) signed copies of GDV No. 4, as the Department will insert the date upon execution by the Department.

Once the two (2) copies of GDV No. 4 have been properly signed, please send them, within 10 business days of the date of this letter, to the Department at the following address:

s 22(1)
Department of Employment and Workplace Relations
GPO Box 9828
BRISBANE QLD 4001

The Department will then execute GDV No. 4, by signing and dating GDV No. 4, and will forward one (1) fully executed copy to your organisation. GDV No. 4 takes effect on 1 January 2025.

Please contact me on s 22(1) if you have any questions.

Yours sincerely

s 22(1)

s 22(1)
2 December 2024

Summary of significant changes to the Deed under GDV No. 4

Significant changes under GDV No. 4	Summary
Appendix A *Compliance with the Commonwealth Supplier Code of Conduct*	New clause 74A and a definition for 'Commonwealth Supplier Code of Conduct' at ATTACHMENT 1 - DEFINITIONS have been inserted into the Deed to reflect the Commonwealth Supplier Code of Conduct which came into effect on 1 July 2024. The Commonwealth Supplier Code of Conduct outlines the Commonwealth's minimum expectations of suppliers and their subcontractors with respect to integrity and accountability. It is broadly consistent with Providers' existing obligations under the Deed. New clause 74A requires Providers to: • take action to prevent and discourage breaches of the Commonwealth Supplier Code of Conduct; • monitor Personnel and Subcontractor's compliance with the Commonwealth Supplier Code of Conduct and Notify the Department if there has been a breach; and • rectify the breach.
Appendix B *Miscellaneous*	• Clause 41 has been varied to insert new provisions requiring the Provider to provide access and assistance to the Auditor-General, Commonwealth Ombudsman and Australian Information Commissioner (including their authorised persons or officials) for the purpose of any audit, review or investigation relating to the Deed. These clauses ensure that the Department complies with rule 17AG(8) of the *Public Governance, Performance and Accountability Rule 2014*. • General drafting improvements and corrections.
Appendix C *Notice No. 3*	• These variations incorporate changes notified in Notice No. 3, including changes to reflect the cessation of the ParentsNext program on 31 October 2024 and commencement of the new voluntary Parent Pathways service on 1 November 2024, and that Parent Pathways is an 'Other Program' for the purposes of the Deed.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Australian Government

Department of Employment and Workplace Relations

GENERAL DEED OF VARIATION No. 4

of the

Workforce Australia - Self-Employment Assistance Deed 2022-2027

between

the Commonwealth of Australia

and

Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

SEA-22-0021

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Workforce Australia - Self-Employment Assistance Deed 2022-2027

General Deed of Variation No. 4

THIS DEED is made on the 6th 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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street West Perth WA 6005

(**'the Provider'**)

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

RECITALS

A. The Parties have entered into a Workforce Australia - Self-Employment Assistance Deed 2022-2027 (SEA-22-0021). 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 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. 4 is governed by, and construed in accordance with, the laws in force in New South Wales.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 their agent to bind each member of the Group Respondent in relation to this General Deed of Variation No. 4.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

(Printed name)

s 22(1)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:)))	
s 22(1)	s 22(1)
Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	
and by	
s 22(1)	s 22(1)
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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	*Signature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution bl... ...rporations Act company acting as a trustee wh... ...o directors or a director and a c... ...retary are signing

EXECUTED for and o...)
Serendipity (WA) Pty Lt... ...62 160)
614) in accordance with se... ...) of)
the *Corporations Act 2001* (C...)

Name of director who states that t... ...e
are a director of Serendipity (WA...
(ABN 64 062 160 614)

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execut[illegible] a proprietary Corporations Act company that has a [illegible]tor who is also the sole c[illegible]retary

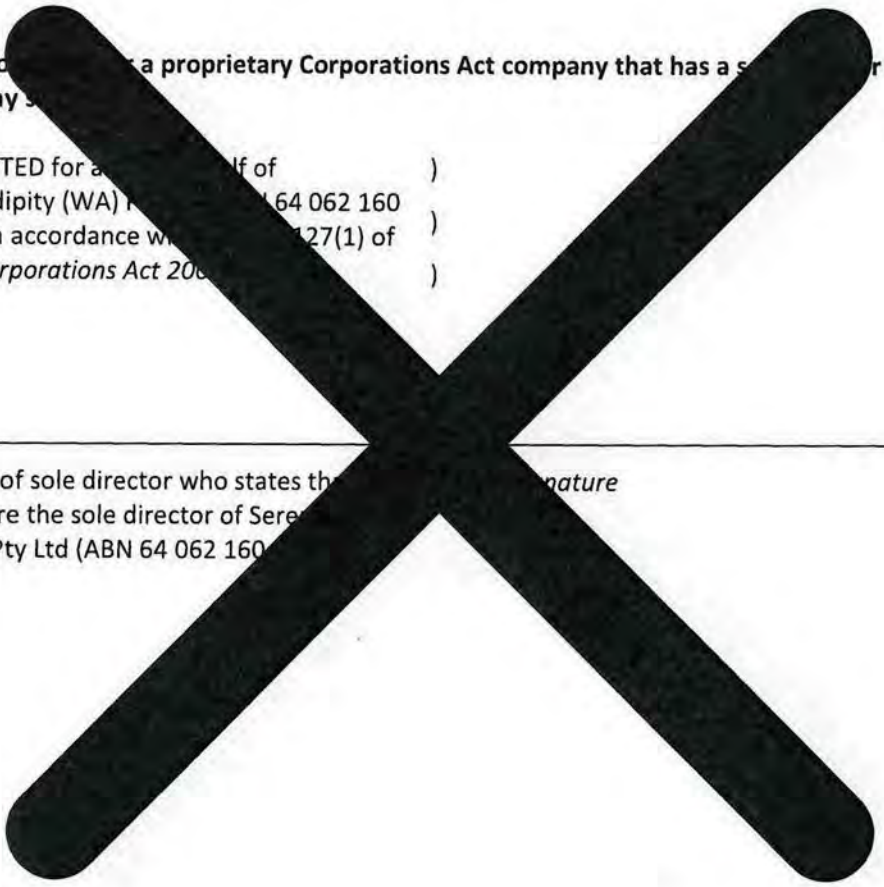
EXECUTED for [illegible]lf of Serendipity (WA) [illegible]64 062 160 614) in accordance w[illegible]127(1) of the *Corporations Act 20[illegible]*)

Name of sole director and compa[illegible]*nature* secretary who states that they sole director and company s Serendipity (WA) Pty Ltd[illegible]2 160 614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Executi… a proprietary Corporations Act company that has a s… r and no company s…

EXECUTED for a… lf of)
Serendipity (WA) … 64 062 160)
614) in accordance wi… 127(1) of)
the *Corporations Act 20…*)



Name of sole director who states th… *nature*
they are the sole director of Sere…
(WA) Pty Ltd (ABN 64 062 160…

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execut[illegible] for a Corporations Act company affixing a common seal

EXECUTE[illegible] behalf of Serendipity [illegible]d (ABN 64 062 160 614) in accord[illegible]ction 127(2) of the *Corporations* [illegible]h) by:)

[Seal A[illegible]

Name of director

Signature

and by

Name of d[illegible]pany secretary
[*strike t[illegible]chever does not apply*]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Executio an incorporated association

SIGNED, SEA IVERED for and)
on behalf of Ser A) Pty Ltd)
(ABN 64 062 160 6)

Name of Committee member | *ignature*

In the presence of:

Name o | *Signature of witne*

and by

Name of Committee member | *Signature*

In the presence of:

Name of witness | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Executi[illegible]k for an incorporated association affixing a common seal

The CO[illegible] of Serendipity (WA) Pty Ltd (AB[illegible]0 614) the fixing of which was wi[illegible]ccordance with its Constitution b[illegible])
)
)
[Seal Aff[illegible]

Name of Committee member

[illegible]gnature

In the presence of:

Name of wi[illegible]

Signature of [illegible]

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execut for an incorporated association acting as a trustee

SIGNED, DELIVERED for and)
on behalf of (WA) Pty Ltd)
(ABN 64 062 1)
)

Name of Committee member | *Signature*

In the presence of:

Name of w | *Signature of w*

and by

Name of Committee member | *Signature*

In the presence of:

Name of witness | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Executio natural person (i.e. an individual)

SIGNED, SEAL VERED by:)

)

)

Name of signatory *gnature*

In the presence of:

Name o *Signature of witnes*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for other incorporated entities (including associations which are incorporated under St[redacted]rritory legislation and incorporated charitable institution

SIGNED, S[redacted]ELIVERED for and)
on behalf of S[redacted]WA) Pty Ltd)
(ABN 64 062 160[redacted])

_____

Name of authorised officer [redacted]*gnature*

who by signing warrants that [redacted]
authority to bind Serendipi[redacted]
Ltd (ABN 64 062 160 61[redacted]

In the presen[redacted]

_____ _____

Name of witness (print) *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a local council

SIGNED and DELIVERED for and)
on behalf of [illegible]pity (WA) Pty Ltd)
(ABN 64 06[illegible]by:)

_____ _____

Name of signatory *[illegible]ature*

by the authority of the Council

In the presence of:

_____ _____

Name of [illegible] *Signature of [illegible]*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED on behalf of)
Serendipity (ABN 64 062 160)
614) in accordance with section 99-5(1))
of the *Corporations (Aboriginal and*)
Torres Strait Islander) (Cth) by:)

Name of director *Signature*

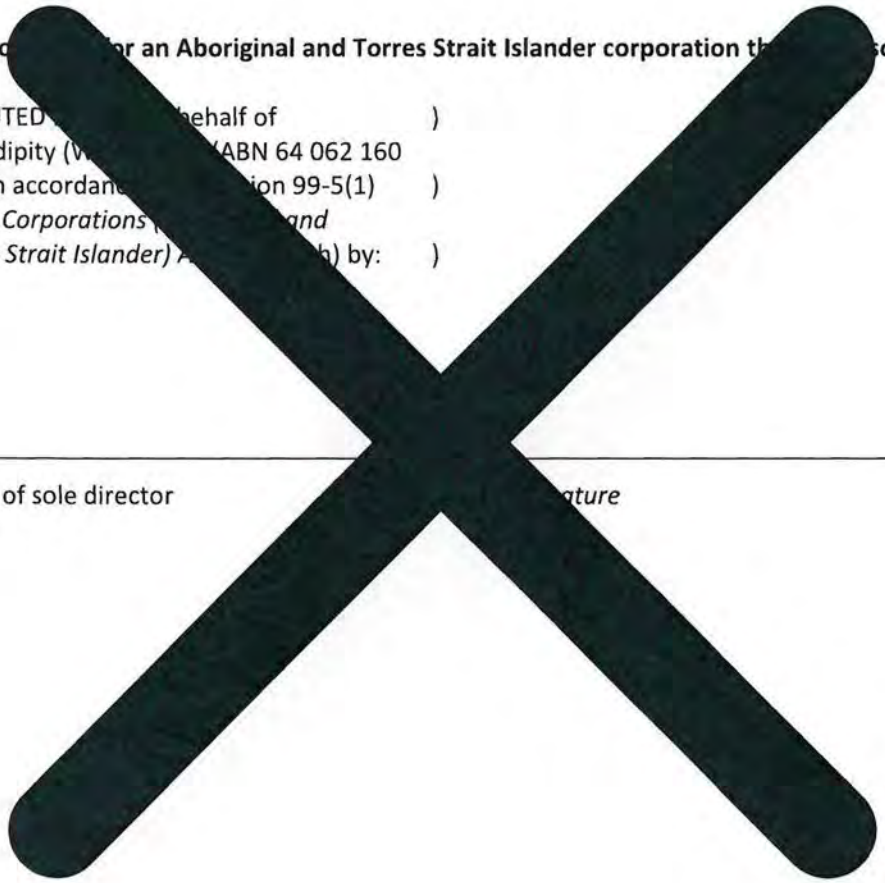
and by

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

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Executi[illegible]or an Aboriginal and Torres Strait Islander corporation th[illegible]sole director

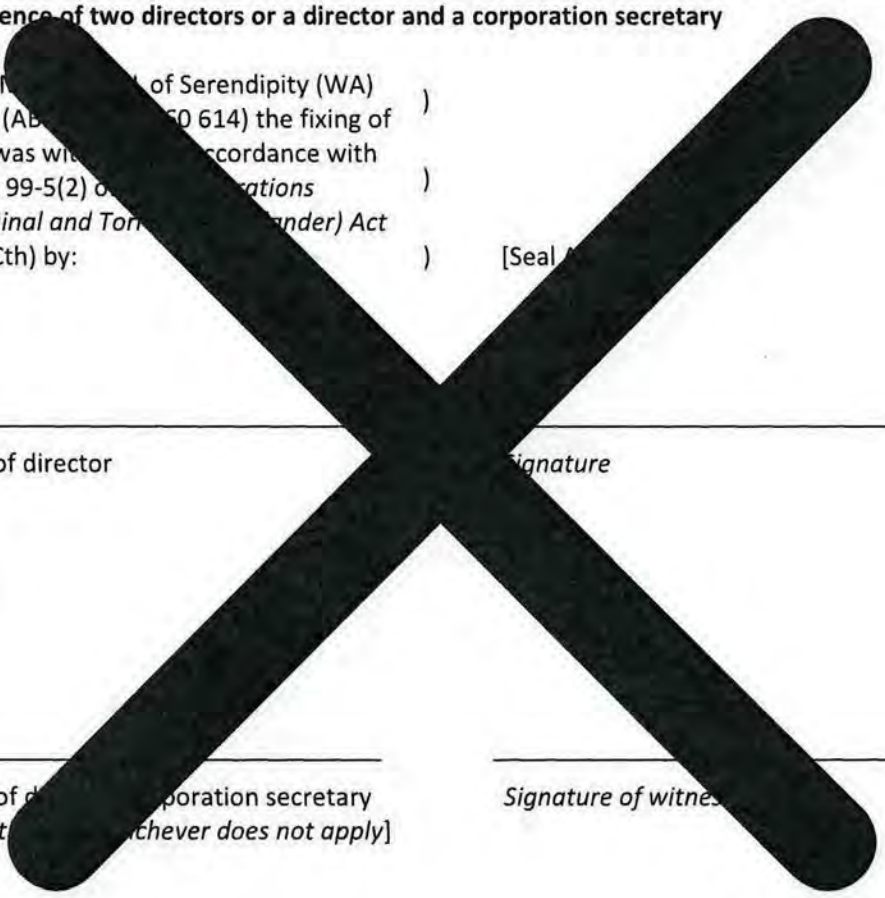
EXECUTED [illegible]behalf of)
Serendipity (V[illegible]ABN 64 062 160
614) in accordan[illegible]ion 99-5(1))
of the *Corporations* [illegible]*and*
Torres Strait Islander) A[illegible]h) by:)



Name of sole director [illegible]*ature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 CO[illegible] of Serendipity (WA) Pty Ltd (AB[illegible]50 614) the fixing of which was wi[illegible]ccordance with section 99-5(2) o[illegible]*ations (Aboriginal and Tor[illegible]nder) Act 2006* (Cth) by:)

)

) [Seal A[illegible]

Name of director *Signature*

and by

Name of d[illegible]poration secretary
[*strike t[illegible]chever does not apply*]

Signature of witnes[illegible]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

The COMM[redacted]AL of Serendipity (WA) Pty Ltd (A[redacted]160 614) the fixing of which was w[redacted]accordance with section 99-5(2) [redacted]*orations (Aboriginal and To[redacted]lander) Act 2006* (Cth) by:) [Seal Affixe[redacted]

[redacted]

Name of sole director [redacted]*uture*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for State or Territory government

SIGNED, [redacted] d DELIVERED for and)
on behalf [redacted] ty (WA) Pty Ltd)
(ABN 64 062 [redacted])

Name of Delegate

Signature

In the presence of:

Name of witness

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution [illegible] for a proprietary Corporations Act company that has a sole di[illegible], and is acting as a truste[illegible]

EXECUTED fo[illegible] half of Serendipity (WA[illegible] BN 64 062 160 614) in accordance[illegible] 127(1) of the *Corporations Act 2[illegible]*:)

Name of sole director who states that [illegible]*nature* they are the sole director of Serendi[illegible] (WA) Pty Ltd (ABN 64 062 160 61[illegible]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUT[illegible]d on behalf of Serendi[illegible]y Ltd (ABN 64 062 160 614) in acc[illegible]h section 127(2) of the *Corporati*[illegible]1 (Cth) by:)

[Seal Affixed]

Name of director

[illegible]ure

and by

Name of director[illegible]ecretary
[strike through[illegible] does not apply]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) by:)

Name of pa | *Signature*

In the presence of:

Name of witness (print) | *nature of witness*

SIGNED, SEALED an D for and on behalf of Ser A) Pty Ltd (ABN 64 062):)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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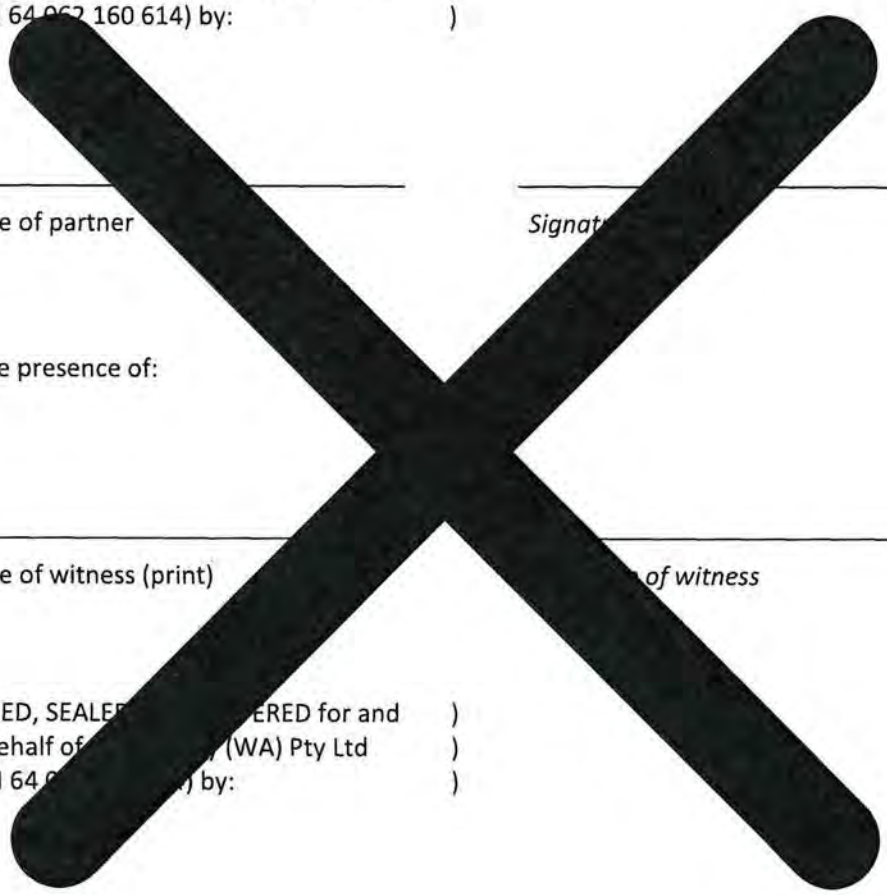
SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)



Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

SIGNED, SEALED and DELIVERED for and)
on behalf of (WA) Pty Ltd)
(ABN 64) by:)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

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Attachment 1

VARIATIONS TO

Workforce Australia - Self-Employment Assistance 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 Annexure A1 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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Australian Government
Department of Employment and Workplace Relations

Our Reference: TTW-22-0012

Provider Lead
s 22(1)

s 22(1)
CEO Employment Services
SERENDIPITY (WA) PTY LTD
58 Ord Street
West Perth WA 6005

Email: s 22(1)

Dear s 22(1)

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

I refer to the Workforce Australia - Transition to Work Deed 2022-2027 (**the Deed**) between the Commonwealth of Australia as represented by the Department of Employment and Workplace Relations (**the Department**) and Serendipity (WA) Pty Ltd (ABN 64 062 160 614) (**your organisation**).

Attached for your organisation's consideration is General Deed of Variation No. 5 (**GDV No. 5**) that the Department proposes for the Deed, which is applicable to the provision of your organisation's Services. The Department is providing this GDV No. 5 to address administrative and operational matters under the Deed.

Annexure A to this letter provides a summary of significant changes to the Deed under GDV No. 5. While reasonable efforts have been made to ensure the accuracy of Annexure A, it is provided for quick reference only and, in the event of any inconsistency between Annexure A and GDV No. 5, GDV No. 5 prevails.

All the terms and conditions in your organisation's Deed which are not varied by this GDV No. 5 continue to operate.

Execution of the general variation

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."*

Subject to this letter, if your organisation wishes to enter into this general variation, two (2) copies of GDV No. 5 must be properly signed in ink by your organisation.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

GDV No. 5 can be properly signed by the person(s) with authority to bind your organisation in accordance with the rules of your organisation and the relevant law. If the person(s) signing is different from those who originally signed the Deed, please provide proof (e.g. Power of Attorney or ASIC Extract) that the signatories are authorised to sign GDV No. 5.

Please advise your Provider Lead if your organisation would like to sign GDV No. 5 electronically, and has not previously done so. You will need to provide evidence that your organisation is registered under the *Corporations Act 2001* (Cth). If your organisation has previously provided evidence of registration, you do not need to provide evidence again.

You need to select and use the signature block that best suits your organisation's requirements and cross out the other signature blocks that are not used. Please contact me if none of the signature blocks are suitable for your organisation's requirements.

Do not date the two (2) signed copies of GDV No. 5, as the Department will insert the date upon execution by the Department.

Once the two (2) copies of GDV No. 5 have been properly signed, please send them, within 10 business days of the date of this letter, to the Department at the following address:

s 22(1)
Department of Employment and Workplace Relations
GPO Box 9828
BRISBANE QLD 4001

The Department will then execute GDV No. 5, by signing and dating GDV No. 5, and will forward one (1) fully executed copy to your organisation. GDV No. 5 takes effect on 1 January 2025.

Please contact me on s 22(1) if you have any questions.

Yours sincerely

s 22(1)

s 22(1)
2 December 2024

Summary of significant changes to the Deed under GDV No. 5

Significant changes under GDV No. 5	Summary
Appendix A *Compliance with the Commonwealth Supplier Code of Conduct*	New clause 74A and a definition for 'Commonwealth Supplier Code of Conduct' at ATTACHMENT 1 - DEFINITIONS have been inserted into the Deed to reflect the Commonwealth Supplier Code of Conduct which came into effect on 1 July 2024. The Commonwealth Supplier Code of Conduct outlines the Commonwealth's minimum expectations of suppliers and their subcontractors with respect to integrity and accountability. It is broadly consistent with Providers' existing obligations under the Deed. New clause 74A requires Providers to: • take action to prevent and discourage breaches of the Commonwealth Supplier Code of Conduct; • monitor Personnel and Subcontractor's compliance with the Commonwealth Supplier Code of Conduct and Notify the Department if there has been a breach; and • rectify the breach.
Appendix B *Group Two Participant*	The Deed is being varied to clarify the definition of 'Group Two Participant'. To be eligible as a Group Two Participant, an Aboriginal and Torres Strait Islander person, who is of compulsory school age, must have an approved exemption from legal requirements to attend school in the relevant jurisdiction.
Appendix C *Miscellaneous*	• Clause 41 has been varied to insert new provisions requiring the Provider to provide access and assistance to the Auditor-General, Commonwealth Ombudsman and Australian Information Commissioner (including their authorised persons or officials) for the purpose of any audit, review or investigation relating to the Deed. These clauses ensure that the Department complies with rule 17AG(8) of the *Public Governance, Performance and Accountability Rule 2014*. • General drafting improvements and corrections, including variations to the definitions of:

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Significant changes under GDV No. 5	Summary
	○ '12 Week Period (Employment Outcome)' to clarify that this 12 week period may be comprised of multiple periods, provided that each such period begins within the Participant's Period of Service (which may be up to 18 months or 24 months if extended in accordance with the Deed); and ○ 'Eligible Participant' to clarify that an Eligible Participant can be up to 24 years old on the date of their Referral to the Provider, instead of being up to 24 years old on the Commencement in the Services.
Appendix D *Notice No. 3*	These variations incorporate changes notified in Notice No. 3, including changes to: • reflect the cessation of the ParentsNext program on 31 October 2024 and the commencement of the Parent Pathways program on 1 November 2024; and • amend terminology used in the Deed, including replacing all references to 'ParentsNext' with 'Parent Pathways'.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

TTW-22-0012

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Workforce Australia - Transition to Work Deed 2022-2027

General Deed of Variation No. 5

THIS DEED is made on the 6th 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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street West Perth WA 6005
(**'the Provider'**)

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

RECITALS

A. The Parties have entered into a Workforce Australia - Transition to Work Deed 2022-2027 (TTW-22-0012). 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.

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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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

(Printed name)

s 22(1)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:)	
s 22(1) _____	s 22(1) _____
Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	
and by	
s 22(1) _____	s 22(1) _____
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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	*Signature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for a Corporations Act company acting as a trustee where either two directors or a director and a co[redacted] secretary are signing

EXECUTED for and [redacted] of Serendipity (WA) Pty L[redacted] 4 062 160 614) in accordance with s[redacted] 7(1) of the *Corporations Act 2001* (C[redacted])

[redacted]

Name of director who states that the[redacted] *ture* are a director of Serendipity (WA) (ABN 64 062 160 614)

and by

[redacted]

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

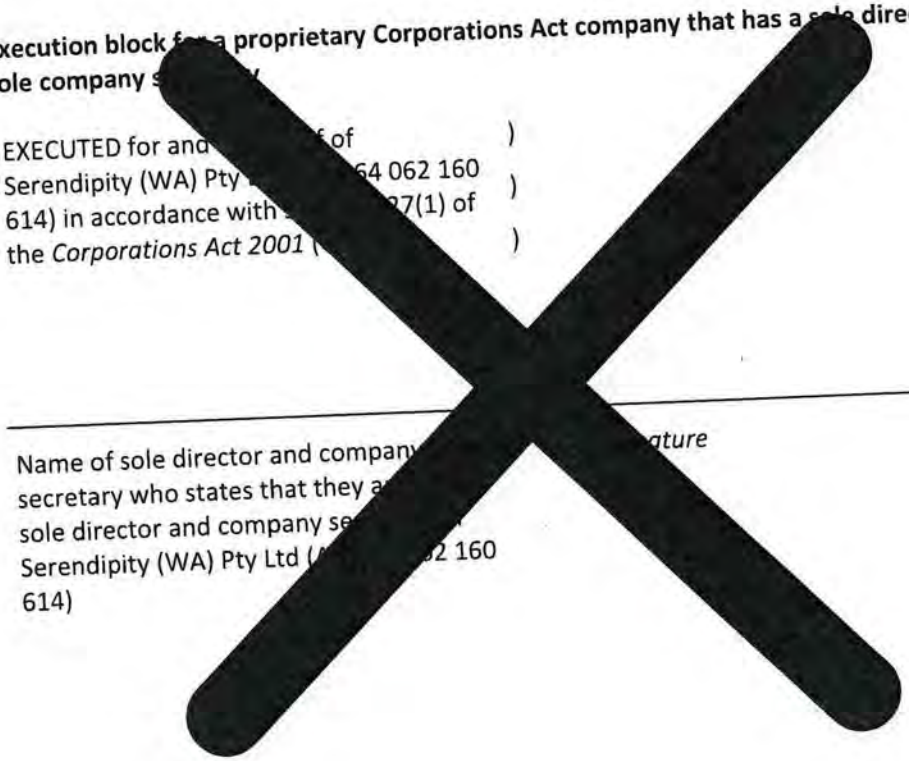
Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ACN 164 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth):

)
)
)



Signature

Name of sole director and company secretary who states that they are the sole director and company secretary of Serendipity (WA) Pty Ltd (ACN 164 062 160 614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for a[redacted]half of)
Serendipity (WA) [redacted]BN 64 062 160)
614) in accordance w[redacted]n 127(1) of)
the *Corporations Act 20[redacted]*:)

Name of sole director who states th[redacted] *Signature*
they are the sole director of Sere[redacted]
(WA) Pty Ltd (ABN 64 062 160[redacted]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a Corporations Act company affixing a common seal

EXECUTED for and on behalf of Serendipity Ltd (ABN 64 062 160 614) in accordance with section 127(2) of the *Corporations Act* (Cth) by:)

[Seal Affixed]

Name of director

Signature

and by

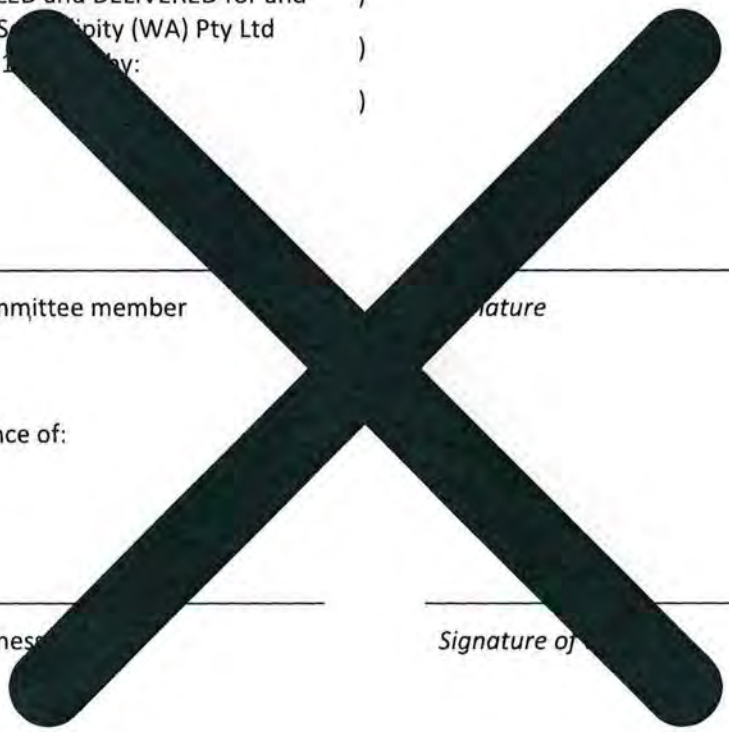
Name of director / company secretary
[*strike through whichever does not apply*]

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and on behalf of S[redacted]pity (WA) Pty Ltd (ABN 64 062 1[redacted]y:)



Name of Committee member | *[redacted]nature*

In the presence of:

Name of witnes[redacted] | *Signature of*

and by

Name of Committee member | *Signature*

In the presence of:

Name of witness | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for an incorporated association affixing a common seal

The COMMON SEAL of Serendipity (WA) Pty Ltd (ABN 6[illegible] 160 614) the fixing of which was wit[illegible] accordance with its Constitution [illegible]) [Seal Affixed]

Name of Committee member | *[illegible]ature*

In the presence of:

Name of witness | *Signature of*

and by

Name of Committee member | *Signature*

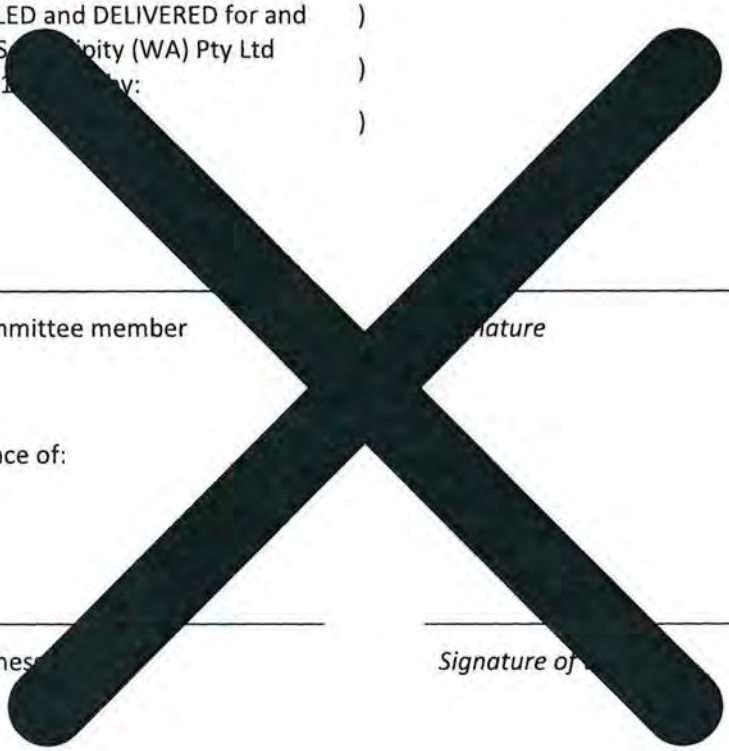
In the presence of:

Name of witness | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for an incorporated association acting as a trustee

SIGNED, SEALED and DELIVERED for and on behalf of S[redacted]ipity (WA) Pty Ltd (ABN 64 062 1[redacted]y:)
)
)



Name of Committee member

[redacted]nature

In the presence of:

Name of witnes[redacted]

Signature of [redacted]

and by

Name of Committee member

Signature

In the presence of:

Name of witness

Signature of witness

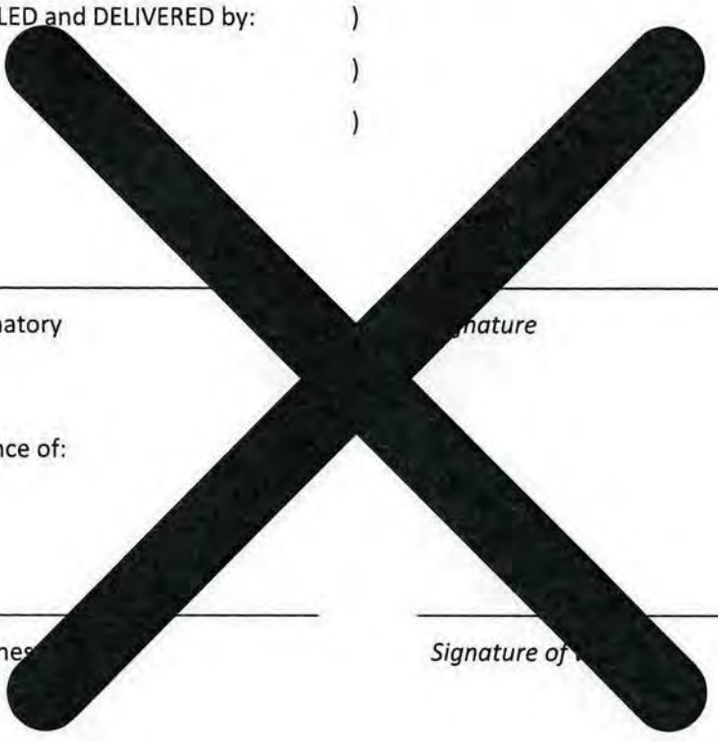
Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

SIGNED, SEALED and DELIVERED by:)

)

)



Name of signatory *nature*

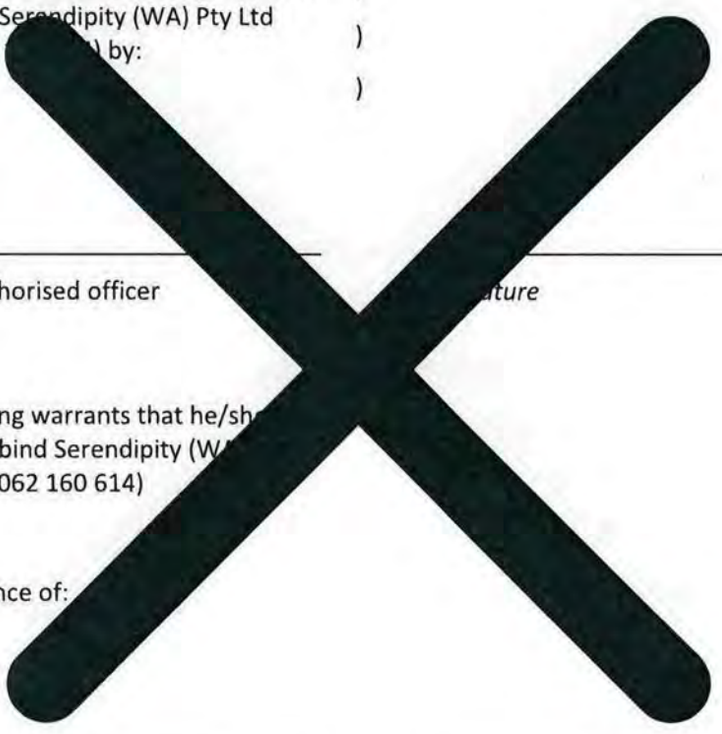
In the presence of:

Name of witnes *Signature of*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 [redacted]) by:)
)
)



Name of authorised officer

Signature

who by signing warrants that he/she has authority to bind Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

In the presence of:

Name of witness (print)

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a local council

SIGNED, SEALED and DELIVERED for and on behalf of S[redacted]ipity (WA) Pty Ltd (ABN 64 062 1[redacted]y:)

Name of signatory

[redacted]ure

by the authority of the Council

In the presence of:

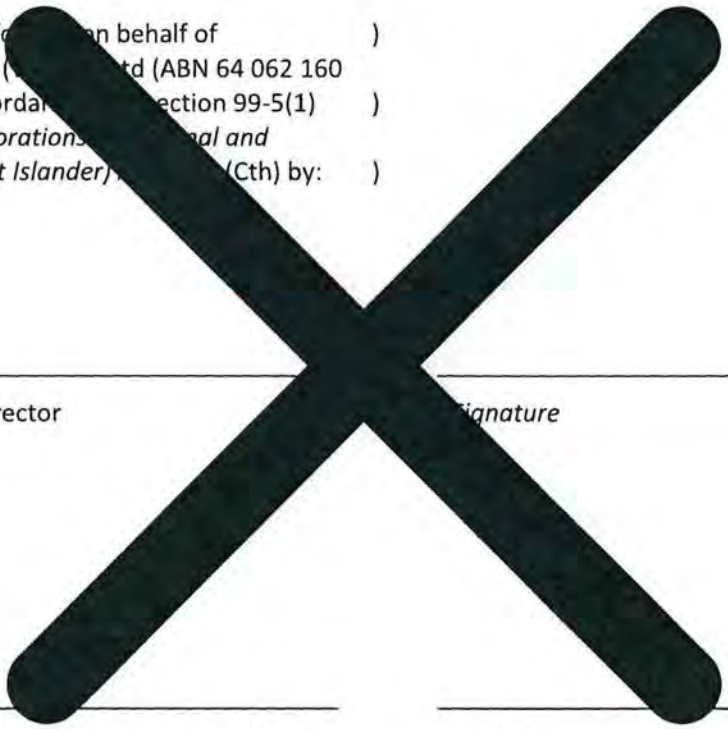
Name of witn[redacted]

Signature of wit[redacted]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (Vic) Ltd (ABN 64 062 160 614) 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

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED for [redacted] on behalf of Serendipity ([redacted] Ltd (ABN 64 062 160 614) in accordance with section 99-5(1) of the *Corporations (Aboriginal and Torres Strait Islander)* Act 2006 (Cth) by:)

Name of sole director *Signature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 COMMO[illegible]f Serendipity (WA) Pty Ltd (ABN 6[illegible]614) the fixing of which was witnes[illegible]ordance with section 99-5(2) of th[illegible]tions *(Aboriginal and Torres S[illegible]der) Act 2006* (Cth) by:)

)

)

[illegible]ed]

Name of director

[illegible]nature

and by

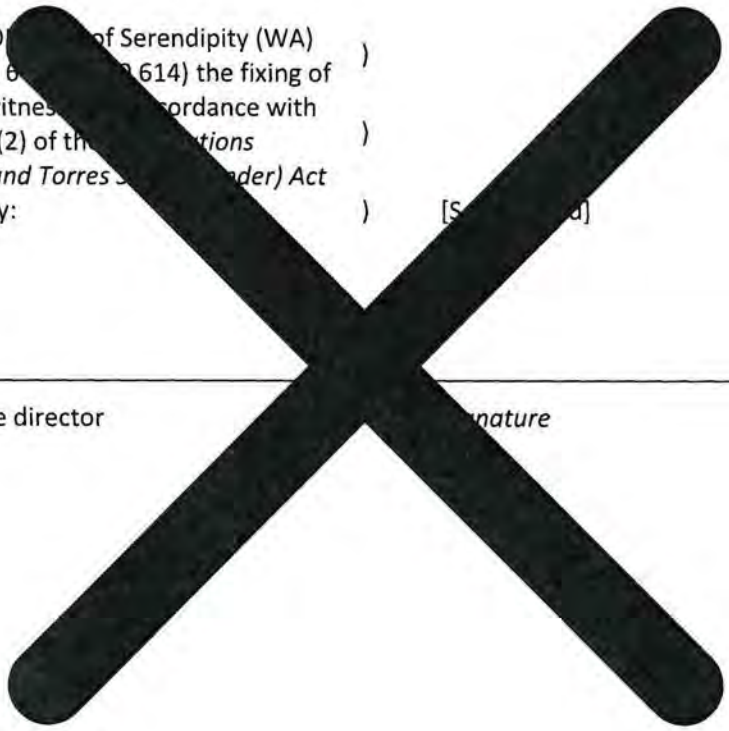
Name of director/corporation secretary
[*strike through whichever does not apply*]

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

The COMMO[illegible]f Serendipity (WA) Pty Ltd (ABN 6[illegible]614) the fixing of which was witnes[illegible]ordance with section 99-5(2) of th[illegible]*tions (Aboriginal and Torres S[illegible]der) Act 2006* (Cth) by:) [S[illegible]d]

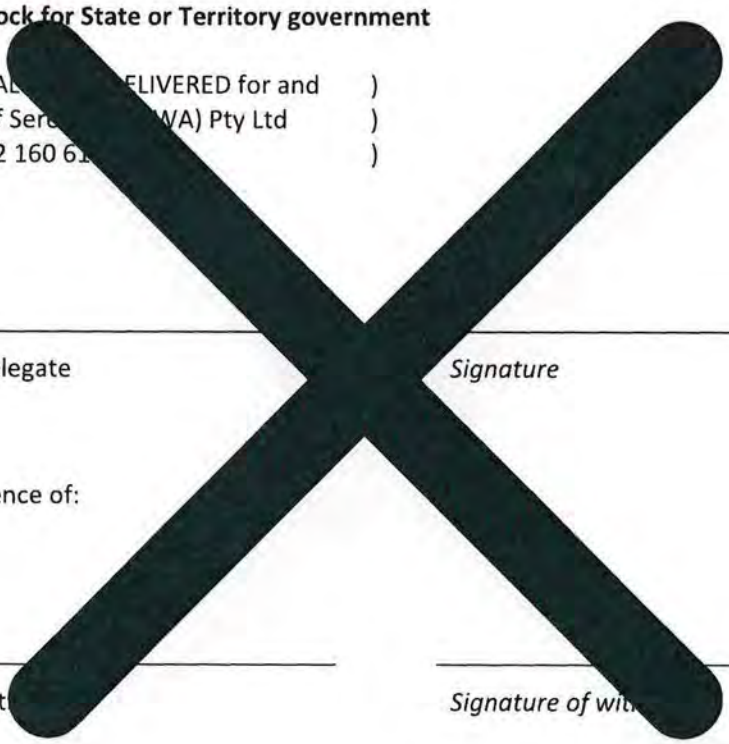


Name of sole director [illegible]*nature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for State or Territory government

SIGNED, SEAL[illegible]ELIVERED for and)
on behalf of Sere[illegible]WA) Pty Ltd)
(ABN 64 062 160 61[illegible])



Name of Delegate *Signature*

In the presence of:

Name of wit[illegible] *Signature of wit[illegible]*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (W... ty Ltd (ABN 64 062 160 614) in acco... th section 127(1) of the *Corporatio...* 1 (Cth) by:)

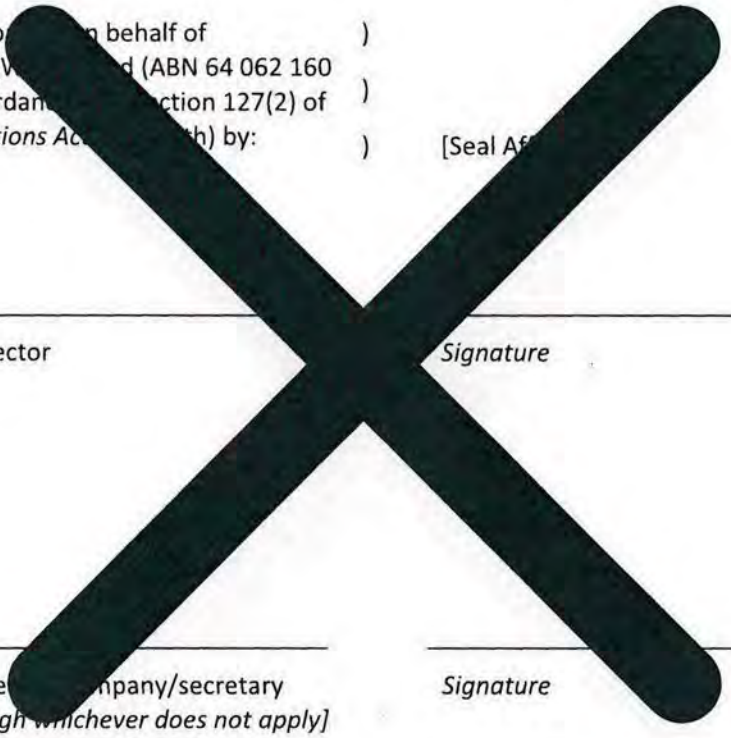
Name of sole director who states tha... they are the sole director of Serendipi... (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUTED fo[illegible] behalf of) Serendipity (V[illegible]d (ABN 64 062 160) 614) in accordan[illegible]ction 127(2) of) the *Corporations Ac*[illegible]h) by:) [Seal Af[illegible]



Name of director *Signature*

and by

Name of dire[illegible]mpany/secretary *Signature*
[strike through whichever does not apply]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614))

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

SIGNED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner | *Signature*

In the presence of:

Name of witness (print) | *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

SIGNED, SEALED and DELIVERED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) by:)

Name of partner

Signature

In the presence of:

Name of witness

Signature

SIGNED, SEALED and DELIVERED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Australian Government
Department of Employment and Workplace Relations

Our Reference: ES-22-0011

Provider Lead
s 22(1)

s 22(1)
CEO Employment Services
SERENDIPITY (WA) PTY LTD
58 Ord Street
West Perth WA 6005

Email: s 22(1)

Dear s 22(1)

Workforce Australia Services Deed of Standing Offer 2022-2028 and Head Licence formed under that Deed
General Deed of Variation No. 5

I refer to the Workforce Australia Services Deed of Standing Offer 2022-2028 (**the Deed**) between the Commonwealth of Australia as represented by the Department of Employment and Workplace Relations (**the Department**) and Serendipity (WA) Pty Ltd (ABN 64 062 160 614) (**your organisation**). I also refer to the separate contract formed when the Department issued your organisation a Work Order under clause 9.1 of the Deed (**Head Licence**).

Attached for your organisation's consideration is General Deed of Variation No. 5 (**GDV No. 5**) that the Department proposes for the Deed and Head Licence, which is applicable to the provision of your organisation's services. The Department is providing this GDV No. 5 to address administrative and operational matters under the Deed and Head Licence.

Annexure A to this letter provides a summary of significant changes to the Deed and Head Licence under GDV No. 5. While reasonable efforts have been made to ensure the accuracy of Annexure A, it is provided for quick reference only and, in the event of any inconsistency between Annexure A and GDV No. 5, GDV No. 5 prevails.

All the terms and conditions in your organisation's Deed and Head Licence which are not varied by this GDV No. 5 continue to operate.

Execution of the general variation

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.*"

Subject to this letter, if your organisation wishes to enter into this general variation, two (2) copies of GDV No. 5 must be properly signed in ink by your organisation.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

GDV No. 5 can be properly signed by the person(s) with authority to bind your organisation in accordance with the rules of your organisation and the relevant law. If the person(s) signing is different from those who originally signed the Deed, please provide proof (e.g. Power of Attorney or ASIC Extract) that the signatories are authorised to sign GDV No. 5.

Please advise your Provider Lead if your organisation would like to sign GDV No. 5 electronically, and has not previously done so. You will need to provide evidence that your organisation is registered under the *Corporations Act 2001* (Cth). If your organisation has previously provided evidence of registration, you do not need to provide evidence again.

You need to select and use the signature block that best suits your organisation's requirements and cross out the other signature blocks that are not used. Please contact me if none of the signature blocks are suitable for your organisation's requirements.

Do not date the two (2) signed copies of GDV No. 5, as the Department will insert the date upon execution by the Department.

Once the two (2) copies of GDV No. 5 have been properly signed, please send them, within 10 business days of the date of this letter, to the Department at the following address:

s 22(1)
Department of Employment and Workplace Relations
GPO Box 9828
BRISBANE QLD 4001

The Department will then execute GDV No. 5, by signing and dating GDV No. 5, and will forward one (1) fully executed copy to your organisation. GDV No. 5 takes effect on 1 January 2025.

Please contact me on s 22(1) if you have any questions.

Yours sincerely

s 22(1)

s 22(1)
2 December 2024

Summary of significant changes to the Deed and Head Licence under GDV No. 5

Significant changes under GDV No. 5	Summary
Appendix A *Capacity Building Fund*	Clause 98 of the Deed is being varied to allow eligible Providers to claim Reimbursement from the Capacity Building Fund of up to $300,000 (inc. GST) for reasonable costs associated with the maintenance of ISO 9001 certification, National Standards for Disability Services certification and/or RFFR Accreditation. The new cap of $300,000 (inc. GST) for maintenance costs is in addition to the existing cap of $300,000 for costs associated with attaining the required quality assurance standards.
Appendix B *Compliance with the Commonwealth Supplier Code of Conduct*	New clause 83A and a definition for 'Commonwealth Supplier Code of Conduct' at ATTACHMENT 1 - DEFINITIONS have been inserted into the Deed to reflect the Commonwealth Supplier Code of Conduct which came into effect on 1 July 2024. The Commonwealth Supplier Code of Conduct outlines the Commonwealth's minimum expectations of suppliers and their subcontractors with respect to integrity and accountability. It is broadly consistent with Providers' existing obligations under the Deed. New clause 83A requires Providers to: • take action to prevent and discourage breaches of the Commonwealth Supplier Code of Conduct; • monitor Personnel and Subcontractor's compliance with the Commonwealth Supplier Code of Conduct and Notify the Department if there has been a breach; and • rectify the breach.
Appendix C *Miscellaneous*	• Clause 50 has been varied to insert new provisions requiring the Provider to provide access and assistance to the Auditor-General, Commonwealth Ombudsman and Australian Information Commissioner (including their authorised persons or officials) for the purpose of any audit, review or investigation relating to the Deed. These clauses ensure that the Department complies with rule 17AG(8) of the Public Governance, Performance and Accountability Rule 2014. • General drafting improvements and corrections.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Significant changes under GDV No. 5	Summary
Appendix D *Notice No. 4*	These variations incorporate changes notified in Notice No. 4, including changes to reflect: • the cessation of the ParentsNext program on 31 October 2024 and commencement of the new voluntary Parent Pathways service on 1 November 2024; • that Parent Pathways is an 'Other Service' for the purposes of the Deed; and • that the Local Jobs Program is not an approved Activity for the purposes of the Parent Pathways service.
Appendix E *Service Guarantee*	ATTACHMENT 3 – SERVICE GUARANTEE has been varied to simplify the language and improve accessibility for Participants.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

ES-22-0011

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 6th 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

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street West Perth WA 6005 (**'the Provider'**)

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

RECITALS

A. The Parties have entered into a Workforce Australia Services Deed of Standing Offer 2022-2028 (ES-22-0011). 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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

(Printed name)

s 22(1)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth) by:)

s 22(1)

s 22(1)

Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

and by

s 22(1)

s 22(1)

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with section 127(1) of the *Corporations Act 2001* (Cth))
)
)

Name of director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	*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 Serendipity (WA) Pty Ltd (ABN 64 062 160 614)	*Signature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution bloc… …rietary Corporations Act company that has… …ctor who is also the sole company sec…

EXECUTED for and on be…)
Serendipity (WA) Pty Ltd (AB… …60)
614) in accordance with sectio…
the *Corporations Act 2001* (Cth) b…

Name of sole director and com… …
secretary who states that th…
sole director and compan… …of
Serendipity (WA) Pty L… …062 160
614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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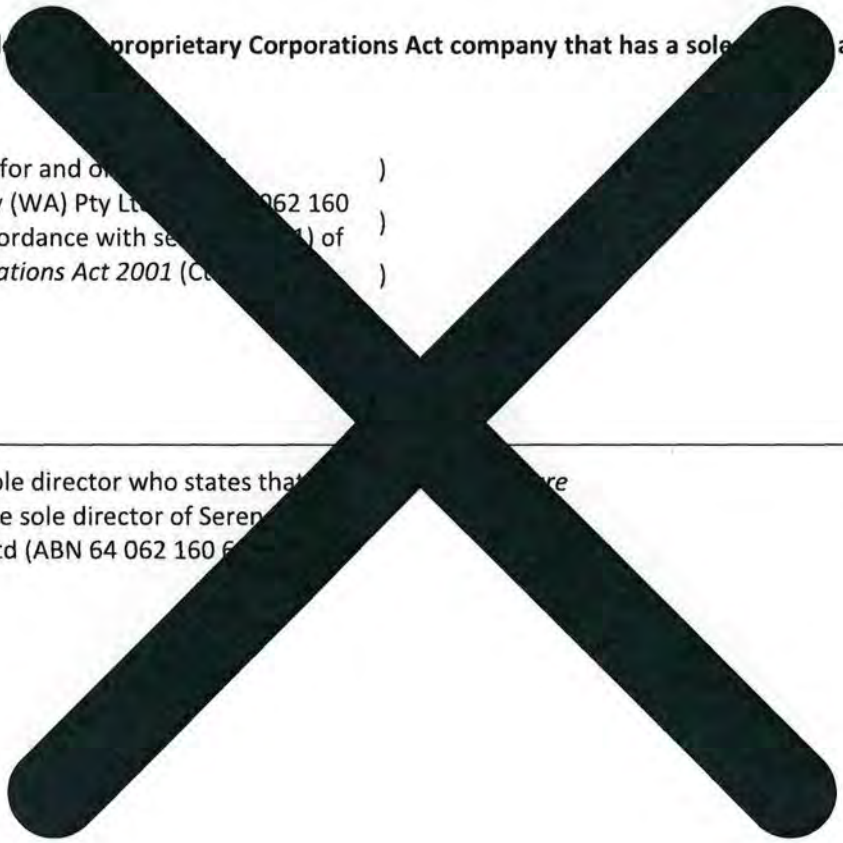
Execution bl proprietary Corporations Act company that has a sole and no company secretary

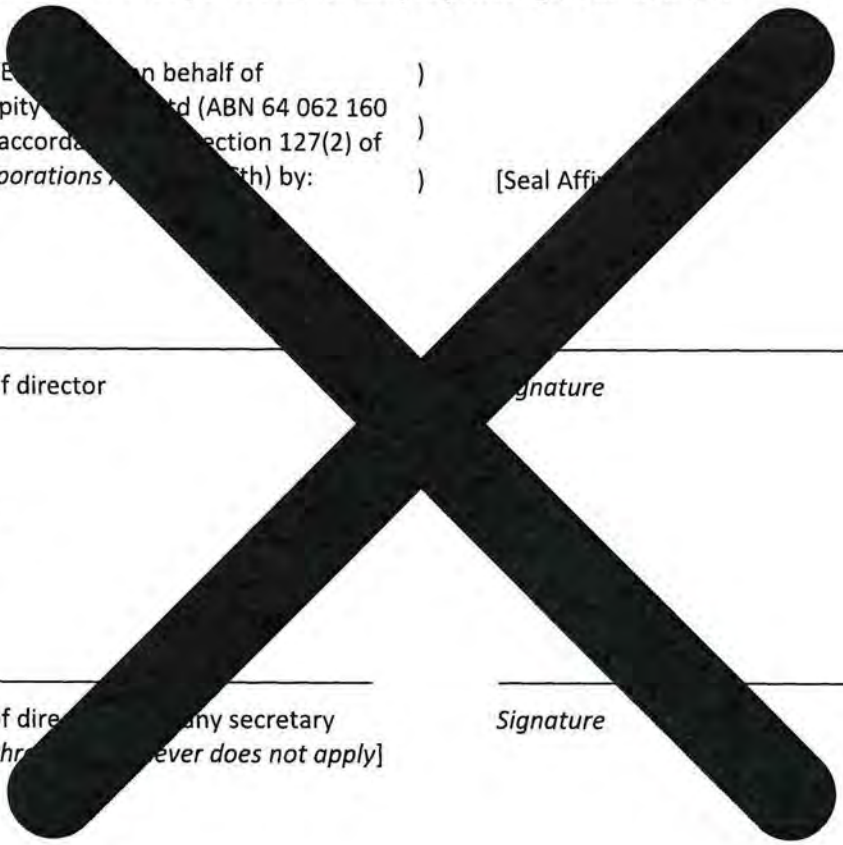
EXECUTED for and o)
Serendipity (WA) Pty Lt 062 160)
614) in accordance with se 1) of)
the *Corporations Act 2001* (C)



Name of sole director who states tha re
they are the sole director of Seren
(WA) Pty Ltd (ABN 64 062 160 6

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a Corporations Act company affixing a common seal



EXECUTE[illegible]n behalf of) [Seal Affi[illegible]
Serendipity [illegible]td (ABN 64 062 160)
614) in accorda[illegible]ection 127(2) of)
the *Corporations* [illegible]th) by:)

Name of director *[illegible]gnature*

and by

Name of dire[illegible]any secretary *Signature*
[*strike thr*[illegible]*ever does not apply*]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for an incorporated association

SIGNED, SEALED and DELIVERED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) by:)
)
)

[redacted]

Name of [redacted]mber

Signatur[redacted]

In the presence of:

[redacted]

Name of witness

[redacted]nature of witness

and by

[redacted]

Na[redacted]ee member

Signature

[redacted]esence of:

[redacted]

Name of witness

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Execution block for an incorporated association affixing a common seal

[redacted]

ON SEAL of Serendipity (WA))
64 062 160 614) the fixing of)
ssed in accordance with)
its C) [Seal Affixed]

_____ _____

Name of Committee m

In the presence of:

_____ _____

Name of witness ness

and by

_____ _____

f Committee member *Signature*

In the presence of:

_____ _____

Name of witness *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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n block for an incorporated association acting as a trustee

D and DELIVERED for and) on dipity (WA) Pty Ltd) (ABN) by:)

Name of Committee memb / *ature*

In the presence of:

Name of wi / *Signa*

a

Name of Committee member *Signature*

In the presence of:

Name of witness *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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n block for a natural person (i.e. an individual)

D and DELIVERED by:)

)

)

Name of signatory

In the presence of:

Name of witness *Signa*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

...LED and DELIVERED for and) ...endipity (WA) Pty Ltd) (AB...514) by:)

Name of authorised offic... ...e

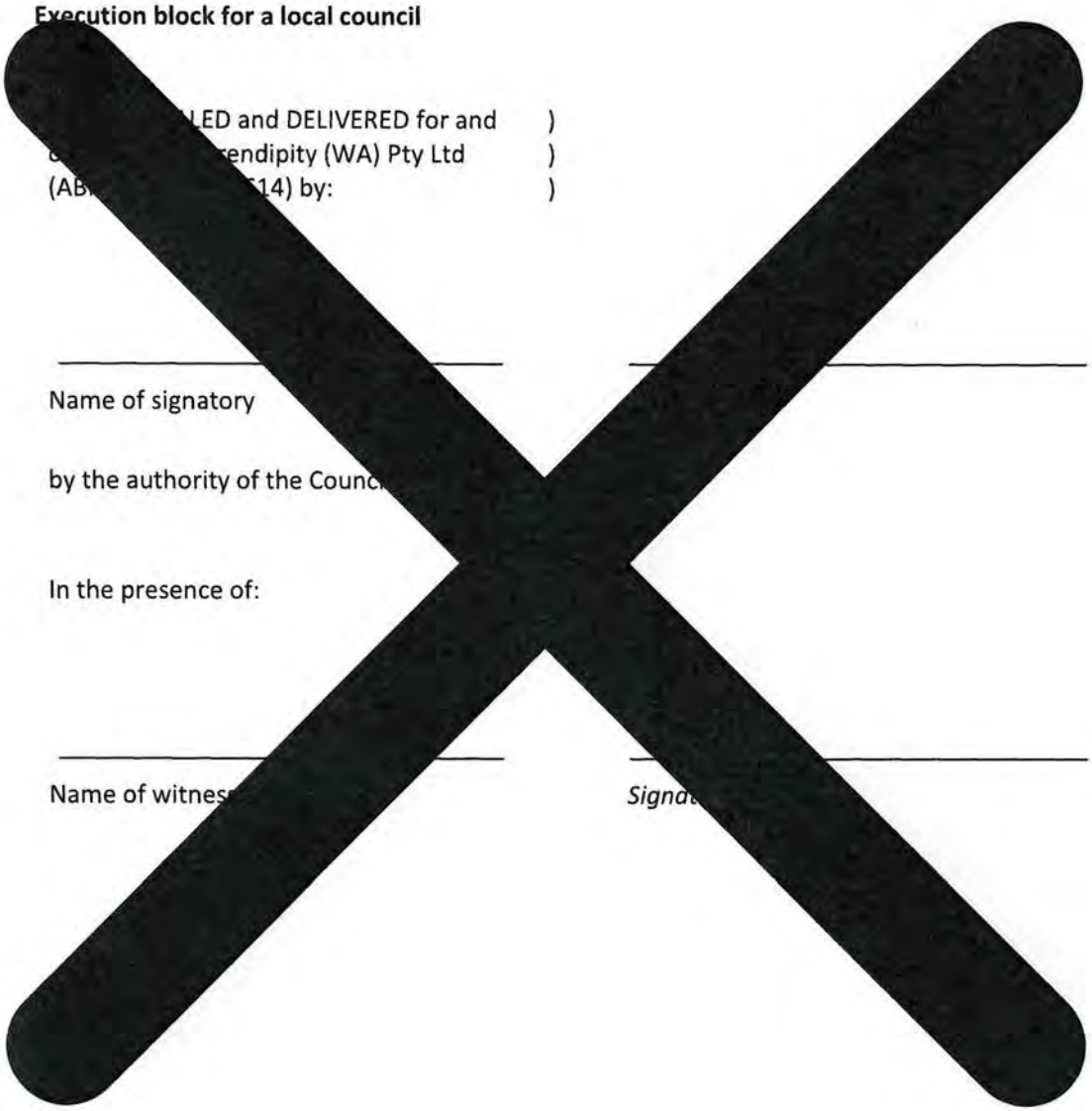
who by signing warrants that he/s... authority to bind Serendipity (W... Ltd (ABN 64 062 160 614)

In the presence of...

...ss (print) *Signature of witne...*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Execution block for a local council



LED and DELIVERED for and)
endipity (WA) Pty Ltd)
(AB 14) by:)

Name of signatory

by the authority of the Counc

In the presence of:

Name of witnes

Signat

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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on block for an Aboriginal and Torres Strait Islander corporation where ei directors or and a corporation secretary are signing

EXE on behalf of)
Seren Ltd (ABN 64 062 160
614) in ac section 99-5(1))
of the *Corpo inal and*
Torres Strait Isla (Cth) by:)

Name of director *Signature*

and by

Name poration secretary *Signature*
[*str chever does not apply*]

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

n block for an Aboriginal and Torres Strait Islander corporation that has a ctor

E d on behalf of)
Sere y Ltd (ABN 64 062 160
614) in th section 99-5(1))
of the *Cor iginal and*
Torres Strait 06 (Cth) by:)

Name of sole director *nature*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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F n block for an Aboriginal and Torres Strait Islander corporation affixing a co eal in e of two directors or a director and a corporation secretary

The C of Serendipity (WA) Pty Ltd (0 614) the fixing of which was ccordance with section 99-5(2 ations *(Aboriginal and nder) Act 2006* (Cth) by:) [Seal A

Name of director *nature*

and by

Name of di tion secretary
[*strike t ver does not apply*]

Signature of wit

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

block for an Aboriginal and Torres Strait Islander corporation affixing a c al in of its sole director

The C f Serendipity (WA))
Pty Ltd (A 614) the fixing of
which was w ordance with)
section 99-5(2) tions
(Aboriginal and To der) Act
2006 (Cth) by:) [Seal

Name of sole director nature

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Ex block for State or Territory government

SIG nd DELIVERED for and)
on bel ity (WA) Pty Ltd)
(ABN 64 [redacted])

Name of Delegate

In the presence of:

Name of witness

Signat

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

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

EXECUT… …ehalf of) Serendipity … …ABN 64 062 160) 614) in accord… …on 127(1) of) the *Corporations* … …by:)

Name of sole director who states that they are the sole director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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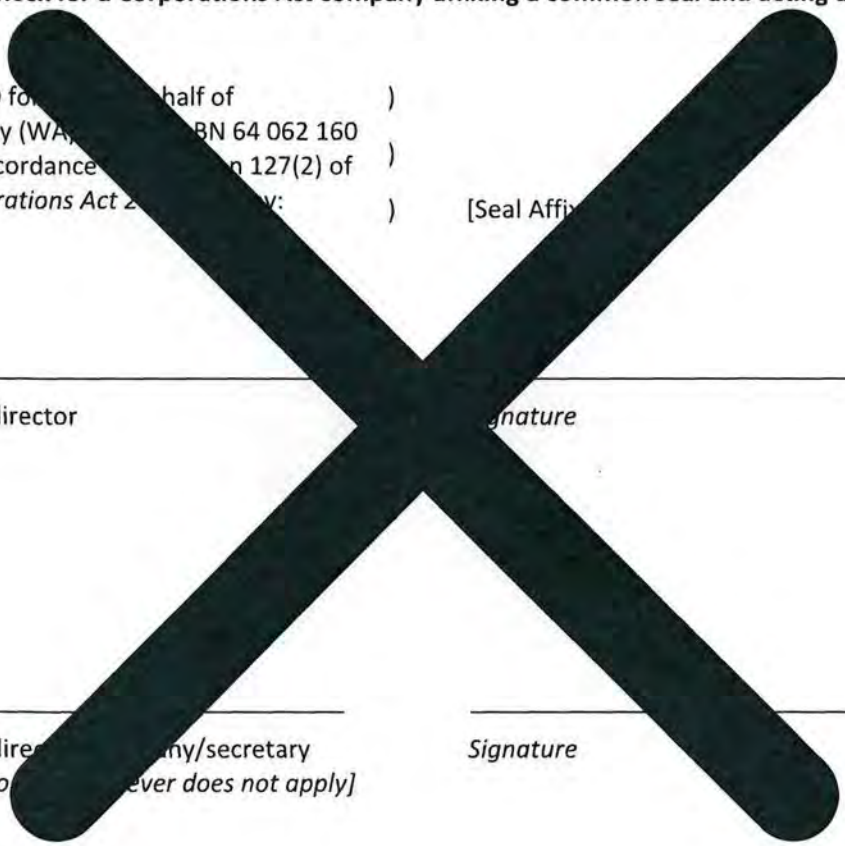
Execution block for a Corporations Act company affixing a common seal and acting as a trustee



EXECUTED for and on behalf of)
Serendipity (WA) Pty Ltd ABN 64 062 160)
614) in accordance with section 127(2) of)
the *Corporations Act 2001* (Cth):) [Seal Affixed]

Name of director *Signature*

and by

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

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Exec **or a partnership where each partner is a natural person (e.g. is not a entity, ers to the partnership are signing** [*strike through any unused e based on partners in the partnership*]

SIGNED, SEALE D for and)
on behalf of Seren Ltd)
(ABN 64 062 160 614))

Name of partner

In the presence of:

Name of witness

Signature of witnes

SIG nd DELIVERED for and)
on endipity (WA) Pty Ltd)
(ABN 160 614) by:)

Name of partner

Signature

In the presence of:

Name of witness (print)

Signature of witness

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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[redacted]

EALED and DELIVERED for and)
Serendipity (WA) Pty Ltd)
0 614) by:)

Name of partner *Signature*

In the presence of:

Nam int) witness

NED, SEALED and DELIVERED for and)
on behalf of Serendipity (WA) Pty Ltd)
(ABN 64 062 160 614) by:)

Name of partner *Signature*

In the presence of:

Name of witness (print) *Signature of witness*

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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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.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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Australian Government
Department of Employment and Workplace Relations

DEED OF VARIATION

of the

Workforce Australia – Employability Skills Training Deed 2022–2027

between

the **Commonwealth of Australia**

and

Serendipity (WA) Pty Ltd
(ABN 64 062 160 614)
EST-22-0017

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514

Workforce Australia – Employability Skills Training Deed

2022–2027

Deed of Variation

THIS DEED is made on the 19th day of SEPTEMBER 2023

BETWEEN

THE COMMONWEALTH OF AUSTRALIA (the **Commonwealth**) as represented by the **DEPARTMENT OF EMPLOYMENT AND WORKPLACE RELATIONS** (ABN 96 584 957 427) (the **Department**)

AND

Serendipity (WA) Pty Ltd (ABN 64 062 160 614) of 58 Ord Street, West Perth, WA, 6005 (the **Provider**) (collectively, '**the Parties**')

RECITALS

A. On 23 March 2022 the Department and the Provider entered into a Workforce Australia – Employability Skills Training Deed 2022–2027, which together with any subsequent variations, is hereafter referred to as the **Deed**.

B. When the Parties entered into the Deed, the former Department of Education, Skills and Employment (ABN 12 862 898 150) administered the Deed on behalf of the Commonwealth. Pursuant to machinery of government changes, the Department of Employment and Workplace Relations now administers the Deed on behalf of the Commonwealth.

C. The Department accepted the Provider's offer in its response to the Request for Expression of Interest, and the Provider has agreed, to deliver Training Block 1 Courses and Training Block 2 Courses in the North West Country SA and South Coast of Victoria Employment Regions.

D. Clause 68.1 of the Deed provides 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'.

E. The Parties agree to vary the Deed to include Training Block 1 Courses and Training Block 2 Courses in the North West Country SA and South Coast of Victoria Employment Regions in item 4.3 of Schedule 1 to the Deed, on the terms and conditions set out in this Deed of Variation.

THIS DEED WITNESSES AND THE PARTIES AGREE:

1. Interpretation

1.1 Unless the contrary intention appears, capitalised terms used in this Deed of Variation have the same meaning as in the Deed.

1.2 To the extent of any conflict or inconsistency between the Deed and this Deed of Variation, this Deed of Variation prevails.

Department of Employment and Workplace Relations - Documents released under FOI - LEX 1514
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2. Effective Date

2.1 This Deed of Variation takes effect on the date of execution by the Department (the **Effective Date**).

2.2 On and from the Effective Date, the Deed is varied in accordance with clause 4 of this Deed of Variation.

3. Applicable Law

3.1 This Deed of Variation is to be construed in accordance with, and any matter related to it is to be governed by, the laws in force in the State of New South Wales.

3.2 Each of the Parties submit to the non-exclusive jurisdiction of the courts of the State of New South Wales in respect to any dispute under this Deed of Variation.

4. Variations

4.1 The Parties agree to delete the table at item 4 of **SCHEDULE 1 – DEED AND BUSINESS DETAILS** to the Deed in its entirety and replace it with the following:

4.1 Employment Region (Clause 5.1(b), Attachment 1)	**4.2 Part of Employment Region** (Clause 5.1(b), Attachment 1)	**4.3 Type of Course** (Clause 82.1, Attachment 1)	**4.4 Site(s)** (Clause 5.1(b) Attachment 1)
Adelaide South		TB 2	Adelaide
			Mount Barker
			Noarlunga Centre
			Glenelg
			Victor Harbour
Barwon		TB 1	Corio
			East Geelong
			Geelong
		TB 2	Corio
			East Geelong
			Geelong
Capital Region		TB 1	Canberra
			Goulburn
			Young
			Greenway
			Queanbeyan
			Cooma
		TB 2	Canberra
			Goulburn
			Young
			Greenway

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4.1 Employment Region (Clause 5.1(b), Attachment 1)	**4.2 Part of Employment Region** (Clause 5.1(b), Attachment 1)	**4.3 Type of Course** (Clause 82.1, Attachment 1)	**4.4 Site(s)** (Clause 5.1(b) Attachment 1)
			Queanbeyan
			Cooma
Gold Coast		TB 1	Nerang
			Palm Beach
			Robina
			Southport
			Tweed Heads South
		TB 2	Nerang
			Palm Beach
			Robina
			Southport
			Tweed Heads South
Hobart and Southern Tasmania		TB 1	Rosny Park
			Sorell
			Glenorchy
			Hobart
			Huonville
		TB 2	Rosny Park
			Sorell
			Glenorchy
			Hobart
			Huonville
Illawarra South Coast		TB 1	Bega
			Narooma
			Nowra
			Shellharbour City Centre
			Vincentia
			Wollongong
			Corrimal
			Batemans Bay
			Moruya
			Ulladulla
		TB 2	Bega

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4.1 Employment Region (Clause 5.1(b), Attachment 1)	**4.2 Part of Employment Region** (Clause 5.1(b), Attachment 1)	**4.3 Type of Course** (Clause 82.1, Attachment 1)	**4.4 Site(s)** (Clause 5.1(b) Attachment 1)
			Narooma
			Nowra
			Shellharbour City Centre
			Vincentia
			Wollongong
			Corrimal
			Batemans Bay
			Moruya
			Ulladulla
Inner Metropolitan Melbourne		TB 2	Camberwell
			Brunswick
			Cheltenham
			Flemington
			Box Hill
North and North Western Tasmania		TB 1	Devonport
			Launceston
			Burnie
		TB 2	Devonport
			Launceston
			Burnie
North Eastern Melbourne		TB 1	Ringwood
			Epping
			Lilydale
			Preston
		TB2	Ringwood
			Epping
			Lilydale
			Preston
North West Country SA		TB1	Port Augusta
			Whyalla
			Port Lincoln

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4.1 Employment Region (Clause 5.1(b), Attachment 1)	4.2 Part of Employment Region (Clause 5.1(b), Attachment 1)	4.3 Type of Course (Clause 82.1, Attachment 1)	4.4 Site(s) (Clause 5.1(b) Attachment 1)
		TB 2	Port Augusta
			Port Lincoln
			Whyalla
Perth North		TB 2	Midland
			Mirrabooka
			Morley
			Joondalup
Perth - South		TB 1	Armadale
			Rockingham
			Kwinana Town Centre
			Mandurah
			Canning Vale
			Fremantle
		TB 2	Armadale
			Rockingham
			Kwinana Town Centre
			Mandurah
			Canning Vale
			Fremantle
Somerset		TB 1	Caboolture
			Strathpine
			Deception Bay
			Mitchelton
		TB2	Caboolture
			Strathpine
			Deception Bay
			Mitchelton
South Coast of Victoria		TB 1	Warrnambool
			Colac

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4.1 Employment Region (Clause 5.1(b), Attachment 1)	4.2 Part of Employment Region (Clause 5.1(b), Attachment 1)	4.3 Type of Course (Clause 82.1, Attachment 1)	4.4 Site(s) (Clause 5.1(b) Attachment 1)
			Warrnambool
			Colac
		TB 2	
Sydney North and West			Baulkham Hills
			The Entrance
			Castle Hill
			Chatswood
			Gosford
		TB1	Hornsby
			Lake Haven
			Wyong
			Brookvale
			Ryde
			Woy Woy
			Baulkham Hills
			The Entrance
			Castle Hill
			Chatswood
			Gosford
		TB 2	Hornsby
			Lake Haven
			Wyong
			Brookvale
			Ryde
			Woy Woy
Wivenhoe		TB 1	Inala

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4.1 **Employment Region** (Clause 5.1(b), Attachment 1)	4.2 **Part of Employment Region** (Clause 5.1(b), Attachment 1)	4.3 **Type of Course** (Clause 82.1, Attachment 1)	4.4 **Site(s)** (Clause 5.1(b) Attachment 1)
			Goodna
			Ipswich
		TB 2	Inala
			Goodna
			Ipswich

5. Force

5.1 The Parties confirm all the other provisions of the Deed and, subject only to the variations contained in this Deed of Variation, the Deed will remain in full force and effect and will be read and construed, and be enforceable, as if the terms of this Deed of Variation were supplemental to the Deed.

6. Indemnity

6.1 The Provider indemnifies and holds harmless the Commonwealth from all loss, damage, costs or expenses (including the cost of any settlement) incurred in relation to the preservation or enforcement of any rights under this Deed of Variation, including legal costs and expenses on a full indemnity basis.

7. Acts

7.1 Each Party must promptly execute all documents and do all things that another Party from time-to-time reasonably requests to effect, perfect or complete this Deed of Variation and all transactions incidental to it.

8. Costs

8.1 Each Party must bear its own costs and expenses (including legal costs) arising out of and incidental to the negotiation, preparation and execution and delivery of this Deed of Variation.

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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)

(Printed Name)

s 22(1)

(Signature)

ASSISTANT DIRECTOR

(Position)

In the presence of:

s 22(1)

(Printed Name)

s 22(1)

(Signature)

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EXECUTED for and on behalf of Serendipity (WA) Pty Ltd (ABN 64 062 160 614) in accordance with the requirements of section 127(1) of the *Corporations Act 2001* (Cth) by:)
)
)

s 22(1)

s 22(1)

Name of Director who states that they are a director of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

and by

s 22(1)

s 22(1)

Name of ~~Director/~~Secretary who states that they are a company secretary/ ~~director~~ of Serendipity (WA) Pty Ltd (ABN 64 062 160 614)

Signature

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Australian Government

Workforce Australia
Employment

Workforce Australia Guidelines

Part B: Career Transition Assistance

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with Workforce Australia - Career Transition Assistance Deed 2022-2027 (the Deed), including any relevant Guidelines and reference material issued by the Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice, and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version: 2.5 **Published on:** 11 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline, the Career Transition Assistance Chapter has been updated.

A full version history of this Guideline can be found on the Archived Guidelines page on the Provider Portal.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department’s IT Systems.

This icon represents 'Work, Health and Safety Steps' – information contained under this dot point will relate to matters of Work, Health, and Safety.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of Documentary Evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

'Eligible CTA Participant' means an individual who is eligible to undertake a Course in accordance with the Deed and Guidelines but has not yet been Referred to a Course.

'End Date' means the end date of a Course recorded in the Department’s IT Systems.

'Key Contacts Protocol' means the protocol that identifies the key Departmental and Provider contacts and sets out the contact channels for a range of matters.

'Mutual Obligation Requirement' means any activity test, participation requirement or other requirement that a participant must meet in order to receive an income support payment, including a requirement that, if not complied with, would be:

(a) a Mutual Obligation Failure;
(b) a Work Refusal Failure;
(c) an Unemployment Failure; or
(d) a failure to meet a Reconnection Requirement,

under the Social Security Law.

'Points Based Activation System' or **'PBAS'** means the system which allows participants to meet their Mutual Obligation Requirements by undertaking sufficient tasks and activities to meet a monthly Points Target.

'QR Code' means ‘Quick Response’ code. A machine-readable code consisting of an array of black and white squares, typically used for storing URLs or other information for reading by the camera on a smartphone.

'Self-assessment Report' means a report that providers complete for the Department regarding their performance against the KPIs at the end of each Performance Period.

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'Service Offer Commitment' means a commitment the Provider made in its response to the request for proposal for this Deed as recorded by the Department in the Department's IT Systems.

'Social Security Law' means the *Social Security Act 1991* (Cth) and the *Social Security (Administration) Act 1999* (Cth), and includes all relevant subordinate legislation and instruments, and the Guide to Social Security Law.

'Start Date' means the start date of a Course recorded in the Department's IT Systems.

'Supervisor App' means the mobile application that allows Supervisors listed in the Department's IT Systems to record the daily attendance of Participants at a Course.

'Workforce Australia Online for Individuals Base Service' or **'Online Base Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service that is available to any Australian wishing to participate in employment services who is not otherwise considered a fully eligible participant. Access is via myGov, with no referral from Services Australia required. The Online Base Service will enable users to look for jobs, develop their résumé and access complementary programs, based on the eligibility of each program.

'Workforce Australia Online for Individuals Full Service' or **'Online Full Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service available to fully eligible participants who are assessed as able to self-manage their search for work. The Online Full Service allows participants to self-manage their participation in employment services with a range of supports available such as access to the Digital Employment Fund, pre-employment pathways for eligible participant and support provided by the Digital Service Contact Centre (DSCC).

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Chapter 1. Career Transition Assistance

Supporting Documents for this Chapter:

- Course Management Instructions
- CTA Participant Survey - Provider Fact Sheet
- Hybrid Delivery Request Form
- Workforce Australia Online - CTA Booking Flow
- Workforce Australia Supervisor App Guide

1.1. Chapter Overview

This Chapter outlines who is eligible to undertake Career Transition Assistance (CTA), the Service requirements, how Providers must manage Courses, and an overview of Provider Payments.

CTA is a complementary employment services program administered by the Department that provides practical assistance to individuals aged 45 years and over to increase their employability and competitiveness in the local labour market.

1.2. Eligibility

An Eligible CTA Participant must be aged 45 years and over, have not already completed a Course under Workforce Australia, have a myGov account or be participating in one of the following employment services:

- Workforce Australia Services
- Online Full Service or Online Base Service
- Parent Pathways
- Disability Employment Services (DES) in the Employment Assistance phase
- Yarrabah Employment Services, or
- Broome Employment Services.

Eligible CTA Participants do not have to be in receipt of income support to be eligible for CTA.

1.2.1. Participation Requirements

CTA is voluntary for all Participants. Participants with Mutual Obligation Requirements in Workforce Australia Services, Online Full Service, Yarrabah Employment Services, and Broome Employment Services gain points under the Points Based Activation System (PBAS) through participation in CTA.

1.3. Service Requirements

1.3.1. Promoting CTA

Providers must market and promote Courses by establishing and maintaining collaborative relationships with Referring Providers in the Employment Region/s in which the Services are being delivered. Providers may consider developing promotional materials for Referring Providers to distribute to Eligible CTA Participants on their caseload.

Because Providers cannot make direct contact with Eligible CTA Participants in Online Full Service or Online Base Service, Providers must market Courses through accurate, informative, and engaging Course names and descriptions in the Department's IT Systems.

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(Deed Reference(s): Clause 61.2)

1.3.2. General Course Requirements

Courses must include one-on one sessions with each Participant as well as a minimum of 50 hours in a small group setting. Courses must be delivered in an interactive and collaborative manner to encourage Participants to share their expertise and encourage peer support.

While delivering Courses, Providers must ensure Participants have access to the required devices and internet connectivity.

Course content must be tailored to meet the needs of each Participant.

1.3.3. Core Course Components

Each Course must include the following core components:

- **Develop a Career Pathway Assessment** – See Career Pathway Assessment.
- **Identify Goals and Motivations** – Support Participants to explore their goals, motivations, and expectations for a change in career or lifestyle. Introduce wellbeing and resilience strategies, such as building confidence to apply for jobs and coping with knock-backs.
- **Explore and Translate Transferable Skills** – Support Participants to identify and articulate their skills and experience and how these relate to the current labour market. Discuss pathways for re-skilling, further training, and formal recognition of prior learning or qualifications.
- **Understand the Local Labour Market and Identify Suitable Opportunities** – Explore local job and industry opportunities and the requirements for these roles. Describe how the local labour market has changed over time and is projected to change in the future. Help Participants identify suitable occupations in local growth industries where employment opportunities are likely to be available.
- **Experience Different Industries** – See Employer Visits.
- **Improve and Tailor Résumés** – See Résumé Update.
- **Navigate the Job Application Process** – Discuss different job application processes and how to manage expectations in relation to receiving responses and feedback. Describe how the application process has changed over time, and the relative competitiveness of applying for positions, particularly online.
- **Practise and Enhance Interview Skills** – Support Participants to practise mock job interviews for a range of different Employers and industries, including building confidence to sell their skills and experience during an interview. Discuss the differences between in -person, phone, and video conference interviews.
- **Develop Functional Digital Literacy** – Providers must provide one-on-one support, as required, to ensure Participants achieve the following competencies (noting that each Participant will have varying levels of digital literacy):
    - use different devices (such as smart phones, tablets, and desktop computers), both in the workplace and to apply for jobs
    - search for jobs, including via social media
    - set up (if required) and use an email account to apply for jobs
    - set up (if required) and use a myGov account, and the Workforce Australia Online for Individuals website and apps

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- apply for jobs online, including uploading attachments, such as a résumé and a response to selection criteria, and complete online forms
- understand how to manage one's online presence.

- **Prepare a Career Pathway Plan** – See Career Pathway Plan.
- **Access Ongoing Support** – See Personal Handover Meeting. In addition, the Provider must supply information on locally available resources to support health and wellbeing.

Providers may rename or combine Course core components provided each component is delivered.

1.3.4. Initial Meeting

Providers must make efforts to contact the Referred individual to arrange an Initial Meeting, no later than close of business the Business Day after a Referral is received.

If, during the Initial Meeting, the Provider believes the Course is not suitable for the Referred individual, the Provider must not Commence them. For more information, see Rejecting a Referral.

If a Referred individual indicates they need assistance with costs associated with the Course, Providers should encourage them to seek support from the Digital Service Contact Centre (DSCC) or Referring Provider, as relevant (see Assistance with Costs).

At the Initial Meeting, the Provider must complete an assessment for each Referred individual for whom the Course is deemed suitable, as detailed in the Career Pathway Assessment section.

For Participants in the Online Base Service, the Provider must complete the Career Transition Assistance Eligibility Form during the Initial Meeting.

(Deed Reference(s): Clauses 85.1, 85.3, 85.4)

1.3.5. Career Pathway Assessment

The Career Pathway Assessment is an assessment of the Participant's current circumstances that will inform how the Course is then tailored to address the Participant's goals and needs.

The Career Pathway Assessment must document the Participant's:

- Job Seeker ID and name
- Course ID
- Employment status
- recent Employment/training experience
- Employment, education, or training goals
- main barriers to securing Employment
- training needs
- confidence and capability in using digital technology and key areas in which the Participant requires assistance
- signature, confirming that the information captured is accurate.

The Career Pathway Assessment must be completed before Commencing a Participant – See Commencing a Participant.

(Deed Reference(s): Clauses 85.3, 86.1(c))

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1.3.6. Employer Visits

Providers must ensure that each Participant can participate in at least one Inbound or Outbound Employer Visit.

In arranging Employer Visits, Providers should:

- consider the major industries and Employers in the local area
- engage with a range of Employers
- tailor the visits to the interests and skills of Participants.

(Deed reference(s): Clause 94.1)

Managing Inbound Employer Visits

If an Inbound Employer Visit is being arranged, Providers must ensure the visit is as experiential as possible. Providers should consider innovative approaches to allow Participants to get a 'feel' for the Employer's industry.

(Deed Reference(s): Clauses 94.1(b)(c))

Managing Outbound Employer Visits

Providers are required to meet additional obligations when arranging and conducting Outbound Employer Visits, see Risk Assessments for Outbound Employer Visits for more information.

This includes arranging, at the Provider's own expense, appropriate and safe transport for Participants when going on an Outbound Employer Visit.

(Deed Reference(s): Clauses 94.3, 105.1, 105.2, 105.3, 105.5)

Employer Visit Prohibitions

Providers must consider the nature of the work conducted by an Employer when assessing its suitability for an Employer Visit.

Providers must not arrange an Employer Visit hosted by an Employer that:

- has engaged in illegal operations or promotes or condones any form of unlawful conduct
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability
- promotes or condones any form of violence, self-harm or suicide
- has been or is associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate
- provides any other service or conducts themselves in a manner that is likely to bring the Participant, the Provider or the Department into disrepute
- uses the Employer Visit as a stop-gap measure while the Employer is undertaking recruitment exercises or as a way of meeting ad hoc needs in lieu of creating paid Employment opportunities
- provides the Participant with extra hours of paid or unpaid work outside the agreed hours
- pays the Participant during the Employer Visit.

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If a Provider suspects or becomes aware that an Employer has engaged in any conduct described in the list above, the Provider must:

- ensure that no Participant starts or continues to participate in the Employer Visit that the Employer hosts
- Notify the Department immediately and provide information as requested by the Department
- if requested by the Department, cease, or vary the Employer Visit.

Where the Department determines that an Employer has engaged in any conduct described above, the Department may give a direction to the Provider that the Provider must not arrange, and/or must not Refer any Participants to, Employer Visits hosted by that Employer. If the Department gives such a direction, the Provider must immediately comply with the direction.

(Deed Reference(s): Clauses 94.2, 108)

1.3.7. Résumé Update

Providers must work with Participants to develop an updated résumé during the Course.

Providers must ensure that Participants have the skills to edit and tailor their résumé to specific jobs and industries.

The résumé must:

- include the Participant's identified skills and experience
- be professionally presented
- not contain spelling or grammatical errors.

The résumé must be uploaded to the Department's IT Systems before Exiting a Participant – See Conducting an Exit.

(Deed Reference(s): Clause 88.1(b))

1.3.8. Career Pathway Plan

Providers must work with Participants to develop a Career Pathway Plan during the Course.

The Career Pathway Plan is a plan of action for the Participant to pursue Employment and/or training opportunities based on their goals, transferable skills, and the local labour market.

The Career Pathway Plan must document, at a minimum:

- the Participant's Employment goals
- the locally available occupations and industries the Participant is interested in working in
- the Participant's transferable skills, strengths, and experience relevant to the identified occupations and industries
- work experience and/or training options relevant to the identified occupations and industries
- a self-marketing plan with practical steps the Participant can take to market themselves to potential Employers
- a commitment to provide two future support Contacts within 3 months of Course completion

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- a commitment from the Provider that the Career Pathway Plan has been developed specifically for, and in consultation with, the Participant.

If the Provider is unable to complete a comprehensive Career Pathway Plan due to insufficient attendance by the Participant, the Provider must complete the Career Pathway Plan to the best of its ability.

The Career Pathway Plan must be signed and dated by the Participant. Where the Participant is unable to sign and date the Career Pathway Plan, the Provider must note the reason for this in the plan.

The Career Pathway Plan must be completed before Exiting a Participant – See Conducting an Exit.

(Deed Reference(s): Clauses 79.1, 88.1(b)(d))

1.3.9. Personal Handover Meeting

For all Participants that have attended 80% or more of the minimum Course hours (i.e., at least 60 hours) Providers must hold the Personal Handover Meeting within 5 Business Days after the final scheduled day of the relevant Course.

If the Participant has a Referring Provider, they must be included in the Personal Handover Meeting. If the Participant is in Online Full Service or Online Base Service, the meeting will only include the Provider and the Participant.

Where possible, Personal Handover Meetings should be conducted in person.

During the Personal Handover Meeting, the Provider must:

- discuss the Participant's next steps for pursuing the Employment or work experience opportunities identified in their Career Pathway Plan
- discuss the date, time, and location of the first of the two future support Contacts
- supply the Participant and where relevant, the Referring Provider, with an electronic copy of the Participant's Career Pathway Plan and updated résumé
- give the Participant an opportunity to complete a feedback form.

(Deed Reference(s): Clause 92)

1.3.10. Assistance with Costs

Participants must not be charged for any part of a Course.

Participants will generally be expected to source their own transport to and from a Course, but Providers may choose to arrange transport for Participants to and from Courses (including Outbound Employer Visits).

If a Course has requirements that have costs associated with them, for example travel costs, police checks, or personal protective equipment, Providers should encourage the Participant to seek support from the DSCC or Referring Provider.

CTA Providers should, where relevant, make it clear to the Participant the Referring Provider or DSCC has discretion over whether to cover the costs.

Online Base Service Participants do not have access to the Digital Employment Fund.

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CTA Providers may also cover the costs, noting they are not eligible to claim a reimbursement from the Department.

1.3.11. CTA Participant Survey Requirements

The Department's IT Systems sends all Participants a short, voluntary online survey on the second last day of their Course.

Participants receive instructions on how to access the survey via their Workforce Australia Online for Individuals inbox, and to their email account (where one has been provided). Providers are encouraged to allow time during the Course for Participants to complete the survey, noting completion is voluntary.

The CTA Participant Survey - Provider Fact Sheet provides further information about the survey, including the purpose, the questions asked, and how and when it is distributed to Participants.

1.4. Course Management

1.4.1. Course Schedule

Courses must be scheduled:

- for at least 75 hours, excluding breaks, but must not exceed 25 hours per week
- for between 3 and 8 weeks
- over consecutive weeks (exceptions may apply for Courses scheduled over the Department's shutdown period).

Courses must not be scheduled:

- on a public holiday
- on a weekend
- for more than 8 hours per day.

Providers must deliver Courses using a standard block style of training with a defined Start Date and End Date, with all Referred individuals expected to start and finish the Course at the same time. Individuals Referred to Courses with different Start Dates cannot be 'rolled' together for Course delivery.

(Deed Reference(s): Clauses 87, 89)

1.4.2. Delivery Mode

In person delivery is a key CTA servicing principle and Courses must be delivered in person, in a classroom setting unless otherwise directed or approved by the Department.

Providers can seek Departmental approval to deliver hybrid Courses in limited circumstances, for example, where Eligible CTA Participants:

- have transportation barriers that make it difficult to travel to the location of the Course
- have health conditions that make it difficult to participate in person.

Providers must complete the Hybrid Delivery Request Form and submit it to the Department in accordance with the Key Contacts Protocol. Hybrid Courses cannot be scheduled until Departmental

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approval has been obtained in writing. The maximum duration for hybrid delivery approvals is six months. This allows for review periods to ensure that appropriate servicing strategies are in place.

Table 1-A: CTA Course Delivery Mody Summary

Delivery mode	Description
In person	Delivered in person to all Participants.
Hybrid – type 1	Courses offer the choice of two possible delivery modes: Participants can attend in person, or Participants can attend online. For example, a Course has 20 Participants – 15 attend in person while the remaining 5 Participants attend online.
Hybrid – type 2	Courses comprise both in person and online components for each Participant. For example, some of the Course modules are only delivered online, while the remaining modules are only delivered in person.

When Participants undertake any component of a Course online, Providers must ensure that:

- each Participant receives content that is relevant to the local labour market in their Employment Region
- information on ergonomic setup is issued to Participants before starting online delivery
- information on wellbeing and links to supports (if needed) are given to Participants, using resources available from Safe Work Australia.

Providers may accept Referrals to hybrid Courses from multiple Employment Regions, in accordance with Out of Employment Region Referrals, noting Providers must monitor Referrals to ensure that no more than 20 Participants are attending a Course on a given day.

When creating a hybrid Course in the Department's IT Systems, Providers must ensure the Course description clearly communicates the Course delivery mode and any essential devices Participants require to undertake training, in accordance with the Course Management Instructions.

Providers must retain the Department's written approval for hybrid delivery, unless otherwise directed by the Department.

For Participants who undertake any component of a Course online, Providers must retain the Participant's confirmation that they have received, read, and understood the information on ergonomic setup and wellbeing issued by the Provider.

(Deed Reference(s): Clauses 87.5, 95.2(b))

1.4.3. Course Creation

Providers must create each Course in the Department's IT Systems to facilitate Referrals of Eligible CTA Participants and Payments.

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Providers should create Courses no later than 2 weeks before the Course State Date to allow sufficient time to receive Referrals unless there are exceptional circumstances.

Providers must ensure the location of the Course is within a contracted Employment Region.

Providers must ensure the course details are correct in the Department's IT Systems, as per the Course Schedule section.

- Providers must create Courses in the Department's IT Systems in accordance with the Course Management Instructions.

- Course names and descriptions are the primary way for Providers to market their Services to Online Full Service and Online Base Service Participants, so Course names and descriptions must be accurate, informative, and engaging. Providers should refer to the Workforce Australia Online - CTA Booking Flow to better target Course names and descriptions.

(Deed Reference(s): Clauses 61.2, 87.2)

1.4.4. Course Changes

The Department's IT Systems allow Providers to make minor changes to Course details after a Course has been created. The Course Management Instructions detail the changes that can be made to a Course and the changes that require a Course to be withdrawn and a new Course created.

Providers must notify Referred individuals and Referring Providers of any Course changes in accordance with the Course Management Instructions.

The Department recommends changes be made no later than one week before the Course Start Date to allow sufficient time for prospective Participants to be notified and take any necessary action.

- Providers must update the Department's IT Systems to reflect any changes to Course details in accordance with the Course Management Instructions.

Note: Course session dates, including the Course Start Date, **cannot** be changed if the Course has Referrals of any type, including Referrals with a placement status of 'Expected to Start', 'Created in Error', or 'Did Not Start'. If a Course cannot proceed on the scheduled days, the Provider must cancel the Course prior to the Course Start Date as outlined under Course Cancellations in this Guideline.

Suspending Referrals

A Provider can block Referrals being made to a Course by suspending the Course in the Department's IT Systems. Courses marked as 'Suspended' in the Department's IT Systems are still expected to run if they have Referrals.

- Providers must update the Department's IT Systems to reflect any Course suspensions in accordance with the Course Management Instructions.

1.4.5. Course Cancellations

Providers may cancel a Course at any time if the Course has no Referrals.

Providers must not cancel a Course that has Referrals and has commenced unless approval has been obtained from the Department.

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A Course yet to commence that has Referrals can be cancelled. However, Providers must consider the impacts of cancelling the Course on Referred individuals. The Department recommends cancellations be made no later than one week before the Course Start Date to allow sufficient time for Referred individuals to be notified and take any necessary action.

When cancelling a Course, the Provider must:

- end all Referrals by entering a result of 'Created in Error'
- record that the Referral was ended due to Course cancellation in each Referred individual's 'Edit activity placement details' screen of the Department's IT Systems
- close the Course in the Department's IT Systems
- notify Referred individuals and where relevant, the Referring Providers, of the cancellation
- in accordance with the Course Management Instructions.

1.4.6. Referrals

All Referrals, except for Eligible CTA Participants in Online Base Service, must be made through the Department's IT Systems. Eligible CTA Participants in Online Full Service generally self-refer to a Course through the Department's website, but the DSCC can also Refer them to a Course if required. Other Eligible CTA Participants will be Referred by their Referring Provider.

Eligible CTA Participants in Online Base Service will not have an IT system record / referral, Providers must complete the Career Transition Assistance Eligibility Form.

For Online Base Service Participants, the Provider must retain a copy of the Career Transition Assistance Eligibility Form and upload the document when claiming the CTA Commencement Payment and / or CTA Final Payment.

(Deed Reference(s): Clause 84.1)

Monitoring Referrals

Providers must monitor Referrals to ensure that an Initial Meeting is arranged with the Referred individual on the same or the next Business Day a Referral is received.

Providers must also monitor Referrals to determine if there are sufficient Referrals to deliver the Course, or whether to cancel the Course as outlined under Course Cancellations. Providers will generally have discretion over the feasibility of delivering the Course, but the Department may direct a Provider to make a Course available.

Rejecting Referrals

If, during the Initial Meeting, the Provider believes there is a reason to not Commence a Referred individual, the Provider must reject the Referral.

Where a Provider rejects a Referral, the Provider:

- must advise the Referred individual of the decision, including why the Course is not considered suitable
- must not complete a Career Pathway Assessment for the Referred individual
- will not be paid the CTA Commencement Payment for the Referred individual.

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To reject a Referral for a Participant who is Referred by a Referring Provider, the Provider must:

- update the Referral status to ‘Created in Error' in the Department’s IT Systems
- on the same Business Day, advise the Referring Provider they have not accepted the Referred individual into CTA and the reasons for the decision.

To reject a Referral for an Online Full Service Participant, the Provider must:

- update the Referral status to ‘Created in Error' in the Department’s IT Systems
- encourage the Referred Individual to contact the DSCC to discuss alternative servicing options
- record the reason the Course is deemed unsuitable for the Referred individual in the 'Edit activity placement details' screen of the Department’s IT Systems to help the DSCC assess the Participant's options.

To reject a Referral for an Online Base Service Participant, the Provider must:

- encourage the Referred Individual to contact the DSCC to discuss alternative servicing options.

Out of Employment Region Referrals

Providers can accept Referrals of individuals in Online Base Service and Online Full Service residing in an Employment Region outside the Provider’s contracted Employment Region, where the Course is deemed suitable for the individual in the Initial Meeting.

Providers cannot accept Referring Provider Referrals from an Employment Region in which the Provider is not contracted to deliver Services, unless otherwise directed by the Department.

Providers must not solicit Referrals of Eligible CTA Participants in Workforce Australia Services, Parent Pathways, Yarrabah Employment Services, Broome Employment Services, or DES where the individual resides in an Employment Region outside the Provider’s contracted Employment Regions, unless otherwise directed by the Department.

(Deed Reference(s): Clause 5.2)

Funding Source

The participation of all Participants in Workforce Australia Services, Online Full Service, Online Base Service, Parent Pathways, Yarrabah Employment Services, and Broome Employment Services in CTA is fully funded by the Department. Participants must not be charged for any part of a Course.

The participation of DES Participants in CTA is fully funded by the DES Provider.

Referral Cap

Because the participation of Workforce Australia Services Participants, Parent Pathways Participants and Broome Employment Services Participants in CTA is fully funded by the Department, Workforce Australia Employment Services Providers, Parent Pathways Providers and Broome Providers that are also a Provider (as their Own Organisation, Related Entity or Subcontractor) in the same Employment Region are subject to a referral cap. The referral cap does not apply to DES Providers.

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The referral cap requires that no more than 50 per cent of Referrals by a Workforce Australia Employment Services Provider, Parent Pathways Provider or Broome Provider that resulted in the Commencement of a Participant, are to one or more Providers that are its Own Organisation, a Related Entity, or a Subcontractor.

The referral cap applies at Employment Region level and is measured on a cumulative basis over the term of the relevant Deed.

The referral cap will not apply if all Providers in an Employment Region are Own Organisations, Related Entities or Subcontractors of the Workforce Australia Employment Services Provider, Parent Pathways Provider or Broome Provider.

1.4.7. Participant Attendance

Commencing a Participant

Providers must Commence Participants in the Department's IT Systems on the first day they attend the Course (with exception of Online Base Service Participants).

To Commence a Participant, the Provider must do the following in the Department's IT Systems:

- upload a signed and dated copy of the Career Pathway Assessment against the Participant's activity placement.
- update the Referral to 'Placement Confirmed'.

For Online Base Service Participants, the Provider must retain a Record of the Participant's attendance and a copy of the signed and dated Career Pathway Assessment and provide these to Department when claiming the CTA Commencement Payment.

Note: Online Base Service Participants cannot be Commenced in the Department's IT Systems because Referrals are managed outside the Department's IT Systems.

(Deed Reference(s): Clause 86)

Delayed Commencement

As part of the Initial Meeting, Providers should consider the impact of a delayed Start Date on Referred individuals who do not attend the first 3 days of a Course, and whether they will be able to achieve the Course core components. However, Referred individuals can Commence in a Course up to 7 Business Days from the Course Start Date (including the Course Start Date).

If a Provider deems a Course unsuitable for a Referred individual due to a delayed start, the Provider must not Commence them and must action the Referral in accordance with Rejecting Referrals.

If a Referred individual does not attend a Course on the Course Start Date (or the following 6 Business Days), the Provider must record a result of 'Did Not Attend' for each day they did not attend. Providers must not end Referrals within 7 Business Days of the Course Start Date.

If a Referred individual has not Commenced the Course within 7 Business Days of the Course Start Date (including the Course Start Date), the Provider must end the Referral by updating the status to 'Did Not Start' and notify the Referred individual and where relevant, the Referring Provider.

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Recording Attendance

Providers must record the daily attendance or non-attendance of Participants on the same day as the expected attendance.

Providers must record the daily attendance or non-attendance of Participants (excluding Online Base Service Participants) using the Department's Supervisor App in accordance with the Workforce Australia Supervisor App Guide.

If the Provider is unable to use the Department's Supervisor App due to technical issues, and for all Online Base Service Participants (whose Referral is managed outside the Department's IT Systems), the Provider must document each Participant's attendance or non-attendance by an alternative method and retain those Records. Records must include the:

- Course ID and name
- Participant's Job Seeker ID and name, *noting that an Online Base Service Participant does not have a JSID*
- date of the expected attendance
- Participant's attendance or non-attendance
- user ID and name of the person creating the Record.

Note: Parent Pathways Participants do not have the ability to self-report their attendance. Providers must record the daily attendance or non-attendance of Parent Pathways Participants via the Supervisor App.

Providing QR Codes

Providers may provide the daily QR code(s) generated by the Department's IT Systems to the Participants in attendance to self-report attendance (excluding Online Base Service Participants). There is one QR code if the Course session is scheduled for 4 hours or less that day, and there are two QR codes if the Course session is scheduled for more than 4 hours that day. Participants are required to scan a QR code via the Workforce Australia App or record a passcode through Workforce Australia Online for Individuals to record their attendance at a Course.

If the Provider does not receive the daily QR code(s) due to technical issues, the Provider can access the code(s) via the Department's IT Systems.

To manually access the daily QR code(s), Providers should refer to the Course Management Instructions.

Managing Non-attendance

If a Participant fails to attend the Course on a day the Participant was scheduled to attend and does not contact the Provider, the Provider must attempt to contact the Participant to re-engage them in the program.

Providers are encouraged to remind Participants to contact the DSCC or Referring Provider, as relevant, to give prior notice if they are unable to attend any scheduled Course days. If the DSCC or Referring Provider is satisfied the Participant has an acceptable reason for not attending a scheduled Course day, the DSCC or Referring Provider can update the requirement to 'No Longer Required'.

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Providers are also encouraged to remind Participants to contact the DSCC or Referring Provider, as relevant, on the day of any unplanned non-attendance at a Course. If the DSCC or Referring Provider is satisfied the Participant had a valid reason for not attending a scheduled Course day, the DSCC or Referring Provider has 5 days to update the attendance result from 'Did Not Attend' to 'Did Not Attend (Valid Reason)'.

(Deed Reference(s): Clause 90.4)

1.4.8. Exiting Participants

Exits before the Course End Date

There are a range of reasons a Participant may Exit from a Course before the Course End Date, including if:

- they wish to withdraw from the Course
- they start Employment
- they have attended 75 hours and completed the core components of CTA
- they are displaying violent, threatening, aggressive or other inappropriate behaviour
- the Provider considers they are not benefiting in CTA because they are facing non-vocational barriers
- their Referring Provider requests to withdraw them from the Course.

If an Exit is requested, the Provider should discuss the reason for the Exit to determine whether any issues can be addressed so the Participant can continue their participation in the Course.

For Participants who are Referred by a Referring Provider, the CTA Provider must not exit them before discussing the requested Exit with the Referring Provider.

Exits when the Course End Date is reached

When the Course End Date is reached, the Provider must Exit all remaining Participants (those who did not Exit the Course before the End Date), within 5 business days.

Conducting an Exit

Providers must Exit Participants in the Department's IT Systems in accordance with the Guideline and the Course Management Instructions.

Before conducting an Exit, Providers must upload the completed résumé and Career Pathway Plan against the Participant's activity placement in the Department's IT Systems (except for Online Base Service Participants). In cases where the Participant Exits a Course before the Career Pathway Plan is completed, Providers must upload the incomplete document that shows the progression of the plan until time of Exit.

For Online Base Service Participants, the Provider must retain:

- a copy of the Career Transition Assistance Eligibility Form
- a copy of the Participant's updated résumé and signed and dated Career Pathway Plan
- a Record of the Participant's attendance

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- where the Participant Exited the Course due to finding Employment, details of the Employment and provide to the Department when claiming the CTA Final Payment.

(Deed Reference(s): 88.1(a)(d), 91.1)

1.5. Payments

1.5.1. Commencement Payment

To be eligible for the CTA Commencement Payment, Providers must have conducted an Initial Meeting with the Participant.

The Department automatically pays Providers the applicable CTA Commencement Payment for Participants in Workforce Australia Services, Online Full Service, Yarrabah Employment Services, and Broome Employment Services when the Provider has done the following in the Department's IT Systems:

- uploaded a completed Career Pathway Assessment
- updated the Referral to Placement Confirmed.

The Department does not automatically pay Providers the CTA Commencement Payment for Participants in Online Base Services and Parent Pathways.

For CTA Commencement Payments for Online Base Service Participants, and any other instances where the CTA Commencement Payment is not automatically processed, Providers must create a Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.

For CTA Commencement Payments for Parent Pathways Participants, Providers must upload a completed Career Pathway Assessment and check that the Referral is marked as Placement Confirm before creating a manual Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.

(Deed Reference(s): Clauses 97.1(a), 97.2(a), 98)

1.5.2. Final Payment

To be eligible for the CTA Final Payment, Providers must have:

- delivered the Course to the Participant in accordance with the Deed and Guideline, including the requirements for scheduling a Personal Handover Meeting and two future support Contacts
- met the requirements for recording daily attendance and non-attendance for the Participant.

The Department automatically pays Providers the applicable CTA Final Payment for Participants in Workforce Australia Services, Online Full Service, Yarrabah Employment Services, and Broome Employment Services when:

- the Provider uploads a completed Career Pathway Plan and updated résumé to the Department's IT Systems
- the Provider ends the Referral in the Department's IT Systems
- the Participant meets the eligibility requirement for a CTA Final Payment, either:

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- attended at least 80% of the total Course hours, noting that the hours where a Participant had a valid reason for non-attendance are counted towards attendance
- unless otherwise Notified by the Department, the Participant has met the alternative measure for Course completion by Exiting the Course due to finding Employment.

The Department does not automatically pay Providers the CTA Final Payment for Participants in Online Base Services and Parent Pathways.

- For Participants Exiting the Course due to finding Employment, the Provider must document the information advised by the Participant about their Employment in the Department's IT Systems in accordance with the Course Management Instructions.
- For CTA Final Payments for Online Base Service Participants, and any other instances where the CTA Final Payment is not automatically processed, Providers must create a Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.
- For CTA Final Payments for Parent Pathways Participants, Providers must upload a completed Career Pathway Plan and updated Resume and end the Referral in the Department's IT Systems before creating a manual Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards, if the claim meets the CTA Final Payment eligibility requirements outlined above.

Note: The Department monitors the claiming of CTA Final Payments for Participants who Exit a Course due to finding Employment against income declaration data. If the Department determines that a CTA Provider has claimed CTA Final Payments in circumstances where the relevant Participant has Exited a Course, but it was not due to finding Employment, the Department may at its discretion notify the CTA Provider that Exiting a Course due to finding Employment will no longer be available to the CTA Provider as an alternative measure for Course completion. Where this occurs, the CTA Provider will be prevented from claiming any further CTA Final Payments in relation to Participants Exiting a Course due to finding Employment.

(Deed Reference(s): Clauses 97.1(b), 97.2(b), 98)

1.5.3. Ineligible Payments

If Providers are paid a Payment for which they have not met the Deed and Guideline requirements, the Provider must Notify the Department, in accordance with the Key Contacts Protocol, to initiate a recovery.

(Deed Reference(s): Clauses 18.2, 18.5)

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Chapter 2. Reserved

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Chapter 3. WHS, Supervision and Incidents

Supporting Documents for this Chapter:

- Competent Person Register Template
- Public and Products Liability Incident Report
- WHS Employment Assistance Program Incident Report
- WHS Incidents and Insurance Readers Guide – Providers
- Workforce Australia Guidelines – Part A: Universal Guidelines

3.1. Chapter Overview

This Chapter outlines the Work, Health and Safety, Supervision and Incident requirements while delivering the Services.

3.2. Conducting Risk Assessments

The purpose of the Risk Assessment process is to:

- determine whether an Outbound Employer Visit is suitable to proceed (an Activity Risk Assessment)
- identify if the Outbound Employer Visit is suitable for the relevant Participant(s) who will be attending, including identifying any risks that may arise from a Participant's personal circumstances (a Participant Risk Assessment).

The Provider must ensure a Competent Person conducts and documents the Risk Assessment **before** an Outbound Employer Visit commences.

If Providers do not have a Competent Person, they must engage a Competent Person to undertake Risk Assessments.

Providers have discretion over how Risk Assessments are documented, including whether the Activity Risk Assessment and Participant Risk Assessment components are combined in one document.

Risk Assessments must include:

- details of the activity and/or tasks to be undertaken by Participants
- the risks of the activity and/or tasks and the appropriate actions to mitigate the identified risks
- the risks for each Participant and the appropriate actions to mitigate the identified risks
- the name and signature of the Competent Person who undertook the Risk Assessment
- the date the Risk Assessment was undertaken.

Providers must seek all relevant information from a Participant for a Competent Person to undertake a Risk Assessment. If a Participant was Referred by a Referring Provider, Providers must also seek all relevant information from the Participant's Referring Provider for a Competent Person to undertake a Risk Assessment.

Providers must work with Employers to ensure appropriate actions are applied to mitigate the identified risks, including ensuring Participants are provided with any necessary tools and resources

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required to undertake the activity and/or tasks safely, for example, Supervision, training and/or personal protective equipment.

If Providers identify significant risks with the Outbound Employer Visit that cannot be mitigated to ensure Participants can undertake the activity and/or tasks in a safe environment, Providers must not allow the Outbound Employer Visit to proceed.

Similarly, if Providers identify significant risks for a Participant in an Outbound Employer Visit that cannot be mitigated to ensure the Participant can undertake the activity and/or tasks safely, Providers must not allow the Participant to participate in the Outbound Employer Visit.

Providers must review risks regularly and take appropriate actions to address any changes. If there are any changes to an Outbound Employer Visit, and/or if there are any changes to the risks for a Participant, Providers must use a Competent Person to update the Risk Assessment as required and take appropriate actions to address any changes.

If Providers are transporting Participants to or from Outbound Employer Visits, the transport must be included in the relevant Risk Assessment.

Providers must retain copies of Activity Risk Assessments, Participant Risk Assessments and Records of the controls applied to mitigate the identified risks. Risk Assessments for Outbound Employer Visits must include the ID and name of the Course that is offering the Outbound Employer Experience.

The Provider must create and maintain a Record identifying any Competent Person(s) that it engages to conduct any Risk Assessment. Providers must maintain a structured register of Competent Person(s) engaged.

This record must contain:

- the full name of the Competent Person
- a description of the qualification, training or experience (and its relevance, if this is not clear from the qualification, training title, or experience) held by the Competent Person, including:
    - the qualification they hold, including course ID (if formal qualification undertaken)
    - internal or informal training name, and/ or
    - the number of years of relevant experience
    - date of qualification/training completion (if applicable)
    - refresher due date (if relevant)
    - the Employment Region/s the under which the Competent Person can undertake Risk Assessments

Providers must provide a Record of this format to the Department upon request. A Competent Person(s) Register Template is available on the Provider Portal, however, use of this template is not mandatory. If the template is not used, Providers must use their own structured register which includes at a minimum all the same headings as in the template.

(Deed Reference(s): Clause 105)

Multiple Location Outbound Employer Visits

Separate Activity Risk Assessments are not required where a single Outbound Employer Visit has multiple locations but only involves one Employer. In these cases, the Activity Risk Assessment must

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clearly identify the multiple locations and corresponding hazards and risks at each of the different locations.

Separate Activity Risk Assessments are also not required where an Outbound Employer Visit is re-occurring and is of the same or similar nature.

3.3. Supervision Requirements

Providers must ensure:

- they or the Employer, as relevant, provide adequate and appropriate Supervision so that Participants are undertaking appropriate tasks and operating in a healthy and safe environment
- the Supervision provided is continuous over the entire duration of the Services where:
    - the Services include engagement with people who are elderly, disabled or otherwise vulnerable, or Children (excluding other Participants)
    - the Provider otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential Participants in the Services, and any risks identified in the relevant Risk Assessments
- all Supervisors:
    - are fit and proper persons to be involved in the Services
    - have a high level of skill/knowledge, training and/or experience in:
        - the part of the Services in which they are engaged
        - working with, training and supervising individuals in such activities.

(Deed Reference(s): Clauses 72, 107)

3.4. Background checks

Before arranging for any Personnel, potential Supervisors and/or Participants to be involved in the Services, Providers must confirm any relevant background checks have been conducted to ensure contractual and legislative requirements, as well as industry standards are met.

> **Example:** Police checks must be conducted for activities that require individuals to not have been convicted of particular crimes, and Working With Children Checks must be conducted for activities that require individuals to have regular or unsupervised contact with Children.

The results of checks are personal and confidential. Providers must not disclose the results to other parties unless given permission by the individual for whom the check was undertaken. Additional information regarding disclosure of information and privacy considerations can be found in Part A Guidelines: Privacy Chapter.

If a relevant check shows that a Participant must not be involved in an Outbound Employer Visit, Providers should arrange an alternative Outbound Employer Visit for the Participant.

(Deed Reference(s): Clauses 72.1, 72.2, 72.8, 72.9)

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3.5. Reporting and Managing Incidents

Providers must Notify the Department and where relevant, the Referring Provider, as soon as possible, and on the same day, of any incident involving the Services, including direct travel to and from the Services, for example:

- any accident, injury or death occurring during or as a result of the Services, including in relation to Personnel, Supervisors, Participants or members of the public
- any incident or near miss which relates to a WHS issue
- any incident that may negatively impact upon the Department or bring the Provider or the Services into disrepute.

Providers must Notify the Department of any incident that may result in a liability claim by completing the Public and Products Liability Incident Report and submitting it to the Department in accordance with the WHS Incidents and Insurance Readers' Guide - Providers, regardless of whether a claim is being made at the time.

Providers must ensure Personnel, Supervisors, Employers and Participants:

- understand their obligations to report incidents and near misses
- have access to reporting mechanisms.

Providers must retain copies of Public and Products Liability Incident Reports.

(Deed Reference(s): Clauses 83.1, 106.1)

3.5.1. Challenging Behaviour Incidents

Providers must manage incidents involving Participants demonstrating challenging behaviour in accordance with Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

3.5.2. WHS Incidents

Providers must Notify the Department and where relevant, the Referring Provider, as soon as possible and on the same day of any WHS incident or near miss involving the Services.

If an incident or near miss relating to a WHS issue involves a Participant, Providers must create a WHS Incident in the Department's IT Systems as soon as possible and on the same day of the incident or near miss.

If Providers are unable to create a WHS Incident in the Department's IT Systems due to technical issues, Providers must complete the WHS Employment Assistance Program Incident Report and submit it to the Department and where relevant, the Referring Provider, in accordance with the WHS Incidents and Insurance Readers' Guide - Providers and the Key Contacts Protocol, and create a WHS Incident in the Department's IT Systems at the earliest opportunity.

Providers must retain copies of WHS Employment Assistance Program Incident Reports.

For Critical WHS Incidents, Providers must notify the Department via telephone as soon as possible and within one hour of the critical WHS incident, in addition to providing written Notification to the Department, in accordance with the WHS Incidents and Insurance Readers' Guide - Providers and the Key Contacts Protocol. A Critical WHS Incident has the same definition as a Notifiable Incident

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under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.

A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage or leakage of a substance, uncontrolled implosion, explosion, or fire.

Examples of critical WHS incidents include:

- injuries requiring immediate treatment as an in-patient in a hospital
- a serious head or eye injury
- a serious burn
- a spinal injury
- an amputation of any part of the body.

Providers must support affected individuals and manage WHS incidents in accordance with the WHS Incidents and Insurance Readers' Guide – Providers.

For Participants who are Referred by a Referring Provider, Providers must work with the Referring Provider to support the affected Participant after a WHS incident.

Providers must update the Risk Assessment as required.

(Deed Reference(s): Clause 106)

3.6. Insurance

The insurance policies purchased by the Department are detailed in the WHS Incidents and Insurance Readers' Guide – Providers, and copies of the insurance policies are available on the Provider Portal.

If an activity and/or task is excluded from the Department's insurance policies, Participants may only undertake the activity and/or task if additional insurance that covers the activity and/or task is in place. Alternatively, Providers should modify the activity and/or task so that it is not excluded from the Department's insurance policies.

Providers must retain copies of the insurance policies relied upon by the Provider to be compliant with the requirements for additional insurance.

(Deed Reference(s): Clauses 44, 105.5(e), 106.3)

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Chapter 4. Service Offer Commitments

4.1. Chapter Overview

This Chapter sets out the requirements for Service Offer Commitments, which capture all commitments made by Providers in their response to the request for proposal for this Deed that have a material impact on the Services delivered by each Provider.

4.2. Service Offer Commitments

Key commitments made by Providers in their response to the request for proposal for this Deed that have a material impact on the Services delivered are recorded in the Department's IT Systems as Service Offer Commitments. Providers' compliance with the Service Offer Commitments must be measurable or supported by evidence.

Service Offer Commitments include:

- Services that are above the minimum standards of the Service Guarantee, Deed and Guidelines, for example:
  - The Provider will include at least one Outbound Visit in all Courses
  - The Provider will deliver Courses at a ratio of no more than 15 Participants per Facilitator
  - The Provider will extend their hours of operation beyond standard business hours, by opening from 8 am to 7 pm.
- specific strategies to deliver the Services, for example:
  - The Provider will use the [Name] strengths test for all Participants as part of their Career Pathway Assessment
  - The Provider will make at least 8 successful contacts per month with local Employers to source quality Inbound and Outbound Visits for Participants.

The Department will provide the Provider with the list of Service Offer Commitments as recorded in the Department's IT Systems.

If a Provider is not complying with a Service Offer Commitment, the Provider must, to the Department's satisfaction, either:

- develop strategies to rectify its non-compliance within an agreed timeframe, or
- change the Service Offer Commitment if it is no longer meeting the Objectives.

If a Provider does not rectify its non-compliance, the Department will address this as part of its assessment of the Provider's performance.

(Deed Reference(s): Clauses 5.1, 81, 82.1)

4.3. Changes to Service Offer Commitments

Providers should routinely review their servicing strategies to ensure they meet the changing labour market and needs of stakeholders.

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Providers may submit requests for changes to Service Offer Commitments to the Department in accordance with the Key Contacts Protocol.

> **Example:** A Provider may wish to update its servicing strategies in response to stakeholder feedback.

The Department will assess whether:

- there is evidence to support the changes
- the changes materially alter the commitments the Provider made in its response to the request for proposal for this Deed.

If a Provider requests removal of a servicing strategy, an alternative should be proposed to ensure that key stakeholders continue to have access to a similar range and level of Services. Alternatively, details must be provided to substantiate why an alternative is not required.

If the Department approves the changes, the Department will update the Provider's Service Offer Commitments in the Department's IT Systems and provide the Provider with an updated list.

Providers must have written approval from the Department prior to making changes to Service Offer Commitments.

The Department may recommend changes to the Provider's Service Offer Commitments. This will be done in consultation with the Provider.

(Deed Reference(s): Clause 5.1)

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Chapter 5. Performance

Supporting Documents for this Chapter:

- Performance Framework

5.1. Chapter Overview

This Chapter sets out the modules and measures that Provider performance is monitored and assessed against, and the Self-assessment Report requirements.

The Department assesses Provider performance at the times specified in the Performance Framework and at such other times as the Department determines.

5.2. Performance Modules and Measures

The Department will measure provider performance against 3 performance modules:

- Efficiency of service
- Quality of service
- Deed compliance and contract management.

Performance is assessed using administrative data from the Department's IT Systems, stakeholder feedback, including Participants, Employers, and Referring Providers, evidence from the Provider in the self-assessment report, and through ongoing contract management and assurance activities.

As more administrative data becomes available and program norms under the contract are established, additional performance measures may be defined.

The Performance Framework provides more detailed information on the performance measures.

(Deed Reference(s): Clauses 5.1, 28)

5.3. Self-Assessment Report

The Self-assessment Report seeks information from Providers about how they have engaged stakeholders, including Participants, Employers, and Referring Providers, and used their feedback to tailor and improve the delivery of Services. It is also an opportunity for Providers to demonstrate how they are meeting the Service Offer Commitments.

Providers must complete and submit to the Department, in accordance with the Key Contacts Protocol, a Self-assessment Report after the end of each Performance Period and or at such other times as the Department determines.

The Department will provide relevant performance data information and the Self-assessment Report template to each Provider after the end of each Performance Period. The data and information will support Providers to complete their Self-assessment Report and to submit it within the required timeframe.

The use of the Self-assessment Report template is mandatory.

Providers must retain the completed Self-assessment Report.

(Deed Reference(s): Clauses 5.1, 28, 95.1)

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Australian Government

Workforce Australia
Employment

Workforce Australia Guidelines

Part B: Employability Skills Training

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with Workforce Australia - Employability Skills Training Deed 2022-2027 (the **Deed**), including any relevant Guidelines and reference material issued by the Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice, and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version: 2.5 **Published on:** 11 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline the Employability Skills Training Chapter has been updated.

A full version history of this Guideline can be found on the Archived Guidelines page on the Provider Portal.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department’s IT Systems.

This icon represents 'Work, Health and Safety Steps' – information contained under this dot point will relate to matters of Work, Health and Safety.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of documentary evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

'25 Plus Course' means a Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Participants aged 25 years and older.

'All Ages Course' means a Course provided to EST Participants aged 15 years and older in accordance with any Guidelines.

'End Date' means the end date of a Course recorded in the Department’s IT Systems.

'Key Contacts Protocol' means the protocol that identifies the key Departmental and Provider contacts and sets out the contact channels for a range of matters.

'Mutual Obligation Requirement' means any activity test, participation requirement or other requirement that a participant must meet in order to receive an income support payment, including a requirement that, if not complied with, would be:

(a) a Mutual Obligation Failure;
(b) a Work Refusal Failure;
(c) an Unemployment Failure; or
(d) a failure to meet a Reconnection Requirement,

under the Social Security Law.

'Points Based Activation System' means the system which allows participants to meet their Mutual Obligation Requirements by undertaking sufficient tasks and activities to meet a monthly points target.

'QR Code' means ‘Quick Response’ code. A machine-readable code consisting of an array of black and white squares, typically used for storing URLs or other information for reading by the camera on a smartphone.

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'Social Security Law' means the *Social Security Act 1991* (Cth) and the *Social Security (Administration) Act 1999* (Cth), and includes all relevant subordinate legislation and instruments, and the Guide to Social Security Law.

'Service Offer Commitment' means a commitment the Provider made in its response to the request for proposal for the Deed, as recorded by the Department in the Department's IT Systems.

'Start Date' means the start date of a Course recorded in the Department's IT Systems.

'Supervisor App' means the mobile application which allows Supervisors listed in the Department's IT Systems to record the daily attendance of Participants at a Course.

'Targeted Compliance Framework' or 'TCF' means the legislative framework designed to ensure that only those participants who persistently commit Mutual Obligation Failures without a valid reason or reasonable excuse incur financial penalties while providing protections for the most vulnerable. It is designed to encourage participants to engage with their employment services provider, take personal responsibility for managing and meeting their Mutual Obligation Requirements, actively look for work and improve their employment prospects. The TCF comprises three zones: the green zone, the warning zone and the penalty zone.

'Workforce Australia Online for Individuals Full Service' or '**Online Full Service'** refers to the Department's Self-managing in Workforce Australia Online for Individuals service available to fully eligible participants who are assessed as able to self-manage their search for work. The Online Full Service allows participants to self-manage their participation in employment services with a range of supports available such as access to the Digital Employment Fund, pre-employment pathways for eligible participants and support provided by the Digital Service Contact Centre (DSCC).

'Youth Course' means a Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Participants aged under 25.

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Chapter 1. Employability Skills Training

Supporting Documents for this Chapter:

- Core Skills for Work Developmental Framework
- Course Management Instructions
- EST Participant Survey - Provider Fact Sheet
- Hybrid and Online Delivery Request Form
- Pre-commencement Guide
- Rolling Intake Request Form
- Workforce Australia Online - EST Booking Flow
- Workforce Australia Supervisor App Guide

1.1. Chapter Overview

This Chapter outlines who is eligible to undertake Employability Skills Training (EST), the Service requirements, how Providers must manage Courses, and an overview of Provider Payments.

EST is a complementary employment services program administered by the Department that enhances the work readiness of EST Participants. EST provides intensive pre-Employment training through two different blocks of targeted training. Participants can undertake one or both blocks in any order.

1.2. Eligibility

An Eligible EST Participant must be aged 15 years and over, and meet one of the following conditions:

- be participating in Online Full Service, Workforce Australia Services, Yarrabah Employment Services, or Broome Employment Services and either in receipt of:
  - income support payments that are subject to Mutual Obligation Requirements, or
  - Disability Support Pension and has compulsory participation requirement
- be participating in Parent Pathways, or
- be participating in Transition to Work (TtW) Services, or
- be participating in Disability Employment Services (DES) in the employment assistance phase.

There is no limit in the number of times a Participant can undertake EST if the Provider considers that the Participant would benefit.

Note: TtW, Parent Pathways and DES Participants do not need to be in receipt of an income support payment to be eligible to participate in EST.

1.2.1. Participation Requirements

Individuals in Online Full Service with Mutual Obligation Requirements have a 4 Month Activity Requirement. At the start of their fourth month in service, individuals must undertake EST as their mandatory activity if they are not working or studying or have not participated in or been referred to a suitable activity. When undertaking EST as their mandatory activity, the Targeted Compliance Framework (TCF) may apply for non-attendance at EST.

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If an Online Full Service Participant undertakes EST outside the 4 Month Activity Requirement, EST will be a voluntary activity and the TCF will not apply for non-attendance at EST.

EST is a voluntary activity for Participants who are in Workforce Australia Services, Parent Pathways, Yarrabah Employment Services, Broome Employment Services, TtW, or DES, and the TCF does not apply for non-attendance at EST.

Participants in Online Full Service, Workforce Australia Services, Yarrabah Employment Services, and Broome Employment Services attract points under the Points Based Activation System (PBAS) regardless of whether participation is voluntary or mandatory. The TCF will apply if Participants fail to meet their points requirement.

1.3. Service Requirements

1.3.1. Promoting EST

Providers must market and promote Courses by establishing and maintaining collaborative relationships with Referring Providers in the Employment Region/s in which the Services are being delivered. Providers may consider developing promotional materials for Referring Providers to distribute to Eligible EST Participants on their caseload.

Because Providers cannot make direct contact with Eligible EST Participants in Online Full Service, Providers must market Courses through accurate, informative, and engaging Course names and descriptions in the Department's IT Systems.

(Deed Reference(s): Clause 61.2)

1.3.2. Course Outline

Providers must develop Course outlines for all Courses that describe the:

- Learning Outcomes
- teaching strategies that will be used to achieve the Learning Outcomes.

The Course outline must be in accordance with the Service Delivery Plan and Service Offer Commitments.

Providers must work collaboratively with key stakeholders, including industry, Employers and Referring Providers, to tailor Courses to opportunities in the local labour market.

Providers that are not Registered Training Organisations (RTOs):

- must ensure all Course outlines, including any major updates, are endorsed by an RTO that the Provider has partnered with, to ensure Courses will be of suitable quality before they are delivered to EST Participants
- must submit the relevant documentary evidence to the Department
- must not schedule Courses until the Department has given written confirmation that Course endorsement requirements have been met.

Providers must retain the Course outline for all Courses.

Providers that are not RTOs must retain evidence of an RTO's endorsement of each Course outline. Records must include the:

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- Course outline that was endorsed
- name of the RTO that provided the endorsement
- name and position of the RTO staff member that confirmed the endorsement
- date of the endorsement.

(Deed Reference(s): Clauses 82.1, 82.3, 82.6, 88.1, 88.2, 88.3)

1.3.3. Training Block 1 Requirements

Training Block 1 Courses help EST Participants develop job search and workplace skills.

Training Block 1 Courses may offer Industry Awareness Experiences and accredited training to support the Learning Outcomes.

After participating in a Training Block 1 Course, EST Participants should be able to demonstrate the following Learning Outcomes:

- Use a variety of techniques and strategies to seek and apply for work
- Identify opportunities in the local labour market
- Understand Employer expectations
- Prepare a résumé
- Prepare a job application, including preparing a cover letter, addressing selection criteria, and preparing video applications, as relevant, to entry-level opportunities in the local labour market
- Complete an online psychometric and aptitude screening test
- Prepare for an in person and virtual job interview
- Manage their digital footprint
- Apply conventions of online etiquette
- Apply the 10 skill areas described in the Core Skills for Work Developmental Framework to the workplace. The framework describes performance in the 10 skill areas in terms of knowledge, skills and understanding, and how they apply to Employment. The skill areas are applicable to people undertaking work, as well as people new to Employment.

10 Core Skills

Each Course must include the following core components:

- **Manage career and work life** – the capacity to identify work and career options, to gain work or career advancement and undertake learning appropriate to work needs and goals.
- **Work with roles, rights, and protocols** – the capacity to understand work roles and workplace rights and expectations by recognising and responding to responsibilities and accepted workplace practices and legal rights.
- **Communicate for work** – the capacity to recognise communication protocols and etiquette, use communications systems and processes, understand messages, and get messages across to others.
- **Connect and work with others** – build work-related relationships to achieve an outcome within a workgroup or achieve goals through team-based collaborations. Develop the ability to understand others and build rapport, make choices about regulating your behaviour and understanding the needs of others.

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- **Recognise and utilise diverse perspectives** – the capacity to recognise and respond to differing values, beliefs, and behaviours, draw on diverse perspectives for work purposes and manage conflict.
- **Plan and organise** – identifying and completing the steps needed to undertake tasks and manage workloads by developing the capacity to organise self and information, plan and implement tasks and organise workloads.
- **Make decisions** – the capacity to make choices from a range of possibilities, use different decision-making approaches and reflect on the outcomes of decisions.
- **Identify and solve problems** – identifying and addressing routine and non-routine problems to achieve work objectives, the capacity to anticipate or identify problems and take steps to solve problems and reflect on outcomes.
- **Create and innovate** – applying and recognising the value of new ideas to solve problems, improve or develop new processes, products or strategies, the capacity to challenge perceptions and recognise potential opportunity.
- **Work in a digital world** – the capacity to connect with others, information and contexts for work-related purposes using digital systems and technology, understanding the language, concepts, etiquette and risks with online environments and how digital technology can enhance or make possible specific aspects of a role or task and create opportunities.

(Deed Reference(s): Clauses 82.1 (a)(b)(c))

1.3.4. Training Block 2 Requirements

Training Block 2 Courses help EST Participants understand industries that are in demand or have emerging opportunities in their local labour market.

Training Block 2 Courses must offer Industry Awareness Experiences relating to the industries covered to support the Learning Outcomes.

After participating in a Training Block 2 Course, EST Participants should be able to demonstrate the following Learning Outcomes in relation to the industries covered:

- Use the most suitable techniques and strategies to seek and apply for work
- Understand the duties, requirements, career prospects and Employer expectations
- Tailor a résumé
- Tailor a job application, including preparing a cover letter, addressing selection criteria, and preparing video applications, as relevant
- Complete an online psychometric and/or aptitude screening test, as relevant
- Prepare for an in person and virtual job interview
- Use technology relevant to entry-level Employment opportunities.

There are 2 types of Training Block 2 Courses:

- Generalist Courses
- Specialist Courses.

Providers contracted to deliver Training Block 2 Courses must offer both types of Courses.

(Deed Reference(s): Clauses 82.1(a)(b)(d))

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1.3.5. Generalist Course Requirements

Generalist Courses give EST Participants a taste of a few different industries to help them decide whether an industry is right for them. The industries must have entry-level Employment opportunities in the local labour market.

Upon successful completion of a Generalist Course, EST Participants should also be able to demonstrate the following Learning Outcome:

- Understand their interest in and aptitude for the industries covered.

Generalist Courses may offer accredited training to support the Learning Outcomes.

(Deed Reference(s): Clause 82.1(d))

1.3.6. Specialist Course Requirements

Specialist Courses focus on a single industry to help EST Participants build industry specific skills and provide a pathway for EST Participants to entry-level Employment opportunities in the industry or a formal training program.

Upon successful completion of a Specialist Course, EST Participants should also be able to demonstrate the following Learning Outcome:

- Be equipped for entry-level Employment opportunities in the industry covered.

Specialist Courses should offer accredited training to support the Learning Outcomes.

> **Example:** A hospitality Specialist Course could offer the unit 'Provide Responsible Service of Alcohol', or a construction Specialist Course could offer the unit 'Prepare to Work Safely in the Construction Industry'.

(Deed Reference(s): Clause 82.1(d))

Industry Endorsement of Training Block 2 Specialist Courses

Providers must consult with industry and Employers in the design and development of Specialist Course outlines. Specialist Course outlines, including any major updates, must be endorsed by a relevant industry association to:

- ensure the training is suitably tailored to, and valued by, Employers in the industry
- make EST Participants more competitive for entry-level Employment opportunities in the industry.

If a Provider has a reasonable justification for not being able to obtain endorsement from a relevant industry association, the Department will accept endorsement from a relevant and appropriate Employer.

Before scheduling Specialist Courses, Providers:

- must submit the relevant documentary evidence to the Department
- must have received written confirmation from the Department that Course endorsement requirements have been met.

Providers must retain the following:

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- Records showing how and when the Provider consulted with a relevant industry association or Employer in the design and development of Specialist Courses, including any proposed changes by the endorser and how those changes were addressed
- evidence of a relevant industry association or Employer endorsement of each Specialist Course outline. The evidence must include the:
    - Course outline that was endorsed
    - name of the industry association or Employer that provided the endorsement
    - name and position of the industry association member or Employer staff member that confirmed the endorsement
    - date of the endorsement.

Providers must retain the following additional documentary evidence when industry endorsement is from an Employer:

- Records explaining:
    - why the Provider was not able to gain endorsement from a relevant industry association
    - the demonstrated relevance of the Employer to the industry and course outline being endorsed
    - demonstrated relevance of the Employer endorsement to the local labour market needs of the Employment Region.

1.3.7. Accredited Training

The offering of accredited training must not disadvantage a Participant under the National Training Entitlement, which enables all working age Australians without a Certificate III or higher qualification to access a government subsidised training place.

Accredited training must be delivered by a Registered Training Organisation (RTO) approved to deliver the unit of competency as specified at training.gov.au. Subject to this requirement, Providers may deliver the accredited training or arrange for the accredited training to be delivered.

Providers must provide a statement of attainment to EST Participants who complete a unit of competency.

Providers must retain copies of EST Participants' statements of attainment.

Providers must retain evidence of providing statements of attainment to EST Participants who complete a unit of competency.

(Deed Reference(s): Clauses 82.1(b)(d), 82.7, 82.8, 82.10)

1.3.8. Initial Assessment

Course content must be tailored to meet the needs of individual EST Participants.

Providers must work with EST Participants to complete an initial assessment when they Commence a Course to inform how the Course content will be tailored. Providers must complete the initial assessment to be eligible for an EST Commencement Payment.

The initial assessment must document:

- the EST Participant's Job Seeker ID and name

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- the Course ID
- the EST Participant's level of digital literacy
- the EST Participant's strengths and experience
- the EST Participant's Employment and/or study goals
- the EST Participant's main barriers to securing Employment
- how the Course will be tailored to meet the needs of the EST Participant.

Providers must retain a copy of the initial assessment for each EST Participant.

1.3.9. Industry Awareness Experiences

Industry Awareness Experiences aim to:

- provide EST Participants with insight into the tasks and duties of an industry
- highlight the expectations of working in an industry
- expose EST Participants to a work-like environment in a practical way
- connect EST Participants with Employers in industries that are in demand or have emerging opportunities in the local labour market.

Examples of Industry Awareness Experiences include guided tours of workplaces arranged with an Employer and Inbound Employer Visits.

Providers must use a Competent Person to undertake Risk Assessments before an EST Participant starts in a Specified Industry Awareness Experience.

(Deed Reference(s): Clauses 80.2, 101.1, 101.2, 101.3, 101.5)

Engaging with Host Organisations

Providers should seek to engage with a range of Employers to host Industry Awareness Experiences for Participants.

A Host Organisation can host more than one Industry Awareness Experience and/or other activity (such as the Commonwealth program Work for the Dole) concurrently, subject to the requirements for each activity being met.

Host Organisation Prohibitions

Providers must consider the nature of the work conducted by an organisation when assessing its suitability as a Host Organisation.

Providers must not arrange Specified Industry Awareness Experiences hosted by a Host Organisation that:

- has engaged in any illegal operations or promotes or condones any form of unlawful conduct
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability
- promotes or condones any form of violence, self-harm or suicide
- has been, or is, associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate

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- provides any other service or conducts themselves in a manner that is likely to bring the Participant, the Provider, or the Department into disrepute
- uses the Employer Visit as a stop-gap measure while the Employer is undertaking recruitment exercises or as a way of meeting ad hoc needs in lieu of creating paid Employment opportunities
- provides the Participant with extra hours of paid or unpaid work outside the agreed hours
- pays the Participant during the Employer Visit.

If a Provider suspects or becomes aware that a Host Organisation has engaged in any conduct described in the list above, the Provider must:

- ensure that no Participant starts or continues to participate in the Specified Industry Awareness Experience that the Host Organisation hosts
- Notify the Department immediately and provide information as requested by the Department
- if requested by the Department, cease, or vary the Industry Awareness Experience.

Where the Department determines that a Host Organisation has engaged in any conduct described above, the Department may give a direction to the Provider that the Provider must not arrange, and/or must not refer any Participants to, Specified Industry Awareness Experiences hosted by that Host Organisation. If the Department gives such a direction, the Provider must immediately comply with the direction.

(Deed Reference(s): Clauses 91.2, 104)

1.3.10. Résumé Update

Providers must work with the EST Participant to develop an updated résumé.

The résumé must:

- include the EST Participant's identified skills and experience
- be professionally presented
- not contain spelling or grammatical errors.

For Generalist Courses, the résumé must be tailored to at least one of the industries covered. For Specialist Courses, the résumé must be tailored to the industry covered.

Providers must retain a copy of the updated résumé for each EST Participant. If an updated résumé cannot be developed due to insufficient attendance by the EST Participant, the Provider must retain Records of the reason why an updated résumé was not developed.

(Deed reference(s): Clause 79.1(f))

1.3.11. Final Assessment

Providers must work with the EST Participant to complete a final Assessment to support the EST Participant on their Employment pathway.

Providers should assess the progress and performance of EST Participants throughout the Course. The Assessment must be updated to reflect the EST Participant's goals and skills at the end of the Course.

The Assessment must:

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- include the initial Assessment and document the progress the EST Participant has made against it
- include the EST Participant's updated résumé that was developed in the Course
- document how the EST Participant performed against each of the Learning Outcomes of the Course
- document any units of competency completed by the EST Participant
- document industries and/or occupations that may be suitable for the EST Participant, taking into account the EST Participant's goals, skills and the local labour market
- recommend the next steps the EST Participant should take to pursue Employment and/or training opportunities based on the EST Participant's goals, skills and the local labour market
- document the date the Assessment was finalised.

If the Provider is unable to complete a comprehensive Assessment due to insufficient attendance by the EST Participant, the Provider must complete the Assessment to the best of its ability.

If the EST Participant is an Online Full Service Participant and the Provider has reason to believe that Workforce Australia Online for Individuals Full Service is not suitable for the EST Participant, the Provider must inform the EST Participant that they can contact the Digital Service Contact Centre (DSCC) to discuss alternative servicing options.

Providers must provide each EST Participant with their final Assessment. If the EST Participant was Referred by a Referring Provider, Providers must also provide the Referring Provider with the final Assessment. In each case the Provider should provide the final Assessment within 5 Business Days of the EST Participant Exiting the Course and must provide the final Assessment within 5 Business Days of the Course End Date.

Providers must retain a copy of the final Assessment for each EST Participant.

Where an Assessment is not comprehensive, the Provider must retain Records of the reason why the Assessment was lacking in detail.

Providers must retain evidence of providing final Assessments to EST Participants and, where relevant, Referring Providers.

(Deed Reference(s): Clauses 87.5, 93)

1.3.12. Assistance with Costs

Participants will generally be expected to source their own transport to and from a Course, but Providers may choose to arrange transport for Participants to and from Courses (including Specified Industry Awareness Experiences).

If a Course has requirements that have costs associated with them, for example travel costs, police checks, or personal protective equipment, Providers should encourage the Participant to seek support from the DSCC or Referring Provider.

EST Providers should, where relevant, make it clear to the Participant the Referring Provider or DSCC has discretion over whether to cover the costs.

EST Providers may also cover the costs, noting they are not eligible to claim a reimbursement from the Department.

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1.3.13. EST Participant Survey Requirements

The Department's IT Systems sends all EST Participants a short, voluntary online survey on the second last day of their EST course.

Participants receive instructions on how to access the survey via their Workforce Australia Online for Individuals inbox, and to their email account (where one has been provided). Providers are encouraged to allow time during the Course for Participants to complete the survey, noting completion is voluntary.

The EST Participant Survey - Provider Fact Sheet provides further information about the survey, including the purpose, the questions asked, and how and when it is distributed to EST Participants.

1.4. Course Management

1.4.1. Course Schedule

Courses must be scheduled for a total of 75 hours, excluding breaks.

Courses must be scheduled for either:

- 25 hours per week over 3 consecutive weeks, or
- 15 hours per week over 5 consecutive weeks.

Courses must not be scheduled:

- on a public holiday
- on a weekend
- for more than 8 hours per day.

Each Course must only have one Start Date and must not be combined for delivery in any manner with Courses with different Start Dates, without prior Departmental approval (see Rolling Intake Courses).

Rolling Intake Courses

Rolling intake Courses are Courses with different Start Dates that are combined for delivery of common units or the entirety of the training. Providers must not use a rolling intake model without prior written approval from the Department.

Rolling intake requests will be considered in limited circumstances, for example, in a location where there is insufficient demand to offer non-rolling intake Courses.

Rolling intake Courses must not exceed 20 EST Participants on any given day. Rolling intake Courses must be structured to ensure Learning Outcomes are delivered as discrete units and should not build on knowledge from prior weeks.

Providers must gain approval from the Department before creating rolling intake Courses by completing the Rolling Intake Request Form and submitting it to the Department in accordance with the Key Contacts Protocol. The Department will assess the reasons for the request, how the Course Content will be structured and whether the Provider has strategies to:

- manage the changing group dynamics

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- ensure the full suite of Course content is delivered to all EST Participant intakes
- manage the different levels of knowledge and skills of EST Participants
- keep all EST Participants engaged
- ensure an appropriate Facilitator to EST Participant ratio is maintained.

When creating rolling intake Courses in the Department's IT Systems, Providers must ensure the Course description clearly communicates the Course is being delivered as a rolling intake, in accordance with the Course Management Instructions.

When setting up rolling intake Courses, Providers must create a separate Course in the Department's IT Systems for each Participant intake to ensure Participants have access to 75 hours of training. For example, if the rolling intake Course has a new Participant intake every Monday, the Provider would need to create a separate Course for each week.

Providers must retain the Department's written approval to create rolling intake Courses.

(Deed Reference(s): Clauses 87, 90)

1.4.2. Delivery Mode

In person delivery is a key EST servicing principle and Courses must be delivered in person, in a classroom setting unless otherwise directed or approved by the Department.

Providers can seek Departmental approval to deliver hybrid or online Courses, however, the Department expects providers to continue supporting in-person training for those that request or need it.

Providers must complete the Hybrid and Online Delivery Request form and submit it to the Department in accordance with the Key Contacts Protocol. Hybrid or online Courses cannot be scheduled until written approval from the Department has been obtained. Approvals for hybrid and/or online Courses will be reviewed by the Department every 6 to 12 months to ensure appropriate servicing is being offered and strategies are in place to support the Service offering.

Table 1-A: EST Course Delivery Mode Summary

Delivery mode	Description
In person	Delivered in person to all Participants.
Hybrid – type 1	Courses offer the choice of two possible delivery modes: • Participants can attend in person, or • Participants can attend online. For example, a Course has 20 Participants – 15 attend in person while the remaining 5 Participants attend online.
Hybrid – type 2	Courses comprise both in person and online components for each Participant. For example, some of the Course modules are only delivered online, while the remaining modules are only delivered in person.
Online	Delivered exclusively online to all Participants.

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When Participants undertake any component of a Course online, Providers must ensure that:

- each Participant receives content that is relevant to the local labour market in their Employment Region
- information on ergonomic setup is issued to Participants before starting online delivery
- information on wellbeing and links to supports (if needed) are given to Participants, using resources available from Safe Work Australia.

Providers may accept Referrals to hybrid and online Courses from multiple Employment Regions, in accordance with Out of Employment Region Referrals, noting Providers must monitor Referrals to ensure no more than 20 Participants are attending a Course on a given day.

When creating a hybrid or online Course in the Department's IT Systems, Providers must ensure the Course description clearly communicates the Course delivery mode and any essential devices Participants require to undertake training, in accordance with the Course Management Instructions.

Providers must retain the Department's written approval for hybrid and online delivery, unless otherwise directed by the Department.

For EST Participants who undertake any component of a Course online, Providers must retain the EST Participant's confirmation that they have received, read, and understood the information on ergonomic setup and wellbeing issued by the Provider.

(Deed Reference(s): Clauses 85.2, 89)

1.4.3. Course Creation

Providers must create each Course in the Department's IT Systems to facilitate Referrals of Eligible EST Participants and Payments.

Providers should create Courses no later than 2 weeks before the Course Start Date to allow sufficient time to receive Referrals unless there are exceptional circumstances.

Providers must ensure the location of the EST Course is within a contracted Employment Region.

Providers must ensure the course hours are correct in the Department's IT Systems, as per the Course Schedule section.

Providers can create Courses that are limited to Referrals from age-specific cohorts, such as Youth or 25 Plus Courses, or may schedule All Ages Courses.

Providers must create Courses in the Department's IT Systems in accordance with the Course Management Instructions.

Course names and descriptions are the primary way for Providers to market their Services to Eligible EST Participants, so Course names and descriptions must be accurate, informative, and engaging. Providers should refer to the Workforce Australia Online - EST Booking Flow to better target Course names and descriptions.

(Deed Reference(s): Clauses 61.2, 87.4)

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1.4.4. Course Changes

The Department's IT Systems allow Providers to make minor changes to Course details after a Course has been created. The Course Management Instructions detail the changes that can be made to a Course and the changes that require a Course to be withdrawn and a new Course created.

Providers must notify Participants and Referring Providers of any Course changes in accordance with the Course Management Instructions.

The Department recommends changes be made no later than one week before the Course Start Date to allow sufficient time for Prospective EST Participants to be notified and take any necessary action.

Providers must update the Department's IT Systems to reflect any changes to Course details in accordance with the Course Management Instructions.

Note: Course session dates, including the Course Start Date, **cannot** be changed if the Course has Referrals of any type, including Referrals with a placement status of 'Expected to Start', 'Created in Error', or 'Did Not Start'. If a Course cannot proceed on the scheduled days, the Provider must cancel the Course prior to the Course Start Date as outlined under Course Cancellation in this Guideline.

Suspending Referrals

A Provider can block Referrals being made to a Course by suspending the Course in the Department's IT Systems. Courses marked as 'Suspended' in the Department's IT Systems are still expected to run if they have Referrals.

Providers must update the Department's IT Systems to reflect any Course suspensions in accordance with the Course Management Instructions.

1.4.5. Course Cancellations

Providers may cancel a Course at any time if the Course has no Referrals.

Providers must not cancel a Course that has Referrals and has commenced unless approval has been obtained from the Department.

A Course yet to commence that has Referrals can be cancelled. However, Providers must consider the impacts of cancelling the Course on Prospective EST Participants. The Department recommends cancellations be made no later than one week before the Course Start Date to allow sufficient time for Prospective EST Participants to be notified and take any necessary action.

If a Referring Provider has paid the EST Charge for a Course that is being cancelled, the Provider must refund the EST Charge to the Referring Provider in a timely manner.

When cancelling a Course, the Provider must:

- end all Referrals by entering a result of 'Created in Error'
- record in each Prospective EST Participant's 'Edit activity placement details' screen of the Department's IT Systems that the referral was ended due to Course cancellation
- close the Course in the Department's IT Systems

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- notify the Prospective EST Participants and where relevant, the Referring Providers, of the cancellation

in accordance with the Course Management Instructions.

Note: Prospective EST Participant Referrals must be ended prior to the Course Start Date to ensure Participants subject to Targeted Compliance Framework do not have their income support payment suspended.

If a Prospective EST Participant will not be commencing in the Course, and the Course is not being cancelled, the provider must action the Referral as per the directions under Pre-Commencement Engagement.

(Deed Reference(s): Clause 87.1(b))

1.4.6. Referrals

All Participant Referrals must be made through the Department's IT Systems.

Online Full Service Participants generally self-refer to a Course through the Department's website. The DSCC can also Refer an Online Full Service Participant to a Course if required. All other Eligible EST Participants must be Referred by their Referring Provider.

(Deed Reference(s): Clause 84.1)

Monitoring Referrals

Providers must monitor Referrals and make efforts to engage with Prospective EST Participants before the Course Start Date, as outlined in Pre-Commencement Engagement.

Providers must also monitor Referrals to Courses to determine if there are sufficient Referrals to deliver the Course, or whether to cancel the Course as outlined under Course Cancellation in this Guideline. Providers will generally have discretion over the feasibility of delivering the Course, but the Department may direct a Provider to make a Course available.

Out of Employment Region Referrals

Providers can accept Referrals of Participants residing in an Employment Region outside the Provider's contracted Employment Region, where the Course is deemed suitable for the individual in the Pre-Commencement Engagement.

However, Providers must not solicit Referrals of Workforce Australia Services Participants, Parent Pathways Participants, Yarrabah Employment Services Participants, Broome Employment Services Participants, TtW Participants, or DES Participants where the individual resides in an Employment Region outside the Provider's contracted Employment Regions, unless otherwise directed by the Department.

Funding Source

The participation of Online Full Service Participants, Parent Pathways Participants and Yarrabah Employment Services Participants in EST is fully funded by the Department. Participants must not be charged for any part of a Course.

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The participation of Workforce Australia Services Participants, TtW Participants, and Broome Employment Services Participants in Training Block 1 is fully funded by the Referring Provider, but the participation of Workforce Australia Services Participants, TtW Participants, and Broome Employment Services Participants in Training Block 2 is partially funded by the Department.

The participation of DES Participants in both Training Block 1 and Training Block 2 is fully funded by the DES Provider.

EST Charge

While it is expected the Referring Provider will pay the EST Charge, Providers have discretion over whether to charge the Referring Provider (excluding Parent Pathways Providers and Yarrabah Providers) the applicable EST Charge if the Provider accepts a Referral for a Prospective EST Participant. Providers can charge the Referring Provider (excluding Yarrabah Providers) an amount up to, but not more than, the applicable EST Charge. Providers must make their own arrangements with Referring Providers to facilitate payment.

The EST Charge must be refunded to the Referring Provider in a timely manner if a Course is cancelled, or if a Provider finds a Course is unsuitable for a Prospective EST Participant in its Pre-Commencement Engagement. Providers have discretion over whether there are any other circumstances that the EST Charge is refundable if the Prospective EST Participant does not Commence a Course.

If the Referring Provider does not pay the EST Charge for a Prospective EST Participant before the Course Start Date, the Provider can end the Prospective EST Participant's Referral to the Course. If the Provider ends the Prospective EST Participant's Referral to the Course, the Provider must notify the Prospective EST Participant and the Referring Provider.

Note: Workforce Australia Employment Services Providers and Broome Providers have discretion to claim the applicable EST Charge for Training Block 2 Courses from the Employment Fund.

(Deed Reference(s): Clause 84.4)

Referral Cap

Because the participation of Workforce Australia Services Participants, Parent Pathways Participants, TtW Participants, and Broome Employment Services Participants in EST is partially or fully funded by the Department, Workforce Australia Employment Services Providers, Parent Pathways Providers, TtW Providers, and Broome Providers that are also a Provider (as their Own Organisation, Related Entity or Subcontractor) in the same Employment Region are subject to a referral cap. The referral cap does not apply to DES Providers.

The referral cap requires that no more than 50 per cent of Referrals by a Workforce Australia Employment Services Provider, Parent Pathways Provider, TtW Provider, or Broome Provider that resulted in the Commencement of a Participant, are to one or more Providers that are its Own Organisation, a Related Entity, or a Subcontractor.

The referral cap applies at Employment Region level and is measured on a cumulative basis over the term of the relevant Deed.

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The referral cap will not apply if all Providers in an Employment Region are Own Organisations, Related Entities or Subcontractors of the Workforce Australia Employment Services Provider, Parent Pathways Provider, TtW Provider, or Broome Provider.

The referral cap does not apply to Training Block 1 courses as they are not subsidised by the Department.

1.4.7. Pre-Commencement Engagement

Providers must engage with Prospective EST Participants before starting them in the Course to ensure the Course, including the delivery mode, is suitable for the Participant.

This engagement is intended to identify and work through any issues that may impact on a Prospective EST Participant being able to Commence in a Course. This includes engaging with the Referring Provider where relevant. The Pre-commencement Guide highlights some key factors Providers should consider when assessing whether a Course is suitable for a Prospective EST Participant.

If a Prospective EST Participant indicates they need assistance with costs associated with the Course, Providers should encourage them to seek support from the DSCC or Referring Provider, as relevant (see Assistance with Costs).

If the Provider finds a Course is not suitable for a Prospective EST Participant, the Provider must take the following action:

- For Online Full Service Participants:
    - inform the Prospective EST Participant they must call the DSCC to discuss alternative servicing options
    - ensure the Prospective EST Participant is aware that failure to discuss alternative arrangements with the DSCC before the Course start date may impact their income support payment
    - record the reason the Course is deemed unsuitable for the Prospective EST Participant in the 'Edit activity placement details' screen of the Department's IT Systems to help the DSCC assess the Participant's options.

Note: Providers must not end a Referral for an Online Full Service Participant. Ending the referral can impact the Prospective EST Participant's income support payments and have ramifications under the TCF. The only approved exception to this is where a Provider cancels an entire Course (see Course Cancellations).

- For Participants with a Referring Provider:
    - notify the Referring Provider
    - end the Referral by entering a result of 'Created in Error'
    - record the reason the Course is deemed unsuitable for the Participant in the 'Edit activity placement details' screen of the Department's IT Systems
    - if the Referring Provider has paid the EST Charge, the Provider must refund the EST Charge to the Referring Provider in a timely manner.

(Deed Reference(s): Clause 85.1)

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1.4.8. Participant Attendance

Commencing a Participant

When a Participant's first day of attendance is recorded via the Supervisor App, the Participant will automatically be commenced in the Course, with their status updated to 'Placement Confirmed' in the Department's IT Systems.

If the Provider is unable to record a Participant's first day of attendance using the Department's Supervisor App due to technical issues, the Provider must manually Commence the Prospective EST Participant in the Department's IT Systems by confirming the Referral and entering the first date the EST Participant attended the Course in accordance with the Course Management Instructions.

Delayed Commencement

As a part of the Pre-Commencement Engagement, Providers should consider the impact of a delayed start on Prospective EST Participants who do not attend the first 3 days of a Course, and whether they will be able to achieve the Course Learning Outcomes. However, the Department's IT Systems allow a Prospective EST Participant to commence in a Course up to 7 Business Days from the Course Start Date (including the Course Start Date).

If a Provider deems a Course unsuitable for a Prospective EST Participant due to a delayed start, the Provider must action the Referral in accordance with Pre-Commencement Engagement.

If a Prospective EST Participant does not attend a Course on the Course Start Date (or the following 6 Business Days), the Provider must record a result of 'Did Not Attend' for each day they did not attend. Providers must not end Referrals within 7 Business Days of the Course Start Date.

If a Prospective EST Participant has not commenced the Course within 7 Business Days of the Course Start Date (including the Course Start Date), the Provider must end the Referral by updating the status to 'Did Not Start' in the Department's IT Systems and notify the Prospective EST Participant and where relevant, the Referring Provider.

Recording Attendance

Providers must record the daily attendance or non-attendance of Participants on the same day as the expected attendance.

Providers must record the daily attendance or non-attendance for all Participants using the Department's Supervisor App in accordance with the Workforce Australia Supervisor App Guide.

If the Provider is unable to use the Department's Supervisor App due to technical issues, the Provider must document each Participant's attendance or non-attendance by an alternative method. Providers must retain Records of the attendance or non-attendance of Participants if the Provider is unable to use the Department's Supervisor App. Records must include the:

- Course ID and name
- Participant's Job Seeker ID and name
- date of the expected attendance
- Participant's attendance or non-attendance
- user ID and name of the person creating the Record.

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Note: If the Provider is unable to use the Department's Supervisor App due to technical issues and there are Online Full Service Participants in the Course, the Provider must remind the Participants to contact the DSCC to ensure their attendance is recorded, as non-attendance may impact their income support payment.

Note: Parent Pathways Participants do not have the ability to self-report their attendance. Providers must record the daily attendance or non-attendance of Parent Pathways Participants via the Supervisor App.

(Deed Reference(s): Clauses 85.2, 86)

Providing QR Codes

Providers may provide the daily QR code(s) generated by the Department's IT Systems to EST Participants in attendance to self-report attendance. There is one QR code if the Course session is scheduled for 4 hours or less that day, and there are two QR codes if the Course session is scheduled for more than 4 hours that day. Participants are required to scan a QR code via the Workforce Australia App or record a passcode through Workforce Australia Online for Individuals to record their attendance at a Course.

If the Provider does not receive the daily QR code(s) due to technical issues, the Provider can access the code(s) via the Department's IT Systems.

To manually access the daily QR code(s), Providers should refer to the Course Management Instructions.

Managing Non-attendance

If a Participant fails to attend the Course on a day the Participant was scheduled to attend and does not contact the Provider, the Provider must attempt to contact the Participant to re-engage them in the program.

Providers are encouraged to remind EST Participants to contact the DSCC or Referring Provider, as relevant, to give prior notice if they are unable to attend any scheduled Course days. If the DSCC or Referring Provider is satisfied the EST Participant has an acceptable reason for not attending a scheduled Course day, the DSCC or Referring Provider can update the requirement to 'No Longer Required'.

Providers are also encouraged to remind EST Participants to contact the DSCC or Referring Provider, as relevant, on the day of any unplanned non-attendance at a Course. If the DSCC or Referring Provider is satisfied the EST Participant had a valid reason for not attending a scheduled Course day, the DSCC or Referring Provider has 5 days to update the attendance result from 'Did Not Attend' to 'Did Not Attend (Valid Reason)'.

(Deed Reference(s): Clause 85.2(d))

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1.4.9. Exiting Participants

Exits before the Course End Date

There are a range of reasons an EST Participant may Exit from a Course before the Course End Date, including if:

- they wish to withdraw from the Course
- they start Employment
- they are displaying violent, threatening, aggressive or other inappropriate behaviour
- the Provider considers they are facing non-vocational barriers that need to be addressed prior to further participation in EST
- their Referring Provider requests to withdraw them from the Course.

If an Exit is requested, the Provider should discuss the reason for the Exit to determine whether any issues can be addressed so the EST Participant can continue their participation in the Course.

If an Exit is requested by an Online Full Service Participant due to finding Employment, the Provider must exit the EST Participant in accordance with Conducting an Exit.

If an Exit is requested by an Online Full Service Participant for a reason other than finding Employment, on the same Business Day it is informed, the Provider:

- must advise the EST Participant to discuss the reason for the Exit with the DSCC and the DSCC will end the Referral as required
- must ensure the Participant is aware that failure to discuss their non-attendance at the Course with the DSCC may impact their income support payment
- **must not** end the Referral, as ending the Referral can impact the EST Participant's income support payments and have ramifications under the TCF.

For EST Participants with a Referring Provider, the EST Provider must not Exit an EST Participant before discussing the requested Exit with the Referring Provider.

Exits when the Course End Date is reached

When the Course End Date is reached, the Provider must Exit all remaining EST Participants (those who did not Exit the Course before the End Date), within 5 business days.

Conducting an Exit

Providers must Exit EST Participants in the Department's IT Systems in accordance with these Guidelines and the Course Management Instructions.

(Deed Reference(s): Clauses 92, 93)

1.5. Payments

1.5.1. Commencement Payment

To be eligible for the EST Commencement Payment, Providers must have completed the initial assessment for the applicable EST Participant.

The Department automatically pays Providers the applicable EST Commencement Payment when:

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- a Participant in Online Full Service or Yarrabah Employment Services Commences a Course
- a Participant in Workforce Australia Services, Transition to Work, or Broome Employment Services Commences a Training Block 2 Course.

The Department does not automatically pay Providers the EST Commencement Payment when a Participant in Parent Pathways Commences a Training Block 1 and 2 Course.

To claim EST Commencement Payments that are not automatically processed, Providers must create a Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.

For EST Commencement Payments for Parent Pathways Participants, Providers must check that the Referral is marked as Placement Confirm before creating a manual Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.

(Deed Reference(s): Clauses 94.1(a), 94.2(a))

1.5.2. Final Payment

To be eligible for the EST Final Payment, Providers must have:

- delivered the Course to the EST Participant in accordance with the Deed and Guideline, including the requirements for an updated résumé and a final assessment
- met the requirements for recording daily attendance and non-attendance for the EST Participant.

The Department automatically pays Providers an EST Final Payment when the:

- Provider ends the Referral in the Department's IT Systems, and
- EST Participant has either:
  - attended at least 80% of the 75 hour Course, noting that the hours where an EST Participant had a valid reason for non-attendance are counted towards attendance, or
  - unless otherwise Notified by the Department, met the alternative measure for Course Completion by Exiting the Course due to finding Employment, which must be recorded in the Department's IT Systems.

The Department does not automatically pay Providers the EST Final Payment for Participants in Parent Pathways.

For EST Participants Exiting the Course due to finding Employment, the Provider must document the information advised by the Participant about their Employment in the Department's IT Systems in accordance with the Course Management Instructions.

To claim EST Final Payments that are not automatically processed, Providers must create a Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards.

For EST Final Payments for Parent Pathways Participants, Providers must end the Referral in the Department's IT Systems before creating a manual Payment in the Department's IT Systems in accordance with the Manual Payment Task Cards, if the claim meets the EST Final Payment eligibility requirements outlined above.

Note: The Department monitors the claiming of EST Final Payments for EST Participants who Exit a Course due to finding Employment against income declaration data. If the Department determines that a Provider has claimed an EST Final Payment in circumstances where the relevant EST Participant has Exited a Course, but it was not due to finding Employment, the Department may at

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its discretion Notify the Provider that Exiting a Course due to finding Employment will no longer be available to the Provider as an alternative measure for Course Completion. Where this occurs, the Provider is not eligible for any further EST Final Payments in relation to EST Participants Exiting a Course due to finding Employment.

(Deed Reference(s): Clauses 94.1(b), 94.2(b))

1.5.3. Ineligible Payments

If Providers are paid a Payment for which they have not met the Deed and Guideline requirements, the Provider must Notify the Department, in accordance with the Key Contacts Protocol, to initiate a recovery.

(Deed Reference(s): Clauses 18.2, 18.5)

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Chapter 2. Reserved

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Chapter 3. WHS, Supervision and Incidents

Supporting Documents for this Chapter:

- Competent Person Register Template
- Public and Products Liability Claim Form
- WHS Employment Assistance Program Incident Report
- WHS Incidents and Insurance Readers' Guide – Providers
- Workforce Australia Guidelines – Part A: Universal Guidelines

3.1. Chapter Overview

This Chapter outlines the Work, Health and Safety, Supervision and Incident requirements while delivering the Services.

3.2. Conducting Risk Assessments

The purpose of the Risk Assessment process is to:

- determine whether a Specified Industry Awareness Experience is suitable to proceed (an Activity Risk Assessment)
- identify if the Specified Industry Awareness Experience is suitable for the relevant Participant(s) who will be attending, including identifying any risks that may arise from a Participant's personal circumstances (a Participant Risk Assessment).

The Provider must ensure a Competent Person conducts and documents the Risk Assessment **before** EST Participants start in a Specified Industry Awareness Experience.

If Providers do not have a Competent Person, they must engage a Competent Person to undertake Risk Assessments.

Providers have discretion over how Risk Assessments are documented, including whether the Activity Risk Assessment and Participant Risk Assessment components are combined in one document.

Risk Assessments must include:

- details of the activity and/or tasks to be undertaken by Participants
- the risks of the activity and/or tasks and the appropriate actions to mitigate the identified risks
- the risks for each Participant and the appropriate actions to mitigate the identified risks
- the name and signature of the Competent Person who undertook the Risk Assessment
- the date the Risk Assessment was undertaken.

Providers must seek all relevant information from a Participant for a Competent Person to undertake a Risk Assessment. If a Participant was Referred by a Referring Provider, Providers must also seek all relevant information from the Participant's Referring Provider for a Competent Person to undertake a Risk Assessment.

Providers must work with Host Organisations to ensure appropriate actions are applied to mitigate the identified risks, including ensuring Participants are provided with the necessary tools and

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resources to undertake the activity and/or tasks safely, for example, Supervision, training and/or personal protective equipment.

If Providers identify significant risks with the Specified Industry Awareness Experience that cannot be mitigated to ensure Participants can undertake the activity and/or tasks in a safe environment, Providers must not allow the Specified Industry Awareness Experience to proceed.

Similarly, if Providers identify significant risks for a Participant in a Specified Industry Awareness Experience that cannot be mitigated to ensure the Participant can undertake the activity and/or tasks safely, Providers must not allow the Participant to start the Specified Industry Awareness Experience.

Providers must review risks regularly and take appropriate actions to address any changes. If there are any changes to a Specified Industry Awareness Experience, and/or if there are any changes to the risks for a Participant, Providers must use a Competent Person to update the Risk Assessment as required and take appropriate actions to address any changes.

If Providers are transporting Participants to or from Specified Industry Awareness Experiences, the transport must be included in the relevant Risk Assessment.

Providers must retain copies of Activity Risk Assessments, Participant Risk Assessments and Records of the controls applied to mitigate the identified risks. Risk Assessments for Specified Industry Awareness Experiences must include the ID and name of the Course that is offering the Industry Awareness Experience.

The Provider must create and maintain a Record identifying any Competent Person(s) that it engages to conduct any Risk Assessment. Providers must maintain a structured register of Competent Person(s) engaged.

This record must contain:

- the full name of the Competent Person
- a description of the qualification, training or experience (and its relevance, if this is not clear from the qualification, training title, or experience) held by the Competent Person, including:
    - the qualification they hold, including course ID (if formal qualification undertaken)
    - internal or informal training name, and/ or
    - the number of years of relevant experience
    - date of qualification/training completion (if applicable)
    - refresher due date (if relevant)
    - the Employment Region/s the under which the Competent Person can undertake Risk Assessments

Providers must provide a Record of this format to the Department upon request. A Competent Person(s) Register Template is available on the Provider Portal, however, use of this template is not mandatory. If the template is not used, Providers must use their own structured register which includes at a minimum all the same headings as in the template.

(Deed Reference(s): Clause 101)

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3.3. Supervision Requirements

Providers must ensure:

- they or the Host Organisation, as relevant, provide adequate and appropriate Supervision so that Participants are undertaking appropriate tasks and operating in a healthy and safe environment
- the Supervision provided is continuous over the entire duration of the Services where:
  - the Services include engagement with people who are elderly, disabled or otherwise vulnerable, or Children (excluding other Participants)
  - the Provider otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential Participants in the Services, and any risks identified in the relevant Risk Assessments
- all Supervisors:
  - are fit and proper persons to be involved in the Services
  - have a high level of skill/knowledge, training and/or experience in:
    - the part of the Services in which they are engaged
    - working with, training and supervising individuals in such activities.

(Deed Reference(s): Clauses 72, 103)

3.4. Background Checks

Before arranging for any Personnel, potential Supervisors and/or Participants to be involved in the Services, Providers must confirm any relevant background checks have been conducted to ensure contractual and legislative requirements, as well as industry standards are met.

> **Example:** Police checks must be conducted for activities that require individuals to not have been convicted of particular crimes, and Working With Children Checks must be conducted for activities that require individuals to have regular or unsupervised contact with Children.

The results of checks are personal and confidential. Providers must not disclose the results to other parties unless given permission by the individual for whom the check was undertaken. Additional information regarding disclosure of information and privacy considerations can be found in Part A Guidelines: Privacy Chapter.

If a relevant check shows that a Participant must not be involved in a particular Industry Awareness Experience, Providers should arrange an alternative Industry Awareness Experience for the Participant.

(Deed Reference(s): Clauses 72.1, 72.2, 72.8, 72.9)

3.5. Reporting and Managing Incidents

Providers must Notify the Department and where relevant, the Referring Provider, as soon as possible, and on the same day, of any incident involving the Services, including direct travel to and from the Services, for example:

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- any accident, injury or death occurring during or as a result of the Services, including in relation to Personnel, Supervisors, Participants or members of the public
- any incident or near miss which relates to a WHS issue
- any incident that may negatively impact upon the Department or bring the Provider or the Services into disrepute.

Providers must Notify the Department of any incident that may result in a liability claim by completing the Public and Products Liability Claim Form and submitting it to the Department in accordance with the WHS Incidents and Insurance Readers' Guide - Providers, regardless of whether a claim is being made at the time.

Providers must ensure Personnel, Supervisors, Host Organisations and Participants:

- understand their obligations to report incidents and near misses
- have access to reporting mechanisms.

Providers must retain copies of Public and Products Liability Incident Reports.

(Deed Reference(s): Clauses 83.1, 102)

3.5.1. Challenging Behaviour Incidents

Providers must manage incidents involving Participants demonstrating challenging behaviour in accordance with Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

3.5.2. WHS Incidents

Providers must Notify the Department and where relevant, the Referring Provider, as soon as possible and on the same day of any WHS incident or near miss involving the Services.

If an incident or near miss relating to a WHS issue involves a Participant, Providers must create a WHS Incident in the Department's IT Systems as soon as possible and on the same day of the incident or near miss.

If Providers are unable to create a WHS Incident in the Department's IT Systems due to technical issues, Providers must complete the WHS Employment Assistance Program Incident Report and submit it to the Department and where relevant, the Referring Provider, in accordance with the WHS Incidents and Insurance Readers' Guide - Providers and the Key Contacts Protocol, and create a WHS Incident in the Department's IT Systems at the earliest opportunity.

Providers must retain copies of WHS Employment Assistance Program Incident Reports.

For Critical WHS Incidents, Providers must notify the Department via telephone as soon as possible and within one hour of the critical WHS incident, in addition to providing written Notification to the Department, in accordance with the WHS Incidents and Insurance Readers' Guide - Providers and the Key Contacts Protocol. A Critical WHS Incident has the same definition as a Notifiable Incident under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.

A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage or leakage of a substance, uncontrolled implosion, explosion, or fire.

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Examples of critical WHS incidents include:

- injuries requiring immediate treatment as an in-patient in a hospital
- a serious head or eye injury
- a serious burn
- a spinal injury
- an amputation of any part of the body.

Providers must support affected individuals and manage WHS incidents in accordance with the WHS Incidents and Insurance Readers' Guide – Providers.

For Participants who are Referred by a Referring Provider, Providers must work with the Referring Provider to support the affected Participant after a WHS incident.

Providers must update the Risk Assessment as required.

(Deed Reference(s): Clause 102)

3.6. Insurance

The insurance policies purchased by the Department are detailed in the WHS Incidents and Insurance Readers' Guide – Providers, and copies of the insurance policies are available on the Provider Portal.

If an activity and/or task is excluded from the Department's insurance policies, Participants may only undertake the activity and/or task if additional insurance that covers the activity and/or task is in place. Alternatively, Providers should modify the activity and/or task so that it is not excluded from the Department's insurance policies.

Providers must retain copies of the insurance policies relied upon by the Provider to be compliant with the requirements for additional insurance.

(Deed Reference(s): Clauses: 44, 101.5(e), 102.3)

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Chapter 4. Service Delivery Plans and Service Offer Commitments

4.1. Chapter Overview

This Chapter sets out the requirements for Service Delivery Plans and Service Offer Commitments, which capture key commitments made by Providers in their response to the request for proposal for this Deed, noting that:

- Service Delivery Plans only capture commitments relevant to Eligible EST Participants and Participants
- Service Offer Commitments capture all commitments that have a material impact on the Services delivered by each Provider.

4.2. Service Delivery Plans

Service Delivery Plans communicate the Services key Stakeholders can expect to receive from the Provider.

Providers must develop Courses and conduct the Services in accordance with the Service Delivery Plans.

Providers must have a Service Delivery Plan targeted at Eligible EST Participants and Participants at a minimum. Providers may also choose to have targeted Service Delivery Plans, for example, for different Employment Regions, locations within an Employment Region, cohorts, Employers and/or industries.

Providers must ensure that copies of the Service Delivery Plans are available to Eligible EST Participants and Participants.

Approved Service Delivery Plans are available on the Department's website.

Service Delivery Plans must:

- be no more than 2 pages
- use language that is appropriate to the target audience
- detail the Provider's Services relevant to the target audience
- detail the Provider's strategies to deliver the Services relevant to the target audience
- capture the commitments the Provider made in its response to the request for proposal for this Deed that are relevant to the target audience, for example:
    - the offering of Industry Awareness Experiences in Training Block 1 Courses
    - the offering of cohort-specific Courses
    - the offering of accredited training
    - the industries covered in Training Block 2 Courses
    - the way the Provider will work with industry and Employers to tailor training to the needs of local industries and Employers
- capture the Learning Outcomes if the Service Delivery Plan is targeted at Eligible EST Participants and Participants

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- be accessible for people with disability
- comply with the requirements set out in the Workforce Australia Brand Style Guide for Providers
- be approved by the Department
- be prominently displayed at each Site.

Providers must allow a minimum of 20 business days for the Department to assess a draft service delivery plan. Following assessment, the Department may:

- approve a draft service delivery plan as a Service Delivery Plan, or
- direct the Provider to amend a draft service delivery plan and resubmit to the Department for approval.

Providers must retain the Department's written approval of the Service Delivery Plans.

Providers must retain the Service Delivery Plans approved by the Department.

(Deed Reference(s): Clauses 5.1, 81, 82.1, 88.1)

4.3. Service Offer Commitments

Key commitments made by Providers in their response to the request for proposal for this Deed or their Service Delivery Plans that have a material impact on the Services delivered are recorded in the Department's IT Systems as Service Offer Commitments. Providers' compliance with the Service Offer Commitments must be measurable and/or supported by evidence.

Service Offer Commitments include:

- Services that are above the minimum standards of the Service Guarantee, Deed and Guideline, for example:
    - The Provider will include one or more Industry Awareness Experiences in all Training Block 1 Courses
    - The Provider will schedule Youth Courses and 25 Plus Courses for Training Block 1 at least once per month
    - The Provider will offer the unit Provide Responsible Service of Alcohol in all hospitality Training Block 2 Specialist Courses
    - The Provider will extend their hours of operation beyond standard business hours, by opening from 8 am to 7 pm.
- specific strategies to deliver the Services, for example:
    - The Provider will use the [Name] strengths test for all EST Participants as part of their initial assessment
    - The Provider will make at least 8 successful contacts per month with local Employers to source quality Industry Awareness Experiences for Participants.
- the industries the Provider proposed to cover in Training Block 2 Courses, for example:
    - The Provider will offer Specialist Courses in hospitality and construction.

The Department will provide the Provider with the list of Service Offer Commitments as recorded in the Department's IT Systems.

If a Provider is not complying with a Service Offer Commitment, the Provider must, to the Department's satisfaction, either:

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- develop strategies to rectify its non-compliance within an agreed timeframe, or
- change the Service Offer Commitment if it is no longer meeting the Objectives.

If a Provider does not rectify its non-compliance, the Department will address this as part of its assessment of the Provider's performance.

(Deed Reference(s): Clauses 5.1, 81.1, 82.1)

4.4. Changes to Service Delivery Plans and Service Offer Commitments

Providers should routinely review their servicing strategies to ensure they meet changing labour market demands and needs of stakeholders.

Providers may submit requests for changes to Service Delivery Plans and/or Service Offer Commitments to the Department in accordance with the Key Contacts Protocol.

> **Example:** A Provider may wish to change an industry covered in Training Block 2 Courses in an Employment Region if a new industry emerges as critical to the local labour market, or a Provider may wish to change its servicing strategies in response to stakeholder feedback.

The Department will assess whether:

- there is evidence to support the changes
- the changes materially alter the commitments the Provider made in its response to the request for proposal for this Deed.

If a Provider requests removal of a servicing strategy, an alternative should be proposed to ensure that key stakeholders continue to have access to a similar range and level of Services. Alternatively, details must be provided to substantiate why an alternative is not required.

If the Department approves the changes, the Provider must update Service Delivery Plans to accurately reflect the Services stakeholders can expect to receive from the Provider. The Department will update the Provider's Service Offer Commitments in the Department's IT Systems and provide the Provider with an updated list.

Providers must have written approval from the Department before making changes to Service Delivery Plans and Service Offer Commitments.

The Department may recommend changes to the Provider's Service Offer Commitments. This will be done in consultation with the Provider.

(Deed Reference(s): Clauses 5.1, 81.6)

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Chapter 5. Performance

Supporting Documents for this Chapter:

- Performance Framework

5.1. Chapter Overview

This Chapter sets out the performance modules and measures that Providers are assessed against, and the self-assessment report requirements.

The Department assesses Provider performance at the times specified in the Performance Framework and at such other times as the Department determines.

5.2. Performance Modules and Measures

The Department monitors and assesses Provider performance against 3 modules:

- Efficiency of service
- Quality of service
- Deed compliance and contract management.

Performance is assessed using administrative data from the Department's IT Systems, feedback from stakeholders including Participants, Employers, and Referring Providers, evidence from the Provider in the self-assessment report, and through ongoing contract management and assurance activities.

As more administrative data becomes available and program norms under the contract are established, additional performance measures may be defined.

The Performance Framework provides more detailed information on the performance measures.

(Deed Reference(s): Clauses 5.1, 28)

5.3. Self-Assessment Report

The self-assessment report seeks information from Providers about how they have engaged stakeholders, including Participants, Employers, and Referring Providers, and used their feedback to tailor and improve the delivery of Services. It is also an opportunity for Providers to demonstrate how they are meeting the Service Offer Commitments.

Providers must complete and submit to the Department, in accordance with the Key Contacts Protocol, a self-assessment report after the end of each Performance Period and/or at such other times as the Department determines.

The Department will provide relevant performance data and information to each Provider after the end of each Performance Period. The data and information will support Providers to complete their self-assessment report and to submit it within the required timeframe.

The use of the Self-Assessment Report Template is mandatory.

Providers must retain the completed self-assessment report.

(Deed Reference(s): Clauses 5.1, 28, 88.3)

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Australian Government

Workforce Australia
Employment

Workforce Australia Guidelines

Part B: Self-Employment Assistance

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with the Workforce Australia - Self-Employment Assistance Deed 2022-2027 (the **Deed**) and any other relevant Guidelines or reference material issued by the Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version 1.11 **Published on:** 11 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline, the following Chapters have been updated:

- Business Plans
- Supporting Participants in Small Business Coaching

A full version history of this Guideline can be found at on the Archived Guidelines page on the Provider Portal.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department’s IT Systems.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of Documentary Evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below. The terms **'Carer Payment'**, **'Disability Support Pension'**, **'Parenting Payment'** and **'Partial Capacity to Work'** have, or where relevant, had, the meanings given to them, respectively and in their decapitalised form, in the *Social Security Act 1991* (Cth) or the *Social Security (Administration) Act 1999* (Cth) (as relevant).

'Business Insurance' means appropriate business insurance cover that has been taken out by a Participant for their business and is specified in their Business Plan.

'Eligible Business Owner' means the owner of an existing micro-business (with less than 4 employees) that is either not currently Operating Commercially or is in danger of not Operating Commercially within the next 12 months.

'Mutual Obligation Requirement' means any activity test, participation requirement or other requirement that a Participant must meet to receive an Income Support Payment under the Social Security Law.

'Required Hours' means the minimum hours per week that a Participant must work in their Business, as agreed to by their Provider and as identified in their Business Plan.

'Service' means a component of the Services, and is one of the following:

- Workshop
- Small Business Training
- Business Plan development
- Small Business Coaching
- Business Health Check, or
- Business Advice Session.

'Special Eligibility Cohort' means:

- retrenched workers,
- veterans, and
- family members of serving Australian Defence Force (ADF) personnel.

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Chapter 1. Referrals, Eligibility and Onboarding

Supporting Documents for this Chapter:

- Business Eligibility Criteria Supporting Document
- Self-Employment Assistance Registration Form
- Privacy Notification and Consent form
- Direct Registration Form

1.1. Chapter Overview

Self-Employment Assistance (the Services) helps Participants become financially independent by creating their own small business or by helping Eligible Business Owners to adjust their businesses. Self-Employment Assistance offers Services that include: Exploring Self-Employment Workshops, Small Business Training, Business Plan development, Small Business Coaching (formerly known as 'Comprehensive Services'), Business Health Checks, and Business Advice Sessions.

Providers are responsible for determining a person's eligibility for Self-Employment Assistance, referring people to the Services, and delivering high quality Services to Participants.

Providers are responsible for supporting people to register and engage with the services and must ensure that Participants can receive Services for which they are eligible. In determining the Services that are most appropriate for each Participant's needs, Providers must consider the Participant's personal circumstances as well as their individual business needs.

1.2. Eligibility Requirements

Before delivering the Services to a Participant, the Provider must be satisfied that the Participant is Eligible.

To be Eligible, a Participant must:

- be personally eligible for the Services as identified in these Guidelines, and
- have a business or business idea that meets the Business Eligibility Criteria, where required for the relevant Service.

The Provider must also be satisfied that:

- the Participant has the capacity and capability to benefit from the relevant Service
- the Participant has made an informed decision that their chosen Service/s best fits their needs, and
- consideration has been given as to whether the Participant may need to access other services to support their personal or business development or whether the Participant would be better served by any other services instead of the Provider's Services.

(Deed Reference(s): Clause 82)

1.2.1. Participant Eligibility

To be Eligible to access the Services, a person must:

- be at least 15 years of age (noting that a person must be 18 years of age to access Small Business Coaching)

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- not be enrolled in full-time secondary education
- be:
  - an Australian citizen, or
  - a visa holder with working rights and either allows the visa holder to:
    - remain in Australia for at least 24 months, or
    - access income support payments,
- not be an undischarged bankrupt, and
- meet any additional eligibility criteria specific to the Service(s) which they have chosen, including any criteria in the Chapter for the relevant Service.

A person may also be deemed Eligible where the Department advises the Provider in writing from time-to-time.

Providers are required to ensure a business is on-track to have a net income that is at least equal to the Basic Rate of JobSeeker Payment and operate on an average of 35 hours a week within 12 months of commencement in the program, unless part-time Mutual Obligation Requirements or Reduced Capacity to Work apply.

Community Development Program (CDP) locations

CDP participants in regional and remote Australia can participate in Self-Employment Assistance Services with agreement from their CDP provider.

The Self-Employment Assistance Provider must contact the CDP provider to notify them of the participant's request, and seek their agreement.

CDP participants may still need to meet with their CDP provider to agree a job plan, which can include creating a business.

For Self-Employment Assistance Services, except for Small Business Coaching, once eligibility has been assessed, Self-Employment Assistance Providers must conduct a search for the CDP participant through the Department's IT Systems and create a SEA6 contract referral by directly registering the CDP participant or by implementing a Provider Self-Referral (as appropriate).

The Self-Employment Assistance Provider notifies the CDP provider whenever the CDP participant commences or completes a service element.

For Small Business Coaching, the Self-Employment Assistance Provider must email their Employment Region Lead seeking the removal of the Participant's CDP indicator in the Department's IT Systems, with agreement from the CDP provider. The Self-Employment Assistance Provider must advise the Employment Region Lead once services have ceased, to restore the CDP indicator.

Special Cohorts

Regardless of eligibility, the following cohorts must be flagged in the Department's IT Systems:

- retrenched workers,
- veterans, and
- family members of serving Australian Defence Force (ADF) personnel.

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The Provider must identify a retrenched worker by applying the 'early access retrenched worker' special placement flag in the Department's IT Systems.

The Provider must identify eligible veterans by applying the 'veteran' special placement flag in the Department's IT Systems.

The Provider must identify eligible partners and adult children of serving members of the ADF by applying the 'veteran' special placement flag in the Department's IT Systems.

1.2.2. Business Eligibility

To access any Service (apart from Exploring Self-Employment Workshops), a Participant must have a business idea or existing business that meets the Business Eligibility Criteria.

The Business Eligibility Criteria are that the existing business or business idea:

- has been assessed as viable by the Provider with a net income that is at least equal to the Basic Rate of JobSeeker Payment within 12 months
- allows the Participant to commit the required hours into the business to continue its viability
- does not create any real or perceived conflicts with other personal or paid work activities
- will be operating on average 35 hours per week within 12 months (unless part-time Mutual Obligation Requirements or Reduced Capacity to Work apply)
- is either:
  - a new business, or
  - a business which is operated by an Eligible Business Owner,
- has an independent business structure including a structure so the Participant has, and will maintain, a controlling interest over the business throughout the duration of the Participant's time accessing the Services,
- is lawful and capable of withstanding public scrutiny, and
- will be, or is, established, located, and operated solely within Australia.

Refer to the Business Eligibility Criteria Supporting Document and for further information.

The Provider must retain Documentary Evidence confirming their decision that a business is not currently Operating Commercially. Relevant Documentary Evidence could include, but is not limited to:

- bank statements
- profit and loss statements
- balance sheets
- income statements

The Provider must retain Documentary Evidence confirming their decision that a business is at risk of not Operating Commercially. The Documentary Evidence must note the specific threat(s) to the business' Viability and may include, but is not limited to:

- documentation confirming a recent event (such as a natural disaster) or change in the business' circumstances that has impacted the operations of the business
- confirmation of changes in the business' operations, such as the withdrawal of a supplier or the entry of a new competitor
- financial information identifying a trend in the business' performance

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1.3. Onboarding a Participant

Once the Provider has assessed that a Participant is Eligible for the program, they must explain the Services to the Participant and discuss how the Participant wishes to access them. This discussion should cover matters such as which Service the Participant wishes to access, the order in which they would like to access them (where applicable) and the delivery medium of the Services.

The Provider must ensure that:

- they understand what the Participant wishes to achieve by accessing the Services, and
- the Participant is aware of the Services they are eligible for.

The Provider must also ensure (as specified in the Part A Guidelines: Privacy Chapter) that Participants are provided the Privacy Notification and Consent Form during their onboarding.

The Provider must retain the Participant's signed Registration Form to confirm the Participant's Eligibility and selection of the Services they wish to access.

(Deed Reference(s): Clause 79.2)

1.3.1. Advising Other Program Providers

If a Participant is also accessing any Other Program while they access the Services, the Self-Employment Assistance Provider must ensure that the Other Program Provider is advised when a Participant commences and completes any Service.

(Deed Reference(s): Clause 82.4)

1.4. Participant Referrals

When a person approaches the Provider wishing to access Self-Employment Assistance Services, the Provider must determine their eligibility by conducting a Registration search using the Department's IT Systems.

The outcome of the Registration search in the Department's IT Systems will determine which option the Provider selects in accordance with Table 1-A.

Table 1-A: Referral Options into Self-Employment Assistance

Participant Status	Action to be taken
Participant has never previously been Registered in the Department's IT Systems and is Eligible.	The Provider must either: • assist the person to create an account on the Workforce Australia website and link this to the person's myGov account. The Provider must then complete a Provider Self-Referral in the Department's IT Systems, or • provide the person with the Direct Registration Form and create a new Participant record in the Department's

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Participant Status	Action to be taken
	IT Systems following the person's completion of the form.
Participant has an inactive job seeker record in the Department's IT Systems, is Eligible, and is not connected to any Self-Employment Assistance Provider.	• The Provider must Directly Register the person and reactivate their job seeker record in the Department's IT Systems.
Participant has a current job seeker record in the Department's IT Systems, is Eligible and is not connected to any Self-Employment Assistance Provider.	• The Provider must connect the job seeker to its caseload by conducting a Provider Self-Referral in the Department's IT Systems.
Participant has a current record in the Department's IT Systems and wishes to transfer to the Provider but is on another Self-Employment Assistance Provider's caseload.	• If the person is accessing Small Business Coaching, the Provider must follow the transfers process identified in the Referrals, Eligibility and Onboarding Chapter. • If the person is not accessing Small Business Coaching, they should be directed to ask their current Self-Employment Assistance Provider to end their Self-Employment Assistance contract referral in the Department's IT Systems, this will enable the new Self-Employment Assistance Provider to conduct a Provider Self-Referral.

(Deed Reference(s): Clauses 81, 82.2)

1.4.1. Referrals from Other Program Providers

Other Program Providers (including the Digital Services Contact Centre) can refer their participants to the Self-Employment Assistance Provider through the Department's IT Systems. Other Program Providers are not responsible for confirming the Participants' Eligibility for Self-Employment Assistance prior to issuing the Referral. The Self-Employment Assistance Provider must confirm the Participant's Eligibility and suitability at their initial point of contact.

The Self-Employment Assistance Provider must end the Referral of any Participant who is assessed as not Eligible.

1.4.2. Provider Self-Referrals

The Self-Employment Assistance Provider may complete a Provider Self-Referral in the Department's IT Systems when they are satisfied that a person is Eligible for the Services. Before the Provider can complete the Provider Self-Referral, the Provider must first confirm that the person has previously been Registered in the Department's IT Systems.

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The Provider may complete a Provider Self-Referral for an Eligible person through the Department's IT Systems.

1.4.3. Direct Registrations

A person may directly contact a Provider wishing to access the Services without a current referral to any employment services program in the Department's IT Systems. Where this occurs, the Self-Employment Assistance Provider must assess whether the person is Eligible for the Services and if so, Directly Register them.

Eligibility for Direct Registration

Before Directly Registering a person, the Provider must confirm whether the person has a legal right to work in Australia.

There are 2 resources which can assist the Provider in this regard:

- the Visa Entitlement Verification Online (VEVO) service can be used to check a non-citizen's visa status after sighting their international passport, or
- Schedule 8 of the Migration Regulations 1994 sets out the visa conditions that prohibit or restrict the work that a visa holder can do in Australia.

The Provider must not proceed with the Direct Registration process if the person does not have a legal right to work in Australia or if the Provider has any reservations on their right to work. If the person's legal right to work cannot be established, the person should be encouraged to contact the Department of Home Affairs (DHA) to check their legal right to work in Australia. If they need further assistance, the person should also be referred to Services Australia or an appropriate community service.

Directly Registering a Participant

The Provider should confirm whether a person wishing to Directly Register has an account on the Workforce Australia website that is linked to their myGov account. If the person does not have an account on the Workforce Australia website, the person should be encouraged to create one via their myGov account.

If a person chooses to complete the Direct Registration Form, the Provider must retain a copy of the completed, signed and dated form .

The information collected on the Direct Registration Form, must be entered into the Department's IT Systems after the Provider determines the person's eligibility for Self-Employment Assistance.

If a Participant is also a Services Australia customer, the Department's IT Systems can obtain information from Services Australia, such as current Income Support Payment type and Mutual Obligation Requirements. For this to occur, where the records are not already linked, the Provider must link the Participant's Job Seeker Identification number (JSID) to the Participant's Customer Reference Number (CRN) through the Department's IT Systems during the Direct Registration process or afterwards.

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1.5. Participants relocating between Employment Regions and Out-of-Region Servicing

A Participant who relocates to a new Employment Region should be transferred to a Provider contracted to deliver the Services in that region. The gaining Provider must check that the Business is on track to be operating commercially in the new Employment Region. If the Participant's current Provider delivers the Services in the Participant's new location, the Participant should be transferred to their Provider's Site in that Employment Region.

Where a Participant requests to remain or commence in Services with a Provider not delivering Services in their Region, an Out-of-Region Servicing request form must be submitted to the Department, detailing the justification for the request. The Department will review all 'Out-of-Region Servicing' requests on a case-by-case basis and notify the Provider in writing of the decision. The Department will only approve a request for a Participant to receive Out-of-Region Servicing where it meets certain criterion, such as:

- The Participant is physically located closer to a Provider outside their Employment Region than the Providers inside their Employment Region, or
- The Providers inside the Participant's Employment Region do not offer services that are offered by Providers outside the Employment Region. Participants must attempt to contact all Providers within their Employment Region before seeking Out-of-Region servicing.
- It is in the best interests of the Participant to remain with their current Provider (e.g. the Participant has commenced Small Business Coaching and has developed a strong relationship with their current Provider).

*Participants in a Community Development Program (CDP) Region can be serviced Out-of-Region and an Out-of-Region Servicing form is not required. However, approval is required by the Participant's CDP Provider.

The current Provider must retain documents identifying the change of location and discussions with the gaining Provider. An Out of Region Servicing form must be completed and submitted to the Department for approval.

The Participant's current Provider must email their Provider Lead to request that the Department action the transfer in the Department's IT Systems.

1.6. Participants transferring between Providers in the same Employment Regions

If a Participant is transferring between Providers located within the same Employment Region, the current Provider must ensure prior to transferring that:

- The gaining Provider has been notified of the request and proposed date
- The Participant's business is on track to operate commercially, and
- Any Eligible Business Cost reimbursements have been finalised, as the Participant will no longer be able to claim once they have transferred.

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Following this the current Provider should put through a transfer request to the Department for review and approval. The request must be sent to SBCAllowanceReviewTeam@DEWR.gov.au and include the following details:

- The name, Contract ID and Site Code of the gaining Provider,
- The date of transfer, and
- Confirmation the gaining Provider has accepted the transfer

Chapter 2. Stakeholder Engagement and Promotion

Supporting Documents for this Chapter:

- Self-Employment Assistance Stakeholder Engagement Report

2.1. Chapter Overview

The Provider must engage proactively and cooperatively with stakeholders in their Employment Region(s) and/or Location(s) to ensure broad promotion of Self-Employment Assistance to a diverse group of potential Participants, including:

- people who do not receive Income Support Payments
- people in receipt of Income Support Payments
- Eligible Business Owners, and
- a diverse range of people from within the Employment Region(s) and/or Location(s), such as women, mature age people, young people, migrants, refugees, and Indigenous Australians.

The objectives of these promotional activities are to maintain strong local networks, an understanding of the business activity in their region and to refer people to other services that support small business according to their individual needs. The promotional activities will raise awareness of the benefits of Self-Employment Assistance and self-employment generally. This Chapter outlines how these promotional activities, which are funded by the Annual Service Fee, can be delivered and how the Provider must report on these activities.

2.2. Promoting Self-Employment Assistance

The Provider must promote Self-Employment Assistance and self-employment generally throughout their Employment Region(s) and/or Location(s) to:

- encourage people who may not have considered self-employment to consider it as a path to financial independence
- promote the benefits of self-employment as a feasible alternative to traditional employment
- increase awareness of the opportunities for self-employment
- reassure people who are unsure of self-employment, or who are Eligible Business Owners, that there are a variety of services that can support them, such as Self-Employment Assistance.

The Provider may achieve these objectives by undertaking activities including:

- running information sessions and events, including for individuals who are not Participants
- arranging to pay for advertisements promoting the Services and self-employment generally
- operating booths at jobs fairs, careers expos and other events

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- attending events to network with and attract the owners of micro-businesses who may be Eligible and suitable to access the services
- visiting the premises of Other Program Providers to provide relevant information to the Other Program Provider's personnel and their participants
- providing information to other organisations, such as chambers of commerce and industry, to help them identify and refer Eligible individuals to the Services, and
- developing and publishing good news stories that promote the Services.

When promoting or advertising Self-Employment Assistance, the Provider must ensure they:

- promote the Services to a range of prospective Participants, including people in receipt of Income Support Payments as well as people not receiving Income Support Payments and Eligible Business Owners
- promote all Services available under the program
- ensure prospective Participants understand that they can choose which Service(s) they wish to access.

When engaging with stakeholders and promoting self-employment, the Provider must comply with the Deed and Guidelines including with regards to any requirements in the Workforce Australia Guidelines – Part A: Universal Guidelines

In promoting the Services, the Provider must use the full program name in one of the following forms:

- Self-Employment Assistance
- Workforce Australia - Self-Employment

The Provider must not use the acronym 'SEA' or any other variation of it in any communication or program material. In promoting the Services, the Provider must not publish material that implies that the Services are only delivered by the Provider or that the Services are only available in a certain Employment Region(s). As such, the Provider must not promote the Services in any way that implies that the Provider is the sole organisation delivering the Services (such as by using a domain name 'selfemploymentassistance.com.au').

(Deed Reference(s): Clauses 60 and 78.2(a))

2.3. Stakeholder Engagement

The Provider must maintain an up to date understanding of the industry and business opportunities in their Employment Region(s) as well as the broader small business services available to Participants. This knowledge allows the Provider to help Participants to develop business ideas and to understand how the Services fit within the local small business ecosystem.

The Provider must engage proactively and cooperatively with relevant stakeholders to:

- develop effective referral pathways to and from the Services
- maintain a current understanding of the local small business ecosystem, and
- maintain a current understanding of the local labour market.

The stakeholders must include:

- other Self-Employment Assistance Providers
- organisations delivering other small business services

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- relevant sector, industry and/or business groups
- Other Program Providers, and
- Services Australia service centres.

(Deed Reference(s): Clause 84.1)

2.3.1. Stakeholder referrals

As identified in Eligibility Requirements, before delivering a Service to a Participant, the Provider must be satisfied that it is the most appropriate Service for the Participant. To determine the most appropriate support, the Provider must ensure that its relevant Personnel are aware of the small business support services (both government-funded and private) available across the local small business ecosystem.

Where appropriate, the Provider must refer a Participant to another program or service if it will better support the Participant's needs.

The Provider should also refer Participants that are accessing the Services to other appropriate programs and services while the Participant continues to access the Provider's Services, if this will help them develop or adapt their business. For example, a Participant developing a new product could be referred to a third party for specialist intellectual property advice.

2.4. Stakeholder Engagement Reports

The Provider must submit the Self-Employment Assistance Stakeholder Engagement Report to the Department for each of its Employment Regions within 10 Business Days after the end of each Financial Year.

Unless advised otherwise by the Department, each Stakeholder Engagement Report must specify for the previous Financial Year:

- the stakeholders that the Provider has engaged with
- the Provider's activities and achievements over the course of the relevant Financial Year engaging with stakeholders and promoting the services, and
- the Provider's expenditure (not including the remuneration of their Personnel) incurred while promoting the Services and self-employment generally.

Each Stakeholder Engagement Report must also specify for the Financial Year in which the Provider submits the report:

- the Provider's intended key activities and achievements
- the intended use of the Annual Service Fee and how this will promote the program and attract participants
- whether the Provider intends to engage with their stakeholders in a different manner to the way they did in the previous Financial Year, and if so, how they intend to do so.

The Department may seek clarification or additional information from the Provider when reviewing a Stakeholder Engagement Report.

(Deed Reference(s): Clause 84)

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Chapter 3. Exploring Self-Employment Workshops

Supporting Documents for this Chapter:

- Exploring Self-Employment Workshops Content Guide

3.1. Chapter Overview

Exploring Self-Employment Workshops (Workshops) help Participants to make informed decisions about whether to pursue self-employment.

This Chapter outlines the objectives and essential content of Workshops, specifies how Providers should assist Participants to access Workshops, and identifies how Providers can flexibly deliver Workshops to meet local needs.

3.2. About Workshops

3.2.1. Workshop objectives

The Provider must ensure that Workshops help Participants to:

- gain a better understanding of what is involved when starting a business
- generate a business idea (if required)
- validate their business idea, and
- make an informed decision as to whether self-employment is right for them.

(Deed Reference(s): Clause 86.1)

3.2.2. Eligibility requirements

All Participants who meet the Participant eligibility criteria identified in the Referrals, Eligibility and Onboarding chapter are eligible to participate in a Workshop.

Participants can participate in a Workshop more than once; however the Workshop Fee is only payable once every 12 months per Participant. This applies regardless of which Provider delivered the Workshop.

Note: A Participant can be placed in Small Business Training while they are completing a Workshop.

(Deed Reference(s): Clause 86.2)

3.3. Commencing Participants in a Workshop

Once a Participant and a Provider agree that the Participant is Eligible to participate in a Workshop, the Participant should be placed in the next available Workshop.

Participants accessing a Workshop must be placed into a Workshop activity in the Department's IT Systems.

Placing a Participant in a Workshop activity in the Department's IT Systems with an activity placement status of 'Placement Confirmed' will, where appropriate, trigger payment of the

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Workshop Fee and use a Workshop Place. The Workshop Fee can only be paid for a Participant once in a 12-month period.

(Deed Reference(s): Clauses 86.2, 95)

Placing a Participant with a 'veteran' special placement flag in a Workshop

In addition to the Places allocated to each Provider for Workshops, there is a separate national pool of places that may only be used by Participants with the 'veteran' special placement flag. These Places may be accessed by any Provider each Financial Year, and will have:

- 150 places in 2022-23,
- 130 places in 2023-24, and
- 130 places in 2024-25.

Placing a Participant with the 'veteran' special placement flag in a Workshop activity in the Department's IT Systems with an activity placement status of 'Placement Confirmed' will, where appropriate, trigger payment of the Workshop Fee.

3.4. Delivering a Workshop

3.4.1. Duration and medium of Workshops

Providers are responsible for delivering at least 25 hours of content over the course of a Workshop to Participants. Unless otherwise specified by the Department, the 25 hours of content must be delivered in an interactive, real-time learning environment where Workshop Participants can easily interact with each other and the Personnel delivering the Workshop.

Workshops should be delivered to Participants over the course of one week, however, Providers may deliver Workshops over a longer period (up to a maximum of 3 weeks) to ensure that Workshops are accessible to Participants with part-time availability.

Providers have the flexibility to choose the delivery method for Workshops that most effectively:

- achieves the objectives of Workshops (see Workshop Objectives)
- maximises the Provider's usage of Workshop Places, and
- ensures that Workshops are accessible, including to Participants with limited access to the internet and to Participants from culturally and linguistically diverse backgrounds.

Regardless of the delivery method chosen, Providers must ensure that Workshops provide Participants with opportunities for peer-to-peer learning and, for those who request it, one-on-one support.

(Deed Reference(s): Clause 86.3)

If a Provider is concerned with a Participant's progress through a Workshop, they should arrange a meeting with the Participant and/or inform the Participant's Other Program Provider (if applicable). If the Provider determines that a Participant is repeatedly failing to satisfactorily engage with the Workshop, the Provider must advise the Participant that they can no longer participate in the activity. If the Participant is registered with an Other Program Provider, the Provider must inform the Other Program Provider of the Participant's exit from the Workshop.

(Deed Reference(s): Clause 82.4)

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3.4.2. Workshop Content

Providers must ensure that Workshops cover the matters specified in the Exploring Self-Employment Workshops Content Guide, unless otherwise agreed to by the Department in writing.

To ensure that Workshops are delivered effectively, Providers should ensure that the Personnel delivering the Workshop maintain a current understanding of:

- key stakeholders in the relevant small business ecosystem(s), and
- labour force needs, emerging industries and skills shortages, to better support Participants to generate and validate business ideas.

Alternative delivery plans

Providers may develop and submit to the Department proposals for alternative approaches to the delivery of Workshops that deviate from the standard approach specified in this Guideline and in the Exploring Self-Employment Workshops Content Guide.

Alternative delivery plans may propose changes to:

- the topics and matters specified in the Content Guide, and/or
- the duration of Workshops.

The Department will consider the suitability of alternative delivery plans by considering whether the proposed plan:

- continues to achieve the objectives of Workshops (see 3.2.1 – Workshop Objectives)
- maximises the Provider's usage of Workshop Places, and
- ensures that Workshops are accessible, including to Participants with limited access to the internet and to Participants from culturally and linguistically diverse backgrounds.

The Department will, at its absolute discretion, approve or deny each alternative delivery plan in writing.

Following the Department's approval of an alternative delivery plan, a Provider may deliver Workshops in accordance with that alternative delivery plan unless otherwise instructed by the Department. Providers with an approved alternative delivery plan may also choose to deliver a Workshop according to the Department's prepared content where they believe this will better achieve the objectives of Workshops than their alternative delivery plan.

(Deed Reference(s): Clause 86.3)

3.5. Finalising a Workshop

On or before the Workshop completion date, the Provider must have informed each Participant who participated in the Workshop of any local services that may be appropriate for their needs. These may include:

- another Service delivered by the Provider that may be relevant
- small business services delivered by other entities
- websites with relevant information, including business.gov.au and the Workforce Australia website
- referring Participants who decide that self-employment is not for them to other employment services, where relevant, for other vocational and non-vocational support.

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If requested by the Participant, the Provider must agree to meet with the Participant one-on-one to discuss possible next steps for the Participant's pathway to self-employment.

Following the completion of a Workshop, the Provider must record the completion date and outcome for each Participant's activity placement.

3.6. Flexible usage of Places for Workshops

The Provider is nominally allocated Places for Exploring Self-Employment Workshops at an Employment Region level, although these Places may be used in any of the Provider's Employment Regions. The Provider must, however, consider the impact of exceeding their nominal Place allocation for any Employment Regions for Exploring Self-Employment Workshops, as doing so may negatively impact the performance of their other contracted Employment Region(s) under KPI 1B. Providers should keep track of how many Places they are utilising in each Employment Region. This is to ensure that they are balancing the overall allocated numbers across all Employment Regions that they are contracted to operate. For more information see the Performance Framework Chapter.

See Flexible usage of Places for Business Health Checks and Business Advice Sessions for examples of flexible usage.

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Chapter 4. Small Business Training

4.1. Chapter Overview

Small Business Training provides Participants with the foundational business skills they may require to run a business that is Operating Commercially.

This Chapter identifies how Small Business Training must be delivered to the Participants who choose to access it.

4.2. About Small Business Training

Providers must ensure that Participants who choose to undertake Small Business Training make an informed decision as to whether they wish to enrol in one of the full certificate courses or skill sets.

Note: A Participant cannot be placed into more than one training activity at a time.

Participants may access Small Business Training by enrolling in one of the following qualifications:

- Certificate III in Entrepreneurship and New Business (BSB30220)
- Certificate IV in Entrepreneurship and New Business (BSB40320)
- Micro Business Skill Set (BSBSS00102)
- New Business Ventures Skill Set (BSBSS00103)
- Small Business Management Skill Set (BSBSS00104).

A minimum of one skill set and one certificate must be made available for Participants to choose from.

Providers must arrange for Small Business Training to be delivered by a Registered Training Organisation (RTO) that is accredited to deliver the relevant qualification in the Participant's state or territory.

(Deed Reference(s): Clause 87)

4.2.1. Eligibility Requirements for Participants accessing Small Business Training

To be eligible to access Small Business Training, as well as meeting the Participant Eligibility criteria identified in the Referrals, Eligibility and Onboarding Chapter, a Participant must either:

- have a business idea that meets the Business Eligibility Criteria and be capable of operating that business following their completion of Small Business Training, or
- be an Eligible Business Owner of a business that meets the Business Eligibility Criteria.

Participants who have previously accessed Small Business Training are eligible to participate again, however, the Provider must first discuss with the Participant the outcomes of their prior participation and identify the Participant's objectives in accessing Small Business Training again.

When placing a Participant who has previously accessed Small Business Training in a Small Business Training activity in the Department's IT Systems, the Provider must identify with a comment the details of the Participant's prior participation and the Participant's rationale for accessing it again.

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Providers should also note that:

- the Training Fee is only payable once every 12 months per Participant. This applies regardless of which Provider delivers Small Business Training, and
- a Certificate Completion Fee is only payable for Participants who complete a Training Certificate and have never previously completed a Certificate III or IV in Entrepreneurship and New Business.

(Deed Reference(s): Clause 87.2, 87.4, 96.1, 97.2)

4.2.2. Mutual Obligation Requirements for Participants accessing Small Business Training

Small Business Training is a Services Australia approved activity for a maximum of 8 weeks which meets the Mutual Obligation Requirements of Participants receiving activity-tested Income Support Payments. This means that Participants with Mutual Obligation Requirements do not have to undertake activities (such as monthly job search requirements or a Points-Based Activation System (PBAS) requirement) while participating in Small Business Training.

For further information, refer to the Mutual Obligation Requirements for Self-Employment Assistance Participants Factsheet and the Points Based Activation System (PBAS) supporting documents and factsheets located on the Provider Portal.

4.3. Commencing Participants in Small Business Training

Once a Provider has established that a Participant wishing to access Small Business Training is Eligible, they may arrange for the Participant to enrol in the relevant qualification.

The Provider must ensure that the Participant has made an informed decision in choosing their qualification. This should involve the Participant's:

- objectives for accessing Small Business Training
- existing capabilities and prior knowledge, and
- capacity to participate in Small Business Training.

The Provider must meet the upfront costs of Small Business Training by paying the fees associated with the relevant qualification to the selected RTO. The Provider and the selected RTO should make their own arrangements regarding the fee structure, timing of payments and administrative processes.

If the Provider is also an RTO and is accredited to deliver the relevant qualification in the Participant's state or territory, the Provider may choose to deliver Small Business Training to the Participant.

Participants accessing Small Business Training must be placed into a Small Business Training activity in the Department's IT systems.

Placing a Participant in a Small Business Training activity in the Department's IT Systems with an activity placement status of 'Placement Confirmed' will, where appropriate, trigger payment of the Training Fee.

The Provider must retain Documentary Evidence for Participants who access Small Business Training that includes confirmation of the Participant's enrolment with the relevant RTO.

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(Deed Reference(s): Clause 96)

4.4. Delivery of Small Business Training

The Provider must ensure that Small Business Training is delivered in accordance with their tender response, or as directed by the Department.

Small Business Training may be delivered in-person, online or using mixed modes of delivery. The Provider must ensure that Small Business Training is accessible, including to Participants with limited access to the internet and to Participants from culturally and linguistically diverse backgrounds.

Following their commencement of Small Business Training, Participants may choose to transfer to a different qualification.

Participants may require additional support to access Small Business Training. The Provider should identify any additional assistance needed before a Participant commences Small Business Training and consider providing this assistance (for example, with literacy or numeracy issues) if appropriate.

The Provider must monitor the attendance of each Participant while they attend Small Business Training.

If a Provider is concerned with a Participant's progress through Small Business Training, they should arrange a meeting with the Participant and/or inform the Participant's Other Program Provider (if applicable). If the Provider determines that a Participant is repeatedly failing to satisfactorily engage with Small Business Training, the Provider must advise the Participant that they can no longer participate in the activity. If the Participant is registered with an Other Program Provider, the Provider must inform the Other Program Provider of the Participant's exit from Small Business Training.

(Deed Reference(s): Clause 82.4)

The Provider must end the Small Business Training activity placement in the Department's IT Systems. An appropriate exit reason should be provided for a Participant who fails to satisfactorily engage with Small Business Training.

The Provider must retain Documentary Evidence confirming the Participant's participation in Small Business Training. This may include the Participant's:

- attendance records
- completed sign-in sheets
- electronic correspondence showing participation.

4.5. Completion of Small Business Training

The Provider must ensure that Participants in Small Business Training are given the opportunity to continue accessing training until the Participant receives the relevant qualification or exits early. Participants may continue to access Small Business Training after commencing Small Business Coaching.

The Provider must record the activity end date and outcome for each Participant's Small Business Training activity placement in the Department's IT Systems.

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Where applicable, a Certificate Completion Fee will be payable once the Provider enters an exit reason of 'Successful Completion of Activity' for a relevant qualification in the Department's IT Systems.

The Provider must retain the following Documentary Evidence about the Participant's participation in Small Business Training:

- assessment records for the competencies assessed
- copy of statement of attainment
- copy of certificate (if successfully completed).

(Deed Reference(s): Clauses 87.5, 97)

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Chapter 5. Business Plans

Supporting Documents for this Chapter:

- Self-Employment Assistance – Business Information Form

5.1. Chapter Overview

The development and implementation of Viable Business Plans is one of the key objectives of Self-Employment Assistance.

This Chapter identifies the components of a Business Plan, how Providers should help Participants to develop a Business Plan, and how Providers should assess Business Plans.

Note: Business Plan Development sessions are not considered an activity in the Workforce Australia Online system and can therefore be delivered concurrently with other Self-Employment Assistance Services.

5.2. Developing a Business Plan

5.2.1. Supporting a Participant to Develop a Business Plan

The Provider must proactively assist Participants who meet the Participant Eligibility criteria identified in the Referrals, Eligibility and Onboarding Chapter and request help to develop a Business Plan for a business that meets the Business Eligibility Criteria.

The Provider should allow Participants to choose the way this support is delivered. This may be through a single intensive session, or multiple one-on-one sessions.

The Provider must create a Business Plan record in the Department's IT Systems to reflect the delivery of this support, including the status of the Business Plan once assessed. In creating a Business Plan record, the Provider must enter the details of the Participant's business (or proposed business) into the Department's IT Systems. The Provider may choose to use the Self-Employment Assistance – Business Information Form to collect this information from the Participant.

(Deed Reference(s)s: Clause 88.1, 88.2)

5.2.2. Composition of a Business Plan

A Business Plan must include, as a minimum:

- a title page
- an executive summary, including:
  - an overview of the business idea
  - the Participant's business and personal goals
- a marketing plan, including:
  - market research (competitors, price point, target market)
  - a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis
- a management plan, identifying:

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    - business structure
    - legal and compliance requirements
    - work, health, and safety requirements
- a risk plan, identifying
    - business insurance
    - disaster planning
- an operational plan
- a financial plan, including:
    - a 2-year cash flow forecast
    - sources of funding
- appendices that:
    - identify how the Business Eligibility Criteria have been met
    - stipulate the hours per week the Participant will work in the business
    - identify how the business will be insured
    - support the content of the Business Plan, where required.

If the Participant has previously participated in Small Business Coaching for their proposed business, the Business Plan must demonstrate the lessons learnt while doing so.

5.3. Business Plan assessments

The Provider must assess a Participant's draft Business Plan against the Business Eligibility Criteria (as outlined in the Business Eligibility Criteria Supporting Document) within 5 Business Days of receiving a request from a Participant for the Provider to assess the draft Business Plan. The Business Plan Fee can only be paid for a Participant once in a 12-month period.

The Provider must record the outcome and date of a decision to approve a Business Plan in the Department's IT Systems. The approved Business Plan in the Department's IT Systems will, where appropriate, trigger payment of the Business Plan Fee.

The Participant's Business Plan must be uploaded in the Participant's Business Plan record. The Department's IT Systems will not allow a Business Plan to be approved without the Participant's Business Plan uploaded in the Business Plan record.

The Provider must retain copies of all written correspondence to Participants regarding the assessment of their Business Plan.

(Deed Reference(s): Clauses 88.3, 101.1)

5.3.1. Rejecting a Business Plan

Before rejecting a Business Plan, the Provider must first proactively assist the Participant to further develop their Business Plan to satisfy the Business Eligibility Criteria. If the Business Plan cannot be further developed to meet the Business Eligibility Criteria, the Provider must reject the Business Plan.

The Provider must explain in writing to the Participant why their Business Plan has been rejected and inform them of their right to have the decision reviewed.

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The Provider must record the outcome, reason, and date of a decision to reject a Business Plan in the Department's IT Systems.

(Deed Reference(s): Clause 88.4)

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Chapter 6. Business Advice Sessions and Business Health Checks

6.1. Chapter Overview

Providers deliver Business Advice Sessions and Business Health Checks to provide short, targeted periods of tailored business advice and assistance to suitable Participants.

This Chapter identifies the Participants eligible for these services, and how these services are to be delivered.

6.2. Business Advice Sessions

6.2.1. Eligibility

Participants who are not accessing Small Business Coaching may be eligible to participate in a one-hour Business Advice Session if they meet the Participant Eligibility criteria identified in the Referrals, Eligibility and Onboarding Chapter. Each Participant may access a maximum of 2 Business Advice Sessions within a 12-month period. If a Participant is already self-employed, their business must meet the Business Eligibility Criteria to be eligible for a Business Advice Session.

If an Eligible Business Owner wishes to access a Business Advice Session, before delivering the session to the Participant the Provider must be confident that delivering the session will increase the likelihood that the Participant's business will be Operating Commercially within 12 months.

Note: A Participant can be placed in Small Business Training while they are completing a Business Advice Session.

6.2.2. Delivering a Business Advice Session

Before delivering a Business Advice Session to a Participant, the Provider must be satisfied that delivering the session increases the likelihood of the Participant's existing, or new business, becoming commercially operational within the next 12 months.

Participants who access a Business Advice Session may include:

- individuals starting (or interested in starting) a business who only want one or 2 meetings with the Provider for advice on establishing their business, rather than the 12 months of mentoring and other support available under Small Business Coaching
- Eligible Business Owners who need tailored advice, such as: applying for a business loan to help their business' viability or marketing advice on sourcing clients/customers, and choose not to access Small Business Coaching
- former Participants who need additional support from their Provider after completing Small Business Coaching (to ensure their business is Operating Commercially).

Participants accessing a Business Advice Session must be placed into the appropriate activity in the Department's IT systems. The Provider must record in the Department's IT Systems the support delivered to the Participant during a Business Advice Session.

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Placing a Participant in a Business Advice Session activity in the Department's IT Systems with an activity placement status of 'Placement Confirmed' will use a Business Advice Session Place. Once the activity is ended with exit reason of 'Successful Completion of Activity' in the IT system, where appropriate, this will trigger payment of the Business Advice Fee.

(Deed Reference(s): Clauses 89, 103.1)

6.3. Business Health Checks

6.3.1. Eligibility

Participants may be eligible to access a Business Health Check if they:

- meet the relevant Participant Eligibility criteria identified in the Referrals, Eligibility and Onboarding Chapter
- own a business that meets the Business Eligibility Criteria, and
- are not currently accessing Small Business Coaching.

A Participant may only access one Business Health Check in a 12-month period.

Businesses with multiple owners may only access one Business Health Check in a 12-month period.

Note: A Participant can be placed in Small Business Training while they are completing a Business Health Check.

6.3.2. Delivering a Business Health Check

A Business Health Check must assist a Participant to develop their business by providing approximately 3 hours of support to analyse the business, develop an action plan to ensure the business' viability and identify other forms of support that may benefit the Participant.

Before delivering a Business Health Check to a Participant, the Provider must be satisfied that delivering the Business Health Check will increase the likelihood that the business which the Participant is running is Operating Commercially within 12 months. A Business Health Check session could include, but is not limited to:

- understanding the financial health of the business – an analysis of 6, 12 and/or 24-month trends for the business' cashflow and profit and loss to assess the viability of the business, identification of the business' key expenses (and how they can be reduced), as well as a consideration of the business' financial planning and record keeping practices
- understanding the business model – the value proposition of the business' offerings, competitor analysis, supply chain analysis and a consideration of industry trends and opportunities
- risk assessment – the business' compliance with relevant laws, licences and regulations, the potential risks with not meeting certain regulations, the nature of the business' insurance, and any risks relevant to the business
- performance improvement planning, documenting for the Participant the urgency and ease with which each item on the action plan should be taken. This may range from rectifying critical, missing insurance to minor tweaks to the business' marketing strategy
- business relationships and staff wellbeing – encouraging staff wellbeing and support, improving work culture, improving relationships with other businesses in the region for support

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- helping the Participant to engage with their local small business ecosystem by identifying individuals and organisations that may be helpful for the Participant, and
- any matters raised by the Participant as impacting the viability of their business.

Participants accessing a Business Health Check must be placed into the appropriate activity in the Department's IT systems. The Provider must record in the Department's IT Systems the support delivered to the Participant during the Business Health Check.

Once the Participant's Business Health Check activity has been ended in the Department's IT System with an end reason of Successful Completion, this will, where appropriate, trigger payment of the Business Health Check Fee.

(Deed Reference(s): Clauses 89, 102.1)

6.4. Flexible usage of Places for Business Health Checks and Business Advice Sessions

The Provider is nominally allocated Places for Business Health Checks and Business Advice Sessions at an Employment Region level, although these Places may be used in any of the Provider's Employment Regions. The Provider should however consider the impact of exceeding their nominal Place allocation for any Employment Regions for Business Health Checks and Business Advice Sessions, as doing so may negatively impact the performance of their other contracted Employment Region(s) under KPI 1B. For more information about performance, refer to the Performance Framework Chapter.

Example:

A Provider is operating in 2 Employment Regions, with 29 Business Advice Session Places nominally allocated to their Ballarat contract, and 34 Business Advice Session Places nominally allocated to their Bendigo contract. This means the Provider has an organisational pool of 63 Places for the delivery of Business Advice Sessions.

As at 30 June they have used 33 Business Advice Session Places in Ballarat and 20 Business Advice Session Places in Bendigo. As the Provider only has 10 Places remaining in their organisational pool, the maximum number of Places they will be able to use in Bendigo in that Financial Year is 30 (compared to their nominal allocation of 34 Places).

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Chapter 7. Commencing Small Business Coaching

Supporting Documents for this Chapter:

- Self-Employment Allowance and Rental Assistance Factsheet
- Rental Small Business Coaching Application Form
- Change of Circumstances Notification Form -Small Business Coaching

7.1. Chapter Overview

Small Business Coaching helps Participants turn Business Plans into businesses that are Operating Commercially through the provision of personalised Business Mentoring and support for up to 52 weeks.

This Chapter outlines the eligibility requirements for Participants wishing to access Small Business Coaching. It also identifies how Participants can commence Small Business Coaching, which requires the Participant:

- being eligible, including by having an approved Business Plan
- completing the application process, and
- agreeing to a Small Business Coaching Agreement.

7.2. Eligibility Requirements

Participants may be eligible to commence Small Business Coaching if they:

- meet the Participant Eligibility criteria identified in the Referrals, Eligibility and Onboarding Chapter
- intend to operate their Business for their Required Hours each week throughout their Period of Small Business Coaching, to ensure viability and full-time operation within 12 months
- have had a Business Plan approved by their Provider in the past 12 months (see Business Plan Assessments)
- will be operating their Business under an appropriate business structure (see Possible Business Structures)
- will be at least 18 years of age at the time of their Small Business Coaching Commencement
- have not received Small Business Coaching in the past 12 months, and
- agree to enter into a Small Business Coaching Agreement with the Department.

✉ Where a Participant has requested to access Small Business Coaching within the 12 month waiting period, Providers must submit a written request to the Department (Provider Lead), with a request to waive the waiting period inclusive of their justification for servicing. The Department will review all 'Waiver' requests on a case-by-case basis and notify the Provider in writing of the decision. The Small Business Coaching Fee is only payable once every 12 months per Participant. Providers should also note that this applies regardless of which Provider delivers Small Business Coaching.

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7.2.1. Participants' Required Hours

The Required Hours of a Participant accessing Small Business Coaching must be identified in their approved Business Plan and must be on average 35 hours per week within 12 months except as outlined below.

Participants with part-time Mutual Obligation Requirements

Participants may have part-time Mutual Obligation Requirements due to their:

- caring responsibilities
- age (55+)
- temporary reduced work capacity
- Partial Capacity to Work, and/or
- status as a Disability Support Pension (Compulsory Participation Requirements) participant.

The Required Hours for these Participants should not exceed the hours specified in the Department's IT Systems unless the Participant has volunteered in writing to do so.

The Required Hours of a Participant with part-time Mutual Obligation Requirements will be confirmed on their Participation Profile in the Department's IT Systems. The Required Hours for a Participant with a Partial Capacity to Work or Temporary Reduced Work Capacity is their specified baseline work capacity, while the Required Hours for a principal carer parent or a Participant aged at least 55 years of age is 15 hours per week.

Providers must retain Documentary Evidence confirming the medical condition, disability, caring responsibilities, or other activities of a Participant who wishes to operate their Business part-time (if not detailed in the Department's IT Systems). This can include but is not limited to:

- birth certificates for children
- evidence of adoption or foster care agreements
- medical certificate (or other relevant documentation) outlining primary caring responsibilities for a family member
- medical documentation confirming the Participant's requirement to work part-time due to a disability/medical condition
- education enrolment forms
- payslips
- a statutory declaration.

7.2.2. Possible Business structures

Participants may access Small Business Coaching for support running a Business that operates as one of the four following business structures. Participants must identify their chosen Business structure on their Small Business Coaching Application Form and provide the relevant evidence to the Provider (where required in accordance with Table 7-A).

Table 7-A: Business structures and required evidence

Business Structure	Evidence Required
Sole trader	The Participant must have their own current ABN.

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Business Structure	Evidence Required
Partnership	The Participant must provide evidence that they are a partner in the business. Evidence should include a signed partnership agreement with all business partners. A marriage certificate is not a sufficient partnership agreement where the Business partners are a married couple.
Trading trust	The Participant must provide evidence that they are a trustee of a trading trust.
Company	The Participant must provide evidence that they are a director of the company and that any current Self-Employment Assistance Participant(s) collectively hold a controlling interest in the company as directors.

7.3. Application Process

All Participants must complete the Small Business Coaching application process prior to commencing Small Business Coaching.

The application process:

- captures Participants' details, including their bank details (where appropriate)
- allows Participants to complete their Tax File Number Declarations (where appropriate)
- allows Participants to make a declaration confirming their eligibility for Small Business Coaching.

The Provider must retain Documentary Evidence for Participants who apply for Small Business Coaching offline, including:

- a signed Small Business Coaching Application Form
- a completed Tax File Number Declaration Form (if applicable).

Note: In accordance with ATO Privacy Rules, Providers must not upload a copy of the Participant's Tax File Number Declaration form in the Department's IT Systems.

7.3.1. Updating Participant information following a Small Business Coaching Commencement

Participants may update their personal information via the Workforce Australia website while accessing the Services. However, to update their bank details, Participants must inform their Provider in writing or by submitting a signed Change of Circumstances Notification Form – Small Business Coaching to the Provider. The Provider must then send the Participant's documentation to the Department at SBCAllowanceReviewTeam@dewr.gov.au.

If a Participant updates their bank details before or after their Small Business Coaching Commencement, the Provider must retain a copy of the written correspondence or signed Change of Circumstances Notification Form – Small Business Coaching.

7.4. Self-Employment Allowance and Self-Employment Rental Assistance

Self-Employment Allowance is an allowance that supports eligible Participants while they develop their Business. Self-Employment Allowance is paid at the same rate as the single, 22 or over, no

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children rate of JobSeeker Payment, and the rate of payment is not affected by the income earned by a Participant through their Business.

7.4.1. Applying for Self-Employment Allowance and Self-Employment Rental Assistance

To be eligible to receive Self-Employment Allowance, a Participant must be receiving an Income Support Payment on the calendar day before they transfer to Self-Employment Allowance. Self-Employment Allowance can only be paid during the first 39 weeks of a Participant's time in Small Business Coaching.

To be eligible to receive Self-Employment Rental Assistance, a Participant must:

- have been receiving rent assistance from Services Australia or the Department of Veterans' Affairs (DVA) on the day immediately before they start receiving Self-Employment Allowance
- have been receiving Rent Assistance under their current income support payment or pension, NOT as part of a Family Allowance payment; and
- no longer receiving an Income Support Payment which includes Rental Assistance

Self-Employment Rental Assistance can only be paid during the first 26 weeks of a Participant's time in Small Business Coaching.

Self-Employment Rental Assistance eligibility is assessed after commencement of the Small Business Coaching Agreement and can only be paid if the Participant's Services Australia or the Department of Veterans' Affairs (DVA) allowance (including Rental Assistance) has ceased.

More information about Self-Employment Rental Assistance is available in the Self-Employment Allowance and Rental Assistance Factsheet and in the Rental Assistance Eligibility Form.

For the Department to pay a Participant Self-Employment Allowance and (if eligible) Self-Employment Rental Assistance, the Participant must have:

- agreed to or signed a Small Business Coaching Agreement (Participant receiving Allowance)
- completed an application form, including the Participant's bank details
- completed a Tax File Number Declaration Form, and
- completed a Rental Assistance Eligibility Form (if applicable).

These forms must be completed and dated no more than 4 weeks prior to the transfer.

In processing a Participant's Tax File Number Declaration, the Provider must ensure they handle the Participant's Tax File Number in accordance with the Part A Guidelines: Privacy chapter.

The Participant may submit their completed Self-Employment Rental Assistance Eligibility Form to their Provider, or they may upload the form to the Workforce Australia website.

In circumstances where the Participant is unable to have the Self-Employment Rental Assistance Eligibility Form physically completed by a Services Australia Officer, an electronic Centrelink Statement will be accepted in place of the hard copy form. Information on how to request an electronic Centrelink Statement can be found at the Services Australia website.

To confirm the transfer to Self-Employment Allowance, a notification from the Department's IT System will be sent to the Participant confirming their upcoming Small Business Coaching Commencement.

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The Provider must indicate in the Department's IT Systems if the Participant will be receiving Self-Employment Allowance. If yes, the Provider must enter the following details in the Department's IT Systems:

- the Participant's bank account details
- the Participant's Tax File Number Declaration details.

Payments will be made fortnightly in arrears from the next fortnightly pay run (which occurs on a Thursday), based on the Participant's entitlement.

Note: BSB numbers are verified in the Department's IT Systems. The Provider should contact the Department if a legitimate BSB number is displayed as invalid.

Participants who transfer to Self-Employment Allowance after their Small Business Coaching Commencement

Participants may transfer to Self-Employment Allowance after their Small Business Coaching Commencement if the transfer occurs during the first 39 weeks of their Period of Small Business Coaching.

Participants will have one opportunity to transfer to Self-Employment Allowance during their Period of Small Business Coaching. The transfer can occur when the Participant commences Small Business Coaching or within the first 39 weeks of receiving Small Business Coaching.

If these Participants transfer to Self-Employment Allowance after commencing Small Business Coaching, the Department pays the Participant Self-Employment Allowance fortnightly in arrears from that time until the Participant's Period of Small Business Coaching has reached 39 weeks. Self-Employment Allowance is not backdated to the start of Small Business Coaching. Delays in notifying the Department of changes in circumstances will reduce the eligible period for Self-Employment Allowance.

Example:

When Peter commences Small Business Coaching, he is not on income support.

Peter begins receiving income support payments 9 weeks after he started the Small Business Coaching. Peter advises his Provider he is receiving income payments and asks to transfer from income support payment to the Self-Employment Allowance.

As Peter had already completed 9 weeks of his Small Business Coaching he will only be eligible to receive a maximum of 30 weeks of Self-Employment Allowance.

As soon as the Provider becomes aware of this, the Provider updates Peter's agreement to indicate the allowance will be claimed. After both Peter and the Provider have signed an updated agreement, the Provider emails it to the Department for approval.

To start the process of transferring a Small Business Coaching Participant to Self-Employment Allowance, the Provider must:

- first collect the Participant's bank and tax details,
- using the Department's IT Systems, click the 'View agreement' link and select the 'Claim for Allowance' button, to choose the next available allowance start date and to enter the Participant's bank and tax details,

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- once complete, select ‘Finalise agreement for participant signature’. Print the Small Business Coaching Agreement (Agreement) for both the Participant and Provider to sign and date,
- upload the Agreement to the Participant’s Agreement Summary page and select the ‘Submit for Departmental review’ button, and
- email the Department at SBCAllowanceReviewTeam@dewr.gov.au, attaching the Documentary Evidence of the Participant’s bank and tax details and request the approval of the Participant’s new Agreement.

The Department's IT Systems will assess eligibility for Self-Employment Allowance every time a Participant’s record is accessed. If eligible, a message at the top of the page will appear advising ‘This participant is eligible for self-employment allowance’.

7.4.2. Income Support Payments and Self-Employment Allowance

Participants may be eligible to continue receiving Income Support Payments after they commence Small Business Coaching. Remaining on an Income Support Payment will mean that the Participant also receives any related entitlements, which may include supplementary payments and access to a concession card.

Where a Participant opts to remain on an Income Support Payment while accessing Small Business Coaching, the Provider must remind the Participant of the importance of meeting any relevant income reporting requirements for Services Australia.

Participants who can remain on their Income Support Payment

Most Participants in receipt of Income Support Payments are required to transfer to Self-Employment Allowance upon their Small Business Coaching Commencement.

However, Participants can choose to remain on the full rate of their current Income Support Payment if they are receiving:

- Disability Support Pension
- Parenting Payment
- Age Pension
- Carer Payment
- Partner Service Pension (from the DVA), or
- War Widow(er)’s Pension (from the DVA).

Remaining on an Income Support Payment will mean that the Participant also receives any related entitlements, which may include supplementary payments and access to a concession card.

Participants who can remain on a partial rate of their Income Support Payments

If a Participant transfers to Self-Employment Allowance from an Income Support Payment that pays them a higher fortnightly rate than Self-Employment Allowance, Services Australia will automatically reduce that Participant’s fortnightly rate of payment by the fortnightly rate of Self-Employment Allowance.

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Example:

Angela is a parent who receives JobSeeker Payment, and her rate of payment is $247 per fortnight higher than the Self-Employment Allowance rate of payment. Angela elects to transfer to Self-Employment Allowance when she commences Small Business Coaching.

When Angela commences Small Business Coaching, she begins receiving Self-Employment Allowance from the Department and Services Australia automatically reduce her fortnightly rate of JobSeeker Payment to $247 per fortnight.

Angela continues to receive a partial rate of JobSeeker Payment and Self-Employment Allowance while she operates her business and reports the income she earns through her business to Services Australia. Angela's business becomes more profitable over time, so her fortnightly rate of JobSeeker Payment is reduced until it is eventually cancelled under the JobSeeker Payment income test.

7.5. Small Business Coaching Agreement

Each Participant must agree to or sign a Small Business Coaching Agreement prior to commencing Small Business Coaching.

The Small Business Coaching Agreement can be generated in the Department's IT Systems after the Participant has completed the Small Business Coaching application process and the Provider has approved a Business Plan for the Participant.

The Provider must send the Small Business Coaching Agreement to the Participant with their agreed Small Business Coaching Commencement date for consideration and agreement. The agreed date must be a scheduled Self-Employment Allowance pay day, which occurs every second Thursday in accordance with the Self-Employment Allowance Pay Calendar.

The Provider must explain the Participant's obligations when commencing and while receiving Small Business Coaching and advise them to carefully read and understand all the terms of their Small Business Coaching Agreement. In doing so, the Provider must ensure that the Participant is aware of:

- the frequency, timeframes and process involved in the Participant's submission of Quarterly Reports
- their obligation to maintain their Business Insurance throughout their Period of Small Business Coaching
- the frequency and expected timeframes for the delivery of Business Mentoring, and
- the Participant's obligation to maintain contact with the Provider, including by returning missed calls and responding to emails.

The Provider must ensure Participants are aware that not complying with these obligations within the specified timeframes may result in their Self-Employment Allowance and Self-Employment Rental Assistance (if applicable) not being paid.

To send the Participant the Small Business Coaching Agreement online, the Provider must enter the proposed Small Business Coaching start date into the Department's IT Systems and select 'Send online'.

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Once a Participant agrees to the Small Business Coaching Agreement online, the agreement is automatically sent to the Department for approval.

Note: If a Participant is signing the Small Business Coaching Agreement offline, the Provider must manually send the Small Business Coaching Agreement (signed by the Participant) to the Department via email for approval.

Regardless of whether a Participant's Small Business Coaching Agreement is completed online or offline, the Department must receive it at least 5 Business Days prior to the scheduled Small Business Coaching Commencement date.

If all requirements are met, the Department approves the Participant's Small Business Coaching Commencement in the Department's IT Systems. The Department's IT Systems use the Small Business Coaching Commencement to trigger payment of the Small Business Coaching Fee and to use one of the Provider's Small Business Coaching Places.

The Department's IT Systems advise Services Australia when the Participant commences Small Business Coaching and will trigger the exiting of the Participant from the Other Program Provider's caseload (where applicable). Where the Participant is a Disability Employment Services Participant or a Parent Pathways Participant, the Participant is not automatically exited from the Other Program Provider's caseload and will be concurrently serviced by the Provider and their Other Program Provider.

If any Other Program Provider will concurrently service the Participant while accessing Small Business Coaching, the Provider must advise the Other Program Provider of the Participant's Small Business Coaching Commencement.

If the Participant has completed the Small Business Coaching application process offline and/or signed the Small Business Coaching Agreement offline (not via the Workforce Australia website), the Provider must email to SBCAllowanceReviewTeam@dewr.gov.au the Participant's:

- signed Small Business Coaching Agreement for the Department's approval
- completed and signed Small Business Coaching Application Form (if not completed online)
- completed and signed Tax File Number Declaration Form (if applicable and not completed online).

The Provider must also retain a copy of these documents on the Participant's file.

Please note, under the *Privacy (Tax File Number) Rule 2015* which was issued under Section 17 of the *Privacy Act 1988*, Tax File Declaration Forms are not to be uploaded in the Department's IT Systems at any time. Please follow the procedure outlined in the next section when submitting the Tax File Declaration to the Department.

7.5.1. Correspondence with the Department's Small Business Coaching (SBC) Allowance Review Team

When emailing the Department at SBCAllowanceReviewTeam@dewr.gov.au, the Provider should apply the following naming protocol for email subject lines.

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Small Business Coaching commencement paperwork

When the Provider emails Small Business Coaching commencement paperwork, the subject line should be of the following format:

> proposed commencement date (YY/MM/DD) | Provider organisation code | JSID | SBC APP | First Name | Last Name.
>
> **Example:**
>
> If John Doe who has a Jobseeker ID of 123456789 was looking to commence Small Business Coaching with Provider 'ALTO' on 18 August 2022, the subject line would be: '220818 ALTO 123456789 SBC APP John Doe'.

General correspondence

When the Provider emails the SBC Allowance Review Team for all general correspondence the subject line should be of the following format:

> date of the correspondence being sent (YY/MM/DD) | Provider organisation code | JSID | Topic | First Name | Last Name.
>
> **Example:** If Provider 'ALTO' emailed the SBC Allowance Review Team on 7 October 2022 regarding the suspension of Jane Doe who has a Jobseeker ID of 987654321, the subject line would be: '221007 ALTO 987654321 Query regarding suspension of Jane Doe'.

For privacy and records management reasons, the Provider should (where practical) only include the details of one participant per email.

(Deed Reference(s): Clause 90.2)

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Chapter 8. Supporting Participants in Small Business Coaching

Supporting Documents for this Chapter:

- Eligible Business Costs Supporting Document

8.1. Chapter Overview

Following a Participant's Small Business Coaching Commencement, their Provider must provide them with Business Mentoring, support and coaching for up to 52 weeks, or until the Participant voluntarily exits early or due to non-compliance with their Small Business Coaching Agreement.

This Chapter outlines the Provider's obligations to Participants accessing Small Business Coaching.

(Deed Reference(s): Clause 90)

8.2. Business Mentoring Contacts

The Provider must ensure that each Participant accessing Small Business Coaching receives at least one Business Mentoring contact in every 2-month period following the Participant's Small Business Coaching Commencement. The Provider must ensure Participants are aware that not engaging in this contact may result in the suspension of their Small Business Coaching Agreement, including their Self-Employment Allowance and Self-Employment Rental Assistance (if applicable) not being paid.

(Deed Reference(s): Clause 90.6)

8.2.1. Initial visit

The Provider must complete an initial Business Mentoring contact with the Participant within 4 weeks of the Participant's Small Business Coaching Commencement.

The purpose of this visit is to:

- ensure the Business is operating according to the approved Business Plan
- discuss any issues the Participant has encountered running their Business following their Small Business Coaching Commencement
- identify where the Participant has encountered issues, to provide relevant, actionable suggestions for the Participant
- see the Participants' Business premises (where relevant) to better understand and support the Participant, and
- confirm the Participant's Business Insurance coverage has commenced.

The initial Business Mentoring visit must be delivered face-to-face at the Business' premises, except where:

- the Business is home-based or mobile, in which case the Provider may agree with the Participant to hold a face-to-face meeting at a suitable and safe alternative location, or
- there are exceptional circumstances, such as if the Business is in an area where it is not practical to visit. In these exceptional circumstances, the initial Business Mentoring visit may be conducted online.

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The Provider must record the delivery of the initial Business Mentoring contact in the Department's IT Systems. This must include:

- when the contact occurred and the nature of the contact
- information regarding the Participant's Business Insurance
- any issues that have been identified, and
- the advice and support delivered to the Participant.

The Provider must recommend the suspension of a Participant accessing Small Business Coaching fails to provide evidence of current Business Insurance.

The Provider must retain Documentary Evidence confirming the currency of a Participant's Business Insurance following the initial Business Mentoring visit. This may either be a certificate of currency, or proof that the Participant has paid for the first month of their Business Insurance.

8.2.2. Business Mentoring Contacts

Providers must deliver Business Mentoring at least once in every 2-month period throughout a Participant's Period of Small Business Coaching that:

- develops the skills and capabilities of the Participant for self-employment
- helps the Participant to solve problems that arise as they work in and run their Business
- assists the Participant to review the direction and strategy of their Business
- supports the Participant to mitigate risks as they arise, and
- confirms that the Participant is operating their Business in accordance with their Business Plan.

The Provider must record the delivery of each Business Mentoring contact in the Department's IT Systems. This must include:

- when the contact occurred
- the medium used for the contact (for example, face-to-face or over the phone)
- any issues that have been identified, and
- the advice and support delivered to the Participant.

The Provider must give the Department additional information related to the delivery of Business Mentoring, if required.

Other than the initial visit, Business Mentoring sessions may be delivered using a medium agreed to by both the Participant and the Provider.

The Provider must also provide Participants with support, which may include the provision of additional Business Mentoring in response to reasonable requests from Participants for assistance throughout their Periods of Small Business Coaching.

(Deed Reference(s): Clause 90.5, 90.6, 90.7, 90.8)

8.2.3. Personnel delivering Business Mentoring

Business Mentoring must be delivered by Personnel with proven business experience (either from running their own small business, from supporting small businesses, or having relevant credentials), a clear understanding of small business skills and management practices, and an ability to communicate effectively with Participants.

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Personnel delivering Business Mentoring must also have a thorough understanding of the services and support available within the local small business ecosystem, to allow them to refer Participants to other complementary services, ancillary or wrap around services.

8.3. Monthly Contacts

The Provider must contact Participants monthly (at a minimum) to ensure Participants are supported with any issues they encounter while running their business. For example, in a month where the Provider is not obligated to deliver Business Mentoring, this may involve:

- a phone call from the Participant's mentor to discuss the Participant's progress,
- an invitation to participate in a small business-related seminar or workshop that will support the development of the Participant's business
- the Participant attending a networking session conducted by the Provider.

The Personnel contacting the Participant should have an existing relationship with the Participant and be able to provide business support as needed.

The Provider must record its contacts and contact attempts with a Participant accessing Small Business Coaching each month in the Department's IT Systems, for the Participant's Period of Small Business Coaching. Participants are not obligated to engage with these Monthly Contacts and must not be suspended for not engaging with them.

(Deed Reference(s): Clause 90.5)

8.4. Overseas Travel

Participants may travel overseas to purchase stock, make sales, or earn business income as long as management and control of the business remain in Australia. Participants in Small Business Coaching must organise travel so that they are available for monthly contacts and Business Mentoring and must not work overseas on an ongoing basis.

Any business-related travel must be approved and outlined in the Business Plan and the Department should be notified at least 28 days before any travel. This must include a detailed itinerary that outlines the purpose of the travel, the details of any planned meetings including who the Participant will be meeting with and where and when the meetings will occur, and any other relevant details pertaining to the travel. The Provider must upload the updated Business Plan and the travel itinerary to the Department's IT Systems. The Provider should also ensure the Business Plan details that an appropriate level of travel insurance has been obtained in relation to the travel.

For Participants receiving Self-Employment Allowance, overseas travel could be longer than the four-week period allowed by Services Australia for those Participants who remain on an Income Support Payment.

Additionally, Participants must be in Australia for all mentoring/coaching sessions. To apply for an exemption due to extenuating circumstances, a written submission must be presented to and approved by the Department.

Participants should be suspended for any part of the travel that is for personal or leisure, or if the travel has not been approved by the Provider. This suspension can be applied for up to 28 days.

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8.5. Support for Business Costs

The Small Business Coaching Fee includes a $330 (GST inclusive) component to assist Providers to pay up to $300 for each Participant's Business Costs. The Provider must proactively ensure that each Participant that commences Small Business Coaching is aware of their entitlement to funding for Business Costs of $300 during the Participant's coaching period.

When requested by a Participant accessing Small Business Coaching, their Provider must either purchase or reimburse the Participant or their Business (as appropriate) for $300 of eligible Business Costs. Providers are responsible for determining whether a business cost presented to them by a Participant is an eligible Business Cost and must do so in accordance with the Eligible Business Costs Supporting Document.

Reimbursement must be paid while Participants are Commenced in Small Business Coaching. Business Costs records must be recorded in the Department's IT Systems after commencement of Small Business Coaching and before the last day of Small Business Coaching. The Department's IT Systems will not allow a Business Costs record to be recorded on the very last day of Small Business Coaching. It is best practice that Providers create Business Cost records and upload the Documentary Evidence immediately after payment/reimbursement is made to the Participant. Once a Participant Terminates from Small Business Coaching, Providers will not be able to record a claim, and any outstanding balance will be recovered by the Department.

Providers must record their payment of Business Costs in the Department's IT Systems after commencement of Small Business Coaching and before the last day of Small Business Coaching.

Providers must upload:

- proof of purchase (such as a tax invoice or receipt) to the Department's IT Systems confirming each payment of a Participant's Business Costs, and;
- evidence of the reimbursement or payment to the Participant, such as a remittance advice or bank transfer receipt

(Deed Reference(s): Clause 92)

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Chapter 9. Monitoring Participants in Small Business Coaching

Supporting Documents for this Chapter:

- Types of External Income Supporting Document
- Quarterly Report

9.1. Chapter Overview

Providers must assess the progress of each Participant accessing Small Business Coaching to ensure they are providing the Participant with appropriate support to establish and run their small business, and to confirm that each Participant remains eligible for and engaged in Small Business Coaching.

Providers must assess the progress of each Participant's Business on a quarterly basis to ensure the Business has the best chance at Operating Commercially. This involves the Provider assessing at the end of each Financial Quarter the Business' cash flow against the cash flow projected in the Participant's Business Plan.

This Chapter outlines the obligations of Providers to monitor Participants accessing Small Business Coaching.

9.2. Quarterly Reviews

Providers must review the circumstances of each Participant accessing Small Business Coaching on a quarterly basis by running the External Income Test, checking the currency of the Participant's Business Insurance, and checking whether the Business is likely to be Operating Commercially 12 months following the Participant's Small Business Coaching Commencement.

The Provider must retain the following Documentary Evidence proving the currency of the Participant's Business Insurance following each quarterly review which is either:

- a certificate of currency (issued within the relevant Financial Quarter)
- proof of monthly payments, or
- a statutory declaration from the Participant that their business insurance is current. A statutory declaration is only appropriate if a certificate of currency for a 12-month insurance policy was provided at the initial visit.

9.2.1. Receiving a Quarterly Report from a Participant

Providers must ensure that Participants accessing Small Business Coaching are aware of their obligation to submit a Quarterly Report no later than 10 Business Days following the end of each Financial Quarter. Participants may submit their Quarterly Report using the Department's template or the Provider's template containing the same information.

However, Participants who commenced Small Business Coaching less than 4 weeks before the end of a Financial Quarter are not required to submit a Quarterly Report for that first Financial Quarter.

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The Provider must (in accordance with Suspending a Participant) recommend the suspension of a Participant accessing Small Business Coaching who fails to submit a Quarterly Report (if required) in the Department's IT Systems.

If a Participant is suspended for not submitting a Quarterly Report, before recommencing the Participant in Small Business Coaching the Provider must:

- ensure the Participant submits a Quarterly Report
- ensure the Participant has business insurance in place
- check whether the Business is on track to be Operating Commercially, and
- update the Department's IT Systems and record details against each of these requirements.

(Deed Reference(s): Clause 91)

9.2.2. Confirming whether a Business is on track to be Operating Commercially

Following a Participant's submission of a Quarterly Report, the Provider must assess whether the Business is likely to be Operating Commercially 12 months following the Participant's Small Business Coaching Commencement. To make this assessment, the Provider must compare the Business' actual cash flows against the forecast cash flow set out in the Participant's Business Plan.

If the Business is underperforming compared to the forecast, the Provider must discuss the reasons why with the Participant. The Provider must also assess the likelihood of the Business Operating Commercially at the completion of the Participant's Period of Small Business Coaching. If the likelihood is less than 50 per cent, the Business is not on track to be Operating Commercially (refer to: Businesses that are not on track to be Operating Commercially).

If a Participant is suspended for part of a Financial Quarter, they are still required to submit a Quarterly Report. In this case, unless the suspension was for failing the External Income Test the Provider should take the suspension timeframe into account when checking whether the Business is on track to be Operating Commercially. This is done by comparing:

- the Business' forecast cash flow (reduced on a pro rata basis based on the proportion of the Financial Quarter that the Participant was not suspended for), and
- the Business' actual cash flow.

The Provider must complete in the Department's IT Systems all required fields, including a 'yes' or 'no' selection for Business Viability and enter the Net Income field, within 10 Business Days of receiving a Quarterly Report from a Participant following the end of each Financial Quarter.

The Provider must retain the following documentation on file:

- the Participant's Quarterly Report
- written assessment of whether the Business is on track to be Operating Commercially, including a short statement and/or calculation to support the outcome recorded in the Department's IT Systems.

Note: The Department may request evidence of the Provider's Business Viability assessment at any time including evidence that the business will operating full-time within 12 months.

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9.2.3. Businesses that are not on track to be Operating Commercially

If a Business is identified as at risk of failure without remedial action, but potentially on track to be Operating Commercially 12 months following the Participant's Small Business Coaching Commencement, the Provider must:

- develop an action plan in consultation with the Participant to improve the performance of the Business, and include a timeframe to reassess (for example, this could include reassessing the Business in the third Financial Quarter, if the assessment at the second Financial Quarter showed that the Business was potentially not on track to be Operating Commercially), and
- regularly review the action plan, including at Business Mentoring contacts and, if the issue cannot be resolved, recommend termination of the Business.

If the Business is identified as not on track to be Operating Commercially, the Provider:

- must recommend termination of the Business within 5 Business Days and advise the Participant of the recommendation to terminate their Small Business Coaching Agreement, and
- should note the communication or conversations with the Participant and keep the note on file.

The Agreement Breaches, Suspensions and Terminations Chapter has further information on suspensions, recommencements, and terminations.

If a Participant's Business is identified as not on track to be Operating Commercially, the Provider must recommend termination of the Business in the Department's IT Systems within 5 Business Days.

The Provider must retain an action plan on the Participant's file if the Business is identified as at risk of failure.

The Provider should keep a note on file of any discussions with the Participant about their concerns regarding the Participant's Business.

(Deed Reference(s): Clause 91.5)

9.2.4. The External Income Test

Participants receiving Self-Employment Allowance may earn income separate to their allowance and their Business, but only up to a certain amount. The External Income Test checks the total gross External Income earned by a Participant during a Financial Quarter and is used to confirm a Participant's continuing eligibility for Self-Employment Allowance.

The Provider must run the External Income Test within 5 Business Days of a Participant in receipt of Self-Employment Allowance submitting their Quarterly Report.

Sources of External Income are listed in Types of External Income Supporting Document.

A Participant will not pass the External Income Test if their total gross External Income during the Financial Quarter exceeds twice the rate of Self-Employment Allowance for that same period.

If a Participant fails the External Income Test, their Self-Employment Allowance and Self-Employment Rental Assistance (if applicable) is suspended for the remainder of the Financial Quarter in which the test was conducted. If the Participant is still accessing Small Business Coaching

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following the end of that Financial Quarter, they will be required to submit another Quarterly Report within 10 Business Days. Following the usual process, the Provider must then run the External Income Test to assess whether to continue the suspension or reinstate the Participant's Self-Employment Allowance and Self-Employment Rental Assistance (if applicable) for that Financial Quarter.

If the Participant fails, the External Income Test the Provider must advise the Department via the Department's IT Systems within 5 Business Days.

The Provider must retain records related to the External Income Test on the Participant's file and enter the Income in the 'Net Income Field' in the Departments IT Systems.

(Deed Reference(s): Clause 91.3)

Calculating the amount of Self-Employment Allowance in a Financial Quarter

To determine how many pay cycles fall within a given Financial Quarter, please refer to the Self-Employment Allowance Payment Dates Calendar on the Provider Portal.

The Provider can determine the approximate figure by doubling the current fortnightly rate and multiplying the result by the number of pays in that Financial Quarter. If the Provider requires an exact figure, they should use the Self-Employment Allowance Calculator.

9.3. Changes in Participant Circumstances

Participants are obligated under their Small Business Coaching Agreement to advise their Provider directly about any changes to their circumstances, as this could affect their entitlement to Small Business Coaching, including Self-Employment Allowance and Self-Employment Rental Assistance (if applicable).

Participants should immediately complete a Change of Circumstances Notification Form – Small Business Coaching and submit it to their Provider when there is a change in the Participant's circumstances. This can include:

- a change of business name
- a change of bank details
- a change of Commonwealth benefit
- a change of capacity
- the Participant closing their business
- any change that may affect the Participant's eligibility for Small Business Coaching and/or entitlements to Self-Employment Allowance and Self-Employment Rental Assistance.

Participants may also update their personal details via the Workforce Australia website, accessible via MyGov.

In the event of the death of a Participant, the Provider must view confirmation (for example an email or letter from a relative, or a death notice from a newspaper or website).

The Provider must notify the Department in the Department's IT Systems of a Participant's change of circumstances, including where a Participant is not complying with the terms of their Small Business Coaching Agreement. The Provider does this by entering a recommendation to suspend, recommence or terminate the Participant's Small Business Coaching Agreement.

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The Provider may be liable for any overpayment of Self-Employment Allowance and/or Self-Employment Rental Assistance to a Participant if they fail to notify the Department of any changes to a Participant's circumstances within 5 Business Days. Failure to notify may also result in the recovery of any Business Progress Fees paid to the Provider following their failure to Notify.

The Provider must retain Documentary Evidence on the Participant's file about the change of circumstance. For example, this may include:

- written advice from the Participant of medical certificate dates
- External Income Test assessment
- written correspondence about changes in circumstances
- file note of verbal communication about changes in circumstances
- suspension or termination recommendations
- the Participant no longer pays rent
- death notice or certificate (where applicable).

(Deed Reference(s): Clauses 54, 91.6)

9.3.1. Amending a Business Plan

Participants may amend their Business Plan after their Small Business Coaching Commencement if the circumstances of their Business changes.

Before approving amendments to a Participant's Business Plan, the Provider must ensure the proposed changes will not jeopardise the likelihood of the Business Operating Commercially 12 months following the Participant's Small Business Coaching Commencement.

The Department only requires a summary of the changes. A copy of the Business Plan may be requested on a case-by-case basis if required.

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Chapter 10. Agreement Breaches, Suspensions and Terminations

10.1. Chapter Overview

When a Provider determines that a Participant may have breached their Small Business Coaching Agreement or has exceeded the External Income Test, the Provider must consider recommending that the Department suspends or terminates the Participant's involvement in Small Business Coaching.

The Department's approval of a request for a suspension will either:

- suspend the Participant's Self-Employment Allowance (and Self-Employment Rental Assistance if applicable) if they fail the External Income Test, or
- suspend the Participant's Small Business Coaching Agreement (including payment of Self-Employment Allowance and Self-Employment Rental Assistance where relevant) for all other suspension reasons.

Participants have the timeframe advised in their suspension notification, to resolve the suspension, **from the date the suspension is approved by the Department and notification sent**. Providers must not recommend termination from Small Business Coaching prior to this date, unless a written request is received from the Participant.

The Department's approval of a request for a termination will end the Participant's Small Business Coaching Agreement.

This Chapter outlines the relevant timeframes and processes involved in suspending or terminating a Participant accessing Small Business Coaching.

(Deed Reference(s): Clause 91.5)

10.2. Suspending a Participant

If the Provider identifies that the Participant has breached their Small Business Coaching Agreement and that it is not yet appropriate to terminate the Participant (see Terminating a Participant), the Provider must generally recommend the suspension of the Participant.

The exception to the Provider's obligation to recommend a suspension is where a Participant has breached their Small Business Coaching Agreement due to illness or other personal issues and the Participant is likely to begin complying with their Small Business Coaching Agreement in less than a week's time. A Participant may remain unsuspended for a maximum of 5 Business Days throughout their Period of Small Business Coaching while not working their Required Hours due to these reasons only.

The Provider should not recommend a suspension where a Participant's circumstances change but the Participant is still able to comply with their Small Business Coaching Agreement.

Once the Provider has identified that it is appropriate to recommend the suspension of a Participant, they must identify the category of the suspension and the date from which the suspension will apply in accordance with **Table 10-A**.

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Note: Participants in receipt of Self-Employment Allowance (and Rental Assistance, if applicable) may be eligible for backpay, where they continue to operate their business for the specified suspension reasons identified in Table 10-A, providing the suspension has been resolved and a recommencement request is approved by the Department.

If a suspension duration has passed, termination will occur and no backpay can be paid.

Table 10-A: Suspension categories and key dates

Suspension category(s)	Start date of suspension	Maximum Duration	Backpay
Undertaking other education or training (EDUC) **Undertaking other employment (EMPL)** **Relocation of business (REBS)** **Temporarily ceased operating business (TCOB)** **Absent due to travel (TTVL)**	The date that the Participant began breaching the terms of their Small Business Coaching Agreement.	28 calendar days	No backpay
Insurance missing or inadequate (NINS)	The date the Provider became aware that the Participant may be operating their Business without Business Insurance. At minimum this must occur at the Initial Business Mentoring Contact and each Quarterly Contact. Note: The suspension recommencement can be from the date insurance coverage was effective.	28 calendar days	Up to 28 days backpay following approved recommencement.
Failed to lodge Quarterly Report by due date (FLBR)	15 Business Days following the end of a Financial Quarter that the Participant was required to report on.	28 calendar days	Up to 28 days backpay following approved recommencement.
Not engaging with mentoring (RMTR) **Unable to be contacted (UNCO)**	3 Business Days following the first failed or refused contact attempt by the Provider.	28 calendar days	Up to 28 days backpay following approved recommencement.
Did not notify of change of circumstances (COCF)	The date that the Participant began breaching the terms of their Small Business Coaching Agreement.	28 calendar days	Up to 28 days backpay following approved recommencement.
Not eligible - Other (OTHR)	The date that the Participant began breaching the terms of their Small Business Coaching Agreement.	28 calendar days	Up to 28 days backpay following approved recommencement.
Absent due to illness (TILL)	Either:	13 Weeks	No backpay

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Suspension category(s)	Start date of suspension	Maximum Duration	Backpay
	• The date that the Participant asked to be suspended, or • the date that the Provider identified that the Participant was not meeting their Small Business Coaching Agreement where the Provider has received appropriate Documentary Evidence from the Participant.		
Parental leave (RISP)	The date that the Participant asked to be suspended.	18 Weeks	No backpay
Failed External Income Test (FINT)	The first Self-Employment Allowance Thursday pay day of the Financial Quarter in which the Provider confirmed that a Participant did not pass the External Income Test.	No maximum	No backpay

Example: Steve is a Small Business Coaching Participant operating a food truck small business. He falls ill for a week and is unable to operate his food truck as a result. He is however able to continue working in his Business by developing his Business' social media presence and catching up on his bookkeeping. As a result, Steve's Provider does not recommend to the Department that Steve's Small Business Coaching Agreement is suspended for the week that Steve is unwell.

The Provider must enter a recommended suspension in the Department's IT Systems, in accordance with **Table 10-A, within 5 business days from the date a Participant does not comply** with their Small Business Coaching Agreement. If the Department agrees with the suspension recommendation, notification will be sent to the Participant advising them of the approved suspension. The notification will also inform the Participant how long they have to resolve the suspension issue before further action is taken, such as the termination of their Small Business Coaching Agreement.

The Provider may be liable for any overpayment of Self-Employment Allowance and/or Self-Employment Rental Assistance to a Participant if they fail to enter the suspension recommendation within 5 Business Days. Failure to notify may also result in the recovery of any Business Progress Fees paid to the Provider following their failure to notify.

Participants should be terminated from Small Business Coaching if they are suspended for the relevant maximum duration specified in **Table 10-A**. The Provider must not recommend a termination until the timeframe advised in the suspension notification has passed, unless termination from Small Business Coaching has been requested by the Participant in writing.

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Providers may be liable for any overpayment of Self-Employment Allowance and/or Self-Employment Rental Assistance on Termination if suspension dates are not followed.

Where the Provider believes there are relevant extenuating circumstances, they may contact the Department at SBCAllowanceReviewTeam@dewr.gov.au to request an extension to the Participant's suspension. These requests will be considered on a case-by-case basis. Extension requests will be considered if the suspension period will not result in the Participant exceeding the maximum suspensions duration of 13 weeks, unless an exception applies as noted below.

Maximum cumulative periods of suspension for a Participant

Participants may be suspended for a total of 13 weeks (cumulative) during their Period of Small Business Coaching. There are 3 exceptions to this rule:

- Suspensions due to Failed External Income Test (FINT) do not contribute to the maximum suspensions period of 13 weeks. Multiple back-to-back 13-week FINT suspensions can occur while the Participant continues to access Small Business Coaching.
- If the Participant chooses to take leave for the birth or adoption of a child, they may be suspended under the category Parental Leave (RISP) for a maximum of 18 weeks. The Participant must be the primary carer. Suspensions under the RISP category do not contribute to the maximum suspensions period of 13 weeks.
- Where the Department is made aware of extenuating circumstances and an extension beyond the 13 week duration is in the best interest of the Participant and their business, for example medical or compassionate reasons.

10.2.1. Access to Small Business Coaching during a suspension period

During suspensions where the Participant has failed the External Income Test and has been suspended from payment of Self-Employment Allowance, the Provider must continue providing the business support identified in the Supporting Participants in Small Business Coaching Chapter.

During all other types of suspension, the Provider should maintain contact with the suspended Participant to determine the likelihood of the Participant recommencing Small Business Coaching and their business being on track to be Operating Commercially 12 months following the Participant's Small Business Coaching Commencement (if recommenced).

10.2.2. Recommencing a Participant after a suspension

Once the Participant has resolved the issue that led to them being suspended, the Provider must ask the Department to recommence the Participant.

Where the Provider identifies that a Participant was incorrectly suspended, the recommencement date must be the same date as the suspension start date to ensure the Participant receives their full payment in arrears.

For Participants in receipt of Self-Employment Allowance and Self-Employment Rental Assistance, who are suspended and receive backpay once the suspension reason is resolved (specified in **Table 10-A**), the recommencement date should be the same as the suspension start date **providing the suspension start date is within 28 days**. If the period of suspension is longer than 28 days, the recommencement date recommended by the Provider should be no more than 28 days, unless a termination recommendation is required.

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Where the Participant was suspended under the category Failed External Income Test and then passes the External Income Test in a subsequent Financial Quarter, the recommencement date will be the first day of the Financial Quarter in which the relevant External Income Test was conducted.

Where the Participant was suspended under the category Insurance missing or inadequate (NINS) and the Participant provides evidence of insurance which shows there was no break in insurance coverage, the recommencement date should be the same as the NINS suspension start date. If the evidence provided shows insurance was not in place for a period (there was a break in insurance coverage), the Participant's recommencement date should be the date the insurance coverage started as per the evidence of insurance. The Participant will not be eligible for any backpay for the period they were not insured if they are in receipt of Self-Employment Allowance/Rental Assistance For all other suspension categories, the recommencement date will be the date the Participant began complying with their Small Business Coaching Agreement once again. Upon the Participant's recommencement, their Small Business Coaching Agreement end date is extended to reflect the number of days the Participant was suspended, to allow for 52 weeks participation in the service.

Before asking the Department to recommence a Participant from any suspension reason, the Provider must ensure the Participant's Business Insurance is current.

Upon approval of a recommencement recommendation, an email notification will be sent to the Participant advising them of the approved recommencement.

Example:

Jane's Provider tries to contact Jane on 8 August to conduct a scheduled Business Mentoring contact, but Jane does not respond. After another failed attempt to contact Jane on 11 August, Jane's Provider recommends the suspension of Jane's Small Business Coaching Agreement under the category 'Not Engaging with Mentoring', with a suspension start date of 11 August.

Jane returns her Provider's call and participates in Business Mentoring on 16 August. Jane's Provider confirms that Jane's Business Insurance is still in place, and the Provider recommends the recommencement of her Small Business Coaching Agreement effective 11 August. As Jane currently receives Self-Employment Allowance, she receives 4 days backpay to account for allowance not paid during the suspension period.

The Provider must enter the recommended recommencement in the Department's IT Systems.

10.3. Terminating a Participant

Before recommending a termination, the Provider must first consider whether a suspension is appropriate to allow the Participant time to comply with their Small Business Coaching Agreement.

The Provider must recommend the termination of a Participant's Small Business Coaching Agreement when the Participant:

- has requested to exit Small Business Coaching
- has been suspended for the maximum duration specified in Table 10-A and has not been recommenced

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- has been suspended for the maximum cumulative period of suspensions (as specified in the Agreement Breaches, Suspensions and Terminations Chapter) and has not been recommenced, or
- the Participant is in breach of their Small Business Coaching Agreement and is no longer eligible for Small Business Coaching (for example, if the Participant's Business is no longer on track to be Operating Commercially 12 months following the Participant's Small Business Coaching Commencement).

10.3.1. Identifying the date of a termination

To terminate a Participant from Small Business Coaching, the Provider must enter the appropriate termination date in the Department's IT Systems as identified below.

- If the Department has notified the Provider that a Participant must be terminated on a particular date, the relevant date must be used.
- If the Participant is on a current suspension (other than for failing the External Income Test), the termination date will be the day before the suspension start date.
- The date the Participant requested to be terminated (written evidence from the Participant is required).
- Otherwise, the termination date will be the date the Participant began breaching the terms of their Small Business Coaching Agreement.

If the Department agrees with the recommendation, an email notification will be sent to the Participant advising them of the approved termination.

The Provider must enter the recommended termination in the Department's IT Systems within 5 Business Days of becoming aware of a relevant change in circumstances. The Provider may be liable for any overpayment of Self-Employment Allowance and/or Self-Employment Rental Assistance to a Participant if they fail to notify the Department of any changes to a Participant's circumstances within 5 Business Days. Failure to notify may also result in the recovery of any Business Progress Fees paid to the Provider following their failure to Notify.

The Provider must enter Quarterly Reviews into the Department's IT Systems within 14 days and before recommending termination.

10.4. Right to review

If the Provider recommends a suspension or termination and it is approved by the Department, the Participant may ask for the decision to be reviewed. If the Participant requests a review of their suspension or termination, the Department must have the decision reviewed by an independent reviewer.

The Department must advise the Participant of the result of the review in writing within 15 Business Days of the Participant's request. The Department only reviews a decision once—there is no further process if the Participant is dissatisfied with the outcome of the Department's review.

The Commonwealth Ombudsman may investigate how the Department reached a decision or how the Department managed a request for review. However, the Ombudsman cannot substitute a new decision.

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Chapter 11. Performance Framework

11.1. Chapter Overview

The Department has developed a performance framework to be the primary mechanism by which the performance of Self-Employment Assistance Providers is assessed. The Department may also choose to consider the Provider's performance against the requirements of the Deed, the Joint Charter, the Service Guarantee, and any representations in the Provider's response to the Self-Employment Assistance request for tender.

The performance framework is based on the principles of efficiency, effectiveness, quality, and assurance. The Department will provide feedback to Providers regarding their performance against these principles at the end of each 12 month Performance Period. Where relevant, the Department will work proactively with Providers to address performance management issues.

> **Please note:** The Performance Period will commence on 1 July each year and end on 30 June the following year.

This Chapter outlines how the Department measures the performance of Self-Employment Assistance Providers under the performance framework and the process by which the Department may reallocate Places.

11.2. Performance Assessment

The performance framework measures the performance of Self-Employment Assistance Providers using a single performance score, which provides a simple and transparent mechanism for measuring performance. The Provider's performance will be assessed in each of their Employment Region(s).

The single performance score will reflect the performance of Self-Employment Assistance Providers against 3 Key Performance Indicators (KPIs). Performance against these KPIs will be weighted to calculate the single, overarching score. The weightings for each KPI are:

- KPI 1 – Place Usage: 40%
- KPI 2 – Outcomes: 40%
- KPI 3 – Quality: 20%.

The annual business reallocation process is based on the 12 month Performance Period ending 30 June each Financial Year.

(Deed Reference(s): Clauses 106, 107)

11.2.1. KPI 1 – Place Usage (40%)

Providers are allocated a number of Places each Financial Year in each of their Employment Regions for the delivery of Workshops, Small Business Coaching, Business Advice Sessions, and Business Health Checks. KPI 1 assesses the efficiency of the Provider's service delivery by measuring their usage of these allocated Places in each Financial Year at a point in time.

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KPI 1 has two components, each measuring the Provider's usage of their allocated Places.

KPI 1A – Small Business Coaching Place Usage (25%)

$$\frac{\text{Small Business Coaching Places used}}{\text{Small Business Coaching Places allocated}}$$

KPI 1A measures the proportion of allocated Small Business Coaching Places by the Provider. The methodology of KPI 1A is as follows:

The Small Business Coaching Place allocation will be based on the Provider's allocation of Small Business Coaching Places at the point in time KPI 1A is being assessed.

Where the Provider has increased their allocation of Small Business Coaching Places through any Handback of Small Business Coaching Places process during the Financial Year, the Provider's allocation will be calculated based on their new, higher number of allocated places.

Where the Provider has reduced their allocation of Small Business Coaching Places through any Handback of Small Business Coaching Places process during the Financial Year, the Provider's allocation will be calculated using the average of the Provider's:

- initial allocation of Small Business Coaching Places following the completion of any business reallocation process conducted at the beginning of the Financial Year, and
- allocation of Small Business Coaching Places at the point in time KPI 1A is being assessed.

For example: RUN Business Inc is a Self-Employment Assistance Provider operating in the Cairns Employment Region. After having 100 Small Business Coaching at the beginning of the Financial Year following the completion of the business reallocation process, they hand back 20 Small Business Coaching Places using the annual Handback of Small Business Coaching Places process. This leaves them with 80 allocated Places. By the end of the Financial Year, RUN Business have used 70 Small Business Coaching Places in the Cairns Employment Region.

RUN Business' performance under KPI 1A for the Performance Period ending 30 June is assessed using the following calculation:

$$\frac{70}{(100 + 80) / 2}$$

Accordingly, RUN Business' score for KPI 1A is: (70 / 90) = 78%.

KPI 1B – Other Services Place Usage (15%)

KPI 1B measures the proportion of allocated Places that are used by the Provider for:

- Workshops
- Business Health Checks
- Business Advice Sessions.

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The methodology of KPI 1B is as follows:

$$\frac{\text{Total non-Small Business Coaching Places used}}{\text{Total non-Small Business Coaching Places allocated}}$$

Where the Provider's usage of Places for Business Health Checks and/or Business Advice Sessions exceeds their nominal regional Place allocation (see Flexible usage of Places for Business Health Checks and Business Advice Sessions), the figure used will be their allocated number of relevant Places in the Employment Region.

> **Example:** Ask! Advisory Services is a Provider in the Ballarat and Bendigo Employment Regions. Their Place allocations and usage as at the end of the Financial Year are identified in **Table 11-A**.
>
> Because they exceeded their Place allocation for Business Advice Sessions in Ballarat, they were unable to use 34 Business Advice Session Places in Bendigo. In totalling their Places used in Ballarat for the purposes of KPI 1B, their allocation of Business Advice Session Places (29) is used rather than their Places used (33).
>
> Accordingly, for KPI 1B Ask! Advisory Services received the following scores:
>
> Ballarat: (62 / 65) = 95%
> Bendigo: (70 / 76) = 92%.

Table 11-A: Example of Place allocations - Ask! Advisory Services

Place	Ballarat Used	Ballarat Allocated	Bendigo Used	Bendigo Allocated
Workshops	20	22	24	25
Business Health Checks	13	14	16	17
Business Advice Sessions	33	29	30	34
Total	62	65	70	76

11.2.2. KPI 2 – Outcomes Achieved (40%)

KPI 2 assesses the effectiveness of the Provider's service delivery by measuring the outcomes of Participants who access Small Business Coaching. KPI 2 measures 2 types of Performance Outcomes – Full Performance Outcomes and Partial Performance Outcomes.

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Full Performance Outcomes

The Provider will be credited a Full Performance Outcome for a Participant who exits Small Business Coaching if the Participant:

- accessed the Services from the Provider throughout their Period of Small Business Coaching, and
- was, at the time of their last submitted Quarterly Report, earning an average net income from their Business of at least:
    - 30% of the Basic Rate of JobSeeker Payment, if it was their first Quarterly Report;
    - 60% of the Basic Rate of JobSeeker Payment, if it was their second Quarterly Report; or
    - the Basic Rate of JobSeeker Payment if it was their third or a subsequent Quarterly Report.

The relevant Basic Rate of JobSeeker Payment will be the rate of payment on the final day of the Financial Quarter that the Quarterly Report covers. The Provider must calculate the Participant's average net income from their Business across the period identified on the Quarterly Report.

Partial Performance Outcomes

There are 2 ways the Provider can be credited a Partial Performance Outcome.

Splitting a Full Performance Outcome into 2 Partial Performance Outcomes

Where a Participant transfers between Self-Employment Assistance Providers during their Period of Small Business Coaching and otherwise meets the conditions for a Full Performance Outcome, both Providers will each receive a Partial Performance Outcome.

This means that both Self-Employment Assistance Providers will be credited a Partial Performance Outcome for a Participant who exits Small Business Coaching if the Participant:

- accessed the Services from the Provider at the time of either their Small Business Coaching Commencement or their exit from Small Business Coaching, and
- was, at the time of their last submitted Quarterly Report, earning an average net income from their Business of at least:
    - 30% of the Basic Rate of JobSeeker Payment, if it was their first Quarterly Report;
    - 60% of the Basic Rate of JobSeeker Payment, if it was their second Quarterly Report; or
    - the Basic Rate of JobSeeker Payment if it was their third or a subsequent Quarterly Report.

Participants who remain off Income Support Payments

The Provider will be credited a Partial Performance Outcome for a Participant who did not immediately meet the conditions for a Partial Performance Outcome or Full Performance Outcome upon exiting Small Business Coaching where the Participant:

- was receiving Income Support Payments on the day prior to their Small Business Coaching Commencement, and

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- is not receiving Income Support Payments 12 weeks following their exit from Small Business Coaching.

KPI 2 Methodology

The methodology of KPI 2 is as follows:

$$\frac{\text{Number of Full Performance Outcomes} + (\text{Number of Partial Performance Outcomes} / 2)}{(\text{Number of exited Participants who have commenced and/or exited Small Business Coaching with the Provider}) - (\text{Number of Partial Performance Outcomes for transferred Participants} / 2)}$$

As Performance Outcomes have significant lead times, KPI 2 will be measured on a contract-to-date basis.

11.2.3. KPI 3 – Quality and Assurance (20%)

KPI 3 assesses the quality of the Provider's service delivery, the Provider's compliance with the Deed, Participant feedback and the outcomes of assurance activities conducted by the Department. Each Performance Period, the Department's Provider Lead may consider the evidence outlined below in Table 11-B **to assess the Provider's performance. Table 11-B: KPI 3 - Measures of Quality and Assurance**

Practice Requirement	Evidence
The Provider assists Participants accessing Small Business Coaching with their Business Cost. The Department expects that over 90% of the fees received by the Provider for supporting Participants' Business Costs ($300 per Small Business Coaching Commencement after GST has been paid by the Provider) will be used to support Participants.	The Department's IT Systems will identify the Participants who have received help with their Business Costs, and the amount of financial assistance they have received.
The Provider ensures the Services delivered are flexible and tailored to the Participants individual needs and are not requiring Participants to access every Service.	The Department's IT Systems will identify the number of unique Participants who have accessed: • help to develop a Business Plan • Small Business Coaching • Business Advice Sessions • Business Health Checks.
The Provider delivers the Services to Participants in accordance with Deed.	• Staff are consistently applying the correct policies and procedures when servicing Participants. • Participants are provided with the Services outlined in the Deed within the required timeframes.
The Provider has strategies and practices in place to ensure Documentary Evidence, Participant	• All Participant records maintained by the provider in the Department's IT Systems and/or in third party systems are accurate,

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Practice Requirement	Evidence
records and branding requirements are adhered to.	align with Documentary Evidence requirements and are in accordance with the Deed. • The Provider prominently displays the Service Guarantee in its all its Sites and on its website.
The Provider has in place strategies for monitoring Participant satisfaction of the Services delivered and addressing complaints when raised. The complaints and feedback process are implemented consistently across the organisation. The Provider's complaints policies details: • how complaints and feedback are used to improve service delivery • how the outcome of a complaint is communicated to the complainant • escalation procedures. Records of complaints are maintained and include: • detailed information relating to the complaint, including the date of the complaint and who the complaint relates to • steps taken to resolve the complaint • the outcome of any investigation • any follow-up action required.	• The number and nature of validated complaints received by the Department via: o the Department's National Customer Service Line o the Department's Employment Services Tip Off Line o the Departments Post-Program Monitoring Survey o ministerial correspondence, and o the Ombudsman. • The Provider's feedback mechanism is open and transparent, meaning that: o Participants are aware of feedback and complaints procedures and feel comfortable to raise a complaint without fear of retribution. o feedback from Participants indicates that complaints lodged have, or are being, resolved. • Staff can readily access the complaints procedure and can articulate the process • Complaints are referred to the Department when required • A relevant senior staff member investigates complaints.

11.2.4. Benchmarks

Provider performance will be measured against an overarching benchmarked single performance score at an Employment Region level. The Department has set individual benchmarks for each Key Performance Indicator, each of which contribute to the overarching benchmark single performance score as shown in **Table 11-C**.

Table 11-C: Key Performance Indicator Weightings and Benchmarks

KPI	Weighting	Benchmark

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KPI 1A – Small Business Coaching Places usage	25%	85%
KPI 1B – Other Places usage	15%	85%
KPI 2 – Outcomes Achieved	40%	68%
KPI 3 – Quality & Assurance	20%	80%
Total	100%	77%

Providers should use the KPI benchmarks to identify where they are performing well, as well as any areas for improvement.

The overarching benchmarked performance score at an Employment Region level will be the basis for determining which providers are in scope for business reallocation. The Department may also consider performance in relation to individual KPIs during business reallocation and in regular performance discussions.

The Department may adjust these benchmarks at any stage.

11.3. Reallocation of Places

11.3.1. Handback of Small Business Coaching Places

To maximise the opportunities available for Participants, the Department may invite Self-Employment Assistance Providers to:

- hand Small Business Coaching Places back, where the Provider considers these Places will not be used by the end of the Financial Year, and/or
- request additional Small Business Coaching Places, where the Provider can demonstrate demand for Small Business Coaching Places are greater than their current allocation of Places at an Employment Region level.

The Department will Notify the Provider of the relevant dates for the handback process each Financial Year.

The Department will assess written requests from Self-Employment Assistance Providers that propose to use any handback process to:

- move Places between their Employment Regions, and/or
- handback or move Workshops, Business Health Checks or Business Advice Sessions places.

(Deed Reference(s): Clause 107.5)

11.3.2. Business reallocation

The Department will undertake a business reallocation process on an annual basis following the end of the Financial Year (based on performance as at 30 June). Providers will be advised on their place allocations following the assessment period.

The business reallocation process may result in Places being reallocated from poorer performing Providers to higher performing Providers. Where Places are reallocated, the changes will apply to

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the allocation of Places each Financial Year until the Deed Completion Date. The business reallocation process will impact the Provider's allocation of all Places (including for Workshops, Business Health Checks and Business Advice Sessions).

Following the completion of the business reallocation process, the Provider's allocation of Places for Services other than Small Business Coaching will be in accordance with the following ratios:

- for Workshops, 30% of their number of Small Business Coaching Places
- for Business Advice Sessions, 40% of their number of Small Business Coaching Places
- for Business Health Checks, 20% of their number of Small Business Coaching Places.

The Department has absolute discretion in its allocation of Places and may deviate from the above ratios to better achieve the Objectives of Self-Employment Assistance.

Poor performance may lead to a Provider receiving a Notice from the Department to discontinue providing the Services.

(Deed Reference(s): Clause 107)

Right of Reply

The Department will formally notify Self-Employment Assistance Providers subject to a reduction in Places and they will have the opportunity to submit a 'right of reply'. The 'right of reply' may describe:

- labour market or geographical factors that affected performance, or
- extenuating circumstances that may have affected their ability to use their Places. Extenuating circumstances are outside the Provider's control, have not affected other Self-Employment Assistance Providers and are not situations internal to the Provider's organisation.

Providers that elect to submit a 'right of reply' will need to include strategies for responding to these challenges in their submission.

Providers will have 5 Business Days from notification to submit a 'right of reply' for the Department's consideration.

The Department's decision to reallocate or not reallocate, Places based on a 'right of reply' submissions will be final.

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Chapter 12. Payments

12.1. Chapter Overview

The Self-Employment Assistance Payment structure has been designed to allow Self-Employment Assistance Providers to deliver targeted and relevant Services to each Participant, with Payments reflecting the services being delivered to the Participant.

This Chapter outlines the requirements that must be met for the Provider to receive Payments for delivering the Services.

Note: All Provider payment amounts in this Guideline are inclusive of GST.

12.2. Activity-based Payments

12.2.1. Payments for commencing an activity

The following Payment types will be payable when eligible Participants commence the relevant activity and Payment requirements are met in accordance with the Deed and Guidelines:

- Workshop Fee ($700)
- Training Fee ($1,320), and
- Small Business Coaching Fee ($2,430).

Placing a Participant in a relevant activity in the Department's IT Systems will, where appropriate, trigger payment of the relevant Fee and use an appropriate Place (where applicable).

(Deed Reference(s): Clauses 95.1, 96.1 and 98.1)

12.2.2. Payments for completing an activity

The following Payment types will be payable when eligible Participants successfully complete the relevant Service and Payment requirements are met in accordance with the Deed and Guidelines:

- Business Advice Fee ($165)
- Business Health Check Fee ($330)
- Business Plan Fee ($495), and
- Certificate Completion Fee ($1,430).

Once a Business Advice Session or Business Health Check activity placement is ended with exit reason 'Successful Completion of Activity' in the Department's IT Systems this will, where appropriate, trigger payment of the Business Advice Fee.

The Provider must record the outcome and date of a decision to approve a Business Plan in the Department's IT Systems. The approved Business Plan in the Department's IT Systems will, where appropriate, trigger payment of the Business Plan Fee.

A Certificate Completion Fee will be payable once the Provider has entered an outcome of 'Successful Completion of Activity' for a relevant qualification in the Department's IT Systems.

(Deed Reference(s): Clauses 103.1, 102.1, 101.1 and 97.1)

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12.3. Business Progress Fees

Business Progress Fees ($985 each) are payable to the Provider when an eligible Participant on their Caseload has accessed Small Business Coaching for 4, 8 or 12 months and Payment requirements are met in accordance with the Deed and Guidelines. These periods do not include durations where the Participant was suspended from accessing Business Mentoring under their Small Business Coaching Agreement. This means that except for suspension type 'Failed External Income Test' (FINT), the date on which a Participant's Business Progress Fees will be payable will be delayed by duration of the relevant suspension.

Where a Participant transfers Self-Employment Assistance Providers while accessing Small Business Coaching, the gaining provider will be eligible for any payable Business Progress Fees that arise from the date of the transfer.

- The Department's IT Systems will automatically pay the Provider a Business Progress Fee for each eligible Participant on their Caseload who has accessed Small Business Coaching for 4 and 8 months.
- The Department's IT Systems will automatically pay the Provider a Business Progress Fee for each eligible Participant who exits after successfully completing 12 months of Small Business Coaching.

(Deed Reference(s): Clause 99)

12.4. Annual Service Fees

The Annual Service Fee ($20,000) supports the Provider's promotion of Self-Employment Assistance and encouragement of self-employment throughout its Employment Regions and/or Locations (as appropriate). The Provider will receive an Annual Service Fee for each of its Employment Regions in July of each Financial Year, and it must be used to deliver the Provider's obligations as specified in the Stakeholder Engagement and Promotion Chapter.

The Provider will report on the activities delivered using the Annual Service Fee through the submission of Stakeholder Engagement Report approximately 12 months following the payment of the relevant Fee. For more information about the timing and detail of these reports, refer to Stakeholder Engagement Reports.

Following a review of the Provider's Stakeholder Engagement Report, the Department will consider whether the Provider has achieved value for money for the activities delivered under the relevant Annual Service Fee. In considering whether the Provider has achieved value for money, the Department may examine the services delivered by other Self-Employment Assistance Providers.

If the Department considers that the Provider has failed to achieve value for money, the Provider will be Notified of this determination, and part or all the relevant Annual Service Fee may be recovered from the Provider as a debt.

(Deed Reference(s): Clauses 19, 54.1(c), 54.2(i), 94)

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Chapter 13. Incident Management

Supporting Documents for this Chapter:

- Public and Products Liability Incident Report
- WHS Employment Assistance Program Incident Report
- WHS Incidents and Insurance Readers Guide - Providers

13.1. Chapter Overview

Participants may be involved in incidents while accessing or traveling to the Services. This Chapter identifies how and when incidents need to be reported to the Department and outlines the scope of the insurance policies taken out by the Department to cover Participants accessing the Services.

13.2. Reporting and Managing Incidents

The Provider must Notify the Department as soon as possible, and on the same day, of any incident involving the Services, including direct travel to and from the Services, for example:

- any accident, injury or death occurring during or because of the Services, including in relation to Personnel, Participants, or members of the public
- any incident or near miss which relates to a WHS issue
- any incident that may negatively impact upon the Department or bring the Provider or the Services into disrepute.

The Provider must ensure that Personnel and Participants:

- understand their obligations to report incidents and near misses
- have access to reporting mechanisms.

If a Participant involved in an incident is accessing services from an Other Program Provider, the Provider must also notify the Other Program Provider of the incident.

The Provider must Notify the Department of any incident that may result in a liability claim by completing the Public and Products Liability Incident Report and submitting it to the department, regardless of whether a claim is being made at the time.

The Provider must retain copies of Public and Products Liability Incident Reports.

13.2.1. Challenging Behaviour Incidents

The Provider must manage incidents involving Participants demonstrating challenging behaviour in accordance with Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

13.2.2. WHS Incidents

The Provider must Notify the Department as soon as possible and on the same day of any WHS incident or near miss involving the Services by completing the WHS Employment Assistance Program Incident Report and submitting it to the Department (and if relevant, a Participant's Other Program Provider) in accordance with the WHS Incidents and Insurance Readers Guide - Providers and the Communication Protocol.

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The Provider must manage critical WHS incidents in accordance with the WHS Incidents and Insurance Readers Guide - Providers and the Communication Protocol. This will include the Provider notifying the Department via telephone as soon as possible and within one hour of the Critical WHS Incident, in addition to providing written Notification to the Department. A Critical WHS Incident has the same definition as a Notifiable Incident under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.

A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage or leakage of a substance, uncontrolled implosion, explosion, or fire.

Examples of Critical WHS incidents include:

- injuries requiring immediate treatment as an in-patient in a hospital
- a serious head or eye injury
- a serious burn
- a spinal injury, or
- an amputation of any part of the body

The Provider must retain copies of WHS Employment Assistance Program Incident Reports.

The Provider must support affected individuals and manage WHS incidents in accordance with the WHS Incidents and Insurance Readers Guide – Providers.

For Participants who are serviced by an Other Program Provider, the Provider should work with the relevant Other Program Provider to support the affected Participant after a WHS incident.

13.3. Insurance Coverage for Participants

The insurance policies purchased by the Department for Participants cover them while they access Small Business Training or a Workshop. These insurance policies are intended to cover Participants in the event of an incident that the Provider's insurance fails to cover.

Where a Participant submits a valid claim for insurance following an incident that occurred due to the Participant's participation in Small Business Training or a Workshop and there is a dispute over whether the Provider's insurance or the Department's insurance should cover the Participant, the Provider's insurance take precedence over the Department's insurance in addressing the claim.

The Department's insurance policies are detailed in the WHS Incidents and Insurance Readers Guide – Providers, and copies of the insurance policies are available on the Provider Portal.

The Provider must retain copies of the insurance policies relied upon by the Provider to be compliant with the requirements for additional insurance.

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Document 13

Australian Government

Workforce Australia Employment

Workforce Australia Guidelines

Part B: Transition to Work

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with the Workforce Australia - Transition to Work Deed 2022-2027 (the **Deed**), including any relevant Guidelines and reference material issued by the Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version 1.14 **Published on:** 11 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline the following Chapters have been updated:

- Eligibility, Referral and Commencement
- Period of Service, Suspensions, Transfers and Exits
- Employer and Participant Servicing
- Youth Advisory Sessions
- Adult Migrant English Program
- Local Jobs Program
- Voluntary Work

A full version history of this Guideline can be found on the Archived Guidelines page on the Provider Portal.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department's IT Systems.

This icon represents 'Work, Health and Safety Steps' – information contained under this dot point will relate to matters of Work, Health and Safety.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of documentary evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

'25 Plus Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged 25 years and older.

'Australian Apprenticeships Incentives System' (AAIS) is an Australian Government Program which provides employers with incentives to employ an apprentice, with incentive payments based on a skill shortages list of trades as well as a set of high priority occupations.

'All Ages Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged 15 years and older.

'Barrier' is a circumstance specific to a Participant that impedes their ability to obtain and maintain employment or engage in education.

'Capability Management Tool' (CMT) means the tool that Providers use to record, review and manage Vocational and Non-vocational Barriers that may be affecting a Participant's capacity to secure and maintain employment.

'Continuous Supervision' means that a Participant must be with or alongside the Supervisor or within the Supervisor's line of sight at all times while undertaking the Activity.

'Early School Leaver' means an individual who falls within the meaning given to the term 'early school leaver' by the *Social Security Act 1991* (Cth) and who has early school leaver participation requirements under the Social Security Law.

'Education Placement' means Education that meets the Outcome Requirements specified in the Deed (Annexure B1 Table 1 - Outcome Requirements) that is recorded or lodged on the Department's IT Systems by the Provider as being undertaken by the Participant in accordance with this Deed.

'Family Member' means, in relation to a particular individual (such as a Participant or an Employer):

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(a) any spouse, de facto partner, child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the particular individual;
(b) any child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the spouse or de facto partner of the particular individual; or
(c) any in-law of any individual referred to in paragraph (a) or (b) above, including any in-law of the particular individual.

'Full-Time Study' has the same meaning as the definition of full-time study (for tertiary students and secondary students) within the Social Security Guide.

'Generalist Course' means a Training Block 2 Course which provides EST Participants with training in relation to a mix of industries and occupations that address the needs of a broad range of Employers, in accordance with any Guidelines. A Generalist Course may be a Youth Course or 25 Plus Course.

'Goal Plan' is a tailored agreement between a Parent Pathways Provider and Participant that sets out the Participant's short, medium and potentially longer term aims for themselves and where participation in Parent Pathways can help them. This may include personal, family, health and wellbeing, Education and/or Employment goals and includes the steps to be undertaken that will help the Participant reach their goals.

'Head Agreement' - The Head Agreement contains the general terms and conditions of the Wage Subsidy Agreement. The Wage Subsidy Agreement consists of both a Head Agreement and a separate Schedule for each new Wage Subsidy.

'Humanitarian Settlement Program' is a Department of Home affairs program which, supports humanitarian entrants and other eligible visa holders during their initial settlement.

'Inbound Employer Visit' means a visit by an Employer to the premises of an EST Provider for the purpose of providing Participants with an insight into the tasks and duties of a particular occupation or industry.

'Incident' means:

- an unplanned, accidental or deliberate event or happening resulting in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- an event or happening that had the potential to result in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- unacceptable or hostile behaviour that could result in legal proceedings or potential personal injury (physical or mental), illness or damage to equipment, property, plant, site or building.

'Learning Outcomes' means, in respect of an EST Course, the specifications of knowledge and skills expected to be attained by a Participant as a result of their participation in the EST Course.

'Mandatory Activity Requirement' means a requirement, specified in a Participant (Mutual Obligation)'s Job Plan, to undertake a Mandatory Activity.

'Manual Claim' means an Outcome claim made by the Provider in exceptional circumstances, such as when a system error occurs with no work around available or when the Department cannot complete an Override which creates a new Outcome record or replaces an existing claim in the Department's IT Systems.

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'National Employment Standards' is a set of 11 minimum employment standards that have to be provided to all employees in Australia.

'Non-Government Program' means work-focused programs or vocational interventions delivered by private and community based organisations, as approved by the Department and identified as such on the Provider Portal.

'Override' means an amendment to a record in relation to Job Placements and Education Placements in the Department's IT Systems, as requested by a Provider and approved by the Department.

'Payslip Verified Outcome' means an Employment Outcome where the Participant's earnings or hours worked have been verified by the Provider uploading Documentary Evidence to the Department's IT Systems.

'Partial Capacity to Work' means a person with a physical, intellectual or psychiatric impairment, where the impairment prevents them from working at least 30 hours per week at the relevant minimum wage or above, independently of a program of support, within the next 2 years.

'Personal Event' means a Participant's personal event that has been recorded in their Electronic Calendar.

'Points Based Activation System' (PBAS) means the system which allows Participants to meet their Mutual Obligation Requirements by undertaking sufficient tasks and activities to meet a monthly Points Target. PBAS only relates to Workforce Australia Services or Digital Services.

'Pre-existing Education' means Education that started prior to a Participant's Commencement in Transition to Work.

'Pre-Training Assessment' or 'PTA' means an assessment conducted by the SEE Provider to determine the Participant's capability levels against the Australian Core Skills Framework and their capacity to benefit from the SEE program.

'Principal Carer Parent' means a person who is the main care provider of a dependent child under 16, as set out in the Social Security Guide.

'Recurring Employment' means Employment, Unsubsidised Self-Employment, apprenticeship or traineeship which results in more than one Employment Outcome for a Participant with the same Employer during the same Period of Unemployment.

'Self-Employment Assistance' means the Commonwealth program of that name that delivers services including: Exploring Self-Employment Workshops, Small Business Training, Business Plan development, Small Business Coaching, Business Health Checks, and Business Advice Sessions.

'Services Australia Fortnight' means the fortnightly periods that align with the fortnight for which a Participant has reported earnings and income to Services Australia.

'Service Offer Commitment' or **'Service Offer'** means a commitment the Workforce Australia - Transition to Work (TtW) Provider made in its response to the request for Tender to this Deed.

'Specialist Course' means a Training Block 2 Course which provides EST Participants with training in the context of a particular industry's or industries' work environment (e.g. retail, hospitality,

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construction), in accordance with any Guidelines. A Specialist Course may be a Youth Course or 25 Plus Course.

'Temporary Reduced Work Capacity' (TRWC) means a person with a temporary medical condition which has been identified as causing a temporary reduction to their capacity to work, through an ESAt. Those with a TRWC will have reduced Mutual Obligation Requirements for the period of their TRWC.

'Training Block 1 Course' means the EST Course as described in the Benefits of Training Block 1 section.

'Training Block 2 Course' means the EST Course as described in the Benefits of Training Block 2 section.

'Transition Plan' means the plan prepared under the Time to Work Employment Service that identifies a Time to Work Participant's post-release requirements for parole; reintegration and rehabilitation services; vocational education, employment and other activities; and support services.

'Volunteer Period' means the period of time in which a Participant (Mutual Obligations) is Suspended and chooses to voluntarily engage in Services.

'Workforce Australia Online for Individuals Base Service' or **'Online Base Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service that is available to any Australian wishing to participate in employment services who is not otherwise considered a fully eligible Participant. Access is via myGov, with no referral from Services Australia required. The Online Base Service will enable users to look for jobs, develop their résumé and access complementary programs, based on the eligibility of each program.

'Workforce Australia Online for Individuals Full Service' or **'Online Full Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service available to fully eligible Participants who are assessed as able to self-manage their search for work. The Online Full Service allows Participants to self-manage their participation in employment services with a range of supports available such as access to the Digital Employment Fund, pre-employment pathways for eligible Participants and support provided by the Digital Service Contact Centre (DSCC).

'Youth Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged under 25 years.

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Chapter 1. Eligibility, Referral and Commencement

Supporting Documents for this Chapter:

- Direct Registration Form

Refer to the TtW System Steps Guide.

1.1. Chapter Overview

Workforce Australia – Transition to Work (TtW) is a time limited employment service that supports disadvantaged young people at risk of long-term unemployment. TtW assists young people to develop practical skills to get a job or connect with education or training.

This Chapter outlines the eligibility for Participants, the Referral and Commencement processes, as well as group-specific considerations.

1.2. Eligibility for Transition to Work

The TtW service supports young people aged 15-24 years who are considered at risk of long-term unemployment and meet both core eligibility and additional eligibility requirements.

1.2.1. Core Eligibility

The core eligibility requirements that apply to young people in TtW are:

- aged 15-24 years, and
- an Australian citizen, or
- the holder of a permanent visa, or a nominated Visa Holder (including a New Zealand Special Category Visa, Temporary Protection Visa Holder and a Safe Haven Visa Holder).

Note: Information on visas is available from the Department of Home Affairs website.

1.2.2. Additional Eligibility Criteria

Along with the core eligibility, Participants must fall into one of the following groups:

Group One includes a young person who is:

- receiving an Activity Tested Income Support Payment [other than Youth Allowance (student)], and
- assessed as being at higher risk of not successfully transitioning to employment, and
- not a Parent Pathways Participant.

Group Two includes a young person who is:

- not receiving an Activity Tested Income Support Payment, and
- not already in provider-delivered employment services, and

either

- does not hold a Year 12 Certificate or Certificate III (or higher), has limited recent work history (8 hours per week), and either
    - is not enrolled or engaging (previous 4 weeks) in secondary education (if they are not of compulsory school age), or

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    - has an approved exemption from legal requirements to attend school (if they are of compulsory school age), or
- holds a Year 12 Certificate or Certificate III (or higher) and are disengaged from education and/or employment (for the previous 6 months), or
- is an Indigenous Australian, irrespective of their level of or engagement in Employment/Education, and has an approved exemption from the legal requirement to attend school (if they are of compulsory school age), or
- is a Parent Pathways Participant who is participating in TtW.

(Deed Reference(s): Attachment 1 – Definitions: 'Group One Participant' and 'Group Two Participant').

Activity Tested Income Support Payment recipients (Group One)

TtW Services are targeted to disadvantaged young people who are most likely to benefit from them. Eligibility for young people receiving an Activity Tested Income Support Payment (Group One) is determined through an assessment of their vocational and non-vocational risk factors, such as whether the young person has completed Year 12, is Indigenous, homeless or at risk of homelessness, etc.

Young people who are assessed as able to self-manage their job search efforts in a digital environment will be referred to the Online Full Service in Workforce Australia Online rather than TtW.

Young people not on an Activity Tested Income Support Payment (Group Two)

The TtW eligibility criteria recognise that some disadvantaged young people may not be in receipt of an Activity Tested Income Support Payment. Disadvantaged young people who meet the eligibility criteria for Group Two can choose to voluntarily participate and access youth-focused Services.

1.3. Referrals to and Direct Registration in Transition to Work

Young people are connected to the Services through different pathways which reflect their individual circumstances.

Eligible young people will be Referred directly by Services Australia, the Digital Services Contact Centre (DSCC) or through the Department's IT Systems to the Workforce Australia - Transition to Work (TtW) Provider (Provider)'s Caseload as potential Group One Participants.

A young person may become eligible for TtW while accessing a different employment service if they disclose factors through the Job Seeker Snapshot that change their eligibility, or they move from a location that is not currently serviced to one that has a Provider.

A young person may also present directly to a Provider without a Referral, in which case the Provider must check the young person's eligibility. If eligible, the Provider can Directly Register the young person as a Group Two Participant (see Direct Registration of Group Two Participants).

If a Provider becomes aware that the young person may be eligible for an Income Support Payment, they should advise the young person to contact Services Australia.

(Deed Reference(s): Clause 90)

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1.3.1. Receiving Referrals for recipients of Activity Tested Income Support Payments (Group One Referrals)

Providers must accept all Referrals to TtW received through the Department's IT Systems for an Initial Interview. Typically, Services Australia makes the booking directly into the Provider's Electronic Calendar and notifies the young person of the Appointment details.

Providers must ensure their Electronic Calendar always has a selection of Initial Interviews available within the next 2 Business Days, to allow Services Australia, the Department, or a Workforce Australia Employment Services Provider to refer young people.

Note: Eligibility for TtW is determined on Referral to the Service. The Program eligibility tile on the Servicing and Eligibility tab in the Department's IT Systems should only be used to assess program eligibility when Exiting Participants and should not be used to assess the eligibility of Referred Participants prior to Commencement in TtW.

1.3.2. Direct Registration of Group Two Participants

Eligible young people not on Activity Tested Income Support Payments may Directly Register with a Provider. Services Australia may also refer eligible Group Two Participants to a Provider.

Providers are required to undertake engagement activities in their local communities to promote and attract disengaged young people to participate in the Service. This could include working with schools and community youth advocacy groups to identify potential Group Two Participants.

(Deed Reference(s): Clause 90)

Direct Registration process

There are a number of steps involved in assessing a young person's eligibility for TtW and registering them as a Group Two Participant. Providers are expected to develop their own process to facilitate this. The process must include the following steps at a minimum.

Direct Registration Form

The Direct Registration Form must be used by Providers to help determine whether a young person is eligible to volunteer for TtW Services.

Providers must complete the Direct Registration Form and complete the Direct Registration process in the Department's IT Systems.

Note: The 'Program Eligibility' tile on the Servicing and Eligibility tab in the Department's IT Systems should not be used to assess the eligibility of a Group Two Participant for TtW.

For detailed system steps refer to the Digital Solutions Support (Knowledge Base) - Employment Systems Task Cards – Workforce Australia/Parent Pathways – Registration – Direct Registering a Participant (KB0016396).

Providers must retain a signed copy of the Direct Registration Form

Note: Providers should ensure the Participant completes a Job Seeker Snapshot if they do not have a current one.

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Provider of choice

Providers should give the young person a choice of who they will be registered with if they live close to 2 or more Providers, and it is more convenient to attend another Provider.

If a young person chooses to be registered with another Provider, both Providers should work together to facilitate this.

Check whether the young person is already in the Department's IT Systems

The Provider must determine whether the young person has a record in the Department's IT Systems.

Note: if the young person is already registered with Services Australia, the Department's IT Systems can obtain information from Services Australia such as current Income Support Payment type, recent Referrals or Mutual Obligation Requirements. For this to occur, the Provider must link the job seeker identification number (JSID) to the customer reference number (CRN) through the Department's IT Systems.

Table 1-A: Checking Registration Status

If the young person…	Then the Provider should…
Is currently registered with another TtW Provider but wants to transfer to a new Provider	Refer to information on Transfers in the Period of Service, Suspensions, Transfers and Exits Chapter.
Has an inactive registration and is eligible for TtW	Re-activate and re-register the young person. Complete the Direct Registration Form with the young person, connect them to their Caseload, Commence Participant and provide Services in accordance with the Deed.
Has no registration and is eligible for TtW	Create a new record and register the young person. Connect to their Caseload, Commence Participant and provide Services in accordance with the Deed.
Has Exited after receiving up to 18 months Service (including under the TtW 2016-2022 Deed) and is returning 13 weeks or more after Exiting	Reassess the Participant's eligibility for TtW. If eligible, the Participant can be re-registered and be Commenced and provided Services in accordance with the Deed.

(Deed Reference(s): Clause 107.5, 107.6)

Privacy Notification and Consent

The Provider must give the young person the Privacy Notification and Consent Form and seek express written consent to collect their sensitive information by asking the individual to sign it. This can be done at the Initial Interview. More information can be found in the Part A Guidelines: Privacy Chapter.

Providers must retain a signed Privacy Notification and Consent Form.

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Proof of Identity

The Provider must sight proof of identity acceptable documentation (as listed in the Direct Registration Form) and record this in the Department's IT Systems. A copy of this documentation does not need to be retained.

If photographic documents are provided for proof of identity, these should be sighted in-person when the Participant is able to attend the Provider's Site or attend an in-person interview.

Other documents that contain the young person's name and address may be used if the young person has genuine difficulty providing one of the acceptable documents.

Legal right to work in Australia

Providers must only Directly Register young people who satisfy the core eligibility requirements. Providers can be legally liable for referring non-citizens who are not allowed to work, or who are restricted from undertaking certain work in Australia, to a job. If the Provider cannot confirm the young person's status, they should refer the young person to Services Australia or an appropriate community service for assistance and encourage the young person to check their legal right to work in Australia with the Department of Home Affairs. The Visa Entitlement Verification Online service can be used to check a non-citizen's visa status after sighting their international passport.

Schedule 8 of the Migration Regulations 1994 sets out the visa conditions that prohibit or restrict the work a visa holder can do in Australia.

Exemption from the legal requirement to attend school

Providers must comply with state and territory compulsory school enrolment and attendance requirements and should not encourage young people to leave school to participate in TtW.

For all Participants, including Indigenous Participants, of mandatory school age the Provider must seek and retain an exemption from that jurisdiction's legal requirement to attend school or a copy of a Year 12 certificate or a Certificate III or higher.

Further information on the enrolment and attendance requirements is available through the relevant government website in each state or territory.

Note: A young person with an approved temporary exemption from legal requirements to attend school (for example, 100 days or less) is not eligible for TtW. This is because temporary exemptions (such as for medical reasons) are granted by education institutions with the expectation the young person must return to school on an ongoing basis by the end of the exemption period.

Providers must retain evidence of either:

- an exemption (or Notice of Arrangement) from the legal requirement to attend school (if applicable), or
- a Year 12 certificate or Certificate III (or higher).

(Deed Reference(s): Clauses 34, 90)

1.4. Commencement of Participants in Transition to Work

The Department expects Providers to Commence Group One Participants in a timely manner.

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Commencing Participants within appropriate timeframes will be monitored through the Efficiency of Service module, see the Performance Chapter for further information.

To Commence a Participant a Provider must:

- result the Initial Appointment as 'Attended' in their Electronic Calendar
- create and approve a Job Plan (see Job Plan Chapter).

Note: A Participant's Group (i.e. Group One or Group Two) is captured in the Department's IT Systems based on the Participant's circumstances at Commencement. The Group does not update if their circumstances change during their time in TtW (e.g. a Group Two Participant starts receiving an Activity Tested Income Support Payment).

(Deed Reference(s): Clause 90.2)

1.4.1. Commencement of Group One Participants

Once a Participant is Referred to TtW, their receipt of Income Support Payments (other than a Participant receiving Parenting Payment) will be contingent on attending an Initial Interview with a TtW Provider and Commencing in the Service. A Temporary Income Suspension will apply if the young person does not attend the Initial Interview.

Participants are Commenced once the Provider has recorded the completion of their Initial Interview (which includes entering into, or updating, a Job Plan, as relevant) on the Department's IT Systems.

(Deed Reference(s): Clause 93.6)

Participants subject to RapidConnect

Eligible young people who have lodged a new claim for JobSeeker Payment or Youth Allowance (other) will be subject to RapidConnect unless exempted by Services Australia. RapidConnect is a requirement to promptly engage with their TtW Provider through an Initial Interview.

In most cases, a person who is subject to RapidConnect will start receiving JobSeeker Payment or Youth Allowance (other) in arrears from the date they attend their Initial Interview with their Provider. The exception is where no Initial Interviews are available within 2 Business Days from the time the young person lodges their Income Support Payment claim. In these cases, the first available Appointment will be booked and, once the young person attends the Initial Interview, their Income Support Payment will be backdated to the date on which they were informed of their requirement to attend the Initial Interview.

If a young person who is subject to RapidConnect fails to attend the Initial Interview, the Provider must enter the result and reason into the Department's IT Systems, by no later than close of business on the day of the Appointment. The individual circumstances and the reasons why they failed to attend are then considered by Services Australia to determine the relevant start date for their Income Support Payment. If a young person fails to comply with the RapidConnect requirement to attend the Initial Interview and does not have a Reasonable Excuse, as determined by Services Australia, commencement of their Income Support Payment will be delayed until the Participant does attend an Initial Interview with their TtW Provider.

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Participants not subject to RapidConnect

Eligible young people claiming, or already receiving, Activity Tested Income Support Payments (other than Parenting Payment) who are not subject to RapidConnect, and are Referred to TtW, have up to 3 opportunities to attend their Initial Interview with their Provider before a Temporary Income Suspension is automatically triggered after the third 'Did Not Attend' is recorded.

Note: Where a Participant has Commenced in TtW and is subsequently transferred to another Provider (for example due to change of address), their contract Referral status will revert to Pending, however, the Temporary Income Suspension will not apply.

Temporary Income Suspension

The Temporary Income Suspension mechanism is designed to encourage participant attendance at an Initial Interview when all other appropriate attempts to engage the participant have failed. The mechanism is triggered after three 'Did Not Attend' results are entered in the Department's IT Systems following a Participant's non-attendance at the Initial Interview Appointment.

Providers should be flexible and assist in rescheduling the Initial Interview

Where the Provider or a Participant needs to reschedule an Appointment, the Provider must make an Appointment with the Participant at the next available opportunity. Where a Participant has demonstrated a level of engagement, Providers must 'cancel' or 'Reschedule' the Initial Interview Appointment instead of resulting it as a 'Did Not Attend' in the Department's IT Systems.

Providers should make reasonable and respectful attempts to contact the Participant

Where the Participant does not attend an Initial Interview, the Provider should work with the Participant to identify and book a time suitable for both parties. The Provider must not result Appointments as 'Did Not Attend' before attempting to contact the Participant to discuss their non-attendance.

What constitutes 'reasonable attempts' will depend on the Participant. Providers must work with the Participant to understand their personal circumstances, including barriers that may be impacting their attendance at the Initial Interview.

The nature and frequency of attempts to engage with the Participant should be based on the Provider's understanding of the Participant, the Participant's receptiveness to engage, and the different types of communication methods available. A Participant's preferred communication method is listed in the Personal details screen of the Participant's profile in the Department's IT Systems.

Participants should be given time to consider and respond to appointments

Unless otherwise agreed with the Participant, a new Initial Interview Appointment should be made at least 48 hours into the future. Appointments should never be backdated.

Providers must advise Participants of the consequences of failing to attend.

Advising Participants of the consequences of failing to attend must include the following:

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- that failure to attend three appointments will result in the Participant's Activity Tested Income Support payments being suspended by Services Australia
- if the Participant attends an appointment within 28 days of the suspension, their payments will be reinstated and backdated to the date of the suspension, and
- if the Participant fails to attend an appointment within 28 days of the suspension, their payments will be cancelled. They will be Exited from employment services and will need to reapply for Activity Tested Income Support payments.

Note: Providers must not action a Provider Exit, due to failure to engage, while the Participant's Income Support Payment is suspended under the Temporary Income Suspension.

Until the Participant is automatically Exited due to Income Support cancellation, Providers are encouraged to continue to try contact the Participant, to engage them in the service and assist them to have their Income Support Payment restored.

Refer to Transition to Work – Initial Interview appointments and Temporary Income Suspension for more information on how a Temporary Income Suspension is triggered.

All attempts at contact should be detailed by Providers in the comment section of the Department's IT Systems. This information will be monitored by the department and may also be used by Services Australia if a participant lodges an appeal relating to a Temporary Income Suspension.

Contingency arrangements and the impact on the Temporary Income Suspension

When contingency arrangements are activated and Mutual Obligation requirements are suspended, all current Temporary Income Suspensions will automatically be lifted.

New Initial Interview Appointments made while contingency arrangements are in place will not be considered as part of the Temporary Income Suspension process.

Providers will need to book new Initial Interview Appointments for Participants following the reinstatement of Mutual Obligations for the Temporary Income Suspension process to apply. If the Participant fails to attend the new Appointment they will be suspended as per the usual process, with the 28 days commencing again.

(Deed Reference(s): Clause 93, 95)

Participants with sensitive records (restricted access)

Participants with sensitive information in their records may be allocated to a Provider's Caseload and the Participant's contact details will not be visible. Services Australia will contact these Participants and if they wish to be serviced by a Provider, Services Australia will make a referral to the Provider. Participants will be required to provide their contact details to the Provider at the first appointment.

Refer to Digital Solutions Support (Knowledge Base) - Contacting, Referring or Transferring Sensitive Participants (KB0013282).

Participants with a history of serious incidents and Managed Service Plans

Provider staff can see the details of a Participant's incident and Managed Service Plan (MSP) history in the Department's IT Systems when they have a Pending status. Provider staff should review these details prior to scheduling an Initial Interview so they can implement appropriate interview safety

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measures to protect Participants and staff to improve engagement with the Participant. This may include implementing a proactive MSP limiting face-to-face servicing where appropriate.

For information on Servicing Participants with Challenging Behaviours, including Incident Reporting and Managed Service Plans refer to Part A: Universal Guidelines - Servicing Participants with Challenging Behaviours Chapter.

Commencing a Refugee in TtW

Under the Better Targeting of Support for Refugees measure, from 1 January 2020, newly arrived refugees receiving activity tested income support receive an exemption from mutual obligation requirements for their first 13 weeks after arrival in Australia.

After their initial 13-week exemption, eligible young people who are refugees will be referred to TtW and they must be Commenced and provided Services in accordance with the Deed.

Note: The 12 month exemption from employment services under the Better Targeting of Support for Refugees measure does not apply to refugees Referred to or Commenced in TtW.

1.4.2. Commencement of Group Two Participants

Once a Provider has determined that a young person is eligible to volunteer to participate in TtW, they must conduct an Initial Interview to Commence the Participant.

Eligible Group Two Participants should be Commenced as soon as possible after they have completed the Direct Registration Form and been registered (see Direct Registration Process). Group Two Participants are Commenced once the Provider has recorded the completion of their Initial Interview in the Department's IT Systems and the Participant has agreed to participate in TtW Services.

A Provider may complete the Initial Interview at the same time as the Direct Registration Form or they may schedule it for a later date if that is the Participant's preference.

If the Participant chooses not to start TtW Services during the Initial Interview, the Provider may Commence a Group Two Participant at another time if they later agree to participate.

Once a Participant is Commenced, the Provider must deliver TtW Services in accordance with the Deed.

Where a Group Two Participant does not attend the Initial Interview and has a valid excuse, the Provider must record this in the Department's IT Systems and reschedule the Initial Interview with the Participant.

Where a Group Two Participant chooses not to Commence in TtW Services, the Provider must facilitate the Exit of the Participant from their pending Caseload, in the Department's IT System (see the Period of Service, Suspensions, Transfers and Exits Chapter). The young person who chooses not to Commence in TtW may register for the Online Base Service in Workforce Australia Online through myGov or access local youth services.

(Deed Reference(s): Clause 90)

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1.4.3. The Initial Phase

The Initial Phase is the first 4 weeks of a Participant's Period of Registration from Commencement in TtW. The Initial Phase allows time for the Provider to build a positive relationship with a Participant and to assess the Participant's skills and strengths. It allows the Provider to tailor their service to the Participant, taking into account any barriers or issues that may impact on a Participant's ability to transition to sustainable Employment or undertake further Education.

During the Initial Phase for each Participant, the Provider must:

- conduct an Initial Interview,
- for Group Two Participants, conduct the Job Seeker Snapshot if the Participant does not have a current Job Seeker Classification Instrument (JCSI). See the Assessments Chapter for more detail on how to conduct a Job Seeker Snapshot, and
- assist the Participant to identify relevant Activities to take part in and record these Activities on the Department's IT Systems.

Providers should work with Participants to identify their skills and capabilities, along with capturing relevant training or qualifications, employment history, and previous work experience in the Job Seeker Profile in the Department's IT Systems.

Through the Initial Phase, Providers should identify and record significant barriers and the associated interventions or Activities in the Capability Management Tool (CMT). This forms part of the TtW Provider Performance and Quality Framework. See the Performance Chapter for further information.

Providers must record Participant Barriers in the Capability Management Tool.

Note: Barriers may already be in the CMT, identified through an ESAt or added by the Participant. A Provider may use these barriers and does not need to replicate them as a Provider identified barrier.

Personal Events

Personal Events are a way for Participants to communicate times they have important commitments which could stop them from meeting a Mutual Obligation Requirement such as attending a Provider appointment. Providers should take into consideration any Personal Events the Participant may have when scheduling Provider appointments.

Providers and Participants can book Personal Events between 6am and 9pm up to 8 weeks in advance on the Workforce Australia app or website. This can be a one-off event such as medical appointments or recurring events such as school pick-up. (For additional information on Personal Events refer to the TtW System Steps Guide).

Providers must, as part of ongoing servicing, discuss Personal Events with their Participants. This includes encouraging, and assisting where necessary, the Participant to create Personal Events in their Electronic Calendar.

Note: For Principal Carer Parents (PCPs), the Department's IT Systems already recognise the importance of school hours and therefore will not allow anything, including Personal Events to be scheduled before 9am or after 3pm.

(Deed Reference(s): Clause 94)

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Initial Interview

Providers should be flexible and work with eligible young people to identify and schedule a suitable Initial Interview Appointment.

During the Initial Interview the Provider must:

- explain the Services the Provider will offer to them
- prepare or update a Job Plan, based on the initial assessment of the Participant's skills, strengths and circumstances

  Important: A Job Plan should be prepared for a Parent Pathways Participant in consultation with the Participant's Parent Pathways Provider and taking into consideration their Goal Plan activities.
- provide the Participant with details of the current National Minimum Wage including the special national minimum wage for Junior Employees, and the website and contact details for the Fair Work Ombudsman
- unless signed during Direct Registration, provide and ask the Participants to sign the Privacy Notification and Consent Form and ensure the Participant is aware of the types of personal information they may be required to provide and how this information will be used and disclosed (see the Part A Guidelines: Privacy Chapter)
- explain the consequences of not participating appropriately in TtW Services:
  - for Participants with Mutual Obligation Requirements, explain their rights and obligations under the Social Security Law, that their participation in TtW for 25 hours a week fully meets their Mutual Obligation Requirements (reduced for Participants with part-time Mutual Obligation Requirements, or who are a Principal Carer Parent), and the consequences of not meeting their Mutual Obligation Requirements
  - for Participants with Disability Support Pension Recipient (Compulsory Participation Requirements), explain their rights and obligations under the Social Security Law and the consequences of not participating in accordance with their Job Plan.

See the Participant Requirements Chapter for further information.

When booking a Provider Appointment for a Participant, the Provider must:

- select the correct Appointment type and schedule the Appointment in the Electronic Calendar
- issue a Participant formal notification within appropriate timeframes, before the Appointment is scheduled to occur.

For detailed system steps on how to book appointment with Participants, refer to the Digital Solutions Support (Knowledge Base) – Employment Systems Task Cards – Workforce Australia/TtW/Parent Pathways - Calendar - Booking an Appointment (KB0016426).

Note: Timeslots must be equal to or greater than the default TtW Initial Interview duration time recorded in the Department's IT Systems, for them to be visible to, and used by Services Australia, Workforce Australia Service Providers or the Department.

(Deed Reference(s): Clause 95)

Preparing for Appointments and conducting the Initial Interview

The Provider must conduct an Initial Interview for all Participants who:

- are Transitioned Participants

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- were Referred by Services Australia, the DSCC or a Workforce Australia Employment Services Provider
- Directly Registered for assistance, or
- were Referred by a Parent Pathways Provider.

A Provider must conduct an Initial Interview face-to-face, however under exceptional circumstances a Provider may choose to conduct an Initial Interview using modes other than face-to-face where this is agreed by the Participant.

For information on Face-to-face Service Delivery, including exceptional circumstances, refer to the Face-to-face Service Delivery section in the Part A: Universal Guidelines.

Where a Provider determines face-to-face servicing is not appropriate, a comment must be recorded in the Comments section of the Department's IT Systems, outlining why it is not suitable for the Participant, including what other alternative solutions were explored prior to choosing non face-to-face delivery. Providers must update their reasons and record new comments as circumstances change.

When the Initial Interview takes place in-person, the agreed location must be accessible, appropriate and safe for Participants (who may be as young as 15 years old), and Provider staff. Providers must not conduct Initial Interviews or other Contacts at a Participant's home in any circumstance.

When preparing for the Initial Interview, Providers should contact the young person to determine if they have any special requirements, for example, if they need an interpreter. These requirements should also be accommodated in subsequent Contact Appointments. Further information can be found in the Interpreters and support persons section.

Humanitarian entrant (refugee) Participants may also be accompanied by their Humanitarian Settlement Program Case Manager who can provide advice on appropriate employment strategies and activities that can help the Provider to develop a suitable Job Plan. (Note that a Case Manager is not an interpreter, and the Provider must provide an interpreter to facilitate communication between the Provider and the Participant wherever necessary).

Note: A Parent Pathways Participant may choose to have their Parent Pathways Provider attend the Initial Interview with them.

(Deed Reference(s): Clauses 7, 89, 95)

Connecting the Participant's profile to myGov and accessing Workforce Australia Online

TtW Providers must support Participants to register and use Workforce Australia Online for Individuals, for access to resources to improve their prospects of Employment, including online tools and information and Online Learning Modules.

As part of Commencing a Participant in TtW, or during the Initial Phase, the Provider should discuss with them whether the Participant has connected their myGov profile to the jobsearch website (workforceaustralia.gov.au/jobsearch) and if not connected, the Provider should support the Participant to do so. Connecting their profile will enable the Participant to use all the features of the online platform.

(Deed Reference(s): Clause 79.4)

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1.5. Group Two Participants who apply for Income Support Payments

A Group Two Participant may contact Services Australia and apply for Income Support Payments. Providers must recommend the Participant contact Services Australia online or call 132 850 if they would like to apply for Income Support Payments. The Participant should also advise Services Australia that they already have a TtW Provider to ensure this is taken into to consideration when Services Australia make a potential Group One Referral.

If the Participant has an existing Services Australia CRN the Provider should encourage the Participant to provide this to Services Australia when they apply. Providing the CRN upfront should avoid duplication of any records in the Department's IT Systems.

(Deed Reference(s): Clause 90.4)

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Chapter 2. Job Seeker Assessments

Supporting Documents for this Chapter:

- Explanation of the Job Seeker Snapshot
- Job Seeker Snapshot offline Form
- Job Seeker Snapshot Overview and Factors
- Assisting Job Seekers and Participants in Crisis Factsheet

2.1. Chapter Overview

This Chapter describes the role and purpose of the Job Seeker Assessment Framework (JSAF) under Workforce Australia Services and TtW. It provides instructions on the JSAF assessments used to determine the services a Participant is eligible for and supports they may need to secure employment.

2.2. The Job Seeker Assessment Framework

The JSAF informs Participants of the employment services that they are eligible for and supports them in making relevant choices. The JSAF is intended to be ongoing and dynamic, to support Participant disclosure and engagement and to minimise reporting duplication for Participants.

It also acknowledges that Providers have their own tools, assessments, and resources to ensure that servicing is tailored to the Participant's individual needs, circumstances, skills, strengths, and any barriers or issues they may have in relation to finding employment or reconnecting with education.

The Job Seeker Snapshot and Employment Services Assessment (ESAt) retain fundamental roles in Workforce Australia Services and TtW. The results of a Participant's Job Seeker Snapshot and ESAt should be used in conjunction with other assessments to understand a Participant's goals and personal circumstances. Providers may also support Participants to access and use the assessments and tools available on Workforce Australia Online, including the Job Seeker Snapshot and Profile.

(Deed Reference(s): Section B2.4)

2.3. The Job Seeker Snapshot and the JSCI

The Job Seeker Snapshot is the questionnaire completed by the Participant, Services Australia or the Provider. It includes questions that determine the Participant's Job Seeker Classification Instrument (JSCI) score, support the Participant to make an informed decision when given a choice between TtW and Workforce Australia Services, and helps identify if the Participant requires an ESAt (see Referring Participants for an Employment Services Assessment).

The JSCI is the statistical tool that determines a Participant's risk of becoming long term unemployed. It considers the overall labour market disadvantage of a Participant to determine the level of support and assistance required. The JSCI score is a product of various personal factors such as a Participant's work experience and qualifications. For further information see the Job Seeker Snapshot Overview and Factors supporting document.

See the Eligibility, Referral and Commencement Chapter for information regarding Eligibility for TtW.

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2.3.1. When to conduct the Job Seeker Snapshot

For Participants receiving Activity Tested Income Support, the Job Seeker Snapshot is generally first completed as part of the Income Support claim process, prior to a Participant's Referral to Workforce Australia Services or TtW.

If a Participant has not completed the Job Seeker Snapshot (which includes those Participants who are Direct Registered or not on an Activity Tested Income Support Payment), or has an inactive Job Seeker Snapshot upon Referral, any Provider must:

- ask the Participant to complete the Job Seeker Snapshot; or
- conduct the Job Seeker Snapshot with the Participant (e.g. if the Participant cannot access the internet or has limited digital ability).

The Provider may, at any time, record changes in the Participant's personal circumstances (for example a loss of licence) or include new information (for example education attainment) in a Participant's record in the Department's IT system by conducting a Change in Circumstances Reassessment using the Job Seeker Snapshot.

As part of undertaking a Change of Circumstances Reassessment, a Provider must record a detailed description of the changes in the Participant's circumstances that triggered the need to conduct the update. This will be recorded in the appropriate field at the end of the Job Seeker Snapshot in the Department's IT Systems. Where a Participant supplies documentation to support their answers in the Job Seeker Snapshot, it is good practice for the Provider to retain this documentation.

Providers should inform Participants they can access and update their Job Seeker Snapshot at any time and that this will assist in identifying services that may be beneficial to them. When a Participant updates their Job Seeker Snapshot, the Provider is notified of the Participant's results via Workforce Australia Online for Providers. Some data such as their age or length of time in an employment service will update automatically. See the Eligibility, Referral and Commencement Chapter for information regarding Eligibility for TtW.

A hard copy of the Job Seeker Snapshot can be used if the Department's IT system is unavailable. Any information obtained this way must be recorded by the Provider in the Department's IT System as soon as practicable. Until the Participant's responses are captured there, the Department's IT System cannot determine the level of assistance and support required.

Note: TtW Providers do not need to conduct the Job Seeker Snapshot for Parent Pathways Participants in TtW.

(Deed Reference(s): Clause 94.2)

2.3.2. How to conduct the Job Seeker Snapshot

Should the Provider need to conduct a Job Seeker Snapshot, the Provider should ensure:

- the Job Seeker Snapshot is conducted in a private setting and in a professional and culturally appropriate manner
- the Participant has given their consent for the Provider to collect and use the sensitive information collected through the Job Seeker Snapshot (refer to Part A Guidelines: Privacy Chapter for further information)

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- an interpreter is offered and provided to the Participant when a Provider considers it appropriate
- the Participant understands they may be accompanied by a support person of their choosing
- the Participant is informed their responses to the questions will not affect their payments in any way, are not provided to prospective employers and that the questions are designed to ensure they receive the services and support best suited to their needs
- the Participant understands some of the questions in the Job Seeker Snapshot are voluntary questions and the Provider will inform the Participant if a question is voluntary before the question is asked
- the Participant is informed of the Explanation of the Job Seeker Snapshot Questions which is part of the Job Seeker Snapshot Form available on the Provider Portal.

If a Participant discloses a need for crisis assistance or other support, the Provider should refer them to services appropriate to their needs. Refer to the Assisting Job Seekers and Participants in Crisis Factsheet on the Provider Portal. Services Australia may also assist with counselling, child support payment and the crisis payment. For further information, please visit Services Australia's website.

2.4. Referring Participants for an Employment Services Assessment

Services Australia conducts an Employment Services Assessment (ESAt) to determine if a Participant has a long-term reduced work capacity (known as a Partial Capacity to Work) or is eligible for Disability Employment Services (DES).

TtW Providers cannot book an ESAt Appointment for a Participant. If the Provider considers the Participant, receiving Activity Tested Income Support, has a medical condition(s) or disability that may require further assessment, the Provider should instruct the Participant to contact Services Australia directly. The Participant will need to provide medical evidence to Services Australia by uploading it via their Centrelink account before an appointment is booked. Providers should support Participants through this process.

A Provider may adjust a Participant's Mutual Obligation Requirements to reflect a short-term or temporary change in circumstances in certain situations, such as an injury or temporary medical condition. Refer to Participant Requirements Chapter and Job Plan Chapter for further information.

2.4.1. ESAt outcomes

Should an ESAt result in the Participant no longer being serviced by the Provider, for example the Participant is referred to DES or no longer required to Participate in Employment Services at all, the Provider will be able to see this Exit through Workforce Australia Online for Providers.

Note: TtW Providers are unable to refer a Participant directly to DES through Workforce Australia Online for Providers.

An ESAt report will capture the Participant’s:

- medical conditions
- barriers to employment
- recommended interventions
- current baseline work capacity
- future work capacity with intervention

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- recommended Workforce Australia Service

The Provider must take account of the recommendations for interventions made by the Services Australia assessor in the ESAt report – as well as work with the Participant to reflect any assessed Partial Capacity to Work when setting their Mutual Obligation Requirements, and in tailoring their services. Refer to Participant Requirements Chapter and Job Plan Chapter for further information.

2.4.2. Releasing the ESAt report to the Participant

The ESAt report may be released to a Participant except where Services Australia has indicated in the report that it contains information that may be prejudicial to the Participant's health. In this circumstance, the Participant has the option of requesting the report through the Department's Freedom of Information team, email: foi@dese.gov.au.

Additional information regarding disclosure of information and privacy considerations can be found in the Part A Guidelines: Privacy Chapter.

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Chapter 3. Period of Service, Suspensions, Transfers and Exits

Supporting Documents for this Chapter:

- Request to Transfer form
- Transfer by Agreement Form

Refer to the TtW System Steps Guide.

3.1. Chapter Overview

TtW is a time limited service. All eligible Participants are entitled to receive up to 18 months of Services. A smaller cohort of Participants – those with more complex Non-vocational Barriers – can receive up to 24 months of Services.

Participants in TtW who turn 25 years of age may continue to receive Services for the remainder of their Period of Service.

This Chapter outlines the Period of Service and how it is affected by periods of Suspension, and when Participants are transferred or Exited from TtW.

(Deed Reference(s): Clause 101)

3.2. Period of Service

The Period of Service is the period of time a Participant has actively been receiving Services in TtW as calculated by the Department's IT Systems. The Period of Service:

- starts when a Participant Commences in TtW,
- is paused whenever a Participant is Suspended from Services and restarts when the Suspension ends,
- ends when the Participant is Exited (see Exits), and
- can continue for up to 18 months for all TtW Participants, and
- may be extended to up to 24 months depending on the result of an Additional Servicing Assessment (for Group One Participants).

Where a Group One Participant is tracking toward an Outcome after 18 or 24 months Period of Service, the Participant may remain in TtW until either the Outcome is achieved, or the Participant stops continually progressing toward the Outcome. In either case, once the Outcome is achieved or ceases, the Participant should be Exited from the Service.

Refer to the Vacancies and Outcomes Chapter for information on Outcomes.

(Deed Reference(s): Clauses 101, 104)

A Participants Period of Service can be identified in the Department's IT Systems. Refer to the 'How to view Period of Service on a Participant's profile' section of the TtW System Steps Guide.

Period of Service is referred to differently between the Deed and Guidelines, the Department's IT Systems and Provider reports. Providers can use the following table to assist in determining Period of Service for Participants.

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Reference Point	Reference / count	18 months	24 months
Deed and Guidelines	Months	18 months	24 months
Workforce Australia Online for Providers	Weeks and days	78 weeks and 1 day	104 weeks
Provider Caseload Reports	Days	547 days	730 days

3.2.1. Additional Servicing Assessment (ASA)

What is an ASA?

The ASA is the review process a Provider must follow to determine if a Participant receiving an Activity Tested Income Support Payment will have their Period of Service extended in TtW.

A Provider should only complete an ASA if they believe a Participant with more complex Non-vocational Barriers would benefit from an additional 6 months of Servicing.

Undertaking an ASA

If an ASA is to occur, it must be completed after the Participant reaches a Period of Service of 16 months and before they reach a Period of Service of 18 months. An ASA cannot be conducted retrospectively.

If an ASA is needed, Providers should complete a file review and arrange a time to meet with the Participant to discuss the possibility of an extension of Servicing. The Provider and Participant complete the Job Seeker Snapshot in the Department's IT Systems and this will trigger the ASA, if completed within the correct Period of Service window.

If a Participant has passed 18 months Period of Service, the ASA will not be triggered in the IT Systems.

What are the outcomes from completing the ASA?

Once the ASA is conducted, the Department's IT Systems will display whether a Participant is approved for the extension of Service. The result will be displayed on the Additional Servicing Assessment tile in the Servicing and Eligibility tab.

If the result of the ASA is endorsed, the Period of Service will automatically be extended in the Department's IT Systems.

If the result of the ASA is not endorsed, the Provider may override this if the Participant's circumstances justify the additional 6 months Servicing. The Provider should explain to the Participant that the override process may require disclosure of additional personal information that will be recorded in the Department's IT Systems. If the Provider and Participant agree to the extension of Servicing, the Provider can override the ASA outcome and must enter the reasons into the Department's IT System.

Note: The Department's Caseload modelling suggests that around 15 per cent of TtW Participants are likely to have sufficiently complex Non-vocational Barriers to justify additional time in Service. The Department will monitor the Provider's use of the ASA override function to ensure it is used in a way that is consistent with the policy intent.

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For detailed system steps refer to the Digital Solutions Support (Knowledge Base) - Employment Systems Task Cards – TtW – Transition to Work – Completing an Additional Servicing Assessment (ASA) (KB0014466).

Providers must record a file note (comment) outlining the Participant's circumstances and reasons for an ASA override.

(Deed Reference(s): Clauses 101, 102)

3.3. Suspensions from Services

A Suspension is a period of time in which a Participant is not required to participate in TtW.

Providers must not deliver Services to Suspended Participants unless the Suspended Participant advises they want to voluntarily participate in Services.

Providers must resume delivery of Services to the Participant once the Suspension period has ended.

Suspensions do not affect a Participant's Period of Unemployment. However, the Participant's Period of Registration and Period of Service pause when a Participant is Suspended and restart when the Suspension ends.

(Deed Reference(s): Clauses 104, 105)

3.3.1. Suspension reasons

Suspensions are applied when Participants are experiencing a situation that prevents them from participating in TtW for a specified period. Participant circumstances that may warrant a Suspension include:

- major personal crisis such as domestic violence, death of an immediate family member, family dislocation or physical, emotional and/or sexual abuse
- housing instability or homelessness
- declared natural disaster such as bushfire, flood or cyclone.

Group One Participants

Participants who are in receipt of an Activity Tested Income Support Payment are automatically Suspended from Services when an Exemption is applied by Services Australia.

If a Provider considers a Participant may need a Suspension, they should direct the Participant to Services Australia to test their eligibility for an Exemption.

Details of Exemptions applied by Services Australia can be viewed on the Suspensions screen in the Department's IT Systems.

A Participant may elect to volunteer for services while Suspended.

Providers must record a Volunteer Period where a Participant has been granted an Exemption to Mutual Obligation requirements by Services Australia and elects to volunteer in the Department's IT Systems.

- Where the Participant chooses to end the Volunteer Period earlier than originally agreed, the Provider must adjust the end date for the Volunteer Period.

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Providers must record a file note (comment) verifying the Participant's agreement to Volunteer while on an exemption, including the dates.

Group Two Participants

Group Two Participants may be manually Suspended from Services for up to 13 weeks if the Provider determines the Participant, due to their personal circumstances, is unable to participate for a specified time.

The Suspension period will end after the 13 weeks, or earlier if the Provider and Participant agree that the Participant's circumstances have improved, and they are able to resume participation in the Service.

If the circumstances under which the Participant cannot participate are likely to continue beyond 13 weeks, the Provider should consider if the Participant will continue to benefit from Services. If the Provider considers the Participant won't benefit, they should be Exited from TtW.

Providers must manually add a Suspension in the Department's IT Systems

Providers must record a file note (comment) outlining the details of the suspension.

Parent Pathways Participants

A Parent Pathways Participant in TtW may be Suspended if:

- the Participant has an Exemption recorded by the Parent Pathways Provider or Services Australia, or
- the TtW Provider identifies the Parent Pathways Participant has experienced circumstances which prevent them from participating in Services for a specified period of time and the Participant's Parent Pathways Provider agrees to the Suspension from TtW.

The Parent Pathways Participant will remain Suspended until:

- the Exemption has reached its end date, or
- the TtW Provider determines the Participant is able to participate in the Services and the Participant's Parent Pathways Provider agrees to their Suspension ending.

(Deed Reference(s): Clause 105)

Youth Bonus Wage Subsidy Allowance Suspension

If a Participant is placed into a job and:

- both the Participant and the Vacancy meet the eligibility requirements for a Youth Bonus Wage Subsidy, and
- the Participant subsequently stops receiving Income Support Payments for employment-related reasons, then

the Participant's record will be marked in the Department's IT Systems as a "Youth Bonus Wage Subsidy Allowance Suspension." This Suspension will apply for a 26-week period and will result in the Effective Exit of the Participant from TtW.

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This Youth Bonus Wage Subsidy Allowance Suspension means that if the Participant loses their job, through no fault of their own, within 26 weeks of being Exited, they can then be reinstated with their Provider and may immediately be eligible for another Youth Bonus Wage Subsidy.

Providers should continue to provide Post-placement Support to the Participant.

For more information on the Youth Bonus Wage Subsidy see the Wage Subsidies Chapter.

(Deed Reference(s): Clauses 105, 131)

3.4. Transfers

Participants may transfer between TtW Providers for a range of reasons. Transfers can be automatic or involve a manual process and may be initiated by the Participant or the Provider. Transfer arrangements are designed to support continuity of servicing when Participants are transferred.

(Deed Reference(s): Clause 91)

3.4.1. Reasons for Transfers

Change of address

When a Participant changes address and the new address is outside their current Provider's service area, they are automatically transferred to a new Provider, when Services Australia or the Provider make the address change in the IT Systems.

The Participant will be transferred to a new Site of their current Provider if that Provider has a Site which services their new address.

Participants on Activity Tested Income Support Payments will be referred to a Workforce Australia Employment Services Provider if there is no TtW Provider servicing their new address.

Participants transferred due to a change of address can request a transfer back to their previous Provider/Site, where the previous Site is within the same Employment Region as the Site the Participant was transferred to.

Automatic transfers through the Department's IT Systems do not happen if the Participant is the subject of a Youth Bonus Wage Subsidy Agreement or has a current Serious Incident Report and/or a reactive Managed Service Plan (MSP). The current Provider should continue to support the Participant.

See the Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter for more information.

Refer to Digital Solutions Support (Knowledge Base) - Referrals / Transfers – Transferring or Referring Participants with a Serious Incident Report or/and a Managed Service Plan (MSP) (KB0013540).

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Participant initiated Transfer by agreement

Participants may transfer to a different TtW Provider if their current Provider, their proposed Provider and the Participant all agree to the transfer. An online request for a transfer can be initiated by any of the parties. The Participant should be advised by their Provider the transfer will be actioned within 2 days and they will receive an Appointment notification from the new Provider once complete.

The new Provider must cooperate with the Provider facilitating the transfer so that Services can be continued to the Participant, including, scheduling an Initial Interview within 2 Business Days of the transfer.

The Participant is automatically transferred by the Department's IT Systems, with an alert to both Providers once the transfer is completed.

Transfers due to Provider/Participant relationship breakdown

Where the relationship between a Participant and Provider has broken down, the Participant can be transferred to a new Provider subject to the Department's agreement. Requests for such transfers can be made by Participants or Providers.

Participants

If a Participant thinks a reasonable and constructive relationship cannot be maintained with their Provider, they can contact the Department's National Customer Service Line (NCSL) on 1800 805 260 or by emailing nationalcustomerserviceline@dewr.gov.au.

Providers

If a Provider thinks it cannot maintain a constructive servicing relationship with a Participant, it can complete the Transfer Due to Relationship Failure Form and submit this to nationalcustomerserviceline@dewr.gov.au for investigation. The Department will consider the request based on the evidence provided, including whether the Provider has followed the process outlined in the Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

Departmental action

If the Department's NCSL approves a transfer due to relationship breakdown, it will transfer the Participant in the Department's IT Systems. The Participant will receive a letter advising them of their new Provider and their next Appointment.

Eligible Participants will be referred to a Workforce Australia Employment Services Provider if there are no other TtW Providers in the Employment Region.

The Department's NCSL will notify the Provider and/or the Participant in writing if they do not approve the transfer.

Providers must retain a copy of the Transfer due to Relationship Failure form.

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Better Servicing Transfers

If a Participant thinks they will receive better servicing from another Provider, they can request a transfer by contacting the Department's NCSL on 1800 805 260 or by emailing nationalcustomerserviceline@dewr.gov.au.

If the Department does not agree to the request, it will inform the Participant of the decision.

3.4.2. Challenging Behaviours and Transfers

Alternative transfer arrangements apply to Participants with current Provider-lodged Serious incident reports and/or a reactive MSP. Refer to the Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter for more information.

Refer to Digital Solutions Support (Knowledge Base) - Referrals / Transfers – Transferring or Referring Participants with a Serious Incident Report or/and a Managed Service Plan (MSP) (KB0013540).

3.4.3. Reviewing a decision on a transfer

Any party involved can request a review in writing of the decision from the Department's NCSL by emailing nationalcustomerserviceline@dewr.gov.au within 14 Business Days of the original decision if they are not satisfied with the outcome of any transfer decision.

(Deed Reference(s): Clause 91)

3.4.4. Outcome payments following a Participant transfer

The original Provider may claim an Outcome where a Participant is transferred from them to a different Provider and the Participant is tracking towards an Outcome as long as the Participant was on the Provider's Caseload at the Job Placement Start Date or the Outcome Start Date.

(Deed Reference(s): Clause 137.10)

3.5. Exits

Participants should be Exited from TtW if they no longer wish to participate, are not participating in TtW appropriately, have reached maximum Period of Service, or are no longer eligible.

There are two types of exits in TtW: Effective Exits which occur automatically; and Provider Exits (manual Exits).

Note: A Participant does not need to be Exited from TtW where they commence in an Education or Employment Placement, or when the Provider claims an Outcome, if the Participant is still within their Period of Service.

(Deed Reference(s): Clause 107)

3.5.1. Effective Exits

An Effective Exit occurs when Participants are Exited automatically from TtW, which also ends their Period of Service. An Effective Exit will be triggered in the system for Participants who:

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- have stopped receiving an Activity Tested Income Support Payment (including those who are subject to a Youth Bonus Wage Subsidy Agreement), as determined by Services Australia
- have Commenced in an Other Service
- have changed allowance type from Youth Allowance (other) or JobSeeker Payment to Youth Allowance (student) or Youth Allowance – Australian Apprentice
- are volunteers and not in receipt of an Activity Tested Income Support Payments who have reached 18 months Period of Service.

An Effective Exit will also occur on advice from Services Australia that a Participant:

- is deceased
- has been imprisoned (and their allowance is cancelled)
- has moved permanently overseas.

Note: A Group Two Participant is automatically Exited at 18 months Period of Service, even if they are tracking toward an Outcome. These Outcomes will continue to track and where the requirements are met, Providers will still be able to claim the Outcome. Post-placement Support must be provided to these Participants while they are tracking to an Outcome.

3.5.2. Provider Exits

Providers must manually Exit any Participant who:

- is Referred but does not Commence in TtW
- advises they no longer wish to participate in TtW (see Opting out of Transition to Work Services)
- is not meeting Participation Requirements or ceases to participate appropriately
- the Provider confirms has committed a Work Refusal Failure or an Unemployment Failure
- is an Activity Tested Income Support Participant and is not tracking toward an Outcome at 18 months Period of Service and has not been endorsed for additional servicing through an ASA
- is an Activity Tested Income Support Participant and is not tracking toward an Outcome at 24 months Period of Service, with an endorsed ASA
- becomes a voluntary Participant after 18 or 24 months Period of Service and has not been automatically exited
- is a Parent Pathways Participant and is assessed as unsuitable for TtW by the TtW Provider. The TtW Provider must notify the Parent Pathways Provider as soon as practicable
- requires a referral to Workforce Australia Services to facilitate access to other programs and services that are not considered a Complementary Service with TtW (i.e. Self-Employment Assistance).

Note: Participants receiving an Activity Test Income Support Payment must be Referred to Workforce Australia Services upon Exit. Where applicable, the Provider must refer the Participant in line with requirements set out in the Exiting Group One Participants from Transition to Work to Workforce Australia Services section. Providers must record the reason for the Exit in the Department's IT Systems.

Refer to the Participant Requirements Chapter for more information.

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Note: A Participant does not need to be Exited from Transition to Work once a Provider claims an Outcome if the Participant is still within their Period of Service.

Providers must action a Provider Exit, record the reason, and make a comment in the Department's IT Systems.

For Provider Exits of Voluntary Participants due to 'failure to engage', Providers should have attempted to contact the Participant within the last 2 days prior to actioning the exit.

Important:

- The Department monitors Periods of Service. Failure to Exit a Participant at 18 months where they have not been through an ASA and identified as needing an additional 6 months or are not tracking (and continuing to progress) towards an Outcome, may result in the Department taking action under the Deed. This action may include invalidating anchored Placements and associated Outcome Payments after this date. These Participants will not be included in calculations for allocation of Places and Upfront Payments.
- Where a Group One Participant has completed their Period of Service (i.e. 18 or 24 months of servicing) and is tracking to an Outcome, their Employment or Education must be continuous to remain in TtW. The Participant must be immediately Exited by the TtW Provider if there are any fortnights where there are:
    - Insufficient hours worked,
    - No hours worked, or
    - No participation in Education.

3.5.3. Exiting Group One Participants from Transition to Work to Workforce Australia Services

TtW Providers and Workforce Australia Employment Services Providers must cooperate when moving young people between the two Services.

Note: Any Participants Exiting TtW after 6 months Period of Service, who are transferring to a Workforce Australia Employment Services Provider may have Mandatory Activity Requirements in Workforce Australia Services.

A TtW Provider must organise and attend a handover meeting with the Participant and the Workforce Australia Employment Services Provider before 18 months of Service, or 24 months of Service if their Period of Service has been extended through an ASA.

A Provider does not need to conduct a handover meeting for a Participant who Exits less than 3 months after Commencement in TtW or is Exited to Workforce Australia Services due to failing to engage in the Service.

Where a Group One Participant is not tracking towards an Outcome at the seventeenth month in TtW (or the twenty-third month for those who have been given an extra 6 months of Service) the Provider must start the handover process of the Participant to a Workforce Australia Employment Services Provider. This should include:

- advising the Participant of the upcoming end of TtW Servicing and their transition to Workforce Australia Services
- helping the Participant to identify the Participant's choice of Provider
- organising and attending an initial planning meeting with the new Provider, and

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- organising and attending a Commencement meeting with the new Provider and Participant.

Note: When a TtW Provider refers a Participant to Workforce Australia Services the only Appointment type available will be an Initial Appointment.

Ending a Referral upon Exit

Where a Participant is Referred to an Other Service from TtW, the Department's IT Systems are designed to automatically end the TtW Referral when the Participant is Commenced in the new service. However, where the Participant has been Referred to the new service for an extended period of time without Commencing, a TtW Provider may choose to manually end the TtW Referral.

For information on the process to manually Exit the TtW Referral, refer to the TtW Systems Steps Guide.

3.5.4. Exiting Group Two Participants to Online Base Services

Participants not in receipt of an Activity Tested Income Support Payment (Group Two) will be eligible for the Online Base Service after Exiting TtW. Providers should provide information and assistance to Participants to register for the Online Base Service, if not already connected.

3.5.5. Opting out of Transition to Work Services

Following Commencement, Group One Participants can decide to opt out of TtW Services at any point and elect to participate in Workforce Australia Services instead. A Provider should provide the Participant with information on both services to make an informed decision, ensuring they explain that TtW is a dedicated youth service and that there will be additional compliance implications when in Workforce Australia Services. If a Group One Participant does opt out, the Provider must refer the Participant to Workforce Australia Services and perform a Provider Exit (see Exits).

Implications when Participants wish to Exit

If a Participant advises their Provider that they wish to Exit TtW, the Provider should ensure the Participant understands:

- in the case of Participants who are receiving an Activity Tested Income Support Payment, they must be referred to a Workforce Australia Employment Services Provider and will be subject to compliance requirements associated with Workforce Australia Services,
- they may not be able to access TtW Services in the future,
- the Provider may continue to provide Post-placement Support to the Participant and/or Employer if the Participant is currently tracking towards an Outcome, as agreed, and
- in the case of Group Two Participants, once they Exit, they may not be eligible to access TtW Services in the future. In these circumstances, they can choose to register for the Online Base Service.

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3.5.6. Participants returning to services after an Exit

Group One Participants

Where an Exit occurs and the Participant returns to Services less than 13 Consecutive Weeks after the Exit, the Participant's Period of Service and Period of Registration (if relevant) continue from the date of the Participant's return, and the Provider must resume providing appropriate Services.

Note: Where a Commenced Group One Participant is Referred to Workforce Australia Services with the Exit reason 'Job Seeker confirms request to Exit' or 'Job Seeker not Participating not contactable', the Participant will be unable to be Referred back to TtW in the same Period of Unemployment.

Where an Exit occurs and the Participant subsequently returns to the Service, after reassessment by Services Australia 13 Consecutive Weeks or more after the date of the Exit, the Participant will begin a new Period of Service and Period of Registration (if relevant).

Where the Participant is Exited to commence in an Other Service, the Participant's Period of Unemployment generally continues in the new service. The Period of Unemployment also continues in the case of the reactivation of Participant's record (e.g. the restoration of a cancelled allowance if the Participant returns within 13 consecutive weeks after the cancellation). Otherwise, a new Period of Unemployment begins.

Group Two Participants

If a Group Two Participant is Exited due to:

- advising they no longer wish to participate in the Service,
- ceasing to participate appropriately, or
- completing their Period of Service,

they will be excluded from Services for 13 Consecutive Weeks. After this time the Provider must reassess the Participant's eligibility in order to re-register them.

See Direct Registration Process.

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Chapter 4. Employer and Participant Servicing

Supporting Documents for this Chapter:

- Service Delivery Plan – Information for Providers delivering Workforce Australia Transition to Work Services

4.1. Chapter Overview

TtW Providers must deliver high-quality, personalised, culturally appropriate and holistic Services for Participants and Employers within their Employment Region(s). A Provider's Service Offer and strategies for delivering TtW Services in each Location they are operating in must be detailed in the Service Delivery Plan.

This Chapter provides information on Funded Places, Service Delivery Plans and the Employer and Participant Servicing expectations in the TtW Service.

(Deed Reference(s): Clauses 78, 79, 82.1)

4.2. Funded Places

Providers are allocated funded Places to provide Services to Participants under the Deed.

A Place may be occupied by one or more Participants, but not generally at the same time. A Place is not the same as a single Commenced Participant on a Provider's Caseload, i.e. when a Participant is Exited from TtW, another Participant can occupy that Place.

Providers may have higher or lower numbers of Commenced Participants to allocated Places at any point in time due to labour market demands and the flow of Participants into and out of the Service.

Providers are expected to utilise a minimum of 90 per cent of their Places and may, on occasion, utilise more than 100 per cent of their Places. The Department reviews and adjusts Place allocations on a regular basis to ensure Providers have sufficient funding to service their Caseload.

Providers will be paid an Upfront Payment for each funded Place they are allocated in each Financial Quarter. See Provider Payments Chapter for further information.

(Deed Reference(s): Clauses 88.2, 136)

4.3. Service Delivery Plans and Service Offer Commitments

Service Delivery Plans communicate to Participants, Employers and other stakeholders the Services they can expect to receive from the Provider.

Providers must develop a Service Delivery Plan (Plan) for each Employment Region they service. The Plan must capture commitments made in the Provider's tender response (Service Offer) and outline the Provider's strategies for delivering TtW Services.

Providers must ensure that copies of the Plan are available to Participants and Employers and are prominently displayed in all Sites. Plans will be published on the Workforce Australia website.

Not all commitments made in a Provider's Tender can or should be incorporated into their Plan. The Provider and the Department will identify other key commitments that it considers are core to the

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Provider's overall servicing strategy. These commitments will be monitored and assessed throughout the Deed period.

A Provider's compliance with their Service Delivery Plan, the Service Guarantee, and Service Offer Commitments is an integral part of the TtW Performance and Quality Framework. See Performance Chapter for further information.

For more information about changing Service Delivery Plans and/or Service Offer Commitments throughout the Deed period, refer to Service Delivery Plan – Information for Providers delivering Workforce Australia Transition to Work Services.

(Deed Reference(s): Clause 82)

4.4. Delivering services to Participants and Employers

4.4.1. Responsive to stakeholder needs

Participants

Providers must have regular contact with Participants and deliver high quality, personalised services. Services should engage Participants in a range of Activities that align with their aspirations and interests, and which meet their Participation Requirements.

Participants should understand the value of participating in the Activities and how participation helps them progress towards their education and employment goals. The overall engagement and delivery of Services to Participants should reduce the risk of them becoming or remaining long-term unemployed.

Providers have the flexibility to determine the type of Activities that best support the individual circumstances of each Participant. Activities, both vocational and non-vocational, should assist the Participant to address their individual barriers and help them progress toward employment. Providers should:

- work with each Participant to understand their goals and personal circumstances/barriers and develop strategies to help achieve those goals and actively manage or overcome associated barriers. This may require Providers helping Participants to develop goals and build their personal aspirations
- ensure Participants understand the range of Activities available, and that they can undertake an appropriate mix of individual, group and self-directed Activities that are aligned to their individual needs and goals
- tailor Activities and employment/education pathways for Participants to match current and emerging local labour market opportunities. Participant's work readiness and employability skills should be developed in line with the needs of relevant industries that are likely to provide employment in their local area.

Providers must jointly develop a Job Plan with each Participant and keep it updated. This sets out the Services the Participant will receive, and the vocational and non-vocational Activities the Participant will undertake to improve their work readiness. Refer to Job Plan Chapter and Activity Management Chapter for more information.

(Deed Reference(s): Clauses 78, 79, 80, 92, 96)

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Employers

Providers are expected to build relationships and deliver recruitment services to Employers. These services must be high quality, reflect an understanding of the needs of the Employer's business and assist them to fill vacancies from suitable Participants on their Caseload. Providers should proactively approach Employers to raise awareness of how they can support their workforce strategies.

Providers must undertake activities to promote and market the abilities of individual Participants to Employers.

Providers have a range of Financial Incentives they can use to deliver a tailored response to an Employer's needs, including training and preparing a participant to succeed in the business.

Providers must work with Employers and local industries to identify their future and current needs. This may include:

- arranging pre-employment soft skills development and training to equip the Participant with the skills the Employer needs. This includes accredited and Employer-recognised training to build the capability of the Participant
- helping to arrange an apprenticeship or traineeship to ensure the Participant develops the required work-integrated skills and experience
- arranging a work trial or work experience placement (including Observational Work Experience placements) to see if Participants are the right fit for the business and the available roles
- assisting with projects delivered by Workforce Australia – Workforce Specialists, Job Coordinators or the Department
- working with Employers to determine and articulate their needs and requirements in a way that can inform better matching and recruitment
- using available tools, such as a Youth Bonus Wage Subsidy, to encourage Employers to take on Participants by assisting with the costs of their hiring, onboarding and training
- providing Post-placement Support tailored to what the Employer and Participant need to sustain the young person in the job.

(Deed Reference(s): Clauses 78, 80, 81, 92, 108, 109)

Low Participant to Provider staff ratio

Providers must maintain a Participant to frontline staff ratio that matches or improves on the commitment made in their tender response (Service Offer). A low Participant to frontline staff ratio ensures Providers see and interact with Participants regularly and can respond to participant needs in a timely manner. A low Participant to Provider ratio also ensures the Provider has the resources to source and arrange a range of tailored Activities that are suitable for each Participant.

The Department monitors both Participant to frontline staff ratios and the active servicing of Participants. Refer to Performance Chapter for more information on the TtW Performance and Quality Framework.

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Vocational assistance

Many young people are unfamiliar with the types of jobs that align with their skills and interests and what different types of jobs involve. Providers must work with Participants to help them understand their strengths and the types of work for which they have an aptitude and that they can realistically secure.

Providers must work with each Participant to identify and address any Vocational Barriers that prevent them gaining Employment or undertaking suitable vocational training. It is expected that Providers help Participants into work that is rewarding and meaningful for the young person and provides opportunities for progression. This may include helping Participants:

- understand local occupations or industries in demand, both now and into the future, along with the type of experience and qualifications needed for entry level opportunities in these businesses
- build their aspiration and confidence about the jobs they can achieve and understand career pathways
- develop resume writing, job applications and job interview skills
- obtain proof of identity documentation
- improve their employability skills, such as the ability to work in a team, their communication skills, motivation and reliability and willingness to work
- address barriers such as language and literacy issues, for example through referral to Skills for Education and Employment (SEE) or the Adult Migrant English Program (AMEP)
- improve their digital literacy or financial management skills
- undertake work experience placements
- undertake targeted training, to gain appropriate licences and qualifications, such as a driver's licence, Responsible Service of Alcohol, Forklift Licence, White Card or First Aid Certificate
- identify labour markets in other locations that may have jobs available in industries they want to work in and provide them with the support, including through Relocation Assistance, should they need to relocate.

(Deed Reference(s): Clauses 78, 79)

Non-vocational assistance

Providers should seek to establish trust-based relationships with Participants to support the disclosure of Non-vocational Barriers that require intervention and assistance. Non-vocational Barriers are sensitive and often impact the ability of the young person to engage in TtW and participate in Activities. Non-vocational Barriers may include:

- homelessness
- physical ill health
- mental illness
- drug or alcohol addiction
- trauma from sexual abuse or violence and physical or mental abuse
- limited transport options, economic disadvantage, and lack of family support.

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Providers must support each Participant to address any Non-vocational Barriers they may have. Non-vocational support underpins the Participant's wellbeing, participation in TtW, related services and Activities, and their ability to engage in the labour market.

Where Participants with Non-vocational Barriers are engaging in employment or education, Post-placement Support should be provided to ensure these challenges are able to be managed. Failing to address these issues leads to increased risks that Participants could become long-term unemployed.

Addressing Non-vocational Barriers may include helping Participants connect with local:

- social support services, such as housing, domestic violence, crisis/trauma or legal services
- general practitioners (doctors)
- peer support services and social groups
- cultural or counselling services
- health services, such as drug and alcohol treatment
- mental health services, for example Headspace.

When referring a Participant to non-vocational services, Providers should provide personalised assistance to help the Participant connect to the service. This may involve, for example, making a phone call and booking the appointment with the Participant, asking the Participant if they know where the appointment is and if they need assistance to attend the appointment, and following up with the Participant in a non-judgemental manner to see if they attended the appointment or if they need help to make another booking. Developing relationships with community organisations that provide Non-vocational services will support these personalised referrals (see Locally Connected).

Mental health is inextricably linked to young people's resilience and capacity to find and sustain employment, and mental health related issues are prevalent among young people. Providers must develop an integrated and coherent response to mental health and suicide prevention support. Providers should recognise that all interactions with Participants should be delivered in a manner that recognises that every Participant could be experiencing mental health challenges, even if they have not been disclosed.

Mental health supports could include creating an environment where young people feel safe and supported, ensuring Participants have a contact to talk to in difficult times, supporting personalised referrals to mental health services in their local communities and providing quality mental health services directly to young people (such as providing access to a qualified mental health expert).

(Deed Reference(s): Clause 123)

Maintaining a dedicated Youth Space and Self-help facilities

Providers must ensure they have a dedicated Youth Space for TtW Participants. This should be a welcoming and youth friendly area, where Participants feel safe and comfortable. This may include:

- a separate room where the Provider and the Participant can have a private conversation
- partitions separating areas, or
- a safe space that only young people and specialist Provider staff can access.

Providers should consider providing Participants with the opportunity to have an active and on-going role in creating and maintaining the youth friendly space.

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Providers delivering services, in addition to TtW, at the same Site should maintain a clear delineation between those services.

Providers must also ensure that at each Site, they make available a range of Self-help Facilities to support Participants in accessing career and training information and undertaking job search activities. This can include personal computers (or similar devices) with broadband internet connectivity, printers, Wi-Fi access, charging stations, reference material and brochures. These must be provided at no charge to Participants.

(Deed Reference(s): Clauses 6, 103)

Supporting Participants after they are placed in a job or education

Providers must provide regular Post-placement Support for Participants, Employers and education organisations.

Providers must maintain contact during the Job or Education Placement to ensure the Participant is settling in and any issues are identified quickly and addressed. The frequency of contact and the length of time over which the contact is maintained should reflect the needs of the Participant and Employer or Education provider, and how well the Participant is adjusting to the placement. Particular care should be taken to ensure Participants with Non-vocational Barriers are supported.

(Deed Reference(s): Clause 108)

4.4.2. Locally connected

TtW is a national service with flexibility to operate effectively in, and be tailored to the needs of, local communities and labour markets. Providers should have a detailed and current knowledge of their local labour market and maintain strong connections with local businesses, Employers and training providers, and collaborate effectively with locally available services, including:

- a wide range of community and social support services
    - Providers must connect and refer Participants to local community service organisations, support services and programs based on their individual needs. Community service organisations and support programs promote, provide and carry out activities or projects for the benefit or welfare of the community. They include services targeted at meeting the needs of community members, such as assistance with find housing, counselling services, drug and alcohol services, and parenting programs. A Provider should provide personalised help to Participants to access and navigate the range of different government and community support/services available (see Non-vocational assistance).
- schools and other education and training institutions
    - TtW is designed to support young people who have experienced difficulty transitioning from Education to Employment. Providers must build and maintain strong connections with a range of local education and training institutions to identify opportunities to help Participants transition from school and develop the skills and qualifications they may need for sustainable employment.
    - Providers are expected to develop and maintain close connections with local schools to ensure they understand the purpose and benefits of TtW for students who may be disengaged from school.
- Employers and industry associations

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- Providers are expected to understand current and future local labour market conditions and the current and future needs of local Employers and Industry. This understanding should inform the Activities, Education and Training opportunities offered to Participants to ensure their skills and employment pathways align with the emerging needs of the local labour market or another identified labour market the Participant can access.

A Provider's strong connections with the above community stakeholders help Participants be aware of and navigate a wide range of services that can assist them in pursuing their goals. It also helps the Participant to see themselves as a valued part of, and contributor to, their community and gives Providers additional resources to leverage for the benefit of Participants.

Providers should build and maintain a network of local industry groups and Employers to ensure strong business connections the Provider can leverage to:

- identify, or be made aware of, local job opportunities
- monitor local labour market conditions for new businesses or emerging industry opportunities
- effectively plan for the likely future state of the labour market. This may help Employers deal with supply and demand challenges or industry growth trajectories
- build employer and industry confidence in the Provider's service and the Participants who are looking for work
- address areas of skill shortage and boost the productive capacity of the youth workforce
- promote jobs fairs.

(Deed Reference(s): Clauses 78, 81)

Local Jobs Program and Workforce Specialists

Providers should also proactively connect with and leverage the Local Jobs Program and Workforce Specialists in their local region. This may include becoming a Local Jobs Program Activity Partner or referring Participants to Local Jobs Program Activities or Workforce Specialist Projects. To engage with the Local Jobs Program, Providers should contact their local Job Coordinator. Refer to Local Jobs Program Chapter and Activity Management Chapter for further information.

(Deed Reference(s): Clauses 118, 119)

4.4.3. Citizen centric and collaborative

TtW is a voluntary service, and Participants and Employers must perceive the service as adding value in order to continue engaging. Providers should have clear strategies for seeking feedback from Employers and Participants about how they perceive the service and how it could be improved, and processes for iteratively improving services.

Providers must consider the needs of Participants and Employers when delivering Services to ensure they receive the best service possible. This may include:

- engaging with Participants and Employers on the Provider's service delivery design and engagement strategies
- trying innovative approaches to bring Employers and Participants together and iterating on them to continually improve their effectiveness, for example through social events

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- helping Employers to attract and employ young people so they can harness the skills and perspectives they bring
- working together with other TtW Providers to meet the needs of an Employer with a coordinated and streamlined service, where relevant, e.g. where an Employer has a larger scale recruitment/higher volume need
- sharing experience and knowledge with other Providers and relevant stakeholders
- collaborating with community, employers and industry to develop opportunities.

4.4.4. Non-competitive service delivery

TtW has a non-competitive service delivery model with only one Provider operating per Location. This supports Providers to develop a strong collaborative approach with local Employers and industry representatives, other TtW Providers in different Locations, providers of local community and support services and other stakeholders.

Providers are expected to share best practices, experiences and learnings with other TtW Providers about what works to engender the most useful forms of engagement with the range of Complementary Programs and services, along with the most effective strategies for creating outcomes that benefit Participants and Employers. Providers are encouraged to consider developing a community of practice with other Providers, holding regional forums/ meetings, and organising joint training or information sessions for Participants.

4.4.5. Youth engagement in service delivery

Genuine engagement of youth in Provider decision-making processes and service delivery design fosters stronger involvement from young people. It gives young people an opportunity to build new capabilities and skills, makes them feel valued and increases their sense of responsibility. Many Participants may not be equipped or confident enough to engage with Providers at this level, and Providers are encouraged to build the capability of Participants to provide feedback and represent their views. Providers must be committed, and support young people, to participate in considered and meaningful ways to shape the design and on-the-ground delivery of their TtW Services, for example, through hosting Participant representative forums or involving Participants in governance processes.

Providers should ensure youth consultation and engagement is done in a way that is appropriate for the Service and for young people.

(Deed Reference(s): Clause 78)

4.4.6. Continuous improvement culture

Providers are expected to embed a culture of continuous improvement in their organisation to:

- foster innovation and ownership from their staff
- ensure Participants receive the best possible support to gain and retain suitable Employment or participate in education and training
- ensure Employers and industry bodies receive the best possible support to meet their workforce requirements.

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Providers are able to demonstrate continuous improvement through evidence of a culture of monitoring and responding to Participant and Employer feedback by:

- engaging in ongoing staff professional development to encourage learning and innovation
- extending their network of positive and proactive relationships with stakeholders,
- incorporating in their service delivery the ability to foresee and plan for Caseload changes and future labour market needs.

(Deed Reference(s): Clause 78)

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Chapter 5. Participant Requirements

5.1. Chapter Overview

Participants are generally expected to participate in TtW Services for 25 hours per week (reduced for those with part-time Mutual Obligation Requirements). Providers must work with Participants to set an appropriate mix of Activities or Services to support full participation in TtW Services. Providers are required to ensure Participants are aware of and meet their Participation Requirements.

Participants who continue to fail to meet their requirements, as agreed in their Job Plan, may be Exited from TtW. Participants receiving an Activity Tested Income Support Payment will be Exited and Referred to Workforce Australia Services.

This Chapter outlines the different participation requirements for TtW Participants, depending on their circumstances.

5.2. Participants with Mutual Obligation Requirements

Under the Social Security Law, people receiving an Activity Tested Income Support Payment, with Mutual Obligation Requirements, must participate in a range of Activities or Services that will help them into employment, unless Services Australia has granted the person a temporary Exemption from the activity test.

When setting requirements for Participants, the Provider must review the Participant's identified Vocational and Non-vocational Barriers and negotiate and agree with the Participant the Activities or Services that will assist them to address these issues while still meeting their Mutual Obligation Requirements.

Providers must assist Participants to understand and meet their Mutual Obligation Requirements. If a Participant continues to fail to meet these requirements, the Provider must Exit and Refer the Participant to a Workforce Australia Employment Services Provider.

A Participant may choose to opt-out of TtW Services at any time. If a Participant advises their Provider that they wish to opt-out, the Provider must Exit the Participant in accordance with Period of Service, Suspensions, Transfers and Exits Chapter.

Providers must also identify if any Work Refusal Failures or Unemployment Failures occur. Where a failure has occurred, Providers must report and Exit the Participant to Workforce Australia Services (see Managing Work Refusal or Unemployment Failures for Participants with Mutual Obligation Requirements).

(Deed Reference(s): Clauses 95.1, 107, 126)

5.2.1. Full-time Mutual Obligation Requirements

Participants with full-time Mutual Obligation Requirements are expected to participate for 25 hours per week throughout their Period of Service, excluding any temporary Suspension from employment services that may occur.

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Providers must monitor Participants to ensure they meet their Mutual Obligation Requirements while in the TtW service.

(Deed Reference(s): Section B4.1)

5.2.2. Part-time Mutual Obligation Requirements

Some Participants in TtW may have part-time Mutual Obligation Requirements. These can be due to an assessed Partial Capacity to Work, a Temporary Reduced Work Capacity or being a Principal Carer Parent. For further information, see ESAt outcomes.

Partial Capacity to Work

Providers must ensure that Activities and the level of Participation are in line with the Participant's Partial Capacity to Work when setting requirements. Partial Capacity to Work is assessed by Services Australia and recorded in the Department's IT Systems.

Participants will be assessed as having a Partial Capacity to Work if both their baseline work capacity and work capacity within 2 years with intervention are less than 30 hours per week. This can be because of a physical, intellectual or psychiatric impairment.

A Participant's Mutual Obligation requirement is generally based on their future assessed capacity with intervention. Participants are not required to immediately participate at the higher work capacity; however, it is intended that a Participant's capacity to participate would be built up gradually through appropriate activities and support.

A Participant with an assessed Partial Capacity to Work of 15 to 29 hours per week is considered to be fully meeting their Participation Requirements if they are undertaking 15 hours per week of paid work (including self-employment) or approved study (or a combination of the two).

Note: When a job seeker's work capacity with intervention is less than their baseline work capacity due to a deteriorating condition, their Mutual Obligation requirements are based on their baseline work capacity.

Temporary Reduced Work Capacity

A Participant may have a temporary medical condition and Services Australia may assess that they have a Temporary Reduced Work Capacity. Participants have reduced requirements for the period of their Temporary Reduced Work Capacity.

Providers must ensure that Activities and the level of participation are in line with the Participant's Temporary Reduced Work Capacity when setting requirements for these Participants. In some cases, the ESAt will recommend a program of assistance.

Principal Carer Parent

A Participant who is also a Principal Carer Parent, as recorded in the Department's IT Systems, has a part-time Participation Requirement of 15 hours per week. They will be fully meeting their Participation Requirements if they are undertaking 15 hours per week of paid work (including self-employment) or approved study (or a combination of the two).

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Providers must consider the Participant's family and caring responsibilities including the availability and affordability of childcare, when setting requirements and Activities for a Participant who is also a Principal Carer Parent.

Providers should take into consideration the requirements for Principal Carer Parents during school holiday periods, due to a need for alternative arrangements if childcare is not available or alternatives to face to face Appointments.

For information on requirements for Parent Pathways Participants, see Parent Pathway Participants in TtW.

5.2.3. Early School Leavers

A young person who has been determined to be an Early School Leaver, as defined in the Social Security Act, will be flagged in the Department's IT Systems and be subject to specific Mutual Obligation Requirements. However, Early School Leavers who Commence in TtW are not subject to these requirements as participation in TtW fully meets their Mutual Obligation Requirements.

Once an Early School Leaver has completed Year 12 (or an equivalent qualification) or turns 22 years of age, they will no longer be an Early School Leaver. They will be subject to the Mutual Obligation Requirements that apply to other Participants.

Providers should advise Participants to notify Services Australia on completion of a qualification to have it recorded and the Early School Leaver flag removed.

5.3. Requirements for voluntary Participants

5.3.1. Group Two Participants

Participants Direct Registered by a Provider into TtW are voluntary Participants and do not have Mutual Obligation Requirements under Social Security Law.

Group Two Participants are still expected to engage for the required 25 hours a week if they choose to access the Service, unless there are factors affecting their capacity to engage (for example, they are a parent of a child under 6 years old or have mental/physical barriers). If this is the case, Providers should tailor a Group Two Participant's Participation Requirements to reflect their capacity.

5.3.2. Parent Pathways Participants in TtW

Parent Pathways Participants may choose to voluntarily participate in TtW.

Parent Pathways Providers may refer a Participant for concurrent servicing in TtW if the Participant's goal is to gain employment or the Participant wants to be with a youth cohort.

TtW Providers must consider each Parent Pathways Participant's circumstances and ability to participate in Activities.

Note: Parent Pathways Providers are required to continue to service and support Participants when they are participating concurrently in TtW.

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5.4. Setting Activities to meet Participation Requirements and monitoring Participants

Providers must determine an appropriate mix of Activities or Services for all Participants. This may include:

- Employment
- Work experience, for example, Observational Work Experience Activities hosted by the Provider such as:
  - meetings and group sessions
  - mentoring
  - self-directed Activities
- attending Education and Training Courses
- attending Activities or appointments to address non-vocational barriers.

Note: Job search can be included as an Activity if the Provider believes it will benefit the Participant.

Activities should be in accordance with the requirements set out in the Activity Management Chapter and consider the Participant's unique circumstances such as:

- age
- education level
- Vocational and Non-vocational Barriers
- cultural factors
- caring responsibilities
- assessed work capacity
- access to transport.

Further information can also be found in the What must be included in a Job Plan section.

5.4.1. Education and training Activities

Participation in a full-time approved Education or training course meets a Participant's Requirements even if the full-time course is less than 25 hours per week. Full-time is at least 75 per cent of the course-load of an approved educational course, or if determined as full-time by the Training Institution.

No further Activities or Services need to be undertaken by the Participant when they are in full-time Education or training. However, Providers are required to support and assist Participants to ensure they continue and maintain engagement in the Education or training course.

5.4.2. Monitoring participation

Providers are required to maintain regular contact with each Participant to monitor progress against the agreed Participation Requirements and ensure that they are participating in their agreed Activities.

Providers must keep a record of Participants' Activities in the Department's IT Systems in line with the requirements set out in the Activity Management Chapter.

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When a Participant does not participate

Providers should refer to the Period of Service, Suspensions, Transfers, Exits Chapter for action to Suspend Participants who are unable to participate of a period of time, or Exit those who are failing to meet their Participation Requirements.

5.4.3. Monitoring Parent Pathways Participants

If a Parent Pathways Participant in TtW does not attend appointments and/or participate in the Activities discussed, the TtW Provider should contact the Parent Pathways Participant to discuss their continuing engagement in TtW and also discuss the best course of action with their Parent Pathways Provider.

(Deed Reference(s): Clauses 96.3, 126.1)

5.4.4. Managing Work Refusal or Unemployment Failures for Participants with Mutual Obligation Requirements

A Work Refusal Failure is committed when a Participant who has Mutual Obligation Requirements refuses or fails to accept an offer of suitable employment.

An Unemployment Failure is committed when a Participant who has Mutual Obligation Requirements becomes unemployed as a direct or indirect result of their voluntary act or as a result of their misconduct as an employee.

If the Provider considers that a Participant may have committed a Work Refusal Failure or Unemployment Failure, the Provider must contact the Participant as soon as possible to discuss the circumstances and determine if a failure has occurred.

If, after discussing the circumstances with the Participant, the Provider is satisfied that the Participant's reason is due to an event or factors outside the individual's control or the employment was unsuitable, then no further action is required.

If, after discussing the circumstances with the Participant, the Provider considers a Participant has committed a Work Refusal Failure or Unemployment Failure the Provider must inform the Participant that they will be Referred to a Workforce Australia Employment Services Provider. The Provider must document evidence that supports the assessment of a failure and provide this to the Workforce Australia Services Provider. The Provider must retain a copy of the evidence for future reference.

The Workforce Australia Employment Services Provider will report the Participant's Work Refusal Failure or Unemployment Failure to Services Australia for further investigation. Services Australia will determine compliance action in accordance with Social Security Law.

Providers must document any evidence that supports the assessment of a Participant's Work Refusal Failure or Unemployment Failure. This should include:

- details of how the Provider became aware that a Work Refusal Failure or Unemployment Failure appears to have been committed
- any comments from the Employer
- any reasons given by the Participant.

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(Deed Reference(s): Clause 126.1)

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Chapter 6. Complementary and Excluded Programs

6.1. Chapter Overview

Providers are expected to maintain effective relationships and collaborate with providers who deliver Complementary Programs and services in their Employment Region(s), to ensure they can be leveraged to benefit young people in TtW. This includes, but is not limited to, private and community-based providers of other services; education and training institutions; healthcare organisations; State or Territory government service providers.

Providers are expected to identify local initiatives and support services to deliver a comprehensive range of activities that address Participants' Vocational and Non-vocational Barriers, to support young people to work towards and achieve Employment and Education Outcomes.

This Chapter outlines what needs to be considered when deciding on whether a program is Complementary or Excluded.

(Deed Reference(s): Clause 109.4)

6.2. Complementary Programs

A Complementary Program is a program or service Participants can undertake concurrently with TtW, that is designed to assist young people address Vocational and Non-vocational Barriers.

Participation in Complementary Programs will contribute towards the 25 hours a week participation requirement for TtW Participants.

Complementary Programs should provide additional specialised assistance that is different from the core assistance and Service TtW Providers are funded to deliver. However, Providers may additionally choose to access specialised assistance, that has elements of the core service for TtW, on a fee-for-service basis.

> **Example:** Employability Skills Training (EST) is made up of two training Blocks.
>
> - EST Block 1 covers employability and advanced job search skills which TtW Providers are already funded to provide to Participants on their Caseload. Accordingly, a TtW Provider will be charged a fee (the full EST Block 1 training fee) if they decide to outsource this training for their Participants.
> - EST Block 2 training goes beyond the core service offering expected of TtW Providers and focuses exclusively on delivering industry specific training. This training will address local labour market needs and offers direct links to work trials. EST Block 2 includes the delivery of relevant micro-credentials through Registered Training Organisations. As this goes beyond the scope of services TtW providers are funded to deliver, a TtW Provider will only be charged a small fee for Participants undertaking EST Block 2.

Services that can be delivered in a complementary way alongside participation in TtW can include, but are not limited to, programs and services that support Participants to:

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- improve or learn new vocational skills, for example literacy and numeracy, training, and education opportunities
- access local industry, employment or training opportunities, for example Local Jobs Program or Workforce Specialist projects
- address a wide range of Non-vocational Barriers including mental health, drug and alcohol support services, domestic violence service, housing services, justice services, and other family related services.

Providers must not demand or receive any payment, either directly or indirectly, from any Participant for, or in connection with, the Complementary Program. If required, Providers should use part of the Upfront Payments to provide or purchase Complementary Programs and service assistance.

Examples of programs that the Department funds and has determined to be complementary to TtW are listed below:

- Australian Apprenticeship Support Network (AASN)
- Adult Migrant English Program (AMEP)
- Employability Skills Training (Note: Employability Skills Training is a fee-for-service Complementary Program for TtW Participants)
- Launch into Work
- Local Jobs Program
- Skills for Education and Employment (SEE)
- Workforce Specialists.

Further information on these programs and Activities can be found in the relevant Activity Chapters in this Handbook.

6.3. Excluded Programs

Excluded Services or programs that cannot be delivered concurrently (with the Participant continuing in TtW) are programs and services where the Participant will receive the same or similar support TtW Providers are funded to deliver. For example, providing intensive case management and support to improve work-readiness, and employment preparation assistance such as coaching in interview techniques and workplace presentation, tailored career advice, preparing a resume and developing job applications.

Excluded Services or programs include:

- other employment services funded by the Australian Government, including but not limited to:
    - Workforce Australia Services
    - Disability Employment Services
    - Community Development Program
    - Self-Employment Assistance (S-EA)
    - Headspace Individual Placement and Support (IPS) program
- State and Territory Government activities or programs funded specifically to support young people to be ready for employment or to reconnect with education/training, for example the Reconnect program (Victoria), and the NSW Get Back in the Game program.

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Providers must avoid duplicating services and outcomes already paid for by either Commonwealth or State/Territory government services unless the Department has made an exception.

Before using another program or service, Providers must determine if it is considered complementary or excluded. If they are unable to, Providers can contact their Provider Lead for a determination on whether a particular government service, program or initiative is complementary or excluded to Transition to Work.

If a Participant commences in an Excluded Service or Program, the Provider must Exit the Participant in line with the Period of Service, Suspensions, Transfers and Exits Chapter.

Note: TtW Providers must not directly refer Participants to a Self-Employment Assistance Provider. Participants must first be referred to a Workforce Australia Employment Services Provider who will facilitate a referral to S-EA.

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Chapter 7. Job Plan

Supporting Documents for this Chapter:

- Job Plan template – Compulsory
- Job Plan template – Voluntary

Refer to the TtW System Steps Guide.

7.1. Chapter Overview

The Job Plan details the agreed Activities or Services the Participant will undertake to meet their Participation Requirements. Actively participating in TtW for 25 hour per week (or as applicable for those who are Principal Carer Parent or have reduced work capacity as outlined in the Participant Requirements Chapter) also satisfies any Mutual Obligations requirements a Participant may have under the Social Security Act.

For Participants in Transition to Work, a Job Plan is an 'employment pathway plan' and a 'participation plan' for the purposes of the Social Security Law.

This Chapter outlines the TtW Provider's responsibilities and required actions when creating, reviewing and updating a Participant's Job Plan. The requirements for a Job Plan, as outlined in this Guideline, apply to all Participants.

7.2. What is a Job Plan?

The Job Plan records the Activities or Services Participants have agreed to undertake to meet their Participation Requirements for TtW. For Group One Participants, this meets their Mutual Obligation Requirements under Social Security Law.

The Job Plan must be recorded in the Department's IT System.

The Job Plan must be regularly updated and must be tailored to the Participant's individual needs and circumstances as they complete activities, learn to manage barriers and progress toward employment.

(Deed Reference(s): Clause 96; Section B2.3)

7.3. Who must have a Job Plan?

Providers must ensure all Participants have a current Job Plan in place.

Social Security Law requires Participants with Mutual Obligation Requirements to enter into a Job Plan if they receive the following Income Support Payments:

- JobSeeker Payment
- Youth Allowance (other)
- Parenting Payment Single (when the youngest child turns 6)
- Special Benefit (Nominated Visa Holders).

Group Two Participants are also required to have a Job Plan outlining their participation in TtW.

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Parent Pathways Participants will have a Goal Plan in place created by their Parent Pathways Provider. TtW Providers are required to create a Job Plan with consideration of the commitments in the Participant's existing Parent Pathways Goal Plan.

(Deed Reference(s): Clause 96; Section B2.3)

7.4. Creating a Job Plan

Providers and Services Australia have been delegated certain powers under Social Security Law including the power to require a Participant to enter into a Job Plan and to approve or update it. Providers must ensure that a new Job Plan is created and explained to the Participant and the Participant is provided time to consider the Job Plan before agreeing to it. The Participant must agree to the Job Plan either online or by signing a hardcopy (see Approving a Job Plan).

The Job Plan must be prepared (or updated) at the Initial Interview.

Providers must understand and comply with its obligations as a Delegate under Social Security Law, in relation to Job Plans.

The Job Plan must be created and recorded using the Department's IT Systems.

- The online Job Plan can be used for both Group One and Group Two Participants, noting the declaration is for those with mutual obligation requirements which does not apply for those not on Income Support Payments.
- If the Department's IT Systems are temporarily unavailable or there is no computer access, Providers must use the Job Plan template(s) available on the Provider Portal.
- Details of the Activities included in the Job Plan must be entered into the Department's IT Systems as soon as possible after the Job Plan is created. The contents of the Job Plan recorded must be exactly the same as the hardcopy Job Plan.
- For detailed system steps on how to create, update and withdraw a Job Plan refer to the Digital Solutions Support (Knowledge Base) – Employment Systems Task Cards – Workforce Australia – Job Plan – Creating, updating, or withdrawing a Job Plan (KB0014636).
    - This Task Card relates to the completion of Workforce Australia Services and Online Participant Job Plans, however, can be used as a guide for creating TtW Job Plans.
    - All references to PBAS do not relate to TtW Participants, and the green text box following step 3 also does not relate to TtW Job Plans.

(Deed Reference(s): Clauses 87.1, 96.4, 97.1, Section B2.3)

7.4.1. Considering a Participant's circumstances when deciding the Activities in the Job Plan

Under the Social Security Law, a Job Plan must contain the Activities or Services in which the Participant must participate and that are suitable for the person. When deciding the Activities in a Participant's Job Plan, the Provider should engage with the Participant and consider the following (at a minimum):

- Participant's individual circumstances. In particular:
    - assessed work capacity, capacity to participate and personal needs

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    - impact of any disability, illness, mental or physical condition or other non-vocational issues on their ability to work, look for work or participate in Activities.
    - vulnerabilities or vulnerability indicators such as homelessness, psychiatric problems or mental illness, severe drug or alcohol dependency, traumatic relationship breakdown, etc
    - family and caring responsibilities of the Participant (including availability of childcare)
    - cultural factors
    - history of the Participant not participating (where relevant) to help ensure they do so in the future
    - education, experience, skills and age. For Early School Leavers, the Provider should consider whether education/further study is appropriate for the Participant
    - any other relevant matters (including if the Participant discloses they are a victim of family violence)
- state of the local labour market and transport options available to the Participant in accessing that market
- participation opportunities and Activities available to the Participant
- financial costs (including travel costs) of participating and the Participant's capacity to pay for such costs
- length of travel time required to participate. Generally, reasonable travel time is up to 90 minutes each way, or 60 minutes if the Participant is a Principal Carer Parent or has a Partial Capacity to Work.

Barriers identified through this process must be entered in the Capability Management Tool and any Activities the Participant undertakes to learn to manage these barriers should be linked to the relevant barrier.

(Deed Reference(s): Clauses 92, 95.1)

7.4.2. What must be included in a Job Plan

Providers must ensure a Job Plan contains Activities or Services that will enable the Participant to meet their Mutual Obligation Requirements under the Social Security Law (Group One) or their TtW Participation Requirement (Group Two).

Most Participants will need to undertake a range of different Activities or Services to meet their Mutual Obligation Requirements.

Providers should determine the appropriate mix of individual, group and self-directed Activities for a Participant to meet their Participation Requirement and which are aligned to the Participants' needs and areas of interest. This may include:

- training or education Activities
- Provider Appointments
- Job Search
- referrals to jobs
- Activities designed to develop Job Search and job interview skills or soft skills needed in the workplace
- financial management assistance
- Observational Work Experience

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- participation in the Local Jobs Program or in Launch into Work Placements
- Part-Time work
- Voluntary Work
- Skills for Education and Employment (SEE) program
- Adult Migrant English Program (AMEP)
- Defence Force Reserves
- any of a range of Activities that help to address non-vocational issues.

The Activities or Services included in the Job Plan should generally be aimed at addressing Vocational and Non-vocational Barriers a Participant is experiencing that are impeding their progress towards Employment or further Education. Refer to the Employer and Participant Servicing Chapter and Performance Chapter for further information.

(Deed Reference(s): Clauses 96, 97)

Participants aged 22 years or older

Under Social Security Law, Job Plans for Participants receiving Youth Allowance (other) aged 22 years and over, should include Job Search requirements. Where a Job Plan does not include Job Search requirements for someone 22 years or older with Mutual Obligation Requirements, Social Security Law requires that Providers must either:

- be satisfied that the Activities in the Job Plan are currently more appropriate for the Participant than Job Search and therefore that they can fully satisfy the activity test by undertaking those Activities for at least 25 hours per week (or the hours in line with their Mutual Obligation requirements); or
- adjust the Participant's Job Plan to also include a Job Search requirement; or
- Exit the Participant.

7.4.3. What must not be included in a Job Plan

Under Social Security Law, the following items must not be included in a Job Plan:

- an Activity that would aggravate an illness, disability or injury
- a requirement the Participant undertake an Activity where the appropriate support or facilities (that take account of a person's illness, disability or injury) are unavailable
- a requirement the Participant involuntarily undergo medical, psychiatric or psychological treatment
- an Activity involved in the sex or adult entertainment industry
- an unlawful activity, including an Activity that would contravene Commonwealth, state or territory laws relating to discrimination or workplace health and safety
- an Activity outside of Australia
- a requirement the Participant participate or otherwise be involved in a criminal activity
- any other terms contrary to Social Security Law.

A Job Plan must not include detailed personal medical information or details of medical conditions and medications. Providers must not include an Activity (or combination of Activities) in the Participant's Job Plan if the Participant cannot reasonably undertake them.

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7.4.4. What must be explained to the Participant?

Providers should discuss the contents of the Job Plan with the Participant to ensure they understand what they are agreeing to do and the potential consequences of not agreeing to enter into the Job Plan or failing to meet the requirements outlined in the Job Plan.

Providers must explain the Job Plan to each Participant including:

- the purpose of the Job Plan
- how the Provider intends to support the Participant
- how participating in the activities in the Job Plan are designed to help them learn to manage or overcome some of their barriers to employment
- the Provider's Service Guarantee and Service Delivery Plan
- the section entitled 'Information You Need to Know' in the Job Plan
- the Participant's rights and responsibilities under the Job Plan (including two business days 'thinking time' to consider the Job Plan before accepting it)
- what the Participant needs to do if they have a change in circumstances that affects their ability to meet the requirements in their Job Plan
- the consequences of failing to meet those requirements, including being Exited from TtW
- that the Participant should give prior notice when they cannot attend Appointments or participate in Activities
- the Participant's right to appeal decisions and where they can find assistance to do so, and
- how their information is protected under privacy legislation and under Social Security Law.

Under Social Security Law, Participants must be formally notified of the date, time, location and other additional requirements for attending Appointments and participating in Activities.

(Deed Reference(s): Clause 97)

7.5. Approving a Job Plan

The Job Plan must be provided to the Participant for their agreement once the Activities and Services in the Job Plan have been negotiated and the Job Plan created in the Department's IT Systems. This may be done by the Participant agreeing to their Job Plan online (through the Workforce Australia website), or by signing a hard copy.

Regardless of how a Participant agrees to their Job Plan, Participants can request two Business Days 'think time' to consider the proposed requirements of their Job Plan or to discuss the content with a third party before signing or agreeing to their Job Plan. If the Participant requests to have two Business Days 'think time' the Provider should book another Appointment in two Business Days' time.

If the Participant signs a hard copy of the Job Plan, Providers must give a copy to the Participant and also retain a copy.

7.5.1. Refusal or failure to enter into a Job Plan

If a Participant refuses to sign a Job Plan prior to the end of the Initial Phase, the Provider should record in the Department's IT Systems the discussion with the Participant. Participants with Mutual

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Obligation Requirements must be referred to Workforce Australia Services and Exited from TtW. Participants without Mutual Obligation Requirements must be Exited from TtW.

(Deed Reference(s): Clauses 97, 107)

7.6. Reviewing and updating the Job Plan

Providers must regularly review and update the Job Plan including when the:

- Participant's circumstances change
- Participant commences a new Activity or Service, and/or
- Participant completes an Activity or Service that was in their Job Plan.

Job Plan content should be reviewed regularly to ensure all Activities are up-to-date and remain relevant.

When an Activity is completed, the Provider should discuss with the Participant whether the Activity or Service helped to overcome or manage their barrier. If the Activity or Service did not help or did not help enough, the Provider should consider other similarly focused Activities or Services which can support and assist the Participant and update the Job Plan with the new Activities or Services accordingly. If the Activity or Service did help the Participant overcome or manage their barrier, a new suite of Activities or Services should be entered into the Job Plan to address any other Vocational or Non-vocational Barriers the Participant may have or to provide other forms of assistance the Participant may need.

(Deed Reference(s): Clause 96.2)

7.7. Interpreters and support persons

When a Participant requests, or where the Provider considers it appropriate, Providers must use an interpreter to ensure each Participant understands their requirements before the Participant agrees to or signs the Job Plan.

Participants may bring a third party to the negotiation of the Job Plan if they wish.

Providers must work cooperatively with Humanitarian Settlement Program Case Managers, who may accompany some humanitarian entrant (refugee) Participants to interviews. A Humanitarian Settlement Program Case Manager can provide advice on appropriate employment strategies and activities that can help the Provider to develop a suitable Job Plan. (Note: A Case Manager is not an interpreter).

(Deed Reference(s): Clause 7)

7.8. Using Job Plan codes

Providers must use the comprehensive list of available Job Plan codes as they have been developed to be consistent with legislative requirements. This will enable pre-population and linkages through the Department's IT Systems, the Participant's Job Seeker Profile page on the Workforce Australia website, and the Services Australia's IT system.

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Note: The JS06 (Job Search with Disability) code must be used where the Participant is eligible for Mobility Allowance. More information on Mobility Allowance can be found on Services Australia's website.

The Free-text code can only be used where no available code covers an Activity the Provider has decided to include in the Job Plan. Free-text is auto-populated into the Job Plan and, as such, is viewable to Providers and Services Australia.

(Deed Reference(s): Clause 98)

Table 7-A: Job Plan Codes and Descriptor

Code	Code No and Descriptor
Appointment	AI01—Attend Appointment
	AI12—Provider Contact Appointment
Job Search	JS04—Job Search Contacts Voluntary
	JS06—Job Search with Disability
	JS07—Research and Prepare Applications
	JS09—Job Search monthly
	JS10—Job Interviews
Employment	EM54—Self Employment
	EM56—Paid Work
Participation Activities	ET52—Adult Migrant English
	ET53—Apprenticeship/Traineeship
	ET56—SEE or ESL course
	ET57—SEE and/or ESL assessment
	ET59—Study - Part-Time or Full-Time
	ET60—Updating work related licences/quals/m-ships
	ET64—Work preparation
	WE11—Voluntary Work
	WE15—Defence Force Reserves
Non-vocational	NV02—Counselling
	NV04—Non-Vocational Training
	NV05—Parenting Skills Program
	NV07—Drug and Alcohol Rehabilitation
	NV09—Self-help Group or Support Group

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Code	Code No and Descriptor
	NV10—Undertake an Assessment
	NV12—Child Care
	NV13—Intervention – Non Specific
	NV14—Health Maintenance Program
Free-text	FTXT—Free-text

Table 7-B: Job Plan Assistance Codes and Descriptor

Assistance Code No	Assistance Code Description
AS02	Health and Allied Services Assistance
AS03	Interpreter Services Assistance
AS04	Non-Vocational Assistance
AS05	Provider Services Assistance
AS06	Relocation Assistance
AS07	Self-Employment Assistance
AS08	Short-Term Child-Care Assistance
AS09	Provided JET CCFA Information and Assistance
AS10	Training - Books and Equipment Assistance
AS11	Training - Courses Assistance
AS12	Transport and Licensing Assistance
AS13	Wage Subsidy Assistance
AS14	Work Experience Activities Assistance
AS15	Work Related Clothing and Presentation Assistance
AS16	Work Related Tools and Equipment Assistance
AS17	Other Assistance
AS18	On The Job Assistance
AS19	Psychological Assistance
AS20	Ongoing Support Assistance

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Chapter 8. Vacancies and Outcomes

Supporting Documents for this Chapter:

- TtW Outcomes - Documentary Evidence Checklist
- TtW Manual Claims - Provider Advice

Refer to the TtW System Steps Guide.

8.1. Chapter Overview

TtW supports young people to improve their work readiness skills and assists them into employment (including apprenticeships or traineeships) or education.

Providers must work with Employers and Industry to understand their needs and ensure Participants are equipped to meet those needs. By supporting Participants and working with Employers and Education providers, Providers can achieve a range of Outcome types.

This Chapter outlines Outcome types (Education, Employment and Hybrid) as well as managing and claiming Outcomes and sourcing and lodging Vacancies.

8.2. Summary of Outcomes

Providers can claim a range of Outcomes when assisting Participants to become work ready or move into Employment. These include:

- 12 Week Employment Outcomes
- Education Outcomes
- 12 Week Hybrid Outcomes
- 26 Week Employment Sustainability Outcomes
- 26 Week Hybrid Sustainability Outcomes.

All Outcomes above will be available where Employment is with, or Education or training is delivered by, a Related Entity or Own Organisation of the Transition to Work Provider.

(Deed Reference(s): Clause 135, 137, Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.3. Impact of a Participant's characteristics on Outcomes

A Participant's Income Support Payment status and Mutual Obligation Requirements inform the requirements that need to be met for an Outcome to be achieved.

Please refer to Annexure B1 – Outcomes, Table 1 – Outcome Requirements of the Deed.

8.4. 12 Week Employment Outcomes

12 Week Employment Outcomes can be achieved once a Participant has been in 12 cumulative weeks of:

- Employment
- Unsubsidised (i.e. not on an Income Support Payment) Self-Employment

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- an apprenticeship or traineeship (unless a Provider decides to claim the apprenticeship or traineeship as a Hybrid Outcome).

To count towards a cumulative 12 Week Employment Outcome, Participants must satisfy either a 60 per cent rate reduction requirement (averaged over 6 Services Australia Fortnights) or meet the average hours requirement as outlined in Annexure B1 – Outcomes, Table 1 – Outcome Requirements.

Employment Outcomes can comprise multiple Job Placements, which can be with different Employers.

A Participant can consolidate multiple jobs to accrue sufficient hours or earnings to achieve the Employment Outcome. As such, a 12 Week Employment Outcome can take longer than 12 weeks to achieve. For example, a 12 Week Employment Outcome could be achieved over a 5-month period.

To be eligible to track for an Outcome, all Job Placements must begin within the Participant's current Period of Service. The Outcome tracker will commence tracking from the Outcome Start Date and then displays a result after the following time periods have elapsed:

- 4 weeks for a Participant not on Income Support Payments, or
- 2 Services Australia Fortnights for a Participant receiving Income Support Payments.

Providers cannot claim a 12 Week Employment Outcome earlier than 12 weeks or 6 Services Australia Fortnights (for Participants receiving an Activity Tested Income Support Payment).

The Employment Outcome Start Date for a Participant on Income Support is set by the Department's IT Systems based on the day the Job Placement Start Date is set to 'Placement Confirmed'. The Outcome tracker will move the Outcome Start Date to the first day of the Participant's first full Services Australia Fortnight.

For Participants who are not on Income Support, the Employment Outcome Start Date is the Job Placement Start Date recorded by the Provider in the Department's IT Systems.

(Deed Reference(s): Clause 135, Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.4.1. Pre-existing Employment

Generally, where a Participant is already undertaking Employment prior to Commencing in TtW, this is not eligible to count towards an Employment Outcome.

However, where a Participant increases their working hours or earnings after Commencing in TtW, an Outcome may be payable where it is a Significant Increase in Pre-existing Employment.

This includes a situation where a Participant has a Pre-existing Employment contract with an Employer but has not yet started work with the Employer.

Participants with Pre-existing Employment are considered to be marginally attached to the labour force. The requirements to achieve an Employment Outcome are, therefore, higher for this group of Participants.

Note: Pre-existing Employment is Employment occupied by the Participants prior to them receiving Services from any TtW Provider.

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To determine whether a Significant Increase in Pre-existing Employment has occurred, the Provider must determine the initial earnings or hours that applied;

- prior to Commencement in TtW, and
- to the period prior to the Significant Increase in Pre-existing Employment after Commencement (as applicable).

Providers must retain evidence of the Participant's Employment earnings or hours for at least the four weeks prior to the Significant Increase in Pre-existing Employment.

The evidence must show that the Participant was not already achieving the required rate reduction or hours as outlined in Annexure B1 – Outcomes, Table 1 – Outcome Requirements.

Documentary Evidence must be uploaded into the Department's IT Systems.

Placements for Pre-existing Employment

To track an Employment Outcome for Pre-existing Employment a Provider must enter a Vacancy with a Vacancy type of Pre-existing Employment selected in the Department's IT Systems.

If a Participant has Pre-existing Employment the Provider must lodge this as a Job Placement prior to lodging any other subsequent Job Placements. This will ensure the Pre-existing Employment Outcome tracks appropriately.

The Job Placement Start Date for Participants in Pre-existing Employment is different to standard Job Placements. The Job Placement Start Date cannot occur prior to the Participant's Commencement in Transition to Work. It will also vary depending on the following Participant characteristics:

- For Full-Time Activity Tested Participants on Income Support, Providers must record the Pre-existing Job Placement Start Date as the Transition to Work Commencement Date. The Provider must note the actual start date of the employment in the comments screen in the Department's IT Systems.
- For Participants receiving Income Support but not Full-Time Activity Tested (i.e. Principal Carer Parents and those with a Partial Capacity to Work), Providers must use the day the Participant's hours increased as the Job Placement Start Date in the Department's IT Systems.
- For Participants not in receipt of Income Support Payments, Providers must use the day the Participant's hours increase to 20 hours per week as the Job Placement Start Date in the Department's IT Systems.

(Deed Reference(s): Clause 135.2, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.4.2. Vacancy Management

Providers must engage and work with Employers to understand their needs and to identify job opportunities. Providers must source suitable Job Placements for their Participants. These are recorded on the Department's IT System as a Vacancy.

When entering a Vacancy in the Department's IT Systems, Providers need to enter a range of information including a job description, employer details, hours, salary, Vacancy type and whether the job was sourced by the Participant.

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To record and manage Vacancies, apprenticeships and traineeships, Providers must:

- ensure that the details of each Vacancy, apprenticeship and traineeship are complete, up-to-date and compliant with the Workforce Australia Online Conditions of Use.
- ensure the Vacancy, apprenticeship and traineeship is not an Unsuitable position.
- ensure the Job Placement Start Date is within the Participant's Period of Service.
- record the Job Placement Start Date in the Department's IT Systems within 56 calendar days of each Participant commencing Employment.
- for a job with a Paid Induction Period or employer-funded work trial the Provider can decide whether to use the date on which the Participant commences the induction/work trial or the first day of continuous Employment following the induction as the Job Placement Start Date.
- record the Job Placement End Date and End Reason when the Job Placement ends.

Note: The status of any Outcomes that were tracking, as a result of the Job Placement, will depend on the specific scenario, the type of Outcome that was tracking and whether the Participant is in any other jobs.

Note: Multiple Job Placements will contribute to the one Employment Outcome. The first of these Job Placements will set the Employment Outcome Start Date, and the Outcome tracker will commence, as detailed in the Tracking for an Employment Outcome section. Subsequent jobs will then contribute to this tracking Employment Outcome until the Outcome is claimed.

The Outcome tracker will not generate an Outcome for any subsequent Job Placements while the initial Job Placement is tracking.

The Department's IT Systems will not allow Providers to backdate a Job Placement Start Date by more than 56 days. The Department expects Providers to remain in regular contact with Participants, including awareness of gaining Employment.

Vacancies entered as apprenticeships or traineeships will contribute towards an Employment Outcome. If being claimed as a Hybrid Outcome, rather than an Employment Outcome, they will need to be combined with an Education Activity Placement (see Hybrid - Apprenticeships and Traineeships).

Providers must have Documentary Evidence to support the entering of a Job Placement Start Date in the Department's IT Systems. This Documentary Evidence can take a range of forms, including a file note that records how the Provider became aware of the Employment or written communication about the Employment from the Participant or Employer.

Providers should be aware that Outcome requirements and Documentary Evidence requirements may differ according to the type of Vacancy selected. See Documentary Evidence for Outcome Claims.

(Deed Reference(s): Clauses 79.4, 81.4, 128)

Check Minimum Wage

Where a Provider has sourced a Vacancy they must, at the time they lodge the Vacancy in the Department's IT Systems, make sure the relevant minimum wage is satisfied.

The minimum wage may be set out in the Modern Award that relates to the Vacancy. The National Minimum Wage will apply if a Modern Award is not in place. As Providers will check this at the

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Vacancy lodgement stage, they will not be expected to check minimum wages again when they claim an associated Outcome Payment.

Where a Participant has sourced a Vacancy, Providers are not required to check the applicable minimum wage. The Participant will already have information relating to the National Minimum Wage and the Fair Work Ombudsman as Providers must give this information to all Participants when they Commence in Services.

The information must include the following, which is contained in the Minimum wages fact sheet available on the Fair Work Ombudsman website:

- details of the latest National Minimum Wage rates,
- where to access information about the Pay and Conditions Tool and any changes to the National Minimum Wage rates, and
- the contact details of the Fair Work Ombudsman.

(Deed Reference(s): Clause 95.1)

8.4.3. Tracking for an Employment Outcome

An Employment Outcome will begin to track once a Provider has:

- recorded a Vacancy in the Department's IT Systems, and
- placed the Participant against it in a Job Placement, and
- recorded the Job Placement Start Date.

Note: The Outcome tracker will not generate a result until after 4 weeks, for a Participant not on Income Support Payments, or 2 Services Australia Fortnights, for a Participant receiving Income Support Payments, has passed.

The Outcome tracker on the Department's IT Systems enables a Provider to view and track Employment Outcomes and lodge a claim when it becomes available.

Note: Where a Participant is not receiving an Income Support Payment, Employment Outcomes cannot be tracked using Services Australia data, and all Employment Outcomes must be claimed as Payslip Verified Outcomes to confirm total hours worked over the Outcome Period and the date Outcome requirements were met.

If a Job Placement is contributing to a Sustainability Outcome and at the same time is tracking to a 12 Week Employment Outcome in its own right, the Provider must only claim one of these Outcomes.

Providers are required to support and provide assistance (Post-placement Support) to all Participants and/or Employers to help sustain their Employment.

Note: Outcomes will continue to track for a Participant after they have been Exited, and Providers will still be able to claim the Outcome where the requirements are met. Post-placement Support must be provided to Participants while they are tracking to an Outcome. Post-placement Support can still be provided after a Participant has Exited.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

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8.5. Education Outcomes

Providers can claim an Education Outcome (Participation) or an Education Outcome (Attainment or Completion) if a Participant satisfies the respective requirements as outlined in Annexure B1 – Outcomes, Table 1 – Outcome Requirements.

Providers must only claim one Education Outcome Type in relation to the same course being undertaken by a Participant (i.e. either an Attainment or a Participation).

Regardless of the length of the course, Providers cannot claim two Education Outcomes (Participation) for the same course. For example, a 52-week course cannot be claimed as two 26-week Participation Outcomes. However, Providers may claim multiple Education Outcomes where a Participant undertakes different courses, for example, completion of Year 12 and a Certificate III.

Providers must record all Education Placements for a Participant in the Department's IT Systems within 28 calendar days of the Participant commencing the course.

The Outcome Start Date for an Education Outcome is based on the Participant's Education Placement Start Date in the course.

The Outcome tracker on the Department's IT Systems enables a Provider to view and track Education Outcomes and lodge a claim when it becomes available.

- An Education Activity Placement must be recorded in the Department's IT Systems for an Education Outcome to track.
- Providers must indicate that the 'course provides skills identified as in-demand by National Skills Commission, approved for Austudy/Abstudy or Youth Allowance (student) and may result in an Education Outcome'.
- If an Education course changes from part-time to full-time (or vice-versa) after the Education activity has been confirmed, the first Education activity must be ended and a new one created.

(Deed Reference(s): Clause 135.1, Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.5.1. Education Outcome based on Participation

For an Education Outcome (Participation), Participants must attend and engage in one of the following education courses full-time for 26 Consecutive Weeks as described in the Deed:

- Secondary Education leading to Year 12 (this includes participation at school, for example Year 10, Year 11 or Year 12)
- a Certificate III or higher course (this includes a Diploma or Advanced Diploma, Associate Degree or Bachelor Degree, or a University Bridging Course (University Bridging Course must be delivered by an Australian University or RTO))
- the Skills for Education and Employment (SEE) program or
- the Adult Migrant English Program (AMEP).

Note: Education Outcomes for Certificate III or higher courses are not inclusive of Masters or Doctoral Degrees, please refer to the listed inclusions above.

The education or training institution delivering the course determines the full-time status of a course for the purposes of tracking towards an Education Outcome.

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It is important that Providers help Participants understand the local labour market and employment available in their area when discussing education/training options with them. The Department does not support 'training for training's sake' so a Participant should not be unnecessarily or repeatedly cycled through training.

Note: During the 26-week Period, Participants must achieve the average weekly hour requirement or other participation requirements outlined in Annexure B1 – Outcomes, Table 1 – Outcome Requirements.

Note: Participating in Education courses which are not full-time must not track towards an Education Outcome (Participation). However, it can contribute towards a Participant's 25 hours requirement for a Hybrid Outcome if combined with Employment (see 12 Week Hybrid Outcomes and Sustainability Outcomes).

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes - Table 1 – Outcome Requirements)

8.5.2. Education Outcome based on Attainment or Completion

An Education Outcome based on Attainment or Completion will entail either the Participant's successful Completion of Year 12, or Attainment of a Certificate III or higher.

The Participant does not have to undertake a full-time course for a Provider to claim an Education Outcome based on Attainment or Completion.

There is no specified or minimum length in which a Participant can attain a Certificate III or higher course qualification, except for a University Bridging Course which must be a minimum of 12 weeks duration.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.5.3. Delivery of Online Education

Education which involves distance learning, online or self-paced study methods can track to an Education Outcome. However, Providers should take into account the quality of education provider, the course content/learning outcomes, access and assistance that will be available to Participants, and the individual circumstances of the Participant when determining the most appropriate mode of study.

The Department prefers Providers to use face-to-face learning, and local courses, given the characteristics of TtW Participants. However, a Provider can track and achieve Education Outcomes for Participants doing online education.

8.5.4. Monitoring Participants in an Education Activity

Providers must regularly monitor the Participant's engagement in the Education Activity. This may involve contacting the relevant educational institution to ensure the Participant is fully engaged in the course or checking to ensure the Participant is completing relevant modules of an online course.

Note: If a Participant in an Education course changes from part-time to full-time (or vice-versa) after the Education activity has been confirmed, the first Education Activity must be ended and a new one entered.

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A Provider can backdate an Education Activity Start Date up to 28 days including where a Participant may have Exited. However, the Education Activity Start Date must fall within the Participant's Period of Service.

When an Educational Activity Placement has ended, or the Participant stops attending, the Provider must update the Activity Placement with an end date and Exit reason.

(Deed Reference(s): Clause 79.4, Chapter B2)

8.5.5. Periods of leave

Educational institutions will have individual policies about how much leave students can take before their absence starts to impact their enrolment and progression.

Providers must consider the individual institutions' policies regarding acceptable levels of leave when determining whether the 26 Consecutive Weeks of Participation has been reached. The 26 Consecutive Weeks includes normally scheduled breaks in study as determined by the training institution (i.e., term or semester breaks).

8.5.6. Pre-existing Education

Pre-existing Education is:

- Education that started prior to a Participant's Commencement in TtW. This includes deferred study, or
- participation in the SEE program which started between the Participant's Referral to and Commencement in TtW

Except in relation to the SEE program, a Participant's part-time Pre-existing Education must increase to full-time before a Provider can track towards, and claim, an Education Outcome (Participation). If the Participant's Pre-existing Education is full-time, an Education Outcome is not payable.

(Deed Reference(s): Clause 135.3; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.6. 12 Week Hybrid Outcomes

A 12 Week Hybrid Outcome is achieved where a Participant participates for 12 consecutive weeks for the minimum average weekly hours required in the Deed in a combination of Education and Employment at the same time or in an apprenticeship or traineeship.

There can be any ratio of Education to Employment if the placements run concurrently.

The Education component must be a Certificate III or higher course, secondary education leading to Year 12, the SEE program or AMEP and can include normally scheduled breaks determined by the education institution.

Providers cannot claim both a Hybrid Outcome and an Education Outcome for the same Education activity or both a Hybrid Outcome and an Employment Outcome for the same Job Placement.

To start a Hybrid Outcome tracking, the Provider must:

- refer and result the Participant in a Vacancy, and
- refer the Participant to an Educational Activity Placement, for the same period.

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(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes - Table 1 – Outcome Requirements)

8.6.1. Using Pre-existing Employment for a Hybrid Outcome

Pre-existing Employment can be combined with Education to track towards a Hybrid Outcome. However, Pre-existing Employment cannot be combined with Pre-existing Education to track towards a Hybrid outcome.

A Hybrid Outcome will start to track if a Participant's Education Placement is confirmed in an Education course within the Department's IT Systems and the Participant already has a pre-existing Job Placement recorded in the Department's IT Systems.

The Hybrid Outcome will track even if the pre-existing Job Placement has insufficient rate reduction to achieve an Employment Outcome in its own right.

(Deed Reference(s): Clause 135.4; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.6.2. Using Pre-existing Education for a Hybrid Outcome

Pre-existing Education can be combined with Employment to track towards a Hybrid Outcome. However, Pre-existing Education cannot be combined with Pre-existing Employment to track towards a Hybrid Outcome.

A Hybrid Outcome will start to track if a Participant's Job Placement is recorded in the Department's IT Systems and the Participant already has a Pre-existing Education Placement confirmed in the Department's IT Systems.

- Where a Participant was undertaking part-time Pre-existing Education and later commences Employment that overlaps with the Education Activity, the Provider must end the first Education Activity Placement and start a new one in the Department's IT Systems.

(Deed Reference(s): Clause 135.4; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.6.3. Apprenticeships and Traineeships

Apprenticeships and traineeships may be tracked as Hybrid Outcomes, where:

- the Provider considers participation in the apprenticeship or traineeship will not, in conjunction with any other jobs, satisfy the requirements of an Employment Outcome, and
- the education component of the apprenticeship or traineeship is, or will be, at Certificate III level or above.

An apprenticeship or traineeship entered as a Hybrid Outcome must meet the requirements outlined in the Deed.

- The Provider should enter the Job Placement and Education Activity Placement into the Department's IT Systems so that they start at the same time the Participant commences the apprenticeship or traineeship (even if the education component actually starts later).
- When entering an Education Activity Placement associated with an apprenticeship or traineeship the Provider must identify in the comments section:
  - that the Education Activity Placement is for an apprenticeship or traineeship,

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- the Vacancy ID of the corresponding apprenticeship Job Placement,
- the anticipated start date of the Education component (Certificate III or above) of the apprenticeship, where this differs from the Job Placement Start Date of the apprenticeship/traineeship.

(Deed Reference(s): Clause 135.4, Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.6.4. Hybrid Outcome Start Date

A Hybrid Outcome starts to track for a Participant when the Education and Employment components occur in the same fortnight, for the required combined hours per week as set out in the Deed.

8.6.5. Tracking for a 12 Week Hybrid Outcome

12 Week Hybrid Outcomes will appear on the Outcome tracker on the Department's IT Systems. This will enable Providers to view and track Hybrid Outcomes and consider lodging a claim when it becomes available.

8.7. Sustainability Outcomes (Employment and Hybrid)

There are two types of Sustainability (26 Week) Outcomes for TtW:

- Employment Sustainability Outcomes
- Hybrid Sustainability Outcomes.

Sustainability Outcomes start immediately after a 12 Week Employment or Hybrid Outcome period is completed and must continue for an additional 14 consecutive weeks (7 Services Australia Fortnights for a Participant on Income Support Payments) for the required hours.

A 12 Week Employment Outcome can lead to a Hybrid Sustainability Outcome and a 12 Week Hybrid Outcome can lead to a Sustainability Outcome (Employment).

The course types allowed for Hybrid Sustainability Outcomes are the same as for 12 Week Hybrid Outcomes and Job Placements for Employment Sustainability Outcomes track as per the 12 Week Employment Outcomes.

There are no separate Sustainability Outcomes for Education as Education Outcomes already require 26 weeks' participation in relevant Education Activities.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.7.1. Breaks in Sustainability Outcomes

A short unpaid break or mandatory break (Permissible Break) may occur during a Sustainability Outcome. The Outcome can be claimed if the Participant still achieves the rate reduction or hours requirements, over the consecutive 14 weeks.

The 14-week period is not adjusted for any breaks. It is possible that these breaks may prevent the Participant from achieving an Employment Sustainability Outcome or a Hybrid Sustainability Outcome. For example, an unpaid Christmas shutdown mandated by the Employer or a declared natural disaster may cause a break in the Employment Sustainability Outcome or the Employment element of the Hybrid Sustainability Outcome. Providers should contact their Provider Lead about

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submitting a Manual Claim where a break such as this occurs, and the break alone will prevent the claiming of the Sustainability Outcome.

For mandatory breaks, the Provider must provide Documentary Evidence additional to that required by the Outcome claim. They must upload a signed and dated written statement or email from the Employer which confirms:

- the break in employment including the reason for the break and that the break is mandated or an expectation by the Employer or in the industry,
- the duration of the break including start and end dates,
- the Participant is employed in the same position following the break.

In the case of any minor unpaid breaks, Providers should record a comment in the Department's IT Systems, if the unpaid break results in the rate reduction or hours requirement not being achieved.

8.8. Non-Payable Outcomes

There are some Employment types that are not eligible for Employment Outcome payments, even where the Participant works sufficient hours or earns sufficient income to meet the Employment Outcome requirements. These are referred to as Non-Payable Outcomes. The following are Non-Payable Outcomes:

- Employment in a position that is Unsuitable
- any Employment involving the Participant generating their income or earnings directly from gambling work. For example, if the Participant works as a bookmaker or card dealer and keeps their 'winnings' as declared earnings, an Employment Outcome is not payable. However, an Outcome could still be payable where Employment is in a venue where legal gambling occurs (for example, working in a bar in a licensed venue with poker machines) but the Employment does not involve earnings derived from gambling
- Employment that started before the Participant Commenced in TtW, except where a Significant Increase in Pre-existing Employment applies
- Recurring Employment, except where the Participant has, and maintains, a Significant Increase in Income
- concurrent or overlapping Outcomes
- 12 Week Employment Outcome, 12 Week Hybrid Outcome or Education Outcome, where the Outcome Start Date occurs outside of the Participant's Period of Service
- 12 Week Employment Outcome or a Sustainability Outcome, where the Participant is placed in Employment and the Participant ceases to receive their Income Support Payment due to reasons other than that employment (i.e. moves to Full-time Study, Overseas absence)
- any other situation advised by the Department.

Pre-existing Education is a Non-Payable Outcome unless it is the SEE Program or if part-time Pre-existing Education increases to full-time. Refer to Pre-existing Education for further details.

(Deed Reference(s): Clauses 135.1, 137.7, 137.8; Annexure B1 – Outcomes)

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8.9. Managing and Claiming Outcomes

Different time periods are used to achieve the various Outcomes available under TtW. Table 1 – Outcome Requirements in ANNEXURE B1 – OUTCOMES in the Deed contains all relevant information to determine the Outcome Period.

Providers cannot claim multiple Outcome Payments for Employment Outcomes, Education Outcomes or Hybrid Outcomes when the Outcome periods overlap.

If a Participant is tracking towards multiple Outcomes, the Provider may choose which Outcome to claim. Once claimed, the Outcome Start Date for the remaining overlapping Outcomes will move to the claimed Outcome end date plus one day and commence tracking.

Sustainability Outcomes are treated slightly differently. They must continue to track for the 14 consecutive weeks immediately following completion of a 12 Week Employment or a 12 Week Hybrid Outcome regardless of any other overlapping Outcome claims. This means, if another Outcome is claimed that overlaps with the Sustainability Outcome, the Sustainability Outcome will become unclaimable.

The Outcome tracker enables a Provider to view and track Outcomes and lodge a claim when it becomes available. To access the tracker from the Provider landing page:

- select Payments from the blue ribbon at the top of the page
- select Payments hub from the ribbon that appears
- select Outcome tracker.

(Deed Reference(s): Clause 136, Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.9.1. Claiming Outcomes

All Personnel must complete Claims Processing Training before lodging a claim for Outcome Payments in the Department's IT Systems.

It is recommended that Providers claim Outcome Payments which satisfy Deed requirements promptly after the Outcome is achieved. Delayed claims may adversely impact a Provider's performance data and the tracking of an Outcome for new placements and Sustainability Outcomes.

The 'last date to claim' field in the Outcome Tracker is not applicable to TtW Outcomes, however Providers are encouraged to use the date as a guide to identify if Outcomes are being claimed in a timely manner after they have been achieved.

Note: A Participant does not need to be Exited from TtW where a Provider claims an Outcome if the Participant is still within their Period of Service.

When an Outcome for a Participant on Income Support becomes available to claim, and the Participant's Income Support has been stopped (for example, '*failure to report*'), the Provider must confirm that the Participant remained Employed for any fortnights where the Outcome tracker indicates the result is 'system derived' before the Outcome can be claimed.

Providers must have Documentary Evidence supporting the confirmation. This can include a file note (in Comments) that records how the Provider confirmed the system derived fortnights were due to Employment, or written communication from the Participant or Employer.

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Providers must only claim an Outcome if the Participant has achieved the relevant outcome requirements.

- Documentary Evidence requirements vary based on Outcome type, Participant characteristics and whether the Outcome is a result of Pre-existing Employment.
- Providers must upload all Documentary Evidence to support their Outcome claim into the Department's IT Systems at the time of the claim unless otherwise stated. Outcome claims are monitored and reviewed by the Department on an ongoing basis.

See Documentary Evidence for Outcome Claims.

(Deed Reference(s): Clause 47.3, 137; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.9.2. Outcomes if a Participant transfers between Transition to Work Providers

If a Participant on a Provider's Caseload is tracking towards an Outcome and the Participant transfers to another TtW Provider during the Outcome Period, the original Provider may claim the related Outcome or Sustainability Outcome as long as all relevant requirements are met.

(Deed Reference(s): Clause 137; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.9.3. Outcomes after the completion of Period of Service

Where a Group One Participant has completed their Period of Service (i.e. 18 or 24 months of servicing) and is tracking to an Outcome, their Employment or Education must be continuous to remain in TtW. The Participant must be immediately Exited by the TtW Provider if there are any fortnights where there are insufficient, or no, hours worked or no participation in Education.

The exception to this is Sustainability Outcomes because these are calculated over a 14-week period using an average of Employment hours. Therefore, if the Participant is tracking to a Sustainability Outcome at the end of their Period of Service, they should be Exited at the end of the 14-week period regardless of whether the Outcome has been claimed or not.

Note: A Group Two Participant will be automatically Exited at 18 months Period of Service, even if they are tracking toward an Outcome.

After a Participant is Exited, Outcomes will continue to track in the Department's IT Systems and where the requirements are met, Providers will be able to claim the Outcome.

Post-placement Support must be provided to all Participants while they are tracking to an Outcome.

Refer to the Period of Service, Suspensions, Transfers and Exits Chapter and Eligibility, Referral and Commencement Chapter for more information.

(Deed Reference(s): Clauses 104, 107; Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

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8.9.4. Verification of Employment Outcomes

There are two ways that Outcomes can be verified – by information from Services Australia or by Documentary Evidence (Payslip Verified Outcome Payment). The process will be different if the Participant is:

- on Income Support Payments and the Department's IT System is receiving correct Services Australia data
- on Income Support Payments and there is a discrepancy between Services Australia data displayed in the Department's IT System and what the Participant received from the Employer(s), or
- not on Income Support Payments.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

Participants on Income Support Payments (Services Australia data-based claim)

For Participants on an Income Support Payment, Employment Outcomes are verified by the Department's IT Systems using the earnings or hours declared to Services Australia by Participants each fortnight.

The Department's IT Systems will consider the Participant's earnings each fortnight, to calculate the amount their Income Support has been reduced due to those earnings (i.e. the rate reduction). For example, if the Participant's earnings from Employment mean they only receive 30 per cent of their JobSeeker Payment in a fortnight, their rate reduction for that fortnight is 70 per cent.

Earnings/hours information will be imported from Services Australia's IT system.

Outcomes will become available to claim once Services Australia data has verified that the appropriate hours or rate reductions have occurred to meet the Outcome requirements and if all other Outcome requirements are met.

Documentary Evidence is not required for Employment Outcomes where the Department's IT Systems are able to use only Services Australia data to verify that an Employment Outcome is payable.

Participants on Income Support Payments (Variation)

Where a Provider disagrees with the earnings or hours information received from Services Australia, they can add a variation to the Outcome. A Provider is required to enter earnings or hours in a way that aligns with the Services Australia fortnight.

To add a variation, a Provider must:

- select the Outcome in the Outcome Tracker
- select 'add a variation' in the Outcome detail screen and record;
    - for earnings-based Outcomes, the Participant's earnings based on the payment date (as shown on the Payslip) that aligns within the relevant Services Australia fortnight.
    - for hours-based Outcomes, the Participant's hours to align with the Services Australia fortnight in which the Participant worked, not when they received their earnings.

After the variation has been added to the Department's IT Systems, Payslips for the period of the variation must be uploaded as Documentary Evidence. The Outcome will become available for the

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Provider to claim in the Department's IT System if the appropriate rate reductions or hours have occurred to meet the Outcome requirements and the Provider is satisfied that all other Outcome requirements are also met.

Participants not on Income Support Payments

Providers must submit a claim for a Payslip Verified Outcome Payment to claim an Employment Outcome for Participants who are not on an Income Support Payment or are in Unsubsidised Self-Employment and meet all other participation requirements (as outlined in Annexure B1 – Outcomes, Table 1 – Outcome Requirements).

To claim an Employment Outcome, Providers must:

- select the Outcome in the Outcome tracker
- record the total number of hours the Participant has worked over the relevant Employment Outcome Period
- record the date the Participant achieved the total number of required hours to achieve the Employment Outcome
- upload Documentary Evidence and record the Documentary Evidence type.

The Department's IT Systems will check that the hours entered meet the Deed requirements for an Employment Outcome and will allow the claim to be lodged for payment where they do.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

8.9.5. Employment Outcomes Triggered by Engagement of a Workforce Specialist or Employability Skills Training Provider

Providers can claim an Employment Outcome where the Participant gains Employment through a Workforce Specialist or EST Provider, assuming all other Outcome requirements are met. If the Workforce Specialist or EST Provider has entered the Job Placement into the Department's IT Systems, this will track Outcomes for the Provider.

Provider should work with these Other Providers to confirm details and arrangements for providing Post-placement Support for the Participant. Refer to the Employability Skills Training Chapter and Workforce Specialists Chapter in this Handbook.

(Deed Reference(s): Clause 137.6)

8.9.6. Documentary Evidence for Outcomes Claims

Providers must hold the required Documentary Evidence at the time of making the claim in the Department's IT Systems.

(Deed Reference(s): Clause 10, 18.4, 19, 137; Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements)

Documentary Evidence – Employment Outcomes

Documentary Evidence must be:

- a payslip (record of Employer payment to a Participant generated by an Employer which satisfies the requirements of the *Fair Work Act 2009* and *Fair Work Regulations 2009*), or

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- Employer payroll summary (record of the Participant's official payment history generated by an Employer)

The document must include the following information:

- Employer's and Participant's name
- Employer's Australian Business Number (ABN) or Australian Company Number (ACN) (if applicable)
- Payment Period
- date of payment
- gross and net pay
- if the Participant is paid an hourly rate:
    - the ordinary hourly rate
    - the number of hours worked at that rate
    - the total dollar amount of pay at that rate.

The Provider must obtain an email from the Employer confirming any details which are not included on the payslip/Employer payroll summary.

If using an Employer payroll summary, the Provider must attach an email from an Employer confirming the hours worked per Payment Period if the Participant does not receive a payslip with an hourly wage identified because they undertake piece-work (i.e. the Participant is paid per item of work).

Where variations are entered for Participants on Income Support, the Provider is only required to provide payslips or Employer payroll summary report/s for the period of time/fortnight in the Outcome period that cannot be verified by Services Australia data.

Note: As per section 3.6.2. of the Workforce Australia Universal Guidelines Part A, Tax File Numbers must be redacted from pay slips prior to being uploaded into the Department's IT Systems as Documentary evidence to support Pay Slip Verified Outcomes.

Unsubsidised Self-employed Participants

The Vacancy recorded on the Department's IT Systems for Participants who are not on Activity Tested Income Support and are undertaking self-employment, must identify that the Participant's Employment is Unsubsidised Self-Employment. This must be supported by dated Documentary Evidence from the Participant in one or more of the following forms:

- sales records, contracts with clients or contracts of employment and a statement from a Certified Practising Accountant or Chartered Accountant (for example, a Profit and Loss Statement) relating to the Participant's business for 12 or 26 Week Period
- signed and dated statement of earnings from an accountant and/or registered bookkeeper for the 12 or 26 Week Period, or
- a copy of records from the Australian Taxation Office (ATO) for the 12 or 26 Week Period verifying the Participant has an income as self-employed.

Proof of business establishment alone is not sufficient evidence to support an Outcome Payment.

The records or statements provided should demonstrate the Participant has earned enough to support themselves (i.e. generating sufficient personal income (net of business expenses, including

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tax)). These records or statements should also confirm the National Minimum Wage rate has been achieved when combined with evidence that the Participant has worked the required hours each week/fortnight to achieve sufficient hours (such as a record of the Participant's appointments or diary entries).

More than one form of written evidence may be used as long as the combined written evidence contains all of the above information.

Note: Providers do not need to hold Documentary Evidence for self-employed Participants who are on Activity Tested Income Support if the Department's IT Systems are able to use Services Australia data to verify that an Employment Outcome is payable.

Declaration of earnings and hours to Services Australia

Services Australia data will automatically inform the Department's IT Systems of a Participant's earnings or hours worked for Participants on Income Support and tracking towards an Employment Outcome.

If the Services Australia data does not reflect the Participant's earnings or hours worked, it may be because the Participant is not declaring or is under-declaring their earnings or hours to Services Australia. If a Provider becomes aware of this, they should discuss the discrepancy with the Participant to remind them of their obligations and encourage them to correctly declare any Employment hours or earnings. The Provider could also support the Participant to call or visit Services Australia.

The Provider can lodge a 'variation' in the Department's IT Systems where they have evidence the information returning from Services Australia is incorrect due to non-declaration or under-declaration.

If the Provider is not lodging a Payslip Verified Outcome Payment claim and becomes aware that a Participant is not declaring, or is under declaring their work hours or earnings to Services Australia, the Provider must inform Services Australia either:

- through the Services Australia Reporting Fraud form on the Services Australia Website, or
- by calling the Services Australia Fraud Tip-off Line on 131 524.

Documentary Evidence for Education Outcomes

Participation Outcomes

Documentary Evidence must be a statement or email from the education institution that is signed, dated and sent after the completion of the required 26 weeks. The evidence of participating in Education must include:

- confirmation the Participant engaged in Education for 26 weeks after the commencement date
- the course is full-time study as defined by the education institution or reflects any hours of study undertaken (in accordance with the Participant's requirements outlined in the Deed, and
- the study periods (i.e. term, trimester or semester) and the start and end dates. Noting, this includes breaks which occur over the Christmas/summer holiday period.

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In addition to the statement/email above, the Provider may also provide an academic transcript issued by the education institution to demonstrate progress through the course.

Note: Where Providers are unable to obtain evidence from an education institution for an Education Participation Outcome, the following Documentary Evidence will be accepted:

- an email from the education institution stating that they will not provide the requested information,
- confirmation the Participant engaged in Education for 26 weeks after the commencement date, dated after the completion of 26 weeks of participation in that Education,
- the course is full-time study as defined by the education institution,
- the study periods (i.e. term, trimester or semester) and the start and end dates, and
- an academic transcript issued by the education institution to demonstrate progress through the course (the Participant should be able to provide this).

Online or self-paced learning Participation Outcomes

In the instance of distance learning/online or self-paced components, Documentary Evidence must include evidence of modules completed, progress of a year level completed, unit of a Certificate III, or a statement from a supporting education provider detailing the units of study successfully completed.

As with all Education Participation Outcome claims, the evidence provided must also confirm the study has occurred for 26 weeks, that it has been full-time as defined by the Education institution or reflects the hours of study undertaken (in accordance with the Participant's requirements outlined in the Deed.

Part-time participation in an Education Activity can count towards a Participant's 25-hours-per-week requirement or Hybrid Outcome, but will not count towards an Education Participation Outcome, unless the Participant has a reduced hour participation requirement.

Attainment Outcomes

Evidence of completing a year 12 Certificate or a Certificate III or higher must be an electronic or a hard copy of the qualification and must show:

- the details of the qualification the Participant has achieved
- the Participant's name
- details of the Authority, Institution or Registered Training Organisation (including national provider number) that issued the qualification
- the date of the qualification
- the course code or unit code identified on training.gov.au or TEQSA (or equivalent verification from a state government authority for a Year 12 qualification), and
- for a University Bridging Course, evidence that the course ran for a minimum of 12 weeks.

Note: Documentary Evidence for Education Attainment Outcomes cannot be a statement of attainment. These documents detail units of competency a Participant has completed in a course but do not demonstrate that the entire course has been completed and a qualification achieved. The Documentary Evidence date must be after the Activity Placement Start Date.

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Documentary Evidence for Hybrid Outcomes

For a Hybrid Outcome, Documentary Evidence must prove the Participant has met the required hours through a combination of Education and Employment.

Evidence is required for both the Education and Employment components. This evidence must demonstrate the hours of study and hours of work undertaken per week or fortnight over the 12 week Outcome period. This requires:

- a signed and dated written statement or dated email from the education institution confirming the Participant's contact hours per week/fortnight and the dates of the course. This evidence must be dated after the Outcome end date, and
- payslips or Employer payroll summary/ies indicating the hours worked (for details on what constitutes an appropriate Payslip see Participants in Employment in this section).

Hybrid Outcomes require manual calculation of hours to determine whether the Outcome has been achieved, regardless of whether the Participant is on Income Support or not.

In the case of an apprenticeship or traineeship tracking as a Hybrid Outcome, Providers must upload Documentary Evidence relevant to the completed Employment and Education components, unless the Participant has not yet commenced in the Education component.

Hybrid Sustainability Outcomes

The Provider is required to upload Documentary Evidence in the Department's IT Systems at the time of lodgement. This Documentary Evidence must demonstrate the combined number of hours the Participant has participated in Education and worked over the relevant 14 Week Period.

For example, if the Participant did not commence the Education component of the apprenticeship/traineeship within the Hybrid Outcome period, the Provider is only required to upload Documentary Evidence for the Employment component. Note, the Provider must include details of when the Education component will commence, see Record course details on the Education Activity Placement in the Create a Participant's Education Activity Placement section.

8.9.7. Manual Claims

The Department's IT Systems include functionality to enable Providers to manually request payment where they are unable to process the claim using standard functionality, but they consider an Outcome should be payable.

For information on how to request a Manual Claim, the circumstances where it is appropriate and what evidence is required, please refer to the Transition to Work Manual Claims Provider Advice.

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Chapter 9. Wage Subsidies

Supporting Documents for this Chapter:

- Sample Copy of the Head Agreement
- Wage Subsidy Operations Guide
- Wage Subsidy Calculator

9.1. Chapter Overview

Wage Subsidies are a financial incentive Providers can offer to eligible Employers to encourage them to hire eligible Participants in ongoing jobs by contributing to the initial costs of hiring a new employee.

TtW Participants with Mutual Obligations are eligible to attract the Youth Bonus Wage Subsidy, which offers eligible Employers a maximum of $10,000 over 26 weeks. The Youth Bonus Wage Subsidy is funded from a demand-driven pool.

Providers are expected to work directly with Employers to understand their recruitment needs, the needs of the job placement, and to recommend Participants whose skills and experience make them a good fit for the role. Providers should develop productive relationships with Employers and offer Wage Subsidies as part of an ongoing program of support to assist Participants into eligible jobs that are decent, safe, appropriately secure, and provide workers the flexibility to balance their work and lives.

Providers are best placed to assess the needs of Participants and Employers in their local labour market and based on this, Providers can decide whether to offer a Wage Subsidy to an Employer. This means a Provider may choose not to offer a Wage Subsidy to an Employer even if all eligibility requirements are met.

In determining whether to offer a Wage Subsidy, Providers must ensure that the following principles are met:

- providing value for money, by ensuring a Wage Subsidy is used as an intervention to secure a suitable and decent job for an eligible Participant
- compliance with any work, health and safety requirements under the relevant state or territory legislation
- withstanding public scrutiny
- not bringing employment services or the Australian Government into disrepute.

Providers must ensure Employers are aware they are not entitled to receive a Wage Subsidy until such time as:

- the Provider has offered a Wage Subsidy to the Employer, and
- the Employer has entered into a Wage Subsidy Agreement with the Provider via a Wage Subsidy Agreement, and
- this is approved within 28 days of the Participant commencing Employment (see Head Agreements and Schedules).

(Deed Reference(s): Clauses 79.4, 81.4, 131)

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9.2. Wage Subsidy Eligibility Requirements

9.2.1. Participant Eligibility

Participants are eligible to attract the Youth Bonus Wage Subsidy if they:

- are commenced with a TtW Provider, and
- were subject to Mutual Obligations on the Job Placement Start Date, and
- have participated in 6 months' continuous provider-based employment services (Period of Service), or
- had 12 months' Online Full Services (Period of Service), prior to commencing in Transition to Work, or
- are flagged in the Department's IT Systems as Indigenous, in which case they are eligible on commencement in TtW.

The period of continuous provider-based employment services can include participation in TtW, Workforce Australia Services, ParentsNext, Parent Pathways, Disability Employment Services and/or the Community Development Program. A job seeker's eligibility will not be affected if they Exit and return to the service within an allowable break of 13 weeks.

If a Youth Bonus Wage Subsidy Participant loses the wage-subsidised job through no fault of their own within 6 months of the Job Placement Start Date, they may return to a Provider (subject to eligibility requirements) and immediately be eligible for another Youth Bonus Wage Subsidy. Participants who no longer meet the eligibility requirements for a Youth Bonus Wage Subsidy may be eligible for the Workforce Australia Services Wage Subsidy, where they commence in Workforce Australia Services.

The Department's IT Systems will assess a Participant's eligibility for a Wage Subsidy, based on their time spent participating in relevant employment services. Eligibility is determined based on the Job Placement start date.

As part of confirming a Participant's eligibility, Providers must check if the Participant has an active Wage Subsidy Agreement in place with their organisation that overlaps with any potential new Agreement. Where an overlapping Agreement is identified, Providers must confirm the Employment has ended and then end the existing Agreement in the Department's IT System with the correct Employment end date before creating the new Agreement within the 28-day timeframe.

Providers must speak to their Employment Region Lead immediately if they identify an overlapping Wage Subsidy Agreement managed by another Provider.

9.2.2. Employer Eligibility

A Wage Subsidy Employer must be a legal entity with a valid Australian Business Number (ABN) which complies with all eligibility requirements under the Wage Subsidy Head Agreement terms and conditions. A Wage Subsidy Employer must also have a verified and active Workforce Australia Online for Business account before they can be offered a Wage Subsidy.

A Wage Subsidy Employer must not be:

- the Provider's Own Organisation

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- a Related Entity of the Provider
- a government entity, unless specified below
- a prior employer or host business of the Participant (within the last two years)
- a Family Member of the Participant, to ensure there is no real or perceived conflict of interest or unfair advantage
- suspended or excluded from receiving Wage Subsidies
- a labour hire company or group training organisation, except where the requirements below are met, or
- as otherwise advised by the Department.

Labour Hire Companies and Group Training Organisations

A Wage Subsidy Employer can be a labour hire company or a Group Training Organisation, provided the company is paying the Participant's wages and the placement/s with the host business/es meet all eligibility criteria of the Wage Subsidy Placement and Employer.

If a labour hire company or a Group Training Organisation is receiving a Wage Subsidy for an employee, they must disclose:

- to the host business/es that they are receiving a Wage Subsidy for the employee. The Wage Subsidy Employer must retain documentary evidence of the disclosure and supply it to the Provider.
- to the Provider, prior to being eligible for any Wage Subsidy payments, the ABN of the host business/es the Wage Subsidy Participant was placed with for the duration of the Wage Subsidy Agreement.

Host businesses who subsequently employ a Wage Subsidy Participant on an ongoing basis are not eligible to receive a Wage Subsidy for that Participant, where they hosted the same Participant within the previous two years. Likewise, a labour hire company is not eligible for a Wage Subsidy where they place a Participant with a host business who has previously employed the Participant within the past 2 years. See Not eligible – Prior Employment for details.

Not eligible – Government Entities

A Wage Subsidy Employer or host business must not be an Australian Government or state or territory government entity.

Similarly, the Employment position cannot be funded by an Australian, state or territory government entity.

> **Example:** A Wage Subsidy Agreement cannot be entered into for: a labour hire company which places a Participant in an Australian Government-operated call centre, or in a state government-operated manufacturer of ships.

A Wage Subsidy Employer can be a local government entity, provided the Employment position is not funded by an Australian, state or territory government entity.

Providers can use the Australian Government's website ABN Lookup (abr.business.gov.au) to determine if an Employer is a government entity, and/or request proof from the Employer.

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Not eligible – Prior employment

An Employer will not be eligible to receive a Wage Subsidy where, prior to the Job Placement Start Date, the Participant has been employed by the Employer (including placements with host businesses via a labour hire company), or any other entities associated with the Employer, within the previous two years.

Paid Induction Periods (paid work trials) and periods of unpaid work trials, whether recorded in the Department's IT Systems or agreed between an Employer and Participant, are not considered prior Employment.

Wage Subsidy Placements cannot include periods of unpaid work (e.g. unpaid trials or voluntary work). Providers can use Wage Subsidies for Employment that starts after an unpaid work trial ends, if all other eligibility requirements for the Participant, Employer and Placement are satisfied.

Where a Wage Subsidy Participant commenced Employment up to 14 days earlier than the Job Placement Start Date recorded in the Department's IT Systems, Providers can allow the wage subsidy to proceed, where payroll evidence is provided.

Providers must retain payroll evidence of the Wage Subsidy Placement start date, where it differs from the Job Placement Start Date recorded in the Department's IT Systems. Refer to the Wage Subsidy Operations Guide for further details on how to apply this approach.

9.2.3. Placement Eligibility

A Wage Subsidy Placement is an Employment position with an eligible Employer that meets all eligibility requirements. The Employment position can be:

- full-time, part-time or casual
- an apprenticeship or traineeship, and/or
- found by the Provider or by the Participant.

A Wage Subsidy Placement must:

- be a sustainable and ongoing position expected to continue indefinitely. This means the Employment is not intended to end when the Wage Subsidy ceases
- offer at least a minimum average of 20 hours per week which can be averaged over the duration of the Wage Subsidy Agreement to flexibly support Participant and Employer needs
- comply with all Employment standards for the Employment position under any Commonwealth, state and/or territory laws, including but not limited to:
    - complying with the National Employment Standards – Fair Work Act 2009 (Cth).
    - complying with the minimum terms and conditions of Employment prescribed in any Modern Award that covers or applies to the Employment position
    - paying the relevant Wage Subsidy Participant at least the equivalent of the minimum rate prescribed in any Modern Award that covers or applies to the Employment position or, if no Modern Award covers or applies to the Employment position, at least the equivalent of the National Minimum Wage.
- comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including work, health and safety legislation
- provide a safe system of work for the Wage Subsidy Participant at all times during the Wage Subsidy Placement

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- not displace an existing employee
- not be a commission-based, self-employment or subcontracted position (excluding Placements with labour hire companies or group training organisations)
- not otherwise be an Unsuitable position as defined in the Deed.

9.3. Offering and Negotiating Wage Subsidy Agreements

Providers are responsible for negotiating and managing all elements of a Wage Subsidy Agreement including making payments to Wage Subsidy Employers. Providers must not charge Wage Subsidy Employers to manage Wage Subsidy Agreements.

Providers must ensure Employers are aware of the requirement to approve and manage their Wage Subsidy Agreements online via their Workforce Australia Online for Business account, and ensure they have an active account before they commence negotiating a Wage Subsidy Agreement.

In negotiating a Wage Subsidy Agreement, Providers must first confirm a Participant was eligible to attract a Youth Bonus Wage Subsidy on the Job Placement Start Date, and that there are no other active Wage Subsidy Agreements for that Participant.

9.3.1. Head Agreements and Schedules

The Wage Subsidy Agreement consists of the general terms and conditions of the Head Agreement and the specific terms relating to the Wage Subsidy Placement, Wage Subsidy Participant, and the Wage Subsidy Period/s set out in the relevant Schedule.

The Wage Subsidy Period means the payment period for a Wage Subsidy, which are instalment payments of the agreed maximum amount.

Providers must enter into a Head Agreement once with each Wage Subsidy Employer, via the Department's IT Systems and the Employer's Workforce Australia Online for Business account (refer to the Wage Subsidy Operations Guide for further information). A Sample Copy of the Head Agreement can be found on the Provider Portal.

Once a Head Agreement has been entered into, a separate Schedule for each new Wage Subsidy Participant is attached to the Head Agreement. Schedules contain the specific details of the Wage Subsidy Placement for each new Wage Subsidy Participant.

Each Schedule the Provider attaches to the Head Agreement will relate to a single Wage Subsidy Placement and will create a separate contract (Wage Subsidy Agreement) between the Provider and the Wage Subsidy Employer in relation to that Wage Subsidy Placement. Both the Head Agreement and the Schedule must be in the form specified by the Department, created in the Department's IT Systems.

Where the Department changes the terms and conditions of the template Head Agreement, the Provider must enter into a new Head Agreement with each Wage Subsidy Employer in accordance with the updated terms and conditions before attaching any new Schedules in respect of Wage Subsidy Placements. This includes having to enter into a new Head Agreement with those Employers with whom the Provider already has a Head Agreement.

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9.3.2. Negotiating Terms of the Wage Subsidy

Providers must explain the terms and conditions of the Wage Subsidy Agreement to the Employer to ensure they fully understand their rights and obligations in accepting the Wage Subsidy. This includes explaining the Documentary Evidence required from the Employer to confirm the Employer's compliance with the terms and conditions over the course of the Wage Subsidy Agreement, and that the Employer must advise immediately if the Placement terminates early.

The Provider must consider the Participant's ability to meet a weekly average hour requirement when determining the suitability of the Wage Subsidy Placement for the Participant, including whether they have an Employment Services Assessment and/or assessed Partial Capacity to Work. Youth Bonus Wage Subsidy Participants must work a minimum average of 20 hours per week over the duration of the Wage Subsidy Agreement Placement and meet all other eligibility requirements.

The term of a Wage Subsidy Agreement begins (Wage Subsidy Placement start date) on the Job Placement Start Date. The Wage Subsidy Agreement ends 26 weeks after the Job Placement Start Date, or on the date Employment ceases where a Wage Subsidy Placement terminates earlier than the date recorded in the Department's IT Systems.

The Provider must negotiate with the Wage Subsidy Employer a Wage Subsidy Period that works best for the Wage Subsidy Employer's business, subject to the agreed duration of the Wage Subsidy Agreement. A Wage Subsidy Period can be weekly, fortnightly, monthly, quarterly, on completion, or any other timeframe as agreed by the Provider and Wage Subsidy Employer. Wage Subsidy Periods must be recorded on the Schedule. See Payments to Wage Subsidy Employers for more information.

Providers should refer Wage Subsidy Employers to the 'Manage Wage Subsidies' help guide (located on the Workforce Australia website) for details on how to manage their Wage Subsidy Agreements, including submitting documentary evidence.

Wage Subsidy Agreements must be created in the Department's IT Systems by the Provider, and approved online by the Wage Subsidy Employer via their Workforce Australia Online for Business account.

- Wage Subsidy Agreements will not be accepted in an offline format. Should the Provider or Wage Subsidy Employer experience difficulties using the Department's IT Systems and/or Workforce Australia website to approve the Wage Subsidy Agreement, they must contact the Employer Hotline on 13 17 15 prior to the 28-day timeframe expiring.

If amendments to the Vacancy or Job Placement details are required during the Wage Subsidy Agreement term (other than the start date), the Provider must agree on the changes with the Wage Subsidy Employer and update the details in the Wage Subsidy Agreement in the Department's IT Systems in accordance with the Wage Subsidy Operations Guide.

9.3.3. Time requirements for approving a Wage Subsidy

In line with the policy intent of wage subsidies, Providers are expected to commence negotiating a Wage Subsidy Agreement with an eligible Employer prior to the Job Placement Start Date. Providers must ensure that the Wage Subsidy Agreement has been approved by the Employer in the Department's IT Systems within 4 weeks (28 days) of the Wage Subsidy Placement commencing.

Wage Subsidy Agreements will not be approved outside of 28 days from the commencement of Employment, and Providers will not be Reimbursed for any payment to Employers where there is

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not a Wage Subsidy Agreement in place. Providers must ensure Employers are aware of the 28-day timeframe and the consequences of not meeting it.

Providers are required to have appropriate administrative processes in place to meet the 28-day timeframe and must work with Wage Subsidy Employers to ensure that this timeframe is met. If the Department determines there is evidence (e.g., correspondence and/or a draft Wage Subsidy Agreement in the Department's IT Systems) that the Provider delayed the Employer's approval, the Department may take compliance action against a Provider. For example, this includes (but is not limited to) delays caused by Providers:

- not confirming the Employer's eligibility prior to offering a Wage Subsidy
- offering a Wage Subsidy to an Employer well after Employment commenced
- failing to respond to Employer enquiries in a timely manner.

In these cases, compliance action may include Directing the Provider to make Wage Subsidy payments to the Wage Subsidy Employer without reimbursement and/or blocking Outcome payments associated with the Employment position.

See Head Agreements and Schedules for more information.

9.4. Payments to Wage Subsidy Employers

The Provider must have entered into a Wage Subsidy Agreement with the Wage Subsidy Employer and all terms and conditions of the Wage Subsidy Agreement must be satisfied before the Provider can make a payment to the Wage Subsidy Employer.

Wage Subsidy payments must not exceed 100 per cent of the Participant's wages at any point over the Wage Subsidy Placement period.

Wage Subsidy Employers must invoice the Provider to receive a Wage Subsidy payment and submit the required Documentary Evidence to support payment (see Summary of Documentary Evidence section).Documentary Evidence from the Wage Subsidy Employer must confirm the Wage Subsidy Participant worked at least the minimum weekly hour requirement averaged over the Wage Subsidy Period being assessed.

9.4.1. Assessing Periods of Leave

Where a Wage Subsidy Participant's hours worked are less than required for the Wage Subsidy Employer to be eligible for payment, Documentary Evidence must also include all periods of leave taken.

Where a Wage Subsidy Participant requests and has leave approved in accordance with entitlements under a relevant Modern Award or the National Employment Standards – Fair Work Act 2009 (Cth), and the leave is recorded in Documentary Evidence, it can count towards the minimum average hours per week requirement. However, a Wage Subsidy Employer cannot use approved leave to regularly supplement a Wage Subsidy Participant's work hours for the purpose of meeting the minimum average number of hours per week.

Refer to the Wage Subsidy Operations Guide for further details on considering approved leave when calculating payments to Wage Subsidy Employers.

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Evidence of approved leave (paid or unpaid) must show that the Wage Subsidy Employer agreed to the leave at the time the Wage Subsidy Participant requested it, and either be:

- recorded on the Wage Subsidy Participant's pay slip; or
- on a written declaration from the Employer.

9.4.2. Change of Business Ownership

If a Wage Subsidy Employer changes ownership, the new owner is eligible to claim the remaining Wage Subsidy payment/s, provided all other eligibility requirements are met. The Wage Subsidy Agreement must be novated between the parties before the new owner can claim the remaining Wage Subsidy payment/s.

9.4.3. Calculating Payments for Early Terminations

If a Wage Subsidy Placement terminates early, Providers must calculate any outstanding payments based on the number of weeks the Wage Subsidy Participant worked for the required minimum average hours per week from the Wage Subsidy Placement start date.

If the Wage Subsidy Participant does not work the required minimum average hours per week throughout the Wage Subsidy Placement, the Wage Subsidy Employer will not be eligible to receive the full Wage Subsidy amount.

To work out the Wage Subsidy amount the Wage Subsidy Employer is entitled to divide the total Wage Subsidy amount by the Wage Subsidy Agreement Term to calculate the weekly rate the Wage Subsidy Employer may be entitled to receive. Then multiply this amount by the number of weeks the Wage Subsidy Participant worked the minimum average number of hours per week.

Examples of how to calculate payments for early termination can be found in Wage Subsidy Operations Guide.

9.4.4. Wage Subsidy Calculator

The Wage Subsidy Calculator is a tool that assists Providers to calculate the Wage Subsidy amount an Employer is eligible to receive, and the value of the reimbursement the Provider can claim from the Department. Relevant information recorded on the Wage Subsidy Agreement and in the Documentary Evidence, can be entered into the Calculator to confirm:

- the Wage Subsidy Placement meets the required minimum average hours per week over the duration of the Wage Subsidy Agreement, and
- Wage Subsidy payments do not exceed 100 per cent of the Participant's wages at any point over the Wage Subsidy Placement period.

The Wage Subsidy Calculator can be found on the Provider Portal. Information about how to use the Calculator is located in the Wage Subsidy Operations Guide.

9.4.5. Concurrent Funding

Under the General Terms and Conditions of the Head Agreement, Wage Subsidy Employers are required to notify Providers of any Australian Government or State or Territory government funding they receive for the Wage Subsidy Participant or placement.

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Wage Subsidy Employers cannot access Wage Subsidies if they receive funding from other Australian Government, state or territory wage subsidies or similar employment program funding for the same Participant in the same Wage Subsidy Placement.

The Provider should continue to check whether the Wage Subsidy Employer is following the above requirements throughout the Wage Subsidy Agreement term.

9.4.6. Wage Subsidy Employers Not Registered for GST

The total maximum amounts of a Wage Subsidy specified in this Guideline are GST inclusive. Where a non-GST registered Wage Subsidy Employer submits a tax invoice for the correct amount of a Wage Subsidy to a Provider, the Provider must pay the Wage Subsidy Employer the amount (GST Exclusive).

When the Provider submits a claim for Reimbursement, the Department will pay the full (GST inclusive) amount. The Provider is responsible for remitting the GST inclusive amount to the Australian Tax Office.

9.5. Claims for Reimbursement

The Provider can only claim a Reimbursement for a Wage Subsidy payment if:

- all terms and conditions of the relevant Deed, this Guideline, the Wage Subsidy Operations Guide (where applicable) and Wage Subsidy Agreement have been met
- they have first made the relevant payment out of their own funds to the Wage Subsidy Employer
- the Reimbursement claim is for the same dollar value they paid the Wage Subsidy Employer
- they have retained sufficient Documentary Evidence to demonstrate the above.

9.5.1. Time requirements for claiming a Reimbursement

The Department permits claims for Reimbursement to be rendered:

- after each Wage Subsidy payment is made in accordance with the Wage Subsidy Period/s recorded in the Schedule of the Wage Subsidy Agreement, or
- collectively at the end of the Wage Subsidy Placement.

Providers must submit all claims for Reimbursement no later than 56 days after the end of the Wage Subsidy Placement. This includes where a Wage Subsidy Placement ends early.

The Wage Subsidy Head Agreement (clause 6) requires Wage Subsidy Employers to notify providers immediately if the Wage Subsidy Participant's Employment ends prior to the Wage Subsidy Agreement end date. In accordance with this, Providers must ensure that, where a Wage Subsidy Placement has terminated early, the correct Placement end date is recorded in the Department's IT Systems, and that claims for Reimbursement are submitted no later than 56 days from the end of the Wage Subsidy Placement.

Providers are required to have appropriate administrative processes in place to meet the 56 day timeframe. Providers must work with the Wage Subsidy Employers to ensure that this timeframe is met. Providers who fail to meet the 56 day timeframe may not be Reimbursed.

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Under the Head Agreement, Providers are required to make the final Wage Subsidy payment to the Wage Subsidy Employer where the Employer:

- requests the final Wage Subsidy payment, and
- supplies the required documentary evidence for that payment to the Provider within 28 days from the end of the Wage Subsidy Placement.

Providers may choose to make the final Wage Subsidy payment to the Wage Subsidy Employer where they submit the required documentary evidence after the 28 day timeframe, if all other eligibility requirements are met. However, the Provider must claim the Reimbursement from the Department no later than 56 days from the end of the Wage Subsidy Placement.

9.5.2. Recovery of Reimbursement Claims Paid

The Department may recover any Reimbursements made to the Provider, where the Department determines, at its absolute discretion that the Wage Subsidy Employer has:

- misused the Wage Subsidy, including, but not limited to, breaching clause 12 of the Head Agreement
- not met the terms and conditions of the Wage Subsidy Agreement
- been suspended and/or excluded by the Department from participating in Wage Subsidies, or
- otherwise engaged in activity that may bring, or could be perceived to bring, the use of Wage Subsidies or the Commonwealth of Australia into disrepute.

The Department may also recover any Reimbursement made to the Provider where the Department determines, at its absolute discretion, that the Provider has not met the requirements of the Deed this Guideline and/or the Wage Subsidy Operations Guide.

9.6. Managing Wage Subsidy Agreements for Wage Subsidy Participants

9.6.1. Supporting Participants on Wage Subsidies

Providers are expected to provide Post-Placement Support to Wage Subsidy Participants and Wage Subsidy Employers to maximise the success of Wage Subsidy Placements, including after a Wage Subsidy Participant is Suspended or Exited from a Provider's Caseload.

Providers should immediately advise the Department if a Wage Subsidy Participant reports any incidents of inappropriate or unsafe workplace behaviour and follow the appropriate departmental process and protocols.

9.6.2. Managing Wage Subsidy Agreements for Transferred Participants

When a Wage Subsidy Participant transfers to another Provider, the gaining and outgoing Providers must ensure both the Participant and Wage Subsidy Employer continue to be supported.

A Wage Subsidy Agreement must remain with the original Provider if the Participant transfers to another Provider, including if the Provider is exiting the market completely, unless otherwise Directed by the Department.

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9.7. Summary of Documentary Evidence

Providers must obtain and retain sufficient Documentary Evidence which demonstrates the Wage Subsidy Participant was Employed by the Wage Subsidy Employer in the Wage Subsidy Placement in accordance with the terms and conditions of the Deed, Guideline and Wage Subsidy Agreement, to process a Wage Subsidy payment to an Employer and to claim Reimbursement from the Department.

9.7.1. Wage Subsidy Agreements

For all Wage Subsidies, a Wage Subsidy Agreement, linking Vacancy, Employer and Placement details, must be entered into the Department's IT Systems and approved via the Wage Subsidy Employer's Workforce Australia Online for Business account.

See Head Agreements and Schedules for more information.

9.7.2. Evidence from Wage Subsidy Employers – Participant Employment

Documentary Evidence must confirm the Wage Subsidy Employer's details (including name and ABN) and the Wage Subsidy Participant's name. Documentary Evidence must include:

- evidence to confirm the Wage Subsidy Participant's Employment which demonstrates the hours worked (including any periods of approved leave taken) and wages paid for the entire Wage Subsidy Period, which may be in the form of (but is not limited to):
    - a completed Wage Subsidy payment template (refer to the Wage Subsidy Operations Guide), or
    - payslips or a printout from the Wage Subsidy Employer's payroll software to demonstrate the hours worked (including any periods of approved leave taken) and wages paid for the entire period, or
    - a statutory declaration, email or other correspondence from the Wage Subsidy Employer to confirm the Wage Subsidy Participant's Employment, and
- if the Wage Subsidy Employer is a labour hire company or group training organisation:
    - the ABN of the host business/es the Wage Subsidy Participant was placed with throughout the Wage Subsidy Agreement Term. This can be recorded on the Wage Subsidy payment template, provided via email or included in the statutory declaration, and
    - evidence they disclosed to all host businesses the Wage Subsidy Participant is placed with that they were receiving a Wage Subsidy, and
- where a Wage Subsidy Participant's Employment ends prior to the Wage Subsidy Agreement end date, a written statement of the reason why the Employment ended.

Providers may request the Employer provide additional Documentary Evidence relating to a Wage Subsidy Placement, Wage Subsidy Participant and/or Wage Subsidy Agreement. In requesting additional Documentary Evidence the Provider must ensure the Employer understands the:

- evidence required
- purpose of the evidence, and
- timeframe for providing the evidence.

The Department can request additional Documentary Evidence from Providers relating to a Wage Subsidy Placement, Wage Subsidy Participant and/or Wage Subsidy Agreement, to support Program

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Assurance Activities. If Providers do not have this Documentary Evidence, they can request it from Wage Subsidy Employers, as per the Employer's obligations under the Wage Subsidy Agreement.

9.7.3. Evidence from Provider – Claims for Reimbursement

Providers must ensure Documentary Evidence demonstrates that payment was made to the Wage Subsidy Employer before claiming a Reimbursement. Providers can upload all Documentary Evidence via the Agreement Summary screen of the Department's IT System at the time of claiming Reimbursement.

As per section 3.6.2 of Part A - Workforce Australia Universal Guidelines, Tax File Numbers must be redacted from pay slips prior to being uploaded into the Department's IT Systems as Documentary Evidence to support Wage Subsidy payments.

Documentary Evidence may be in the form of a:

- record of transaction (bank statement or report from the Provider's financial system), or
- tax invoice and corresponding receipt from the Wage Subsidy Employer, or
- tax invoice from the Wage Subsidy Employer and a remittance advice, or
- statutory declaration, email or other correspondence from the Provider.

All Documentary Evidence to support a claim for Reimbursement must confirm:

- the Wage Subsidy Participant's name and JSID, and
- the Wage Subsidy Employer's details (including name and ABN), and
- the amount of the Wage Subsidy payment, and
- the date the Wage Subsidy payment was made.

While not mandatory, Providers are encouraged to include a copy of their results from the Wage Subsidy Calculator when uploading evidence. Refer to the Wage Subsidy Calculator User Guide for instructions on how to obtain these.

Providers are also encouraged to include other relevant evidence (correspondence or files notes) to support payment integrity activities, particularly if there were unusual or complex circumstances that require explanation.

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Chapter 10. Relocation Assistance

Supporting Documents for this Chapter:

Refer to the TtW System Steps Guide.

10.1. Chapter Overview

Relocation Assistance provides financial assistance to Participants who relocate to participate in employment.

Relocation Assistance is funded through a demand-driven pool for TtW Providers.

This Chapter outlines the eligibility requirements and process for seeking reimbursement for Relocation Assistance.

(Deed Reference(s): Clauses 79.4, 134)

10.2. Eligibility

10.2.1. Participant Eligibility

Participants will be eligible for Relocation Assistance immediately on commencement in Transition to Work.

In assessing a Participant's request for Relocation Assistance, Providers have discretion to consider the individual circumstances of the Participant and their suitability to relocate for work.

10.2.2. Placement Eligibility

Providers may assist a Participant taking up a job in another location with Relocation Assistance if the Participant has accepted an offer of employment more than 90 minutes away from their current residence.

Before offering Relocation Assistance to a Participant, the Provider must verify the placement details with the Employer and enter a Vacancy in the Department's IT Systems. The Provider must also ensure the Placement is not a Non-Payable Outcome, self-employment or commission based.

10.3. Relocation Assistance Payments

Relocation Assistance can be used to pay a supplier directly or reimburse a Participant for costs incurred prior to and after relocating. Payments are flexible and can be used to help a Participant:

- prepare to move
- move
- settle into the new location.

Relocation Assistance can include, but is not limited to:

- removalist costs
- travel costs (including for verified dependents)

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- disturbance costs (e.g. utility connections, license and/or vehicle registration transfer costs where they are moving interstate)
- prepaid cards (excluding prepaid debit cards) to support Participants during their relocation, for example with fuel or food for the journey, and
- short-term (up to a maximum of two weeks') accommodation costs.

Before agreeing to provide Relocation Assistance, Providers must ensure that any support offered meets the following principles:

- provides value for money
- supports compliance with any work, health and safety requirements under the relevant state or territory legislation
- withstands public scrutiny
- will not bring the Services, the Provider or the Department into disrepute.

To ensure the above principles are met, Providers must exercise discretion and only agree to reasonable costs that are proportionate to the Participant's circumstances. This means that Providers can choose not to provide support or offer a lower amount of support in order to meet the principles.

Examples:

- A Participant wants to move from Sydney to Newcastle to accept a casual job in a fast-food restaurant. The Provider confirms the position details with the Employer including that only limited shifts will be available for the Participant each week. The Provider agrees to pay for the Participant's bus fare to relocate to Newcastle.
- A Participant in Adelaide is offered ongoing employment at a new abattoir facility in Darwin. The Participant has two school aged children who will be moving with them. The Provider confirms the position details with the Employer who confirms the position is full time and ongoing. The Provider agrees to support their relocation with airfares for the Participant and their children, removalist costs and one weeks' accommodation until the Participant's new home is available.

In determining whether a Relocation cost is appropriate, Providers may request a Participant provide one or more quotes, prior to making payments.

Relocation Assistance must not be used for:

- assisting Participants to relocate overseas
- rental bonds
- Pre-paid debit cards
- ongoing costs (e.g., utilities or school fees)
- purchasing assets (e.g., whitegoods), or
- a Participant who is a member of a couple as defined in 1.1.M.120 of the Guide to Social Security Law, and the other member has received relocation assistance for the same relocation.

10.3.1. Definition of a dependent

A dependent may include a member of the Participant's household who is a:

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- dependent child/children under 24 years of age who is:
    - financially dependent on the relocating Participant; or
    - is the dependent child of the partner of the Participant where they are a member of a couple under social security law and the partner is receiving a government payment related to the child or children.
- spouse/partner of the Participant who is also receiving an Australian Government Income Support Payment or pension
- an elderly parent/s who:
    - has reached Australian Pension age
    - lives in the same residence as the Participant
    - is dependent on the Participant for day-to-day care
    - is relocating to reside with the Participant.

Where the dependent of the Participant does not meet these requirements, Providers can assess whether there is a genuine dependency relationship, for example if the Participant has legal caring responsibilities for an adult child with a disability.

10.4. Claims for Reimbursement

Prior to claiming Reimbursement, Providers must ensure they have paid the Supplier and/or reimbursed the Participant in full, from their own funds.

Providers must submit a claim for Reimbursement within 56 days of the purchase/payment date.

To claim reimbursement for Relocation Assistance, all relevant information and evidence must be entered into the Department's IT Systems. This includes items that in combination clearly identifies:

- prior payment from a Provider to the Participant or supplier which reflects payment in full or a zero outstanding balance the details of the supplier (including ABN)
- the details of the items purchased and/or details of the service delivered
- whether the purchase was GST inclusive or GST free
- if quotes were requested, copies of the quotes
- the date the payment was made, and
- if a prepaid card was purchased for the Participant, evidence that the card was issued to the Participant (for example, the date issued, amount, card reference number).

Where a Participant receives assistance to relocate with a dependent, the Provider must retain a file note outlining the reason for their approval, based on their assessment of the genuine dependency of the relationship.

To claim Relocation Assistance:

- from the Payments Hub landing page, select Request payment
- select TtW6 Relocation Assistance Payment
- enter the Contract ID
- add Payment Details (Jobseeker ID, Vacancy ID and Amount)
- upload Documentary Evidence

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- review the Declaration and accept and submit. This will create an Unconfirmed Relocation Assistance Payment claim which needs to be reviewed and processed by your Provider Lead
- send an email to your Departmental Provider Lead advising that a Request Payment claim has been lodged and include the Payment ID to assist them to identify and process the claim.

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Chapter 11. Provider Payments

11.1. Chapter Overview

This Chapter provides information on the range of Payments that TtW Providers can receive. There are a number of payment types available to TtW Providers to incentivise personalised support and achieve Outcomes for disengaged and disadvantaged young people:

- Upfront Payments
- Outcome Payments
- Youth Advisory Session Provider Payments
- Relocation Assistance.

Refer to Part A Guidelines: Operational Requirements Chapter for information relating to recipient created tax invoices.

(Deed Reference(s): Clauses 136, 137, 138, 139, 140, 141)

11.2. Upfront Payments

An Upfront Payment of $1,507 (GST inclusive) will be paid to a Provider for each funded Place they are allocated each Financial Quarter under the Deed. Upfront Payments are paid at the Deed Commencement Date and at the start of each Financial Quarter for the Term of the Deed.

Providers are expected to use Upfront Payments to fund services or activities and purchase equipment that will support a Participant to overcome or sufficiently manage their Vocational and Non-vocational barriers, participate in education, increase work readiness, and gain employment.

The Department will review and adjust Place allocations based on the Commenced Caseload periodically throughout the life of the Deed.

Where a Provider is allocated an additional Place, the Upfront Payment will be paid from the start date of the additional Place. If the additional Place start date is part way through a Financial Quarter, the Upfront Payment will be paid on a pro-rata basis in accordance with the calculations set out in the Deed.

If the number of funded Places is modified, a Provider will be paid Upfront Payments for the revised Places from the start of the next Financial Quarter. See the Employer and Participant Servicing Chapter for further information on Funded Places.

(Deed Reference(s): Clause 88.2, 136, Annexure B2 - Payments)

11.2.1. Utilisation of funded Places

The use of funded Places by Providers will be monitored regularly with a quarterly review undertaken at the start of each Financial Quarter. The Department will review the number of Places allocated to the Provider for each Employment Region and vary that number as required to reflect changes in labour market demands.

The review helps to determine whether a Provider's level of servicing is commensurate with their funded Places and whether a Provider is meeting the expectation that average utilisation of funded

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Places is at least 90 per cent over each year (excluding the initial Commencement stage for each service).

Providers will be notified in writing of the outcomes of the quarterly review through a Places review letter and Deed Notice.

Action may be taken outside of the quarterly review process where significant variations in utilisation are identified and verified between Performance Assessments.

(Deed Reference(s): clauses 88.2, 88.3, 136, Annexure B2 - Payments - Table 1)

11.3. Outcome Payments

Outcome Payments of $3,980.90 (GST inclusive) are available to encourage and reward Providers when their Participants achieve Employment and Education Outcomes. Outcome Payments can be claimed for the following Outcome types:

- 12 Week Employment Outcome
- Education Outcome (Participation or Attainment/Completion)
- 12 Week Hybrid Outcome
- 26 Week Employment Sustainability Outcome
- 26 Week Hybrid Sustainability Outcome.

Outcome Payments can be claimed for a Participant who is or was on the Provider's Caseload and who has satisfied the requirements of the Outcome type in the Guidelines and the Deed. Refer to Vacancies and Outcomes Chapter for Outcome requirements.

To claim an Outcome Payment, all relevant Documentary Evidence must be entered into the Department's IT Systems.

(Deed Reference(s): Chapter B6, Annexure B1 – Outcomes, Table 1 – Outcome Requirements, Annexure B2 - Payments)

11.4. Youth Advisory Session Provider Payments

The following Youth Advisory Session Provider Payments can be claimed by the Provider in accordance with the Youth Advisory Sessions requirements outlined in the Guidelines and the Deed:

- $125 (GST inclusive) for each Session delivered
- $62.50 (GST inclusive) for Sessions cancelled by Participants without a sufficient reason.

The Payment recognises a Provider's efforts in arranging and delivering Youth Advisory Sessions. To claim a Youth Advisory Session Provider Payment for an Online Full Service Participant, all relevant information and evidence must be entered into the Department's IT Systems.

To claim a Youth Advisory Session Provider Payment for an Online Base Service Participant, the Provider must fill in a manual claim spreadsheet, which can be located on the Provider Portal, and send it to their Provider Lead.

Refer to Youth Advisory Sessions Chapter for further information.

(Deed Reference(s): Clause 140, Chapter B3.4, Annexure B2 - Payments)

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11.5. Relocation Assistance Payments

Reimbursement for Relocation Assistance can be claimed for Payments made to, or on behalf of, a Participant eligible for Relocation Assistance as outlined in the Guidelines and the Deed. See Relocation Assistance Chapter for further information.

To claim reimbursement for Relocation Assistance, all relevant information and evidence must be entered into the Department's IT System.

(Deed Reference(s): Clause 134, Chapter B5)

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Chapter 12. Youth Advisory Sessions

Supporting Documents for this Chapter:

- Workforce Australia – TtW – Booking Youth Advisory Sessions (YAS) for Full Service Participants Task Card (Knowledge Base) – KB0014691
- Workforce Australia – TtW – Booking a Youth Advisory Session for an Online Base Service Participant Task Card (Knowledge Base) – KB0014657
- Refer to the TtW System Steps Guide.

12.1. Chapter Overview

Youth Advisory Sessions (Sessions) are delivered by Transition to Work Providers to young people in Workforce Australia Online, to address barriers to employment, maintain work readiness and/or motivation and to help them find employment.

Sessions are voluntary (for the young person) with flexible content that can cover a range of topics that will assist the young person to remain work-ready and reduce their risk of prolonged unemployment.

This Chapter outlines eligibility requirements, Session management (creating, delivering, and cancelling Sessions) and Provider payments.

12.2. What are Youth Advisory Sessions?

The Sessions offer eligible young people the opportunity to undertake up to 3 free, one-hour consultations with a Transition to Work Provider.

The Sessions complement Workforce Australia Online and should be:

- appropriate and tailored for young people, being flexible and responsive to their needs, and
- effective in helping the target cohort of young people address barriers and develop life skills to improve their ability to self-manage through Workforce Australia Online and connect with education or employment.

(Deed Reference(s): Clauses 78.2, 124)

12.3. Eligibility

Eligible Session Participants are:

- aged 15 to 24
- participating in Workforce Australia Online Full Service or Workforce Australia Online Base Service, and
- have one, 2 or 3 Sessions remaining.

Note: Only eligible Online Full Service Participants can see and book Sessions on their Job Seeker Profile, through the Electronic Calendar. Online Base Service Participants will need to contact a Provider to book a Session manually.

Important: Transition to Work Participants are not eligible for Youth Advisory Sessions.

(Deed Reference(s): Clause 124)

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12.4. Creating and booking Session timeslots

Providers are required to have Sessions available in their Electronic Calendar for Online Full Service Participants to book into.

- The Provider must schedule single or multiple one-hour timeslots for Sessions in their Electronic Calendar, using the "Create Consultation Session" functionality in the Department's IT Systems.
- For multiple Sessions, once a Session has been created, left click on the Session and select "Duplicate Session". Copy the URL from the browser window to the clipboard. In the duplicate session, all details will be prefilled the same as the existing session. To repeat this process as many times as desired, open new tab(s) in your browser and paste the URL that copied to the clipboard.

When a Participant books a Session, they will be provided with the Department's Privacy and Confidentiality Declaration to agree to.

Note: A manual booking process is required for Online Base Service Participants.

12.4.1. Second and third Sessions

At the end of each Session, the Provider may encourage the Session Participant to book their next Session (up to a total of 3). The Provider and the Session Participant may agree to a time that is suitable to both parties and the Provider should ensure that timeslot is available in the Electronic Calendar as a 'Consultation Session'. The Participant can then self-book that timeslot (Online Full Service Participant only) or book directly with a Provider (Online Base Service Participant).

If the Session Participant decides to access a second or third Session with the same Provider, the Provider must try to ensure the Session Participant can talk to the same consultant for continuity, unless:

- the Session Participant requests a different person
- the consultant is not available, or
- the Provider deems it better for the Session Participant to talk to a different consultant due to the issues the young person wants to discuss in this next Session.

If the Session Participant had previously booked a Session with the same Provider, the Provider will be able to check who the consultant was by viewing the previous booking on the Department's IT Systems.

12.4.2. Notification of Session Booking

Providers do not receive notifications of new Session bookings and must monitor their Electronic Calendar in the Department's IT System to ensure they are aware of upcoming Sessions.

Providers should contact the Session Participant more than 24 hours before the Session where possible to:

- confirm Session details (for example: date and time, site address, phone number, or videoconferencing information)
- remind the Session Participant that they will lose one of their 3 Sessions if they do not attend the booking on the day or fail to cancel more than 2 calendar days in advance, unless there is a sufficient reason (see Sufficient reason below).

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12.5. Delivery of Sessions

Providers must conduct Sessions from a TtW Site, either in person, via phone or virtually, and Sessions can only be delivered by an employee of the Provider. Where a Provider needs to conduct a Session from a different location, or at a different time than originally agreed, the Provider and Session Participant must agree on the proposed changes. The Sessions must be conducted in a manner that ensures privacy for the Session Participant so that they can be confident when disclosing personal information.

Providers may receive Session requests from Session Participants outside of the area mapped to the Provider for the delivery of Transition to Work Services because:

- the Provider in that area has not made enough available Session timeslots to meet local demand, or
- the Participant has identified they wish to speak to a Provider outside of their local area.

Providers are encouraged to deliver Sessions to Session Participants outside of the mapped area. When doing so, the Session Consultant must ensure they have awareness and information on the current labour market conditions and community support available in the Session Participant's local area.

12.5.1. What topics can be discussed in the Sessions?

Session content should be flexible and driven by the Session Participant's needs. Sessions may focus on one topic if the young person or the Provider deems it appropriate to do so. However, Providers are also encouraged to open the conversation up to other potential opportunities and topics that may benefit the Session Participant.

Topics that may be covered in these Sessions include (but are not limited to):

- advice on education and training options
- advice on local labour market opportunities, both now and in the future
- résumé writing assistance
- job interview tips
- different ways to apply skills
- support to grow skills and build expertise
- support to stay motivated, resilient and reduce isolation
- career advice
- information on, or connection to, other government assistance or local community services that may help the Session Participant.

Examples of other government assistance or services the Provider may refer a Sessions Participant to include:

- mental healthcare providers
- housing services
- financial management guidance
- the School Leavers Information Service on 1800 CAREER (1800 227 337) or the School Leavers Support website.

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Providers must advise Session Participants if there is a cost involved with the assistance or services that the Provider discusses. Providers must not coerce a Session Participant to undertake training or activities that have an associated cost.

Session Participants should be referred to the DSCC on 1800 314 677 for any questions about Workforce Australia Online.

12.5.2. Delivery format

Providers are encouraged to think broadly and innovatively about how they deliver Sessions. Some examples include:

- in person face to face meetings
- videoconferencing meetings
- phone meetings.

Providers must specify the formats in which they are able to deliver the Sessions when they create them in the Electronic Calendar.

The Provider should utilise the full hour for each Session and discuss other areas that may help the Session Participant gain sustainable employment.

Providers must not deliver a Session to more than one Session Participant at the same time.

12.6. Cancelling a Session

12.6.1. Provider cancellation

Providers should only cancel a Session if it is unavoidable. If a Provider needs to cancel a Session, they must provide the Session Participant with at least 24 hours' notice, where possible.

If the Provider initiates a cancellation, the Session Participant will not lose a Session from their total of 3 Sessions and the Provider will not receive Payment.

The Provider may cancel a booked or unbooked Session in their Electronic Calendar. Further details can be found in the Workforce Australia – TtW – Booking Youth Advisory Sessions (YAS) for Full Service Participants Task Card (Knowledge Base) – KB0014691.

12.6.2. Participant cancellation

Session Participants may cancel a Session at least 48 hours prior to the Session without consequence.

Session Participants will lose one of their 3 Sessions where they:

- do not attend on the day, or
- cancel with less than 2 calendar days' notice

unless they have a sufficient reason for not attending.

The Provider will receive a partial Session Payment if the Session Participant cancels their booking less than 2 calendar days before the date of the Session without a sufficient reason.

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Sufficient reason

Providers should contact Session Participants as soon as possible after a failure to attend or late cancellation to give them the opportunity to provide a sufficient reason for the non-attendance or cancellation.

The Provider has discretion whether to accept the reason provided by the young person or not. Providers are encouraged to take what the young person says in good faith and use their judgement when determining whether to accept the reason.

If the Provider accepts the Session Participant's reason, the Provider must update the Department's IT Systems to reflect this.

If the Session Participant fails to provide a sufficient reason the Provider will receive a partial Session Payment, and the Session Participant will lose one Session credit.

Examples of a sufficient reason include (but are not limited to):

- work reasons (for example, a last-minute request to work by their Employer)
- natural disasters
- illness or injury
- State or Territory government advice (for example, due to a pandemic)
- caring responsibilities
- mental health issues
- inability to get to the Session (for example, IT failure, transportation issues)
- death in the family.

The Session Participant may ask the Department to review a Provider's decision to reject a Participant's reason. The Department will then investigate the case and, where appropriate, work with the Provider and the Participant on a suitable resolution.

Providers must update the Attendance in the Department's IT Systems by entering the reason code and whether it was accepted or rejected. The Department's IT Systems will then trigger the correct Session Payment. Providers must update the manual payment spreadsheet for Online Base Participants entering the reason code and whether it was accepted or rejected.

Personal Crisis

Where it is identified that a Session Participant is experiencing a personal crisis, the Provider may encourage the Session Participant to contact:

- Kids Helpline on 1800 551 800
- a crisis care specialist, for example:
    - Lifeline Australia on 13 11 14
    - National Sexual Assault, Family & Domestic Violence Counselling Service on 1800 737 732 (1800 RESPECT)
    - Homelessness Australia on 1800 474 753
    - Headspace (https://headspace.org.au/)
    - ReachOut on (02) 8029 7777
    - Beyond Blue on 1300 224 636

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- the DSCC on 1800 314 677 to discuss their circumstances or conduct or update their JSCI
- Services Australia to discuss a potential exemption from Mutual Obligation requirements due to a personal crisis, or for a Social Worker who can help the Session Participant in a crisis situation, depending on the nature of the crisis and the Session Participant's ability to seek assistance.

12.6.3. Automatic cancellation due to eligibility change

If a Session Participant is no longer eligible due to having been Exited from Workforce Australia Online prior to the booked Session, the Session will be automatically cancelled in the Department's IT Systems and the Provider will not receive a Session Payment, regardless of timeframes.

12.7. Marking attendance

The Provider is required to mark the attendance for each Session on the same day where possible, or within 7 calendar days from the date of the Session.

The Provider must record attendance at the end of each Session in the Electronic Calendar in the Department's IT Systems. This will trigger a Payment for the Session.

12.8. Provider payments for Sessions

Providers will be paid $125 (GST inclusive) for each Session marked as attended.

Providers will be paid a partial payment of $62.50 (GST inclusive) where a Session Participant does not attend on the day or cancels less than 2 calendar days prior.

Under no circumstances are Providers allowed to charge Session Participants for Sessions.

Payment for a Session is automatically paid through the Department's IT Systems for Online Full Service Participants, upon recording of attendance.

Payments for a Session for Online Base Service Participants are requested through a manual claim. For information on the Youth Advisory Session manual payment request process refer to the TtW System Steps Guide and the Workforce Australia – TtW – Booking a Youth Advisory Session for an Online Base Service Participant Task Card (Knowledge Base) – KB0014657.

(Deed Reference(s): Clause 140, Annexure B2: Payments – Table 5)

12.9. Points Based Activation System

The Points Based Activation System (PBAS) is a flexible approach by which relevant Participants can meet their Mutual Obligation Requirements by undertaking sufficient tasks to meet a specified Points Target.

Participating in a Session is a task that can be counted towards a Session Participant's Points Target. Points will be automatically attributed to the Session Participant's Points Target by the Department's IT systems when a Session is marked as Attended.

PBAS are only available to Workforce Australia Online for Individuals Full Service Participants who attend a Session.

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12.10. Quality review of Sessions

The Department may, from time to time, assess the quality and delivery of these Sessions against the following criteria:

- Efficiency – The Session was conducted seamlessly. For example, the Provider gave concise information and instructions to the Session Participant and the format of the Session worked for all parties.
- Quality – The Session Participant found the Session/s helpful.
- Engagement – Session Participants were engaged and received valuable information from the Session/s, have booked future Sessions or advise they would recommend the service to other young people.

The Department will employ various ways to measure these, including via Provider and Participant surveys, and feedback to the DSCC.

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Chapter 13. Activity Management

Supporting Documents for this Chapter:

- WHS Incidents and Insurance Readers Guide – Providers
- WHS Incidents and Insurance Readers Guide – Participants
- Workforce Australia Services Activities Information Sheet
- Risk Assessment Example Template (optional)
- Competent Person Register Example Template (optional)

13.1. Chapter Overview

Participating in Activities helps Participants to improve their skills and motivation so they can progress towards Employment or Education. Activities help address Vocational Barriers and Non-vocational Barriers and develop a Participant's ability to take directions, work independently or as part of a team and communicate effectively.

This Chapter outlines the requirements for the Provider when setting up and managing Activities, which may also apply to other Activities that do not have specific requirements in the Deed. Additional information on specific Activities can be found in the relevant Chapters in this Handbook.

The Provider is strongly encouraged to innovate and deliver Activities that support diverse pathways to Employment or Education. The Provider is able to develop and deliver custom Activities tailored to Participants' needs in addition to the formal Activities detailed in these Guidelines.

13.2. Identifying suitable Activities for Participants

A suitable Activity will help the Participant to address their Vocational or Non-Vocational Barriers, improve work readiness and progress them towards Employment or Education. A suitable Activity is appropriate for the Participant's individual circumstances and needs.

The Provider must not arrange any Activity for any Participant to participate in, or refer any Participant to any Activity, where the Activity may involve:

- the Participant undertaking any Services that the Provider is contracted to deliver under the Deed or any other contract or arrangement between the Provider and the Department or another Government department or agency
- an illegal activity or the Participant undertaking tasks that the Participant is not permitted to do under the law (e.g. a task can only be undertaken by a licensed person and the Participant does not hold that licence)
- the Participant undertaking tasks or working for any:
  - organisation owned or controlled by the Participant; or
  - Family Member of the Participant
- the participant displacing an existing employee of the Host Organisation or undertaking work that would reduce an existing employee's hours of work (full-time, casual, or part-time), including reducing an existing employee's customary overtime
- the Participant undertaking tasks associated with the sex industry or involving nudity (including retail or hospitality positions)
- the Participant undertaking tasks directly involving gambling; and/or

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- in the case of any Specified Activity, the Participant undertaking tasks in the Participant's own home.

Information on any specific eligibility criteria for Activities is contained in the relevant Activity Chapters in this Handbook.

(Deed Reference(s): Clause 109)

13.3. Arranging Activities

Activities assist Participants to meet their 25 hours per week Participation Requirements for TtW (see Participant Requirements Chapter). The Provider must arrange Activities for Participants according to their individual needs, including referral to Complementary Programs, other non-vocational interventions, Education, training and other opportunities. Further information on the range of Activities that Participants can undertake is in the Job Plan Chapter.

The Provider must comply with its obligations relating to work health and safety set out in Chapter B3.2 of the Deed. Activities must not proceed where work health and safety issues cannot be addressed.

For guidance on establishing and managing Activities in the Department's IT Systems please refer to the TtW System Steps Supporting Document.

The Provider may refer Participants to Activities arranged by the Department or Workforce Specialists and may also develop and arrange a broad range of other activities, for example:

- résumé writing sessions
- interview preparation sessions
- group information sessions, and/or
- employer meet and greet sessions.

Further information on Provider responsibilities when arranging Activities is in the Deed and in the relevant Chapter for each Activity type in this Handbook.

(Deed Reference(s): Clauses 109, 110)

13.4. Collaboration with other Providers and community organisations

The Provider should develop and maintain effective relationships with Complementary Program providers and Other Service Providers to support the successful delivery of programs and Activities.

The Provider must also engage other organisations and services to ensure delivery of a comprehensive range of activities and support that address Vocational and Non-vocational Barriers for Participants. This includes private and community-based service providers, education and training institutions, healthcare organisations and local governments.

(Deed Reference(s): Clauses 80.1, 109.4)

13.5. Engaging with Host Organisations

The Provider should engage with a range of businesses, other employment services providers and community organisations to arrange Activities that prepare Participants to meet Employers' needs.

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The Provider must ensure Host Organisations meet all Host Organisation eligibility and work health and safety requirements.

Some Specified Activities arranged by the Provider are hosted by a Host Organisation, including:

- Observational Work Experience
- Provider Sourced Voluntary Work
- Non-Government Programs.

13.5.1. Eligible Host Organisations

The types of organisations which can be a Host Organisation for a particular Activity type and any additional eligibility requirements are provided in the relevant Activity specific Chapter.

Eligible Host Organisations can host more than one Observational Work Experience Placement and/or Provider Sourced Voluntary Work Placement concurrently where they meet the requirements for each relevant Activity type.

The Provider must not arrange, or refer any Participant to, any Activity that is hosted by a Host Organisation that:

- does not have a valid ABN
- has engaged in any illegal operations or promote or condone any form of unlawful conduct
- has been or is associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate
- promotes or condones any form of violence, self-harm or suicide
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability; and/or
- provides any other service or conducts themselves in a manner that is likely to bring the Participant, the Provider or the Department into disrepute.

If the Provider suspects or becomes aware that a Host Organisation has engaged in any conduct described in the list above, the Provider must:

- ensure that no Participant commences participating in, or continues to participate in, any Activity that the Host Organisation hosts
- notify the Department immediately and provide information as requested by the Department, and
- if requested by the Department, cease or vary the Activity.

13.5.2. Host Organisation Agreements

Host Organisation Agreements between the Provider and a Host Organisation (and, where applicable, the Participant) assist all parties to understand their rights and obligations in relation to the provision of, and participation in, hosted Activities.

The Provider must arrange the following Activities under a Host Organisation Agreement:

- Observational Work Experience
- Provider Sourced Voluntary Work.

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For the Activities listed above, the Provider must discuss with the Host Organisation, and document in the relevant Host Organisation Agreement, all the Host Organisation's obligations, regarding the relevant Activity.

The obligations that the Provider must impose on the Host Organisation in relation to a particular Activity will depend on the type of Activity in question and the provisions of the relevant template Host Organisation Agreement issued by the Department in relation to that type of Activity. The Provider should ensure that the obligations imposed on the Host Organisation under any Host Organisation Agreement enable the Provider to comply with its obligations under the Deed. To assist the Provider to comply with its obligations under the Deed, the Provider must ensure that each Host Organisation Agreement includes the following (at a minimum):

- details of the proposed Activity that the Host Organisation must provide, including details of the tasks that will be undertaken by Participants while participating in the Activity
- details of how the Host Organisation will support and accommodate varying Participants' needs and capabilities (including work restrictions)
- details of the Supervision that the Host Organisation must provide while Participants are participating in the relevant Activity
- details of training and induction that must be provided to Participants before they commence participation in the relevant Activity and/or before they commence undertaking particular tasks as part of their Participation in the relevant Activity (and which party will be providing the training and induction)
- details of the Host Organisation's obligations in relation to work health and safety and incident reporting.

Host Organisation Agreement templates for individual Activities can be found on the Provider Portal or generated via the Department's IT Systems where relevant.

The Host Organisation Agreement must be signed by all relevant parties before the Participant commences in the Activity.

The Provider must retain evidence (either hard copy or soft copy) of Host Organisation Agreements and any other required Documentary Evidence.

13.5.3. Misuse of programs

If the Provider suspects or becomes aware that a Host Organisation has breached a Host Organisation Agreement, the Provider must immediately Notify the Department and provide information about the relevant breach as requested by the Department.

Where the Department determines that a Host Organisation has engaged in any conduct described under Eligible Host Organisations, the Department may give a direction to the Provider that the Provider must not arrange, and/or must not refer any Participants to, any Activities hosted by that Host Organisation. If the Department gives such a direction, the Provider must immediately comply with the direction.

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13.6. Referrals and Commencement of an Activity

When identifying appropriate Activities for a Participant, the Provider must ensure the Activity is suitable and safe, will assist the Participant to progress towards Employment or Education and takes into account the Participant's individual circumstances and capacity.

The Provider must not refer a Participant to an Activity unless the Provider has first:

- confirmed that the Participant is eligible to participate in the Activity. Information on Activity specific eligibility criteria is contained in the relevant Chapter relating to that Activity
- confirmed that the Activity is appropriate for the Participant, taking into account the individual needs and circumstances of the Participant, including:
    - the Participant's education, experience, skills and age
    - the Participant's capacity to undertake the Activity
    - the Participant's strengths and barriers to participating in the Activity
    - the impact of any disability, illness, physical or mental health condition or other non-vocational issue that the Participant has, including drug and alcohol dependency, on the Participant's ability to participate in the Activity
    - the Participant's preferences and goals; and
    - any other matters that the Provider considers relevant to the Participant's circumstances.
- explained to the Participant when to commence participating in the Activity, and the consequences of not commencing the Activity on time
- explained to the Participant the frequency of the Contact that the Participant must have with the Provider while they are participating in the Activity; and
- advised the Participant where they can access the WHS Incidents and Insurance Readers Guide – Participants for Work Health and Safety guidance.

The Provider must record details of each Activity in the Department's IT Systems, including details of the Participant referred to or placed in the Activity, and the required hours of participation for each Participant.

13.6.1. Setting up Activities in the Department's IT Systems

For guidance on establishing, scheduling and managing Activities in the Department's IT Systems please refer to the TtW System Steps supporting document.

13.7. Managing participation in an Activity

The Provider must support the Participant to fully engage in any Activity they are referred to. This includes the Provider:

- complying with its work health and safety obligations. For Specified Activities this includes the Provider or Host Organisation ensuring the provision of training, equipment and clothing and the Provider checking the availability of appropriate facilities (such as toilets and access to drinking water) at the Specified Activity location
- complying with its obligations in relation to providing or ensuring adequate and appropriate Supervision so that relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment

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- meeting with or contacting the Participant to obtain feedback on their progress, including checking whether the Participant has any complaints or safety concerns regarding the Activity, or any WHS incidents to report
- ensuring that the Participant is benefiting from the Activity, enhancing their Employment prospects and is not being exploited
- minimising disruptions where a Participant is attending an Activity (e.g. arranging Provider appointments outside Activity times where possible); and
- monitoring the Participant's attendance, behaviour and satisfaction with the Activity.

(Deed Reference(s): Clauses 70.6, 109.6, 110, 111, 112, 113)

13.7.1. Transport to and from Activities

Participants will generally be expected to source their own transport to and from an Activity. The Provider should support the Participant by arranging transportation to and from an Activity where:

- the Participant does not have access to a vehicle or does not have a driver's licence, and alternative transport options such as public transport are not available
- the Activity is at an isolated location
- access to the Activity is along an unsealed road or track; or
- the Activity has a residential or overnight accommodation component.

If Providers are transporting Participants to or from an Activity this must be included in the Activity Risk Assessment.

13.7.2. Assistance with Activity Costs

Providers are expected to use their Upfront Payments to support Participants with costs associated with participating in the Activity, such as PPE (Personal Protective Equipment), transport, police check, work equipment.

13.8. Completion of Activities

At the completion of a Participant's participation in an Activity, the Provider must record the following information in the Department's IT Systems:

- reason the Participant ceased participating in the Activity (completion exit reason)
- last date the Participant participated in the Activity (end date)
- number of hours the Participant participated in the Activity (where relevant).

The Provider does not need to record this information where a Participant on the Provider's Caseload completes an Activity through a Workforce Australia – Employability Skills Training (EST) Provider or Workforce Specialist

13.9. Managing work health and safety for Activities

The Provider must at all times ensure that all Participants are in a safe environment when participating in Activities (including Specified Activities and any other activities that the Provider has arranged or referred a Participant to).

In carrying out its obligations under the Deed, the Provider must also:

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- comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including the WHS Laws, and
- ensure that its Personnel, Subcontractors, Third Party IT Vendors and agents, do the same.

The Provider must ensure each Participant is aware of how to lodge a complaint or voice safety concerns about an Activity. Where the Provider becomes aware of safety concerns, including those raised by a Participant, that cannot be addressed, the Provider must ensure that the Participant immediately ceases participation in the Activity.

(Deed Reference(s): Clauses 70.6, 109.6, 109.10)

13.9.1. Ensuring Work Health and Safety measures are in place

Before arranging, or referring any Participant to an Activity, the Provider must confirm:

- that the Activity is not prohibited under relevant state and territory laws
- its delivery is permitted under the Deed and any Guidelines
- the Host Organisation, where relevant, is complying with all work health and safety requirements in the relevant state and territory; and
- its delivery is in line with any advice provided by local authorities.

For example, Host Organisations must have COVID-Safe plans (or similar) in place in accordance with relevant state or territory requirements.

The Provider must consult, coordinate and cooperate as appropriate with relevant parties including but not limited to the Department, Host Organisations, EST Providers, Workforce Specialists and LJP Activity Hosts to ensure that any work health and safety issues in relation to an Activity are appropriately managed.

(Deed Reference(s): Clause 70.6)

13.9.2. Managing work health and safety on Specified Activities

The Provider must, in accordance with the Deed and these Guidelines, meet their obligations to ensure work health and safety measures are in place for Specified Activities.

The Provider must ensure that there is a safe system of work in place for each Specified Activity, both prior to commencement of, and throughout, the Specified Activity. This includes where a Host Organisation is engaged by the Provider, and that the relevant Host Organisation is complying with all work health and safety requirements in the jurisdiction in which the Specified Activity occurs.

The Provider must take all reasonable steps to minimise the likelihood of injury to Participants and any other people at any location at which a Specified Activity is being conducted.

(Deed Reference(s): Clause 110)

13.9.3. Conducting Risk Assessments for Specified Activities

The Provider must meet their Deed and Guideline obligations with regards to Risk Assessments for Specified Activities. This includes Specified Activities where the Provider is the Host Organisation.

- The Provider must ensure that Activity Risk Assessments and Participant Risk Assessments are undertaken by Competent Persons, updated as necessary and meet relevant laws and

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Departmental policies and procedures on work health and safety. If the Provider does not have a Competent Person, it must engage a Competent Person for this purpose.

There are 2 types of Risk Assessment that must be conducted in relation to a Specified Activity:

- Activity Risk Assessment - a risk assessment in relation to a potential or actual Specified Activity, which is undertaken and/or updated in accordance with any Guidelines
- Participant Risk Assessment - a risk assessment in relation to each Participant's involvement in a Specified Activity, which is undertaken and/or updated in accordance with any Guidelines.

Note: The term Risk Assessment means, as relevant, an Activity Risk Assessment and/or a Participant Risk Assessment. The Competent Person arranged by the Provider to undertake the Risk Assessments may document an Activity Risk Assessment and a Participant Risk Assessment in a single document, so long as all requirements specified in these Guidelines in relation to the documentation of both Risk Assessments are met.

The purpose of the Risk Assessment process is to:

- determine whether an Activity is suitable to proceed, before the Provider refers any Participants to the Activity
- identify potential risks associated with the tasks that will be undertaken by Participants while they are participating in the Activity; and
- identify if the Activity is suitable for the relevant Participant(s) referred to the Activity, including identifying any risks that may arise from a Participant's personal circumstances.

Activity Risk Assessment

Before the start of each Specified Activity, the Provider must, in accordance with any Guidelines, undertake an Activity Risk Assessment of:

- the Specified Activity it has arranged, and
- any Local Jobs Program Activity where the Provider is the Local Jobs Program Activity Partner, and
- any Launch into Work Project Activity where the Provider intends to place a Participant on their Caseload into the Activity.

The Provider must confirm that an Activity Risk Assessment has been undertaken for any Specified Activity conducted by any:

- Local Jobs Program Activity Host (where the Provider is not the Local Jobs Program Activity Partner)
- EST Provider; or
- Workforce Specialist

in which a Participant on the Provider's Caseload has been placed.

The Provider must ensure a Competent Person conducts and documents the Risk Assessment before a Specified Activity commences.

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Participant Risk Assessment

Subject to the exception noted below, the Provider must, undertake a Participant Risk Assessment for each Participant, with regard to their potential participation in any Specified Activity, before their commencement in the Specified Activity.

The Provider must confirm that a Participant Risk Assessment has been undertaken for any Specified Activity by any Workforce Specialist in which a Participant on the Provider's Caseload has been placed.

Risk Assessment considerations

The Provider must ensure that each Risk Assessment undertaken or arranged by the Provider takes into account:

- the role of the Host Organisation, or LJP Activity Host, or Launch into Work Organisation;
- the specific circumstances of the Participant(s)
- the nature and location of the tasks to be undertaken by a Participant, such as whether the Specified Activity:
    - is located in a non-public area (e.g. a private residence worksite with a tradesperson)
    - is with a sole trader (e.g. a butcher or hairdresser who operates from a small shop or private residence)
    - involves the participant working alone with another person
    - involves the participant working hours of work outside a 9-5 bandwidth (for example, early starts, night work)
    - involves the participant working in a labour hire environment in one or more different workplaces
- the Participant's personal circumstances (that is, working capabilities, any health or other personal issues and level of experience)
- the level of Supervision required
- the nature, cause and likelihood of any risk(s)
- the consequences of an incident
- effective controls, including training and Personal Protective Equipment.

> **Example:** the Provider would need to consider the risks of placing a Participant with medical needs in an Activity in an isolated location, to determine if this is a suitable placement for the Participant.

Reviewing, maintaining and updating Risk Assessments

The Provider must review risks regularly and take appropriate action on those risks as required.

As part of its obligation to ensure that there is a safe system of work in place for each Specified Activity, the Provider must determine, and ensure there are implemented, appropriate actions to mitigate the identified risks after conducting or updating any Risk Assessment.

Where the Provider becomes aware (including based on an Activity Risk Assessment) that it cannot ensure that there is a safe system of work in place at a Specified Activity, the Provider must:

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- if the Provider was intending to arrange the Specified Activity, not arrange the Specified Activity;
- not refer any Participants to the Specified Activity; and
- if the Provider has already referred any Participant to the Specified Activity, immediately ensure that the Participant ceases participation in the Specified Activity.

Where the Provider becomes aware (including based on a Participant Risk Assessment) that it cannot ensure there is a safe system of work in place for any Participant participating in any Specified Activity, the Provider must:

- not refer the Participant to the Specified Activity;
- if the Provider has already referred the Participant to the Specified Activity, immediately ensure that the Participant ceases participation in the Specified Activity.

The Department may, at any time and at its absolute discretion, give a direction to the Provider in relation to an Activity, proposed Activity or type of Activity, including a direction that an Activity must be ceased or varied.

Example Risk Assessment Templates and checklists are available on the Provider Portal.

Please note, the Provider must also refer to specific Activity Chapters in this Handbook for any further details or requirements regarding Risk Assessments that may be in addition to the requirements outlined in this Chapter.

The Provider has the discretion to determine how they document their Risk Assessments. A verbal Risk Assessment does not meet the Department's requirements.

The Provider must retain Records of each Risk Assessment and any action taken in accordance with each Risk Assessment. The Provider must provide these Records to the Department if requested.

The Provider must create and maintain a Record identifying any Competent Person(s) that it engages to conduct any Risk Assessment. Providers must maintain a structured register of Competent Person(s) engaged.

This record must contain:

- the full name of the Competent Person
- a description of the qualification, training or experience (and its relevance, if this is not clear from the qualification, training title, or experience) held by the Competent Person, including:
    - The qualification they hold, including course ID (if formal qualification undertaken),
    - Internal or informal training name, and/ or
    - The number of years of relevant experience
- date of qualification/training completion (if applicable)
- refresher due date (if relevant)
- The Employment Region/s the under which the Competent Person can undertake Risk Assessments

Providers must provide a Record of this format to the Department upon request. A Competent Person(s) Register Template is available on the Provider Portal, however, use of this template is not mandatory. If the template is not used, Providers must use their own structured register which includes at a minimum all the same headings as in the template.

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(Deed Reference(s): Clause 109.5, 110.1, 111)

13.10. Supervision requirements

The Provider must meet their obligations with regard to Supervision for Activities the Provider arranges for Participants. 'Supervision' means the action or process of directly monitoring and managing Participants participating in Activities.

Note: Supervisors may be engaged/employed by the Provider or a Subcontractor to supervise Activities (including Specified Activities or any other activities arranged by the Provider), or may be engaged/employed by Host Organisations to supervise Activities that they provide. Launch into Work Organisations, LJP Activity Hosts, Workforce Specialists and EST Providers are responsible for organising Supervision in relation to Activities they provide and for conducting relevant checks on their Personnel and Supervisors prior to their involvement.

- The Provider must ensure that it or, where relevant, each Host Organisation, provides adequate and appropriate Supervision so that the relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment.

The Provider must ensure that Continuous Supervision is provided for the entire duration of any Activity where it involves:

- people who are elderly, disabled or otherwise vulnerable, or
- Children (excluding other Participants).

Continuous Supervision should be provided where the Provider otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential Participant(s) in the Activity and any other work health and safety concerns identified as part of the relevant Risk Assessment that can be mitigated by Continuous Supervision.

The Provider must ensure that all Supervisors and relevant Personnel have had checks as specified in the Checks and Reasonable Care clauses of the Deed and the background checks section, and Supervisors have met any additional statutory requirements before being given responsibility for the Supervision of Participants.

The Provider must ensure that each Supervisor, whether engaged by the Provider, a Subcontractor or a Host Organisation, is aware of the requirement to notify the Provider of:

- the non-attendance by the Participant at all relevant Activities; and
- any other non-compliance by the Participant in connection with the Activities.

13.10.1. Supervision requirements for Specified Activities

The Provider must ensure that all Supervisors and relevant Personnel of the Provider, any Host Organisation or any Subcontractor who has direct involvement (including where they have close contact with Participants) in the Activity:

- is a fit and proper person to be involved in the relevant Activity
- has a high level of skill/knowledge, training and/or experience in:
  - each part of the Activity they are involved in, and
  - working with, training and supervising individuals in such activities; and
- has relevant work health and safety training.

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(Deed Reference(s): Clauses 71, 113)

13.10.2. Background checks

The Provider must, in accordance with the Deed, these Guidelines, and their local state or territory requirements, establish whether the nature of an Activity requires Participants and/or Supervisors and/or relevant Personnel to have checks, and arrange those checks if required to do so.

> For the purpose of these Guidelines, 'checks' refers to criminal records checks, Working with Children checks and/or Working with Vulnerable People checks.

Activities arranged by the Provider that require checks include those where:

- legislation requires checks to be conducted
- the Activity is subject to industry standards or legal requirements that mean Participants cannot have been convicted of particular crimes
- the Participant and/or Supervisor will have regular or unsupervised contact with Children, the elderly or other classes of vulnerable people
- the Activity is otherwise specified by the Department as requiring checks.

Unless notified otherwise by the Department, the Provider must arrange and pay for any checks to be completed before arranging for, or allowing the Participant to participate in, any Activity.

The obligation set out in Clause 71.1 of the Deed does not apply to Activities delivered by Workforce Specialists, EST Providers and SEE Providers, Launch into Work Organisations (except where the Launch into Work Organisation asks the Provider for assistance in arranging and paying for employer-required checks) and LJP Activity Hosts.

Where an Activity requires checks to be undertaken, the Provider should contact the relevant organisation/s in their state or territory to have checks completed. Checks must be completed in line with the relevant state and territory rules and regulations.

Checks may take some time to complete. Where required, Providers should identify interim or alternative Activities for Participants awaiting the outcomes of the checks.

Where checks show that Participants or Supervisors must not do particular Activities, they are no longer eligible and are excluded from participation in or Supervision of that Particular Activity. Alternative Activities should be suggested to the Participant.

The results of checks are personal and confidential. Providers must not disclose the information to other parties unless given permission by the Participant or Supervisor. Additional information regarding disclosure of information and privacy considerations can be found in Part A Guidelines: Privacy Chapter.

If an Activity is repeated or a Participant is to engage in another Activity in the future, Providers must ensure the checks conducted are still valid. Further checks must be conducted where required or where an initial check is no longer valid.

(Deed Reference(s): Clause 71, 113)

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13.11. Managing Activity-related Incidents

The Provider must Notify the Department as soon as possible of any incident involving an Activity where a Participant is in attendance (including travel to, from or during an Activity), including:

- any Critical WHS Incidents (including in relation to a Participant or member of the public), which must be reported within one hour

> A 'Critical WHS Incident' has the same definition as a Notifiable Incident under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.
>
> A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage/leakage of a substance, uncontrolled implosion, explosion or fire.
>
> Examples of Critical WHS Incidents include:
>
> - injuries requiring immediate treatment as an in-patient in a hospital
> - a serious head or eye injury
> - a serious burn
> - spinal injury, or
> - amputation of any part of the body.
>
> Please refer to the relevant clauses in the WHS Act.

- any Non-critical WHS Incidents, which must be reported on the same day

> A 'Non-critical WHS Incident' is any incident that relates to a work, health and safety issue or near miss, but is not a Critical WHS Incident. Non-Critical WHS Incidents include incidents such as those involving:
>
> - non-serious injury requiring first aid and/or assistance from a medical practitioner
> - minor property damage, or near misses that could have resulted in serious or non-serious injury, and
> - any other WHS incidents that are non-Critical that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute.

- any other incidents that are non-serious that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute must be reported to the department within 24 hours.

(Deed Reference(s): Clause112.1)

The Provider is required to Notify the Department of all Activity-related accidents or near misses that happen to Participants or other people in accordance with these Guidelines. Refer to the WHS Incidents and Insurance Readers Guide - Providers available on the Incidents and Insurance page on the Provider Portal.

When an incident occurs:

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- appropriate medical attention, including contacting emergency services depending on the nature of the incident, should immediately be provided by the Supervisor
- the Supervisor must try and protect any other Participants and other people at the Activity from unnecessary trauma, where possible
- the relevant WHS Regulator must be notified of the incident if it results in the death or serious injury, in accordance with laws of the relevant state or territory
- the relevant WHS Regulator must be notified of any dangerous incident that exposes someone to a serious risk, even if no one is injured, in accordance with laws of the relevant state or territory
- any directions by a WHS Regulator must be followed
- a WHS Employment Assistance Program Incident Report available on the Incidents and Insurance page (on the Provider Portal), must be completed by the Host Organisation when the incident involves a Participant's accident, injury, death or near miss
- the Provider must complete a Public and Products Liability Incident Report when a third party alleges a Participant has been negligent and caused accident, injury or death, or property damage. The Public and Products Liability Claim Form must be completed by the Provider when a third party is making an insurance claim as a result of a reported incident.

Following submission of any incident reports, the Provider will receive confirmation of successful submission and a copy of the information will be sent to the relevant areas of the Department.

An incident may result in the Department issuing safety recommendations to the Provider and/or Host Organisation (or LJP Activity Host) to ensure the risk of the same incident being repeated is reduced or eliminated, if possible. The Provider has an obligation to comply with the Department's directions relating to any Activity.

Participants must have access to reporting mechanisms to report an incident, lodge a complaint or provide positive/constructive feedback confidentially. The Provider must ensure that there is an internal, impartial and easily accessible complaints mechanism that can be used by Participants regardless of the nature of the complaint.

(Deed Reference(s): Clauses 29.1, 70.6, 70.7, 109.5, 112.1)

The Provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the Provider becomes aware of any incident referred to in this section. In the event the WHS Incident form is unavailable, the Provider must complete and submit the WHS Employment Assistance Program Incident Report form.

13.11.1. Work health and safety incidents

Where an incident includes any accident, injury or death occurring during the Activity, or direct travel to or from an Activity, including in relation to a Participant or a member of the public, the Provider must also, as soon as possible, and on the same day, give full details of the accident, injury or death to the Department in the form specified in these Guidelines.

Detailed information on notifying the Department with regard to WHS Incidents is included in the WHS Incidents and Insurance Readers Guide - Providers on the Incidents and Insurance page under the 'Provider Operations' tab of the Provider Portal.

(Deed Reference(s): Clause 112.2)

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The Provider must notify the Department of Critical WHS Incidents within one hour via telephone and followed by formal written notification to the Provider Lead that give full details of the accident, injury or death to the Department.

The Department must be notified of Non-critical WHS Incidents by the Provider as soon as possible and on the same day by completing the WHS Incident form.

The Provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the Provider becomes aware of any incident referred to in this section 13.11. In the event the WHS Incident form is unavailable, (the Provider must complete and submit the WHS Employment Assistance Program Incident Report form. The relevant forms to support Supervisors and Host Organisations to submit a WHS Incident Form are available on the Incidents and Insurance page on the Provider Portal.

The Provider must maintain records of WHS incidents.

Other Incidents

Any other incidents that are non-serious that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute must be reported to the department within 24 hours. A WHS incident may also be considered a challenging behaviour incident. In these cases, the Provider may need to submit a WHS incident form and also Job Seeker Incident Report in accordance with Deed requirements.

The Provider must report any instances of misconduct or threatening behaviour via the 'Job Seeker Incident Report'. See Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

All Incidents – both Personal Accident and Public and Products Liability

Providers must Notify the Department of any incident that may result in a liability claim (irrespective of whether a claim is being made at the time).

The Provider must also comply with any instructions issued by the Department or the Department's insurance broker. Detailed information in relation to the process for reporting incidents that may result in liability is available in the WHS Incidents and Insurance Readers Guide - Providers.

(Deed Reference(s): Clause 112.3)

The Department's public and products liability insurance provides coverage results when a third party alleges a Participant has been negligent and caused an accident, injury or death, or property damage, while participating in an Activity.

The Provider must, when requested by the Department's insurance broker, provide full details to the insurance broker of any incident that may or does result in a liability claim. The insurer is responsible for determining liability. The Providers must not admit fault or accept responsibility for any alleged negligence that may or does result in a third-party claim.

Forms for the Provider to complete to Notify the Department of any personal accident or public and products liability incidents are available on the Incidents and Insurance page of the Provider Portal.

The Provider must maintain a copy of all incident notifications and records for supporting evidence in any insurance claims

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13.11.2. Insurance coverage for Participants

The Department purchases the following insurance policies to cover Activities:

- Personal Accident insurance - covers the Participant in respect of personal injury or death that occurs while undertaking Activities, including direct travel to, from or during such Activities
- Public and Products Liability insurance for Participants - covers the legal liability of the Participant arising out of their negligence that causes personal injury to a third party, or damage to a third party's property, while participating in approved activities.

Further information on the insurance purchased by the Department to cover Participants undertaking Activities is in the WHS Incidents and Insurance Readers Guide – Providers, with copies of the insurance policies also on the Incidents and Insurance page of the Provider Portal.

Information for Participants about insurance is included in the WHS Incidents and Insurance Readers Guide – Participants which is available on the Provider Portal for Providers to give to the Participants and is published on the Department's website under 'Insurance arrangements for Employment Services activities'.

The Provider should note the Department's policies have standard exclusions. The Department's purchased insurance policies:

- do not cover illness or sickness contracted by a Participant during an Activity, including COVID-19
- do not cover any Activities that would have been prohibited under these Guidelines
- may have time limits that apply for claims
- do not cover any other exclusions listed within the terms and conditions of each insurance policy.

If alternative insurance is in place, Providers can still deliver Activities where tasks are excluded under the Department's policies.

In addition, Providers are contractually obligated to maintain various insurances as outlined in the Deed and understand the coverage available to them under their own insurance policies.

Providers are also required to confirm that the Host Organisation has appropriate insurance coverage, and where coverage is insufficient the Provider can decide to purchase or fund additional insurance for the Activity.

(Deed Reference(s): Clauses 43, 111.5(f))

Sourcing additional insurance coverage

The Provider must purchase additional insurance to ensure adequate coverage of the Participant.

The Provider must keep a full copy of any insurance policies relied upon by the Provider to be compliant with the requirements for additional insurance.

As an alternative to purchasing insurance, the Provider may consider modifying the tasks in the proposed Activity so that no part of the Activity would be excluded under the Department's insurance coverage.

(Deed Reference(s): Clause 43.13)

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Chapter 14. Adult Migrant English Program

Supporting Documents for this Chapter:

- Adult Migrant English Program (AMEP) Fact Sheet for Referring Agencies
- AMEP Activity Creation and Referral Guide Supporting document

14.1. Chapter Overview

The Adult Migrant English Program (AMEP) provides free English language tuition to eligible migrants and humanitarian entrants to help them learn foundation English language and settlement skills to enable them to participate socially and economically in Australian society.

Participants can access unlimited hours of English classes until vocational English is achieved for clients with a visa commencement date on or before 1 October 2020. No time limits for registration, commencement and completion apply.

Clients who have a visa commencement date after 1 October 2020 also have unlimited hours of tuition until vocational English is achieved, however a five-year completion timeframe applies. This can be extended to 10 years in certain circumstances.

This Chapter outlines the requirements for Providers regarding the AMEP.

14.2. Benefits of the AMEP

The AMEP gives Participants the opportunity to learn the English that they need to get a job and participate more in day-to-day life in Australia.

The AMEP provides a range of flexible learning options to help Participants study, including full-time, part-time, evening and weekend classes.

It offers face-to-face and online classes, a volunteer tutor scheme and distance learning. The AMEP also provides free childcare services if participants have under school-aged children when participating in face-to-face classes.

14.3. Role of Providers

The role of Providers is to be familiar with the AMEP and its requirements, and actively identify Participants on their Caseload that would benefit from attending the program.

Providers should advise potential AMEP participants of the opportunities and benefits of the program including the varied delivery options.

14.4. Eligibility

Participants must generally be 18 years or over (15-17 years in specific circumstances as assessed by an AMEP provider), a permanent resident of Australia or hold an eligible temporary visa, or be a citizen who previously held an eligible visa. More information on eligibility is available by speaking to a local AMEP provider, or through the Department of Home Affairs Website.

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14.5. Outcomes

Participation for 26 consecutive weeks full-time in the AMEP can track to an Education Outcome (Participation) for TtW Providers. Further information is in the Vacancies and Outcomes Chapter.

14.6. Further Information

For more information about AMEP, including contact details for local AMEP providers is available on the Department of Home Affairs Website.

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Chapter 15. Employability Skills Training

Supporting Documents for this Chapter:

- Employability Skills Training Participant Fact Sheet
- Referral Cap Supporting Document

15.1. Chapter Overview

Employability Skills Training (EST) Courses are available on a fee for service basis for TtW Participants. Providers must pay the EST Provider for each Participant Referral prior to the date the EST Course starts.

This Chapter outlines the requirements for TtW Providers regarding EST.

15.2. Background

EST is a Complementary Program, administered by the Department, which TtW Providers may access to enhance work readiness of Participants. EST provides intensive pre-employment training through 2 different blocks of targeted training:

- Training Block 1: workplace focused training
- Training Block 2: industry focused training.

Participants can undertake one or both courses, in any order.

Each EST Course runs for 75 hours, in a group setting, for:

- 25 hours per week over 3 consecutive weeks, or
- 15 hours per week over 5 consecutive weeks.

EST Courses can be delivered by EST Providers as Youth Courses, 25 Plus Courses or All Ages Courses. EST Courses can be delivered face-to-face, hybrid (a blend of face-to-face and online) or online.

TtW Providers may approach EST Providers to deliver specific or tailored EST Courses where there is an identified demand, for example for training in a particular location or industry.

15.3. Benefits of EST

15.3.1. Benefits of both Training Block 1 and 2

Following their Training Block 1 or Training Block 2 Course, Participants will receive:

- an updated, professionally presented resume that identifies the Participant's skills and experience, and
- an assessment that documents the industries and/or occupations that may be suitable for the Participant, and recommendations for next steps for the Participant to pursue employment and/or training opportunities.

15.3.2. Benefits of Training Block 1

Training Block 1 Courses help Participants develop job search and workplace skills.

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Advanced job search skills training helps Participants gain the skills they need to look for work and a better understanding of the local labour market to help them find sustainable employment opportunities. Training Block 1 Courses help Participants demonstrate they have the attitude and approach to work that employers want.

Upon successful Completion of a Training Block 1 Course, Participants should be able to demonstrate the following Learning Outcomes:

- use a variety of techniques and strategies to seek and apply for work
- identify opportunities in the local labour market
- understand employer expectations
- prepare a résumé
- prepare a job application, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to opportunities in the local labour market
- complete an online psychometric and aptitude screening test
- prepare for an in-person and virtual job interview
- manage their digital footprint
- apply conventions of online etiquette
- apply the 10 skill areas described in the Core Skills for Work Developmental Framework, available on the Department's website.

15.3.3. Benefits of Training Block 2

Training Block 2 Courses help EST Participants learn more about industries that are in demand or have emerging opportunities in their local labour market.

Upon successful Completion of a Training Block 2 Course, EST Participants should be able to demonstrate the following Learning Outcomes:

- use the most suitable techniques and strategies to seek and apply for work in the industries covered
- understand the duties, requirements, career prospects and employer expectations of the industries covered
- tailor a résumé to the industries covered
- tailor a job application to the industries covered, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to the industries covered
- complete an online psychometric and/or aptitude screening test as relevant to the industries covered
- prepare for an in-person and virtual job interview for the industries covered
- use technology relevant to entry-level employment opportunities in the industries covered.

Training Block 2 Courses include Industry Awareness Experiences that aim to provide EST Participants with insight into the tasks and duties of an industry. Examples of Industry Awareness Experiences include guided tours of workplaces arranged with an Employer and Inbound Employer Visits.

There are 2 types of Training Block 2 Courses:

- Generalist Courses

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- Specialist Courses.

Generalist Courses

Generalist Courses give EST Participants a taste of a few different industries to help them decide whether an industry is right for them.

The industries must have entry-level employment opportunities in the local labour market.

Generalist Courses may offer accredited training to support the Learning Outcomes.

Specialist Courses

Specialist Courses focus on a single industry to help EST Participants build industry-specific skills.

Specialist Courses may offer accredited training to support the Learning Outcomes and to support Participants to build skills relevant to the industry. Examples include a construction Work Health and Safety 'white card' or the Responsible Service of Alcohol unit of competency.

Specialist Courses are endorsed by a relevant industry association to ensure the training is suitably tailored to, and valued by, employers in the industry and to make course Participants more competitive for entry-level employment opportunities in the industry.

15.4. Role of Providers

Key responsibilities and actions undertaken by Providers in relation to EST, which must be done in accordance with the Deed and these Guidelines, include:

- only referring Participants who meet the eligibility criteria to participate in an EST Course
- confirming if the Participant would benefit from EST
- confirming if the Participant is capable of undertaking the EST Course for the required hours per week and by the nominated delivery mode (see Referral to EST)
- in referring an EST Eligible Participant to an EST Course, Providers must ensure the Participant is:
    - made aware of their responsibilities
    - made aware of, and consented to, the disclosure of relevant personal information to the EST Provider for the purpose of managing the Participant's referral and participation in an EST Course
- ensuring that the EST Provider has all the information it requires to inform the required Risk Assessments for any Industry Awareness Experience (other than an Inbound Employer Visit), ensuring any personal information is only disclosed if the Participant has given consent
- paying the relevant EST Provider in accordance with these Guidelines
- providing Participants with or arranging any EST Course pre-requisites
- encouraging Participant attendance at the EST Course, noting that Participants must attend the Course within 7 Business Days of the EST Course starting (including the EST Course start date) or the EST Provider will end the Participant's referral to the EST Course
- working collaboratively with EST Providers to support Participants to successfully complete the EST Course
- reviewing, on completion of the EST Course, the assessment provided by the EST Provider of the Participant's Learning Outcomes and recommended next steps.

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EST Providers will identify any Course pre-requisites in the Course description (for example a police check, personal protective equipment or a USB memory stick). Providers should action EST Provider requests to supply or arrange Course pre-requisites in a timely manner.

EST Providers will enter EST Course completion details in the Department's IT Systems. If a Participant is required to exit from the Activity early, the Provider must contact the EST Provider to request they action the exit.

(Deed Reference(s): Clauses 109.1, 109.3, 109.4, 109.6, 121)

15.5. Eligibility

To be eligible to participate in EST, a Participant must be aged 15 years or over.

Participants are eligible for referral to EST from their Commencement in Services.

There is no limit to the number of times a Participant can undertake EST if the Provider considers the Participant would benefit.

(Deed Reference(s): Clause 121)

15.6. Referral to EST

Local EST Providers are expected to make suitable Courses available to meet the needs of Individuals in their contracted Employment Region, including those on Provider caseloads. Providers can search for and view scheduled EST Courses in the Department's IT Systems.

- Providers view available EST Course places via the Activity Management component in the Department's IT Systems.
- Providers must make referrals to EST in the Department's IT Systems.

EST Providers will contact Participants prior to EST Course Commencement to undertake a range of pre-engagement checks. If the EST Provider identifies concerns about the suitability of the EST Course for the Participant, the EST Provider will contact the TtW Provider to discuss the reasons. The EST Provider will reject the referral if, following discussion with the TtW Provider, the EST Provider determines the Participant would not benefit from or would not be able to participate in an EST Course.

A Participant with a full-time Mutual Obligation Requirement can choose to undertake an EST Course at either 25 hours per week over 3 consecutive weeks, or 15 hours per week over 5 consecutive weeks. A Participant with a part-time Mutual Obligation Requirement can also choose to undertake a 3 or 5 week course, however, if the weekly hours would exceed the Participant's assessed work capacity, the TtW Provider must agree with the Participant that full-time participation in an EST Course is appropriate before referring the Participant.

(Deed Reference(s): Clause 121)

15.6.1. Referral Cap

Providers which are also EST Providers (as their Own Organisation, Related Entity or Subcontractor) delivering Training Block 2 Courses in the same Employment Region are subject to a Referral Cap whereby no more than 50 per cent of total referrals to EST Training Block 2 Courses resulting in a

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commencement may be made to the Provider's Own Organisation, a Related Entity or a Subcontractor.

The Referral Cap will not apply to Training Block 1 referrals, or where the only EST Providers in an Employment Region are the Provider's Own Organisation, Related Entities or Subcontractors. A temporary exemption to the Referral Cap can be requested using the Referral Cap Temporary Exemption Request Form.

The Provider must not refer a Participant to an EST Course if to do so would exceed the Referral Cap.

As specified in the Referral Cap Supporting Document, the Referral Cap is measured on a cumulative basis over the Term of the Deed. Provider compliance will be reviewed every six months, or at any other time as determined by the Department.

Any Provider that has exceeded the Referral Cap in accordance with these Guidelines may have their capacity to make future EST referrals to their Own Organisation, Related Entity or Subcontractor restricted, which may include the Department issuing a direction to cease referrals to those entities. This restriction will remain in place until the Provider is below the Referral Cap, or unless otherwise advised by the Department.

Refer to the Referral Cap Supporting Document for further information regarding the application and review of the Referral Cap.

(Deed Reference(s): Clause 121.3)

Providers can use Qlik to monitor their adherence to the Referral Cap.

15.7. On Completion of the EST Course

Once the EST Course ends, the Participant and the TtW Provider will receive an assessment which sets out:

- progress made by the Participant
- the Participant's performance against each of the Learning Outcomes of the EST Course
- any units of competency completed
- industries and/or occupations suitable for the Participant, taking into account the Participant's goals, skills and the local labour market
- recommended next steps the Participant should take to pursue Employment and/or training opportunities based on the Participant's goals, skills and the local labour market.

Note that if a Participant does not attend each day of the EST Course, the EST provider will complete the assessment to the extent possible given the Participant's level of participation.

15.8. Payments

TtW Providers must pay the relevant course fee to the EST Provider on a fee-for-service basis of:

- up to $1,250 per Participant for each Training Block 1 Course
- up to $300 per Participant for each Training Block 2 Course (full course fee is $1,250, the remaining $950 is subsidised directly to the EST Provider by the Department).

TtW Providers must pay the EST Provider the relevant course fee by the date advised by the EST Provider. The transfer of funds from TtW Provider to EST Provider happens outside of the

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Department's IT Systems. TtW Providers must make their own arrangements with the EST Provider to facilitate payment.

The course fee paid is fully refundable if the EST Provider cancels the EST Course or finds the EST Course is not suitable for the Participant. The TtW Provider should ascertain from the EST Provider whether there are other circumstances in which any proportion of the fee paid will be refundable if the Participant does not attend.

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Chapter 16. Launch into Work

16.1. Chapter Overview

This Chapter outlines the requirements for Providers regarding Launch into Work (LiW).

16.2. Background

LiW funds employers (i.e. LiW Organisations) to deliver LiW Projects that include:

- Pre-LiW Project events focussed on screening and selection of the Caseload to identify Participants who are suitable for a LiW Project
    - LiW Organisations select candidates based on the essential values and attributes required for success in the participating employer's entry-level jobs
    - Participants who are selected for a LiW Placement are 'LiW Project Participants'
- Delivery of the LiW Project to selected Participants
    - The LiW Organisation prepares LiW Project Participants for employment by providing training, practical workplace activities and mentoring tailored to the roles available with the participating employer(s).

The LiW Organisation, or nominated employer for coordinated projects, is required to commit to employing all suitable Participants who successfully complete the LiW Project. The number of LiW Project Participants must not exceed the number of available jobs.

The LiW Program creates opportunities for Participants who would not otherwise have been offered employment through typical recruitment methods.

LiW Organisations provide information to Providers and potential LiW Project Participants about career pathways in their industry and organisation.

LiW Projects offer Providers the opportunity to place Participants into an Activity that leads to a guaranteed employment outcome for all LiW Project Participants who successfully complete all aspects of the LiW Project. LiW Project Participants will be deemed to have successfully completed the LiW Project when they:

- successfully complete the required training
- participate in mentoring
- participate in practical workplace activities
- have a positive attendance record for the duration of the LiW Placement
- demonstrate the required values and attributes throughout the LiW Placement
- any other requirements of the LiW Project and employer(s).

Providers cannot provide or purchase LiW Projects.

16.3. Benefits to Participants

Participants who are selected for and successfully complete all aspects of a LiW Project are guaranteed Employment with the participating employer(s).

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LiW is a high intensity form of pre-employment preparation. Projects vary in duration depending on the requirements of the role. They can run for two weeks and up to 12 weeks.

Participation in a LiW Project will contribute towards the 25 hours a week Participation Requirement for TtW Participants.

16.4. Role of Providers

The role of Providers in the LiW Project is:

- attending a provider briefing session delivered by the LiW Organisation and department regarding the Project and risk assessments
- collaborating with the LiW Organisation to promote LiW Projects and the associated employment outcome to LiW Project Participants
- identifying and referring potentially suitable and interested Participants to LiW Project information sessions and screening and selection processes
- supporting the preparation of Participants for LiW Project screening and selection, through resume development, interview preparation and organising pre-employment checks where required, e.g., police checks
- placing Participants who are selected by the LiW Organisation for the LiW Project against the Activity ID in the Department's IT Systems
- providing transport support (if required) to Participants to enable them to participate in screening and selection, pre-employment checks, the LiW Project and the early stages of employment and meeting the cost of pre-employment checks and personal protective equipment (where this is not met by the LiW Organisation)
- conducting Participant and Activity Risk Assessments prior to commencement of the LiW Project, updating Participant and Activity Risk Assessments (as required) if any aspects of the LiW Project change during the LiW Project, and critical incident management during the LiW Project (if required)
- working collaboratively with the LiW Organisation to follow-up on any issues throughout the LiW Project and the early stages of employment (e.g. non-attendance of LiW Project Participants on their Caseload).

(Deed Reference(s): Clauses 90, 122, 132)

16.5. Eligibility

Participants must be in Transition to Work or Workforce Australia Services and must be aged 18 years or over to participate in a LiW Project.

Other eligibility requirements will vary depending on the job role and the needs of the employer who is offering guaranteed jobs to successful LiW Project Participants. These will be clearly communicated at the Provider briefing and LiW Project information sessions.

16.6. Collaboration with Launch into Work Organisations

The Department will notify Providers when there is a LiW Project opportunity in their location and invite them to a LiW Project briefing session with the LiW Organisation. At the briefing session the LiW Organisation will:

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- describe the LiW Project duration and the job type, employment outcome and supported career pathways offered by the participating employer(s)
- describe the values and attributes Participants will require to be successful in employment on completion of the LiW Project (Providers must use this information to screen their Caseload prior to referral of a Participant to a LiW Project information session)
- outline the screening and selection process and the pre-employment checks required to determine Participant suitability for commencement in the LiW Project
- provide timelines for Participant referral, screening and selection, project delivery and employment.

Following the briefing session, Providers will:

- screen their Caseload for Participants who are interested and may be suitable for a LiW Placement
- if required, organise a space for a virtual LiW Project information session and support Participants to complete any expression of interest forms
- refer interested and suitable potential Participants (in keeping with the LiW Organisation's requirements) to a LiW Project information session or assessment centre with the LiW Organisation
- provide Participants with:
    - any LiW Project specific marketing material (where applicable), e.g., flyers, position descriptions
    - details of the LiW Project information session and any information they need to bring with them to the session
    - a basic understanding of the employer and positions available.

The LiW Organisation will undertake screening and selection activities to identify their preferred LiW Project Participants and invite them to commence in the LiW Project.

LiW Organisations will ensure all relevant Personnel and Supervisors involved in LiW Projects have undertaken appropriate employment checks for their role and are fit for involvement in the LiW Project.

The LiW Organisation will advise the Provider when the Participant has passed all the required pre-employment checks and has been selected for the LiW Project. The LiW Organisation will provide constructive feedback to those not successful in securing a position on the LiW Project.

The LiW Organisation does not have IT system access and cannot schedule the Activity for the LiW Project Participant. The Provider must place the LiW Project Participant into the Activity using the Activity ID provided by the Department.

Providers should monitor a Participant's attendance and engagement in the Project.

Consistent with the Deed and the Conducting Risk Assessments section, Providers must complete the Participant and Activity Risk Assessments and ensure that the LiW Project is appropriate prior to the Participant commencing in the LiW Project.

Providers must ensure that the Participant is not booked into conflicting appointments for the duration of these LiW events:

- information sessions
- screening and selection processes, including assessment centres

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- pre-employment checks, and
- the LiW Project.

16.7. Activity management

16.7.1. Creation and referral to a Launch into Work Project

The Department will create the Activity for the LiW Project in the Department's IT Systems and provide the Activity ID to the Provider.

The Provider can place Participants into the LiW Project once:

- the LiW Organisation has confirmed with the Provider that the Participant has passed the screening and selection requirements for the LiW Project, and
- the Provider has conducted a Risk Assessment, determined the Activity is suitable for the Participant and implemented a strategy for mitigation of any risks associated with the Activity.

The Department will provide the relevant Activity ID to those Providers whose Participants are invited to join a LiW Project. Providers can then place an eligible Participant into the LiW Project.

For guidance on establishing and managing Activities in the Department's IT Systems please refer to the Learning Centre IT Task Cards.

16.7.2. Risk Assessments for a Launch into Work Project

LiW Placements are Specified Activities. Providers must comply with the requirements set out in the Deed and Guidelines, including the Activity Management Chapter.

LiW Organisations undertake a risk analysis as part of the LiW Project development process. LiW Organisations will share relevant information from this risk analysis with Providers on request. Providers remain responsible for conducting Participant and Activity Risk Assessments for LiW Project Participants.

Before placing the Participant into a LiW Project, the Provider must ensure the Activity is suitable and safe, will assist the Participant to progress towards employment and accounts for the Participant's individual circumstances and capacity. Refer to the Referrals and Commencement of an Activity in the Activity Management Chapter.

The Activity Risk Assessment should take into account the role of the LiW Organisation and the tasks the LiW Project Participants will be undertaking, consistent with Activity Management Chapter.

Providers must review risks regularly and take appropriate action on those risks where required. The Provider and the LiW Organisation must determine and implement appropriate methods to mitigate the identified risks after the Provider conducts the Activity Risk Assessment, taking into consideration the Participant Risk Assessment.

Where a Participant and/or Activity Risk Assessment identifies significant work health and safety concerns that cannot be mitigated to create a safe working environment and/or cannot be adequately managed by the Provider and/or the LiW Organisation, the Activity must not proceed.

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16.8. Payments

Providers may be eligible for Outcome Payments. For Employment Outcomes, Providers must refer to and comply with the requirements specified in the Vacancies and Outcomes Chapter and the Deed.

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Chapter 17. Local Jobs Program

17.1. Chapter Overview

The Local Jobs Program brings together expertise, resources and access to funding at the local level to support Participants, Employers and their communities in each region. The program has a particular focus on reskilling, upskilling, and training and employment pathways.

This Chapter outlines the requirements for TtW Providers regarding the Local Jobs Program (LJP).

17.2. Background

The LJP supports tailored approaches to reskilling, upskilling, training and employment in all 51 Employment Regions across Australia.

The program includes the following elements:

- Job Coordinators and Support Officers (or Program Officer) bring together key stakeholders including employers, employment services providers, higher education and training organisations to work collaboratively to address the priorities for the region, as identified in the Local Jobs Plan
- a Local Jobs and Skills Taskforce with representatives from the local region to connect and collaborate in the region and meet local labour market needs.
- a Local Jobs Plan developed in consultation with local stakeholders and the Local Jobs and Skills Taskforce
- a Local Recovery Fund to support activities designed to address employment and training priorities and identify opportunities to better skill participants to meet local employer demand
- a National Priority Fund (NPF) for initiatives that provide innovative local solutions to address barriers to employment for Australian job seekers.

17.3. Benefits of the Local Jobs Program

The benefits of LJP include, but are not limited to:

- developing tailored skills and employment initiatives that meet local labour market and employer needs
- providing a mechanism to transition people into new roles by reskilling and upskilling in the skills needed in the Employment Region
- providing an opportunity for Providers to improve their local connections and creating pathways to employment for Participants on their Caseload
- building strong connections between local stakeholders, including Providers, employers and higher education and training organisations
- enhancing collaboration and coordination between the Australian Government, state, territory and local governments and community-initiated skills and employment initiatives
- raising awareness of current and upcoming local employment and training opportunities.

The overall goal is to support significant improvements in labour market outcomes for each Employment Region by addressing the issues unique to each region.

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(Deed Reference(s): Clause 118)

17.4. Eligibility

To be eligible to participate in a LJP Activity, a Participant must be registered with a Workforce Australia Employment Services Provider or Transition to Work Provider.

LJP Activities that are delivered by the Job Coordinator (and not a LJP Activity Host) can be open to any cohort.

Participation in LJP Activities (including NPF initiatives) is voluntary.

(Deed Reference(s): Clause 118)

17.5. LJP Activities

LJP Activities are locally driven and aligned to a region's employment and skills needs. Activities include:

- LJP Activities funded through the Local Recovery Fund (LRF) are determined through a tender process. These activities will require an LJP Activity Host and may have a LJP Activity Partner. Not all LJP Activities with an LJP Activity Host will have a LJP Activity Partner
- other activities that do not receive funding through the LRF but which are coordinated and delivered by Job Coordinators under the LJP
- activities that leverage funding being provided by existing programs and services, including state and territory government programs, coordinated through the LJP.

17.6. NPF Initiatives

NPF initiatives are place-based approaches that will address structural and other barriers to employment and complement job creation initiatives to support Australian job seekers into work.

Provider engagement will be variable and dependant on multiple factors including:

- the nature of the NPF initiative – some initiatives may be a research or strategy pieces involving nil or minimal participants, while others may involve mentoring and pre-employment programs relevant to skills shortages
- the target cohort – which may extend beyond participants with a Workforce Australia, Transition to Work Provider.

Providers can expect engagement from NPF Suppliers and/or Job Coordinators, and where approached, must collaborate and work proactively with any of these relevant stakeholders, noting the extent of Provider involvement may be variable across NPF initiatives.

17.7. LJP Activity Hosts

For LJP Activities funded through the LRF, prospective LJP Activity Hosts will initiate and develop a proposal, considering the Local Jobs Plan, local labour market and employer needs. Prior to submission, activities can identify a Provider to partner with and work collaboratively with that Provider (known as an Activity Partner and previously referred to as the Partnering Provider) for the duration of the Activity. Some activities may not have an Activity Partner.

Successful tenderers will enter a Commonwealth Contract with the Department.

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The LJP Activity Host will be responsible for delivering the LJP Activity in accordance with their Commonwealth Contract – LJP Activity, including providing Supervision, ensuring that a safe system of work is in place, and reporting attendance and any incidents to the LJP Activity Partner (where relevant) who will manage distribution to any relevant Providers or the Department.

(Deed Reference(s): Clause 118)

17.8. Role of LJP Activity Partner (Partnering Provider)

Where a LJP Activity funded through the LRF has a LJP Activity Partner, the Activity Partner needs to be identified prior to the LJP Activity proposal being submitted for tender assessment. The role of the Activity Partner includes the following:

- participating in the development phase of LJP Activities
- conducting an Activity Risk Assessment of the LJP Activity prior to commencing the delivery of the Activity and reviewing and updating as required
- distributing information in a timely fashion to other Providers in the region to support the successful delivery of the Activity
- identifying potential and interested Participants on their Caseload and, where the Participant is interested in participating in the Activity, conducting a Participant Risk Assessment to assess their suitability for participation in the LJP Activity, and reviewing and updating as required
- referring and commencing Participants on their Caseload in the LJP Activity
- ensuring referrals and commencements are correctly recorded in the Department's IT Systems
- working with Job Coordinators to help ensure the LJP Activity meets the needs of job seekers and employers in the region
- collaborating with other Workforce Australia and Transition to Work Providers to ensure Activities are fully subscribed with Participant referrals
- advising the LJP Activity Host when a Participant has been referred to their LJP Activity.

The Activity Partner is also responsible for distributing necessary information in a timely manner to providers with a Participant placed onto an LJP Activity. This includes:

- making the Activity Risk Assessment available to Providers referring Participants into an LRF Activity
- sharing the Activity ID with Providers referring Participants into an LJP Activity and other stakeholders relevant to the activity
- passing on attendance information and any incidents from the LJP Activity Host to other Providers with Participants in the LJP Activity.

(Deed Reference(s): Clause 111.2, 111.3, 118)

17.9. Role of Providers

The LJP offer Providers the opportunity to improve their local connections and create pathways to training and employment for Participants on their Caseload. Key responsibilities and actions undertaken by Providers in relation to LJP Activities, which must be done in accordance with the Deed and these Guidelines include:

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- collaborating and engaging with Job Coordinators and Support Officers, and key stakeholders in the region such as employers, LJP Activity Partners and LJP Activity Hosts
- identifying opportunities to proactively engage with LJP Activities as the Activity Partner
- referring and commencing Participants in LRF or broader LJP Activities, including NPF initiatives
- monitoring placements
- updating Participant Job Plans
- undertaking and updating Participant Risk Assessments, as required and advising the LJP Activity Partner and/or LJP Activity Host
- recording participation in the Activity for Participants on their Caseload
- following up non-attendance of Participants on their Caseload
- managing the replacement of Participants who disengage or withdraw from the LJP Activity
- reporting incidents to the Department working with the LJP Activity Partner to:
    - advise them when they are referring a Participant to the LJP Activity
    - manage the replacement of Participants to maximise utilisation.

Job Coordinators, as part of their contractual obligations, will provide regular feedback to the Department regarding Providers collaboration and participation in LJP Activities and the broader Local Jobs Program.

(Deed Reference(s): Clause 118)

17.10. Referral to an LJP Activity

It is a priority to ensure that available places in a LJP Activity are fully utilised.

The LJP Activity Partner will have the first opportunity to place Participants onto the LJP Activity they are partnering on.

Either in advance of the LJP Activity commencing or following its commencement, the LJP Activity Partner should consider if the LJP Activity is shared with other Providers in the Employment Region to maximise success.

If the LJP Activity Partner does not have enough suitable Participants on their Caseload, they must share the LJP Activity with other Providers to ensure the activity is fully subscribed. This can be done through negotiation with Providers in the Employment Region, with the support of the LJP Job Coordinator and Support Officer.

Where a LJP Activity is shared, the LJP Activity Partner will provide the Activity ID to other Providers to allow them to refer their Participants to the LJP Activity.

The Department will monitor the utilisation of LJP Activity places and may request the Job Coordinator and Support Officer to liaise with Providers to maximise participation.

(Deed Reference(s): Clause 118)

17.11. Work Health and Safety and Incidents

For the purposes of Work Health and Safety, Providers must also refer to, and comply with, the requirements specified in the Deed and Activity Management Chapter.

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Should an incident occur on a LJP Activity, the LJP Activity Host is responsible for managing the incident, in collaboration with the Supervisor of the LJP Activity. The LJP Activity Host is responsible for advising the LJP Activity Partner of any incidents which involve Participants.

It is the LJP Activity Partner's responsibility to ensure that the Participant's relevant Provider is notified.

For further information in relation to the process for reporting incidents and completing incident forms refer to the WHS Incidents and Insurance Readers Guides and the Activity Management Chapter.

Providers must retain Records of any action taken with regard to any Incidents that occur during an LJP Activity in accordance with the Insurance Reader's Guide.

(Deed Reference(s): Clauses 70.6, 118)

17.11.1. Conducting Risk Assessments

An LJP Activity is a Specified Activity. Providers must:

- where they are the LJP Activity Partner,
  - undertake an Activity Risk Assessment of their LJP Activity, prior to commencing the delivery of the Activity and reviewing and updating as required.
  - make the Activity Risk Assessment available to other Providers referring Participants into the LJP Activity.
- undertake and update Participant Risk Assessments for participants on their caseload that are referred to LJP Activities.

Further information on Risk Assessment Requirements is available in the Conducting Risk Assessments for Specified Activities section of the Activity Management Chapter.

Providers have discretion in determining how they document Risk Assessments, but they must retain Records of each Risk Assessment undertaken.

17.12. Outcomes

Successful participation in and/or completion of an LJP Activity may result in a Job Placement or similar options, which may then track towards an Employment Outcome. Providers must refer to and comply with the requirements specified in the Vacancies and Outcomes Chapter and the Deed.

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Chapter 18. Reserved

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Chapter 19. Non-Government Programs

Supporting Documents for this Chapter:

- List of Approved Non-Government Programs
- Non-Government Programs – Approval Application Form
- Non-Government Programs – Submission and Assessment Guide

19.1. Chapter Overview

Non-Government Programs (NGPs) are work-focused programs or vocational interventions run by community and private sector organisations. NGPs are Activities that assist to increase a Participant's employability. NGPs are approved by the Department and identified as such on the Provider Portal.

This Chapter outlines requirements for NGPs, including eligibility and approval.

19.2. Eligibility

19.2.1. Eligible Participants

To be eligible to participate in NGPs, a Participant must be:

- aged 18 years or over
- registered in Workforce Australia Services – Transition to Work.

Participants are not required to be receiving an Income Support Payment.

Some NGPs may have further specific Participant eligibility requirements depending on the Activity and the target cohort.

Participation in NGPs will contribute towards the 25 hours a week Participation Requirement for Participants in TtW.

19.2.2. Eligible Host Organisations

TtW Providers are not eligible to be a Host Organisation for the purpose of delivering NGPs. However, Providers can collaborate with local organisations with established or proposed employment pathways and encourage them to apply to be recognised as NGPs.

To be eligible as a Host Organisation of an NGP, the organisation must:

- not be prohibited due to its conduct as outlined in the Eligible Host Organisations section of the Activity Management Chapter
- have developed a program that comprises more than just the delivery of a training course.

Providers should direct Host Organisations to the Department's website for information on how to have an Activity approved as an NGP.

19.3. Approved NGP

The Department will approve NGPs following assessment against the criteria outlined in the NGP application form on the Department's website. Factors that will be considered include the need for a

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work or vocational focus and ensuring the NGP does not duplicate Workforce Australia Services or Transition to Work services.

Approved NGPs cannot be hosted by the Provider, Related Entities or Subcontractors.

The Department will notify Providers of programs that are assessed as approved Non-government Programs via the Provider Portal. Activities will be created by the Department in the Department's IT Systems for each approved non-government program.

The Provider must refer Participants to NGPs through the Department's IT systems and in accordance with the Department's training resources.

Providers are responsible for determining whether any costs are involved with Participants participating in the program and should use their Upfront Payments to support the participant, where appropriate.

19.4. NGPs are Specified Activities

NGPs are Specified Activities. The Provider must comply with the requirements in the Deed and Guidelines regarding Specified Activities. This includes requirements described in the Activity Management Chapter relating to:

- work health and safety
- Activity Risk Assessments and Participant Risk Assessments, and
- Supervision.

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Chapter 20. Observational Work Experience

Supporting Documents for this Chapter:

- Observational Work Experience Host Organisation Agreement template
- OWE Contact Card
- OWE Fact Sheet

20.1. Chapter Overview

This Chapter outlines the requirements for Providers arranging and managing Observational Work Experience (OWE) Placements.

OWE provides voluntary, short-term, unpaid, observational work experience placements to help Participants build soft skills and gain a better understanding of the workplace or potential career opportunities.

OWE is an Activity which Providers may use for Eligible Participants who are not yet job-ready and have limited or no experience in the workplace.

20.2. Benefits of OWE

Some of the potential benefits of OWE include being:

- an opportunity for the Participant to gain valuable exposure to workplaces and learn what Employers expect of their workers
- an opportunity to enhance Participants' awareness of different careers
- an effective tool to assist Participants to build employability skills, such as attendance and communication.

20.3. Role of Providers

When arranging an OWE Placement, the Provider must:

- ensure the Participant is eligible and suitable for OWE
- ensure the Host Organisation is eligible to host an OWE Placement
- ensure the OWE Placement meets the requirements set out in these guidelines
- ensure an Activity Risk Assessment and Participant Risk Assessment have been completed by a Competent Person
- negotiate and enter into an OWE Host Organisation Agreement with the Participant and the Host Organisation
- monitor the OWE Placement for its duration and respond to any issues that arise.

20.4. Eligibility

20.4.1. OWE Eligible Participants

The Provider may arrange an OWE Placement for any Participant on their caseload who meets the eligibility criteria if they are of the view that the Participant would benefit from the program and the OWE Placement is suitable and safe for the Participant.

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To be eligible to participate in OWE, a Participant must be:

- aged 15 years or over
- registered in Workforce Australia Services or Transition to Work.

Participants are not required to be receiving an Income Support Payment.

20.4.2. Eligible Host Organisations

OWE Placements can occur in:

- for-profit organisations
- not-for-profit organisations
- the Provider's Own Organisation, Related Entities or Subcontractor.

The Host Organisation requirements and prohibitions outlined in the Eligible Host Organisations section of the Activity Management Chapter also apply to OWE Placements.

20.5. OWE Placement requirements

In addition to the Activity requirements and prohibitions outlined in the Identifying Suitable Activities for Participants section of the Activity Management Chapter, OWE Placements must be:

- no more than 4 weeks duration
- no more than 50 hours per fortnight
- not exceed a maximum of 8 hours per day
- only involve observation (allowing for participation in meetings and discussions where relevant), with no tasks to be undertaken by the Participant.

OWE Placements do not need to have a reasonable prospect of future Employment with the Host Organisation. It is at the discretion of the Provider as to the number of OWE Placements a Participant undertakes (with the same or another Host Organisation).

For each OWE Placement, an Activity record must be created in the Department's IT Systems in accordance with the Department's training resources. An Activity ID will then be created automatically by the Department's IT Systems.

20.6. Work Health and Safety

For the purposes of Work Health and Safety, Providers must also refer to, and comply with, the requirements specified in the Activity Management Chapter.

As noted in the Insurance Coverage for Participant section of the Activity Management Chapter, the Department has in place insurance coverage for Participants, but there are exclusions to the Department's policies. The Provider can still deliver OWE Placements which would be excluded under the Department's insurance policies, if the Provider purchases alternative insurance, and the insurance is in place prior to the OWE Placement commencing.

Providers must retain Records of any action taken regarding any Incidents that occur during an OWE Placement in accordance with the WHS Incidents and Insurance Readers Guides.

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20.6.1. Conducting Risk Assessments

An OWE Placement is a Specified Activity. Prior to referring a Participant to an OWE Placement and entering into the OWE Host Organisation Agreement, the Provider must ensure that an Activity Risk Assessment and Participant Risk Assessment have been completed by a Competent Person.

Further information on Risk Assessment Requirements is available in the Conducting Risk Assessments for Specified Activities section of the Activity Management Chapter.

Providers have the discretion to determine how they document Activity Risk Assessments and Participant Risk Assessments for OWE Placements but must retain Records of each Risk Assessment undertaken.

20.7. Managing OWE Placements

20.7.1. Referring a Participant to OWE

Prior to referring a Participant to an OWE Placement, Providers must:

- determine the Participant's eligibility for OWE
- ensure the Participant has undertaken any background checks required for the OWE Placement
- ensure the Risk Assessment process has been completed by a Competent Person
- ensure the nature of the observation activities are appropriate and suitable for a Participant (see the Activity Management Chapter for further information).

In addition, Providers should identify any assistance or items the Participant will require for the OWE Placement such as specific clothing and transport. Providers should support Participants through the use of their Upfront Payment to provide these items.

The Provider must refer the Participant against the relevant Activity record in accordance with the Department's training resources.

20.7.2. Creating the Host Organisation Agreement

Once a Participant has been referred against the relevant Activity record in accordance with the Department's training resources.

For OWE Placements, the Provider must use the OWE Host Organisation Agreement template. This template can be found on the Provider Portal.

20.7.3. Signing the OWE Host Organisation Agreement

The OWE Host Organisation Agreement must be agreed and signed by the Participant, Provider and Host Organisation prior to the Participant commencing in the OWE Placement.

As part of this process, the Provider must:

- explain the terms and conditions to the Participant and Host Organisation to ensure they understand their obligations under the OWE Host Organisation Agreement
- ensure all fields in the OWE Host Organisation Agreement are completed with accurate details

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- provide the Participant with the OWE Contact Card and OWE Fact sheet, which are available on the Provider Portal.

The Provider must retain either a hard copy or soft copy of the signed OWE Host Organisation Agreement and provide it to the Department upon request.

20.7.4. Commencing the OWE Placement

The Provider must confirm with the Host Organisation that the Participant commenced in the OWE Placement on the start date recorded in the OWE Host Organisation Agreement, and then confirm the Participant's commencement in the Department's IT System.

A Participant must not be commenced in an OWE Placement outside of the Participant's Period of Registration.

The Provider must confirm the OWE Placement start date in the Department's IT Systems by no later than 5 Business Days following the scheduled start date.

Providers must retain evidence the OWE Placement commenced (for example an email from the Host Organisation) and provide it to the Department upon request.

20.7.5. Monitoring the OWE Placement

The Provider is expected to proactively monitor the OWE Placement for its duration. The Provider should remain in contact with the Host Organisation and Participant to:

- identify any changes in circumstances affecting the OWE Placement
- ensure the Host Organisation is operating in accordance with the OWE Host Organisation Agreement
- ensure any issues that may arise are quickly resolved.

Prior to the OWE Placement commencing, the Provider should discuss the preferred contact method and frequency and timing of contact with the Participant and Host Organisation to avoid disruption during the activity. The frequency of contact should also be appropriate to the length of the OWE Placement.

20.7.6. Transfer Arrangements

If a Participant is required to be transferred between Providers and the OWE Placement can continue, the transfer should be delayed until the OWE Placement concludes. The relinquishing and gaining Providers should work together to ensure the completion of the OWE Placement.

Refer to the Period of Service, Suspensions, Transfers and Exists Chapter for more information in relation to transfers.

Where it is agreed an OWE Placement should not continue to completion, the relinquishing Provider must end the OWE Placement in the Department's IT Systems using the appropriate end reason.

(Deed Reference(s): Clause 91)

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20.7.7. Ending the OWE Placement

Upon completion of the OWE Placement, Providers must end the OWE Placement in the Department's IT Systems, including inputting the end date and selecting the correct exit reason.

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Chapter 22. Skills for Education and Employment (SEE)

Supporting Documents for this Chapter:

- Summary of Eligibility Criteria
- SEE and AMEP Client Capability Guide
- 'How to refer to SEE' task cards
- Differentiating between AMEP and SEE: when to refer to which program

22.1. Chapter Overview

Low levels of literacy, numeracy and basic digital skills, although a significant barrier to even entry-level Employment, are able to be addressed.

The Skills for Education and Employment (SEE) program provides accredited training in English language, reading, writing, maths and digital skills, to prepare Participants for Employment or further study. The program addresses the foundation skill gaps that make Participants unsuitable for many jobs and prevent their successful engagement in training for a specific occupation. After exiting the SEE program, over half the Participants surveyed through post program monitoring reported they were in Employment or education in 3 months.

SEE training can focus on language and literacy only, for example a Certificate in Spoken and Written English, or numeracy and digital skills, or contextualised to support learning for those undertaking VET courses such as Childcare or Aged Care courses. SEE can be delivered in classroom settings, remotely via distance learning, or using a combination of both. Participants have flexibility to undertake individual building blocks of a course where they focus on specific skill sets, or to work toward a recognised qualification up to Certificate III level (if Language, Literacy, Numeracy and Digital Literacy skills are embedded in the training). Training is tailored to meet a Participant's needs and goals and can be undertaken either part-time or full-time.

Participants may be eligible for a Language, Literacy and Numeracy Supplement (LLNS) for participating in the SEE programs.

This Chapter outlines the requirements for Providers regarding the SEE program.

22.2. Benefits of SEE

SEE prepares Participants for work, or further training/study as a pathway to work, through new or improved foundation and vocational skills, improved confidence, ability to fully engage in the community, and pathways to stable, long-term Employment.

22.3. Role of Providers

Providers have the responsibility to:

- work with their local SEE Providers and ensure they are familiar with SEE's service offering
- actively identify Participants likely to benefit, such as those with difficulty completing forms or navigating online environments, or with limited reading or writing ability, and consider referral

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- ensure potential candidates are informed about the program, its flexible delivery options, and the opportunities and benefits it offers. Candidates who are hesitant should be encouraged to discuss any concerns about successful participation and be reassured of the Provider's support

The SEE and AMEP Client Capability Guide can be completed by the SEE Provider to help inform the Provider's servicing decisions.

(Deed Reference(s): Clauses 79, 80, 109, 122)

22.4. Eligibility

22.4.1. Eligibility

All Participants in TtW Services are eligible for the SEE Program.

To be eligible, individuals must be aged over 15 years and have left school, and be an Australian citizen or permanent resident or on an eligible[1] provisional or temporary visa. They must also be deemed suitable for training without any barriers that would prevent successful participation (see Program).

Participants are not required to be receiving an Income Support Payment or have Mutual Obligation Requirements to participate in SEE.

22.4.2. Suitability

Potential suitability and benefit will often be indicated by the Job Seeker Snapshot. Under the heading 'Skills for Education and Employment or Adult Migrant English Program', the word 'Yes' is displayed if the job seeker self-identified low ability in speaking, reading or writing English, required an interpreter during appointments, or completed less than year 10 schooling.

Providers should review the Participant's Job Seeker Snapshot and discuss potential referral to SEE with the Participant if any of the above indicators are present.

The Adult Migrant English Program (AMEP) also offers free language and literacy training to eligible migrants and humanitarian entrants. The guide Differentiating between AMEP and SEE will help Providers refer clients to the most appropriate service for their needs.

22.5. Referral to SEE

After a potential SEE Participant is identified and agrees to undertake the program, the Provider must make a referral in the Department's IT Systems. Once the referral is received, the SEE Provider will conduct a Pre-Training Assessment (PTA), which assesses the Participant's capability levels against the Australian Core Skills Framework and determines their capacity to benefit from the program.

[1] Provisional or temporary visa with working rights and eligible for the Adult Migrant English Program

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The SEE Provider will advise the Participant and the Provider whether or not training is recommended and, if SEE is recommended, will commence the Participant in a course of study aligned to their goals and capabilities. The Provider may also request the SEE and AMEP Client Capability Guide to provide a summary of the assessed Participant's capability level.

Providers refer Participants to SEE via the Department's IT Systems as an Activity. Task cards outlining the referral process are available in the Learning Centre.

SEE placement information must be entered in the Activity Management screen to ensure eligible Participants receive the Language, Literacy and Numeracy Supplement from Services Australia.

22.6. Monitoring Placements

Providers should liaise with the SEE Provider regarding the Participant's assessed capability levels and to establish agreed communication protocols for advice on attendance and progression. The SEE Provider is responsible for exiting the Participant from SEE should they cease to attend training regularly and are not contactable to ascertain a reason. In this instance, the SEE Provider will notify the Provider.

22.7. Completion of SEE

Average participation in SEE is approximately 8 months. SEE clients have 2 years in a single referral period to complete their chosen course(s) or qualification(s). They can continue to access the program, which may involve iterative referrals, until they achieve an exit benchmark, i.e. a Certificate IV in a foundation course or a Certificate III in a mainstream VET course. After 2 years in the program, a Participant may again access the program if a new PTA indicates further capacity to benefit.

22.8. Outcome Payments

Education Outcome Payments are available to claim when the Participant completes 26 consecutive weeks of full-time participation in SEE. For Education Outcome Payments, Providers must refer to, and comply with, the requirements specified in the Vacancies and Outcomes Chapter.

22.9. Transfer arrangements

Where a Participant already participating in SEE moves to the TtW Provider from another Workforce Australia Employment Services Provider, a different employment service or from Workforce Australia Online, the Provider should support and encourage the Participant's continuation, particularly if they have not yet achieved an exit benchmark. The receiving Provider may be unable to view the existing Activity in the Activity Management screen or Job Plan if it was set up by another referring agency. If this occurs, refer to the relevant Task Card in the Learning Centre.

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Chapter 23. Voluntary Work

Supporting Documents for this Chapter:

- Voluntary Work Host Organisation Agreement template

23.1. Chapter Overview

In this Chapter, Voluntary Work refers to Provider Sourced Voluntary Work (arranged by the Provider).

This Chapter outlines the requirements Providers must adhere to when sourcing Voluntary Work, in addition to the requirements in the Activity Management Chapter.

Provider Sourced Voluntary Work is a Specified Activity arranged by the Provider.

23.2. Benefits of Voluntary Work Placements

The benefits of Voluntary Work placements for eligible Participants include:

- developing practical employability skills such as attendance and communication
- increasing networks, updating referees and building confidence
- demonstrating their skills, knowledge, experience and attitude, and gaining valuable exposure to workplaces to help them understand workplace expectations
- providing service to a Participant's community, such as State Emergency Service and volunteer firefighting.

The benefits of Provider Sourced Voluntary Work placements for the Host Organisation may include:

- access to extra sets of hands to undertake activities and projects that may not normally get done
- access to support from the Provider to source suitable Participants, and contribute towards participation costs, such as relevant checks
- Participants referred by a Provider are covered by personal accident insurance and public and/or product liability insurance.

23.3. Role of Providers

The role of the Provider is to:

- arrange suitable Provider Sourced Voluntary Work placements for participants in not-for-profit Host Organisations
- determine the suitability of Activity Host Organisations and their proposed placements and discuss the opportunities with the participant to determine their interests, experience, skills, and suitability for the available placement.

State-based laws may apply to Voluntary Work placements. Please check with the relevant State/Territory government for more information.

(Deed Reference(s): Clause 114)

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23.4. Eligibility

23.4.1. Eligible Participants

The Provider may arrange a Voluntary Work Placement for any Participant on their Caseload if they are of the view that the Participant would benefit from the Activity, and the Activity is suitable and safe for the Participant.

23.4.2. Eligible Host Organisations

In addition to the Host Organisation requirements and prohibitions outlined in the Eligible Host Organisations section of the Activity Management Chapter, Voluntary Work Host Organisations must be a:

- not-for-profit organisation/charity, or
- not-for-profit arm of a for-profit organisation,

that provides a community service (examples include firefighter reserves, State Emergency Service, school canteen, etc.) and is adequately insured. At minimum, Host Organisations must have public liability and personal accident insurance.

Voluntary Work can be conducted in an eligible Host Organisation's place of business where all other requirements specified in the Deed and Guidelines have been met.

(Deed Reference(s): Clause 113.3)

23.5. Arranging Placements

In addition to the Activity requirements and prohibitions outlined in the Identifying Suitable Activities for Participants section of the Activity Management Chapter, Voluntary Work placements must:

- be of benefit to the Participant and the local community and offer no financial gain to the volunteer organisation
- provide the Participant with the opportunity to gain vocational and nonvocational skills that will directly improve their Employment prospects, such as the ability to work as part of a team, take directions from a Supervisor, work independently, communicate effectively, and become more motivated and dependable,
- not primarily promote a particular religious or political view
- not involve more than 50 hours of attendance per fortnight, and not more than 25 hours per week, and
- not include participation outside core business hours, including on a public holiday, unless a Participant chooses to do so and has agreed in advance.

Voluntary Work placements are unpaid and can be for a period of up to 26 weeks.

For each Voluntary Work Placement, an Activity record must be created in the Department's IT Systems by selecting the Voluntary work - Community/non-profit sector Activity type (Activity Code 'VWRK').

Providers are encouraged to include details of the Core Competencies that will be covered by participation in the Voluntary Work activity when creating the Activity in the Department's IT Systems.

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(Deed Reference(s): Clauses 114)

23.6. Work Health and Safety

For the purposes of work health and safety, the Provider must refer to, and comply with, the requirements specified in the Deed and the Activity Management Chapter.

23.7. Monitoring the Voluntary Work Placement

The Provider is expected to proactively monitor the Voluntary Work Placement for its duration.

In addition to the requirements set out in the Activity Management Chapter, the Provider should remain in contact with the Host Organisation and Participant to ensure:

- they are aware of any changes in circumstances affecting the Placement
- the Host Organisation is operating in accordance with the Host Organisation Agreement, and
- any issues that may arise are quickly resolved.

The Provider must confirm the Voluntary Work Placement start date in the Department's IT Systems by no later than 5 Business Days following the scheduled start date.

23.8. Completion

When a Provider Sourced Voluntary Work Placement ends, the Provider must end the placement in the Department's IT Systems and provide an Exit reason.

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Chapter 24. Workforce Specialists

24.1. Chapter Overview

Workforce Specialist Projects are designed to meet the workforce needs of identified industries and occupations, connecting them to suitable participants in Workforce Australia Services, Workforce Australia Online and Workforce Australia- Transition to Work Services.

Projects may support Participants to identify, access and engage with:

- labour market opportunities within these industries
- the skills and training pathways to connect with these opportunities
- potential areas for career progression, and/or
- the support available to prepare for and take up these employment opportunities.

On 14 May 2024, the Australian Government announced it would cease approving new projects under the Workforce Specialists initiative, effective immediately. Projects currently being delivered will continue until completion.

Information regarding current Workforce Specialist projects can be found at: Workforce Specialists - Department of Employment and Workplace Relations, Australian Government (dewr.gov.au)

This Chapter outlines the requirements for Providers in regard to Workforce Specialists and Workforce Specialist Projects.

24.2. Role of Providers

Key responsibilities and actions undertaken by Providers in relation to Workforce Specialist Projects, which must be done in accordance with the Workforce Australia - Transition to Work Deed and these Guidelines, include:

- identifying if Participants meet any identified eligibility criteria to participate in a Workforce Specialist Project
- confirming, including by reference to the relevant Risk Assessments, if the Workforce Specialist Project is suitable for the Participant
- assisting Participants to submit an expression of interest to participate in the Workforce Specialist Project via Workforce Australia Online.

Where a Participant is accepted to participate in a Workforce Specialist Project, Providers:

- must ensure the Participant is aware of their responsibilities, such as attending the Workforce Specialist Project on the relevant days and times advised by the Workforce Specialist
- must work collaboratively with the Workforce Specialist to support the Participant's participation in the Workforce Specialist Project. This may include accessing Relocation Assistance funding to support moving costs where required or drawing from Upfront Payments to assist Participants for work/training related items such as PPE, uniforms or licences
- must confirm an Activity Risk Assessment has been undertaken for any Specified Activity conducted by the Workforce Specialist as part of a Workforce Specialist Project.

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Where a Participant is placed into Employment by a Workforce Specialist, Providers must provide Post-placement Support, in collaboration with the Workforce Specialist if appropriate.

(Deed Reference(s): Clauses, 111.3, 119)

24.3. Eligibility

Participation in a Workforce Specialist Project is voluntary. A Provider can assist a Participant from their Caseload to submit an expression of interest to be considered for participation in a Workforce Specialist Project, subject to any additional Workforce Specialist Project specific eligibility criteria. For example, a Workforce Specialist Project may be targeted to Participants of a specific age group or require Participants to have a Driver's Licence.

The Provider can view any additional eligibility criteria in a Workforce Specialist Project description in the Department's IT System.

Participation in a Workforce Specialist Project will contribute towards the 25 hours a week Participation Requirement for Participants.

24.4. Collaboration with Workforce Specialists

Providers will need to work with Workforce Specialists to support Participant referrals to, and participation in, Workforce Specialist Projects. Providers will also need to work with Workforce Specialists to provide Post-placement Support to Participants placed into Employment as part of a Workforce Specialist Project.

Providers must provide support to Workforce Specialists to assess the suitability and capacity of a Participant from the Provider's Caseload to undertake any Activity within a Workforce Specialist Project. This includes assisting with the provision of information to support the Workforce Specialist undertake a Participant Risk Assessment and the management of other Work Health & Safety matters, including incidents.

(Deed Reference(s): Clauses 80.1, 80.2, 81.5, 111.3, 112, 119)

24.5. Expression of Interest for a Workforce Specialist Project

Once a Workforce Specialist has entered Workforce Specialist Project into the Department's IT Systems, Providers can search for and view that Workforce Specialist Project.

The Provider can view available Workforce Specialist Projects via the Activity Management component in the Department's IT Systems.

Information about each Workforce Specialist Project will be available in the project description.

Workforce Specialists may also promote Workforce Specialist Projects to Providers and Participants outside of the Department's IT Systems.

Providers must identify eligible and potentially suitable Participants for Workforce Specialist Projects. Providers should provide identified Participants with details of Workforce Specialist Projects available in their Employment Region.

Prior to discussing potential referrals with the Workforce Specialist, the Provider must ensure the Participant has been made aware of, and consented to, the disclosure of relevant personal

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information to the Workforce Specialist for the purpose of managing the Participant's referral and participation in a Workforce Specialist Project, including any related PMaS.

Before recommending that a Participant submits an expression of interest for a Workforce Specialist Project, the Provider must consider the nature of the tasks involved in the Workforce Specialist Project and whether these are appropriate and suitable for the Participant. The Provider may also discuss potential referrals with the Workforce Specialist to assist in making any determination of the Participant's suitability and capacity to participate in the Workforce Specialist Project.

To be considered for a Workforce Specialist Project, the Participant will need to submit an expression of interest. The expression of interest process will vary from project to project, and may include several screening questions (for example, relevant tickets or licences already held by the Participant, or occupations they may be interested in).

Providers are required to support Participants to submit expressions of interest for Workforce Specialist Projects via Workforce Australia Online.

The Workforce Specialist will assess all expressions of interest to participate in a Workforce Specialist Project. A place in the Workforce Specialist Project will only be confirmed once a Participant's expression of interest has been accepted by the Workforce Specialist.

Participants may submit expressions of interest via Workforce Australia Online without first notifying their Provider. The Workforce Specialist is strongly encouraged to discuss the referral with the Provider prior to accepting an expression of interest from the Participant.

If a Workforce Specialist does not accept a Participant's expression of interest, it should notify the Participant of the reasons for its decision. A Workforce Specialist Project may have a limited number of places available.

(Deed Reference(s): Clauses 109,119)

24.6. Payments

The funding arrangements for each Workforce Specialist Project will be outlined in a contract between the Workforce Specialist and the Department. The funding arrangement will consider existing support and funding available under other programs available to assist Participants.

Providers are expected to draw upon their Upfront Payment, to support Participants to successfully take part in Workforce Specialist Projects. For example, a Participant may require workwear or equipment for a job placement that forms part of a Workforce Specialist Project.

The Provider of a Participant placed into Education or Employment by a Workforce Specialist may be eligible to receive Outcome Payments in line with the Deed, the Provider Payments Chapter and the Vacancies and Outcomes Chapter.

(Deed Reference(s): Clause 130, 135)

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Chapter 25. Performance

Supporting Documents for this Chapter:

- TtW Performance Measures Methodology
- TtW – Measure 2.1 Active Servicing Rate – Reference Guide
- TtW – Measure 1.1 Outcome Rates – Reference Guide
- TtW – Measure 2.2 Barriers – Reference Guide

25.1. Chapter Overview

The Department will assess Provider performance using the Transition to Work (TtW) Provider Performance and Quality Framework (Framework). The Framework:

- ensures TtW Providers are delivering a high-quality Service and providing Participants with personalised and holistic support that encourages Participants to engage in Education or training and/or reduces the risk of Participants becoming or remaining long-term unemployed,
- encourages innovation and drives continuous improvement over the life of the Deed, and
- ensures Providers are fulfilling their obligations under the Deed and meeting appropriate standards.

This Chapter outlines the Framework, its 5 modules, and how the Department will assess Provider performance.

This Chapter should be read in conjunction with the TtW Performance Measures Methodology supporting document.

(Deed Reference(s): Section B1.4 - Provider Performance and Quality Framework)

25.2. Performance monitoring and assessment

TtW Provider performance is monitored and assessed by the Department on a regular basis and takes into account a range of factors. As well as ongoing internal monitoring, there are two key elements to the Department's assessment of Provider performance:

- random and targeted assurance activities; and
- interim and final (annual) performance reviews each year.

These elements allow the Department to review and discuss aspects of each Provider's performance to identify strengths, as well as areas requiring improvement.

Performance reviews assess the performance of each Provider against the Key Performance Indicators (KPIs) in the Framework at the end of each Performance Period. These performance measures (or KPIs) are assessed based on data from either the most recent 12-month period or using data from the most recent six-month Performance Period.

To inform a Provider's performance result, the Department will use data collected through the Department's IT System, as well as information and data collected from sources, including:

- Performance Period reviews
- feedback from Participants, Employers, Host Organisations, and other employment services providers; and

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- intelligence from the Department's Employment Services Tip off Line and National Customer Service Line (NCSL).

25.2.1. Provider Performance and Quality Framework

The Framework enables the comprehensive assessment of Provider performance against performance measures at the contract level.

The TtW Provider Performance and Quality Framework comprises 5 modules:

- Education and Employment
- Progress to Employment
- Quality of Service
- Efficiency of Service; and
- Deed Compliance and Contract Management.

These modules consist of a range of measures and include both quantitative and qualitative metrics. The frequency of assessment under each measure is dependent on what is being measured.

The Department may refine the Framework modules and/or measures over time if they are not fully achieving what is intended or if they lead to undesirable behaviour by Providers. Providers will be notified in advance of any changes to the Framework.

Performance ratings will be given for each performance measure and these ratings will be combined to arrive at module-level ratings. The ratings that apply at both the module level and for individual performance measures are High, Moderate, Low or Very Low.

See the TtW Performance Measures Methodology supporting document for a detailed description of the methodology used for calculating Provider performance under each measure.

Module 1 – Education and Employment

This module captures Education and Employment Outcome Rates achieved across a Provider's Caseload.

The performance measures for this module include:

- 1.1a 12 Week Employment Outcome Rate
- 1.1b 26 Week Employment Outcome Rate
- 1.2 Education Outcome Rate

The Employment Outcome measures track the rate at which Providers achieve 12 Week Employment Outcomes and 26 Week Employment Sustainability Outcomes (including Hybrid Outcomes) across their entire Caseload.

The Education Outcome measure tracks the rate at which Providers are achieving Education Outcomes across their entire Caseload.

Refer to the Vacancies and Outcomes Chapter for further information on Outcome requirements.

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Table 25-A: Education and Employment Outcomes

Performance Measure	What is being measured?
1.1a - 12 Week Outcome Rate (All Participants)	Proportion of the Caseload who achieved at least one 12 Week Employment Outcome of all those on the Caseload who have been in the program long enough to have been able to achieve a 12 Week Employment Outcome during the assessment period.
1.1b - 26 Week Outcome Rate (All Participants)	Proportion of the Caseload who achieved at least one 26 Week Employment Outcome of all those on the Caseload who have been in the program long enough to have been able to achieve a 26 Week Employment Outcome during the assessment period.
1.2 - Education Outcome Rate (All Participants)	Proportion of the Caseload who achieved at least one Education Outcome of all those who have been in the program long enough to have been able to achieve an Education Outcome during the assessment period.

Note: If a Participant achieves both a 12 and 26 Week Employment Outcome (including Hybrid Outcome) in the assessment period, both will be counted towards the relevant measure.

Note: If a Participant achieves multiple Education Outcomes in the assessment period, only one will be counted towards the measure.

Module 2 – Progress to Employment

This module assesses a Provider's proactive support and engagement with Participants to help them successfully develop skills which increase their likelihood of achieving sustained Employment. This includes assisting Participants to identify, and learn to sufficiently manage or address, significant Vocational and Non-vocational Barriers which are impacting their ability to secure and maintain suitable Employment or reconnect with Education.

The performance measures for this module include:

- 2.1 Active Servicing Rate
- 2.2 Barriers with linked Activities

The Active Servicing Rate measure (2.1) focusses on Provider engagement with Participants. Participants in TtW are expected to participate for 25 hours per week and this measure ensures Providers are making the most of the time they have with each Participant on their Caseload.

Providers are considered to be actively servicing a Participant where each month:

- the Participant has attended at least one appointment with the Provider, **and**
- the Participant is engaging in at least one Activity (including Job Placement).

The barriers with linked Activities measure (2.2) is designed to assess whether a TtW Provider is supporting, motivating, and engaging their Participants to identify and work towards sufficiently addressing Vocational and Non-vocational Barriers they are experiencing.

Providers are expected to identify and record key individual barriers by entering these in the Capability Management Tool (CMT). If a Participant already has a barrier recorded, Providers are expected to discuss with the Participant whether the barrier is still current or should be closed. Providers must enter and link the associated Job Plan Activities to the identified barriers to demonstrate the Services or supports that are being sourced and made available to the Participant.

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Note: The Department's expectations are that the key/most significant barriers for each Participant are captured in the CMT, and that Providers are not just recording more simple barriers that easily satisfy performance thresholds and can be managed quite quickly. Barriers that are no longer relevant or appropriate should be closed. If Providers do not use the measure in the spirit it is intended to operate, the Department reserves the right to change or alter these measures.

Table 25-B: Progress to Employment

Performance Measure	What is being measured?
2.1 - Active Servicing Rate (All Participants)	The proportion of Participants on a Provider's Caseload to whom the Provider is actively delivering services in each month, measured over the assessment period.
2.2 - Barriers with linked Activities	The proportion of Participants where a Job Plan Activity is linked to a barrier in the CMT, within the assessment period.

Module 3 – Quality of Service

This module recognises the importance of Providers delivering high quality and flexible services to both Participants and Employers. It assesses the quality of Services provided compared to the expectations of Participants, Employers and the Department.

The performance measures for this module include:

- 3.1 Quality of Service - Participant
- 3.2 Quality of Service – Employer

Table 25-C: Quality of Service

Performance Measure	What is being measured?
3.1 - Quality of Service (Participant)	The quality of service provided to Participants, using the 4 assessment criteria outlined below. This occurs through a qualitative Provider Lead Assessment each Performance Period.
3.2 - Quality of Service (Employer)	The quality of service provided to Employers, using the 4 assessment criteria outlined below. This occurs through a qualitative Provider Lead Assessment each Performance Period.

Quality of Service performance measures assessment criteria

Using intelligence gathered about the on-the-ground service delivery of the Provider, the local labour market and services available in their region as well as data compiled by the Department, Provider Leads assess and rate Provider performance at the contract level for the above Quality of Services measures against the following 4 criteria:

- **Supported** - How the Provider engages with Participants and Employers to deliver high quality support and individualised services to them
- **Connected** - How the Provider connects with and leverages relationships with key local stakeholders and other community services and programs and uses labour market intelligence to the benefit of Participants and Employers. Consideration is also given to each Provider's ability to upskill Participants in accordance with local labour market conditions

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- **Collaborative** - How the Provider actively shares best practice and strategies for success with other TtW Providers and how they collaborate with a range of other relevant stakeholders to assist Participants and Employers
- **Continuous Improvement** - How the Provider adjusts their service delivery in response to feedback from Participants and Employers, the staff development practices available within the organisation and how the Provider responds to changes in the local labour market or in the face of environmental factors (such as COVID-19).

Module 4 - Efficiency of Service

This module measures Provider efficiency in attracting Volunteer Participants and Commencing Participants onto their Caseload, as well as the timeliness of those Commencements.

The performance measures for this module include:

- 4.1a Referral to Commencement Rate
- 4.1b Timeliness of Commencement
- 4.2 Ability to attract and Commence eligible Group Two Participants

The Commencement Rate and Timeliness measures work together to identify both the proportion of all Referrals that Commence in TtW, along with the timeliness of those Commencements for the majority of young people.

The Group Two Participant Commencement measure monitors Provider performance in actively finding and commencing eligible young people onto their Caseload.

Table 25-D: Efficiency of Service

Performance Measure	What is being measured?
4.1a - Referral to Commencement Rate (All Participants)	The proportion of all Referrals received that are successfully Commenced into the service in the assessment period.
4.1b - Timeliness of Commencement (All Participants)	The proportion of Participants who Commenced in the service within the 10 days from date of Referral to date of Commencement in the assessment period.
4.2 - Group Two Participant Commencements	The proportion of Group Two Participants of all Commenced Participants on the Provider's Caseload. This is measured each month and then averaged over the assessment period.

Module 5 – Deed Compliance and Contract Management

This module assesses the Provider's compliance with the requirements set out in the TtW Deed, Guidelines, the Service Guarantee, Service Delivery Plans and Service Offer Commitments.

Provider compliance with the Service Guarantee, and the commitments made in their Service Delivery Plan and Tender response (Service Offer) is an integral part of the Framework. These commitments set out the service and support a Participant can expect from their Provider, as well as the Department's expectations of how Providers will interact with Participants and Employers.

The Department will monitor each Provider's compliance with Deed requirements through ongoing contract management activities (including visits to Provider sites), regular and targeted assurance

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activities, and feedback received from Participants, Employers and relevant stakeholders, and through the department's National Customer Service Line.

This module has one performance measure and will be based on the assessment of the results from Program Assurance Activities and Audits, and breaches recorded.

See the Supporting document – Service Delivery Plan – Provider Information for more information.

Table 25-E: Deed Compliance and Contract Management

Performance Measure	What is being measured?
Program Assurance Activities and Breaches	Provider compliance with Deed standards and requirements informed by: - results and recoveries from payment integrity and non-payment integrity Assurance activities, Program Area desktop audits, Provider Lead desktop Audits, and - assessing Provider operations, such as accessibility of Provider sites, having a dedicated youth space, compliance with the Service Guarantee, Service Delivery Plans and Service Offer Commitments, and - recorded breaches under the Breach Management Approach.

(Deed Reference(s): Clause 82)

25.2.2. Module Level Assessment

Provider performance will be assessed against performance thresholds established for each performance measure, under each module, in the Framework. Further information, including thresholds for each performance measure, can be found in the TtW Performance Measures Methodology supporting document.

Performance under each module will be assessed as High, Moderate, Low or Very Low and combined at the module level based on the following rules:

Table 25-F: Module performance requirements

Performance Category	Requirements
High	achieving a majority of High at the performance measure level and with no results of Low or Very Low at the performance measure level
Moderate	the criteria for either High or Low is not met and there are no results of Very Low at the performance measure level
Low	a majority of results of Low at the performance measure level
Very Low	a majority of results of Very Low at the performance measure level

Where there is an even number of performance measures and a Provider has achieved an even split, of adjacent ratings at the performance measure level in a given Module the lowest rating will determine the final Module score, for example:

- two 'Moderate' and two 'High' = 'Moderate'

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- two 'Moderate' and two 'Low' = 'Low'
- two 'Low' and two 'Very Low' = 'Very Low'

Where the Provider has achieved an even number of non-adjacent ratings at the performance measure level, the combination will be averaged at the whole of module level, for example:

- two ‘High’ and two ‘Low’ = ‘Moderate’
- two ‘Moderate’ and two ’Very Low’ = ‘Low’

25.3. Feedback following performance assessment

At the completion of a performance assessment, Providers will be provided a Performance Report, and results will be discussed with Providers through formal performance feedback discussions/sessions at the interim and final performance reviews.

Providers are required to actively engage in the performance discussion by:

- reviewing performance assessment documentation provided by the Department to ensure they are prepared for the feedback discussion
- providing relevant documentation when requested by the Department
- engaging with Provider Leads on an ongoing basis
- undertaking other actions as required by the Department.

Individual Provider performance results will not be published, Providers will generally be advised how their performance compares to other Providers in the Performance Report and during performance feedback discussions. The Department will periodically publish aggregate results at a Program level, without identifying individual provider performance.

(Deed Reference(s): Clauses 27, Section B1.4)

25.4. Provider under-performance

The Department will work in partnership with the Provider to clarify and resolve any issue(s) that arise from the performance assessment to help improve the Provider's performance.

Action the Department may take, where necessary, to address poor Provider Performance include:

- requirement for the Provider to enter into a Performance Improvement Plan (PIP),
- reduction in the Provider's Locations and associated Places (for Very Low performance twice in a row for at least two of the five modules),
- recovery of Upfront Payments, and/or
- any other action under the terms of the Deed.

25.4.1. Performance Improvement Plan

Where a Provider is failing to perform at an adequate level (i.e. their results are consistently Low or Very Low), they will be subject to performance management action as necessary. Depending on the circumstances, this could include the use of a Performance Improvement Plan (PIP).

Following either the interim or final (annual) performance report, a rating of Very Low (at the performance measure level) will lead to a PIP being implemented. Similarly, where a Provider has been rated as Low over two Performance Periods with no upward trajectory this will be treated as a

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Very Low result, and they will be placed on a PIP. PIPs will generally target the specific area of underperformance and may not be put in place at the whole of module level unless there is justification for doing so. If the Provider's performance has not improved sufficiently after six months with a PIP in place, remedial action will be put in place in accordance with the Deed.

25.4.2. Further under-performance action

Where a Provider has demonstrated ongoing Very Low performance in two (or more) of the five modules more severe sanctions, such as reallocation of business or recovery of Upfront Payments, will be applied. Ongoing poor performance is categorised as 'Very Low' ratings at the module level over two consecutive Performance Periods.

Where more severe sanctions are required an appropriate sanction/s will be selected to align with the type of underperformance.

25.5. Periodic Review of the Framework

The Department will periodically initiate broader reviews of the Framework to ensure it is driving the overall policy intent of the model. Such reviews could result in the Department making changes to the Framework, such as adding, removing, or adjusting modules and/or measures as well as changing the thresholds for individual performance measures.

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Australian Government

Workforce Australia Employment

Workforce Australia Guidelines

Part A: Universal Guidelines

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with the employment services Deed(s) relevant to your organisation (the **Deed**), including any relevant Guidelines and reference material issued by the Department of Employment and Workplace Relations under or in connection with the Deed(s).

This Guideline is not legal advice and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version 1.13 **Published on:** 11 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline the Operational Requirements Chapter has been updated.

A full version history of this Guideline can be found on the relevant Archived Guidelines page on the Provider Portal for each program.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, ‘must’ means that compliance is mandatory and ‘should’ means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department’s IT Systems.

This icon represents 'Work, Health and Safety Steps' – information contained under this dot point will relate to matters of work, health and safety.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of Documentary Evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

'Archives Act' means the *Archives Act 1983* (Cth).

'APP entity' has the same meaning as in section 6 of the Privacy Act.

'Deed' means any Deed or contract administered by the Department that refers to this Guideline.

'FOI Act' means the *Freedom of Information Act 1982* (Cth).

'Employment Services Assessment' or **'ESAt'** means an assessment of a Participant's barriers to employment and work capacity conducted by Services Australia.

'Inactive Records' are Records created under previous contractual arrangements with the Department.

'Incident Report' means a written account of an incident involving challenging behaviour that is recorded on the Department’s IT Systems.

'Job Capacity Assessment' or **'JCA'** means an assessment conducted by Services Australia to determine eligibility for the Disability Support Pension and includes assessment of barriers to employment and work capacity.

'Job Seeker Snapshot' means a questionnaire completed by a Participant, Services Australia or the Provider, the results of which informs the relevant Participant of the employment services that they are eligible for and supports them in making relevant choices. It includes questions that determine the Participant’s Job Seeker Classification Instrument score, support the Participant to make an informed decision where they have a choice between Workforce Australia Online and Workforce Australia Services, and help identify if the Participant requires an Employment Services Assessment.

'Managed Service Plan (MSP)' means an arrangement that a Providers can put in place to tailor the way services are delivered to a Participant who displays challenging behaviours.

'Mutual Obligation Requirement' means any activity test, participation requirement or other requirement that a Participant must meet in order to receive an Income Support Payment.

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'One Main Contact (OMC)' means a Participant is restricted to communicating with one identified Provider staff member for the purpose of a Managed Service Plan.

'Protected Information' has the same meaning as in its decapitalised form under section 23 of the *Social Security Act 1991 (Cth)*.

'Referring Provider' means a Provider who Refers an eligible Participant to CTA or EST. For avoidance of doubt, it does not include referrals from Workforce Australia Services or Yarrabah Employment Services to Transition to Work.

'Social Security Law' means the *Social Security Act 1991* (Cth) and *the Social Security (Administration) Act 1999* (Cth), and includes all relevant subordinate legislation and instruments, and the Guide to Social Security Law.

'Unauthorised Access' is the intentional or unintentional action by an entity to make personal information accessible or visible to others outside the entity and which releases that information from its effective control in a way that is not permitted by the Privacy Act. This includes an unauthorised disclosure by an employee of the entity.

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Chapter 1. Operational Requirements

Supporting Documents:

- Workforce Australia Brand Style Guide for Providers

1.1. Chapter Overview

The following Chapter outlines various operational requirements for Providers in delivering Services under their Deed.

1.2. Workforce Australia Branding

The Workforce Australia brand has been developed as a masterbrand to frame employment and skills services delivered by the Australian Government. The Department's employment and skills services, programs or initiatives are promoted under this masterbrand.

Providers must use the Workforce Australia masterbrand in the delivery of Services and in accordance with the Workforce Australia Brand Style Guide for Providers (the Brand Style Guide). For the avoidance of any doubt, the Brand Style Guide is a Guideline for the purposes of the employment services Deed(s) relevant to your organisation.

1.3. Recipient Created Tax Invoices

In certain circumstances, including where automatically generated through the Department's IT Systems, the Department may issue a Tax Invoice to the Provider in relation to certain Payments made by the Department to the Provider for the delivery of Services under the Deed. This Tax Invoice will be a recipient created tax invoice (RCTI) for the purposes of the GST Act and will be labelled as an RCTI when issued by the Department. In these circumstances, the Provider is not required to submit a Tax Invoice to the Department, under the Deed.

Where an RCTI is issued by the Department, including where automatically generated through the Department's IT Systems, the Provider acknowledges and agrees that:

- the Department can issue an RCTI to the Provider for the delivery of those Services under the Deed;
- it will not render a Tax Invoice to the Department for the delivery of Services under the Deed for which the RCTI relates; and
- it is registered for GST and it will notify the Department if it ceases to be registered for GST.

The Department acknowledges that it is registered for GST and will notify the Provider if it ceases to be registered for GST.

1.4. Fraud and Corruption Training

To assist Providers in meeting their obligations under the Deed(s) in respect of the prevention of Fraud and Corruption, the Department has developed a Fraud and Corruption training module (available on the Learning Centre). Providers must ensure any of their Personnel who will have access to the Department's IT Systems complete this training.

Providers should be aware of Fraud and Corruption risks that exist within the delivery of employment services and put in place Fraud and Corruption detection practices, policies and procedures, which are

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proactively reviewed. Procedures should include a clear reporting process for suspected Fraud or Corruption.

1.4.1. Fraud and Corruption Awareness and Training Expectations

Providers must adopt practices to ensure its Personnel are aware of their obligations under the Deed and this Guideline. Providers must also ensure all Personnel complete the Fraud and Corruption training module:

- upon initial commencement with the Provider; and
- once every 12 months during their engagement.

Providers should note that the Fraud and Corruption training module has been developed to cater for the delivery of all employment services. It is not a substitute for any tailored internal Fraud and Corruption training Providers make available to their Personnel. Providers must consider the nature of the employment services they are delivering and Personnel interaction with those employment services. Where required, the Provider must supplement the Fraud and Corruption training module with its own additional Fraud and Corruption training, within the timeframes above.

1.4.2. Fraud and Corruption Training Module

The Department's Fraud and Corruption training module explains:

- what Fraud and Corruption is
- why people commit Fraud and Corruption, its impact and consequence
- unauthorised access, inadvertent access and conflict of interest
- the legal framework around Fraud and Corruption; and
- how to report Fraud and Corruption.

1.4.3. Personnel Compliance

Providers must monitor and annually self-audit Personnel completion of Fraud and Corruption training. The Department may request details of a Provider's self-audit at any time and may conduct its own audit of a Provider's compliance with the requirements, where this may be deemed necessary.

Where Fraud and Corruption training is undertaken outside of the Department's Learning Centre, the Provider must retain records of Fraud and Corruption training undertaken by their Personnel and must make this available to the Department on request.

1.4.4. Fraud and Corruption Responsibilities

It is all Personnel's responsibility to report any suspected fraudulent or corrupt activity relating to employment services as soon as they become aware of or suspect it.

When reporting Fraud or Corruption, Personnel should provide as much information as possible, including (where possible):

- **Who** is the subject of the suspected Fraud or Corruption?
- **When** and **where** did the suspected Fraud or Corruption occur?
- **What** sensitivities, if any, there may be?
- **How** did the subject/s commit the suspected Fraud or Corruption?

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If there is any information available which supports the allegation, this information should also be provided.

1.4.5. Reporting Fraud or Corruption

There are a number of mechanisms available to report Fraud and Corruption.

All current and former Personnel of a Provider who suspect Fraud or Corruption should report their concerns to the Department's fraud team via fraud@dewr.gov.au.

Fraud or Corruption can also be reported anonymously via the Department's online reporting tool, Whispli. Whispli allows Personnel to report Fraud or Corruption and communicate directly with the Department without disclosing their identity. Whispli can be accessed via the Department's 'How to Report Fraud and Corruption' webpage.

Conduct by Personnel of a Provider that may breach the Deed or this Guideline, which can include instances of Fraud or Corruption, can be reported to the Employment Services Tip off Line at ESTipOff@dewr.gov.au.

The Public Interest Disclosure Scheme is an avenue for all current and former Personnel of a Provider to report disclosable conduct, which includes suspected Fraud and Corruption, to an authorised officer of the Department, their supervisor, or the Commonwealth Ombudsman. Disclosers will be offered support and protections from reprisal when disclosing under the Public Interest Disclosure Act 2013. Authorised officers can be contacted via PID@dewr.gov.au.

Suspected serious or systemic corruption by or involving current or former Provider Personnel can be reported directly to the National Anti-Corruption Commission (NACC). A range of protections are available to those who report directly to the NACC.

1.5. Dispute Resolution

Providers are expected to work with the Department to resolve complaints, disputes or problems, using the following informal dispute resolution process (except for matters excluded under the relevant Deed):

- The Provider will initially discuss the issue or problem directly with a Provider Lead. If the dispute, complaint or problem cannot be resolved, the Provider can request that it be raised with the relevant state manager.
- If the above process does not resolve the issue, the National Contract Manager will attempt to facilitate a resolution.

Any dispute or problem that cannot be resolved through this informal resolution process will be managed through the formal dispute resolution process set out in the relevant Deed.

1.6. Commonwealth Child Safety Framework (CCSF)

In response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the Australian Government developed the Commonwealth Child Safe Framework (CCSF) as a whole of government policy that sets out the minimum standards for child safe practices within Commonwealth entities. The Commonwealth response includes a commitment to require any institution it funds to undertake child-related work to adopt the National Principles for Child Safe Organisations (National Principles).

Where the CCSF is relevant, the Department has included Child Safety clauses into employment services Deeds. As specified in those Deeds, Providers must undertake a range of actions to ensure child-safe

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standards and practices are available and implemented. Amongst other things, Providers must comply with applicable Working with Children Laws, obtain Working with Children Checks where required, and implement the National Principles (including to undertake a risk assessment, provide training and ensure compliance).

Providers must certify compliance annually with the Child Safety clauses by completing the Child Safety Provider Declaration within 10 business days of 1 July each year, or if requested by the Department.

1.6.1. Resources for complying with the Child Safety clauses

The Department acknowledges the differences in each organisation, program, and the State and Territory jurisdictions and child safety-related laws. As such, implementation and compliance with the Child Safety clause(s) requires a tailored response from each Provider.

Providers should refer to the Australian Human Rights Commission's (AHRC) Child Safe Organisations website for practical tools and resources to help implement the National Principles for Child Safe Organisations, including free e-learning modules developed by the AHRC to assist in training Provider Child-Related Personnel. Resources are also available from state and territory governments in relation to compliance with Working with Children Laws. A list of state and territory child safety links and resources have been consolidated on the AHRC's Child Safe Organisations website.

1.6.2. Reporting of Incidents

In the course of delivering Services, Providers may identify concerns they have about a Child or Children, whether they are a Participant or not. Providers must ensure that these concerns are actively and appropriately managed in line with their policies and procedures, the National Principles and any legislation in the state and territory jurisdictions they operate in, including those requirements relating to mandatory reporting in those jurisdictions.

Where Providers are complying with the Department's existing processes and policies in the delivery of Services (for example, in incident management or the disclosures of protected information under a Public Interest Certificate), Providers must make the Department aware if a Child or Children are involved and any action taken to manage impact to the Child(ren).

1.7. Minimum Site Requirements

Providers must ensure their Sites meet the following minimum requirements:

- Sites are accessible for people with a disability;
- Sites are presented in a manner that upholds and maintains the good reputation of Services as determined by the Department;
- facilities and protocols are in place to ensure security of personal information and privacy for Participants;
- Sites have a welcoming environment to cater for the needs of Participants and are culturally appropriate;
- for Workforce Australia Services Specialist Providers, Personnel must have experience in delivering services to the specialist participant cohorts that are being serviced at the Site, including access to specialist expertise where required; and
- Sites comply with any relevant State and Commonwealth legislative requirements with regards to health orders or Work Health and Safety.

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1.7.1. Co-location with other Providers, Services or Specialist Types

The Department considers a Site to be co-located where more than one Provider, employment service program, (in the case of Workforce Australia Services) specialist type, or third-party organisation is servicing participants at a single Site with any shared space, including reception, waiting areas, servicing areas, and meeting rooms.

In addition to the minimum general requirements for a Site as mentioned above, where multiple Services, specialisations, Providers and/or third-party organisations are co-located at a single Site, the Department requires Providers to at the very least:

- assist Participants or potential service recipients visiting the Site with clear advice about the services delivered at the Site;
- make it clear to individual Participants at the Site what Provider and employment service they have been referred to;
- use clear signage (presented in accordance with the guidance in the Workforce Australia Brand Style Guide section) at reception and the broader workspace aligned with the services being delivered to enable Participants to help them identify where they need to go and who they should talk to upon entry; and
- have clear protocols and accountabilities established about the use of shared space and facilities (for example, use of printers, copiers, private rooms and storage).

1.8. Media Enquiries

Engagement with the media can be an important part of your work as a Provider.

- Providers must immediately refer any media enquiries related to Government policy or program settings to the Department's media team (media@dewr.gov.au), and your Provider Lead and State/Territory Manager. The Department will prepare the response and liaise further with the Minister's media advisers as required. Your email should include the nature and timeframe of the request, as well any relevant background.
- Providers must immediately inform your Provider Lead and State/Territory Manager of any media enquiries received related to your delivery of the Services. Your Provider Lead will then advise whether the media enquiry must be referred to the Department's media team.

1.9. Business Continuity Requirements

The Department defines business continuity as arrangements and practices that ensure there are adequate business processes in place for Providers to continue to meet their service obligations during emergencies or other incidents leading to business disruption.

Providers are required to have appropriate business continuity arrangements in place to ensure the safe provision of employment services to Participants. At a minimum, such arrangements should include processes to:

- contact affected Participants, if required;
- where applicable, ensure that Targeted Compliance Framework (TCF) is not applied where mutual obligation requirements have been suspended;
- arrange alternative servicing options for Participants;
- reschedule activities or appointments, including contacting employers, host organisations, or support services;
- manage site safety and security, including lockdowns or evacuations;

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- manage the security and integrity of Provider IT Systems, including containment and notification to the Department of cyber incidents;
- secure records and filing systems; and
- submit urgent/critical notifications and incident reports (including temporary site closure reports) to the Department and other relevant entities (e.g. police, health/welfare agencies, emergency respondents).

1.10. Face-to-face Service Delivery

Face-to-face servicing plays a crucial role in fostering meaningful direct engagement between Providers and Participants in employment services. In-person interactions can allow Providers to gain a better understanding of a Participant's individual circumstances, enabling a more comprehensive tailored experience, resulting in more effective and sustainable employment outcomes.

Within each program's respective Deed and Part B Guidelines, certain Services may be:

- required to be delivered in a face-to-face format (for example, initial interviews, or certain activities), or
- requested by a Participant to be delivered in a face-to-face format where not otherwise required to be delivered face-to-face (for example, ongoing appointments).

This section specifies the conditions that Providers must be satisfied of for Services to be conducted in a face-to-face format. Providers may use this guidance in response to an individual's circumstances, or situations affecting multiple Participants such as natural disasters and health crises (including pandemics).

For clarity, this section does not set out the principles by which Providers should determine whether Contacts or activities that are not required to be face-to-face should be conducted face-to-face. This should be determined through consideration of, and consultation with, Participants and their individual circumstances.

1.10.1. Conditions for the delivery of face-to-face servicing

Providers must consider the Participant's personal circumstances when determining whether Services are able to be delivered in a face-to-face format. In determining this, Providers must be satisfied that face-to-face servicing is:

- **Safe** - Providers must ensure that any face-to-face Service delivery is:
  - carried out in a safe manner
  - appropriate for the relevant Participant, the Provider's staff and others from a work health and safety perspective; and
  - permitted by and consistent with any other legal requirement.

  If a Participant has a history of serious incidents and Managed Service Plans, including at Services Australia, consider if face-to-face servicing is safe or if it will pose risk to other Participants and Provider staff that cannot be reasonably managed at the Site.

- **Beneficial to the individual Participant** - In making this determination, Providers must consider the benefits to a Participant in receiving Services in person, including but not limited to, where a direct and personalised connection with the Provider:
  - is a key element of the service design, for example, in the case of Workforce Australia Services or Transition to Work which requires delivery of high quality, tailored and intensive case management

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- where relevant to the program's objectives or Participants' goals, will improve the Participant's prospects for a successful (re)entry into the labour market and ability to find employment
- will help the Participant meet any mutual obligation requirements; or
- will provide the Participant with mental health benefits.

- **Reasonable in the circumstances to be conducted in a face-to-face format** – A list of non-exhaustive circumstances that may make it unreasonable to provide a Participant with Services face-to-face include:
  - they reside in an area that is affected by:
    - extreme weather conditions
    - a natural disaster
    - public transport strikes
    - lack of access to reasonable transport, and/or
    - a written direction as notified by the Department, addressing expectations in relation to Provider servicing arrangements and Participants' Mutual Obligation Requirements.
  - cultural reasons
  - travel time and/or cost is not reasonable
  - they are participating in full-time Education (including training) and this participation restricts their availability to attend face-to-face
  - they are Employed and their hours restrict their availability to attend face-to-face
  - they are subject to legal restrictions (i.e. State or Territory health orders or house arrest)
  - they are not medically fit to attend
  - they have health considerations (including COVID-19 considerations) that impact on the Participant's ability to attend. These may include:
    - being immunocompromised or being a household contact of someone who is immunocompromised, and/or
    - other relevant health considerations.
  - other exceptional circumstances that are beyond the Participant or Provider's control.

  Note: The above reasonable circumstances are also 'Allowable Circumstances' for the purpose of Capability Interviews under the Workforce Australia Services Deed of Standing Offer and relevant Part B Guideline. Providers should be aware of whether there are any directions from the Department relating to the Participants requirements to attend Capability Interviews, for example in relation to extreme weather conditions, natural disasters and public transport strikes.

Alternative Service Delivery

When the conditions for face-to-face servicing are not met or when circumstances beyond the Participant's or Provider's control make it unreasonable to conduct face-to-face servicing, Providers must decide on an appropriate alternative option, which may include:

- rescheduling the appointment
- meeting with the Participant by other means, for example over the phone or online via video conferencing. Please note that Providers are not permitted to meet with Participants at the Participant's home or residence
- placing the Participant in an alternative activity that is not required to be delivered in a face-to-face setting, or
- helping the Participant transfer to a Provider that is more suitable.

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For clarity, where face-to-face servicing is a requirement in the respective Deed or Part B Guidelines and exceptional circumstances apply, Providers must make all efforts to reschedule the in-person appointment/meeting/interview/Contact before deciding on an alternative option not involving face-to-face servicing.

Where a Provider determines face-to-face servicing is not appropriate where normally required under the respective Deed or Part B Guidelines, they must record why it is not suitable for the Participant, including what other alternative solutions were explored prior to choosing non-face-to-face delivery.

Unless otherwise provided in the respective Part B Guidelines, Providers must record their reasons in the Comments section of the Department's IT Systems and update their reasons as circumstances change.

For the avoidance of doubt, this is applicable to all Services (including Activities, other courses or training).

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Chapter 2. Records Management Instructions

Supporting Documents for this Chapter:

- Employment Services Records Disposal Authority 2003/00330307
- Employment Services Records Authority 2009/0017920
- General Records Authority 31 – Destruction of source or original Records after digitisation, conversion or migration
- General Records Authority 33 – Accredited Training
- Return of Records Process Supporting Document
- Records Register for Provider Returns Spreadsheet
- Records Retention Periods Supporting Document
- General advice on management of Records
- The Office of the Australian Information Commissioner Guide to securing personal information
- Privacy Incident Report

2.1. Chapter Overview

This Chapter outlines Provider obligations with regards to the creation, management, retention, storage, transfer and disposal of Records created or used by Providers under the relevant Deed, and access to those Records by its Personnel and Subcontractors, in accordance with the Records management provisions in the relevant Deed. Providers must create and maintain true, complete and accurate Records in the connection with the delivery of its obligations under and in accordance with the relevant Deed and these Records Management Instructions.

General advice on the management and storage of records, information and data is available on the National Archives of Australia (NAA) website.

2.2. Records Framework

Under the relevant Deed, 'Records' means documents, information and data stored by any means and all copies and extracts of the same. Records includes 3 categories:

- **Commonwealth Records** are Records provided by the Department to Providers for the purposes of the relevant Deed and includes Records which are copied or derived from Records so provided.
- **Deed Records** are all Records:
  - developed or created or required to be developed or created as part of or for the purpose of performing the relevant Deed
  - incorporated in, supplied or required to be supplied along with the Records referred to in the point above, or
  - copied or derived from Records referred to in the above points, and
  - includes all Reports.
- **Provider Records** are all Records, except Commonwealth Records, in existence prior to the relevant Deed Commencement Date:
  - incorporated in
  - supplied with, or as part of, or
  - required to be supplied with, or as part of,

  the Deed Records.

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To the extent that Records contain personal information for the purposes of the Privacy Act, Providers must also take reasonable steps (if any) in the circumstances to ensure that the personal information that the Provider:

- collects is accurate, up-to-date and complete, and
- uses or discloses is, having regard to the purpose of the use or disclosure, accurate, up-to-date, complete and relevant.

2.2.1. General Records Authority 40

The General Records Authority 40 (GRA 40) sets out the requirements for the transfer of custody of Commonwealth Records to contractors providing services under outsourcing arrangements, either on behalf of or to the Australian Government. The GRA 40 provides that, notwithstanding custody of Records that temporarily resides with the Provider, ownership of the relevant records remain with the Australian Government.

Further information on relevant application and conditions of the GRA 40 is provided on the NAA website.

2.3. Management of Records

In accordance with the "digital by default" approach set out in the Australian Government's *Building trust in the public record: managing information and data for government and community* policy (effective 1 January 2021), Providers must, wherever possible and consistent with the Deed and other applicable legal requirements, create and manage Records in a digital format.

Providers must ensure that any digital Record is created, stored and operated in accordance with the Deed requirements (particularly the requirements in relation to Provider IT Systems and other applicable legislative provisions, including the Electronic Transactions Act 1999 *(Cth)*.

Digital Records containing sensitive information as defined in the Privacy Act must be kept securely. The Office of Australian Information Commissioner (OAIC) website provides information on keeping personal identifying information secure.

The Provider must ensure that its:

- Personnel and Subcontractors do not access, copy, disclose or use any:
  - Record containing any information about any participant in any employment services program, or
  - Record in the Department's IT Systems containing any information about any individual (including individuals who are not participants in any employment services program),

  unless such access, copying, disclosure or use is for the purpose of:
  - providing Services to a participant under the relevant Deed, or
  - otherwise complying with the Deed, and
- Third Party IT Vendors do not access, copy, disclose or use any electronic Record unless such access, copying, disclosure or use is for the purpose of assisting the Provider to comply with the relevant Deed.

Records held by a Provider which were created under a previous Deed (e.g. under the jobactive Deed 2015-2022) must be managed in accordance with the Records management requirements of that previous Deed.

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2.3.1. Storage requirements

The Provider must store all Records in accordance with these Records Management Instructions, the Department's Security Policies, and where relevant, its Privacy Act obligations.

Providers must store Records securely either on their own premises or off-site using a records storage facility in compliance with legislation covering the management of Commonwealth/Deed Records, including the Privacy Act.

For Records that contain personal information for the purposes of the Privacy Act, in accordance with Australian Privacy Principle 11 as set out in Schedule 1 of the Privacy Act, the Provider must take such steps that are reasonable in the circumstances to protect the information from misuse, interference and loss, and from unauthorised access, modification or disclosure. The guide to securing personal information can be found on the OAIC website and provides guidance on the reasonable steps entities are required to take under the Privacy Act to protect the Personal Information they hold from misuse, interference, loss, and from unauthorised access, modification or disclosure.

Providers must ensure that the Department can access Records by retrieving the Record (including, if stored digitally, by retrieving the digital copy and if relevant printing it) and providing it to the Department upon request.

Providers are required to store digital Records in accordance with the Department's Security Policies, including the Security Policy for External Employment Service Providers and Users available on the Provider Portal.

General advice on the management and storage of Records is available on the NAA website.

Providers must ensure physical Records are protected from:

- storage environment damage (e.g. for paper Records, damp from a cement floor or fire damage)
- unauthorised addition, alteration, removal or destruction
- use outside the terms of the relevant Deed
- for Records containing Personal Information, incidents of privacy, and
- unauthorised access including inappropriate 'browsing' of Records

Physical Records containing sensitive information, as defined in the Privacy Act, must be kept in lockable cabinets.

2.3.2. Control of Records

Providers must be able to locate and retrieve Records about a Participant if requested. Providers must inform their Provider Lead if they become party to legal action in relation to their previous or current delivery of Services, so that arrangements for the appropriate retention of Records can be organised.

Providers must store Records in such a way that all Records relevant to a request under the *Freedom of Information Act 1982 (Cth)* (the *FOI Act)* are able to be located and retrieved efficiently. This includes being able to retrieve email Records and Records created by, or sent to, individuals who have ceased working for Providers.

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Records Register

The Provider must maintain an up-to-date register of the Records (digital and physical) held by the Provider and any Third Party IT Vendor and make this register available to the Department upon request. The register should contain sufficient information to clearly identify the content and location of a Record.

The Records register must be created and managed in a digital format (ideally Microsoft Excel or equivalent or a comma or tab limited format) that the Department's IT Systems can read. Providers may wish to identify on the Records register whether Records are:

- Priority – pertaining to current or pending legal action, Complaint, injury or possible claim for compensation
- Active – current Participants
- Inactive – former Participants
- Damaged – e.g. paper Record affected by water
- Destroyed (whether authorised or accidental) – e.g. paper Record burnt
- Transferred – Participant and Record transferred to another Provider
- Returned – have been returned to the Department.

2.4. Movement of Records

The Provider must not, and must ensure that its Personnel do not:

- remove any Records relating to the Services, or allow any Records relating to the Services to be removed, from the Provider's premises, except to the extent necessary to enable the delivery of the Services, or
- take, transfer, transmit or disclose any Records relating to the Services, or allow any Records relating to the Services to be taken, transferred, transmitted, accessed or disclosed, outside of Australia

without the Department's prior written consent.

Further, the obligation set out above applies in respect of taking, transferring, transmitting, accessing or otherwise disclosing any Records relating to the Services outside of Australia by the Provider:

- within the Provider's own organisation, and
- to any third party, including to any Subcontractor.

Providers must only transfer the Records in accordance with these Records Management Instructions or as otherwise directed by the Department.

2.5. Transfer of Records

2.5.1. Transfers between Providers

Records (digital or physical) must only be transferred between Providers in accordance with the relevant Deed and these Records Management Instructions, and where it is required to continue providing Services to Participants. Records must be transferred securely by Providers, as soon as possible or within 28 Business Days of a request to transfer Records. A list of all Records being transferred should be provided to the receiving Provider.

The transfer of Records containing personal information and Protected Information must be in accordance with the Privacy Act and the *Social Security (Administration) Act 1999* (Cth).

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When a Provider is transferring Records between its Sites, to another Provider, for storage or secure destruction or to the Department, it remains the Provider's responsibility to ensure the Records are secure during the transfer process.

2.6. Return of Records

Records must be returned to the Department within 28 Business Days if requested by the Department, unless specified otherwise or the retention period has lapsed.

The Records Management Supporting Document has been developed to provide information to Providers on:

- the nature of the return process, including the steps required for the return of both digital and physical Records (where permitted),
- how to determine the Records in scope for any return process and list these in the Records Register for Provider Returns Spreadsheet,
- how to prepare Records to ensure they are successfully returned, including relevant naming conventions, and file organisation, and
- other matters relevant to the returns process.

2.7. Data Migration

Data migration is the process of transferring data from one application or format to another. It may be required when implementing of a new application, which may require data to be moved from an incompatible proprietary data format to a format that is futureproof and can be integrated with new applications.

Providers must ensure that any migration activities include validation of the migrated data quality to ensure that no data is lost, and the data continues to be fit for the intended purpose.

When migrating information Providers must ensure:

- the migration is planned, documented and managed
- pre and post migration testing proves that authentic, complete, accessible and useable records can and have been migrated
- source records are kept for an appropriate length of time after the migration to enable confirmation that the migration has been successful. Determination of the specific retention period must be based on an organisational risk assessment

This advice is in line with the *Archives Act* and Archives Regulations. However, if future processes include destroying source records, it is recommended that consultation with legal counsel be conducted to ensure that there is no legal requirement to maintain them.

A successful migration demonstrates that the migrated business information is at least functionally equivalent to the source record for business, legal and archival purposes. General Records Authority 31 permits the destruction of information and records after they have been successfully migrated from one system to another.

Providers must note that the information transferred to the Department will be imported into the Department's official recordkeeping system and appropriate classification will be applied at the time of import.

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2.7.1. Data Security Considerations

Providers should be conscious of the following security considerations:

- ensure that those who access sensitive or security classified information have an appropriate security clearance if information is classified, and a need to know that information
- access to (including remote access) to supporting ICT systems, networks, infrastructure and applications is controlled
- information in systems should be continuously safeguarded from cyber threats
- administrative privileges such as logon and administrator privileges should be restricted.

Providers should refer to the digital Information Assurance / IT Security Compliance guide on the Department's website for more information.

2.7.2. Decommissioning of Systems

When decommissioning any systems Providers should ensure that they have considered the value of the business information and any ongoing need to access it. If the information is no longer required, the Provider will need authorisation to legally destroy that information.

The NAA provides authorisation to destroy Australian Government business information in the form of records authorities.

Digital preservation requires a proactive program to identify records at risk and take necessary action to ensure their ongoing viability. To achieve this, the Providers must consider the lifecycle of the information versus the lifecycle of the system and have plans in place to preserve information as needed. Regular and planned migration helps avoid obsolescence and ensures information continues to be accessible and useable.

2.8. Breaches and Inappropriate Handling of Records

2.8.1. Reporting Requirements

Providers must report all incidents involving unauthorised access, damaged, destroyed, lost or stolen Records to the Department. Where the Records contain or possibly contain personal information of participants, Providers must follow the Privacy incident reporting process set out in the Privacy Chapter.

2.8.2. Rectification Requirements

For all incidents involving the misuse, interference, loss, unauthorised access, unauthorised use, unauthorised disclosure, damage, destruction, loss or stealing of Records (digital or physical), Providers must:

- immediately make every effort to recover lost or damaged Records (e.g. retrieving or photocopying Records), including if required, arranging and paying for the services of expert contractors (e.g. disaster recovery or professional drying services)
- not destroy damaged Records without prior authorisation from the Department
- inform Participants if any Personal Information has been lost or is at risk of being publicly available
- where relevant and, if necessary, reinterview Participants to recollect information review relevant policies and procedures to ensure their adequacy in future

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The Department may make recommendations to the Provider to mitigate the risk of recurrence of the incident.

2.8.3. Notifiable Data Breaches Scheme

All Providers, and the organisations or agencies they share information with, must comply with the requirements of the Notifiable Data Breaches (NDB) scheme in the event of an 'eligible data breach' involving Personal Information.

Information about the NDB scheme and guidance for undertaking an assessment of a privacy incident are available on the OAIC website.

The Department must also be informed of the incident in accordance with the Privacy Incident reporting process set out in the Privacy Chapter and provided with copies of any notifications submitted by the Provider to the OAIC.

2.9. Retention of Records

All Records must be retained by the Provider for a period of no less than 6 years after the creation of the Record, unless otherwise specified in these Records Management Instructions or advised by the Department. For certain Records, specific retention periods are applicable in accordance with Employment Services Records Disposal Authority 2003/00330307, Employment Services Records Authority 2009/00179260 (RA) and the General Records Authority GRA 33 Accredited Training 2012/00579704 (GRA 33). Details of these specific Records and corresponding retention periods are set out in the Records Retention Periods supporting document.

Records with a longer retention period should be maintained by the Provider until they no longer require them and then be returned to the Department for ongoing management. Records in storage arrangements that are retrieved should be converted to digital format and the source record destroyed.

Providers have the discretion to retain Records longer than the minimum periods outlined but must not destroy Records prior to the expiration of the relevant retention periods. In addition, the Department may direct some Records be retained for longer periods, for example, in the case of Records required in any legal action.

The Department may impose special conditions on a Provider in relation to retention of Records at the Department's absolute discretion. This may include imposing extended record retention periods on Providers.

Providers must review Records that have reached the minimum retention period before destroying them in accordance with these Records Management Instructions.

If a relevant Record has reached the required minimum retention period but, for example, the Provider has knowledge of a legal action or potential legal action, the Provider must re-sentence the Record and inform the Provider Lead. Sentencing is the process for identifying the minimum retention period for a Record by assessing them against the classes specified in the relevant Records Authority.

At the Completion Date, the Provider must manage all Records in accordance with these Records Management Instructions or as otherwise directed by the Department.

Retention periods are determined with reference to NAA accredited records authorities.

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2.9.1. Digital Records

Where a Third Party IT Vendor is in possession of Records as a result of assisting a Provider to provide Services under the relevant Deed, the Third Party IT Vendor may only dispose of those Records in accordance with Records Retention Periods with prior agreement of the Provider.

For purposes of determining the applicable retention period, a scanned version of a paper Record would have the same creation date as the original source document.

Information in the Department's IT Systems will be retained by the Department for the appropriate retention periods.

2.9.2. Physical Records

Providers must retain relevant paper Records according to the minimum retention periods outlined in the Deed and, where relevant, the Records Retention Periods supporting document.

2.10. Disposal of Records

The Provider must:

- not destroy or otherwise dispose of Records, except in accordance with the Deed, these Records Management Instructions, or as otherwise directed by the Department, and
- provide a list to the Department of any Records that have been destroyed, as directed by the Department.

Records must not be destroyed where the Provider is aware of current or potential legal action or where the records are subject to a Disposal Freeze or Retention Notice issued by the NAA, even if the minimum retention period has been reached. These Records are priority Records and must be retained in accordance with requirements set out for priority Records in Control of Records section. A Provider must also comply with any direction from the Department not to destroy Records. Providers must only destroy Records that have reached the minimum retention period and following the review process outlined in Retention of Records section.

Providers must maintain a list of destroyed Records which must be supplied to the Department upon request. This list must also be retained by the Provider in accordance with the applicable retention period or as directed by the Department.

Refer to Retention of Records section for information on retention periods.

2.10.1. Methods of destroying Records

When Providers destroy Records, they must use a method that ensures the information is no longer readable and cannot be retrieved.

Digital Records

It is the Provider's responsibility to ensure all digital Records are identified and removed from their systems and destroyed. Methods of destroying digital Records include:

- file shredding
- degaussing – the process of demagnetising magnetic media to erase recorded data
- physical Destruction of storage media – such as pulverisation, incineration or shredding

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- reformatting – if it can be guaranteed the process cannot be reversed.

To ensure the complete Destruction of a digital Record, all copies should be found and destroyed. This includes removing and destroying copies contained in system backups and off-site storage.

Deletion is not destruction and does not meet the requirements for Destruction of Australian Government Records. When digital Records are deleted, it is only the pointer to the Record (such as the file name and directory path) that is deleted. The actual data objects are gradually overwritten in time by new data. However, until the data is completely overwritten, there remains a possibility that the information can be retrieved.

Physical Records

Providers must ensure physical Records are destroyed using one of the following methods:

- pulping – transforming used paper into a moist, slightly cohering mass
- burning – in accordance with relevant environmental protection restrictions and
- shredding – using crosscut shredders (using either A or B class shredders).

If Destruction of physical Records is undertaken at an off-site facility, then a certificate of destruction including details of the Records destroyed and appropriate authorisation must be obtained and retained by the Provider.

2.10.2. General Records Authority 30

Records may be damaged beyond repair because of a disaster, emergency, or other unforeseen circumstance, as defined in GRA 30.

If a Provider considers that a Record or Records have been damaged in line with GRA 30, it must not destroy the Record(s) unless and until the Department provides written authority for the destruction of the Record(s). Providers must notify the Department as soon as possible following the Record(s) being damaged, providing at a minimum:

- photographic evidence of the damaged Record(s)
- do any of the damaged Record(s) need to be retained permanently
- information about the circumstances causing the damage, including whether:
    - the Record(s) in their damaged state pose a health hazard, and
    - any Record(s) were able to be retrieved following the circumstances causing the damage and if so, how this retrieval will be managed
- information about the Record(s), including:
    - the number affected, and if approximated, how this number was determined
    - their content
    - their classification, and
    - whether they had been digitised
- information about how the damaged Record(s) are proposed to be destroyed, and
- any other information the Provider considers relevant to a request to destroy the Record(s).

2.10.3. General Records Authority 31

Records as defined in the Deed are Commonwealth records for the purposes of the Archives Act.

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Subject to certain exclusions and conditions, the NAA provides permission for the destruction of Commonwealth Records created on or after 1 January 1980 under General Records Authority 31 - Destruction of source or original records after digitisation, conversion or Migration (GRA 31) where those Records have been converted from hard copy to digital form.

Providers, as 'authorised agents' of the Department, must comply with the requirements of GRA 31.

Providers must retain the original copy of a paper Record for the relevant retention period and return it to the Department in accordance with this Chapter, regardless of whether it has also been converted to digital form, if required to do so under relevant Deed/s, Guidelines or if directed by the Department.

Further explanation of the relevant conditions and exclusions for GRA 31 is available on NAA website.

2.10.4. Destruction of Duplicate Records

Digital Records

Duplicate digital records are to be destroyed in accordance with Methods of Destroying digital Records.

Physical Records

Providers must only destroy duplicate paper records in accordance with NAA guidelines.

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Chapter 3. Privacy

Supporting Documents for this Chapter:

- Privacy Notification and Consent Form
- Provider Privacy Incident Report
- Learning Centre: Information Exchange and Privacy Module

3.1. Chapter Overview

This Chapter provides information for Providers and their Personnel on their obligations in relation to handling personal and protected information about individuals, as well in relation to reporting privacy incidents.

3.2. The Australian Privacy Principles

The *Privacy Act 1988* (Cth) (Privacy Act) regulates the collection and handling of personal information through minimum privacy standards, known as the Australian Privacy Principles (APPs).

In delivering Services, Providers collect, use and disclose personal information about individuals. In handling this personal information, Providers are required under their Deed(s) to comply with the Privacy Act and the APPs as if they were agencies. The APPs govern the standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity of personal information
- protection of personal information; and
- the rights of individuals to access and correct their personal information.

The APPs are principles-based law. The Provider must consider its own situation and relevant Deed provisions and implement procedures and policies to ensure compliance with the relevant APPs.

3.2.1. Personal information and sensitive information

'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, or is recorded in a material form or not.

Personal information includes an individual's name, signature, date of birth, address, telephone number, sensitive information, bank account details, employment information, and commentary or opinion about an individual. This kind of information may be shared verbally, contained in physical or digital files or documents, such as résumés or application forms provided by the individual, or in an email or text message, or recorded.

'Sensitive information' is a subset of personal information and includes information that relates to an individual's racial or ethnic origin, health status, genetics and biometrics, religious beliefs or affiliations, philosophical beliefs, sexual orientation, criminal record or membership of a political association, professional or trade association or trade union.

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When handling personal information, Providers must ensure they are assessing whether the information is also sensitive information, as there are higher standards and additional requirements for collecting, using and disclosing sensitive information. For example, an individual's consent is not required for a Provider (as an APP entity) to collect personal information but will be required for a Provider to collect sensitive information. Inappropriate handling of sensitive information is particularly serious and can result in, amongst other things a requirement to pay compensation or to enter into enforceable undertaking.

3.2.2. Consent and the APPs

In complying with the Privacy Act, the APPs and this Chapter, Providers may be required to seek consent from individuals to permit the handling of their personal and sensitive information. Consent can be given expressly, either orally or in writing, or it can be implied.

In situations of verbal or implied consent, Providers must record the nature of the individual's consent in the Department's IT Systems (where the Provider has access) or in another appropriate format (where the Provider does not have access and which must be made available to the Department on request).

For an individual's consent to be valid, Providers must ensure:

- the individual is adequately informed before giving consent,
- the individual gives consent voluntarily,
- the consent is current and specific, and
- the individual has the capacity to understand and communicate their consent.

Providers must ensure that each individual's consent is regularly reviewed on an ongoing basis (such as in relation to the collection and disclosure of sensitive information under the Privacy Notification and Consent Form, see APP 3: Collection of solicited personal information below).

Where an individual is under 18 years old, the Provider must decide if the individual has the capacity to consent on a case-by-case basis. The OAIC advises, as a general rule, that an individual under the age of 18 has the capacity to consent if they have the maturity to understand what is being proposed. If the individual lacks maturity it may be appropriate for a parent or guardian to consent on their behalf.

Further information about consent can be found on the OAIC's website.

3.3. APP 3: Collection of solicited personal information

APP 3 outlines when an APP entity may collect solicited personal information, including sensitive information.

To deliver the Services they are contracted to provide, Providers are generally required to collect personal information. APP 3 outlines when an APP entity may collect solicited personal information, including sensitive information (see Consent and the APPs).

Providers may only solicit and collect personal information that is reasonably necessary for, or directly related to, one or more of the Provider's functions or activities. A Provider's functions or activities will vary depending on the Services being delivered and Providers should consider their

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obligations under their Deed(s) with the Department to deliver Services before collecting personal information.

3.3.1. Consent to the collection of sensitive information

In addition to the above, Providers must only collect sensitive information where the individual gives consent to the collection, unless another exception applies.

For Providers delivering Services to Participants, during the first meeting with the individual, the Provider must:

- explain the Privacy Notification and Consent Form, and its contents, to the participant, including how their personal and sensitive information will be handled,
- seek the individual's express written consent to collect their sensitive information by asking the individual to sign Part B of the Privacy Notification and Consent Form. Please note Providers may digitise, but must not amend, the Privacy Notification and Consent Form (with the exception of selecting the program from the drop-down menu), and
- advise the individual that they are not required to give consent for the collection of their sensitive information and can withdraw their consent at any time.

Providers must retain copies of the Privacy Notification and Consent Forms signed by individuals in accordance with the Records Management Instructions Chapter and any other Guideline. These must be made available to the Department on request.

While signing the Privacy Notification and Consent Form may indicate express consent at the time of signing, individuals may also provide their express consent to the form verbally. In some circumstances, Providers may also reasonably infer from an individual's conduct that there has been implied consent to the collection of sensitive information, for example, from the voluntary disclosure of a document containing sensitive information to the Provider.

Where consent is not provided or is withdrawn, and no APP exception applies, the Provider cannot collect the individual's sensitive information. In these circumstances, Providers must explain to the individual that they will still be required to participate in the relevant program, however, the lack of consent may limit the options and employment services that a Provider can offer. For example, if an individual does not consent to the collection of sensitive information about their health status or racial or ethnic origin, they may not be referred to any possible appropriate targeted services.

Where an individual withdraws consent to the collection of their sensitive information, the Provider must not destroy the Privacy Notification and Consent Form, except in accordance with the Archives Act, and the Provider must record the withdrawal of the individual's consent to the collection of their sensitive information on the individual's record in the Department's IT Systems (where the Provider has access), or in another appropriate format (where the Provider does not have access and which must be made available to the Department on request).

Some examples of exceptions which may permit the collection of sensitive information without consent include:

- the collection of the information is required or authorised by or under an Australian law or a court/tribunal order (e.g. the Social Security Law);
- it is unreasonable or impracticable to obtain the individual's consent to the collection and the Provider reasonably believes that the collection is necessary to lessen or prevent a serious threat to the life, health or safety of any individual or to public health or safety; or

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- the Provider has reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to the Provider's functions or activities has been, is being or may be engaged in and the Provider reasonably believes that the collection is necessary in order for the Provider to take appropriate action in relation to the matter.

The above are examples only. Providers should seek their own independent legal advice before collecting sensitive information without consent or if the Provider is unsure whether the information is a Commonwealth record and should consider the circumstances and obligations under Use and Disclosure of Protected Information below.

3.3.2. Manner of collection

Providers must only collect personal information directly from the individual, unless any one of the following exceptions applies:

- the individual consents to the collection of the information from a third party; or
- the Provider is required or authorised by Australian law, or court/tribunal order, to collect the information from the third party; or
- it is unreasonable or impracticable to collect the personal information directly from the individual.

For example, it may be unreasonable or impracticable to collect personal information directly from an individual where language difficulties prevent the individual from providing their personal information. In these cases, the Provider should seek the individual's consent to collect the information through an interpreter or translator. Under APP 10, Providers are required to take reasonable steps to ensure that the personal information they collect is accurate, up-to-date and complete. Providers therefore need to take steps to ensure that the interpreter or translator that is used will be providing accurate and complete information from the individual.

The collection of personal information by a Provider must be by lawful and fair means only. A fair means of collecting information is one that does not involve intimidation or deception and is not unreasonably intrusive.

3.4. APP 4: Dealing with unsolicited personal information

APP 4 outlines when an APP entity may collect unsolicited personal information.

A Provider may receive personal information it did not ask for. APP 4 outlines when a Provider may collect unsolicited personal information. Where a Provider receives unsolicited personal information, it must determine whether it would have been permitted to collect the personal information under APP 3. If not, the Provider must, destroy or de-identify the information unless it is a Commonwealth record under the Archives Act. Most records held by Providers in performing the Services will be Commonwealth records. Providers should seek their own independent legal advice prior to destroying unsolicited information.

If the Provider determines that it could have collected the personal information under APP 3, or retains the personal information because it is contained in a Commonwealth record, it must handle the information in accordance with the Privacy Act.

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3.5. APP 5: Notification of the collection of personal information

APP 5 requires an APP entity that collects personal information about an individual, to take reasonable steps to notify the individual of certain matters or to ensure the individual is aware of those matters.

As well as obtaining their consent to the collection of sensitive information as required by APP 3, the Privacy Notification and Consent Form complies with APP 5.2 by informing the individual of matters such as:

- the identity and contact details of the Department
- the purposes for which the Department and Provider are collecting the personal information, and
- the main consequences for the individual if all or some of the personal information is not collected by the Department and Provider.

3.6. APP 6: Use and Disclosure of personal information

APP 6 provides that if an APP entity holds personal information about an individual that was collected for a particular purpose (primary purpose), the entity must not use or disclose the information for another purpose (secondary purpose) unless an exception applies.

Personal information in employment services is generally collected, used and disclosed for the primary purpose, which is administering the relevant employment service program and to provide individuals with appropriate services and assistance. A Provider may use and disclose an individual's personal information, including sensitive information, for the primary purpose. More information about the primary purpose can be found in the Privacy Notification and Consent Form.

A secondary purpose is any purpose that is not the primary purpose. Providers must not use or disclose personal information for a secondary purpose unless an exception applies, including where:

- the individual consents to the use or disclosure for the secondary purpose*
- the individual would reasonably expect the use or disclosure for the secondary purpose, and either the secondary purpose is related to the primary purpose or, in the case of sensitive information, is directly related to the primary purpose, or
- the use or disclosure is required or authorised by or under an Australian law or a court/tribunal order (e.g. the Social Security Law, see Use and Disclosure of Protected Information).

The APP 6 obligations apply to the use of personal information by the Provider and the disclosure of personal information to third parties, that is parties other than the Provider. The Provider may disclose personal information, other than sensitive information, to a related body corporate.

*It should not be assumed that an individual has given consent on the basis alone that they did not object to a proposal to handle personal information in a particular way.

3.6.1. Information for 'checks'

Subject to APP 6, Providers must not disclose personal information for the purpose of checks, including police checks, Working with Children Checks, Working with Vulnerable People Checks, Visa Entitlement Verification Online (VEVO) checks and health/medical checks.

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If an individual is offered paid work and the Employer seeks one or more of these checks, the Employer should source the information directly from the individual.

When referring an individual to a relevant agency for a check to be undertaken, Providers must ensure that the individual is aware that their personal information will be disclosed to the relevant agency for this purpose, and provide relevant information, including details of what the check will involve. Where a Provider is referring an individual to an activity that requires one or more of these checks, the Provider must refer the individual to the relevant agencies which undertake the checks prior to the placement. See deed clauses on 'Checks and reasonable care' for further information.

3.6.2. Tax File Numbers

Providers should also note that the *Privacy (Tax File Number) Rule 2015* (TFN Rule) only allows certain people, agencies, organisations and other entities that are authorised by taxation, personal assistance or superannuation law to ask for and receive TFNs ('authorised or lawful TFN recipients'). A TFN recipient also must not record, collect, use or disclose TFN information unless this is permitted under taxation, personal assistance or superannuation law.

TFN recipients must take reasonable steps to protect TFN information from misuse and loss, and from unauthorised access, use, modification or disclosure. A breach of the TFN Rule is an interference with privacy under the Privacy Act.

Due to the particular sensitivities attached to TFNs, their use and disclosure are governed by secrecy provisions in applicable legislation. Relevantly, subsection 8WB(1) of the *Taxation Administration Act 1953* (Cth) (TAA) provides that, unless an exception applies, a person must not divulge or communicate another person's TFN to a third person. A breach of subsection 8WB(1) of the TAA may lead to criminal liability.

If TFNs are not authorised to be handled under the TFN Rule or TAA then Providers must redact TFNs from documents before they are stored, used or disclosed.

Unauthorised disclosure of a TFN may also amount to a breach of APP 9.

3.7. APP 7: Direct marketing

APP 7 provides that a Provider must not use or disclose personal information for the purposes of direct marketing unless an exception applies. Prior to undertaking any direct marketing in relation to functions and activities under the Deed(s), Providers must consider whether the proposed marketing is consistent with the Privacy Act. Providers should obtain their own independent legal advice.

3.8. APP 9: Adoption, use or disclosure of government related identifiers

Providers routinely interact with government related identifiers, including Centrelink Reference Numbers (CRNs), Job Seeker Identification numbers (JSIDs) and TFNs. APP 9 restricts the adoption, use and disclosure of government related identifiers by organisations. Under the Deed, Providers must comply with APP 9.

APP 9 provides limited exceptions where a Provider may:

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- adopt a government related identifier of an individual as its own identifier of the individual, or
- use or disclose a government related identifier of an individual.

An example is where the use or disclosure of a government related identifier is reasonably necessary for the Provider to fulfil its obligations to the Department.

In relation to TFNs, use or disclosure that may amount to a breach of APP 9 include, but are not limited to, if a Provider:

- uploads a payslip onto the Department's IT Systems containing a Participant's TFN;
- emails an unintended recipient another Participant's TFN Declaration Form or documentation containing a TFN;
- uploads a TFN Declaration form onto the Department's IT Systems where the Department has directed such forms be only emailed to the Department.

Providers should note that consent is not a basis on which the adoption, use or disclosure of a government related identifier may be permitted and should also consider the additional requirements regarding the use and disclosure of Tax File Numbers. Providers should obtain their own independent legal advice.

3.9. APPs 12 and 13: Access to and correction of personal information

Under APP 12, if an APP entity holds personal information about an individual, the entity must, on request by the individual, give the individual access to the information. APP 12 does not stipulate any formal requirements for making a request, or require that a request to access personal information be made in writing or require an individual to state that it is an APP 12 request. Therefore, a verbal request for personal information may be a valid request under APP 12.

Under APP 13, if an APP entity holds personal information about an individual and the individual requests the entity to correct the information, the entity must take such steps as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up-to-date, complete, relevant and not misleading.

Generally, Providers must process requests for access to personal information and requests for correction of personal information. If a Provider receives such a request, they must provide a response within 30 calendar days after the request is made.

Certain requests must be directed to the Department for consideration where they encompass records containing information falling within the following categories:

- records also containing information about another person
- medical/psychiatric records (other than those actually supplied by the individual, or where it is clear that the individual has a copy or has previously sighted a copy of the records)
- psychological records, and
- information provided by other third parties.

Providers **must not** direct a request to the Department without first considering whether they are obliged to process the request.

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If an individual is seeking access to personal information on behalf of another individual, Providers must obtain written authority from the individual whose personal information is being sought before releasing any documents. At a minimum, an authority should state the individual's name, include a description of the documents that they are authorising the release of, who the documents can be released to and bear the individual's signature.

If the Provider is unable to obtain written authority, they should inform the individual that they may wish to make a request under the *Freedom of Information Act 1982* (FOI Act). Requests under the FOI Act should be directed to the Department via FOI@dewr.gov.au.

3.9.1. Freedom of Information requests

Under the Deeds, Providers are required to assist the Department in processing requests under the FOI Act by providing Records (digital or physical) in their possession that are relevant to a request. An individual seeking to access documents containing their personal information may submit a request for access under either the Privacy Act or the FOI Act. However, where the document being sought does not contain their personal information, access is not available under the Privacy Act as the Privacy Act only applies to personal information.

Requests under the FOI Act should be directed to the Department via FOI@dewr.gov.au.

3.10. Use and disclosure of Protected Information

Protected Information is information about a person that was obtained by an officer under the Social Security Law and is held or was held in the records of the Department or Services Australia. Protected information may also be personal information under the Privacy Act.

For example, if an individual receives a social security benefit or payment, that individual's information (including their name, date of birth and contact details) will likely be both personal and Protected Information.

Protected information does not include information about a person voluntarily participating in an employment services program. For the purpose of this section, a person is voluntarily participating where they have not applied to receive a social security payment from Services Australia and chooses to participate in an employment program. Information about those individuals will not be protected information, but will still be personal information under the Privacy Act.

3.10.1. Offences related to Protected Information

It is an offence under the *Social Security (Administration) Act 1999* (Administration Act) for a person to intentionally obtain, make a record of, disclose to any other person, or otherwise use, Protected Information if the person:

- is not authorised by or under the Social Security Law to do so, and
- the person knows, or ought reasonably to know, that the information is Protected Information.

This means the Provider's Personnel may commit a criminal offence if they:

- search for, or access, Protected Information not required for their duties
- make copies of Protected Information where not authorised

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- disclose Protected Information to other staff or third parties who do not need to know that information
- otherwise use Protected Information where not permitted.

3.10.2. Permitted uses of Protected Information

Providers are permitted to obtain, make records of, use and disclose Protected Information where this is authorised or required by the Social Security Law, such as:

- for the purposes of the Social Security Law, such as ensuring that an individual enters into, and complies with their Job Plan, or
- to deliver the Services.

Providers may also make a record, use and disclose an individual's Protected Information where that individual provides express or implied consent to that use or disclosure. This may be helpful where a Provider wishes to assist or support an individual by providing their information with their consent to a third party.

3.10.3. Public Interest Certificates

In addition to the permitted uses discussed above, Providers may disclose Protected Information to certain persons where this is authorised by a Public Interest Certificate (PIC). A PIC identifies the information that can be disclosed, the purposes for which the Protected Information can be disclosed and to whom the information can be disclosed. The PIC may also specify who can disclose the information.

Class PICs

The Department's Secretary has issued Social Security (Administration) (Class of Cases) Public Interest Certificate 2022 (the Class PIC).Under the Instrument of Delegation, the Secretary has delegated the power to disclose information in accordance with the Class PIC, to all persons engaged by an organisation contracted by the Department to deliver employment services for the Commonwealth (i.e. a Provider) who have completed the Department's Information Exchange and Privacy training (available on the Learning Centre). Provider Personnel should be up to date with this training (i.e. completed within the previous 12 months). Each person who meets these criteria is referred to as a 'delegate' for the purposes of the Class PIC.

Preventing or lessening a threat

A delegate may disclose Protected Information about an individual under the Class PIC to police, emergency services, an emergency call service "Triple Zero", health service providers, or child protection agencies:

- where the person making the request cannot reasonably obtain the information from another source, and
- the individual to whom the information relates is unable, refuses, or is likely to refuse to provide information to those specific persons, and
- disclosure of the information is necessary to prevent or lessen a threat to the life, health or welfare of a person.

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Offences against the Commonwealth, Commonwealth officers, or offences in Provider premises

A delegate may also disclose Protected Information about an individual to the police under the Class PIC:

- where the police cannot reasonably obtain the information from another source, and
- the individual to whom the information relates is unable, refuses, or is likely to refuse to provide information to the police, and
- the disclosure of the information is necessary because an offence or threatened offence has occurred against an officer, or against Commonwealth property, or in premises occupied by an organisation contracted by the Department to provide employment services for the Commonwealth.

Process for disclosure under the Class PIC

The delegate must consider the facts of the case and determine if the Class PIC applies. A delegate may consult with others (to the extent Social Security Law allows) to determine if the Class PIC applies and, if so, who may be best placed to disclose the information.

Where a delegate has determined that the Class PIC applies to a situation, the delegate should only disclose the Protected Information about an individual that is relevant to the purpose. The Protected Information that may be disclosed where relevant is:

- the full name, any previous names and any other names the person is known by
- any contact details (including postal or residential addresses) and telephone numbers; and
- any other information necessary to the purpose for which the information is needed. For example, it is unlikely that providing a Participant's JSID or Tax File Number will be necessary for any of the purposes specified in the Class PIC. Delegates must ensure that disclosures of information under the Class PIC do not incidentally or otherwise release unnecessary information, including the information of unrelated individuals.

Once the delegate has disclosed the information, they must complete the Release of Protected Information Notification Form. Once completed, the Provider must send the completed form to their Provider Lead as soon as possible and within 48 hours of the disclosure of information.

Process for disclosure of CCTV footage

Providers may be asked by police or other third party requestors for copies of CCTV footage to assist in the investigation of the types of offences referred to in the Class PIC. Where the CCTV footage contains personal information or Protected Information of multiple individuals, Provider staff should not disclose the CCTV footage to police or third party requestors under the Class PIC. If a Provider receives a request for CCTV footage containing Protected Information, or otherwise wishes to disclose such footage to a third party, the request should be sent to their Provider Lead for consideration by the Department of whether a Specific PIC can be issued. See Specific PICs below for information on what to include in this request.

Specific PICs

Providers are required to obtain a specific PIC to release Protected Information in situations that are not covered by the Class PIC and disclosure is not otherwise authorised, such as lack of consent of the individual or individuals. Examples include:

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- releasing Protected Information to Police or other authorities where the Class PIC does not apply, such as when there is no threat to anyone's life, health or welfare; and
- responding to a subpoena or other notice requiring production of documents.

Providers will need to approach the Department through their Provider Lead (in writing) to request consideration of issuing a specific PIC. Providers should make the request as soon as they become aware of circumstances where they wish to, or are being asked to, disclose Protected Information to ensure the Department has sufficient time to review and respond to the request.

As part of any request to the Department, Providers must provide a copy of any request from a third party they have received, and as many details as possible about why the specific PIC is being sought, including the following:

- who the request was made by, their contact person and phone number
- why the information is required by the person making the request
- why the information could not be obtained from another source (e.g. what other steps they have taken to try to obtain the information and the outcome of those steps)
- if the request relates to a breach or an alleged breach of a law (criminal or otherwise):
    - what the breach or alleged breach is, including the legislation involved
    - the details of imprisonment and/or pecuniary penalties; and
    - the details surrounding the breach.
- if the request may require the disclosure of CCTV footage:
    - a summary of what the footage shows, including the relevant individuals visible in the footage and whether they are Participants, Personnel or other third parties (such as bystanders or witnesses)
    - a copy of the footage, where reasonably available to be extracted and provided to the Department
    - reason for the existence of the CCTV footage; and
    - confirmation as to whether the Provider is holding footage in the records of the Department, or whether footage is taken on the Department's behalf (and if this footage is made available to the Department).
- the information that is to be released
- the due date of the request, if applicable. For example, a deadline specified by a subpoena; and
- the Provider's assessment of the request, including its assessment of the appropriateness under the Class PIC and why it may not be appropriate to seek the relevant Participant's consent to the disclosure.

The Department will not issue a specific PIC in every case and the Provider should obtain their own independent legal advice before responding to the request for, or otherwise disclosing, Protected Information. Please note, the Department will endeavour to respond to each request before any specified due date or deadline that is reasonable, however, this may not always be possible, and Providers should ensure that they obtain their own independent legal advice.

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Subpoenas or notices to produce

If a Provider receives a subpoena or a notice to produce from a court which requires disclosure of Protected Information, the Provider must ensure that they comply with all relevant laws, as well as the requirements of the Deed and Guidelines, in responding to that subpoena or notice to produce.

In particular, Providers should have regard to section 207 of the Administration Act in determining whether a Participant's Protected Information can be disclosed. Providers should obtain their own legal advice, where relevant.

Providers do not need to contact the Department if the Participant has consented to the release of the information to a nominated recipient for a specified purpose as requested under a subpoena or notice to produce, irrespective of whether it is related to employment services. For example, if a Participant is in an unrelated motor vehicle incident, they might claim compensation and the relevant insurer might want access to Protected Information about a Participant held by the Provider to help assess the Participant's claim. The Department takes the position that the Protected Information could be disclosed to the court if the Participant consents and that it would be acceptable for the Provider to seek the Participant's consent if the insurer has not already supplied the Provider with evidence of their consent.

3.11. Privacy Incidents and the Notifiable Data Breaches Scheme

Acts or practices by a Provider which breach an APP are an interference with the privacy of the individual. The OAIC has powers to investigate possible interferences with privacy, either following a complaint by an individual or on the OAIC's own initiative. The OAIC also has a range of enforcement powers and other remedies.

Providers are required under the Notifiable Data Breaches scheme to notify affected individuals and the OAIC about eligible data breaches. An eligible data breach occurs when:

- there is unauthorised access to, or disclosure of, personal information held by an entity, or information is lost in circumstances where unauthorised access or disclosure is likely to occur
- this is likely to result in serious harm to any of the individuals to whom the information relates, and
- the entity has been unable to prevent the likely risk of serious harm with remedial action.

The Provider must Notify the Department as soon as possible following becoming aware of any unauthorised access to, use or disclosure of, personal information, or a loss of personal information the Provider holds using the Provider Privacy Incident Report (PPIR). This applies to all privacy incidents, whether or not they are an eligible data breach.

Providers must promptly assess all potential privacy incidents to determine whether an eligible data breach has occurred and, if required, notification is to be provided to affected individuals and to the OAIC. Providers must take all reasonable steps to ensure that this assessment is completed within 30 calendar days of becoming reasonably aware of an eligible data breach.

By responding quickly, a Provider can substantially decrease the impact on affected individuals, and reduce the costs associated with dealing with the privacy incident, including reputational costs.

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The Provider must also provide the Department with a copy of any notification of an eligible data breach made to OAIC and any subsequent correspondence with OAIC.

Providers should refer to the OAIC website for information on the Notifiable Data Breach scheme.

The Provider must also immediately Notify the Department if it becomes aware:

- of a breach or possible breach of any of the obligations contained in, or referred to in the Deed(s) by any Personnel or Subcontractor
- that a disclosure of personal information may be required by law, or
- of an approach to the Provider by the Information Commissioner or by an individual claiming that their privacy has been interfered with.

Providers should be aware that the Department monitors Personnel access to Records in the Department's IT Systems. Where a clear business reason for access to a Record or Records is not identified, the Department may require further information or investigation by a Provider and may take action against individuals.

3.12. Privacy complaints

An individual who considers that their privacy has been interfered with can contact the Department and/or the OAIC to make a complaint. Where possible, complaints under the Privacy Act should be directed to an individual's Provider in the first instance.

Providers are required to respond to any privacy complaints within 10 Business Days and in accordance with the PPIR where a privacy incident has been identified. Providers should follow OAIC's advice on handling privacy complaints.

3.13. Referring individuals to the Department in relation to privacy matters

After first directing their query to their Provider, an individual can contact the Department to query how their personal information is handled, request access to or correction of their personal information, or make a privacy complaint in relation to the Department or a Provider.

Individuals may contact the Department via privacy@dewr.gov.au.

For further information and alternative contact details, please refer to the Department of Employment and Workplace Relations' Privacy Policy.

3.14. Awareness and Training Expectations

Providers must adopt practices to ensure its Personnel are aware of their obligations under the Privacy Act, the Deed and this Chapter. Providers who have access to the Department's IT Systems must ensure that Personnel who handle or will handle personal information in the course of delivering services under the Deed complete the Department's Information Exchange and Privacy module (training module), available on the Learning Centre:

- prior to delivering the Services; and
- at least once every 12 months.

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Providers should note that the Department's privacy training module has been developed to cater for the delivery of all employment services. It is not a substitute for any tailored internal privacy training Providers make available to their Personnel. Providers must consider the nature of the employment services they are delivering and Personnel interaction with personal information for those employment services. Where required, the Provider must supplement the Department's privacy training module with its own additional privacy training, within the timeframes above.

3.14.1. Information Exchange and Privacy Module

The Department's Information Exchange and Privacy module explains the key concepts under the Privacy Act and the APPs which govern how personal information is collected, used, disclosed, and stored.

The training module is mandatory and is essential to ensure that Personnel have a common understanding of this Chapter, the APPs, and the Social Security Law, including key processes that help manage potential risks. The completion of mandatory training assists Providers to meet legislative and regulatory requirements, but is not sufficient to meet those requirements.

Privacy resources are also published on the Provider Portal for Personnel to access.

Providers should ensure their internal privacy practices, policies and procedures are proactively reviewed, taking into account compliance with new laws or updated information handling practices, and ensuring that they are responsive to new privacy risks.

3.14.2. Personnel Compliance

Providers must monitor and annually self-audit that Personnel completion of privacy training, including the Department's mandatory privacy training module. The Department may request details of a Provider's self-audit at any time, or may conduct its own audit of a Provider's compliance with the requirements in this Chapter.

Where privacy training is undertaken outside of the Department's Learning Centre, the Provider must retain Records of privacy training undertaken by their Personnel and must make this available to the Department on request.

It is also suggested that Providers put in place their own processes to audit the compliance of their Personnel with privacy obligations more generally.

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Chapter 4. External Systems Assurance Framework (ESAF)

4.1. Chapter Overview

This Chapter provides guidance for Providers in relation to:

- meeting the Department's security accreditation requirements,
- obtaining accreditation, and
- maintaining accreditation for the duration of their Deed

under the ESAF.

Providers are able to access sensitive client information via the Department's online systems. This level of access requires appropriate levels of security.

The Department uses the ESAF to determine that Providers and their External IT appropriately manage the level of risk to the security of information they hold. As part of the ESAF, Right Fit for Risk (RFFR) provides a tailored assurance approach to inform the Department's accreditation decision. The RFFR approach closely follows the ISO 27001 international standard that sets out the requirements for an Information Security Management System (ISMS).

Providers are required to undertake the accreditation process and be accredited to demonstrate their ability to meet the Department's requirements for Provider information security in the manner and within the timeframes specified in this Chapter. Providers accredited under the ESAF must maintain their accreditation for the duration of their Employment Deed with the Department, or the period they retain access to personal information collected during delivery of employment services (whichever is later).

If a Provider does not obtain accreditation or reaccreditation within the timeframes specified in the ESAF, including the RFFR, or their Employment Deed, the Provider must immediately cease using, and ensure that any relevant Subcontractor ceases using, the relevant Provider IT System.

4.2. External Systems Assurance Framework

The ESAF provides assurance that the risks to the Department's IT Systems and data, information and Records stored outside of the Department's IT Systems environment are managed securely and appropriately.

This is consistent with the whole of government Protective Security Policy Framework (PSPF). As part of the PSPF, the Department is accountable for ensuring that all contracted Providers used in the delivery of its programs also comply with PSPF requirements.

The ESAF covers External IT Systems associated with:

- the delivery of the Services, including storage, processing or communication of data related to delivering the Services,
- Accessing the Department's IT Systems, and
- data, information and Records supporting the program.

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The areas of assurance covered in the ESAF are Provider IT Systems and Third Party Employment Systems (TPES).

4.2.1. Providers' IT Systems

Provider accreditation under the ESAF provides assurance that the Department's IT Systems and data are safeguarded when accessed by Providers and Subcontractors. The accreditation of Provider IT Systems provides assurance to the Department that sufficient security measures are in place to manage Provider and Subcontractor security risks.

4.2.2. Third Party Employment Systems (TPES)

TPES are any Third Party IT systems used in association with the delivery of the Services, whether or not that Third Party IT system accesses the Department's IT Systems, and where that Third Party IT system:

- contains program specific functionality or modules; or
- is used, in any way, for the analysis of Records relating to the Services, or any derivative thereof.

TPES are specialised and Department accredited systems that may interface with the Department's IT Systems and make employment industry-specific functionality available to licensed users.

Vendors of accredited TPES have demonstrated their implementation of an information security management system covering the TPES which meets RFFR requirements. The status of all existing accredited TPES is outlined on the Department's Digital Information Assurance and IT Security Compliance website.

If a Provider uses a TPES, the Provider must ensure that they:

- have accessed the relevant TPES accreditation letter
- understand the scope of the TPES accreditation
- identify if the Provider's system configuration matches the accredited TPES configuration, and
- identify risks associated with use of unaccredited TPES functionality and implements appropriate mitigation strategies.

Providers wishing to use unaccredited software or services must assess risks, conduct their own evaluations, and ensure appropriate controls are in place.

Providers must obtain written approval from the Department to use or change a TPES.

4.3. Right Fit for Risk approach

The RFFR approach includes requirements in relation to Provider accreditation based on the:

- **International Standard ISO/IEC 27001:2022** Information technology – Security techniques – Information security management systems – Requirements (ISO 27001) – the international standard outlining the core requirements of an Information Security Management System.
- **Australian Government Information Security Manual** (ISM) – the Australian Government's cyber security framework to protect systems and data from cyber threats.

The RFFR approach includes a requirement that Providers design and implement an Information Security Management System (**ISMS**) that is consistent with the requirements of ISO 27001. An ISMS

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is a systematic approach to managing business information so that it remains secure and available when staff need it. It secures people, premises, IT systems and information by applying a risk management process to information security.

The RFFR program extends ISO 27001 in 2 key areas:

- ISO 27001 requires organisations to consider the set of security controls presented in Annex A to the standard and identify which are applicable to mitigating their security risks. RFFR extends this requirement by asking Providers to also consider the set of security controls presented in the ISM that are relevant to securing OFFICIAL classified information.
- The Department has identified core expectation areas that are particularly important to the security posture at all organisations. All Providers are expected to include security controls that support the core expectation areas under the RFFR when identifying applicable controls for inclusion in their ISMS.

4.4. Guidelines for accreditation and maintenance of accreditation

The Department is the accrediting authority for Providers. To accredit Providers, the Department seeks assurance that the Provider has implemented an appropriate standard of security over their information and their IT environment. The accreditation process for each Provider depends on their size and risk profile.

To demonstrate that Provider IT Systems meet RFFR requirements, the Department requires Providers to follow the RFFR approach. The RFFR approach requires Providers to complete a set of milestones within a prescribed time period. At each milestone, Providers check in with the Department to review progress, assess risk and provide guidance on meeting the RFFR requirements.

The milestones are designed to allow Providers to assess their organisation's level of cyber security measures in place and implement any improvements identified at the same time as gaining a customised ISMS that conforms with ISO 27001.

4.5. Provider classification for accreditation

The RFFR approach classifies Providers into a category to obtain accreditation.

- Category 1: Providers delivering Services to 2,000 or more individuals per annum as a result of all of their Deeds (including individuals serviced by Subcontractors)
- Category 2: Providers delivering Services to fewer than 2,000 individuals per annum as a result of all of their Deeds (including individuals serviced by Subcontractors). This category includes two sub-categories referred to as "Category 2A" and "Category 2B" below.

When determining whether a Provider is in Category 2A or 2B, the Department will consider a range of risk factors including the:

- IT environment
- level of outsourcing
- subcontracting arrangements
- organisational structure
- level of security maturity
- the extent of sensitive information held and level of access to departmental systems
- other relevant factors.

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The Department considers the number of individuals receiving services from the Provider and any Subcontractors ("caseload volume") in the aggregate across all Deeds. Should the Provider enter into new Deeds with the Department that alters the caseload volume, the Department will reassess their categorisation and may require the accreditation to be updated if the categorisation changes.

Each of the Provider categories is associated with its own assurance pathway under the RFFR approach.

The Department will categorise a Provider based on their RFFR questionnaire submission (or equivalent) and additional information obtained through an interview with the Provider. Completion of this interview and categorisation activity marks Milestone 1 in the RFFR process.

Table 4-A provides guidance to Providers on the basis of accreditation and accreditation maintenance activities required for each category.

Table 4-A: Provider Classification

Category	Category 1	Category 2	
Sub-category	**Nil**	**2A**	**2B**
Annual Case load	2,000 or more	Under 2,000	Under 2,000
Risk profile	Greater risk	Medium Risk	Low risk
Basis of accreditation	ISO 27001 conforming ISMS - independently certified	ISO 27001 conforming ISMS - self-assessed	Management Assertion Letter
Accreditation maintenance	Annual surveillance audit and triennial recertification	Annual self-assessment	Annual management assertion letter
Milestones to complete	1, 2 and 3	1,2 and 3	1 and 3

4.6. Milestones for completing the accreditation process

4.6.1. Milestone 1

Respondents to relevant Requests for Proposal or Tender (RFP or RFT) are required to submit a completed RFFR questionnaire to the Department on how they use information and manage security. The completed questionnaire provides the Department with information regarding the respondent's business, IT security posture, subcontracting arrangements, and readiness to meet RFFR requirements.

Milestone 1 is initiated through the submission of a RFFR questionnaire required as part of a Provider's RFP/RFT response. The Department will review the RFFR questionnaire, assess risk and provide guidance to Providers on completing subsequent Milestones of the RFFR accreditation process as relevant. On the execution of an Employment Deed, the Department will engage with the Provider to discuss their IT security posture and next steps toward RFFR accreditation.

Table 4-B sets out the requirements for Milestone 1 for Providers who are already accredited or already in the process of being accredited.

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Table 4-B: Requirements for the Milestone 1 process

Assessment method	Review of submitted RFFR questionnaire and discussion.
Submission deliverables	RFFR questionnaire submitted by the Provider as part of their RFP/RFT response.
Key actions and outcomes	The Provider and Department representatives will discuss the Provider's business, stakeholders, contractual obligations, information, systems and practices to assist the Provider to determine the scope of their Information Security Management System. **Unaccredited Providers**: The Department will confirm the Provider's categorisation and the associated RFFR assurance requirements for completing Milestone 2 and 3. Providers intending to deliver Services to fewer than 2,000 individuals will review additional risk factors with the Department to determine whether the Provider should be classified into Category 2A or 2B. **Providers part way through an existing accreditation process**: Existing Providers who are part way through an accreditation process for delivering Services under an existing Employment Deed should take steps as advised in the purchasing documentation. **Accredited Providers with new Deeds**: The Department will review the extent of changes to the Provider's scope of Services and determine if the Provider should be in a different category as a result of the new Deeds. In accordance with the terms of their accreditation, the Provider should consider whether their Information Security Management System requires review and update to ensure that people, locations, systems and information associated with services under the new Deeds are appropriately secured; and notify the Department. If no significant changes have occurred, accredited Providers do not need to complete Milestones 2 and 3 and need only maintain their RFFR accreditation.
Next steps	For large organisations it is recommended Providers appoint a champion within the organisation to ensure compliance with the RFFR Commence development of documentation required by the Provider's category (see Table 4-C below) Identify where existing security controls meet RFFR requirements, and where there are gaps requiring that additional controls be implemented.
Due dates	Completed within one month of Deed execution by the Department.

4.6.2. Milestone 2

Milestone 2 requires Providers to demonstrate their ISMS has been designed to reflect RFFR requirements applicable for their Category (as advised at Milestone 1). Providers are required to

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demonstrate that appropriate security controls are planned to be implemented within the organisation through submission of required documentation.

The process for completing Milestone 2 depends on the Provider's category. This Milestone does not apply to Category 2B Providers who instead proceed directly to Milestone 3.

Reference guides, materials and templates to support Milestone 2 written submissions are available from the Department's website. It is not mandatory to use the Department's templates.

Table 4-C lists the requirements for Providers to achieve Milestone 2.

Table 4-C: **Milestone 2 requirements**

<table>
<tr><th></th><th>Category 1 Provider</th><th>Category 2A Provider</th><th>Category 2B Provider</th></tr>
<tr><td>Submission deliverables</td><td>ISMS scope
Statement of Applicability (SoA) reflecting RFFR requirements
Independent assessor's Stage 1 report</td><td>ISMS scope
SoA reflecting RFFR requirements
ISMS Self-assessment report (conformance)</td><td rowspan="6">Not applicable</td></tr>
<tr><td>Implementation status</td><td colspan="2">Provider's ISMS is expected to substantially conform with ISO 27001 requirements, however applicable controls sourced from ISO 27001 Annex A and from the Australian Government Information Security Manual are not expected to be implemented at this stage</td></tr>
<tr><td>Assessment method</td><td>Independently issued assessed by a JAS-ANZ accredited ISO 27001 conformance assessment body</td><td>Self-assessed by business owners</td></tr>
<tr><td>Outcomes to progress to Milestone 3</td><td>Department acceptance of submission deliverables.</td><td>Department acceptance of submission deliverables.</td></tr>
<tr><td>Next steps</td><td colspan="2">Implement the ISMS in accordance with its design</td></tr>
<tr><td>Due dates</td><td colspan="2">To be completed within 3 months from the Deed Commencement Date</td></tr>
</table>

4.6.3. Milestone 3

Milestone 3 emphasises the Provider's progress to conforming with ISO 27001 and implementing the controls applicable to the organisation. While all applicable controls are important, priority should be on ensuring conformance with controls that support the RFFR core expectations.

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If not fully implemented at the point of the Milestone 3 submission, Providers are required to inform the Department of their expectation as to when each applicable control will be fully in place and when any remaining areas of non-conformance will be addressed.

Providers should be aware that applicable but unimplemented controls (and remaining areas of non-conformance) will impact the Department's assessment of residual risk associated with the Provider, and the Department's decision to accredit the Provider. The Department does not discourage any Category 2A and 2B Providers from seeking ISO 27001 certification as there may be significant perceived or actual benefits to other aspects of the Provider's business.

Table 4-D lists the requirements for Providers to achieve Milestone 3.

Table 4-D: **Milestone 3 requirements**

	Category 1 Provider	Category 2A Provider	Category 2B Provider
Submission deliverables	• Updated Scope document describing any changes to the Provider's operating environment • Updated SoA identifying the current implementation status of applicable controls, and the applicability decision for new or changed controls published since the SoA's last review • Independent assessor's "Stage 2" report. This can be either an ISO27001 or DESE ISMS Scheme report. RFFR does not require a Provider to have both audits completed • ISO 27001 or DESE ISMS Certificate	• Updated SoA identifying the current implementation status of applicable controls, and the applicability decision for new or changed controls published since the SoA's last review • ISMS self-assessment report (implementation)	Management Assertion Letter
Implementation status	Provider's ISMS conforms with ISO 27001 and controls applicable to the organisation have been implemented		Controls supporting specific security objectives have been implemented
Assessment method	Independently assessed	Self-assessed	Self-assessed
Outcomes to complete process	• Department acceptance of submission deliverables • RFFR accreditation		

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	Category 1 Provider	Category 2A Provider	Category 2B Provider
Next steps	• Address any remaining minor non-conformances • Implement remaining applicable controls (if any) • Monitor the ISMS		Monitor performance of security controls
Due dates	To be completed within 9 months from the Deed Commencement Date		To be completed within 9 months from the Deed Commencement Date

4.7. Submission deliverables

4.7.1. Submission milestones

Table 4-E below provides a high-level description of the deliverables that need to be submitted to the Department as part of the accreditation process. The Department does not require the use of any specific template, except for the RFFR questionnaire completed for Milestone 1 as part of the Provider's RFT/RFP response. Standard templates for each deliverable are available from the Department and may be optionally used as a basis for working through the accreditation process.

Each of the submission deliverables in Table 4-E is described in more detail in Table 4-F.

Table 4-E: **Provider Milestones Deliverables**

	Milestone 1	Milestone 2	Milestone 3
Category 1 Providers	• RFFR questionnaire & Interview	• ISMS Scope • SoA • Independent assessor's "Stage 1" report	• ISMS Scope • SoA • Independent assessor's "Stage 2" report • ISO 27001 certificate or DESE ISMS certificate
Category 2A Providers	• RFFR questionnaire & Interview	• ISMS Scope • SoA • ISMS Self-assessment report (conformance)	• ISMS Scope • SoA • ISMS Self-assessment report (implementation)
Category 2B Providers	• RFFR questionnaire & Interview	• Not applicable	• Management Assertion Letter

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4.7.2. Deliverable descriptions

Table 4-F below provides a detailed description of, and criteria for completing, each deliverable of the RFFR process.

Table 4-F: Deliverable descriptions

Submission Document	Description
RFFR questionnaire	Submitted with the Provider's RFT/RFP response where required, the questionnaire seeks information regarding the Provider's business, their IT security posture and their readiness to meet RFFR requirements. Discussing the completed questionnaire with the Department marks completion of Milestone 1 and confirms the Provider's category.
ISMS scope document	The purpose of this document is to clearly define the boundaries of the ISMS to provide the Department with an understanding of the Provider's business and context, in conformance with ISO 27001 Clause 4. It should also provide a high-level description of how the Provider intends to meet RFFR core expectation areas. A template scope document is available from the Department.
Statement of Applicability (SoA)	The SoA demonstrates the Provider's consideration of each of the security controls sourced from ISO 27001's Annex A and ISM's OFFICIAL security controls and the determination of which controls will form part of the Provider's ISMS. It also communicates the rationale for determining that individual controls are "not applicable" to the Provider's business. For applicable controls, the SoA should indicate relevant policies/procedures or other documentation demonstrating that the control has been included in the Provider's business and should indicate the current implementation status of each applicable control. The SoA is a mandatory artefact required to conform with ISO 27001 Clause 6. An ISO to ISM controls mapping document is available from the Department to assist with developing the SoA.
Independent assessor's "stage 1" report	For Category 1 Providers (or other Providers who see benefit in obtaining an industry certification). This is the first of 2 independent assessments required to achieve ISO 27001 or DESE ISMS Scheme certification. Performed by a JAS-ANZ registered certification assessment body, the stage 1 report verifies the extent to which the Provider's ISMS has been designed to conform with the requirements of ISO 27001 and identifies design gaps to be addressed prior to commencing the stage 2 assessment. Because RFFR requires a customised SoA it is critical that the report states that the assessment was performed over the ISMS as described by that customised SoA – with a clear report reference to the SoA by version/ date.
Independent assessor's	For Category 1 Providers (or other Providers who see benefit in obtaining an industry certification). This is the second of 2 independent assessments required to achieve ISO 27001 or DESE ISMS Scheme certification and is a key source of

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Submission Document	Description
"stage 2" report	assurance that the Provider has implemented the controls identified as applicable in the SoA. Performed by a JAS-ANZ registered certification assessment body, the stage 2 report validates that the implemented ISMS conforms with the requirements of ISO 27001 and that applicable controls are in place and operating. Because RFFR requires a customised SoA it is critical that the report states that the assessment was performed over the ISMS as described by that customised SoA – with a clear report reference to the SoA by version/ date - and that the report provides information regarding the status of both Annex A- and ISM-sourced applicable controls (particularly applicable controls that support RFFR core expectation areas - see section 4.9).
ISO 27001 certificate or DESE ISMS Scheme certificate	Issued after the Provider has demonstrated plans to address any non-conformances identified in the stage 2 report and the independent assessor has recommended the Provider for certification. The DESE ISMS Scheme certificate is an adaptation of the ISO 27001 certificate.
ISMS Self-Assessment report	For Category 2A Providers only, the self-assessment report is the Department's source of assurance that the ISMS described by the Provider's SoA has been designed (for Milestone 2) and implemented (for Milestone 3) in accordance with ISO 27001 and RFFR requirements. It is critical that the self-assessment report be signed off by a person/s with appropriate authority to make declarations on behalf of the Provider, that it attest to the Provider's ISMS conformance with ISO 27001 requirements, and (for Milestone 3) that it attest to the implementation status of controls identified as applicable in the Provider's SoA. A template self-assessment report is available from the Department.
Management Assertion Letter	For Category 2B Providers only, the Management Assertion Letter is the Department's source of assurance that the Provider represents minimal risk and has implemented security controls that respond to relevant security objectives. The letter covers a description of the Provider's systems and controls, attests that the description is accurate and that the described controls are appropriate to meet specific security objectives.

4.7.3. Considerations for accreditation commencement

Table 4-G provides guidance to Category 1, 2A and 2B Providers on areas of focus to consider before commencing the RFFR accreditation process.

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Table 4-G: Considerations for accreditation commencement

Area	Description
Sponsor	Identify a sponsor within the organisation to support the RFFR certification process. The sponsor will help guide and support the accreditation process, including ensuring that appropriate resources are available to complete RFFR accreditation.
Scope	Determine the scope of the ISMS. Consider the organisational context and business activities performed at each site, stakeholders and their needs, physical boundaries, legal and contractual requirements, and logical boundaries (systems and data). The scope should communicate key aspects of the Provider's business, the importance of security and state what the ISMS will be protecting.
Gap Analysis	Before the Milestone 2 submission, Providers should perform an initial review and gap assessment to identify areas of current conformance with ISO 27001 and areas requiring future focus. The gap assessment should also identify if the Provider already has some applicable controls in place and which require action to implement. As a management review of the ISMS, this assessment is itself a requirement of ISO 27001. Performing the gap assessment prior to Milestone 2 will ensure time to address non-conformances and to plan improvements before the Provider's final submission.
Certifying Assessment Body	For Category 1 Providers (or other Providers who see benefit in obtaining an industry certification), identify a suitable Certifying Assessment Body (CAB) to work with your organisation to provide the independent assessments required under the ISO 27001 requirements (see 4.7.4 below).

4.7.4. Certifying Assessment Bodies

To seek certification under the RFFR program, the Department requires Category 1 Providers to be independently certified by a CAB/assessor. Providers are required to engage a CAB that is accredited or otherwise recognised by JAS-ANZ to issue ISO 27001 or DESE ISMS Scheme assessment reports and certificates in Australia.

JAS-ANZ is the accreditation authority for CABs in Australia and New Zealand. A list of certifiers who can issue an ISO 27001 or DESE ISMS Scheme assessment reports and certificates can be found at JAS-ANZ's website.

Category 2 Providers are not required to be independently certified by a CAB auditor. Category 2A Providers can self-assess and declare their conformance with ISO 27001 and the implementation status of applicable controls. Category 2B providers can provide a description of their business, systems and information and attest to their implementation of required security controls in the form of a management assertion letter.

4.8. Accreditation maintenance

During the lifespan of their Employment Deed/s, Providers are required to maintain their RFFR accreditation status through annual reporting (each financial year) and surveillance audits to ensure

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compliance to the standards (see Table 4-H below). Providers with an existing accreditation will need to complete the annual and 3 yearly audits based on the dates when the accreditation was granted.

If, at any time during the accreditation maintenance period, a change to a Provider's or Subcontractor's circumstances alters the risk profile of the organisation, the Department will reassess the Provider's accreditation status. This includes when the Provider or Subcontractor:

- enters a new Deed with the Department
- changes its subcontracting arrangements (from one Subcontractor to another, or introduces a new Subcontractor)
- changes its Third Party IT Vendors who are supporting their IT environments
- has a change in classification from Category 2 to Category 1

The Provider must notify the Department within 5 Business Days of a change in circumstance.

ISM controls are regularly added and changed. Providers should regularly review these to consider whether the controls are applicable to their business and whether any of the controls should form part of their accredited ISMS. The SoA should be regularly revised to demonstrate the Provider's consideration of new or changed ISM controls. Where a new or changed control is determined to be applicable but has not been fully implemented by the time of the Provider's annual submission, Providers should ensure their SoA also includes details of their planned actions to address these matters and an expected completion date for each.

Table 4-H details the requirements for Providers to maintain their accreditation once accreditation has been granted. Note the timing of the annual and 3 yearly audits applies from the date of accreditation.

Table 4-H: Ongoing accreditation requirements

Accreditation type	Annually	Every 3 years
Certified ISMS (Category 1 Providers)	• Surveillance audit by CAB covering the Provider's updated SoA	• Recertification by CAB • Reaccreditation by DEWR
Self-assessed ISMS **(Category 2A Providers)**	• Self-assessment report (incl. description of changes since last report) covering the Provider's updated SoA • DEWR determines whether need to upscale to a Certified ISMS	• Self-assessment report • Reaccreditation by DEWR
Management attestation **(Category 2B Providers)**	• Annual attestation & description (incl. description of changes since last attestation) • DEWR determines whether need to upscale to a self-assessed ISMS	• Attestation & description • Reaccreditation by DEWR

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4.9. Core expectations of Providers under the RFFR

Providers must, as a minimum, implement and manage the following core expectations to maintain and enhance their security posture:

- **Personnel security** - implement security control measures including mature Personnel onboarding practices.
- **Physical security** - implement appropriate physical security measures over IT equipment and storage media.
- **Essential Eight** - identify a target level of maturity in each of the Essential Eight cyber security strategies published by the Australian Cyber Security Centre, develop a plan to achieve target maturity, and achieve a base level maturity in the first instance.

Providers should implement controls for:

- **Information Security Monitoring –** to manage vulnerabilities in their IT systems, and to manage changes to their IT systems.
- **Incident management** – designed to detect and respond to cyber security incidents, to report incidents internally and to external stakeholders (including the Department) as appropriate, and to keep appropriate Records of security incidents. As a key element of security incident detection, Providers should implement controls to log security-related events occurring in their IT systems and to audit these logs on a regular basis.
- **Restricted access controls** – to enable strong user identification and authentication practices for privileged accounts, user accounts, and service accounts.

Providers should implement security controls that are responsive to:

- **Specific Deed obligations** - such as data sovereignty
- Specific or unique Provider security risks
- **Continual improvement** - Commit to continual improvement as Cyber risks change and develop.

Providers are expected to demonstrate their responses to these core expectations through the submission of documentation at each RFFR milestone as detailed.

4.9.1. RFFR Core Expectations: Personnel security

As part of processes to bring new people into the organisation, Providers must

- identify the individual and positively confirm the individual's identity
- verify the competency of the individual by verifying qualifications, certifications and experience provided on their CV
- obtain a satisfactory police check for the individual
- satisfactorily complete Working with Vulnerable People checks as required by individual states / territories
- confirm the individual has a valid right to work in Australia – a person who is not an Australian citizen must hold appropriate work entitlements
- verify that the individual has successfully completed initial and ongoing security awareness training programs with content and timing tailored to their role
- execute employment contracts which state that responsibilities for information security and non-disclosure requirements continue post termination

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- implement higher levels of assurance for individuals that have privileged or administrative level access. The additional Personnel expectations include that individuals must be Australian citizens or permanent residents to give them sufficient connection with Australia and be willing and able to undertake a suitability background check.

4.9.2. RFFR Core Expectations: Physical security

Providers are required to implement physical security measures that minimise the risk of information and physical assets being:

- made inoperable or inaccessible, or
- accessed, used or removed without appropriate authorisation.

All Providers are expected to meet physical security expectations. Permanent facilities are to be commercial-grade facilities located within Australia. A facility is any physical space where business is performed to support the provision of government services. For example, a facility can be a building, a floor of a building or a designated space on the floor of a building. Providers allowing staff to work from home need to consider how the home environment can be configured to protect staff, program data and IT physical assets in the same manner as in the office environment. Personnel are to be aware of their environment when they transport or store their devices, and when they use mobile devices to access and communicate program data, especially in public areas. In such locations Personnel are to take extra care to ensure conversations are not overheard and data is not observed.

4.9.3. Essential Eight cyber security strategies

The Australian Cyber Security Centre (ACSC) has developed the Essential Eight strategies to mitigate cyber security threats.

Providers must determine a target maturity level for the Essential Eight cyber security strategies that reflects the organisation's risk profile and develop plans to achieve target levels over time. The Department requires that Providers initially implement controls supporting the Essential Eight cyber security strategies to achieve Maturity Level One on the ACSC's published maturity model.

Detailed implementation guidance is also available from the ACSC's website.

Table 4-I: Essential Eight cyber security strategies

Control	Description
Application Control	to control the execution of unauthorised software. This prevents unknown and potentially malicious programs executing in your environment.
Patch Applications	to remediate known security vulnerabilities in application software. Security vulnerabilities in applications can be used to execute malicious code. Using the latest version of applications and promptly applying patches when vulnerabilities have been identified will keep your environment robust.
Configure Microsoft Office macro settings	to block untrusted macros. Microsoft Office macros can be used to deliver and execute malicious code. This strategy will only allow macros from trusted locations with limited write access, or those digitally signed with a trusted certificate, to run.

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Control	Description
Application Hardening	to protect against vulnerable functionality. Flash, ads and Java on the internet are popular ways to deliver and execute malicious code. This strategy requires the removal of unneeded features in Microsoft Office, web browsers and PDF viewers.
Restrict Administrative Privileges	to limit powerful access to systems. The access required by administrator accounts means they hold the keys to your IT kingdom. When compromised, adversaries use these accounts to gain full access to information and systems and move around Provider networks. Reduce this risk by minimising the number of these accounts and the level of privileges assigned to each account. Do not allow these accounts to be used to read email or web browsing.
Patch Operating Systems	to remediate known security vulnerabilities. Security vulnerabilities in operating systems can be used to further the compromise of systems. Do not use unsupported versions. Using the latest version of operating systems and promptly applying patches when vulnerabilities have been identified will limit the extent of cyber security incidents.
Multi-Factor Authentication	to protect against user accounts being inappropriately accessed. Stronger user authentication makes it harder for adversaries to access information and systems. This is particularly important when users perform higher risk activities such as gaining access remotely, performing administrative functions or when accessing sensitive data. Providers should note that multiple password challenges in series do not constitute multi-factor authentication (MFA) – MFA requires a combination of 2 or more factors made up of secret information (such as an ID/password combination); data uniquely bound to a physical device (such as an authenticator app on a registered smartphone or a one-time SMS code), and data uniquely bound to a physical person (a biometric measure such as facial recognition or a fingerprint).
Regular Backups	to maintain the availability of critical data and systems. This strategy assists with accessing information following a cyber security incident. Backups of data, software and configuration settings, stored disconnected from your main environment, can be used to recover from an incident. Regular testing of backups ensure it can be recovered, and that all critical data is covered by the backup regimen.

4.10. General requirements

4.10.1. Security Contact

Providers are required to nominate one or more Security Contact officers who will act as point of contact during the term of their Employment Deed. Providers are required to ensure that the contact information for Security Contact officers remains current and if there is a relevant change of Personnel that Providers update the Department within 5 Business Days of the change.

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4.10.2. Subcontractor and Third Party IT Vendor requirements

Providers are responsible for ensuring that any Subcontractors used in the provision of the Services and any Third Party IT Vendors supporting the Provider's Services also comply with the security, privacy and data sovereignty requirements of their Employment Deed.

The Provider must:

- ensure that its Subcontractors successfully complete the required Personnel vetting processes, and bear any costs associated with doing so.
- ensure that its Subcontractors and its Third Party IT Vendors are aware of, and comply with, the same security requirements that are placed on the Provider by the Department. This includes consideration and implementation of ISM OFFICIAL controls that are relevant to the scope of services provided by the Subcontractor or Third Party IT service provider.

4.10.3. Access and information security assurance for External IT Systems

Providers (including any Subcontractors) who use an External IT System in association with the delivery of the Services must ensure that any External IT System used:

- does not negatively impact the performance, availability or data integrity of the Department's IT Systems
- does not breach Employment Deed requirements relating to security, privacy and data sovereignty
- meets the relevant requirements of the ESAF
- does not introduce or permit the introduction of Malicious Code into the Department's IT Systems
- has secure log ons for each operator such that each operator's logon is uniquely identifiable to the Department and entries are traceable, and have date and time stamps, and
- does not default answers to questions or input fields where the Department's IT Systems has no default setting
- is not used to Access the Department's IT Systems without the Department's written approval.

4.10.4. Cloud Services Providers

In November 2021, the Digital Transformation Agency (DTA) released the Hosting Certification Framework. This Framework states that all information defined as government information must be hosted with the appropriate level of privacy, sovereignty and security controls.

The DTA maintains a list of Certified Cloud Hosting Services. The Department will provide advice to Providers on what this will mean towards achieving RFFR accreditation. However, it is important to note that Providers remain responsible for protecting the confidentiality, integrity, and availability of data through their own assurance and risk management activities.

4.10.5. Breaches of security requirements

Where the Department considers that the Provider has breached their Employment Deed, including RFFR or security requirements, or there is a risk of such a breach, the Department may immediately suspend Access, or require the Provider to cease all Access, to the Department's IT Systems. Where the Department determines that the Provider is in breach of, or has previously breached, relevant

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requirements, the Department may immediately take action including any one or more of the following:

- suspending, terminating, or requiring the cessation of all access to the Department's IT Systems for any Provider Personnel, Subcontractor, Third Party IT Vendor, External IT System or the Provider
- requiring the Provider to obtain new logon IDs for any Provider Personnel, Subcontractor or Third Party IT Vendor and, if so required, the Provider must promptly obtain such new logons; or
- requiring the Provider to prepare and implement an IT security plan to the Department's satisfaction, and if so required, the Provider must do so within the timeframe required by the Department.

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Chapter 5. Servicing Participants with Challenging Behaviours

5.1. Chapter Overview

This Chapter provides information for Providers on recognising and managing challenging behaviour. It includes information on how to continue servicing Participants with challenging behaviours so that they can remain connected with Services and (where applicable) meet their Mutual Obligation Requirements, while limiting risks to the safety of Provider staff, Participants and property.

All Providers are responsible for ensuring people's safety on their premises and that the Services they deliver are carried out safely. Providers should adapt the strategies that are outlined in this Chapter to suit their own circumstances. This Chapter supplements, and does not replace, Provider internal operational policies and procedures. Providers are responsible for informing themselves of their relevant legal and Deed obligations, including relevant Work Health and Safety (WHS) and Privacy Laws, and ensuring compliance with these obligations. This Chapter does not cover WHS incidents. WHS incidents must be reported in accordance with Deed requirements.

This Chapter provides guidance on Recognising challenging behaviour and on Managing a challenging behaviour incident.

The Incident reporting and post-incident servicing sections provide guidance on servicing strategies for Participants with challenging behaviour. This includes incident notification requirements, Incident Reporting and Managed Service Plans (MSPs) for Participants with challenging behaviours.

5.2. Recognising challenging behaviour

Challenging behaviour is any behaviour that a reasonable person would consider unacceptable or hostile and that creates an intimidating, frightening, threatening, offensive or physically dangerous situation in the workplace or other location.

Challenging behaviours may include but are not limited to:

- physical violence against any person—for example, hitting, kicking, punching, spitting on or throwing objects at a person
- acting in a way that would cause a person to have a reasonable belief that assault was intended
- adopting a physical position or state and/or producing an object that a reasonable person would consider constitutes a serious and/or imminent threat of physical violence
- oral or written (for example, email or communication through social media) threats, abuse or harassment, inappropriate touching or stalking of staff members or other Participants
- damaging, defacing or destroying property intentionally or through inappropriate and aggressive behaviour such as throwing objects or punching and kicking property
- theft of property, illicit drug taking on the Provider's premises, use of the Provider's equipment and/or property for illegal purposes
- swearing, making offensive noises or gestures, inappropriate or suggestive comments, vilification

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- causing injury to oneself—for example, cutting or indications of suicide or self-harm
- any other behaviour that is deemed inappropriate and warrants an incident being recorded.

A Participant may demonstrate challenging behaviour through digital interactions (including over the phone, email and/or social media), written communication and/or face-to-face interactions (for example at the Provider's office or while attending training, courses, work placements or internships).

5.3. Managing a challenging behaviour incident

The Department views the safety of Provider staff and Participants as a priority and acknowledges that Providers have a wide variety of expertise and arrangements in place to address safety concerns and challenging behaviours.

Providers are responsible for ensuring people's safety on their premises and that the Services they deliver are carried out safely. Where challenging behaviour is observed, Providers should consider whether police involvement is required and are encouraged to contact police if they believe assistance from emergency services is necessary.

5.3.1. Maintaining an incident management plan

It is the Provider's responsibility to have an incident management plan in place that outlines its approach to managing situations where Participants, staff or visitors display challenging behaviours, or where Provider staff identify that a situation has the potential to escalate to become an incident.

5.3.2. General considerations

Strategies may differ between Providers and their sites. Participants' circumstances differ and there may be a range of factors that contribute to incidents of challenging behaviour and the most appropriate strategy for the management of that behaviour.

When Providers are dealing with a case of challenging behaviour, they may wish to discuss the Participant's behaviour with them. Participants have the right to ask questions and appropriately outline their views on their entitlements and servicing. As long as they are not being abusive or using offensive language, Participants should not be considered as demonstrating challenging behaviours in these situations.

Participants bringing children to appointments or activities, including under the ParentsNext program, are responsible for the behaviour of their children. Providers must take reasonable steps to ensure the safety of Provider staff, other Participants and the general public in the delivery of Services at their premises, even from children exhibiting challenging behaviours. Providers may require that a Participant remove their child from the premises where the child's behaviour poses a threat to others and should contact emergency services if necessary.

Where a Participant demonstrates challenging behaviour while participating in an activity, the Provider should take any appropriate action in accordance with the situation and their Deed and WHS Laws. For example, refer to the Temporary Site Closure document on the Provider Portal or the information provided below. Also, see Incident Reporting and Post-Incident Servicing.

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Providers should also discuss with the Referring Provider, or the Digital Services Contact Centre (the DSCC) in the case of Workforce Australia Online Participants (or via the Provider Lead where necessary), prior to exiting the Participant from a course.

5.3.3. Information sharing between Providers and Services Australia

It is important that Providers make connections with their local Services Australia offices and build effective working relationships to facilitate information sharing, including incident notifications, having regard to the Privacy Chapter. Providers should contact their Provider Lead if support is required to engage with Services Australia.

5.3.4. Immediate notification requirement

Where an incident has occurred and the Provider has reason to believe that the Participant who is displaying threatening, aggressive or violent behaviour poses a serious threat to the life, health or safety of an individual, the Provider should immediately call 000 and advise them of the situation, then follow the Public Interest Certificate (PIC)/Class PIC requirements (see Use and disclosure of Protected Information).

Notifying Services Australia

Given the shared interaction of Participants with Workforce Australia and Services Australia, where a Participant has made threats towards Services Australia staff, it is essential that information on these threats is escalated to keep staff and other Services Australia customers safe.

- In the first instance, the Provider should attempt to call the Services Australia Service Centre (the office closest to the Provider's location or the location of a threat) to advise of the risk.
- If the Provider is unable to contact the local Services Australia Office or is not sure who to call, they should:
  - phone the Services Australia Security Hotline on 1800 046 021
  - this hotline is managed by Services Australia Regional Security Advisers and is operational nationally between 7.00 am and 7.00 pm Monday to Friday
  - the Regional Security Advisers will ensure that the issue is escalated appropriately.

In the event of an emergency - call 000.

5.3.5. Temporary Site closures

Where Providers experience incidents involving Participants with violent, aggressive or threatening behaviours, they may elect to temporarily close the affected Site until the situation is resolved or until they are satisfied the threat no longer exists. Please refer to the Temporary Site Closure requirements on the Provider Portal.

5.3.6. Disclosing personal and sensitive information

Providers are responsible for ensuring they are aware of and comply with their legal obligations for the handling, use and disclosure of personal and sensitive information.

For information on disclosing personal information and Protected Information refer to the APP 6: Use and Disclosure of Personal Information section of the Privacy Chapter.

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For information on disclosure of Protected Information under the Social Security Administration - Class of Cases - Public Interest Certificate (No. 1) 2022 (Class PIC), including who can disclose information under the Class PIC and when information can be disclosed under the Class PIC refer to the Public Interest Certificates section of the Privacy Chapter.

5.4. Incident reporting

The challenging behaviour incident reporting arrangements detailed in this section have been established for Providers delivering the following programs:

- Workforce Australia Services
- Workforce Australia - Transition to Work Services
- Workforce Australia - Career Transition Assistance
- Workforce Australia - Employability Skills Training
- Harvest Trail Services
- Self-Employment Assistance
- ParentsNext
- Workforce Specialists
- Norfolk Island
- Yarrabah Employment Services
- Broome Employment Services

5.4.1. Incident reporting

Providers are required to submit an Incident Report after each Challenging Behaviour Incident, including a completed Incident Details section for each Incident Report. Guidance to assist with these steps is provided in the tables and system steps below.

The purpose of the Incident reporting arrangements is to have a written record of incidents involving challenging behaviour to inform Provider and Services Australia frontline staff of the potential for further incidents, support compliance measures where appropriate and assist Providers to manage the safety of their staff.

The arrangements are designed to make Participants' experiences more consistent across both the Department and Services Australia by aligning processes and terminology for managing challenging behaviour with those used by Services Australia. This is achieved through the use of:

- an **Incident Severity Matrix** – an automated process which assigns a severity level to an incident. The matrix removes subjectivity when determining the severity of an incident based on key information about the incident. The matrix assesses the importance of all incidents being considered in the context of 'organisational tolerance' not 'personal tolerance'; and
- **Managed Service Plans (MSPs)** – arrangements that Providers can put in place to tailor the way Services are delivered to Participants who display challenging behaviours.

Providers must complete an Incident Report for all incidents where a Participant exhibits challenging behaviour, including where it has resulted in a Temporary Site closure, in the Incident Report screen in the Department's IT Systems (see the Completing an Incident Report section).

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5.4.2. Completing an Incident Report

Completing an Incident Report ensures all staff are informed about the history of a Participant's challenging behaviour so they can make an assessment on the likelihood of further incidents and determine appropriate future servicing arrangements to minimise risks to people and property.

Accurate recording of incidents ensures that, if the Participant is transferred to another Site or Provider, the receiving Site or Provider is aware of the challenging behaviour/s and can arrange to service the Participant accordingly.

A challenging behaviour incident may also be considered a WHS incident. In these cases, the Provider may need to submit an Incident Report and also Notify the Department of the WHS incident in accordance with Deed requirements.

When creating an Incident Report, Providers should consider that under the FOI Act, a person has the right (with limited exceptions) to access their personal information or documents held by the Department or Providers.

Providers should ensure that, when creating an Incident Report, all records are factual, comprehensive, free from jargon and do not include unnecessary or inappropriate commentary. When considering whether information is necessary, an incident report must convey the severity and specific details of any threat so using the exact wording used in the incident, including strong language and words expressing violent actions, may well be appropriate.

Records created by the Department or Providers may also be released as part of Court proceedings.

The tables below outline descriptions for the terms used for reporting incidents in the Department's IT Systems - please select all categories that apply. Please note, only the 'comment' and 'police reference number' fields can be edited after submitting an Incident Report.

Table 5-A: Challenging Behaviour Incident Reporting Terminology - Types of Incidents

Type	Behaviour or action displayed during the incident
Assault – no weapon	Actual, attempted or threat of physical attack: • strike • touch or • applies force • spitting • without a weapon, either directly or indirectly upon a person.
Assault – weapon	Actual, attempted or threat of physical attack • strike • touch or • applies force • with a weapon (including an improvised weapon), either directly or indirectly upon a person.

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Type	Behaviour or action displayed during the incident
Health and Safety	Any event where the person requires first aid or medical attention due to: • physical or psychological injury • stress reaction • illness • disease • or exposure.
Self-Harm	Any incident where a person causes or indicates deliberate injury to themselves
Abuse	The use of language: • to insult or cause offence • such as discriminatory language based on the grounds of age, disability, race, religion, sex, intersex status, gender identity and sexual orientation.
Behaviour	Any incident where a customer acts in a counterproductive manner, including: • offensive language • gestures • refusal to leave or disruptive on premises • excessive contacts • intimidation/coercion • harassment and stalking.
Property	Any incident where a person causes damage to the property and/or damage to contents of the property i.e. furniture or office equipment within the Site

Table 5-B: Challenging Behaviour Incident Reporting Terminology - Nature of Incident

Nature of Incident	Description
Actual	Where there is a factual occurrence
Threat – Provider	Expression of the intention to do something to the Provider
Threat - Other	Expression of the intention to do something to an 'other' person/organisation

Table 5-C: Challenging Behaviour Incident Reporting Terminology - Emergency Services and Site Safety Impact

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Action	Impact
Were the emergency services contacted?	The Incident required assistance from 000 emergency services (either during or after the Incident) If yes, how many of the emergency services were contacted (select multiple options if relevant)? • Police • Ambulance • Fire
What is the number for Police reference recorded?	Police event number
Was the site safety impacted?	If yes, how was site safety impacted (select multiple options if relevant)? • Impacted Provider staff (with injury) • Impacted Provider other (with injury) • Non-compliance with restriction • Site closure Refer to Table 5-D for further information.

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Table 5-D: Challenging Behaviour Incident Reporting Terminology - Site Impact

Impact	Description
Impact Provider staff (with injury)	Where the Provider staff was physically or psychologically injured
Impact Provider other (with injury)	Where an 'other' person/organisation was physically or psychologically injured (note: this could include another Participant, a Security Guard, a member of public or family member of a Participant).
Non-compliance with restriction	Breach of existing service channel restrictions applied under an MSP and the Participant displays aggressive or counter-productive behaviour and a refusal to leave when reminded of the MSP. Note: Selecting this category as an Impact will increase the severity level of the Incident. If the Participant leaves immediately when reminded of the MSP and does not display challenging behaviours during the interaction - an incident record is not required.
Site Closure	Where the incident warranted a Temporary Site Closure

Providers must record an Incident Report in the incident report screen in the Department's IT Systems where a Participant exhibits challenging behaviour. Incidents should be recorded on the day the incident occurred or as soon as possible and within 24 hours.

Where it is not possible for the staff member who witnessed the incident to complete the Incident Report, another staff member should do so on their behalf.

The Department's IT Systems allows an Incident Report to be backdated up to 14 calendar days. If Providers are unable to record an incident in the Department's IT Systems due to technical issues, Providers must notify the Department as soon as possible and create an Incident Report in the Department's IT Systems at the earliest opportunity.

When recording an Incident Report, you can select multiple options in the following sections:

- What is the nature of the incident? e.g. Actual + Threat Provider + Threat – Other
- What type of incident occurred? e.g. Assault – Weapon + Abuse + Behaviour + Property

'Incident Detail' – It is mandatory for Provider staff to include incident details in the Incident Report. This will assist Provider and Services Australia staff to manage the safety and wellbeing of staff, other Participants and the general public. It will also assist with post-incident servicing of the Participant.

Ensure all records are factual, comprehensive, free from jargon and do not include unnecessary or inappropriate commentary. It is important to include the words and language the participant has displayed at the time of the incident. This will ensure that any future behavioural concerns are clearly identified and support assessment of whether the Participant's behaviour is escalating.

Table 5-E: Challenging Behaviour Incident Reporting Terminology – Examples of Incidents

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Example of incident	Nature of the incident	Type of incident	Emergency Services	Site safety impacted
'Participant 1 attended the site today and started yelling. He demanded that we restore his payments. I explained he needs to visit Centrelink to discuss. Participant 1 swore at me before leaving the building and said that he would really hurt someone at Centrelink if they didn't restore his payments today. He then punched a hole in the wall. Contacted local Services Australia office (Centrelink) to warn them of the threat made by Participant 1. Site Manager arranged for the wall to be repaired. Post-incident contact was made with the Participant to discuss their behaviour'.	Actual	Abuse Behaviour Property	No	No
'Participant 2 came in and saw an EC to discuss attending a program. I overheard Participant 2 start to raise his voice at the EC. I went over to support the EC. Participant 2 looked at me and told me to 'piss off'. I explained I was there to support EC. Participant 2 started yelling and told the EC he would 'smash her head in, the next time he sees her'. Participant 2 was asked to leave the premises. All impacted staff were offered Employment Assistance Program. Post-incident contact was made with the Participant to discuss their behaviour'.	Actual Threat - Provider	Abuse Behaviour Assault no-weapon	No	No
'Participant 3 ran into the office with some papers. He scrunched them up and threw them into my face. 'There you go *******' he said. He kicked the door on the way out causing it to smash. Participant 3 is on an MSP & knows he can't attend the office. Provider contacted Police. All impacted staff were offered Employment Assistance Program. Site Manager arranged for the door to be repaired. Post-incident contact made with Provider to discuss their behaviour'.	Actual	Abuse Behaviour Assault weapon	Yes Police	Yes Non-compliance with restriction

Based on information recorded in an Incident Report, the Incident Severity Matrix will automatically assign one of 3 severity levels:

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- **Low Severity**: An incident or behaviour that is a low risk to the life, health or safety of an individual or to property. The Provider may issue a verbal warning or a warning letter.
- **Moderate Severity**: An incident or behaviour that is a moderate risk to the life, health or safety of an individual or to property. Incident requires follow-up and may require escalation. An MSP should be considered.
- **Serious Severity**: An incident or behaviour that is a serious risk to the life, health or safety of an individual or to property. Incident requires follow-up and must be escalated to the Employment Region Lead if there is a Temporary Site Closure (see Temporary Site Closures advice on the Provider Portal). An MSP, including restrictions on access to services, must be considered.

The above incident severity levels are the same for Services Australia and Provider-lodged Incident Reports.

Please note: behaviours do not increase the severity of an incident in isolation. An additional action increases the severity of an incident i.e. the emergency services are contacted and/or the site safety impacted.

An Incident Report Alert will appear in the top right-hand corner of a Participant's record in the Department's IT Systems, where an Incident Report has been recorded against the Participant in the previous 24 months. The alert displays the number of active Incident Reports to provide a visual indicator of potential risk.

Providers can view the number of active Incident Report/s and Services Australia incident reports for a Participant registered with them, under the incident report screen. Providers will be able to view the date of the incident and severity level.

5.5. Post-incident servicing

The challenging behaviour post-incident servicing arrangements detailed in this section have been established for Providers delivering the following programs:

- Workforce Australia Services
- Workforce Australia - Transition to Work Services
- Self-Employment Assistance
- ParentsNext
- Norfolk Island
- Yarrabah Employment Services
- Broome Employment Services

5.5.1. Post Incident Contact

The Department recommends that Providers initiate a post-incident contact with the Participant via telephone following serious challenging behaviours incidents to discuss their behaviours and the impacts those behaviours had on other Participants and staff. The purpose of a post-incident contact is to provide the Participant with an opportunity to debrief and for both the Participant and Provider staff member to gain a clearer understanding of the issues triggering the behaviours and other factors contributing to the incident (personal circumstances, barriers, and vulnerabilities, etc).

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A post-incident contact should support Providers to understand whether an incident was a one-off event, or if there are ongoing factors that warrant the implementation of a Managed Service Plan (MSP) with service channel restrictions and servicing strategies to address the underlying issues impacting their behaviour.

Where either ongoing factors, or a change of circumstances are identified through the post-incident contact, we recommend the Provider consider undertaking a Change of Circumstance Reassessment through the Job Seeker Snapshot (see Chapter 4 – Job Seeker Assessments of the Workforce Australia Guidelines - Part B: Workforce Australia Services or refer to the relevant Participant assessment processes for your program).

5.5.2. Managed Service Plans (MSPs)

MSPs are arrangements that Providers can put in place to tailor the way Services are delivered to Participants who display challenging behaviours including:

- using Servicing Strategies to assist in addressing any barriers or personal circumstances contributing to behaviour, and/or
- applying Service Channel Restrictions to assist in managing the impact of behaviour.

MSPs prioritise the safety of staff and Participants while ensuring Participants stay connected to employment services and, where applicable, are able to meet their Mutual Obligation Requirements.

An MSP can be applied at any time where it is considered by the Provider to be appropriate.

Consideration of the contributing factors/barriers should be explored before Providers consider applying servicing restrictions through an MSP. Examples of factors that Providers could consider include:

- any Participant history, for example, a death in the family, carer's responsibilities, mental health issues (past or present), and drug or alcohol dependencies (past or present), and
- whether the Participant has disclosed information or displays/has previously displayed behaviour that may warrant:
    - conducting a Change of Circumstances Reassessment (CoCR) using the Job Seeker Snapshot; or
    - requesting the Participant to conduct a CoCR using the Job Seeker Snapshot.

If the Provider is unable to conduct a CoCR, they should discuss the issue with their Provider Lead.

All MSP arrangements must ensure that the Participant remains connected to employment services to meet their Mutual Obligations Requirements.

The Provider should ensure that the Participant understands the requirements of the MSP arrangements.

Some programs have been designed around more intensive and shorter servicing periods and support for their Participants. Providers should follow the relevant processes for their program.

Key steps before applying an MSP

Following an incident or change in behaviour, the Provider should, where possible, discuss the Participant's behaviour with them and, where appropriate, warn them of the implications of that behaviour. This will ensure the Participant is given the opportunity to:

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- improve their behaviour, and
- disclose any contributing barriers or personal circumstances.

Warnings can be given verbally or in writing. Where a warning is given, it must be recorded on the Participant's record in Department's IT Systems, under the comments screen or in the free text section of the Incident Report where the warning was a result of an incident.

Before the Provider decides whether to apply an MSP, including the timeframe and type of MSP, they should consider:

- the severity of the behaviour and/or incident(s) including any safety concerns the behaviour may raise
- any contributing factors including barriers or personal circumstances
- the time needed to address issues (e.g. a Participant may only require a short 'cooling off' period), and
- the importance of ensuring Participants remain connected to employment services (see General Considerations).

Types of MSPs

There are 2 types of MSP:

- **Reactive** – following a challenging behaviour incident (an MSP becomes reactive once it is linked to an Incident Report in the Department's IT Systems).
- **Proactive** – where there has not been an incident but the Provider assesses a change in a Participant's behaviour and has identified barriers or personal circumstances that may increase the risk of an incident. An example of a Proactive MSP might be where a Participant has presented to a Provider Site intoxicated on several occasions, without causing any incident. While an incident has not occurred, the Provider might assess that there is a risk of one occurring in the future and, as such, may put a Proactive MSP in place.

MSP timeframes

When applying an MSP, Providers should consider a timeframe that is appropriate to the severity of the Participant's behaviour and/or incident(s). For example:

A short-term MSP (up to one month) can be used:

- as an immediate response following an incident to provide a 'cooling off' period, or
- to allow the Provider time to further consider contributing personal factors (see General Considerations) or any other circumstances on the day e.g. physical environment, staffing etc.
- to allow the Provider time to determine if a longer-term MSP is necessary and communicate with the Participant.

A long-term (i.e. greater than one month and up to 12 months), allows time for the Provider to assist the Participant to address any barriers or personal circumstances, provide support and manage interactions between the Provider and the Participant to ensure the safety of all involved.

A long-term MSP may be extended past 12 months if, after a review, it is still necessary to support the Participant to address the causes of their challenging behaviours and to manage risks to people and property arising from the challenging behaviours. Given the extended period, the review should take into account the known drivers of the Participant's behaviours and the servicing strategies

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taken (and available but yet to be taken) to better identify and address issues and escalate to the Department as necessary.

An MSP must be reviewed if there are significant changes in the Participant's circumstances and if further incidents occur. At a minimum, an MSP must be reviewed twice per year.

The review of an MSP should also assess the suitability of transitioning the Participant back to standard service channels.

Servicing Strategies

The types of Servicing Strategies used are at the discretion of the Provider and should, where possible, be discussed with the Participant prior to being put in place. This is to ensure strategies are appropriate to the circumstances and proportionate to the behaviour and risk.

Providers can put in place the following Servicing Strategies (at least one Servicing Strategy is encouraged when implementing an MSP).

Table 5-C: Servicing Strategies

Strategy	Description
Anger Management Counselling	This can include general counselling.
Change of Circumstances Reassessment (CoCR)	A reassessment of a Participant's level of disadvantage, using the Job Seeker Snapshot, which may inform if a Participant requires a Job Capacity Assessment (JCA) or Employment Services Assessment (ESAt).
Financial Planning	Referral to assistance with financial planning.
Housing/Accommodation	Referral for housing/accommodation assistance.
Legal Aid	Referral to legal aid.
Welfare Agency	Referral to a welfare agency including, but not limited to, drug and alcohol counselling, grief counselling, social or community program/course or family relationship counselling.

Providers may also consider the single point servicing using the One Main Contact details provided in the One Main Contact section below.

Internal referral

As part of the MSP, the Provider should consider whether the Participant would benefit from other internal services they might offer such as counselling. They should also check with the Participant to see if their circumstances have changed and if appropriate, update a Participant's Job Seeker Snapshot or request that the Participant update their Job Seeker Snapshot.

External referral

As part of the MSP, the Provider should consider whether the Participant would benefit from other external services. This could include referral for an ESAt or JCA to ensure the Participant has been referred to the appropriate employment pathway or referral to a range of services, including but not

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limited to, counselling services (if not available internally), housing assistance, crisis assistance, drug and alcohol rehabilitation or legal aid.

If the Provider is unable to refer the Participant for an ESAt or JCA, they should discuss this with their Provider Lead.

The Provider should also consider the following factors when determining the Servicing Strategies:

- if a participant indicates that they generally feel better at a particular time of day, reasonable steps should be taken to hold the interview at that time (if practicable)
- an individual could be provided with the opportunity to have a support person (such as a family member or friend) who can attend any interviews
- if the participant makes any other reasonable requests in relation to the conduct of an interview or other communications, reasonable steps should be taken to accommodate those requests, and
- an interview should not continue if the participant becomes particularly distressed.

Service Channel Restrictions

The partial or full restriction of one or more service channels may assist Providers in managing the impact of challenging behaviours by enabling them to limit a Participant's contact with them.

Please note: either face-to-face or telephone servicing must remain available, either fully or partially, at all times to ensure the Participant remains connected to employment services.

Table 5-DF: Channel Restrictions

Type	Effect
Face-to-face - available	The Participant is not restricted from face-to-face services and can therefore attend any time.
Face-to-face - partial restriction	There are limitations on how, when and where the Participant may access face-to-face services. For example, a Participant is directed to attend the Site at a particular time on a particular day.

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Type	Effect
Face-to-face - full restriction	Participant cannot attend, in person, a Site where the Provider delivers services.
Telephone - available	Participant can contact their Provider by phone at any time.
Telephone - partial restriction	There are limitations on how and when the Participant can telephone the Provider. For example, a Participant is directed to call One Main Contact only.
Telephone - full restriction	Participant cannot contact the Provider by telephone.
Writing - partial restriction	There are limitations on how the Participant can write to the Provider. For example: • the Participant is directed to write to a single specific address, or • the Participant is directed to write to their One Main Contact only.
Writing - full restriction	Participant cannot contact the Provider through any written channel (email, letter or social media).

Maintaining a verbal option with at least One Main Contact will allow the Participant to contact the Provider on the same day for issues such as needing to change the time of appointment.

An example of a combination of restrictions is where you fully restrict face-to-face servicing and in writing servicing but continue with a partial restriction of telephone servicing.

One Main Contact

As part of the MSP, a Provider may decide to nominate One Main Contact within its organisation.

- The One Main Contact should be named in the MSP and the specific details of how the Participant should contact or work with their One Main Contact should be clearly outlined.
- A back up One Main Contact should also be assigned and named in the MSP in the event the primary One Main Contact is unavailable.

Approval to apply an MSP

All MSPs require approval from a Site Manager of the Provider or equivalent and must be recorded in the Department's IT Systems.

Advising the Participant of MSP arrangements

Participants must be notified of the Servicing Strategies and Service Channel Restriction/s in writing as soon as possible after the MSP arrangements have been approved. This notification should also advise the Participant that they can request the restriction/s be reviewed at any time.

Participants can be provided a letter:

- in person, if the Participant is on site
- by postal delivery (Providers should consider registered post to ensure that they can confirm that the Participant has received the letter), or

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- by email.

An example template of a letter that may be sent to a Participant is available on the Provider Portal.

Participant's request for review/appeal of an MSP

Participants can have their MSP reviewed at any time or appeal the MSP when it is applied or reviewed. Participants can request a review by their Provider or contact the Department's National Customer Service Line (NCSL) to discuss the servicing arrangements in the MSP.

The Participant should be given the opportunity to participate in the review of the MSP.

As part of the review, the Provider should work through the MSP with the Participant where possible and safe to do so. If an agreement cannot be reached, the Provider should contact its Provider Lead.

Please note: If an MSP expires, it will not be automatically renewed and the Participant will no longer have any restrictions in place.

Where necessary, Providers should discuss options with their Provider Lead to either extend the MSP (if there is a continued threat to safety) or transition the Participant off the MSP.

The outcomes of a review may be to:

- end an MSP and return a Participant to standard service channels
- extend an MSP unchanged, or
- vary the MSP arrangements and set a new review date.

Additional reviews of an MSP can be initiated where there is a request from the Participant.

The Department's IT Systems automatically populate review date/s depending on the length of the MSP. Providers can amend these dates at any time. A noticeboard message will display when a review is due.

Breach of MSP arrangements

It is considered a breach when a Participant does not follow the servicing arrangements and service channel restrictions as set out in their MSP.

Where a Participant is in breach of the MSP, the Provider must lodge an Incident Report in the Department's IT Systems.

If the Provider identifies that the Participant was not aware of the MSP or service channel restrictions (i.e. did not receive their letter) this should also be recorded in the Department's IT Systems.

Where a Participant has an MSP in place, an MSP Alert will appear in the top right-hand corner of a Participant's record in the Department's IT Systems. The alert displays:

- Service Channels and the level of restrictions, in a traffic light format
- if One Main Contact is in place, and
- if Servicing Strategies are in place.

Where a Participant repeatedly breaches their MSP and/or continues to be a threat to staff, the Provider should escalate the matter to its Provider Lead. Where necessary, the Provider Lead will

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refer the case to the relevant team in the National Office of the Department for review and further assistance in managing the behaviour.

Servicing Participants post MSP

Providers should consider how the Participant will be serviced when the MSP and service channel restrictions have been lifted and they return to standard servicing. Providers should record in the Participant's MSP the ongoing measures that will be implemented to encourage improved behaviour by the Participant.

5.5.3. Transfers between Providers when a Participant has a Serious Incident and/or Reactive MSP

Participants with a current Provider-lodged and/or DHS-lodged Serious Incident Report and/or Reactive MSP seeking a transfer to a different Provider may only be transferred with the involvement of the Department. For more information, Providers should refer to the relevant transfer processes for their program.

Notification of Transfers and Referrals

A system pop-up notification will be provided for all Participants with incidents and/or MSPs in the Department's IT System. These include incidents and MSPs created by Services Australia since 4 July 2022. Provider staff should review the details of historical Participant incident reports and MSPs in the IT System prior to scheduling an Initial Interview so they can implement appropriate interview safety measures to protect Participants and staff, and improve engagement. This may include implementing a proactive MSP limiting face-to-face servicing where appropriate, ensuring there are clear expectations around behaviours and a plan to move towards opening the full suite of communication channels and strategies to support the Participant to manage their behaviour.

5.5.4. Transfers Due to Relationship Failure

If a Provider thinks it cannot maintain a reasonable and constructive servicing relationship with a Participant, they can request that the Participant be transferred to another Provider for servicing. This type of request will require the Provider to demonstrate a genuine attempt to implement post-incident servicing arrangements as outlined in this Chapter. For more information, Providers should refer to the relevant transfer processes for their program.

5.5.5. Summary of required Documentary Evidence

- Providers must use the Incident Report screen in the Department's IT Systems to record all instances where a Participant exhibits challenging behaviours.
- Any warnings given to a Participant must be recorded on the comments screen on the Participant's record in the Department's IT Systems.
- Providers must record all MSP arrangements and restriction/s that are put in place in the MSP screen on the Participant's record in the Department's IT Systems.

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Australian Government

Workforce Australia
Employment

Workforce Australia Guidelines

Part B: Workforce Australia Services

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Provider obligations. It must be read in conjunction with the Workforce Australia Services Deed of Standing Offer 2022-2028 (the **Deed**), including any relevant Guidelines and reference material issued by Department of Employment and Workplace Relations under or in connection with the Deed.

This Guideline is not legal advice and the Commonwealth accepts no liability for any action purportedly taken in reliance upon it and assumes no responsibility for the delivery of the Services. This Guideline does not reduce the obligation of Providers to comply with their relevant legal obligations and, to the extent that this Guideline is inconsistent with obligations under the Privacy Act, Social Security Law, the WHS Laws or any other legislation or laws relevant to the respective jurisdictions in which Providers operate, the relevant legislation or laws will prevail.

Version History

Version 1.16 **Published on:** 31 March 2025 **Effective from:** 1 April 2025

In this version of the Guideline, the following Chapters have been updated:

- Eligibility and Referral
- Commencements, Transfers, Suspensions and Exits
- Employment Fund
- Disability Support Pension
- Job Plan and Mutual Obligation Requirements
- Targeted Compliance Framework and Mutual Obligation Failures
- Employability Skills Training
- Career Transition Assistance
- Work for the Dole
- Voluntary Work
- Local Jobs Program
- Provider Performance Framework

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A full version history of this Guideline can be found on the Archived Guidelines page on the Provider Portal.

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Guideline Interpretation and Glossary

Reading Notes

In this Guideline, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice for Providers and is expected by the Department.

While reading this document, please note the following Icons and their meaning:

This icon represents 'System Steps' – information contained under this dot point will relate to usage of the Department's IT Systems.

This icon represents 'Work Health and Safety Steps' – information contained under this dot point will relate to matters of work health and safety.

This icon represents 'Documentary Evidence' – information contained under this dot point will relate to matters of Documentary Evidence.

Glossary

All capitalised terms in this Guideline have the same meaning as in the Deed unless otherwise defined below.

'4 Week Employment Outcome' means an Employment Outcome achieved over a 4 Week Period.

'12 Week Employment Outcome' means an Employment Outcome achieved over a 12 Week Period

'25 Plus Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged 25 years and older.

'26 Week Employment Outcome' means an Employment Outcome achieved over a 26 Week Period

'All Ages Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged 15 years and older.

'Arranging Provider' means a Workforce Australia Employment Services Provider that has the Host Organisation Agreement with the Host Organisation for a Work for the Dole activity.

'Approved Program of Work Supplement' or **'APWS'** means a fortnightly payment of $20.80 by Services Australia to Participants in Work for the Dole.

'Centrelink Managed' means, individuals who have a Centrelink job plan, and report their participation in requirements to Centrelink. Examples of Centrelink Managed people include:

- those who are Fully Meeting their requirements and are suspended (and potentially exited) from the caseload and have a Centrelink Job Plan.
- People who have Quarterly Interview requirements and are managed by Centrelink.

'Certification Audit' is the initial audit that is conducted when a Provider is seeking to gain Quality Standards and/or QAF Certification to provide a measure of the quality systems and processes in place to deliver Services.

'Close out' means that all non-conforming Practice Requirements constituting the Minor or Major Non-conformance are corrected.

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'Community Support Project' or **'CSP'** means a Work for the Dole activity that will contribute to recovery efforts following a disaster, or to assist with nationally significant projects at a local level that have been identified as providing a social, economic, environmental, cultural, and/or heritage benefit to the Australian community.

'Continuous Supervision' means that a Participant must be with or alongside the Supervisor or within the Supervisor's line of sight at all times while undertaking the Activity.

'Conformity Assessment Body' or **'CAB'** is a company responsible for carrying out conformity assessment activities (audits) in accordance with standards and industry regulations. Also known as a Quality Auditor.

'Corrective Action Plan' or **'CAP'** means the documented corrective actions required for all identified non-conformances.

'Downgraded' means enough non-conforming Practice Requirements have been corrected so that the conditions for a Major Non-conformance are no longer met.

'Early Access' provides retrenched workers and their partners, who are not in receipt of Income Support or eligible for Structural Adjustment Program assistance, with early access to employment services.

'Employer Visit' means, as applicable:

- an 'Inbound Employer Visit' - a visit by an Employer to the premises of a CTA or an EST Provider, or
- an 'Outbound Employer Visit' - a visit by Participants to an Employer's premises, arranged by the CTA Provider

for the purpose of providing Participants with an insight into the tasks and duties of a particular occupation or industry.

'Extraordinary Audit' means undertaking an additional Quality Principles Audit if directed by the Department.

'Family Member' means, in relation to a particular individual (such as a Participant or an Employer):

(a) any spouse, de facto partner, child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the particular individual;
(b) any child, parent, grandparent, grandchild or sibling, including where any of these are adopted relations, of the spouse or de facto partner of the particular individual; or
(c) any in-law of any individual referred to in paragraph (a) or (b) above, including any in-law of the particular individual.

'Fully Meeting' means where an individual is meeting their Mutual Obligation Requirements through sufficient participation in tasks and Activities**,** and does not have other requirements such as attending Provider appointments or Job Search Requirements.

'Full-Time Study' has the same meaning as the definition of full-time study (for tertiary students and secondary students) within the Social Security Guide.

'Generalist Course' means a Training Block 2 Course which provides EST Participants with training in relation to a mix of industries and occupations that address the needs of a broad range of

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Employers, in accordance with any Guidelines. A Generalist Course may be a Youth Course or 25 Plus Course.

'Harvest Area' means an area comprising of one or more SA2 geographical regions (defined by the Australian Bureau of Statistics) from which HTS is delivered.

'Harvest Employer' means an entity:

(a) whose business undertakes Harvest Work within a Harvest Area; and
(b) that has the legal capacity to enter into a contract of employment with an eligible Harvest Worker.

'Incident' means:

- an unplanned, accidental or deliberate event or happening resulting in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- an event or happening that had the potential to result in personal injury (physical or mental), illness or damage to equipment, property, plant, site or building;
- unacceptable or hostile behaviour that could result in legal proceedings or potential personal injury (physical or mental), illness or damage to equipment, property, plant, site or building.

'ISO 9001' means the internationally recognised standard that promotes a quality management system as an integral part of an organisation's operations.

'Key Performance Measure' or **'KPM'** means the measures that underpin the 7 Quality Principles.

'Labour Hire Organisation' means an organisation which engages workers and assigns these workers to perform work for client organisations, including organisations that may be referred to as 'on-hire organisations' or 'contract recruitment agencies'.

'Learning Outcomes' means, in respect of an EST Course, the specifications of knowledge and skills expected to be attained by a Participant as a result of their participation in the EST Course.

'National Standards for Disability Services' or **'NSDS'** means the disability employment standards which underpin the Quality Strategy for Disability Employment.

'Non-arranging Provider' means a Workforce Australia Employment Services Provider which has a Participant in a Work for the Dole activity for which they are not the arranging Provider.

'Non-Government Program' means work-focused programs or vocational interventions approved by the Department and identified as such on the Provider Portal.

'Pay Slip Verified Outcome' means an Employment Outcome where the Participant's earnings or hours worked have been verified by the Provider uploading Documentary Evidence to the Department's IT Systems.

'**Personal Handover Meeting**' means an individual meeting between the Provider, the Participant and the CTA Provider which takes place within 5 Business Days after completion of the Participant's CTA Course.

'Points Period Assessment' is the process undertaken in the Department's IT Systems where a Provider conducts and completes a quality review of the Job Search efforts within 5 Business Days of the end of the Points Reporting Period.

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'Practice Requirement' provides the detailed areas of assessment within the KPM.

'**Pre-Training Assessment'** or **'PTA'** means an assessment conducted by the SEE Provider to determine the Participant's capability levels against the Australian Core Skills Framework and their capacity to benefit from the SEE program.

'Pre-Release Prisoner' means a Participant as defined in the Workforce Australia Deed, who meets the eligibility criteria for the Pre-Release Prisoner initiative as described in the Guidelines.

'Principal Carer Parent' means the definition of principal carer as set out in the Social Security Guide.

'Private homes' means places of residence where individuals currently reside and the 'grounds' to which a private home is attached. This may include entry into an apartment, unit, house or boarding facility, or grounds such as courtyards, gardens or balconies that are attached to the main dwelling and privately occupied.

'**Private property**' means privately owned land or privately owned or occupied estate or house acreage. It may also encompass private homes or grounds.

'Progress Payment Period' means a period during which a Participant may meet the requirements for a Progress Payment to be payable. A Progress Payment Period is 730 Period of Service days long. Following completion of a Progress Payment Period, a new Progress Payment Period begins, and a further Progress Payment may be claimed if the requirements specified in this Guideline have been met.

'Project Overhead Costs' means the costs directly associated with the establishment and running of a Work for the Dole Project, as detailed in the Deed.

'QAF Evidence Requirement' means the minimum evidentiary requirements to demonstrate conformance with the KPM.

'Recertification Audit' is conducted every 3 years to maintain QAF Certification.

'Services Australia Fortnight' means the fortnightly periods that align with the fortnight for which a Participant has reported earnings and income to Services Australia.

'Specialist Course' means a Training Block 2 Course which provides EST Participants with training in the context of a particular industry's or industries' work environment (e.g. retail, hospitality, construction), in accordance with any Guidelines. A Specialist Course may be a Youth Course or 25 Plus Course.

'Surveillance Audit' is conducted annually in between certification and recertification audits to confirm that a Provider is maintaining the systems which led to Certification.

'Training Block 1 Course' means the EST Course as described in the Benefits of Training Block 1 section.

'Training Block 2 Course' means the EST Course as described in the Benefits of Training Block 2 section.

'Volunteer Period' means the period of time in which a Participant (Mutual Obligations) is Suspended and chooses to voluntarily engage in Services.

'Vulnerable Youth' means an individual who:

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(a) is aged 15 to 21 years
(b) is not Employed for more than 15 hours per week
(c) is not in Full-Time Study
(d) is not in receipt of Income Support Payments
(e) has at least one Non-vocational Barrier that requires immediate intervention with a view to stabilising the individual's circumstances, and
(f) has a legal right to work in Australia.

'Vulnerable Youth (Student)' means an individual who:

(a) is aged 15 to 21 years
(b) is in Full-Time Study
(c) presents in crisis
(d) has at least one Non-vocational Barrier that requires immediate intervention with a view to stabilising the individual's circumstances, and
(e) has a legal right to work in Australia.

'Workforce Australia Online for Individuals Base Service' or **'Online Base Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service that is available to any Australian wishing to participate in employment services who is not otherwise considered a fully eligible Participant. Access is via myGov, with no referral from Services Australia required. The Online Base Service will enable users to look for jobs, develop their résumé and access complementary programs, based on the eligibility of each program.

'Workforce Australia Online for Individuals Full Service' or **'Online Full Service'** refers to the Department's *Self-managing in Workforce Australia Online for Individuals* service available to fully eligible Participants who are assessed as able to self-manage their search for work. The Online Full Service allows Participants to self-manage their participation in employment services with a range of supports available such as access to the Digital Employment Fund, pre-employment pathways for eligible Participants and support provided by the Digital Service Contact Centre (DSCC).

'Youth Course' means an EST Course (delivered as either a Training Block 1 Course or a Training Block 2 Course) provided to EST Eligible Participants aged under 25 years.

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Chapter 1. Eligibility and Referral

Supporting Documents for this Chapter:

- Referral to Workforce Australia Online Form

1.1. Chapter Overview

This Chapter outlines who is eligible to receive Services from Workforce Australia Employment Services Providers (Providers), how Providers may receive Referrals, and other employment services that Participants may be eligible for and the associated Referral process. Providers must provide Participants with appropriate Services, taking into account their individual circumstances, to assist them to find employment and move off Income Support Payments.

The Eligibility Table identifies categories of Participants based on their individual circumstances and their eligibility for Services.

1.2. Referrals of Eligible Participants

Participants are generally Referred to Services from Services Australia, from the Department's IT Systems, from an Other Service or from Workforce Australia Online.

Some Participants may elect to voluntarily participate in Services and can Directly Register with a Provider. Refer to Direct Registration Chapter.

Providers can check an individual's program eligibility by reviewing the Participant's record on the Department's IT Systems. The eligibility information can be found in the *Servicing and Eligibility* section of the Participant's record.

Please note, the eligibility results in the Department's IT Systems are a guide only. When the eligibility result shows a Participant is eligible for Workforce Australia Online, the Participant is also eligible for Workforce Australia Services.

(Deed Reference(s): Clauses 99 and 102)

1.2.1. Referrals from Workforce Australia Online

Participants can be Referred from the full level of services in Workforce Australia Online (Online Full Service) to a Provider for a range of reasons, including:

- where the Participant opts out of the Online Full Service for any reason,
- following a Capability Assessment or Capability Interview which identifies a Participant receiving the Online Full Service would be better supported by a Provider,
- where the Participant enters the Penalty Zone, and
- where the Participant is no longer eligible for the Online Full Service (for example, the Participant has reached 12 months or more of assistance in the Online Full Service). In these circumstances, a Participant will not be eligible to return to the Online Full Service in the same Period of Unemployment.

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Selecting a Provider

Participants will be able to choose their Provider[1] when they are Referred to Services. Where a Participant Referred to Services selects a Provider, they will be Referred to that Provider as long as:

- the Provider has not exceeded their Business Share, and
- the Provider has sessions in their Electronic Calendar available.

Where the Participant does not select a Provider for themselves, they will be allocated one based on a range of criteria including Provider Site location, Business Share and Provider Specialisation.

Participants who are randomly allocated to a Provider will still have the opportunity to transfer to a different Provider if they choose to do so (refer to Transfers).

1.2.2. Referrals from Workforce Australia Services to Online Full Services

Participants may be referred from a Provider to the Online Full Service, in certain circumstances, via the Department's National Customer Service Line (NCSL). To request a Participant be referred to the Online Full Service, the Provider must send a completed Referral to Workforce Australia Online form to nationalcustomerserviceline@dewr.gov.au.

In considering whether a Participant should be referred to the Online Full Service, the NCSL will take a range of factors into account, including whether:

- the Provider has assessed the Participant is able to self-manage in the Online Full Service, including that they have appropriate access to technology,
- the Provider has determined the Participant would benefit from the Online Full Service,
- the Participant agrees to the referral, and
- the Participant has linked their myGov account with Workforce Australia.

Participants will not be referred to the Online Full Service if the Participant:

- has already participated in the Online Full Service in the same Period of Unemployment,
- has a High JSCI score,
- is in the Penalty Zone,
- has not registered for myGov and linked their Workforce Australia account,
- has a current Employment Services Assessment (ESAt) or Job Capacity Assessment recommending Workforce Australia Services (refer to the Job Seeker Assessments Chapter),
- has a Managed Service Plan or Serious Incident Report,
- has a draft or approved wage subsidy,
- has a Pre-Release Prisoner Flag, or
- has no email or mobile phone number in the Department's IT Systems.

Providers must check in the Department's IT Systems that none of the above reasons apply before making a referral request.

[1] Participants will only be offered the choice of a Specialist Provider where one is available, and the Participant is eligible.

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If the NCSL approves a referral request, the Participant will be notified and the NCSL will action the referral request in the Department's IT Systems.

If the NCSL does not approve the transfer, it will notify the Provider and the Participant.

If the Participant and/or the Provider is not satisfied with the outcome of a referral request, they can seek a review of the decision by contacting the NCSL in writing within 14 Business Days of the original decision. If a review has been requested, it will be undertaken by a departmental officer who was not involved in the original approval process.

If the outcome of the review is that the request for referral is approved, the NCSL will action the referral in the Department's IT Systems and notify the parties.

If the outcome of the review is the request for referral is not approved, the parties will be notified, and the Provider must continue to provide Services to the Participant.

The Provider must retain records of their assessment of the Participant's suitability for online services.

1.2.3. Referrals from Workforce Australia Services to Transition to Work

A Provider may Refer Participants to Transition to Work (TtW) if they meet eligibility requirements and would benefit from the Service.

The core eligibility requirements that apply to young people in TtW are:

- aged 15-24 years on Commencement in the service, and
- an Australian citizen, or
- the holder of a permanent visa, or a nominated Visa Holder (including a New Zealand Special Category Visa, Temporary Protection Visa Holder and a Safe Haven Visa Holder).

Eligibility for TtW services is broken into 2 groups. Along with the core eligibility, eligible Participants fall into one of the following groups:

- **Group One** includes a young person who is:
  - receiving an Activity Tested Income Support Payment [other than Youth Allowance (student)], and
  - assessed as being at higher risk of not successfully transitioning to employment, and
  - not a ParentsNext Participant.
- **Group Two** includes a young person who is:
  - not receiving an Activity Tested Income Support Payment, and
  - not already in provider-delivered employment services, and
  - not connected to education and/or employment for the specific period based on their level of education as specified in the Transition to Work Deed 2022-2027, or
  - an Indigenous Australian, or
  - a ParentsNext Participant who is participating in TtW.

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1.3. Eligibility Table

Table 1-A identifies which Participants are eligible for provider-led Workforce Australia Services and Online Full Services. It does not consider eligibility for Other Services. Most fully eligible Participants will have their eligibility determined by their JSCI[2]. In some cases, Participants are eligible for provider-led services regardless of their JSCI.

The sections below are not mutually exclusive, and sections of this table should be considered in combination according to Participants' individual circumstances. For example, a Participant may be in receipt of JobSeeker Payment, be Mature-age (aged 55+) and be a Principal Carer Parent.

Participants not eligible for provider-led services or Online Full Services will be able to access the Online Base Service.

Table 1-A Eligibility Table

Type	Eligibility
Australian Government Disaster Recovery payment	Not eligible for provider-led services or Online Full Services.
Disability Support Pension (DSP)	**DSP recipients with compulsory participation requirements** Eligible for provider-led services **People intending to claim DSP who are undertaking a Program of Support (not eligible for Disability Employment Services or Community Development Program)** Eligible for provider-led services or Online Full Services (JSCI will determine) while they undertake their Program of Support requirement, provided they remain connected or do not Exit for more than 13 weeks.

[2] Participants can choose to move from Online Full Services to provider-led services at any time.

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Type	Eligibility
	All other DSP recipients without compulsory participation requirements are not eligible for provider-led or Online Full Services.
Early School Leaver	Eligible for provider-led services. Note: Early School Leavers unable to access Transition to Work will be Referred by Services Australia to a Workforce Australia Employment Services Provider.
JobSeeker Payment	Eligible for provider-led or Online Full Services (JSCI will determine).
Mature-aged (aged 55 years and over)	Eligible for provider-led or Online Full Services (JSCI will determine). Note: Mature-aged Participants who are Fully Meeting their Mutual Obligation Requirements or are currently subject to a Services Australia granted Exemption may voluntarily elect to participate in provider-led services.
Newly arrived refugee	After their initial 13-week exemption, newly arrived refugees may voluntarily participate in provider-led services for 12 months after they have started on Income Support. Standard eligibility for provider-led or Online Full Services (JSCI will determine) and Mutual Obligation rules apply after the end of this period.
Not in receipt of Income Support	Not eligible for provider-led or Online Full Services unless eligible for Direct Registration (including Transition to Work).
Other Income Support payment without participation requirements	Not eligible for provider-led or Online Full Services.
Parent	**Principal Carer Parents** Principal Carer Parents who are not Fully Meeting their requirements through part-time paid employment, voluntary work or study may be Referred to provider-led or Online Full Services (JSCI will determine).

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Type	Eligibility
	Parenting Payment recipients with participation requirements Eligible for provider-led or Online Full Services (JSCI will determine). Note: Participants who are Fully Meeting their part-time Mutual Obligation Requirements or are currently subject to a Services Australia granted Exemption may voluntarily elect to participate in Services.
Pre-Release Prisoner	Directly Eligible for provider-led services. See the Pre-Release Prisoners Chapter for full eligibility criteria. See the Direct Registration Chapter for further information on direct registration of the Pre-Release Prisoner initiative.
Retrenched worker or partner of a retrenched worker	**Early Access Participants (Retrenched workers and their partner)** Eligible for provider-led or Online Full Services (JSCI will determine). See the Direct Registration Chapter and SAP Chapter for further information. **Structural Adjustment Package (SAP) Participants** Eligible for provider-led or Online Full Services (SAP will determine eligibility). See the Direct Registration Chapter and the SAP Chapter for more information. Note: Where an SAP provides Services for a retrenched worker but not their partner, the partner will be eligible as an Early Access Participant.
Special Benefit	Eligible for provider-led or Online Full Services (JSCI will determine).

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Type	Eligibility
	Note: Special Benefit recipients who are Nominated Visa Holders have the same Mutual Obligation Requirements, and consequences for non-compliance as JobSeeker Payment and Youth Allowance (other) recipients. Note: Special Benefit recipients, who are not Nominated Visa Holders, but are capable of looking for and undertaking work must be connected to employment services and have voluntary requirements. To remain qualified for their Income Support Payment, these Participants must remain connected to employment services either through provider-led or Online Full Services.
Visa holders and migrants	**Visa holders with working rights attached and on Income Support** Eligible for provider-led or Online Full Services (JSCI will determine). Note: Visa holders with working rights attached are eligible for employment services if they are in receipt of an Income Support Payment that would otherwise make them eligible for Services. **New Zealand non-protected Special Category Visa holders in receipt of JobSeeker Payment or Youth Allowance (other)** Eligible for provider-led or Online Full Services (JSCI will determine).
Youth and students	**Youth Allowance (other) recipient** Eligible for provider-led or Online Full Services (JSCI will determine). **Vulnerable Youth** Directly Eligible for provider-led services. More information in Direct Registration Chapter. **Vulnerable Youth (Student)**

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Type	Eligibility
	Directly Eligible for provider-led services. More information in Direct Registration Chapter.

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Chapter 2. Commencements, Transfers, Suspensions and Exits

Supporting Documents for this Chapter:

- Transfer by Agreement Form
- Transfer Due to Relationship Failure Form

2.1. Commencements

This section outlines what Providers must do to Commence Participants in Workforce Australia Services, and what Providers should be aware of when undertaking these actions.

(Deed Reference(s): Clauses 89, 101, 102, 105, 106 and 108)

2.1.1. Commencing Participants in Workforce Australia Services

A Participant must be a Fully Eligible Participant to be Commenced. Providers will not be able to Commence a Participant who is flagged as 'No Referral Required'. Please refer to *KB0015191 - Workforce Australia Online for Providers - No Referral Required*.

A Participant with a Pending status will generally Commence in Services in the Department's IT Systems when the Provider records attendance at the Initial Interview and the Participant's Job Plan is recorded as approved in the Department's IT Systems i.e. Commencement is triggered by the status date and not the actual approval date which may be different. It is therefore recommended that Providers finalise and approve the Job Plan in the Department's IT Systems on the day the Participant has read, understood and agreed to the Job Plan and the date the Job Plan was agreed.

As part of Commencing a Participant, the Provider should:

- confirm whether the Participant has a myGov account which is linked to the Workforce Australia website,
- help the Participant to establish a Job Seeker Profile in the Department's IT Systems, and
- determine whether the Participant is able to fulfil the requirement to report their Points Based Activation System (PBAS) themselves via the Workforce Australia website, where applicable.

For Participant's without Mutual Obligation Requirements, a Participant will Commence in Services in the Department's IT Systems when the Provider records attendance at the Initial Interview. While an approved Job Plan is not required, the Provider must discuss and determine suitable Activities and record relevant details, including the Activity placement and subsequent attendance and completion of those Activities. For further information refer to Arrangements for Participants (Voluntary).

Please note: Participants who have Commenced with a Provider who then transfer to an alternative Site with the same Provider, will transfer with a status of "Pending".

These Participants will Commence in Services at the new Site when the Provider records attendance at the Initial Interview in the Department's IT Systems.

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A new Job Plan will not be required if there is an approved Job Plan with the same Provider that has an approval date on or after the original referral date. However, it is good practice to review the Participant's Job Plan during the Initial Interview to ensure it remains appropriate and current.

Participants must be Commenced in a timely manner

Providers must ensure Participants are Commenced within 10 Business Days of the Referral (excluding Transitioned Participants). This includes 'think time' for Participants to agree to their Job Plan (if requested and applicable). For further information please refer to the Job Plan and Mutual Obligations Requirements Chapter and the Provider Transition Advice.

Commencing a Refugee in Workforce Australia Services

Under the Better Targeting of Support for Refugees measure, from 1 January 2020, newly arrived refugees receiving activity tested income support receive an exemption from Mutual Obligation Requirements for their first 13 weeks after arrival in Australia.

Refugees in their first 12 months

After their initial 13-week exemption, individuals who are refugees can choose to participate in Workforce Australia Services but are not required to do so. Those who choose to participate are not compellable until they have been receiving income support for 12 months.

At the Initial Appointment, Providers must check if the Participant is a newly arrived refugee. If the individual is a newly arrived refugee, Providers need to confirm the individual wishes to participate in Workforce Australia Services. If they don't, they can be Exited.

- Commencement of a refugee only requires recording the Participant's attendance at their Initial Appointment. The Participant's Centrelink Job Plan must be left in place. Refer to KB0015170 Digital Solutions Support - Newly Arrived Refugees and Participation in Workforce Australia Services (service-now.com).

If a newly arrived refugee does not have a Centrelink Job Plan or Refugee Activity in place, Providers should contact their Provider Lead or submit a Question via Question Manager.

Please note: Newly arrived refugees eligible for Transition to Work are referred to Transition to Work. Where a newly arrived refugee is referred from Transition to Work to a Workforce Australia Services Provider during their first 12 months, the individual will not have a Centrelink Job Plan or a Refugee Activity coded on the referral history screen.

Newly arrived refugees eligible for or transferred from Transition to Work who do not wish to voluntarily participate in Workforce Australia Services should not be Exited until a Centrelink Job Plan and a Refugee Activity have been coded.

Where a newly arrived refugee eligible for Transition to Work wishes to voluntarily participate in Workforce Australia Services, the Provider should not commence them until a Centrelink Job Plan and a Refugee Activity have been coded.

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Refugees after their first 12 months

Individuals who are refugees are required to be referred to employment services once they have been receiving income support for 12 months. Those who are referred to Providers at this time are commenced in the same way as all other Participants.

Commencing Participants undertaking residential treatment programs in Workforce Australia Services

Participants who are pending on a Provider's caseload and participating in residential treatment programs must not be commenced for the duration of their treatment program. This is because a Participant who enters a treatment program will have limited ability to participate in activities that are external to their treatment program, including taking phone calls or using computers to access the internet.

Providers can only schedule initial appointments with these Participants once their treatment program has ended (if known). Providers must retain adequate record keeping comments in the Department's IT Systems documenting the reasons for delays in commencement of the Participant. Verbal notification of commencement into the treatment program and release is sufficient. Participants are not required to provide written evidence of their participation in treatment programs.

Participants with a valid Employment Services Assessment (ESAt) recommending Disability Employment Services (DES)

Participants who are pending on a Workforce Australia Services Provider's caseload with a current, valid ESAt which recommends DES are not able to be commenced in Workforce Australia Services. In these cases, Providers should check if the Participant is referred to a DES Provider. If there is not a current DES referral, and if the individual:

- has a future work capacity with intervention of at least eight hours per week, but less than 30 hours per week
- is not studying full-time, and
- is not working at or above their Employment Benchmark hours,

then the Provider should create one. The Workforce Australia Services referral will display as exited once the individual has commenced in DES.

Participants with sensitive records (restricted access)

Participants with sensitive information in their records may be allocated to a Provider's Caseload and the Participant's contact details will not be visible.

Services Australia will contact these Participants and if they wish to be serviced by a Provider, Services Australia will make a referral to the Provider. Participants will be required to provide their contact details to the Provider at the first appointment.

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Parent Pathways Participants

The Australian Government's voluntary Parent Pathways service provides early intervention pre-employment support to parents of young children (under 6 years of age) to help them work towards and achieve goals to improve their future economic security.

Parent Pathways Participants are supported by a **'Mentor'** who is engaged by the Provider to support Participants throughout their participation in the service.

When a Parent Pathways Participant's youngest child turns 6 years old they are no longer eligible for Parent Pathways. At this time, some parents may have a mutual obligation requirement to participate in mainstream employment services, including Workforce Australia Services. In this case, parents are referred by Services Australia to Workforce Australia after they have exited Parent Pathways.

Parent Pathways Participants may choose to have a Warm Handover meeting as part of their Initial Interview. **'Warm Handover'** means a meeting between the Provider, the Participant and the Participant's former Parent Pathways Mentor which takes place as part of the Participant's Initial Interview with their Workforce Australia Services Provider. The Participant has responsibility for advising their Parent Pathways Mentor of the Initial Interview appointment details.

Warm Handovers are optional for Participants and are intended to improve the continuity of support for the Participant by the Provider tailoring support that takes account of, and builds on, the Participant's achievements and progress in Parent Pathways.

Participants who participated in Parent Pathways must be assisted to prepare a Job Plan. The Job Plan must meet the requirements outlined in the Job Plan and Mutual Obligations Chapter. In addition, the Provider must ensure the Job Plan and any suitable Activities identified in line with Identifying suitable Activities for Participants includes and takes into account the details of the Participant's Parent Pathways Goal Plan (where the Goal Plan is shared by the Participant), and/or details of any advice provided by the Participant and the Parent Pathways Mentor about the Participant's goals, achievements and progress during Parent Pathways. If a Participant is studying, then attention should be given to the circumstances in which full time study may be approved outlined in Approval of courses of 12 months or longer in duration. If a parent is studying approved courses for 30 hours per fortnight or more this may 'fully meet' requirements.

Providers must deliver high quality case management to support Participants who participated in Parent Pathways, to find suitable and sustainable employment, taking into account their primary responsibilities for their family and the care of a child, other relevant circumstances and the Participant's servicing needs.

At the time of attending the Initial Interview, the Participant will already be exited from Parent Pathways and can be commenced in Workforce Australia Services in the usual way.

Participants with a history of serious incidents and Managed Service Plans

Provider staff can see the details of a Participant's incident and Managed Service Plan history in the Department's IT Systems when they have a Pending status. Provider staff should review these details

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prior to scheduling an Initial Interview so they can implement appropriate interview safety measures to protect Participants and staff, and improve engagement with the Participant. This may include implementing a proactive MSP limiting face-to-face servicing where appropriate. For information on Servicing Participants with Challenging Behaviours, including Incident Reporting and Managed Service Plans refer to Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

2.1.2. Initial Interview

Unless otherwise directed by the Department, Providers must deliver the Initial Interview face-to-face in accordance with the Face-to-face Service Delivery section in the Part A: Universal Guidelines where:

- it is safe,
- it is beneficial to the individual Participant, and
- it is reasonable in the circumstances.

Providers must consider a Participant's personal circumstances when scheduling Initial Interviews.

A Provider may decide not to schedule a face-to-face Initial Interview where a Participant has a history of serious incidents and Managed Service Plans, including at Services Australia which may pose a risk to other Participants and Provider staff that cannot be reasonably managed at the Site.

Where a Provider determines face-to-face servicing is not appropriate for an Initial Interview, they must record why it is not suitable for the Participant, including what other alternative solutions were explored prior to choosing non face-to-face delivery. Providers must record their reasons in the Comments section of the Department's IT Systems and update their reasons as circumstances change.

2.1.3. Connecting a Participant's Workforce Australia account to myGov

As part of Commencing a Participant in Services, the Provider should identify whether the Participant has connected their myGov profile to their Workforce Australia account. If the Participant has not connected, the Provider should support them to do so. Connecting the myGov account will enable the Participant to use the online tools and resources available through the Department's IT Systems and will enable the Participant to self-report for the PBAS, where applicable.

Participants who do not have a myGov profile connected to their Workforce Australia account and who have a PBAS requirement will be unable to report on their PBAS points; the Provider must undertake this action on behalf of the Participant.

Providers must support Participants to report their PBAS points where they are not capable of doing so on their own.

2.2. Transfers

Participants may transfer between Providers for a range of reasons. Transfers can be automatic or involve a manual process and can be initiated by the Participant, a Provider or the Department. Transfer arrangements support continuity of servicing when Participants change location, and support Participant choice.

(Deed Reference(s): Clause 103)

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2.2.1. Automatic transfers

If the Participant's address is updated in the Department's IT Systems and the new address is not within a reasonable distance of the Participant's current Site, the Department's IT Systems will automatically transfer the Participant to a new Site.

Where a Participant has a change of address that results in a transfer, Sites will be prioritised using criteria such as:

- whether the current Provider has a Site in the new location,
- the distance from the Participant's new address,
- whether the Participant is eligible for a Specialist Provider, and
- Provider market share tolerance.

> **Example:** A Participant receiving Services moves 150km away from their current residence. The Participant no longer lives within a reasonable distance of their current Provider Site and must be transferred. The Participant is not eligible to be serviced by a Specialist Provider and their current Provider does not have a Site within a reasonable distance of their new address. As a result, the Department's IT Systems will transfer the Participant to a new Provider at a site within a reasonable distance from their new residential address.

2.2.2. Participant or Provider initiated transfer

A Participant or their Provider can initiate a transfer to a different Provider. In some instances, the Department will transfer Participants without seeking agreement from Providers.

Transfer by agreement

Participants and Providers can initiate a transfer by agreement. This can be done manually using a Transfer by Agreement form, or may be processed online.

Transfers by agreement lodged via a Transfer By Agreement form

Either the current or the proposed Provider can request a transfer by agreement using the Transfer by Agreement form. If all parties (the current and proposed Provider and the Participant) agree and sign the form, the current Provider must enter the details into the Department's IT Systems to action the transfer.

The current Provider must retain a copy of the signed Transfer by Agreement form.

Note: where the transfer is between two of the Provider's own Sites, a signed Transfer by Agreement form is not required. However, Providers must record the reason for the move, and that the 'Transfer by Agreement' option was used without a signed form, in the Comments section of the Department's IT Systems.

Online Requests lodged via workforceaustralia.gov.au

Participants can initiate a transfer by agreement through workforceaustralia.gov.au. These requests are sent to the proposed Provider for agreement, and can be seen under the 'Site open tasks' section in the Department's IT Systems, with title of 'Incoming Transfer Requests Pending'. Requests must be processed by the Provider within 3 Business days.

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If the proposed Provider agrees to a requested transfer, the transfer request is sent to the current Provider The current Provider can see the request under the 'Site open tasks' section in the Department's IT Systems, with a title of 'Outgoing Participant transfers pending'. Requests **must** be processed by the Provider within 3 Business days and it is expected that most requests are approved unless there is a good reason.

If both Providers have agreed to a Participant's transfer request within the required timeframe, the Participant is automatically transferred. If either Provider declines the request or does not action the Participant's online transfer request within 3 business days of receiving the request, the transfer will not be actioned, and the Participant will be notified. This does not preclude the Participant from contacting the Department's National Customer Service Line (NCSL) to facilitate a transfer.

Online requests to transfer by agreement do not require a paper form to be completed by either Provider or the Participant.

Providers are reminded that they need to regularly check for transfer requests in the 'Site open tasks' section in Workforce Australia Online for Providers (PCMS), either under 'Incoming participant transfers pending' or 'Outgoing participant transfers pending', and action as soon as possible to ensure that a decision is made within three Business days. If either the current or proposed Provider does not accept the transfer, reasons for the rejection should be recorded in the 'reason for denial of transfer' field in the Department's IT Systems.

Some Participants cannot be transferred through an online request

There will be some circumstances in which a Participant or Provider initiated transfer will not be actioned in the Department's IT Systems. For example, where a Participant has a current Serious Incident Report or Managed Service Plan (refer to Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter).

Where this occurs, the Participant will need to contact the NCSL or the Provider will need to contact their Provider Lead to have the request actioned. A range of factors will be considered when actioning a transfer request, including Provider location. If the transfer is not approved the Provider and/or the Participant will be notified (see below for how to get a decision reviewed). If the transfer is approved, the Department will action it in the Department's IT Systems.

Transfer due to relationship failure

If a Provider thinks it cannot maintain a reasonable and constructive servicing relationship with a Participant, it can complete the Transfer Due to Relationship Failure Form and forward to the NCSL (nationalcustomerserviceline@dewr.gov.au) for investigation. The NCSL will consider the request based on the evidence provided, including whether the Provider has followed the process outlined in the Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

If the NCSL approves a transfer due to relationship failure, the Participant will be sent a notification advising them of their new Provider and the date and time of their next appointment.

If the NCSL does not approve the transfer, it will notify the Provider and/or the Participant.

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Transfer where a change in Provider would be beneficial

If a Participant thinks a change in Provider would be beneficial to them, they can request a transfer by contacting the NCSL. The NCSL will action the transfer if it thinks the Participant has demonstrated their case for a transfer or where the Participant had been randomly allocated to the Provider. If the NCSL does not agree to the request, it will inform the Participant of the decision.

2.2.3. Participants or Providers can request the Department review a decision

If the Participant and/or the Provider is not satisfied with the outcome of a transfer request, they can seek a review of the decision by contacting the NCSL in writing within 14 Business Days of the original decision. If a review has been requested, it will be undertaken by a departmental officer who was not involved in the original approval process, and will consider, where relevant, whether the Provider has applied the strategies outlined in Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

If the outcome of the review is that the request for transfer is approved, the NCSL will action the transfer in the Department's IT Systems and notify the parties.

If the outcome of the review is the request for transfer is not approved, the Provider and/or Participant will be notified, and the Provider must continue to provide Services to the Participant.

2.3. Suspensions

Suspensions are periods during which Participants on the Caseload of a Provider are not required to participate in Services.

Providers are not required to deliver Services to a Suspended Participant unless the Participant chooses to voluntarily participate in Services.

(Deed Reference(s): Clauses 115, 116 and 117)

2.3.1. When are Participants Suspended?

Participants are Suspended on the Provider's caseload if they are a Participant (Mutual Obligation):

- with an Exemption applied by Services Australia, or
- with a temporary reduced work capacity or Partial Capacity to Work of less than 15 hours per week, or
- who are Principal Carer Parents (PCP), have a Partial Capacity to Work (PCW), receive Carer Allowance or are 55 years and over and are Fully Meeting their Mutual Obligation Requirements, or
- who is a Workforce Australia Participant Fully Meeting their Mutual Obligation Requirements by undertaking 70 hours a fortnight of approved study in combination with paid work (including self-employment).

Participants will be automatically Exited if they are expected to Fully Meet their Mutual Obligation Requirements by participation in an approved activity for more than 13 weeks (unless they choose to remain in employment services voluntarily.

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Refer to Participants who are Fully Meeting their Mutual Obligation Requirements for more information.

2.3.2. Who applies a Suspension?

A Participant will be Suspended if Services Australia grant an exemption from their Mutual Obligation Requirements, or they are recorded as Fully Meeting their Mutual Obligation Requirements through sufficient participation in an approved activity.

Providers can record that Participants are Fully Meeting their Mutual Obligation Requirements through sufficient participation in an approved activity which will trigger a suspension.

If a Participant who is voluntarily participating is experiencing a situation that means they are temporarily unable to participate in Services, the Provider may Exit the Participant but must first end any Volunteer Periods. Refer to Exits for more information.

2.3.3. Participants who are Suspended can voluntarily participate in Provider Services

The Provider must provide Services to a Suspended Participant if they advise they want to voluntarily participate in Services. Participants who are Suspended can choose to participate voluntarily in Services while they are Suspended after:

- being contacted by their Provider to discuss and agree to voluntarily participate while Suspended,
- notifying Services Australia who will either call their Provider or book an Appointment for them, or
- directly contacting their Provider to request Services.

For Participants (Voluntary) who elect to volunteer during a Suspension period, the Provider must record a Volunteer Period in the Department's IT Systems. Once a Volunteer Period is entered, the Department's IT Systems will revert the Participant to their pre-Suspended status.

- If the Participant was Commenced prior to the Suspension, they will revert to Commenced on entering of the Volunteer Period.
- If the Participant was Pending prior to the Suspension, they will revert to Pending on entering of the Volunteer Period. The Participant's status will change to Commenced when the Participant attends their Initial Interview.
- The Participant will revert to Suspended status upon expiry of the Volunteer Period.

For further information about the servicing arrangements for Participants (Voluntary) refer to Arrangements for Participants (Voluntary).

Where a Participant elects to volunteer while Suspended, the Provider must record the agreed start and end dates for the Volunteer Period in the Department's IT Systems. Where the Participant chooses to end the Volunteer Period earlier than originally agreed, the Provider must adjust the end date for the Volunteer Period in the Department's IT Systems.

2.3.4. Services resume when a Suspension ends

When a Suspension ends, Providers must resume delivery of Services.

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Suspensions do not affect a Participant's Period of Unemployment. However, the Participant's Period of Registration and Period of Service pause when a Participant is Suspended and restart when the Suspension ends.

2.4. Exits

Participants may be Exited from Services for a range of reasons. This will usually happen automatically (Effective Exit) but there are some instances where Providers can manually Exit Participants.

(Deed Reference(s): Clauses 115 and 118)

2.4.1. When are Participants Exited?

Effective Exit (Automatic Exit)

Participants will be Exited automatically (known as an Effective Exit) when:

- The Participant (Mutual Obligation) is no longer receiving an eligible Income Support Payment. This can include where a Participant is in a job and has had 12 consecutive fortnights with nil rate of Income Support, or where the Participant has not lodged a report of income with Services Australia (even if this is zero) 14 days after their Report Due Date.
- The Participant is commenced in Disability Employment Services or the Community Development Program.
- The Participant begins receiving Self-Employment Assistance Small Business Coaching (formerly known as 'Comprehensive Services').
- The Participant is Fully Meeting their Mutual Obligations Requirements by participation in an approved activity expected to continue for more than 13 weeks and does not wish to continue as a Participant (Voluntary) (see Participants who are Fully Meeting their Mutual Obligation Requirements for further information).

Note: Participants can voluntarily elect to participate in provider-led services when Fully Meeting their Mutual Obligations Requirements.

Provider Exit (manually actioned by Providers)

Providers may manually Exit a Participant, who does not wish to continue as a Participant (Voluntary), in the following circumstances:

- The Participant (Mutual Obligation) is Suspended and has a Partial Capacity to Work of less than 15 hours per week.
- The Participant (Mutual Obligation) is a Principal Carer Parent and Suspended and has a long-term Exemption (end date longer than 16 weeks).
- The Participant (Mutual Obligation) is Suspended and Fully Meeting their Mutual Obligation Requirements by participation in an approved activity expected to continue for more than 13 weeks (see Participants who are Fully Meeting their Mutual Obligation Requirements).
- The Participant (Voluntary) ceases to participate in voluntary activities or no longer wishes to participate in Services.
- The Participant's Youth Bonus Wage Subsidy is suspended.

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Structural Adjustment Program and Directly Registered Participants

Providers should manually Exit a Structural Adjustment Program (SAP) Participant **(**who have no Mutual Obligation Requirements) or a Directly Registered Participant if:

- they no longer wish to participate; or
- the Participant is in Employment and the Provider has claimed a 26-Week Employment Outcome for that Employment.

2.4.2. Assessing Participant requests to Exits

If a Participant advises their Provider they wish to Exit, the Provider should determine whether a Provider Exit is appropriate, the Participant is eligible for a Provider Exit and whether the Participant is aware of the Services the Provider can offer.

The Provider must advise a Participant when they do not approve a request for an Exit and must continue to deliver Services.

2.4.3. Participants returning to services after an Exit

Where an Exit occurs but the Participant returns to Services fewer than 13 consecutive weeks after the Exit, the Participant's Period of Service and Period of Registration (if relevant), continue from the date of the Participant's return, and the Provider must resume providing appropriate Services.

Where an Exit occurs and the Participant subsequently returns to the service 13 consecutive weeks or more after the date of the Exit, the Participant begins a new Period of Service; Period of Registration (if relevant).

Where the Participant is Exited to commence in another employment service, the Participant's Period of Unemployment continues in the new service and on return to Workforce Australia Services. The Period of Unemployment also continues in the case of the reactivation of Participant's record (e.g. the restoration of a cancelled allowance if the Participant returns within 13 consecutive weeks after the cancellation). Otherwise, a new Period of Unemployment begins.

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Chapter 3. Direct Registration

Supporting Documents for this Chapter:

- Direct Registration Form

3.1. Chapter Overview

Some Participants who are not in receipt of Income Support Payments are eligible to voluntarily engage in Services and can Directly Register with a Provider.

(Deed Reference(s): Clause 102)

3.2. Eligibility for Direct Registration

Providers must only Directly Register a person who has a legal right to work in Australia and is:

- a Vulnerable Youth or Vulnerable Youth (Student),
- a Pre-Release Prisoner, or
- a Structural Adjustment Program (SAP) Participant.
- an Early Access Participant (retrenched worker or their partner).

Where the Provider assesses a person as ineligible for Direct Registration, they should direct them to contact Services Australia to assess their eligibility for Income Support (if relevant) and advise them they can register for the Online Base Service by linking through myGov.

3.2.1. Confirming a person's legal right to work in Australia

The Provider must confirm whether a person has a legal right to work in Australia. Two resources can be used to assist the Provider in this regard:

- The Visa Entitlement Verification Online (VEVO) service can be used to check a non-citizen's visa status after sighting their international passport, or
- Schedule 8 of the *Migration Regulations 1994* sets out the visa conditions that prohibit or restrict the work that a visa holder can do in Australia.

The Provider must not proceed with the Direct Registration process if the person does not have a legal right to work in Australia or the Provider has any reservations. If the person's legal right to work cannot be established, the person should be encouraged to contact the Department of Home Affairs (DHA) to check their legal right to work in Australia. The person should also be referred to Services Australia or an appropriate community service for assistance.

Note: Providers can be legally liable for referring non-citizens who are not allowed to work or are restricted from undertaking certain work in Australia to a job. See the DHA's guide for businesses for information and examples of the steps that Providers can take when assisting non-citizens.

3.2.2. Vulnerable Youth and Vulnerable Youth (Student)

Where a Vulnerable Youth or Vulnerable Youth (Student) presents to the Provider without a Referral, and in the case of a Vulnerable Youth (Student), no appropriate local youth services are available, the Provider must:

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- assess their eligibility for Transition to Work (TtW) and if eligible, refer them to TtW unless the participant chooses to be serviced by the Provider,
- if they present in crisis, immediately provide, or refer them to, relevant crisis assistance, and
- within 4 weeks of the Direct Registration, refer them to Services Australia to determine their eligibility for Income Support Payments, regardless of whether the Provider expects them to be eligible for Income Support or not.

Refer to Referrals from Workforce Australia Services to Transition to Work for further information about TtW eligibility.

3.2.3. Pre-Release Prisoner (PRP) initiative

State or territory corrective or youth justice services refer suitable people for the PRP initiative to Providers. Suitability depends on factors such as proximity to the location a person is in custody and a Provider's performance and experience in servicing people in custody.

People must meet the PRP initiative eligibility criteria before Direct Registration. Refer to the Pre-Release Prisoner initiative Chapter for further information.

3.2.4. Early Access and Structural Adjustment Participants

In most cases retrenched workers and their partners who are not in receipt of Income Support are eligible for assistance through the Early Access initiative. Structural Adjustment Programs (SAP) provide additional assistance in exceptional circumstances only.

Retrenched workers eligible under Early Access are those not participating in a SAP and have been retrenched in the last 6 months or have received notification from their employer in the 3 months prior to their retrenchment date.

Partners eligible under Early Access are the spouse or de facto partner of a retrenched worker.

Where an Early Access Participant is referred to a Provider, the Provider should check whether the Participant is eligible for a specific SAP**.** A retrenched worker (and/or their partner) can only be registered in one retrenched worker program, with a SAP taking priority over Early Access as it offers a higher level of support.

3.3. Commencing a Directly Registered Participant

A Directly Registered Participant will Commence in the Department's IT Systems when the Provider records attendance at the Initial Interview.

As part of Commencing a Directly Registered Participant, the Provider should:

- confirm whether the Participant has a myGov account which is linked to the Workforce Australia website,
- conduct a JSCI for the Participant,
- help the Participant to establish a career profile in the Department's IT Systems, and
- conduct a Registration search in the Department's IT Systems as part of the Registration process. This will determine whether the person has an existing Registration that may contain relevant information, such as a Job Seeker Identification Number (JSID), or to confirm the receipt of an Income Support Payment.

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Where the Participant does not have a myGov account, the Provider should assist the Participant to create one. Where myGov authentication cannot be completed, the Provider may use the Direct Registration form.

Note: If the person is a Services Australia customer, the Department's IT Systems can obtain information from Services Australia, such as current Income Support Payment type, recent Referrals or Mutual Obligation Requirements. For this to occur, where the records are not already linked, the Provider must link the JSID to the Customer Reference Number through the Department's IT Systems.

Directly Registered Participants should be verified through their myGov account. In the limited circumstances where the Participant does not have a myGov account and is unable to obtain a myGov account, the Provider must use the Workforce Australia Direct Registration form and retain a copy of the completed and signed form. Providers must also retain a note that they sighted relevant identification and the form of that identification (for example, a driver's licence).

3.3.1. Registration search

Where the person has:

- A current Registration and is on the Provider's Caseload—the Provider must provide Services in accordance with the Deed (Direct Registration is not applicable).
- A current Registration and wishes to transfer to the Provider but is on another Provider's caseload—the Provider must follow the Transfers process (Direct Registration is not applicable).
- A current Registration, is eligible for Services and is not connected to a Provider—the Provider must connect them to their Caseload and provide Services.
- An inactive Registration and is eligible for Services —the Provider must re-register the person, connect them to their Caseload and provide Services.
- No Registration and is eligible for Services—the Provider must create a new record for the person prior to connecting them to their Caseload and providing Services.

People wishing to register for the Self-Employment Assistance program do not need to first be Referred to a Provider's Caseload. These people should instead be directed to the relevant Self-Employment Assistance Provider, who may complete a self-referral if appropriate.

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Chapter 4. Job Seeker Assessments

Supporting Documents for this Chapter:

- Explanation of the Job Seeker Snapshot Questions
- Job Seeker Snapshot Offline Form
- Job Seeker Snapshot Overview and Factors
- Learning Centre Training Module - Job Seeker Assessment Framework

4.1. Chapter Overview

This Chapter describes the role and purpose of the Job Seeker Assessment Framework (JSAF) under Workforce Australia Services. It provides instructions on the JSAF assessments used by a Provider to determine the services a Participant is eligible for, and supports they may need to secure employment.

4.2. The Job Seeker Assessment Framework

The JSAF informs Participants of the employment services that they are eligible for and supports them in making relevant choices. The JSAF is intended to be ongoing and dynamic, to support Participant disclosure and engagement and to minimise reporting duplication for Participants. It uses analytics to personalise interventions and support, and includes Workforce Australia Online safeguards for Participants in Workforce Australia Online.

It also acknowledges that Providers have their own tools, assessments, and resources to ensure that servicing is tailored to the Participant's individual needs, circumstances, skills, strengths, and any barriers or issues they may have in relation to finding employment.

The Job Seeker Snapshot and Employment Services Assessment (ESAt) retain fundamental roles in Workforce Australia Services. The results of a Participant's Job Seeker Snapshot and any ESAt should be used in conjunction with other assessments to understand a Participant's goals and personal circumstances. Providers may also support Participants to access and use the assessments and tools available on Workforce Australia Online, including the Job Seeker Snapshot and profile.

(Deed Reference(s): Clause 112)

4.3. The Job Seeker Snapshot and the Job Seeker Classification Instrument

The Job Seeker Snapshot is the questionnaire completed by the Participant, Services Australia or the Provider. The results of the Job Seeker Snapshot inform the Participant of the employment services that they are eligible for and supports them in making relevant choices. It includes questions that determine the Participant's Job Seeker Classification Instrument (JSCI) score, support the Participant to make an informed decision when given a choice between Workforce Australia Online and Workforce Australia Services, and helps identify if the Participant requires an ESAt. Refer to Referring Participants for an Employment Services Assessment for details.

The JSCI is the statistical tool that determines a Participant's risk of becoming long-term unemployed. It considers the relative labour market disadvantage of a Participant to determine the

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level of support and assistance required. The JSCI score is a product of various personal factors such as a Participant's work experience and qualifications. For further information, see Job Seeker Snapshot Overview and Factors.

4.3.1. When to conduct the Job Seeker Snapshot

The Job Seeker Snapshot is generally first completed prior to a Participant's Referral to Workforce Australia Services. If a Participant has not completed the Job Seeker Snapshot, or has an inactive Job Seeker Snapshot upon Referral, the Provider must:

- ask the Participant to complete the Job Seeker Snapshot; or
- conduct the Job Seeker Snapshot with the Participant (e.g. if the Participant cannot access the internet or has limited digital ability).

The Provider may, at any time, record changes in the Participant's personal circumstances (for example a loss of licence) or include new information (for example education attainment) in a Participant's record in Workforce Australia Online for Providers by conducting a Change of Circumstances Reassessment using the Job Seeker Snapshot. As part of undertaking a Change of Circumstances Reassessment, a Provider must record a detailed description of the changes in the Participant's circumstances that triggered the need to conduct the update. This will be recorded in the appropriate field at the end of the Job Seeker Snapshot in the Department's IT Systems. Where a Participant supplies documentation to support their answers in the Job Seeker Snapshot, it is good practice for the Provider to retain this documentation.

Providers should inform Participants they can access and update their Job Seeker Snapshot at any time and that this will assist in identifying services that may be beneficial to them. When a Participant updates their Job Seeker Snapshot, the Provider is notified of the Participant's results via Workforce Australia Online for Providers. Some data such as their age or length of time in an employment service will update automatically.

A Job Seeker Snapshot Offline Form can be used if Workforce Australia Online for Providers is unavailable. Any information obtained this way must be recorded by the Provider personnel in Workforce Australia Online for Providers as soon as practicable. Until the Participant's responses are captured, the system cannot determine the level of assistance and support required.

(Deed Reference(s) Clause 113)

4.3.2. How to conduct the Job Seeker Snapshot

Should the Provider need to conduct a Job Seeker Snapshot, the Provider should ensure:

- the Job Seeker Snapshot is conducted in a private setting and in a professional and culturally appropriate manner
- the Participant has given their consent for the Provider to collect and use the sensitive information collected through the Job Seeker Snapshot (refer to Chapter 3.2.1 of the Workforce Australia - Part A: Universal Guideline in relation to personal information and sensitive information, for further information)
- an interpreter is provided when requested by the Participant and the Provider considers it appropriate
- the Participant understands they may be accompanied by a support person of their choosing

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- the Participant is informed their responses to the questions will not affect their payments in any way and that the questions are designed to ensure they receive the services and support best suited to their needs
- the Participant understands some of the questions in the Job Seeker Snapshot are voluntary questions and the Provider will inform the Participant if a question is voluntary before the question is asked
- the Participant is informed of the Explanation of the Job Seeker Snapshot Questions which is part of the Job Seeker Snapshot Form available on the Provider Portal.

If a Participant discloses a need for crisis assistance or other support, the Provider should refer them to services appropriate to their needs. Please refer to the Assisting Participants in Crisis Factsheet on the Provider Portal.

Services Australia may also assist with counselling, child support payment and the crisis payment. For further information, please visit Services Australia's website.

4.4. Referring Participants for an Employment Services Assessment

Services Australia conducts an Employment Services Assessment (ESAt) to determine the most appropriate employment services program for the Participant and their level of work capacity. Barriers experienced by the Participant could include a medical condition that impacts on their work capacity. The Participant should be referred to an ESAt if the Provider believes they may be eligible for Disability Employment Services (DES) or may have a reduced work capacity. Providers can make direct referrals, through the FOCUS Response Team, to an ESAt for any Participants on their Caseload. See How to refer a Participant for an ESAt for further information.

If the Participant has a medical condition(s) or disability that requires further assessment, the Participant will need to be able to provide medical evidence to Services Australia by uploading it via their Centrelink account.

If, as part of a Capability Interview, the Job Seeker Snapshot indicates that the Participant may benefit from a further assessment through an ESAt, Workforce Australia Online for Providers will automatically set the Job Seeker Snapshot to a status of 'pending'. For further information, see Knowledge Base Article KB0013414. The Provider needs to determine whether the Participant can benefit from an ESAt before referring them for an ESAt Appointment.

If the Provider decides an ESAt is not required, then they must select the button 'Withdraw need for ESAt' in the Job Seeker Snapshot to change the Job Seeker Snapshot status to 'Active'.

A referral for an ESAt must be of genuine benefit to the Participant and should generally not be completed for the Participant if:

- they have a valid ESAt (i.e., submitted within the past 2 years) and the assessed level of work capacity has not changed
- their identified barriers will not/do not have a significant long-term impact on the Participant's ability to work or participate in other activities, including Workforce Australia Services
- their identified barriers are being actively addressed by the Provider or another provider of appropriate services (e.g. a state government or community sector provider and/or Services Australia)

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- an ESAt referral is not likely to result in a change to the Participant's Services or their currently assessed work capacity e.g. because there has not been a significant change in the Participant's barriers or medical conditions or there is no medical evidence available and the Participant will not benefit from further assessment, or
- they are expected to be exempt from Mutual Obligation Requirements for an extended period and are unlikely to benefit from further Assessment while the exemption is current.

A Provider may adjust a Participant's Mutual Obligation Requirements to reflect a short-term or temporary change in circumstances in certain situations, such as an injury or temporary medical condition.

See the Job Plan and Mutual Obligation Requirements Chapter for further information.

4.4.1. How to refer a Participant for an ESAt

The FOCUS Response Team at Services Australia manages all ESAt appointment times.

To book an urgent appointment for a vulnerable Participant, the Provider should contact the FOCUS Response Team directly on 1800 110 608.

In all other cases, Providers must email the Services Australia FOCUS Response Team to request an ESAt appointment via FOCUS.RESPONSE.TEAM@servicesaustralia.gov.au

The FOCUS Response Team will determine whether an ESAt is required and will contact the Participant and attempt to complete the ESAt over the telephone.

If the ESAt cannot be completed immediately, the FOCUS Response Team will book an ESAt appointment, and the FOCUS Response Team will notify the Participant.

Note: Providers need to ensure medical evidence is available for the assessment before requesting an ESAt through the FOCUS Response Team.

In the case of an ESAt referral for a person in custody, the relevant corrective services or youth justice will need to approve the referral for an ESAt. Refer to the Pre-Release Prisoner initiative Chapter.

4.4.2. Medical evidence needed for the ESAt referral

Prior to referring the Participant for an ESAt, the Provider must confirm that the Participant has appropriate medical evidence supporting their condition(s). If no medical evidence is available to support a Participant's identified condition, the Provider should ask the Participant to obtain this and assist where required.

Appropriate medical evidence can include:

- a Services Australia medical certificate
- a standard general practitioner medical certificate
- a specialist medical report
- a hospital/outpatient's report
- a psychologist's report (by a certified/registered psychologist)
- a special school report (IQ report for people with intellectual disability)
- x-rays and related reports

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- psychometric test results
- prescription medication
- reports from community services and organisations (for example, drug and alcohol support services).

The Verification of medical conditions form (SU684) - Services Australia should be given to the Participant for their treating doctor to complete. The completed form provides appropriate information to assess medical conditions for an ESAt. Providers should encourage Participants to upload medical evidence to Services Australia online through either their Centrelink online account or the Express Plus Centrelink mobile app if not already uploaded through Health Professional Online Services (HPOS) by their healthcare professional. The Provider does not need to retain medical evidence to justify an ESAt referral, unless presented by the Participant to have on their record for other purposes such as a Change of Circumstances Reassessment.

4.4.3. Preparing the Participant for the ESAt

When a Provider refers a Participant to an ESAt appointment the Provider must advise the Participant of the following:

- the reason for the ESAt
- that the ESAt is an interview to assess their work capacity and/or their eligibility for specialist employment services assistance
- that attending the appointment is compulsory and they are to contact the Services Australia assessor at least 24 hours before the appointment time if they cannot attend
- the importance of disclosing all of their barriers to employment at the ESAt appointment
- the importance of providing medical evidence via their Centrelink online account prior to the appointment and the steps they will need to take to gather the medical evidence
- they may have a support person present to assist them.

4.4.4. ESAt outcomes

Should the ESAt result in the Participant no longer being serviced by the Provider, for example the Participant is referred to Disability Employment Services or no longer required to Participate in Employment Services, the Provider will see this exit on Workforce Australia Online for Providers in Servicing and Eligibility.

An ESAt report will capture the Participant's:

- medical conditions
- barriers to employment
- recommended interventions
- current baseline work capacity
- future work capacity with intervention
- recommended Service.

The Provider must take account of the recommendations for interventions made by the Services Australia assessor in the ESAt report – working with the Participant to reflect their capacity when setting their Mutual Obligation Requirements, and in tailoring their services.

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The recommended service in an ESAt is generally valid for a period of two years. Providers can view the relevant dates on the Job Seeker Snapshot screen in the 'Servicing and Eligibility' section of a Participant's record on the Department's IT Systems.

See Job Plan and Mutual Obligation Requirements Chapter for further information.

Requesting a review of the ESAt report

A Provider may contact Services Australia to request a review of the ESAt if new information is made available or if the Provider believes an error has been made, provided it is within 28 calendar days of the ESAt report being submitted.

The Provider will need to justify the review with supporting evidence. If the Services Australia assessor does not agree to change their referral recommendation, the Provider must accept the assessor's decision as final.

A Participant can also contact Services Australia directly to discuss the decision with a Service Officer and hear about their options to request an explanation or apply for a formal review of the decision.

4.4.5. Releasing the ESAt report to the Participant

The ESAt report may be released to a Participant except where Services Australia has indicated in the report that it contains information that may be prejudicial to the Participant's health. In this circumstance, the Participant has the option of requesting the report through the Department's Corporate Legal team, email: foi@dewr.gov.au.

Additional information regarding disclosure of information and privacy considerations can be found in Part A Guidelines: Privacy Chapter.

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Chapter 5. Provider Payments and Vacancies

Supporting Documents for this Chapter:

- Calculating the rate reduction for Pre-Existing Employment Supporting Document
- Manual Claim Provider Advice
- Progress Payment Review template
- SEE Program – Evidence for Progress Payments
- Workforce Specialist Projects eligible for Progress Payments

5.1. Chapter Overview

The Workforce Australia Employment Services Provider payment model recognises Providers are servicing the most disadvantaged Participants and will need to invest in them if they are to secure long-term employment. The payment model has been designed to incentivise personalised support and outcomes for those hardest to help, and to support Provider viability.

The payments covered in this Chapter are:

- Upfront Payments to support early intervention through:
  - Engagement Payments on a Participant's initial Commencement into Services, and
  - Transfer Payments when a Participant Commences with a Provider having previously Commenced with another Workforce Australia Employment Services Provider.
- Progress Payments where a Participant's job readiness has improved through participation in education, vocational and non-vocational activities, and work placements including paid work that does not result in an Employment Outcome.
- Employment Outcome Payments upon achievement of 4, 12 and 26 Week Employment Outcomes.
- Harvest Work Outcomes upon achievement of 4, 12 and 26 Weeks in Harvest Work.
- Very Long Term Unemployment (VLTU) Bonus paid in addition to 12 and 26 Week Employment Outcomes and Harvest Work Outcomes for Participants unemployed longer than 24 months.

Note: All Provider payment amounts in this Guideline are inclusive of GST.

5.2. Upfront Payments

5.2.1. General

An Upfront Payment will be available once per Provider for each Participant in a Period of Unemployment[3]. Upfront Payments include Engagement Payments and Transfer Payments.

(Deed Reference(s): Clause 154)

[3] The Department's IT Systems will determine a Period of Unemployment has ended when the Participant Exits employment services for longer than 13 consecutive weeks.

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5.2.2. Engagement Payments

An Engagement Payment of $1,200 will be paid once during a Participant's Period of Unemployment upon their initial Commencement in Services.

The Engagement Payment will be paid automatically by the Department's IT Systems once the Provider has Commenced the Participant in Services.

No further Engagement Payments will be payable during the Participant's same Period of Unemployment. This includes where a Participant transfers between Workforce Australia Services providers or between Other Services such as Workforce Australia – Transition to Work or Workforce Australia Online. Where a Participant Exits and returns to Services within 13 weeks, a new Engagement Payment will not be payable.

5.2.3. Transfer Payments

A Transfer Payment of $600 is paid when a Provider Commences a Participant who has previously been Commenced in Workforce Australia Services within their current Period of Unemployment. This includes where the Participant has transferred from another Provider, or is returning to Workforce Australia Services from Other Services or Workforce Australia Online within the same Period of Unemployment.

There is no limit on the number of Transfer Payments that can be made for a Participant; however, a Provider is only eligible for one Upfront Payment (either an Engagement Payment or Transfer Payment) for each Participant per Period of Unemployment. Hence, if a Participant transfers off a Provider's Caseload and then transfers back within the same Period of Unemployment, the Provider is not eligible for another Upfront Payment.

> **Example:** Participant Commences with Provider A (who receives an Engagement Payment), transfers to Provider B (who receives a Transfer Payment) and later transfers back to Provider A, all in the same Period of Unemployment, there is no new Upfront Payment for Provider A.
>
> Where the same Participant leaves Workforce Australia Services and returns to Workforce Australia Services within the same Period of Unemployment:
>
> a) If the Participant returns to Provider A, there is no further payment for Provider A, who has already received an Engagement Payment.
>
> b) If the Participant is Referred to Provider B, there is no further payment for Provider B, who has already received a Transfer Payment.
>
> c) If the Participant Commences with a different Provider, a Transfer Payment is payable to that Provider.

Where a Participant has Exited employment services and recommences outside the allowable break period of 13 consecutive weeks, a new Period of Unemployment starts and an Upfront Payment will be available to the Provider, even where they have previously serviced the Participant.

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5.2.4. Scaling of Upfront Payments

Upfront Payments will be scaled in the 6 months prior to the end of a Licence when a Provider will cease to deliver services.

Payments will be scaled to 50 per cent where a Participant commences with a Provider in the last 4 to 6 months of the Provider's Licence, and scaled to 25 per cent in the final 3 months of the Provider's Licence.

	Full Amount	Final 4-6 months	Final 3 months
Engagement Payment	$1,200	$600	$300
Transfer Payment	$600	$300	$150

If scaling applies, the Department's IT Systems will automatically adjust the value of the Upfront Payment, and no further action is required of the Provider.

When a Participant is Commenced in the Department's IT Systems the Upfront Payment is made automatically and a Recipient Created Tax Invoice is automatically generated.

> **Example:** Consider a Provider who has a licence in 2 regions, Region A and Region B. In Region A, the Provider will be ceasing to deliver Services in 5 months, and Upfront Payments have been scaled by 50 per cent. The Provider is continuing to deliver Services in Region B.
>
> A Participant Commences in Region A with the Provider (having not previously been Commenced in Workforce Australia Services), triggering an Engagement Payment of $600 (50 per cent of the full rate). They later transfer to Region B, with the same Provider. As Upfront Payments are not being scaled in Region B, the Provider receives a top-up payment of $600 to bring them up to the full amount of the Engagement Payment.

5.3. Progress Payments

Progress Payments are payable for demonstrable improvement in a Participant's employment prospects through the delivery of intensive, tailored services. Progress Payments recognise the investments made to get Participants job-ready, including efforts to reduce or remove Vocational or Non-vocational Barriers.

(Deed Reference(s): Clause 157)

5.3.1. Eligibility for Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. This requires assessment by the Provider to determine when a Participant's participation in Services has resulted in demonstrable improvement in their employment prospects.

There are 4 ways a Participant may demonstrate progress towards Employment:

- participation in a course of study, such as participating for 6 months, completing a minimum benchmark qualification, or demonstrating advancement (see Progress Payments for undertaking Education)

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- successfully completing the requirements of 2 or more eligible Activities or interventions that build work readiness through work-like Activities or that address Vocational or Non-vocational Barriers (see Progress Payments for undertaking Activities),
- successfully completing an eligible Activity that provides a pathway to employment (see Progress Payments for completing a pathway to employment), or
- through a Progress Payment Review, where the Participant has completed a number of non-vocational interventions, and the Provider considers the Participant has made progress towards Employment, and the Participant agrees and verifies this (see Progress Payment Review).

The Progress Payment is for circumstances where Activities or interventions have moved the Participant closer to Employment through the provision of tailored services. Where a Participant has undertaken eligible Activities or interventions, these can only be claimed where they have made a demonstrable improvement in the Participant's employment prospects. The pathway will look different for each Participant, with some Participants requiring multiple Activities or interventions before achieving a demonstrable improvement in their employment prospects.

Providers must upload the required Documentary Evidence and any required comments in the Progress Payment screen of the Department's IT Systems at the time of claiming the Progress Payment. If there is not sufficient space for comments, these can also be saved in a separate document (e.g. Word or PDF) that is then uploaded.

Availability to claim

For a Provider to be eligible to claim a Progress Payment, a Participant must have Commenced with the Workforce Australia Provider on or prior to the milestone date, which is the date the requirements for a Progress Payment have been met. Generally, this is the date the Participant completed an Activity or intervention but will vary based on the type of intervention. Only Activities or interventions that the Participant started after their initial commencement in Workforce Australia Services can be included in a Progress Payment claim unless the Participant is a Transitioned Participant or has transferred from an Other Service (such as Workforce Australia – Transition to Work), Workforce Australia Online, Broome Employment Services or Yarrabah Employment Services) to Workforce Australia Services or was being assisted by a Humanitarian Settlement Program provider during the Activity or intervention. Participation in the Adult English Migrant Program (AMEP) by a Participant is considered the exception and may be considered as an eligible activity, if participation commenced prior to Commencement in Workforce Australia Services. The Milestone Date must still occur whilst the Participant is commenced on the Workforce Australia Provider's caseload.

Providers are able to claim a Progress Payment up to 28 days after a Participant Exits or Transfers off their caseload (noting the milestone date must be on or before the date the Participant Exits or Transfers).

A Progress Payment can be claimed where the milestone date occurs while the Participant is Suspended, provided they had been Commenced by the Workforce Australia Services Provider prior to the Suspension.

The Progress Payment is available to claim once in each 24-month Progress Payment Period the Participant is in Workforce Australia Services. The availability of the Progress Payment resets after

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each 24 months Period of Service, not 24 months after the previous Progress Payment was claimed. For example, if a Progress Payment is claimed after 18 months, the next Progress Payment will be available 6 months later, after the Participant reaches 24 months in service. The same activity cannot be used to claim another Progress Payment in a new Progress Payment Period.

The Progress Payment can only be claimed once in each 24-month Progress Payment Period, even where the Participant transfers between Providers or completes further Activities or interventions before the next Progress Payment Period begins. The milestone date determines which period a Progress Payment falls in.

All Personnel must complete the Workforce Australia - Progress Payments training module before lodging a claim for Progress Payments in the Department's IT Systems. The training module is available through the Learning Centre.

(Deed Reference(s): Clause 56.3, 157)

Payment if a Participant Transfers

Where a Participant meets the requirements for a Progress Payment by completing 2 Activities or interventions with different Providers, the Progress Payment will be payable to the Provider that is servicing the Participant when they complete the second Activity or intervention.

When a Participant transfers after completing the requirements for a Progress Payment (i.e. the milestone date occurred while the Participant was on the relinquishing Provider's caseload), the relinquishing Provider must enter a claim for a Progress Payment within 28 calendar days from the date of transfer if not already claimed prior to the transfer. The relinquishing Provider will not be able to make a claim for the Progress Payment after 28 calendar days after transfer.

If the milestone date occurs after the date of transfer, including within this 28-day period, the Progress Payment is payable to the gaining Provider where the Participant is Commenced on the gaining Provider's caseload on the milestone date. The gaining Provider will not be able to enter a claim until 28 days after the date of Transfer to allow time for the relinquishing provider to enter any claims for a Progress Payments with the milestone dates prior to the Transfer.

5.3.2. Progress Payments for undertaking Education

The Progress Payment for undertaking Education recognises the importance of Education in improving the job readiness and employability of Participants.

Providers may claim a Progress Payment where a Participant:

- participates full-time for 26 consecutive weeks in, or attains, a Certificate III or higher qualification, or
- makes progress in the Adult Migrant English Program (AMEP) and/or Skills for Education and Employment (SEE) as defined in Table 5-A.

Education may include distance learning, online or self-paced study methods.

The following table sets out the requirements and Documentary Evidence to claim an Education Progress Payment.

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Table 5-A: Requirements and Documentary Evidence for Education (one Education activity is required to claim a Progress Payment)

Education Activity	Requirements	Evidence
Accredited Education	26 consecutive weeks full-time participation in, or attainment of: • a Certificate III course or higher qualification. A higher qualification includes a Diploma, Advanced Diploma, Associate Degree or Bachelor Degree, or • Year 12. The 26-week period for participation in Education includes scheduled breaks in study as calculated by the training institution (i.e. term or semester breaks). For self-paced study, as there are generally no scheduled breaks, the period between finishing one unit and enrolling and commencing another cannot be counted as part of the 26 weeks. However, if the break is for 6 weeks or less, the 26-week period can resume after the break. Any break longer than 6 consecutive weeks is not considered ongoing participation and the 26-week study period would start again. For self-paced study, provided the Participant is enrolled at a full-time load, and making satisfactory progress (for example, keeping up to date on course work) then the study may be used for the Progress Payment, including where their actual hours of study are (on average) less than the indicative hours published by the institution.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload Documentary Evidence in the form of either: • a copy of the qualification or statement issued by the Registered Training Organisation (RTO) or Education institution showing the qualification achieved, the Participant's name, details of the RTO or Education institution; or • confirmation from the RTO or Education institution that the course is full-time study as defined by the RTO or Education institution and that the Participant is still participating in the course 6 months after commencement. This may be in the form of correspondence from the RTO or Education institution, a certificate of attainment, an academic transcript or extract.

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Education Activity	Requirements	Evidence
	Self-Employment Assistance Small Business Training comprising completion of a Certificate III or Certificate IV in Entrepreneurship and New Business. Completion of a skill set through Self-Employment Assistance that does not result in a Certificate III or IV does not meet the Education requirements for a Progress Payment but may be counted as a Vocational Intervention towards a Progress Payment for undertaking Activities.	
Adult Migrant English Program (AMEP)	Providers can claim a Progress Payment where: • an AMEP Participant achieves a Statement of Attainment as part of participating in AMEP; or • the Participant has participated in AMEP for 6 months while in Workforce Australia Services. This can include where participation in AMEP started prior to Commencing in Workforce Australia Services.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload Documentary Evidence in the form of either: • a copy of the Statement of Attainment (Statements of Attainment are available with the Unique Student Identifier (USI) through the USI website[4] or the Provider can contact the RTO for documentation); or • written confirmation from the AMEP provider acknowledging participation for at least 6 months. The confirmation can be in any format (e.g. email exchange) but must include the Participant's start date and end date or the start date and acknowledgment that the Participant is still undertaking AMEP. Note, Providers should, where possible, include any relevant dates in the request to AMEP providers to confirm rather than requesting this information. An AMEP provider is

[4] https://www.usi.gov.au

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Education Activity	Requirements	Evidence
		not required to provide specific hours and/or days attended by the Participant.
Skills for Education and Employment (SEE)	Providers can claim a Progress Payment where: • a SEE Participant has participated in SEE for 6 months, or • the Participant achieves advancement in at least one level of a Core Skill in the Australian Core Skills Framework (ACSF) as part of participating in SEE.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload Documentary Evidence that shows the Participant has participated for at least 6 months or has achieved advancement in at least one level of an ACSF Core Skill, i.e. Learning, Reading, Writing, Oral Communication, Numeracy and/or Digital Skills. • This applies to advancement in levels 1 through to 5 in the ACSF and within Pre Levels A and B outlined in the framework's Pre Level 1 supplement. • Advancement to the next level in all indicators of an individual Core Skill must be demonstrated, noting that in some cases, the indicators may span more than one level. The Documentary Evidence can be in the form of: • a statement from the SEE provider including the dates the Participant was participating in SEE or that they are continuing in SEE; or • a statement from the SEE provider detailing the advancement(s) the Participant has achieved in terms of level(s), such as via email or in the

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Education Activity	Requirements	Evidence
		"Additional comments" section of the SEE/AMEP Capability Guide; or • a copy of the Customised Training Plan completed by the SEE Provider, indicating progress achieved. Information on the Customised Training Plan is contained in the supporting document SEE Program – Evidence for Progress Payments available on the SEE page.
Re-entry to Practice (RN)	Providers can claim a Progress Payment where a Participant has completed Re-entry to Practice for nurses and midwives under the requirements of the Nursing and Midwifery Board of Australia (NMBA).	Upload Documentary Evidence in the form of certificate of completion issued by the Education institution.

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5.3.3. Progress Payments for undertaking Activities

Providers may claim a Progress Payment when a Participant completes 2 approved Activities or interventions across 3 categories:

- work placements,
- vocational interventions, or
- non-vocational interventions.

Only one vocational intervention can be used for this purpose.

The Progress Payment for completion of Activities or interventions recognises the importance of addressing barriers to employment and must be appropriate to a Participant's individual needs. The Progress Payment is not intended to be paid for participation in Activities, but for progress towards Employment.

When claiming a Progress Payment based on approved Activities or interventions, the Provider is required to assess whether the Participant's circumstances have changed such that they are now closer to finding Employment or being ready to find Employment. For example, the Participant has more work experience, additional skills or relevant qualifications, or has addressed a barrier to their Employment. Paid Employment is not required to be the next step. For example, undertaking a non-vocational intervention may mean the Participant is now capable of undertaking training or a work experience placement.

The following tables provide a list of the Activities and interventions that could count towards the Progress Payment, including the requirements or principles for each intervention type, and the type of evidence that might be used to substantiate the claim. These are intended to guide Providers in making the decision that progress towards Employment has been achieved; where the Participant has not completed the intervention but the Provider still considers they have made progress towards employment, the Progress Payment Review may be applicable.

The requirements and evidence are intended to be flexible, and alternative evidence can be used at the Provider's discretion.

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Progress Payments based on work placements

Table 5-B: Requirements and Documentary Evidence for work placements

Activity/Intervention	Requirements	Evidence
Defence Reserves	The Participant has undertaken training or service with the Australian Defence Force Reserves for at least 2 weeks.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload a copy of the signed training notice, training signal, notice of annual camp or equivalent.
Launch into Work	The Participant participates in a Launch into Work Project for at least two weeks. Note: Where the Participant completes the Launch into Work Project, it may be eligible to be counted as a pathway to Employment.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Providers will need to ensure they have commenced the Participant in the Activity ID and the Participant has earned their 25 PBAS points for each week of the project they participated in (minimum 2 weeks). If unusual circumstances apply and you are not certain whether a Participant's participation counts you can contact LaunchintoWork@dewr.gov.au for confirmation. If confirmed this email exchange can be uploaded as evidence for the claim.
Local Jobs Program Activity	The Participant successfully participates in and/or completes the Local Jobs Program Activity, as part of the Local Jobs Program, of at	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.

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Activity/Intervention	Requirements	Evidence
	least 2 weeks in accordance with the rules in place for the Activity.	Confirmation that the Participant participated in the project for at least 2 weeks. This may be in the form of attendance hours recorded on the system, a Participant's declaration of their attendance for the purposes of PBAS or where these are not available, written confirmation directly from the Local Jobs Program Activity Host where the Provider is the Local Jobs Program Activity Partner or through the Local Jobs Program Activity Partner if that is another Provider.
Observational Work Experience	Undertake Observational Work Experience which lasts for at least 2 weeks. The Participant must participate for the period and weekly hours as agreed in the Host Agreement.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload written confirmation from the Host Organisation that the Participant participated in the placement for the required duration. Confirmation can be in the form of a letter or email, and must include: • details uniquely identifying the specific placement (such as the Activity ID, or details of the Participant and placement dates), and • Host Organisation's name and ABN

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Activity/Intervention	Requirements	Evidence
Other Government programs (e.g. Indigenous Skills and Employment Program)	Undertaking a local, state or federal government program with an employment focus. The Participant must complete the program in accordance with the program's rules. If the other Government program does not have a measure of completion, the Provider must determine whether it has led to progress towards Employment for the Participant.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Record comments indicating why the other Government program was required for the Participant, what the program rules are and how the Provider has determined it was successful.
Paid work that is not eligible for an Employment Outcome	The Provider must determine the paid work placement was meaningful to the Participant and has increased their likelihood of finding sustainable Employment. The paid work must last for a minimum of 2 weeks. Employment that meets the requirements for a Full or Partial Employment Outcome cannot be counted towards the Progress Payment, even if the Employment Outcome has not been claimed. Employment the Participant is already undertaking on Commencement in Workforce Australia Services cannot be counted towards the Progress Payment unless the Participant is a Transitioned Participant or has transferred from Workforce Australia Online, Broome Employment Services, Yarrabah Employment Services or an Other Service to Workforce	Upload Documentary Evidence that demonstrates the Participant undertook paid work for at least two weeks. Evidence may be in the form of: • earnings or hours declared to Services Australia (this may be sourced from the Department's IT Systems either from the declared earnings box on the Participant Summary or the JRRR or JEHR results on the Outcome Tracker) or • Documentary Evidence, which may be in the form of any evidence allowed for a Pay Slip Verified Outcome.

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Activity/Intervention	Requirements	Evidence
	Australia Services during the paid work placement. Paid work in an Unsuitable position cannot be used for the Progress Payment. Where paid work does not achieve an Outcome, but the same job is later used for an Outcome (either because of a Significant Increase in Income, or where it is combined with work in another job to achieve an Outcome) it can be used for the Progress Payment.	
Voluntary Work	Participate in Voluntary Work which lasts for at least 4 weeks.	For Provider Sourced Voluntary Work, record the Activity ID in the Progress Payment screen in the Department's IT Systems. For Participant Sourced Voluntary Work, record comments in the Progress Payment screen in the Department's IT Systems describing the Voluntary Work undertaken, that it was sourced by the Participant and the time period. Upload written confirmation from the Host Organisation that the Participant participated in the placement for the required duration. Confirmation can be in the form of a letter or email, and must include:

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Activity/Intervention	Requirements	Evidence
		• details uniquely identifying the specific placement (such as the Activity ID, or details of the Participant and placement dates), and • Host Organisation's business name.
Work for the Dole	Work for the Dole can be counted towards the Progress Payment, provided the Participant undertakes Work for the Dole for at least 8 weeks.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.
Workforce Specialist Project	The Participant successfully completes the individual Workforce Specialist Project in accordance with the rules in place for the project. The Department will determine whether the Workforce Specialist Project can be counted towards the Progress Payment as a Work Placement during the co-design stage of the relevant project and communicate this information on the Payments - Supporting Information page of the Provider Portal.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.

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Progress Payments based on vocational interventions

Table 5-C: Requirements and Documentary Evidence for vocational interventions

Activity/Intervention	Requirements	Documentary Evidence
Career Transition Assistance (CTA) completion	The Participant completes the CTA Course in accordance with the CTA requirements. The Participant must achieve at least 80 per cent attendance over the CTA course.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Providers are not required to record evidence the Participant achieved 80 per cent attendance as the Department can verify this.
Employability Skills Training (EST) completion	The Participant completes one or both EST Courses in accordance with the EST requirements. Providers can determine whether, for an individual Participant, completion of one or both Training Block 1 Course or/and Training Block 2 Course of EST may be sufficient depending on the Participant's circumstances. The Participant must achieve at least 80 per cent attendance over the EST Course.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Providers are not required to record evidence the Participant achieved 80 per cent attendance as the Department can verify this.
Language, Literacy and Numeracy training completion ((other than those that meet the Education requirements in Table 5.1)	Completion of an accredited Language, Literacy and Numeracy course at any level can be counted as one intervention for the Progress Payment if Language, Literacy or Numeracy is a barrier for the Participant.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload evidence the Participant completed the course (e.g. a statement of attainment, academic transcript or certificate).

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Activity/Intervention	Requirements	Documentary Evidence
Non-Government Programs	Undertaking a Non-Government Program (NGP) approved by the Department (in accordance with the arrangements detailed in the Other Activities Chapter) for at least a 2 week period. The Participant must complete the program in accordance with the program's rules. If the NGP does not have a measure of completion, the Provider must determine whether it has led to meaningful progress towards Employment for the Participant.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Record comments when claiming the Progress Payment indicating why the NGP was required for the Participant and why it was successful.
Self-Employment Assistance Small Business Training	Participant enrols in and completes at least one of the accredited units of competency available through Small Business Training.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload evidence the Participant completed the qualification (e.g. a statement of attainment, academic transcript or certificate).
Self-Employment Assistance Exploring Self-Employment Workshops	Participant completes an Exploring Self-Employment Workshop.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.
Skill based qualification completion (other than those that meet the Education requirements in Table 5-A)	The Participant completes a qualification (e.g. a Certificate II course) that is less than a Certificate III, one or more units of a qualification, or non-accredited training (such as Barista Training, software training or food safety training). The course is linked to a work placement (including a vacancy the Participant applies for)	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload evidence the Participant completed the qualification (e.g. a statement of attainment, academic transcript or certificate). Record comments when claiming the Progress Payment outlining the work placement, vacancy

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Activity/Intervention	Requirements	Documentary Evidence
	or is a pre-requisite to gaining employment in an industry the Participant is seeking work in.	or industry the qualification is linked to and why it is relevant for the Participant. The comments must describe why the qualification is necessary or why not having the qualification is a barrier to gaining or retaining the identified employment.
Workplace certification completion	The Participant completes and is awarded the certification. The certification is linked to a work placement (including a vacancy the Participant applies for) or a pre-requisite to gaining employment in an industry the Participant is seeking work in (e.g. obtaining a White Card where the Participant is seeking work in the construction industry). Payment of workplace checks would not constitute a workplace certification and should not be claimed towards a Progress Payment.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload evidence the Participant achieved the certification, such as a copy of the certificate or licence itself, or confirmation from the body that issued the certificate. Record comments when claiming the Progress Payment outlining the work placement, vacancy or industry the certification is linked to and why it is relevant for the Participant. The comments must describe why the certification is necessary or why not having the certification is a barrier to gaining or retaining the identified employment.
Workforce Specialist Project	The Participant successfully completes the individual Workforce Specialist Project in accordance with the rules in place for the project. The Department will determine whether the Workforce Specialist Project can be counted towards the Progress Payment as a Vocational	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.

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Activity/Intervention	Requirements	Documentary Evidence
	Intervention during the co-design stage of the relevant project and communicate this information on the Payments - Supporting Information page of the Provider Portal.	

Progress Payments based on non-vocational interventions

Table 5-D: Requirements and Documentary Evidence for non-vocational interventions

Activity/Intervention	Requirements	Documentary Evidence
• **Drug and alcohol program** • **Treatment for behavioural addictions (e.g. gambling)** • **Counselling and mental health program** • **Medical/health related interventions** • **Obtaining stable housing** • **Addressing barriers associated with caring responsibilities** • **Parenting Course**	The Participant has undertaken and completed a non-vocational intervention to address a barrier that is impacting their ability to gain and sustain Employment. The intervention has changed the Participant's circumstances such that they have made progress towards Employment. For example, previously all efforts were related to treating the Participant's barrier, but now they are able to participate in other interventions (e.g. treating a different Vocational or Non-vocational Barrier), a work placement or job search. If the Participant has not completed an intervention, but their circumstances have changed such that they have made Progress towards Employment, a Progress Payment Review should be conducted.	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Upload evidence or record comments to demonstrate the Participant has/had a barrier, and the non-vocational intervention to address that barrier has been undertaken and completed, and how it has changed the Participant's circumstances. This may include: • Evidence from an Assessment (including an Employment Services Assessment or Job Seeker Classification Instrument) showing the Participant is affected by a barrier. • Evidence from a doctor, counsellor or rehabilitation provider (e.g. invoices for services or a letter of acceptance into a

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Activity/Intervention	Requirements	Documentary Evidence
• **Addressing financial instability/difficulty** • **Financial courses** • **Anger management courses** • **Cultural services** • **Personal development, such as addressing self-esteem and confidence issues**		program) voluntarily supplied by the Participant. • Medical evidence voluntarily supplied by the Participant. • Recording the Employment Fund Commitment ID in comments, where payment was through the Employment Fund and Documentary Evidence is already held to substantiate that claim. • Evidence of attendance (e.g. the Participant reporting their attendance for activities scheduled in the diary). • A statement from the Participant they undertook the intervention.
Addressing transport access issues (e.g. driver's licence)	The Participant previously had a transport barrier that has been addressed such that the Participant is now able to access Employment and/or study opportunities. For example, organising driving lessons alone is not sufficient; the barrier to accessing transport must be addressed by gaining a licence. Similarly, a short-term intervention such as buying bus tickets or supplying taxi vouchers does not address the Participant's barrier. Further, a Participant renewing their vehicle registration, insurance or licence cannot be counted towards the Progress	Upload evidence and comments in the Progress Payment screen in the Department's IT Systems indicating the nature of the transport barrier and how it has been addressed. For example, an email or statement from the Participant they have obtained a driver's licence and comments the licence changed their circumstances as they have access to a car and can now attend work or interviews.

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Activity/Intervention	Requirements	Documentary Evidence
	Payment, including where this is funded by the Provider. Assisting a Participant with work-related licensing (e.g. a heavy vehicle licence), should be considered a vocational intervention and recorded as Workplace Certification.	

5.3.4. Progress Payments for completing a pathway to Employment

Activities that provide a full pathway towards Employment can be used to claim a Progress Payment on its own. While these activities would usually result in a job placement, they can still be used to claim the Progress Payment where a job placement does not eventuate if the Participant successfully completes the Activity (for example, because the business is no longer operating or the job is no longer suitable for the Participant).

Table 5-E: Pathway to Employment Activities

Activity/Intervention	Requirements	Documentary Evidence
Workforce Specialist Project	The Participant successfully completes the individual Workforce Specialist Project in accordance with the rules in place for the project. For Workforce Specialist Projects, the Department will determine whether it can be counted towards the Progress Payment as a pathway to Employment activity during the design stage, and will communicate this information on the Payments - Supporting Information page of the Provider Portal	Record the Activity ID in the Progress Payment screen in the Department's IT Systems.

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Launch into Work	The Participant successfully completes the Launch into Work Project. Note: Where the Participant does not complete the Launch into Work Project, but participates for at least two weeks, the participation may be eligible to be counted as a work placement	Record the Activity ID in the Progress Payment screen in the Department's IT Systems. Note, no evidence is required that the Participant has completed the activity as the Department can verify this directly. If unusual circumstances apply and you are not certain whether a Participant's participation counts you can contact LaunchintoWork@dewr.gov.au for confirmation. If confirmed this email exchange can be uploaded as evidence for the claim.

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5.3.5. Progress Payment Review

For some Participants with Non-vocational Barriers, it may be possible to demonstrate progress towards Employment without actually completing interventions. For example, a Participant may participate in treatment for a substance abuse addiction and successfully stabilise their circumstances such that they are now able to look for work, however as their addiction is an ongoing challenge, they continue to attend a support group. In this case, although the Participant has not *completed* an intervention, their circumstances have materially changed and they are more prepared to look for, gain and maintain Employment.

For Participants in this circumstance, the Provider can undertake a Progress Payment Review. The Progress Payment Review has 3 components:

1. considering the Participant's initial circumstances,
2. the intervention(s) undertaken, and
3. the change in the Participant's circumstances following the intervention(s) that has increased their capacity to look for and gain Employment.

Participants must have undertaken 2 activities or interventions when the Progress Payment Review is used. At least one of the Activities or interventions must be a non-vocational intervention where progress may be achieved without completing the intervention. Details of all Activities and interventions that have positively impacted on the Participant's progress to employment should be included when completing the Progress Payment Review.

To undertake a Progress Payment Review, the Provider must complete the Progress Payment Review template capturing these 3 elements. As the Progress Payment Review is an inherently subjective undertaking, an important consideration is that the Participant agrees they have made progress towards Employment, which must be documented as part of the Progress Payment Review.

In completing the Progress Payment Review, the Provider must include evidence to show the interventions undertaken and how the Participant's circumstances have changed. Examples of evidence a Provider might use are provided below. This is not an exhaustive list and Providers may use one or more of these, or may have alternative evidence that is more appropriate, taking into account any sensitivities for the Participant.

- The results of an assessment such as the JSCI, a Capability Assessment or Interview, an ESAt or an assessment completed by the Provider, demonstrating improvement in the Participant's circumstances.
- Medical evidence voluntarily supplied by the Participant.
- Observations of changes in the Participant's behaviour or demeanour, where these improve job readiness and employability.
- Recording the Activity ID of the Activity/intervention.
- Recording the Employment Fund Commitment ID, where payment was through the Employment Fund and Documentary Evidence is already held to substantiate that claim, together with comments detailing the relevance to addressing the Participant's barrier.
- Evidence from a doctor, counsellor or rehabilitation provider (e.g. invoices for services or a letter of acceptance into a program) voluntarily supplied by the Participant.
- Evidence of supports made available to the Participant to assist with caring responsibilities.

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- Evidence of attendance (e.g. the Participant reporting their attendance for activities scheduled in the diary).
- A statement from the Participant that they undertook the intervention(s).
- Evidence the Participant is now participating, or participating to a greater degree or more successfully, in other Vocational or Non-vocational activities, work placements or job search.

The Progress Payment Review must be completed in full by the Provider and agreed by the Participant. The Participant's agreement can be documented by them countersigning the Progress Payment Review or provided electronically (e.g. an email acknowledgement). The completed Progress Payment Review must be uploaded in the Department's IT Systems when claiming the Progress Payment.

5.4. Employment Outcome Payments

All Personnel must complete the Workforce Australia - Outcome Payments training module before lodging a claim for Outcome Payments in the Department's IT Systems. The training module is available through the Learning Centre.

(Deed Reference(s): Clause 56.3)

Providers may claim Employment Outcomes when a Participant they are servicing achieves Employment, Unsubsidised Self-Employment, an apprenticeship or traineeship, or self-employment by accessing Self-Employment Assistance Small Business Coaching. This includes Employment sourced through another Workforce Australia Employment Services Provider, Workforce Specialist, CTA or EST Provider.

The amount of the Employment Outcome paid will depend on:

- whether a Full or a Partial Outcome is achieved,
- the duration of the Employment Outcome (4, 12 or 26 weeks), and
- the Participant's JSCI score at the time of the Job Placement Start Date or Self-Employment Assistance Commencement.

(Deed Reference(s): Clauses 155 and 156, Annexure B1 – Payments and Employment Fund Credits, Annexure B2 - Outcomes)

5.4.1. Full and Partial Employment Outcomes

A Full Outcome is achieved when a Participant is in Employment, Unsubsidised Self-Employment or an apprenticeship or traineeship and has a 100 per cent income support rate reduction, or meets hours worked requirements, for the duration of the Outcome Period. A Full Outcome for Participants with a Partial Work Capacity or who are Principal Carer Parents will take into account their part-time requirements.

A Partial Outcome is achieved when a Participant is in Employment, Unsubsidised Self-Employment, an apprenticeship or traineeship, or self-employment reduces their income support by 60 per cent on average over the outcome period, or meets the relevant hours worked requirements. Partial Outcomes may also be paid for Participants accessing Self-Employment Assistance Small Business Coaching.

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5.4.2. Outcome Periods

- The Outcome Periods are 4, 12 and 26 weeks from the Employment Outcome Start Date:
  - Generally, these weeks are consecutive, however in some circumstances there is flexibility around when the period begins or a Permissible Break can be entered (see Achieving an Employment Outcome).
  - Outcomes can be achieved at different levels for the different Outcome Periods. For example, a Participant may achieve a Full Outcome at 4 and 12 Weeks, but a Partial Outcome at 26 Weeks. Alternatively, where Partial 4 or 12 Week Outcomes are achieved, the participant may go on to achieve a Full 26 Week Outcome.
- The 4 and 12 Week Outcome Periods both commence on the Employment Outcome Start Date and run concurrently, i.e. the 4 Week Outcome makes up the first 4 weeks of the 12 Week Outcome.
- The 26 Week Period comprises 7 fortnights and the Employment Outcome Start Date may be the start of any of the 8 Services Australia fortnights following achievement of the 12 Week Outcome.

5.4.3. Employment Outcome Payment Amounts

The amount that is paid for an Employment Outcomes is aligned to the Participant's JSCI score (Moderate or High) at the time of the Job Placement Start Date. Participants with a High JSCI score attract the higher payment amount. Providers can identify if a Participant has a High or Moderate JSCI for a tracking Outcome in the Payment Type field on the Outcome Details screen.

5.4.4. Very Long Term Unemployment (VLTU) Bonus

For 12 and 26 Week Employment Outcomes, if a Participant's Period of Unemployment exceeds 24 months on the Job Placement Start Date or Self-Employment Assistance Commencement date, a VLTU Bonus is paid automatically by the Department's IT Systems following the associated Employment Outcome claim being lodged. The Department's IT Systems will display the Participant's Period of Unemployment (as at the Job Placement Start Date) on the Outcome tracker (labelled as 'Unemployment Period').

5.4.5. Non-Payable Outcomes

There are some Employment types that are not eligible for Employment Outcome payments, even where the Participant works sufficient hours or earns sufficient income. These are referred to as Non-Payable Outcomes as follows:

- Employment in a position that is Unsuitable.
- Any Employment involving the Participant generating their income or earnings directly from gambling work. For example, if the Participant works as a bookmaker or card dealer and keeps their 'winnings' as declared earnings, an Employment Outcome is not payable. However, an Outcome could still be payable where Employment is in a venue where legal gambling occurs (for example, working in a bar in a licensed venue with poker machines) but the Employment does not involve earnings derived from gambling.
- Employment that started before the Participant commenced in Workforce Australia Services, except where a Significant Increase in Pre-Existing Employment applies.

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- A program, including a Work Trial program funded by the Australian Government or a state and territory government, including a Complementary Program as advised by the Department.
- Employment Outcomes where:
    - the Provider has already claimed an Outcome Payment for another Participant who previously occupied the same or a similar position (the prior outcome); and
    - the Employment Outcome Start Date occurs less than 12 weeks after the end of the Outcome Period for the prior outcome.
- Employment or Unsubsidised Self-Employment which is Recurring, except for:
    - 4 Week Full and Partial Employment Outcomes,
    - Employment Outcomes where the Participant has, and maintains, a Significant Increase in Income, or
    - Harvest Work 4 Week Outcomes.
- Any other situation the Department may advise.

5.4.6. Vacancy Management

Sourcing a Vacancy

Providers must engage and work with Employers to understand their needs and to identify job opportunities.

Providers must:

- refer suitable eligible Participants to appropriate Vacancies, including Vacancies sourced by the Provider and by other services such as Workforce Australia - Workforce Specialists, the Local Jobs Program and Launch into Work Organisations,
- ensure any Participants referred to Vacancies meet that Employer's needs, and
- advise eligible Participants they are required to accept any suitable job and explain the consequences of failing to do so.

Providers must record all Employment Vacancies, including those found by Participants, in the Department's IT Systems. They must ensure each Vacancy is complete, up-to-date and compliant with any conditions of use for workforceaustralia.gov.au.

(Deed Reference(s): Clause 147)

Vacancy Types

When entering a Vacancy in the Department's IT Systems, Providers need to enter a range of information including a job description, employer details, hours, salary and whether the job was sourced by the Participant. Providers will also need to select a Vacancy type from those listed below. Some Vacancy types trigger certain functionality when tracking for or claiming an Outcome:

- Apprenticeship or Traineeship – 'Apprenticeship' or 'Traineeship' must be selected to make use of the provision that allows a Full Outcome to be paid for a Full time Apprenticeship or Traineeship
- Pre-existing Employment – this vacancy type must be selected to enable claiming a Outcomes for Pre-Existing Employment
- Internship

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- Normal position – this vacancy type should be used when none of the other (more specific) vacancy types are applicable.
- Graduate
- Seasonal
- Significant Increase in Income – this vacancy type must be selected to enable claiming Outcomes for a Significant Increase in Income
- Self-Employment

Outcome requirements and Documentary Evidence requirements may differ according to the type of Vacancy selected.

Checking Minimum Wage

Where a Provider has sourced a Vacancy they must, at the time they lodge the Vacancy in the Department's IT Systems, make sure the relevant minimum wage is satisfied.

The minimum wage may be set out in the Modern Award that relates to the Vacancy. If a Modern Award is not in place, then the National Minimum Wage will apply. As Providers will check this at the Vacancy lodgement stage, they will not be expected to check minimum wages again when they claim an associated Outcome Payment.

Where a Participant has sourced a Vacancy, Providers are not required to check the applicable minimum wage. The Participant should already have information relating to the National Minimum Wage and the Fair Work Ombudsman. Providers must give this information to all Participants when they Commence in Services.

The information must include the following, which is contained in the Minimum wages fact sheet available on the Fair Work Ombudsman website:

- details of the latest National Minimum Wage rates,
- where to access information about the Pay and Conditions Tool and any changes to the National Minimum Wage rates, and
- the contact details of the Fair Work Ombudsman.

While Providers are not required to check the National Minimum Wage upon Job Placement for a Participant-sourced Vacancy, if a Provider becomes aware the employment does not meet National Minimum Wage requirements, they should not claim associated Outcomes.

If the Participant is being paid less than National Minimum Wage requirements, the Provider should ensure the Participant is aware of the information and assistance available to them through the Fair Work Ombudsman. While this information should have been given to the Participant when they first Commenced in Services, the Provider should again give the Participant the relevant information about the National Minimum Wage and Fair Work Ombudsman.

Placing a Participant into a Vacancy

Where a Participant is successful in gaining Employment, the Provider must place the Participant into the relevant Vacancy and record the Job Placement Start Date. The Job Placement Start Date is the date on which the Participant first commences in a job, unless one of the following circumstances apply:

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- For Pre-existing Employment, the Job Placement Start Date must be the day on which the increase in hours or earnings occurred (see Outcomes for Pre-Existing Employment).
- For Full Outcomes based on a Significant Increase in Income, the Job Placement Start Date must be the day on which the increase in earnings occurred (see Outcomes for a Significant Increase in Income).
- For a trial or probationary period of employment funded by the Provider which leads to ongoing Employment with the Employer, the Job Placement Start Date is the first day of the ongoing Employment.
- For a job with a Paid Induction Period or employer-funded work trial the Provider can decide whether to use the date on which the Participant commences the induction/work trial or the first day of continuous Employment following the induction as the Job Placement Start Date.
- For volunteer work/work experience/unpaid work that leads to ongoing Employment the Job Placement Start Date is the first day of the ongoing Employment.

The Job Placement Start Date must be recorded within 56 calendar days of the Participant commencing in the job or the date of the Significant Increase in Income/Significant Increase in Pre-existing Employment. The Department's IT Systems will not allow Providers to backdate a Job Placement Start Date by more than 56 days, nor will Providers be able to amend vacancy details outside the 56 day period. The Department expects Providers to remain in regular contact with Participants, including awareness of gaining Employment.

Providers need to have Documentary Evidence to support the entering of a Job Placement Start Date in the Department's IT Systems. This Documentary Evidence can take a range of forms, including a file note that records how the Provider became aware of the Employment or written communication about the Employment from the Participant or Employer.

(Deed Reference: Clause 19.1)

For an Employment Outcome to track, the Job Placement Start Date must be a date that the Participant was commenced on the Provider's Caseload (unless the provisions of the next paragraph apply).

Where a Participant has a Job Placement Start Date within 28 calendar days of Exit or transfer to another Site/Provider, an Employment Outcome may be payable if all requirements are met.

Job Placement Start Dates (within 28 days of Exit) that have been entered into the Department's IT Systems from 11 December 2023 will automatically track for Employment Outcomes where eligible. Any such Job Placement State Dates entered prior to 11 December 2023 will not automatically track for Employment Outcomes and will only be payable via Manual Claim.

Employment Outcomes will not track for the Provider/Site if the Participant has Commenced with another Provider/Site prior to the Job Placement Start Date.

5.4.7. Achieving an Employment Outcome

To trigger the Department's IT Systems to commence tracking the 4 and 12 Week Periods for an Employment Outcome, a Provider must record a Vacancy in the Department's IT Systems and record the Job Placement Start Date against that Vacancy with a Placement Confirmed status.

For Participants on an Income Support Payment, the Department's IT Systems capture the Participant's earnings and hours information as declared to Services Australia by the Participant. The

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Department's IT Systems use this information to calculate whether the requirements for a Partial or Full Outcome have been met.

For Participants where this information is not available (such as Participants not on an Income Support Payment), or the Provider disagrees with the information in the Department's IT Systems, the Provider will need to enter the relevant information manually, supported by Documentary Evidence. See Pay Slip Verified Outcomes for more information.

Setting the Outcome Start Date - Participants on income support

Where a Participant is receiving an Income Support Payment, the Outcome Period will always be aligned with the fortnightly cycle that the Participant declares their earnings and hours worked to Services Australia.

After a Job Placement Start Date is entered, the Department's IT Systems will initially set the Employment Outcome Start Date to be the first day of the Participant's Services Australia Fortnight on or after the Job Placement Start Date.

Where the Participant's earnings or hours for that Services Australia Fortnight are less than required for a Full or Partial Outcome, the Department's IT Systems will automatically move the Outcome Start Date to the next fortnight/s and continue tracking to maximise the Provider's opportunity to achieve a Full or Partial Outcome.

Providers can also manually choose the Outcome Start Date, within the fortnight limits outlined below, to select the fortnight that is most beneficial to them. Once an Employment Outcome has been claimed, the Employment Outcome Start Date cannot be changed. There are no Documentary Evidence requirements when selecting an Outcome Start Date.

4 Week and 12 Week Outcome Start Date

At any time until a 4 Week or 12 Week Outcome is claimed, Providers can manually change the Outcome Start Date to be any of the first 4 Services Australia fortnights beginning on or after the Job Placement Start Date. The 4 and 12 Week Outcomes Periods share the same Employment Outcome Start Date and run concurrently with the 4 Week Outcome being the first 4 weeks of the 12 Week Outcome. Therefore, claiming the 4 Week Outcome will set the Outcome Start Date for both the 4 and 12 Week Outcome Periods.

26 Week Outcome Start Date

For the 26 Week Outcome Period, Providers can choose the Outcome Start Date to be any of the first 8 Services Australia fortnights following achievement of the 12 Week Outcome. A 26 Week Outcome cannot be achieved without the associated 12 Week Outcome being achieved and claimed. The 26 Week Outcome Period begins after the achievement of the 12 Week Outcome and comprises 7 fortnights.

Setting the Outcome Start Date - Participants not on income support

For Participants who are not receiving an Income Support Payment when they are placed in Employment, as there is no Services Australia Fortnight to align to, the Employment Outcome Start Date will automatically be the Job Placement Start Date recorded in the Department's IT Systems.

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Providers have the choice of 4 Employment Outcome Start dates, from and including the Job Placement Start Date. That is, the Employment Outcome Start Date can be either the Job Placement Start Date, or 14, 28 or 42 days later.

Tracking towards an Outcome - Fortnightly Result

The Department's IT Systems will use earnings and/or hours worked information declared by the Participant to Services Australia, or entered by the Provider based on Documentary Evidence, to determine if an Outcome is payable.

For Outcomes tracking using Services Australia information, the Department's IT Systems will automatically make Partial or Full Outcomes available if Outcome requirements have been met.

Outcomes are assessed using fortnightly periods, comprising:

- 2 fortnights for a 4 Week Outcome,
- 6 fortnights for a 12 Week Outcome (which includes the 2 fortnights of the 4 Week Outcome), and
- 7 fortnights for a 26 week Outcome (i.e. weeks 13 to 26 of the Outcome Period).

There are some circumstances where flexibilities apply to the fortnight periods for an Outcome to be payable:

- For Partial Outcomes, the Participant needs to achieve the necessary income rate reduction or hours requirement on average over the Outcome Period.
- For example, to achieve a 4 Week Outcome (earnings based) which requires a 60 per cent rate reduction, a Participant may achieve an 80 per cent rate reduction in one fortnight, and a 50 per cent rate reduction in the second fortnight.
- For Full Outcomes based on the Participant's earnings, a small number of fortnights with reduced earnings are permitted. Please see Variability in Earnings for more information.
- For all types of Outcomes, Permissible Breaks may be applied in some circumstances to remove one or more fortnightly periods from the Outcome calculation. Each fortnightly Permissible Break will extend the Outcome Period by one fortnight.

Earnings-Based Outcomes

For Participants on JobSeeker Payment or Youth Allowance (other) with full-time Mutual Obligation Requirements, eligibility for an Outcome Payment is determined based on their earnings during the Outcome Period. The Department's IT Systems will use the Participant's earnings each fortnight to calculate the amount their income support has reduced by (i.e. the rate reduction). For example, if the Participant's earnings from Employment mean they only receive 30 per cent of their JobSeeker Payment in a fortnight, their rate reduction for that fortnight is 70 per cent.

Earnings information will either be imported from Services Australia's IT system or entered by the Provider. Please refer to the Lodging an Employment Outcome section for more information.

Hours-Based Outcomes

Outcome Payments are based on the number of hours worked during the Outcome Period for Participants with a Partial Capacity to Work, part-time Mutual Obligation Requirements, aged 55

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years and over, on other payments (such as Disability Support Pension Recipients) or not receiving income support payments.

For Participants with a Partial Capacity to Work of 0-7 or 8-14 hours per week, a Full Outcome is payable when they work at least 16 hours per fortnight, while a Partial Outcome is payable where they work 10 hours per fortnight on average.

A Participant not on an Income Support Payment must complete an average of 40 hours a fortnight of paid work to trigger a Full Outcome, or an average of 30 hours a fortnight to trigger a Partial Outcome.

For all other hours-based Outcomes, the Participant must work at least 30 hours each fortnight for a Full Outcome, or an average of 20 hours each fortnight for a Partial Outcome.

Hours information will either be imported from Services Australia's IT system, or entered by the Provider. Please refer to the Lodging an Employment Outcome section for more information.

Outcomes for Participants Not on Income Support

Where a Participant is not receiving an Income Support Payment, Employment Outcomes cannot be tracked using Services Australia data, and all Employment Outcomes must be claimed as Pay Slip Verified Outcomes.

Outcome Requirements

The circumstances applicable for the Participant on the Job Placement Start Date will determine the Outcome requirements as shown below.

Table 5-F: Employment Outcome Requirements

Participant circumstances	Partial Outcome	Full Outcome
Participant on JobSeeker Payment or Youth Allowance (Other)	Average 60% reduction of income support payment per fortnight	100% reduction of income support payment each fortnight
Participant on other eligible allowances	Average 20 hours per fortnight	Minimum 30 hours per fortnight
Participant on Disability Support Pension with compulsory requirements	Average 20 hours per fortnight	Minimum 30 hours per fortnight
Participant not on income support payment	Average 30 hours per fortnight	Average 40 hours per fortnight
Participant is a Principal Carer Parent	Average 20 hours per fortnight	Minimum 30 hours per fortnight
Participant has Partial Capacity to Work of 0-14 hours	Average 10 hours per fortnight	Minimum 16 hours per fortnight

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Participant circumstances	Partial Outcome	Full Outcome
Participant has Partial Capacity to Work of 15-22 hours	Average 20 hours per fortnight	Minimum 30 hours per fortnight
Participant has Partial Capacity to Work of 23-29 hours	Average 20 hours per fortnight	Minimum 30 hours per fortnight
Participant aged 55 years and over	Average 20 hours per fortnight	Minimum 30 hours per fortnight

Outcomes for Participants undertaking a Full-Time Apprenticeship or Traineeship

For Participants who are undertaking a full-time apprenticeship or traineeship, a Full Outcome is payable provided they remain full-time in the apprenticeship or traineeship for the Outcome Period, regardless of the income earned/hours worked by the Participant.

When the Outcome has finished tracking, if there is sufficient Services Australia data to verify a Full Outcome the Provider may lodge an auto claim without Documentary Evidence just like any other Outcome.

Where the Services Australia data does not support a Full Outcome, and the Participant has remained each week in a full-time apprenticeship or traineeship for the relevant Outcome Period, Providers may use Documentary Evidence to claim a Full Outcome.

In order to claim a Full Outcome using Documentary Evidence, Providers must ensure the Vacancy is created with the Vacancy type of Apprenticeship or Traineeship and the Position Type of 'full-time position'.

The Documentary Evidence must be uploaded at the time the Full Outcome is claimed and must include the following information:

- the name of the Employer;
- the period of Employment; and
- evidence that the Participant remained in the apprenticeship/traineeship on a full-time basis for each week of the relevant Outcome Period.

When lodging the claim, in the 'Outcome verification details' section (in the outcome details screen), at the 'Treat Outcome as' field, the Provider can toggle between two options: 'Normal' or 'Full Time Apprenticeship Agreement.'

The Provider should select 'Full Time Apprenticeship Agreement' and click on the 'Update' button if they wish to claim a Full Outcome using Documentary Evidence. They will then be able to upload the required Documentary Evidence and claim the Full Outcome.

Outcomes for a Significant Increase in Income

In some cases, a Participant may be in Employment they started after Commencement in Workforce Australia Services (including while on the Caseload of the Provider or with another Provider), but is not working enough to achieve a Full Outcome. If the Participant goes on to increase their earnings such that they cause their income support to cease, the Provider can record this as a 'Significant

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Increase in Income' and begin tracking for 4, 12 and 26 Week Full Outcomes from the date of the increase.

The increase in earnings can be due to the Participant increasing earnings in their existing job or starting work in an additional job.

Significant Increase in Income vacancies can only be paid as Full Outcomes. The Department's IT Systems will not allow Partial Outcomes to be paid for this vacancy type.

Providers are not eligible to claim Employment Outcomes for a Significant Increase in Income where Full Outcomes have previously been claimed for that Employment in the current Period of Unemployment.

The Significant Increase in Income provisions are available for Participants who obtained Employment while Commenced in Workforce Australia Services. For Participants who were already working prior to Commencement in Workforce Australia Services refer to Outcomes for Pre-existing Employment.

Providers may claim a Full Outcome for a Significant Increase in Income in the following specific circumstances:

- The Provider has previously claimed a 12 Week Partial Outcome for a Participant's Employment (in the current Period of Unemployment) and the Participant continues in that Employment with the same employer, increasing their income to a level sufficient to cease income support.
- The Provider has previously claimed a 12 Week Partial Outcome for a Participant's Employment (in the current Period of Unemployment) and the Participant then gains a second job, the combined earnings are sufficient to cease the Participant's income support.
- The Provider has previously entered a Job Seeker Placement Start Date for a Vacancy but no Employment Outcomes were achieved, and the Participant then increases their earnings (with the same Employment or multiple jobs) to cease the Participant's income support.

Enter a Vacancy in the Department's IT Systems and select the 'Significant Increase in Income' vacancy type. Place the Participant into the Vacancy recording the Job Placement Start Date as the day on which the Significant Increase in Income occurred. For hours-based Participants this is the start of the relevant pay period in which the increase occurred. For earnings-based Participants, this is the pay slip date.

Documentary Evidence of the Participant's Employment earnings for the 4 weeks prior to the Significant Increase in Income must be uploaded at the time of claim. Documentary Evidence should be in the same form as required for Pay Slip Verified Outcome Payments and uploaded to the Department's IT Systems.

While Providers should enter all Job Placements into the Department's IT Systems where possible, if a Vacancy has not previously been entered, the Provider is not required to enter the original Vacancy in the Department's IT Systems before entering a Significant Increase in Income Vacancy and placement.

Significant Increase in Income - Hours-based Participants

Employment Outcomes for a Significant Increase in Income may only be claimed where the Participant's earnings cause their income support to cease. Achievement of work hours alone does not satisfy requirements for an Employment Outcome based on a Significant Increase in Income. The

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Participant must have a zero rate of income support payment or a 100 per cent rate reduction in every fortnight of the Outcome Period (excluding any Permissible Breaks) in order for it to be payable.

Where a Participant is hours-based, Providers must ensure this requirement has been met prior to claiming the Employment Outcome. This can be done by checking the 'Basic Rate' column and/or the '% Reduction' column on the Outcome Details screen via the outcome tracker. Even if the Department's IT Systems presents a Full Outcome result based on hours worked, the Provider must not claim the Employment Outcome unless the Basic Rate is zero or there is a 100 per cent rate reduction for every fortnight.

Outcomes for Pre-existing Employment

Generally, where a Participant is already undertaking Employment prior to Commencing in Workforce Australia Services (with any provider) this Employment is not eligible to count towards an Employment Outcome.

However, where a Participant increases their work hours or earnings (as relevant for the Participant's circumstances) after Commencing in Workforce Australia Services, an Outcome may be payable where there is a Significant Increase in Pre-existing Employment.

A Significant Increase in Pre-existing Employment may be used to achieve:

- Full Outcomes - the Participant must increase their income earned or hours worked from below a Partial Outcome level to a Full Outcome.
    - For example, a Participant in Employment prior to Commencing in Workforce Australia Services had earnings that would achieve less than a 60 per cent rate reduction, then increases their earnings after Commencing in Workforce Australia Services and is now achieving a 100 per cent rate reduction.
- Partial Outcomes - in addition to meeting the minimum requirements for a Partial Outcome, the Participant must increase their income earned or hours worked from below a Partial Outcome level by at least 40 per cent, i.e. the difference between a Full and Partial Outcome.
    - For example, for an earnings-based Outcome, a Participant would need to increase their rate reduction from 20 per cent to 60 per cent, or 40 per cent to 80 per cent.

To determine whether a Significant Increase in Pre-existing Employment has occurred, the Provider must determine the initial earnings or hours that previously applied. This can be measured over either:

- the 4 week period immediately prior to Commencement in Workforce Australia Services, or
- the 4 week period immediately prior to the Significant Increase occurring.

The Participant must increase their earnings or hours as outlined above and maintain the increase over the Outcome Period.

For information on how to calculate a Significant Increase, refer to the Calculating a Significant Increase in Pre-Existing Employment Supporting Document.

Enter a Vacancy in the Department's IT Systems and select the Pre-Existing Employment Vacancy type. The Job Placement Start Date is the date the Significant Increase in Pre-Existing

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Employment occurred. For hours-based participants this is the start of the relevant pay period in which the increase occurred. For earnings-based participants, this is the pay slip date.

Documentary Evidence of the Participant's Employment earnings/hours for the 4 week prior period must be uploaded to the Department's IT Systems at the time of claim and must be in the same form as required for Pay Slip Verified Outcome Payments.

Where the Provider chooses the 4 week period immediately prior to the Significant Increase, they must also upload evidence that the Participant was employed in the same job immediately prior to Commencement in Workforce Australia Services. This does not need to be pay slips, a statement from the Participant or Employer are also acceptable.

Note: Employment that starts while a Participant is in Broome Employment Services is not considered Pre-existing Employment if the Participant transfers to Workforce Australia Services.

Employment Outcomes for Participation in Self-Employment Assistance

For Participants undertaking Self-Employment Assistance Small Business Coaching, the Department's IT Systems will capture the commencement of the Self-Employment Assistance Small Business Coaching Agreement and will use this information to calculate whether the requirements for 4, 12 and 26 Week Partial Outcomes have been met. Where the requirements have been met, the Department's IT Systems will present the Outcome claim for lodgement by the Provider. The Participant must remain in Small Business Coaching for the duration of the outcome period.

Employment Outcomes Triggered by Engagement of a Workforce Specialist

Workforce Australia - Workforce Specialists deliver projects providing tailored support to meet the workforce needs of identified key industries and large employers, helping them connect to suitable Participants registered in Workforce Australia Online and Workforce Australia Services. Workforce Specialists identify key priority industries and occupations for targeted investment, and may also be used to respond to more immediate workforce opportunities or challenges (e.g. natural disasters or pandemics).

Projects will vary in size and duration, and one or more Workforce Specialists could be engaged in each project. Providers can claim an Employment Outcome where the Participant gains Employment through a Workforce Specialist, assuming all other Outcome requirements are met. If the Workforce Specialist has entered the Job Placement into the Department's IT Systems, this will track Outcomes for the Provider. Please refer to Achieving an Employment Outcome for further information.

Harvest Work Outcomes

Harvest Trail Services (HTS) ended on 30 June 2024. HTS linked eligible workers, including Australian job seekers, with seasonal harvest jobs to meet seasonal peaks in employer demand in horticultural locations across Australia. Providers were required to collaborate with local HTS Providers to support Participants in gaining and maintaining Harvest Work.

When a HTS Provider placed a Participant (referred by a Workforce Australia Employment Services Provider to the HTS Provider) into a Harvest Placement, 2 Employment Outcomes began tracking simultaneously for the Provider in the Department's IT Systems:

- Harvest Work Outcome; and

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- Employment Outcome.

Any eligible Harvest Placements for Job Placement Start Dates prior to 1 July 2024 will track for Harvest Work Outcomes and Employment Outcomes if eligible and may be payable where Deed and Guidelines requirements are met. Providers may lodge claims for such Outcomes where achieved, with functionality in the Department's IT Systems remaining available post 30 June 2024.

Harvest Placements with a Job Placement Start Date after 30 June 2024 will not track for Outcomes in the Department's IT Systems and will not be eligible for Harvest Work Outcomes or Employment Outcome payments.

Note: Providers may continue to refer and place Participants into seasonal work opportunities separate to the HTS program, and may claim Employment Outcomes where requirements are met.

Harvest Work Outcomes

Harvest Work Outcomes are payable for Participants who meet the required hours of Employment over 4, 12 and 26 weeks from the same Harvest Work Outcome Start Date.

Outcome Payments for Harvest Work Outcomes are specified in Table 5B of Annexure B1 of the Workforce Australia Deed of Standing Offer 2022-2028. The requirements to satisfy an Outcome are described at Table 1 of Annexure B2 of the Deed.

The payment rate (Moderate or High) is determined based on the Participant's JSCI score on the Harvest Work Outcome Start Date.

A Very Long Term Unemployment (VLTU) Bonus is paid automatically on top of the Harvest Work 12 or 26 Week Outcome Payment if a Participant's Period of Unemployment exceeds 24 months on the Harvest Work Outcome Start Date.

If claiming the Harvest Work Outcome:

The Harvest Work Outcome will appear on the Outcome tracker in the Department's IT Systems. The Provider will be able to submit an auto claim if the Harvest Work Outcome is verified by Services Australia data. If the data does not generate an Outcome, and the Provider has Documentary Evidence that the Participant has achieved Harvest Work Outcome requirements, they may lodge a Pay Slip Verified Outcome claim.

Regardless of which form of Outcome is being claimed, Providers are encouraged to work with the HTS Provider and share Documentary Evidence where possible, to avoid burdening the Harvest Employer or Participant with having to provide evidence to both providers.

Documentary Evidence will only be required where Providers are claiming a Harvest Work Outcome or Employment Outcome as a Pay Slip Verified Outcome. Documentary Evidence requirements are the same as required for all Pay Slip Verified Outcome Payments.

Employment Outcomes

Employment Outcomes will be available to the Provider where an eligible Participant who is placed in a Harvest Vacancy achieves Employment Outcome requirements. Employment Outcomes will be paid at normal Partial and Full Outcomes rates as outlined in the Deed unless Harvest Work Outcomes are claimed.

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Employment Outcomes resulting from a Harvest Placement will be claimed as per normal processes including verification by Services Australia data or by submitting a Pay Slip Verified Outcome claim.

Documentary Evidence will only be required where Providers are claiming a Harvest Work Outcome or Employment Outcome as a Pay Slip Verified Outcome. Documentary Evidence requirements are the same as required for all Pay Slip Verified Outcome Payments.

Same provider delivering both HTS and Workforce Australia Services

Where a Provider was delivering both HTS and Workforce Australia Services, the Provider may only claim one set of Outcomes in relation to each Harvest Placement.

The Provider may claim:

- one of the Harvest Work Outcome, or the Employment Outcome under the Workforce Australia Deed of Standing Offer 2022-2028, or
- the HTS Outcome under the HTS Deed.

Providers may claim Outcomes of the highest eligible value under either Deed but they must not claim under both Deeds.

Different providers delivering HTS and Workforce Australia Services

Where different providers delivered HTS and Workforce Australia Services, both the HTS Provider and the Provider may claim an Outcome. The Provider may choose to claim either the Harvest Work Outcomes if the Harvest Work Outcome conditions are satisfied, or the Employment Outcomes for Harvest Placements that meet Employment Outcome eligibility as per the Deed.

Recurring Employment

Recurring Employment occurs where Employment or Unsubsidised Self-Employment results in more than one Employment Outcome for a Participant with the same Employer during the same Period of Unemployment, even where the Participant is working in a different position.

Recurring Employment only applies to Employment Outcomes achieved under Workforce Australia Services. It does not apply to Employment Outcomes achieved in other employment services, or Employment or Unsubsidised Self-Employment that occurred prior to the Participant's Commencement in Workforce Australia Services (refer to Outcomes for Pre-Existing Employment).

4 Week Employment Outcomes

Recurring Employment rules are applied slightly differently to 4 Week Outcomes compared to 12 and 26 Week Outcomes. Providers may claim a maximum of four 4 Week Employment Outcome Payments for a Participant over any one 12 month period, regardless of whether that Employment is Recurring or not.

Allowing Providers to claim four 4 Week Outcome Payments recognises:

- short-term jobs with a duration of 4 weeks or more equip Participants with work experience and work habits that enable them to move into sustained Employment in the future, and
- Participants who have had 4 or more job placements have a higher chance of staying long term in a job.

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12 Week and 26 Week Employment Outcomes

Providers are not entitled to claim 12 and 26 Week Employment Outcomes for Recurring Employment.

This means that if a Provider has claimed a 12 or 26 Week Employment Outcome for a Participant with an Employer, they cannot claim another 12 or 26 Week Employment Outcome for the Participant with that same Employer in the same Period of Unemployment, unless a Significant Increase in Income has occurred.

Change of Circumstance during the Outcome Period

Where a Participant moves off an Income Support Payment for Employment-related reasons, the Department's IT Systems will treat this as a 100 per cent rate reduction or achievement of sufficient hours to trigger a Full Outcome. This is usually where a Participant has declared sufficient income to reduce their Income Support Payment to $0 over repeated fortnights, or by stopping their declarations to Services Australia because they are working and no longer need support. These fortnights will be displayed as System Derived on the Outcome tracker.

Where a Participant moves off Income Support Payment for non-Employment-related reasons, the Outcome should stop tracking and will be made non-payable in the Department's IT Systems. An example of this is the Participant moving to an allowance that is ineligible for Workforce Australia Services, such as Austudy or the Age Pension.

Where a Participant appears to stop receiving Income Support Payments due to an Employment reason but the Provider is aware the Participant is not actually working, such as being overseas or in prison, the Outcome may be considered non-payable and the Provider should not claim. If Providers are unsure whether to claim an Outcome they should seek advice from the Department through Question Manager. Providers may also submit a Manual Claim for a downgrade if they hold the necessary Documentary Evidence for a Partial Outcome for the period the Participant was actually working.

If a Participant transfers to another Provider, or another service such as Workforce Australia Online, Disability Employment Services or the Community Development Program, the Outcome will remain payable to the Provider who the Participant was Commenced with on the Job Placement Start Date (provided all other requirements are met).

Variability in Earnings

Participants beginning or returning to work may have reduced earnings due to irregular working hours early in their Employment. The Workforce Australia Services payment structure recognises this and provides flexibility for variability in earnings to achieve an Outcome.

Participants tracking towards a Full Outcome may have up to 2 fortnights of reduced earnings during each of the 12 Week and the 26 Week Periods and still achieve a Full Outcome. A minimum of 85 per cent income support reduction will be allowed for those 2 fortnights. For example, if a Participant achieved a 100 per cent income support reduction for the first 4 fortnights, and a reduction of 85 to 99 per cent in the fifth and sixth fortnights, a Full 12 Week Outcome can be claimed (provided all other requirements are met).

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Reduced earnings are not permitted as part of the 4 Week Outcome period, but calculations for the 12 Week Outcome Period will consider any reduced earnings that occurred in the initial 4 Week Outcome Period. For example, if the Participant has a rate reduction of 85 per cent during their second fortnight, the Provider may only claim a Partial 4 Week Outcome, but this will be considered as a Variability in Earnings fortnight when calculating the 12 Week Outcome.

Note: where the Provider has entered a Permissible Break, the Department's IT Systems will not apply variability in earnings for the same Outcome Period.

Permissible Breaks

Where a Participant is tracking towards a Partial or Full Outcome, there may be events or circumstances that interfere with their Employment that are beyond the Participant's or the Provider's control, that prevent an Outcome being achieved (that would otherwise have been available). In these circumstances, a Permissible Break fortnight can be entered in the Outcome Period.

There can only be a maximum of 2 Permissible Breaks lodged across the combined 4, 12 and 26 Week Outcome Period. Therefore, if both Permissible Breaks are used in the 12 Week Period, there are no more Permissible Breaks available for the 26 Week Period, unless the Participant is a Principal Carer (see below).

When a Permissible Break has been entered, the Employment Outcome Period will be extended to exclude the Permissible Break period. For example, a 12 Week Outcome including one Permissible Break fortnight will last for 14 weeks. While using the maximum 2 Permissible Breaks, the 12 Week Outcome will last for 16 weeks.

Permissible Breaks will be Services Australia fortnights for a Participant on income support, or calendar fortnights for a Participant not on income support.

A Permissible Break is available where:

- the break in the Participant's continuous attendance in Employment would result in them not meeting the ordinary requirements of a 4, 12 or 26 Week Partial or Full Outcome, and
- the break is outside the control of the Provider or the Participant, and
- the Participant returns to the same Employment position with the same Employer after the break.

Permissible Breaks are only available for:

- Employer initiated shutdowns, including over the Christmas period,
- breaks due to the Participant's illness or a major personal crisis,
- carer emergencies,
- temporary lack of access to child care (for example, lack of care during school holidays, or a school or child care centre closing unexpectedly),
- declared natural disasters, for example a state of emergency due to natural disaster or a major disaster (as declared by the Australian Government), or
- culturally significant events only for Aboriginal and Torres Strait Islander persons.

If a Participant leaves a job inappropriately or takes unapproved leave, these instances are not considered as Permissible Breaks.

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Where a Participant takes approved, paid leave, a Permissible Break is not required as the earnings and hours can continue to be counted towards an Outcome.

Permissible Breaks for Principal Carer Parents

Providers are able to enter 4 additional Permissible Break fortnights for Principal Carer Parents over the long school holiday Christmas/New Year period (provided one of the reasons listed above applies). As with all Permissible Breaks, the Participant must return to the same Employment position with the same Employer following the break. Principal Carer Parents may therefore have a total of 6 Permissible Breaks overall if the Outcome Period includes the long school holiday Christmas/New Year period.

Permissible Breaks in extenuating circumstances

The Department may allow additional Permissible Breaks in response to extenuating circumstances such as natural disasters or health emergencies. The Department will advise the number of additional breaks permitted and timeframes for which they will apply.

Adding a Permissible Break

When entering a Permissible Break, the Provider should be aware that:

- if a Participant was only on a break for 2 days, the Permissible Break will be lodged for the full 2 week period, that is, a full Services Australia fortnight or a full calendar fortnight,
- there can only be a maximum of 2 Permissible Breaks lodged across the combined 4, 12 and 26 Week Outcome Period, and
- for earnings-based Outcomes, Permissible Breaks should be attributed to the Services Australia fortnight where the Participant's pay was impacted by the break, not the fortnight in which the Participant worked less hours/did not work.
- For example, if the Employer shuts down over the Christmas period (from December 25 – January 1) and this impacts the Participant's wages on 8 January, the Permissible Break should be applied to the fortnight that 8 January falls in.
- For hours-based Outcomes, Permissible Breaks should be attributed to the Services Australia fortnight where the Participant worked less hours/did not work.
- For example, if the Participant is sick and cannot work between 7 October and 14 October, the Permissible Break should be applied to the fortnight most aligned with that time period. If the period 7 to 14 October falls evenly across fortnights, the Provider has the option to use 2 Permissible Breaks, noting that no further breaks will be available after that point.

The Provider must upload Documentary Evidence of the Permissible Break at the time of submitting the claim. Documentary Evidence must contain information provided by the Participant or Employer which confirms:

- the Permissible Break in Employment, including the reason for the Permissible Break,
- the duration of the Permissible Break, including the start and end dates, and
- the Participant is employed in the same position following the Permissible Break.

All of the above Documentary Evidence must be contained in a signed and dated written statement or in an email from the Employer or Participant.

The Provider must record the fortnight/s to be covered by the Permissible Break in the Department's IT Systems prior to claiming the relevant Employment Outcome.

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(Deed Reference(s): Annexure B2 – Outcomes, Definitions)

Lodging an Employment Outcome

Verification of Outcomes

Once a Participant achieves the requirements for a 4, 12 or 26 Week Outcome, the Department's IT Systems will make it available to claim.

There are 3 ways that Outcomes can be verified – by information from Services Australia, Documentary Evidence (Pay Slip Verified Outcome Payment), or information from the Department's IT Systems in the case of Self-Employment Assistance Participants.

Outcomes verified by Services Australia data

For Participants receiving Income Support, Outcomes are based on the earnings or hours declared to Services Australia by the Participant each fortnight. This information is used by the Department's IT Systems to automatically calculate whether an Outcome is achieved.

The Department's IT Systems will automatically communicate with Services Australia's IT systems to obtain earnings/hours relating to the Participant's Employment and add this to the Outcome tracker. Where earnings or hours are sufficient to pay a Partial or a Full Outcome, the Department's IT Systems will make the Outcome available for the Provider to claim.

If the Outcome requirements have been met, the Department's IT Systems will present the Employment Outcome as available to be claimed by the Provider.

Providers do not need to hold Documentary Evidence for Employment Outcomes where the Department's IT Systems are able to use Services Australia data to verify that an Employment Outcome is payable.

Note: The only exceptions are Outcomes for Pre-existing Employment and Outcomes for a Significant Increase in Income. In these instances, Documentary Evidence for the 4 week period prior to the increase in Employment earnings/hours must be obtained and uploaded into the Department's IT Systems.

Pay Slip Verified Outcomes

The Provider may submit a claim for an Outcome as a Pay Slip Verified Outcome Payment if the requirements of an Employment Outcome have been met and either the Participant is not on an Income Support Payment, or the Provider considers the data provided by Services Australia does not correctly reflect the number of hours worked or income received by the Participant.

One of the reasons Services Australia data may not correctly reflect the earning or hours worked is if the Participant is not accurately declaring to Services Australia. If this appears to be the case the Provider should ensure the Participant is aware of the importance of declaring correct earnings and hours to Services Australia. Accurate declarations help to ensure the Participant receives the correct amount of Income Support Payments and avoids payment delays, debts or penalties being incurred.

Providers are encouraged to wait 4 weeks after the Outcome Period to claim a Pay Slip Verified Outcome Payment for a 4 Week Outcome Period for Participants on Income Support. This gives the Participant the opportunity to declare their Employment earnings/hours to Services Australia which

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may enable an Employment Outcome to be calculated automatically by the Department's IT Systems.

Providers may ask Participants for pay slips for the purposes of verifying Employment Outcomes; however, Participants are under no obligation to provide this information. If a Participant does not want to supply pay slips, Providers must not attempt to coerce or pressure the Participant. Providers must not threaten to or apply payment suspensions or demerits under the Targeted Compliance Framework in order to compel Participants to supply pay slips or other evidence of Employment. Additionally, Providers must not contact an Employer directly to ask for evidence without the Participant's permission or consent. The Department will thoroughly investigate any claims of this nature and pursue action under the Breach Management Framework as appropriate.

Lodging a Pay Slip Verified Outcome

Providers need to enter the relevant earnings/hours into the applicable fortnight in the Outcome tracker. This is done by ticking the relevant fortnight and clicking on the 'Add/Edit Variation' button in the Outcome period details section of the screen. The Provider then enters the earnings/hours and clicks on Submit. The Outcome tracker will then display a result taking into account this information.

For earnings-based Outcomes, Participants are required to report their income to Services Australia in the fortnight when they receive it, rather than when it was earned. Providers should enter the Participant's earnings against the relevant Services Australia fortnight in which the pay date falls. For example, a Participant earned $1,100 over the period 27 November to 10 December and was paid on 12 December. The relevant Services Australia fortnights were:

- 27 November - 10 December
- 11 December - 24 December

The income of $1,100 should be entered against the Services Australia fortnight of 11 December - 24 December, reflecting when the Participant received the income.

For hours-based Outcomes, Providers should enter the Participant's hours to align with the Services Australia Fortnight in which the Participant worked, not when they received their earnings. Providers must apportion the Participant's hours worked against the Services Australia fortnights they correspond to, using the information in the Participant's pay slips/payroll summaries.

Providers should first check the number of days in the pay period and work out a daily rate of hours worked. For example, where a Participant has worked 42 hours in a 14 day pay period, this would calculate to a 3-hour daily rate. The Provider should then enter the daily rate to account for each day in the relevant Services Australia fortnight. For example, if 7 days of the pay period fall within the Services Australia fortnight, the Provider would enter 21 hours (7 days x 3-hour daily rate).

Pay Slip Verified Outcomes Documentary Evidence Requirements

Documentary Evidence for Pay Slip Verified Outcomes must be in the form of a pay slip or Employer payroll summary, and must be uploaded into the Department's IT Systems at the time of the claim.

The following information should be included in the pay slip or Employer payroll summary:

- Employer's and Participant's name

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- Employer's ABN (if applicable)
- Payment period
- date of payment
- gross and net pay
- if the Participant is paid an hourly rate
- the ordinary hourly rate
- the number of hours worked at that rate
- the total dollar amount of pay at that rate.

Documentary Evidence to verify the Employment Outcome is only required for the fortnight/s in the Outcome Period that cannot be verified by Services Australia data. No Documentary Evidence is required for fortnights where the Provider relies on Services Australia data to verify the Outcome.

A pay slip is a record, generated by an Employer, which satisfies the requirements of the Fair Work Act 2009 and Fair Work Regulations 2009, of the Employer's payment to a Participant in relation to the performance of work.

As per Chapter 3.6.2. of the Workforce Australia - Part A: Universal Guidelines, Tax File Numbers must be redacted from pay slips prior to being uploaded into the Department's IT Systems as Documentary Evidence to support Pay Slip Verified Outcomes.

The Employer payroll summary report must be a printout of the Participant's official payment history, generated by the Participant's Employer, not a spreadsheet/tracking tool implemented or prepared by the Provider.

Deriving information from pay slips

Providers can derive the following information from available pay slips or payroll summaries without being required to seek supplementary information from the Employer:

- hourly rate - where the pay slip or payroll summary shows the number of hours worked and wages earned for that period;
- gross amount - where the pay slip or payroll summary shows the hourly rate and the number of hours worked for that period;
- net amount - where the pay slip or payroll summary shows the gross amount, tax payable and other deductions for that period;
- payment period - where the pay slip or payroll summary shows the payment date and frequency of payment (i.e. fortnightly, weekly etc); and
- date of payment - where the pay slip or payroll summary shows the payment period and the frequency of the payment (i.e. fortnightly, weekly, etc).

Where Providers have derived information from pay slips or payroll summaries, they must be able to demonstrate to the Department how this information was derived on request.

If required, Providers are permitted to derive earnings or hours for a missing pay slip using Year to Date earnings, as long as the relevant information is clearly identifiable from pay slips directly before and after the missing period. For earnings-based outcomes, earnings derived should be attributed based on the Participant's usual pay date, as identified from adjacent pay slips. For hours-based Outcomes, hours associated with a missing pay slip can only be derived where a single hourly rate of pay is reflected in adjacent pay slips. In situations where there is more than one rate of pay (or allowances to consider), hours cannot be derived.

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Where the Employer name or ABN pay slip details do not match the information in the Department's IT Systems Vacancy screen, Providers have the option to use an ABN look up function to confirm the Participant's Employer is the same legal entity without confirmation from the Employer. Where this tool has been used, Providers must upload evidence of this when they make a claim.

If any of the above pieces of information are not able to be provided by the Employer on the pay slip/Employer payroll summary, and the information cannot be derived by the Provider, the Provider must provide additional information in the form of an email from the Employer (which can be scanned and uploaded as a PDF). Additional information must be uploaded into the Department's IT Systems at the time of the claim.

Documentary Evidence Requirements – Unsubsidised Self-Employment

For Participants undertaking Unsubsidised Self-Employment, different Documentary Evidence requirements apply for Pay Slip Verified Outcomes. Documentary Evidence must be in the form of:

- sales records, contracts with clients or contracts of employment and a statement from a Certified Practising Accountant or Certified Accountant (for example a Profit and Loss Statement) relating to the Participant's business for the 4, 12 or 26 Week Period,
- signed and dated statement of earnings from an accountant and/or registered bookkeeper for the 4, 12 or 26 Week Period, or
- copy of records from the Australian Taxation Office (ATO) for the 4, 12 or 26 Week Period verifying that the Participant has an income as self-employed.

The records or statements provided must show that the Participant's business has generated sufficient personal income (net of business expenses but include tax) to confirm the National Minimum Wage rate has been achieved, as well as meet Outcome requirements, i.e. the Participant has either:

- worked the required hours each week/fortnight to achieve sufficient hours (such as a record of the Participant's appointments or diary entries) for hours-based Outcomes, or
- earned sufficient income to achieve the necessary rate reduction for earnings-based Outcomes

More than one form of written evidence may be used provided that, collectively, the written evidence contains all of the above information.

Proof of business establishment alone is not sufficient evidence to support an Outcome Payment.

Documentary Evidence requirements for Post-placement Support

Where a Participant is progressing towards an Employment Outcome, Providers are expected to provide Post-placement Support to the Participant, regardless of whether the Participant has been Exited. Post-placement Support should be provided until the Participant has satisfied a 26 Week Employment Outcome or is deemed by the Provider as being unlikely to achieve the relevant Outcome.

Where a Participant declines Post-placement Support, Providers must retain a record of that decision. Acceptable Documentary Evidence could include:

- written correspondence from the Participant (email or letter),
- a file note of a conversation with the Participant, or

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- a file note documenting unsuccessful attempts to contact the Participant.

(Deed Reference(s): Clause 119.1)

Manual Claims

The Department's IT Systems include functionality to enable Providers to manually request payment where they are unable to process the claim using standard functionality, but they consider an Outcome may be payable.

For information on how to request a manual claim, the circumstances where it is appropriate and what evidence is required, please refer to the Manual Claim Provider Advice.

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Chapter 6. Employment Fund

Supporting Documents for this Chapter:

- Employment Fund Supporting Document
- Provider Indigenous Mentoring Capability Proposal template
- WHS Incidents and Insurance Readers Guide

6.1. Chapter Overview

The Employment Fund is a flexible pool of funds available to Providers to offer support tailored to the needs of Participants, employers, and the local labour market. Each Provider receives credits they can use and then claim Reimbursement for the purchase of goods and services that support and assist Participants to gain the tools and build the skills and experience they need to get and keep a job.

(Deed Reference(s): Clause 150.1)

6.2. Crediting the Employment Fund

Providers receive general credits into their Employment Fund notional bank balance at the Site level when a Participant Commences as a new or Transitioned Participant. The amount will be credited once per Period of Service. Credit amounts are in line with Annexure B1 – Payments and Employment Fund Credits of the Deed. The Employment Fund notional bank balance will reduce each time a Provider makes a commitment in the Department's IT Systems to purchase goods or services. Providers must not make commitments in anticipation of future credits.

Where Participants are eligible for support under a Structural Adjustment Program (SAP), Providers may receive a SAP credit into the Employment Fund notional bank in addition to the general credit (refer to Structural Adjustments for further information). Providers can only use SAP credits for Participants assisted through a SAP. When a Provider creates a commitment for these Participants, the Department's IT Systems automatically uses SAP credits first, where available, before using general credits. The Department's IT Systems display the SAP credit balance separately to the general credit balance.

(Deed Reference(s): Clauses 150.2, 150.3, 150.5 150.7; Annexure B1)

6.2.1. Transferring Credits

A Provider can transfer Employment Fund credits between its individual Sites within and between Employment Regions, and when a Participant transfers to another Workforce Australia Employment Services Provider unless the Department has placed limits on or restricted a Provider's ability to transfer credits.

When a Participant transfers to another Workforce Australia Employment Services Provider, the current and gaining Providers may negotiate and agree to the transfer of any credits.

(Deed Reference(s): Clauses 103.5, 150.6, 150.8)

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6.2.2. Credits due to Reduction in Business Share

The Department may restrict a Provider from transferring credits when the Provider's Business Share is being reduced and Participants are being transferred to another Workforce Australia Employment Services Provider.

Where a Provider's Licence ends or is not extended, remaining credits at the relevant Sites will no longer be available.

Where a Provider's Business Share is reduced and only a proportion of Participants are transferred to another Workforce Australia Employment Services Provider, the Provider will retain a proportion of credits at the relevant Sites, as determined by the Department.

A credit in accordance with Annexure B1 – Payments and Employment Fund Credits of the Deed will be allocated to the gaining Provider's Employment Fund notional bank balance for each Participant who transfers and Commences.

For other bulk transfers of Participants, the Department will determine the total amount of credits to be transferred from the reduced or closed Site to the gaining Provider's Site.

(Deed Reference(s): Clause 150.4; Annexure B1)

6.3. Determining who is eligible

All Participants are eligible for assistance. A Provider may claim Reimbursement if the Participant received the goods or services when they were:

- commenced with the Provider
- suspended after Commencement with the Provider
- pending after previous Commencement with the Provider
- pending with Provider and require Certified Interpreter services
- within 183 calendar days after being Exited from the Provider, or
- within 183 calendar days after being transferred from the Provider to another Provider.

Providers can claim Reimbursement at the Site level for any of their Participants, regardless of the Participant's Site. This includes attributing Participants to an advanced purchase. Refer to Purchasing Goods or Services in advance for more information on advanced purchases.

Participants concurrently serviced by other programs are also eligible for assistance, as well as Participants that have commenced Small Business Coaching in Self-Employment Assistance. The Determining what is a Prohibited Purchase section lists the exceptions.

(Deed Reference(s): Clause 150.7)

6.4. Making eligible Purchases

A Provider must first pay for eligible purchases and then claim Reimbursement through the Employment Fund.

An eligible purchase is any purchase that:

- meets the Employment Fund Principles
- is not prohibited, and

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- satisfies any specific Employment Fund category requirements.

A Provider must commit each eligible purchase in the Department's IT Systems and record against the relevant category as listed in Attachment 6A.

(Deed Reference(s): Clause 150.7)

6.4.1. The Employment Fund Principles

A Provider must ensure the purchase meets the following Employment Fund Principles before purchasing goods and services:

- provides eligible Participants with the work-related tools, skills and experience that correspond with their difficulties in finding and keeping a job in the relevant labour market
- provides value for money
- complies with any work, health and safety laws that may apply
- withstands public scrutiny, and
- will not bring the Services, the Provider or the Department into disrepute.

Use of the Employment Fund is intended to be tailored to individual need. The Employment Fund is not intended to be used for regular and ongoing costs and Providers should seek to address, in a sustainable way, any underlying challenges as part of their servicing.

Consistent with the Workforce Australia Services Service Guarantee, a Provider should make each Participant aware of the supports available through the Employment Fund and consider every request for support by Participants. Providers are discouraged from requiring Participants to purchase items themselves ahead of reimbursing the Participant, as this may create additional challenges or unnecessary financial hardship for the Participant.

6.4.2. Determining what is a Prohibited Purchase

A Provider must not claim Reimbursement through the Employment Fund for prohibited goods and services. Prohibited purchases are:

- any goods and services purchased prior to the Deed Commencement Date
- any goods or services incurred before Participants were participating in Workforce Australia Services
- any costs and overheads, such as travel time, travel costs and administration costs associated with:
    - the provision of employment services
    - cost of Service delivery on an outreach basis, or
    - the administration of the Employment Fund
- any services considered core services under the Deed, including but not limited to: Contacts with Participants, verification of an Employment Outcome claim, marketing Participants to Employers (also known as reverse marketing), job search assistance, career advice, non-accredited foundation and employability skills training, mentoring and similar interventions associated as part of Post-Placement Support
- legal fees or security costs incurred by the Provider
- any interest charged on credit cards, including account and credit card fees

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- gifts, cash and incentives to Participants or Employers, including payout of loans, credit cards or 'buy now pay later' facilities
- gift cards and vouchers, unless specified in Attachment 6A
- goods or services which attract an incentive for a Provider or its staff
- assets, including any accumulation and servicing of assets, that remain the property of the Provider
- assets for a Participant or Employer that are not used primarily to assist the Participant in accordance with the Employment Fund Principles
- goods or services if the Provider is entitled to payment from the Department, other Australian Government sources or state, territory or local government bodies for those items or when those items have otherwise been funded, including but not limited to:
    - any costs associated with Work for the Dole or funded through Work for the Dole Activities, unless specified in Attachment 6A.
    - EST Block 1 fee-for-service payments
    - any costs covered through the Local Jobs Program, Workforce Specialist Projects, Launch into Work or other Government programs
    - subsidised training amounts, such as through Fee-Free TAFE
    - goods or services that are directly funded through other Government services or grants
    - any costs paid by the Self-Employment Assistance Provider
    - any costs that are directly funded through the Indigenous Skills and Employment Program
- any assessment tool costs, including the cost of accessing or using any skills, vocational or non-vocational assessment tools
- an Employer's workers compensation or insurance policy payments
- any costs that can be claimed or are subject to a claim under the Department's personal accident insurance and combined public and/or product liability insurance policies for Participants undertaking Activities or the Provider's insurance policies
- any costs associated with Department approved Non-Government Programs delivered by the Provider's Own Organisation or a Related Entity or where the non-government program has not been approved by the Department
- non-accredited training, unless specified in Attachment 6A
- Provider supplied transport, such as costs associated with hiring, purchasing, running and/or maintaining vehicles owned by the Provider's Own Organisation to transport multiple Participants to a training activity or Employment location
- penalties, fines or court fees (examples of penalties include costs associated with participation in any Alcohol Interlock Program or Traffic Offender Intervention Program)
- ongoing business costs for self-employed Participants, including those who have participated in Self-Employment Assistance
- rental bonds or relocation assistance to assist Participants to relocate overseas or with assets (e.g. whitegoods) or ongoing costs (e.g. utilities and school fees) or where the Participant is a member of a couple as defined in 1.1.M.120 of the Guide to Social Security Law, and the other member has received relocation assistance for the same relocation.

(Deed Reference(s): Clause 150.7)

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6.5. Claiming Reimbursement

Providers must claim Reimbursement for eligible purchases within **56 calendar days** from the date that a Provider paid the supplier.

A date of service/purchase is also required against each Participant attributed to the Reimbursement. The date will be:

- the date the goods or services were given to the Participant,
- the date the Participant attended an appointment, or
- the date the Participant started in the Activity.

A Provider must meet all Documentary Evidence requirements at the time of claiming Reimbursement. For more information, refer to the Summary of required Documentary Evidence section.

A Provider must enter the date the supplier was paid for each Reimbursement in the Department's IT Systems (Employment Fund hub>Create commitment).

A Provider must enter the date of service/purchase against each Participant attributed to the Reimbursement (Employment Fund hub>Create commitment).

(Deed Reference(s): Clause 150.10)

6.5.1. Determining the correct GST Treatment

The Department considers that all Reimbursements from the Employment Fund constitute 'consideration for a taxable supply made by a Provider to the Department' in line with the Australian Taxation Office (ATO) Private Ruling 1011478547799.

The relevant taxable supply is the supply of contracted services to Participants as described under the Deed. This means a Provider will need to remit 1/11th of all Reimbursements from the Employment Fund as GST to the ATO.

The explanations below are provided as examples only and do not constitute tax advice. A Provider must obtain their own independent tax advice relevant to their situation.

Reimbursing Goods or Services purchased from a third party supplier

If a Reimbursement is sought from the Employment Fund for a purchase on behalf of a Participant and the purchase includes GST, then a Provider can usually claim an input tax credit for the GST component of the cost of the purchase.

The Department will reimburse a Provider the amount paid, less the input tax credit amount. However, the Department will add GST as the Reimbursement is 'consideration for a taxable supply made by the Provider to the Department' and therefore a Provider has to remit GST to the ATO in respect to the Reimbursement. This means the GST is taken off (the input tax credit), but then the GST is added on (the GST on the service supplied to the Department). The final Reimbursement is equal to a Provider's original cost for the item.

If the Employment Fund is used to pay for a purchase on behalf of a Participant and the item purchased is GST free, then a Provider cannot claim an input tax credit, as there is no GST component of the purchase.

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The Department will reimburse a Provider the amount paid but will add GST as the Reimbursement is a separate taxable supply and a Provider has to remit GST to the ATO in respect to the Reimbursement. This means that nothing is taken off but 10 per cent GST is added. The final Reimbursement is equal to a Provider's original cost plus 10 per cent.

Reimbursing Goods or Services purchased by a Participant

If a Reimbursement is sought from the Employment Fund to pay for goods or services paid for directly by a Participant and a Provider has reimbursed the Participant, then a Provider cannot claim an input tax credit because there has been no purchase.

The Department will reimburse a Provider the amount paid but will add GST as the Reimbursement is a separate taxable supply and a Provider has to remit GST to the ATO in respect to the Reimbursement. This means that nothing is taken off but 10 per cent GST is added. The final Reimbursement is equal to a Provider's original cost plus 10 per cent.

6.6. Purchasing Goods or Services in advance

A Provider can choose to purchase eligible goods or services in advance for items under the Transport category. These purchases are known as advanced purchases. Advanced purchases are used when eligible goods or services are purchased but a Provider is yet to determine which Participant the good or service will assist. A Provider must enter the quantity of items purchased into the Department's IT Systems.

Providers who have the required Documentary Evidence as outlined in the Summary of Required Documentary Evidence section, can immediately claim Reimbursement for eligible advanced purchases prior to attributing to individual Participants.

A Provider must claim Reimbursement for eligible advanced purchases within 56 calendar days from the date that a Provider paid the supplier. A Provider must fully attribute advanced purchases within 183 calendar days from the date of Reimbursement. Where a Provider Site has not fully attributed an advanced purchase, it must not make another advanced purchase for the same assistance type. This does not preclude a Provider from making an advanced purchase for another assistance type (for example the Provider can still make an advanced purchase for bus tickets, under the Assistance Type - Other Transport Costs, even though an advanced purchase for petrol may not have been fully attributed).

6.7. Summary of required Documentary Evidence

A Provider must have met all the Documentary Evidence requirements at the time of claiming Reimbursement. For Documentary Evidence requirements for Wage Subsidies, Providers must refer to the Wage Subsidies Chapter.

A Provider must retain sufficient items of evidence that in combination clearly identifies:

- the details of the supplier (including ABN) (note: if the generic ABN is used, then the ABN is not required),
- the details of the items purchased and/or details of the service delivered, and
- whether the purchase was GST inclusive or GST free.

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And in addition to the above if a Provider has paid an external supplier:

- prior payment from a Provider to the supplier which reflects payment in full or a zero -outstanding balance, and
- the date that the supplier was paid.

Suitable items of evidence include a remittance advice, record of transaction or a Tax Invoice, receipt, layby docket, internal billing documentation or purchase order. One or more pieces of evidence may be required to demonstrate the Documentary Evidence requirements listed above.

- Where a supplier uses another organisation to collect payments on their behalf (e.g. Australia Post) and the Tax Invoice does not clearly identify the supplier or detail the items to be reimbursed, the Provider must also retain Documentary Evidence which includes this information.
- Where a supplier charges a layby fee or credit card surcharge for the purchase, and the fee or surcharge does not appear on the Tax Invoice, the Provider must also retain Documentary Evidence which includes these additional costs.

A Provider should refer to the ATO website to determine what is considered a valid Tax Invoice. A Recipient Created Tax Invoice (RCTI) will be considered valid if it contains all the information required of a Tax Invoice (except for ABN if the recipient is not registered for GST). A written agreement between the Supplier and the Recipient does not need to be supplied to the Department.

A Provider must retain additional Documentary Evidence for some categories. These additional requirements are listed in Attachment 6A.

A Provider must record the following information in the Department's IT Systems prior to claiming Reimbursement:

- the supplier name and ABN or, if applicable, whether the payment was made to the Provider's Own Organisation or a Related Entity
- whether the purchase was an advanced purchase, and if it is, the number of purchased items
- the total invoice amount and the GST status
- the date the supplier was paid
- the job seeker identification number (JSID) except for advanced purchases that do not require attribution to the individual Participant, and
- the date the goods or service was provided to the Participant.

A Provider must record additional information in the Department's IT Systems for some categories. These additional requirements are listed in Attachment 6A.

(Deed Reference(s): Clauses 28.1, 28.2, 28.3)

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Attachment 6A. Category Details – System and Documentary Evidence Requirements

Table 6-A: Category Details – System and Documentary Evidence Requirements

Category	Category details	System and Documentary evidence requirements
Accredited Training	Providers may use this category for nationally recognised training. A Registered Training Organisation (RTO) must deliver the training, and the course or unit must be on the RTO's Vocational Education and Training (VET) scope of registration as listed on training.gov.au, the national register for training in Australia. Providers may also use this category for secondary and tertiary education, although the training organisation and/or course may not be listed on training.gov.au.	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Refer Participant to an Activity in the Department's IT Systems in accordance with the Activity Management Chapter. • Enter the name of the RTO and the relevant course code or unit code as identified on training.gov.au (or the course name if secondary education and not listed on training.gov.au) in the Activity details. • Enter the associated Activity into the commitment in the Department's IT Systems. • Retain sufficient items of Documentary Evidence that in combination identify the RTO and the course code or unit code as listed on training.gov.au (or the course name if secondary education and not listed on training.gov.au). • Retain additional Documentary Evidence that demonstrates the auspice relationship between a training organisation who is not a registered RTO but is operating through a registered RTO, to substantiate the training is nationally recognised.

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Category	Category details	System and Documentary evidence requirements
Activity Costs	Providers may use this category for Activity costs such as: • Risk Assessments or additional insurance costs • additional costs to enable Participants to participate in an Activity that cannot be recorded against another category • supervision costs when the Supervisor is undertaking the literal supervision of Participants on that Activity and not undertaking other tasks considered under the Deed • eligible costs related to delivery of a Non-Government Program approved by the Department. • Employability Skills Training Block 2 course fee. The Determining what is a Prohibited Purchase section lists the exceptions to the use of this category.	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • For Activities, refer Participant to an Activity in the Department's IT Systems in accordance with the Activity Management Chapter. • Enter the associated Activity or Vacancy into the commitment in the Department's IT Systems. • For supervision costs, retain dated and signed timesheets or written evidence (e.g. an email) showing the hours completed by the Supervisor in their role as the Supervisor for the Activity. • For a Department approved Non-Government Program, retain the individual program cost per Participant as supplied by the organisation delivering the program.
Certified Interpreters	Providers may use this category for certified interpreter services for Participants, including for pending Participants. Providers can claim the cost of the certified interpreter when an interpreter is arranged and paid for, but the Participant does not attend the scheduled appointment. Providers can also use this category for the cost of translating important documents such as qualifications, training certificates and transcripts.	Refer to the Summary of required Documentary Evidence section for the Documentary Evidence requirements. There are no additional Documentary Evidence requirements for this category.

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Category	Category details	System and Documentary evidence requirements
Cohort Specific Training	Providers may use this category for training for Aboriginal and Torres Strait Islander and Refugee Participants that cannot be claimed under another training category: • Culturally appropriate non-accredited pre-placement training for Aboriginal and Torres Strait Islander Participants and their Employers or Host Organisations (including Work for the Dole Hosts). For example, foundation or life skills (e.g., time management, how to use public transport, budgeting); vocational pre-employment training to help Participants prepare for engagement in the workforce or cultural competency training. o When claiming Reimbursement for training delivered by the Provider's Own Organisation or a Related Entity, assistance is limited to a cap of $1,650 (GST inclusive) per Participant, per financial year. • Post-placement non-accredited Workplace English language training for Refugee Participants, such as English Language and Literacy Training.	Refer to the Summary of required Documentary Evidence section for the Documentary Evidence requirements. There are no additional Documentary Evidence requirements for this category.
Communication and Technology	Providers may use this category for the purchase of phone or data cards or vouchers, mobile phones, and hardware and software packages (including laptops), required by a Participant to find and keep a job or to participate in training, activities, or other programs. Whilst all requests for assistance should be considered, support through this category is not intended to be regular and ongoing.	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Record the assistance type in the commitment to outline the type of purchase.

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Category	Category details	System and Documentary evidence requirements
		• For vouchers, retain Documentary Evidence demonstrating the Participant received the item.
Non-Vocational Support	Providers may use this category for the purchase of: • Out-of-pocket medical and health related expenses if health issues are inhibiting a Participant's capacity to find and keep a job, such as medical consultations, prescribed tests, medicines or aids directed by a medical professional. Medical costs can only be claimed if not covered by Medicare, private health insurance or other subsidies or programs. o If a Participant has lodged a claim through the Department's Personal Accident Insurance policy, Providers must meet additional requirements for claiming Reimbursement for medical and out-of-pocket expenses. Refer to the WHS Incidents and Insurance Readers Guide on the Provider Portal. • Rent and crisis accommodation when a Provider and Participant have exhausted all other avenues of assistance. • Food vouchers and the reimbursement of food purchases where a Participant requires additional support in line with the Employment Fund principles. • Other types of costs that are inhibiting a Participant's capacity to be engaged to find and keep a job, such as utility costs and legal expenses, that cannot be recorded against another category.	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Record the assistance type in the commitment to outline the type of purchase. • For food vouchers, retain Documentary Evidence demonstrating the Participant received the item.

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Category	Category details	System and Documentary evidence requirements
	The Determining what is a Prohibited Purchase section lists the exceptions to the use of this category. Whilst all requests for assistance should be considered, support through this category is not intended to be regular and ongoing.	
Professional Services	Requirements for any professional service. Providers may use this category for professional services such as: • prevention, detection and management of mental and substance abuse disorders. • drug and alcohol counselling and rehabilitation. • mental health and family counselling. • anger management. • personal development for addressing self-esteem and confidence issues. • vocational rehabilitation for Participants to re-enter Employment. All professional services must be delivered by either a: • qualified psychologist who is currently registered as a psychologist with the Australian Health Practitioner Regulation Agency (AHPRA). • qualified allied health professional[1] who has a degree or graduate diploma relevant to the services they are delivering in either: o allied health services or behavioural sciences o social work	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Enter the following into the commitment in the Department's IT Systems: o the specialist type (psychologist or other allied health professional) o the session type (individual, group or report preparation) o the duration of the session (in minutes) o confirmation of whether the Participant attended the appointment. • Any services run over multiple days should not be claimed as a single session. Each session should be claimed separately with details recorded as above. • Create and maintain in the Department's IT Systems a list of the staff members in the Provider's Own Organisation or a Related Entity who will deliver professional services (either psychologists or other allied health professionals).

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Category	Category details	System and Documentary evidence requirements
	o rehabilitation counselling o other allied health qualifications. Where the allied health qualification relates to a field that requires professional registration to practise, the allied health professional must be currently registered with the relevant authority. Any services not recognised by Allied Health Professionals Australia, such as Life Coaching or Life Skills Coaching, are not allowable under this category. All professional services can be delivered either in-person, or via video or teleconference. All claims for Reimbursement must only be for either: • the delivery of the actual appointment. • the preparation of a psychological report (as defined by the Australian Psychological Society[2]). Providers must not claim administrative costs such as time taken writing appointment case notes, letters, follow-up, or appointment-related phone calls. In addition, Providers must not claim any costs associated with the setup and ongoing cost of using video or teleconferencing for delivery of professional services. Providers may claim missed appointments but are limited to 3 instances per Participant, per Provider, per financial year.	• Retain sufficient items of Documentary Evidence that in combination includes the following for externally delivered professional services: o a description of the service delivered o specify whether the Participant attended the appointment. • Retain sufficient items of Documentary Evidence that in combination includes the following for professional services delivered by the Provider's Own Organisation or a Related Entity: o a description of the service delivered o identify the specialist type (psychologist or other allied health professional) o identify the session type (individual or group) o the duration of the service o specify whether the Participant attended the appointment • Maintain a listing for professional services delivered by staff employed by the Provider's Own Organisation or a Related Entity that records the following information: o the staff member's name o specialist type o qualification details

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Category	Category details	System and Documentary evidence requirements
	Additional requirements for delivery by staff of Own Organisation or Related Entities. Standard rates apply for professional services delivered by a staff member employed by the Provider's Own Organisation or a Related Entity. The maximum amounts that can be claimed are calculated according to the following rates: • For individual sessions (including preparation of psychological reports) or group sessions attended by up to 5 Participants: o $4.00 per minute (GST inclusive) for services delivered by a qualified allied health professional o $4.33 per minute (GST inclusive) for services delivered by a qualified psychologist. • For group sessions attended by 6 or more Participants: o $0.67 per Participant per minute (GST inclusive) for services delivered by a qualified allied health professional o $0.72 per Participant per minute (GST inclusive) for services delivered by a qualified psychologist. -If Participants from a Provider's Caseload make up a portion of the Participants in a group session, a Provider must only claim the prorata amount of the relevant group session standard rate. For example, if a Provider has 2 Participants out of 5 Participants in a one hour group session delivered by a qualified psychologist of a	o the authority with whom the staff member is registered (if the qualification of the staff member relates to a field that requires professional registration to practice) o registration number where applicable. [1]The Allied Health Professionals Australia website (at www.ahpa.com.au/) has further information on allied health professionals. [2]Australian Psychological Society (APS) defines psychological reports as: "A report is a psychological service that is directly requested by the referring agency or client. Thus, reports prepared for clients are usually done so on the basis of explicitly written consent from the client or legal guardian. A report is a structured presentation typically including such components as relevant psychosocial history, history of presenting issues, present condition, test results, option and intervention recommendation. Professional letters to medical or other referral agencies concerning treatment needs of the client are not considered to constitute reports. Note that report preparation time is inclusive of relevant file and document review. "(Definition sourced from APS national schedule of recommended fees and item numbers for psychological services).

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Category	Category details	System and Documentary evidence requirements
	Related Entity, a Provider would claim $51.96 (GST inclusive) for each Participant (i.e. $4.33 x 60 =$259.80, divided by 5 Participants = $51.96 per Participant per hour).	
Provider Indigenous Mentoring Capability	A Provider must submit a proposal to the Department for approval. Refer to the Employment Fund – Provider Indigenous Mentoring Capability Proposal template. Providers may use this category for expenditure related to a Provider building and increasing their Indigenous mentoring capability. For example: • design or redesign, and implementation of Aboriginal and Torres Strait Islander employment strategy. • hiring a consultant to develop and implement a Reconciliation Action Plan. • training (accredited and non-accredited) to staff who will be providing ongoing mentoring to Indigenous Participants. • development and release of IT Applications (e.g. a Mentoring App). • professional development (e.g. attendance at conferences and workshops). The Determining what is a Prohibited Purchase section lists the exceptions to the use of this category.	A Provider must: • Enter the good or service being claimed into the commitment in the Department's IT Systems prior to claiming Reimbursement. • Upload evidence as detailed in the Summary of required Documentary Evidence section in the Department's IT Systems prior to claiming Reimbursement.
Relocation Assistance	Providers may use this category to assist a Participant taking up a job in another location if the Participant has accepted a job more than 90 minutes away from their current residence. The Provider must verify the placement details with the Employer.	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must:

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Category	Category details	System and Documentary evidence requirements
	Support, which can be provided before the Participant moves, includes but is not limited to removalist costs, travel costs, disturbance costs and short-term accommodation costs. This may include relocation costs for a dependant of a Participant[3]. Support should be proportionate to the circumstances. The Determining what is a Prohibited Purchase section lists the exceptions to the use of this category.	• Refer Participant to a Vacancy in the Department's IT Systems in accordance with the Provider Payments and Vacancies Chapter. • Enter the associated Vacancy into the commitment in the Department's IT Systems. • Record the assistance type in the commitment to outline the type of purchase. • For travel related vouchers, retain Documentary Evidence demonstrating the Participant received the item. • Where a Participant receives assistance to relocate with a dependent, the Provider must retain a file note outlining the reason for their approval, based on their assessment of the genuine dependency of the relationship. [3] A dependent may include a member of the Participant's household who is a: • dependent child/children under 24 years of age who is: o financially dependent on the relocating Participant; or o the dependent child of the partner of the Participant where they are a member of a couple under social security law and the partner is receiving a government payment related to the child or children.

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Category	Category details	System and Documentary evidence requirements
		• spouse/partner of the Participant who is also receiving an Australian Government income support payment or pension • an elderly parent/s who: o has reached Australian Age Pension age; o lives in the same residence as the Participant; o is dependent on the Participant for day-to-day care; o is relocating to reside with the Participant. Where the dependent of the Participant does not meet these requirements, Providers can assess if there is a genuine dependency relationship, for example if the Participant has legal caring responsibilities for an adult child with a disability.
Transport	Providers may use this category for assistance relating to: • Driving lessons[4] for driver's licence classification C (Car) and R (Motorcycle), which is capped at $8,800 (GST inclusive) per Participant, per Provider, per Period of Unemployment. • Driver's licence test and licence fee for classification C (Car) and R (Motorcycle). • Public and private transport and travel assistance for Participants to attend job search related activities, medical appointments and health interventions, training, programs (including for Participants undertaking Work for the Dole Placements) or Employment. For example, public transport card top-ups, petrol cards, vehicles including cars or bicycles, vehicle registrations and inspections, compulsory third party	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Record the assistance type in the commitment to outline the type of purchase. • For petrol vouchers or public transport cards, retain Documentary Evidence demonstrating the Participant received the item. [4] Each state and territory impose requirements on a person who provides pre-licence driver training for reward or payment. These requirements include (at a minimum) registration with the state authority and a

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Category	Category details	System and Documentary evidence requirements
	vehicle inspections, and ticket and overnight accommodation for a Participant to attend a job interview in another city. • Costs associated with hiring a bus or other vehicle to transport multiple Participants to a program or Activity (including for Participants undertaking Work for the Dole Placements), Employment, or other employment-related activities (such as a job fair or interview). This does not include driving time or overhead costs. To claim Reimbursement for bus-hire costs, the Provider must hire a bus from an external organisation, community sector organisation or a Related Entity, (i.e. not from the Provider's Own Organisation) and ensure the bus is registered. Providers may claim assistance given to a Participant to gain or regain their driver's licence after loss due to driving offences. However, assistance is limited to one claim per Participant, per Period of Unemployment. Whilst all requests for assistance should be considered, support through this category is not intended to be regular and ongoing.	police check. Many states and territories also require individuals to have completed a Certificate IV or other training program, and to pass a working with children check.
Wage Subsidies	Refer to the Wage Subsidies Chapter on how to reimburse wage subsidies from the Employment Fund.	Refer to the Wage Subsidies Chapter for further information on system and Documentary Evidence requirements.
Work-Related Items	Providers may use this category for purchases that are directly related to training, participation in programs or Employment that are: • Not a prohibited purchase, and	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must:

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Category	Category details	System and Documentary evidence requirements
	• Cannot be recorded against another category. Examples of purchases under this category include: • Clothing and presentation purchases, for example: o work-related clothing, e.g. business shirts o personal protective clothing, such as hi-vis shirts and steel cap boots, where these are not for a Participant to participate in a Work for the Dole activity o hygiene packs o basic haircuts. • The purchase of tools, books and equipment required by a Participant to find and keep a job, or to participate in training, programs, and/or education. • Pre-employment medical checks. • Working with Children checks. • Working with Vulnerable People checks. • Police checks for Participants, including for Participants undertaking Work for the Dole Placements. • Out-of-pocket expenses for childcare, after-school care or holiday care not covered by Government rebates.	• Enter the purchase type in the Department's IT Systems, outlining the purchase.
Work-Related Training and Licensing	Providers may use this category to assist Participants with non-accredited training and work-related licences that focus on obtaining skills relevant for a particular job, employer or industry. Examples of non-accredited training include: • software training, such as Excel or MYOB	In addition to the Documentary Evidence requirements for all purchases detailed in the Summary of required Documentary Evidence section, a Provider must: • Record the assistance type in the commitment to outline the type of purchase.

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Category	Category details	System and Documentary evidence requirements
	• barista training • asbestos awareness • manual handling training • pre-employment food safety training • pre-employment training with fitness components. Providers may also claim for the cost of a work-related licence, the associated test fees, and the accredited training costs to obtain the licence under this category, if the accredited training is a prerequisite to applying for or obtaining the licence (noting these can often be packaged into the one price). Providers can also use this category for non-accredited 'refresher' training for a current valid licence. Examples include: • security licence • forklift licence • light/medium/heavy rigid licence, including 'refresher' training for a current licence • taxi licence/driver accreditation/limousine licence • white card (or State/Territory equivalent) • working at heights certificate • first aid certificate • responsible service of alcohol certificate • responsible conduct of gambling certificate The Determining what is a Prohibited Purchase section lists the exceptions to the use of this category.	• Record the industry relevant to the purchase.

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Chapter 7. Wage Subsidies

Supporting Documents for this Chapter

- Wage Subsidy Operations Guide
- Wage Subsidy Payment template
- Wage Subsidy Calculator

7.1. Chapter Overview

Wage Subsidies are a financial incentive Providers can offer to eligible Employers to encourage them to hire eligible Participants in ongoing jobs by contributing to the initial costs of hiring a new employee.

There are 2 Wage Subsidy types available:

- the Youth Bonus Wage Subsidy, funded from a demand-driven pool, and
- the Workforce Australia Services Wage Subsidy, funded through the Employment Fund.

Unless otherwise specified, all processes in this Chapter apply to both Wage Subsidy types.

Providers are expected to work directly with Employers to understand their recruitment needs, the needs of the job placement, and to recommend Participants whose skills and experience make them a good fit for the role. As part of these interactions, Providers should develop productive relationships with Employers and offer Wage Subsidies as part of an ongoing program of support to assist disadvantaged Participants into eligible jobs that are decent, safe, appropriately secure, and provide workers with the flexibility to balance their work and personal lives.

Providers are best placed to assess the needs of Participants and Employers in their local labour market and based on this, Providers can decide whether to offer a Wage Subsidy to an Employer. This means a Provider may choose not to offer a Wage Subsidy to an Employer even if all eligibility requirements are met.

In determining whether to offer a Wage Subsidy, Providers must ensure that the following principles are met:

- providing value for money, by ensuring a wage subsidy is used as an intervention to secure a suitable and decent job for an eligible Participant
- compliance with any work, health and safety requirements under the relevant state or territory legislation
- withstanding public scrutiny
- not bringing employment services or the Australian Government into disrepute.

Providers must ensure Employers are aware they are not entitled to receive a Wage Subsidy until such time as the Provider has decided to offer a Wage Subsidy to the Employer and the Employer has entered into a Wage Subsidy Agreement with the Provider via a Wage Subsidy Agreement approved within 28 days of the Participant commencing Employment (see Head Agreements and Schedules).

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7.2. Wage Subsidy Eligibility Requirements

7.2.1. Participant Eligibility

Participant eligibility criteria for the available Wage Subsidies is detailed in Attachment 7A.

The Department's IT Systems will assess a Participant's eligibility for a Wage Subsidy, based on their time spent participating in relevant employment services. Eligibility is determined based on the Job Placement Start Date.

If a Provider determines the Department's IT Systems has incorrectly assessed Participant eligibility, the Provider must contact their Provider Lead to discuss the issue.

As part of confirming a Participant's eligibility, Providers must check if the Participant has an active Wage Subsidy Agreement in place with their organisation that overlaps with any potential new Agreement. Where an overlapping Agreement is identified, Providers must confirm the Employment has ended and then end the existing Agreement in the Department's IT Systems with the correct Employment end date before creating the new Agreement within the 28-day timeframe.

You must speak to your Employment Region Lead immediately if you identify an overlapping Wage Subsidy Agreement managed by another Provider.

7.2.2. Employer Eligibility

A Wage Subsidy Employer must be a legal entity with a valid ABN which complies with all eligibility requirements under the Wage Subsidy Head Agreement terms and conditions. A Wage Subsidy Employer must also have a verified and active Workforce Australia Online for Business account before they can be offered a Wage Subsidy.

A Wage Subsidy Employer must not be:

- the Provider's Own Organisation
- a Related Entity of the Provider
- a government entity, unless specified below
- a prior employer or host business of the Participant (within the last 2 years)
- a Family Member of the Participant, to ensure there is no real or perceived conflict of interest or unfair advantage
- suspended or excluded from receiving Wage Subsidies
- a labour hire company or group training organisation, except where the requirements below are met, or
- as otherwise advised by the Department.

Labour Hire Companies and Group Training Organisations

A Wage Subsidy Employer can be a labour hire company or a group training organisation, provided the company is paying the Participant's wages and the placement/s with the host business/es meet all eligibility criteria of the Wage Subsidy Placement and Employer.

If a labour hire company or a group training organisation is receiving a Wage Subsidy for an employee, they must disclose:

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- to the host business/es that they are receiving a Wage Subsidy for an employee. The Wage Subsidy Employer must retain Documentary Evidence of the disclosure and supply it to the Provider.
- to the Provider, prior to being eligible for any Wage Subsidy payments, the ABN of the host business/es the Wage Subsidy Participant was placed with for the duration of the Wage Subsidy Agreement.

Host businesses who subsequently employ a Wage Subsidy Participant on an ongoing basis are not eligible to receive a Wage Subsidy for that Participant, where they hosted the same Participant within the previous 2 years. Likewise, a labour hire company is not eligible for a Wage Subsidy where they place a Participant with a host business who has previously employed the Participant within the past 2 years. See Not eligible – Prior Employment section for details.

Not eligible – Government Entities

A Wage Subsidy Employer or host business must not be an Australian Government or state or territory government entity.

Similarly, the Employment position cannot be funded by an Australian, state or territory government entity.

> **Example:** A Wage Subsidy Agreement cannot be entered into for a labour hire company which places a Participant in an Australian Government-operated call centre, or a state government-operated manufacturer of ships.

A Wage Subsidy Employer can be a local government entity, provided the Employment position is not funded by an Australian, state or territory government entity.

Providers can use the Australian Government's website ABN Lookup (abr.business.gov.au) to determine if an Employer is a government entity, and/or request proof from the Employer.

Not eligible – Prior employment

An Employer will not be eligible to receive a Wage Subsidy where, prior to the Job Placement Start Date, the Participant has been employed by the Employer (including placements with host businesses via a labour hire company), or any other entities associated with the Employer, within the previous 2 years.

Paid Induction Periods (paid work trials) and periods of unpaid work (e.g. unpaid trials or voluntary work), whether recorded in the Department's IT Systems or agreed between an Employer and Participant, are not considered prior Employment.

Wage Subsidy Placements cannot include periods of unpaid work trials. Providers can use Wage Subsidies for Employment that starts after an unpaid work trial ends, if all other eligibility requirements for the Participant, Employer and Placement are satisfied.

Where a Wage Subsidy Participant commenced Employment up to 14 days earlier than the Job Placement Start Date recorded in the Department's IT Systems, Providers can allow the wage subsidy to proceed, where payroll evidence is provided, and the Participant was eligible on the actual start date of Employment.

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Providers must retain payroll evidence of the Wage Subsidy Placement start date, where it differs from the Job Placement Start Date recorded in the Department's IT Systems. Refer to the Wage Subsidy Operations Guide for further details on how to apply this approach.

7.2.3. Placement Eligibility

A Wage Subsidy Placement is an Employment position with an eligible Employer that meets all eligibility requirements. The Employment position can be:

- full-time, part-time or casual
- an apprenticeship or traineeship, and/or
- found by the Provider or by the Participant.

A Wage Subsidy Placement must:

- be a sustainable and ongoing position expected to continue indefinitely. This means the Employment is not intended to end when the Wage Subsidy ceases.
- offer at least the required minimum average hours per week which can be averaged over the duration of the Wage Subsidy Agreement to flexibly support Wage Subsidy Participant and Wage Subsidy Employer needs.
- comply with all Employment standards for the Employment position under any Commonwealth, state and/or territory laws, including but not limited to:
    - complying with the National Employment Standards – *Fair Work Act 2009* (Cth).
    - complying with the minimum terms and conditions of employment prescribed in any Modern Award that covers or applies to the Wage Subsidy Placement.
    - paying the relevant Wage Subsidy Participant at least the equivalent of the minimum rate prescribed in any Modern Award that covers or applies to the Employment position or, if no Modern Award covers or applies to the Employment position, at least the equivalent of the National Minimum Wage
- comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including work, health and safety legislation
- provide a safe system of work for the Wage Subsidy Participant at all times during the Wage Subsidy Placement
- not displace an existing employee
- not be a commission-based, self-employment or subcontracted position (excluding Placements with labour hire companies or group training organisations)
- not otherwise be an Unsuitable position as defined in the Deed.

7.3. Offering and Negotiating Wage Subsidy Agreements

Providers are responsible for negotiating and managing all elements of a Wage Subsidy Agreement including making payments to Wage Subsidy Employers. Providers must not charge Wage Subsidy Employers to manage Wage Subsidy Agreements.

Providers must ensure Employers are aware of the requirement to approve and manage their Wage Subsidy Agreements online via Workforce Australia Online for Businesses and ensure they have an active account before they commence negotiating a Wage Subsidy Agreement.

In negotiating a Wage Subsidy Agreement with an eligible Employer, Providers must first confirm which Wage Subsidy a Participant is eligible to attract in the Department's IT Systems and that there are no other active Agreements for that Participant.

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See Table 7-A: Wage Subsidy Types and Participant Eligibility Requirements for further details.

7.3.1. Head Agreements and Schedules

The Wage Subsidy Agreement consists of the general terms and conditions of the Head Agreement and the specific terms relating to the Wage Subsidy Placement, Wage Subsidy Participant, and the Wage Subsidy Period/s set out in the relevant Schedule.

The Wage Subsidy Period means the payment period for a Wage Subsidy, which are instalment payments of the agreed maximum amount.

Providers must enter into a Head Agreement once with each Wage Subsidy Employer, via the Department's IT Systems and the Employer's Workforce Australia Online for Businesses account (refer to the Wage Subsidy Operations Guide for further information). A Sample Copy of the Head Agreement can be found on the Provider Portal.

Once a Head Agreement has been entered into, a separate Schedule for each new Wage Subsidy Participant is attached to the Head Agreement. Schedules contain the specific details of the Wage Subsidy Placement for each new Wage Subsidy Participant.

Each Schedule the Provider attaches to the Head Agreement will relate to a single Wage Subsidy Placement and will create a separate contract (Wage Subsidy Agreement) between the Provider and the Wage Subsidy Employer in relation to that Wage Subsidy Placement. Both the Head Agreement and the Schedule must be in the form specified by the Department, created in the Department's IT Systems.

Where the Department changes the terms and conditions of the template Head Agreement, the Provider must enter into a new Head Agreement with each Wage Subsidy Employer in accordance with the updated terms and conditions before attaching any new Schedules in respect of Wage Subsidy Placements. This includes having to enter into a new Head Agreement with those Employers with whom the Provider already has a Head Agreement.

7.3.2. Negotiating Terms of the Wage Subsidy

Providers must explain the terms and conditions of the Wage Subsidy Agreement to the Employer to ensure they fully understand their rights and obligations in accepting the Wage Subsidy. This includes explaining the Documentary Evidence required from the Employer to confirm the Employer's compliance with the terms and conditions over the course of the Wage Subsidy Agreement, and that the Employer must advise immediately if the Placement terminates early.

The Provider must consider the Participant's ability to meet a weekly average hour requirement when determining the suitability of the Wage Subsidy Placement for the Participant, including whether they have an Employment Services Assessment and/or assessed Partial Capacity to Work. Participants are eligible to attract a Workforce Australia Services Wage Subsidy where they work the minimum average weekly hours (at least 15) over the duration of the Wage Subsidy Placement agreed between the Provider and Wage Subsidy Employer and meet all other eligibility requirements for the relevant Wage Subsidy. Youth Bonus Wage Subsidy Participants must work a minimum average of 20 hours per week.

The term of a Wage Subsidy Agreement begins (Wage Subsidy Placement start date) on the Job Placement Start Date. The Wage Subsidy Agreement ends on the date agreed by both the Provider and Employer (i.e., between six and 26 weeks following the Wage Subsidy Placement start date,

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subject to the Wage Subsidy type; see Table 7-A: Wage Subsidy Types and Participant Eligibility Requirements for details), or on the date Employment ceases where a Wage Subsidy Placement terminates earlier than the agreed date.

The Provider must negotiate with the Wage Subsidy Employer a Wage Subsidy Period that works best for the Wage Subsidy Employer's business, subject to the agreed duration of the Wage Subsidy Agreement. A Wage Subsidy Period can be weekly, fortnightly, monthly, quarterly, on completion, or any other timeframe as agreed by the Provider and Wage Subsidy Employer. Wage Subsidy Periods must be recorded on the Schedule. See Payments to Wage Subsidy Employers section for more information.

Providers should refer Wage Subsidy Employers to the 'Manage Wage Subsidies' help guide (located on the Workforce Australia website) for details on how to manage their Wage Subsidy Agreements, including submitting Documentary Evidence.

Wage Subsidy Agreements must be created in the Department's IT Systems by the Provider, and approved online by the Wage Subsidy Employer via their Workforce Australia Online for Business account.

- Wage Subsidy Agreements will not be accepted in an offline format. Should the Provider or Wage Subsidy Employer experience difficulties using the Department's IT Systems and/or Workforce Australia website to approve the Wage Subsidy Agreement, they must contact the Employer Hotline on 13 17 15 prior to the 28-day timeframe expiring.

If amendments to the Vacancy or Job Placement details are required during the Wage Subsidy Agreement term (other than the start date), the Provider must agree on the changes with the Wage Subsidy Employer and update the details in the Department's IT Systems in accordance with the Wage Subsidy Operations Guide.

7.3.3. Time requirements for approving a Wage Subsidy

In line with the policy intent of Wage Subsidies, Providers are expected to commence negotiating a Wage Subsidy Agreement with an eligible Employer prior to the Job Placement Start Date. Providers must ensure that the Wage Subsidy Agreement has been approved by the Employer in the Department's IT Systems within 4 weeks (28 days) of the Wage Subsidy Placement commencing.

Wage Subsidy Agreements will not be approved outside of 28 days from the commencement of Employment, and Providers will not be Reimbursed for any payments made to Employers where there is not an approved Wage Subsidy Agreement in place. Providers must ensure Employers are aware of the 28-day timeframe and the consequences of not meeting it.

Providers are required to have appropriate administrative processes in place to meet the 28-day timeframe and must work with Wage Subsidy Employers to ensure that this timeframe is met. If the Department determines there is evidence (e.g., correspondence and/or a draft Wage Subsidy Agreement in the Department's IT Systems) that the Provider delayed the Employer's approval the Department may take compliance action against a Provider. This includes but is not limited to delays caused by Providers:

- not confirming the Employer's eligibility prior to offering a Wage Subsidy
- offering a Wage Subsidy to an Employer well after Employment commenced
- failing to respond to Employer enquiries in a timely manner.

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In these cases compliance action may include including Directing the Provider to make Wage Subsidy payments to the Wage Subsidy Employer without reimbursement and/or blocking Outcome payments associated with the Employment position.

See Head Agreements and Schedules section for more information.

7.4. Payments to Wage Subsidy Employers

The Provider must have entered into a Wage Subsidy Agreement with the Wage Subsidy Employer and all terms and conditions of the Wage Subsidy Agreement must be satisfied before the Provider can make a payment to the Wage Subsidy Employer.

Wage Subsidy payments must not exceed 100 per cent of the Participant's wages at any point over the Wage Subsidy Placement period.

- Wage Subsidy Employers must invoice the Provider to receive a Wage Subsidy payment and submit the required Documentary Evidence to support payment (see Summary of Documentary Evidence section).

- Documentary Evidence from the Wage Subsidy Employer must confirm the Wage Subsidy Participant worked at least the minimum weekly hour requirement averaged over the Wage Subsidy Period being assessed.

7.4.1. Assessing Periods of Leave

Where a Wage Subsidy Participant's hours worked are less than required for the Wage Subsidy Employer to be eligible for payment, documentary evidence must also include all periods of leave taken.

Where a Wage Subsidy Participant requests and has leave approved in accordance with entitlements under a relevant Modern Award or the *National Employment Standards – Fair Work Act 2009 (*Cth), and the leave is recorded in Documentary Evidence, it can count towards the minimum average hours per week requirement. However, a Wager Subsidy Employer cannot use approved leave to regularly supplement a Wage Subsidy Participant's work hours for the purpose of meeting the minimum average number of hours per week.

Refer to the Wage Subsidy Operations Guide for further details on considering approved leave when calculating payments to Wage Subsidy Employers.

- Evidence of approved leave (paid or unpaid) must show that the Wage Subsidy Employer agreed to the leave at the time the Wage Subsidy Participant requested it, and either be:
  - recorded on the Wage Subsidy Participant's pay slip; or
  - on a written declaration from the Employer.

7.4.2. Change of Business Ownership

If a Wage Subsidy Employer changes ownership, the new owner is eligible to claim the remaining Wage Subsidy payment/s, provided all other eligibility requirements are met. The Wage Subsidy Agreement must be novated between the parties before the new owner can claim the remaining Wage Subsidy payment/s.

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7.4.3. Calculating Payments for Early Terminations

If a Wage Subsidy Placement terminates early, Providers must calculate any outstanding payments based on the number of weeks the Wage Subsidy Participant worked for the required minimum average hours per week from the Wage Subsidy Placement start date.

If the Wage Subsidy Participant did not work the required minimum average hours per week throughout the Wage Subsidy Placement, the Wage Subsidy Employer will not be eligible to receive the full Wage Subsidy amount.

To work out the Wage Subsidy amount the Wage Subsidy Employer is entitled to, divide the total Wage Subsidy amount by the Wage Subsidy Agreement Term to calculate the weekly rate the Wage Subsidy Employer may be entitled to receive. Then multiply this amount by the number of weeks the Wage Subsidy Participant worked the minimum average number of hours per week.

Examples of how to calculate payments for early termination can be found in the Wage Subsidy Operations Guide.

7.4.4. Wage Subsidy Calculator

The Wage Subsidy Calculator is a tool that assists Providers to calculate the Wage Subsidy amount an Employer is eligible to receive, and the value of the reimbursement the Provider can claim from the Department. Relevant information recorded on the Wage Subsidy Agreement and in the Documentary Evidence, can be entered into the Calculator to confirm:

- the Wage Subsidy Placement meets the required minimum average hours per week over the duration of the Wage Subsidy Agreement, and
- Wage Subsidy payments do not exceed 100 per cent of the Participant's wages at any point over the Wage Subsidy Placement period.

The Wage Subsidy Calculator can be found on the Provider Portal. Information about how to use the Calculator is located in the Wage Subsidy Operations Guide.

7.4.5. Concurrent Funding

Under the General Terms and Conditions of the Head Agreement, Wage Subsidy Employers are required to notify Providers of any Australian Government or State or Territory government funding they receive for the Wage Subsidy Participant or placement.

Wage Subsidy Employers cannot access Wage Subsidies if they receive funding from other Australian Government, state or territory wage subsidies or similar employment program funding for the same Participant in the same Wage Subsidy Placement.

The Provider should continue to check whether the Wage Subsidy Employer is following the above requirements throughout the Wage Subsidy Agreement term.

7.4.6. Wage Subsidy Employers Not Registered for GST

The total maximum amounts of a Wage Subsidy specified in this Guideline are GST inclusive. Where a non-GST registered Wage Subsidy Employer submits a tax invoice for the correct amount of a Wage Subsidy to a Provider, the Provider must pay the Wage Subsidy Employer the amount (GST Exclusive).

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When the Provider submits a claim for Reimbursement, the Department will pay the full (GST inclusive) amount. The Provider is responsible for remitting the GST inclusive amount to the Australian Tax Office.

7.5. Claims for Reimbursement

The Provider can only claim a Reimbursement for a Wage Subsidy payment if:

- all terms and conditions of the relevant Deed, this Guideline, the Wage Subsidy Operations Guide (where applicable) and Wage Subsidy Agreement have been met
- they have first made the relevant Wage Subsidy payment out of their own funds to the Wage Subsidy Employer
- the Reimbursement claim is for the same dollar value they paid the Wage Subsidy Employer
- they have retained sufficient Documentary Evidence to demonstrate the above.

7.5.1. Time requirements for claiming a Reimbursement

The Department permits claims for Reimbursement to be rendered:

- after each Wage Subsidy payment is made in accordance with the Wage Subsidy Period/s recorded in the Schedule of the Wage Subsidy Agreement, or
- collectively at the end of the Wage Subsidy Placement.

Providers must submit all claims for Reimbursement no later than 56 days after the end of the Wage Subsidy Placement. This includes where a Wage Subsidy Placement terminates early.

The Wage Subsidy Head Agreement (clause 6) requires Wage Subsidy Employers to notify Providers immediately if the Wage Subsidy Participant's Employment ends prior to the Wage Subsidy Agreement end date. In accordance with this, Providers must ensure that, where a Wage Subsidy Placement has terminated early, the correct Placement end date is recorded in the Department's IT Systems, and that claims for Reimbursement are submitted no later than 56 days from the end of the Wage Subsidy Placement.

Providers are required to have appropriate administrative processes in place to meet the 56 day timeframe. Providers must work with Wage Subsidy Employers to ensure that this timeframe is met. Providers who fail to meet the 56 day timeframe may not be Reimbursed.

Under the Head Agreement, Providers are required to make the final Wage Subsidy payment to the Wage Subsidy Employer where the Employer:

- requests the final Wage Subsidy payment, and
- supplies the required Documentary Evidence for that payment to the Provider within 28 days from the end of the Wage Subsidy Placement.

Providers may choose to make the final Wage Subsidy payment to the Wage Subsidy Employer where they submit the required Documentary Evidence after the 28 day timeframe, if all other eligibility requirements are met. However, the Provider must claim the Reimbursement from the Department no later than 56 days from the end of the Wage Subsidy Placement.

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7.5.2. Managing Employment Fund Credits for Ended Workforce Australia Services Wage Subsidy Agreements

When a Provider creates a Workforce Australia Services Wage Subsidy Agreement, the total Wage Subsidy amount is committed out of the relevant Site's Employment Fund notional bank balance (refer to the Employment Fund Chapter for further information). This commitment is held to ensure there is funding available to Reimburse all Wage Subsidy Agreement commitments.

A Provider should return committed Employment Fund credits to the relevant Site's notional bank balance when:

- a Draft Wage Subsidy Agreement does not proceed to approval, or
- a Wage Subsidy Agreement is ended, and
  - all Reimbursements from the Department for Payments made to the Wage Subsidy Employer have been received, and
  - the Provider is certain that no further claims for Reimbursement will be made against that particular Wage Subsidy Agreement.

By agreeing to a return of Employment Fund credits, the Provider is declaring that they will make no further claims for Reimbursement against that Wage Subsidy Agreement (including manual claims).

Employment Fund credits that are returned cannot be reinstated.

Providers should return credits to the Provider's Site notional bank balance and end Draft Agreements that are no longer required with the reason 'Created in Error'.

Note: the Summary and Value/Duration pages of the WASA01 - Workforce Australia Services Wage Subsidy Agreements Qlik App can help Providers monitor Agreements eligible for a return of credits to the Provider's Site notional bank balance.

The Provider selects 'Return Credits' and confirms selection by selecting 'Yes' when the notification window pops up.

7.5.3. Recovery of Reimbursement Claims Paid

The Department may recover any Reimbursements made to the Provider, where the Department determines, at its absolute discretion that the Wage Subsidy Employer has:

- misused the Wage Subsidy, including, but not limited to, breaching clause 12 of the Head Agreement
- not met the terms and conditions of the Wage Subsidy Agreement
- been suspended and/or excluded by the Department from participating in Wage Subsidies, or
- otherwise engaged in activity that may bring, or could be perceived to bring, the use of Wage Subsidies or the Commonwealth of Australia into disrepute.

The Department may also recover any Reimbursement made to the Provider where the Department determines, at its absolute discretion, that the Provider has not met the requirements of the Deed, this Guideline and/or the Wage Subsidy Operations Guide.

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7.6. Managing Wage Subsidy Agreements for Wage Subsidy Participants

7.6.1. Supporting Participants on Wage Subsidies

Providers are expected to provide Post-Placement Support to Wage Subsidy Participants and Wage Subsidy Employers to maximise the success of Wage Subsidy Placements, including after a Wage Subsidy Participant is Suspended or Exited from a Provider's Caseload.

Providers should immediately advise the Department if a Wage Subsidy Participant reports any incidents of inappropriate or unsafe workplace behaviour and follow the appropriate departmental process and protocols.

7.6.2. Managing Wage Subsidy Agreements for Transferred Participants

When a Wage Subsidy Participant transfers to another Provider, the gaining and outgoing Providers must ensure both the Participant and Wage Subsidy Employer continue to be supported.

A Wage Subsidy Agreement must remain with the original Provider if the Participant transfers to another Provider, including if the Provider is exiting the market completely, unless otherwise Directed by the Department.

7.7. Summary of Documentary Evidence

Providers must obtain and retain sufficient Documentary Evidence which demonstrates the Wage Subsidy Participant was Employed by the Wage Subsidy Employer in the Wage Subsidy Placement in accordance with the terms and conditions of the Deed, Guideline, and Wage Subsidy Agreement to process a Wage Subsidy payment to an Employer and to claim Reimbursement from the Department.

7.7.1. Wage Subsidy Agreements

For all Wage Subsidies, a Wage Subsidy Agreement, linking Vacancy, Employer and Placement details, must be entered into the Department's IT Systems and approved via the Wage Subsidy Employer's Workforce Australia Online for Business account.

For Workforce Australia Services Wage Subsidies, the Wage Subsidy Agreement Schedule must also include the agreed:

- duration of the Wage Subsidy Placement
- required minimum average weekly hours, and
- maximum amount of the Wage Subsidy being offered.

The above terms are not negotiable for Youth Bonus Wage Subsidy Agreements and the Department's IT System will pre-populate this information.

See Head Agreements and Schedules for more information.

7.7.2. Evidence from Wage Subsidy Employers – Participant Employment

Documentary Evidence must confirm the Wage Subsidy Employer's details (including name and ABN) and the Wage Subsidy Participant's name. Documentary Evidence must include:

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- evidence to confirm the Wage Subsidy Participant's Employment which demonstrates the hours worked (including any periods of approved leave taken) and wages paid for the entire Wage Subsidy Period, which may be in the form of (but is not limited to):
    - a completed Wage Subsidy payment template (Refer to the Wage Subsidy Operations Guide), or
    - pay slips or a printout from the Wage Subsidy Employer's payroll software, or
    - a statutory declaration, email or other correspondence from the Wage Subsidy Employer, and,
- if the Wage Subsidy Employer is a labour hire company or group training organisation:
    - the ABN of the host business/es the Wage Subsidy Participant was placed with throughout the Wage Subsidy Agreement Term. This can be recorded on the Wage Subsidy payment template, provided via email or included in the statutory declaration, and
    - evidence they disclosed to all host businesses the Wage Subsidy Participant is placed with that they were receiving a wage subsidy, and
- where a Wage Subsidy Participant's Employment ends prior to the Wage Subsidy Placement end date, a written statement of the reason why Employment ended.

Providers may request the Employer provides additional Documentary Evidence relating to a Wage Subsidy Placement, Wage Subsidy Participant, and/or Wage Subsidy Agreement. In requesting additional Documentary Evidence the Provider must ensure the Employer understands what evidence will be required, the purpose of the evidence, and the timeframe for providing the evidence, prior to approving the Wage Subsidy Agreement.

The Department can request additional Documentary Evidence from Providers relating to a Wage Subsidy Placement, Wage Subsidy Participant and/or Wage Subsidy Agreement from Providers, to support Program Assurance Activities. If Providers do not have this Documentary Evidence, they can request it from Wage Subsidy Employers, as per the Employer's obligations under the Wage Subsidy Agreement.

7.7.3. Evidence from Provider – Claims for Reimbursement

Providers must ensure Documentary Evidence demonstrates that payment was made to the Wage Subsidy Employer before claiming a Reimbursement. Providers can upload all Documentary Evidence via the Agreement Summary screen of the Department's IT Systems at the time of claiming Reimbursement.

As per Chapter 3.6.2 of the Workforce Australia - Part A: Universal Guidelines, Tax File Numbers must be redacted from any pay slips prior to being uploaded into the Department's IT Systems as Documentary Evidence to support Wage Subsidy payments.

Documentary Evidence may be in the form of a:

- record of transaction (bank statement or report from the Provider's financial system), or
- tax invoice and corresponding receipt from the Wage Subsidy Employer, or
- tax invoice from the Wage Subsidy Employer and a remittance advice, or
- statutory declaration, email or other correspondence from the Provider.

The Documentary Evidence to support a claim for Reimbursement must confirm:

- the Wage Subsidy Participant's name and JSID,
- the Wage Subsidy Employer's details (including name and ABN),

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- the amount of the Wage Subsidy payment, and
- the date the Wage Subsidy payment was made.

While not mandatory, Providers are encouraged to include a copy of their results from the Wage Subsidy Calculator when uploading evidence. Refer to the Wage Subsidy Calculator User Guide for instructions on how to obtain these.

Providers are also encouraged to include other relevant evidence (correspondence or file notes) to support payment integrity activities, particularly if there were unusual or complex circumstances that require explanation.

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Attachment 7A. Wage Subsidy Types and Participant Eligibility Requirements

The list below reflects how the hierarchy of Wage Subsidies is applied (in descending order) in the Department's IT Systems. A Participant can attract one Wage Subsidy at a time.

Indigenous Australians are eligible immediately on commencement in employment services, excluding Workforce Australia Online. They must be flagged in the Department's IT Systems as Indigenous from registration with Services Australia – Centrelink, or the Department's Job Seeker Classification Instrument.

Table 7-A: Wage Subsidy Types and Participant Eligibility Requirements

Participant Cohort	Eligible	Time in service required	Amount eligible for	Wage Subsidy Placement requirements
Workforce Australia Online Participants	No	Individuals who complete 12 months of continuous participation in Workforce Australia Online will be eligible for wage subsidies on commencement in provider-led employment services**	N/A	N/A
Participants aged 24 years and under, and/or **Participants commenced with a Transition to Work Provider**	Yes	Eligible for the **Youth Bonus Wage Subsidy**** (YBWS) after: • 12 months in Online Services, on commencement in provider-led employment services, OR • after 6 months continuous provider-led employment services* Participants commenced with a Transition to Work Provider must have Mutual Obligation Requirements on the Job Placement Start Date.	YBWS offers Employers up to a set amount of $10,000 (GST inclusive) or 100 per cent of the wages paid to the employee, whichever is the lower amount.	YBWS Wage Subsidy Placements must: • offer at least a minimum average of 20 hours per week, and • run for 26 weeks from the employment placement start date.

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Participant Cohort	Eligible	Time in service required	Amount eligible for	Wage Subsidy Placement requirements
Participants aged 25 years and older commenced with Workforce Australia Services and Parents Pathways Providers	Yes	Eligible for the **Workforce Australia Services Wage Subsidy (WASWS)** after • 12 months in Online Services, on commencement in provider-led employment services, OR • after 6 months of continuous provider-led employment services*	Under an WASWS Providers have the flexibility to offer an Employer up to a maximum of $10,000 (GST inclusive) or 100 per cent of the wages paid to the employee, whichever is the lower amount.	Providers will have the flexibility to determine the WASWS Placement requirements, but the placement must offer: • at least a minimum average of 15 hours per week, and • a minimum of 6 weeks and a maximum of 26 weeks from the employment placement start date.

Notes:

*The period of continuous provider-based employment services can include participation in Workforce Australia Services, ParentsNext, Transition to Work, Parent Pathways, Disability Employment Services, and the Community Development Program. A Participant's eligibility will not be affected if they Exit and return to the service within an allowable break of 13 weeks.

**Youth Bonus Wage Subsidy – if the Participant loses the wage-subsidised job through no fault of their own within 6 months of starting, they may return to a Provider and immediately be eligible for another YBWS or a Workforce Australia Services Wage Subsidy should their eligibility change.

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Chapter 8. Disability Support Pension (Compulsory Participation Requirements)

8.1. Chapter Overview

This Chapter advises Providers of their responsibilities to Disability Support Pension (DSP) recipients under 35 years of age who have an assessed work capacity of at least 8 hours per week and do not have a child under 6 years. These Participants are required to be engaged and participating in at least one compulsory activity to improve their employment prospects and increase their participation in paid work. This compulsory activity may include participation in Workforce Australia Services and will depend on an individual's circumstance.

All other DSP recipients without compulsory participation requirements are eligible for the Online Base Service only.

(Deed Reference(s): Clauses 139 and 141)

8.2. DSP Recipient referrals to Workforce Australia Services

In most cases, DSP recipients who are under the age of 35 years with a work capacity of 8 or more hours per week (without a youngest child under 6 years) will have compulsory participation requirements.

Services Australia will undertake an assessment of the DSP recipient's circumstances through:

- the application of the Job Seeker Classification Instrument (JSCI), and/or
- an Employment Services Assessment (ESAt) or Job Capacity Assessment (JCA).

Based on the outcome of the assessment the DSP recipient may be referred to Workforce Australia Services.

Services Australia will book an appointment for the DSP recipient with a Workforce Australia Employment Services Provider and notify the DSP recipient of the appointment details.

8.2.1. Can people intending to claim DSP who are undertaking Program of Support receive Workforce Australia Services?

People intending to claim DSP who are undertaking a Program of Support (not eligible for Disability Employment Services or Community Development Program) may be eligible for online or provider-led services while they undertake their Program of Support requirement. This is provided they remain connected or do not Exit from Services for more than 13 consecutive weeks. If they do not remain connected or Exit for more than 13 consecutive weeks, they will only be eligible for the Online Base Service.

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8.3. Servicing

8.3.1. Initial Interview

All eligible Participants must receive an Initial Interview. When preparing for all Appointments, including the Initial Interview, Providers must consider any Site accessibility or other particular requirements of the DSP recipient with compulsory participation requirements and ensure these requirements are appropriately addressed. This consideration is based on details in the DSP recipient's record in the Department's IT Systems.

(Deed Reference(s): Clause 106.2(b)(ii))

8.3.2. Commencement

DSP recipients with compulsory participation requirements are automatically Commenced once the Provider records attendance at the Initial Interview and the DSP recipient has an approved Job Plan with the Provider.

It is the responsibility of DSP recipients to meet their compulsory participation requirements. However, it is important that Providers provide appropriate assistance, depending on the DSP recipient's circumstances and issues, to ensure they are able to maintain their attendance and participation at scheduled Appointments and activities.

8.3.3. Change of Circumstances

If a DSP recipient is unable to meet their compulsory participation requirements due to their circumstances the Provider should review the DSP recipient's Job Seeker Snapshot and conduct a Change of Circumstances Reassessment if it needs updating. The Provider can suggest to the DSP recipient that they discuss any changes of circumstances with Services Australia following the Change of Circumstances Reassessment if appropriate.

If, as a result of an ESAt, a DSP recipient with compulsory participation requirements is referred to Disability Employment Services (DES), the Provider must continue to deliver Services until the DSP recipient has commenced in DES. Once they have commenced in DES, the DSP recipient will be Exited from Services.

8.3.4. DSP recipients with compulsory participation requirements are not required to undertake Work for the Dole

DSP recipients with compulsory participation requirements are not required to undertake a Work for the Dole activity unless this is an agreed activity in their Job Plan. DSP recipients with compulsory participation requirements may be referred to other activities or Complementary Programs such as Voluntary Work, Observational Work Experience, Education and training courses or other Government programs where it is agreed in their Job Plan.

8.3.5. Compliance

DSP recipients must participate in the compulsory activities detailed in their Job Plan in return for Income Support Payments. Providers are responsible for monitoring the attendance and

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engagement of DSP recipients in these activities as well as attendance at Appointments and attendance and engagement in compulsory activities.

Where a DSP recipient does not attend an Appointment with their Provider, the Provider must attempt to contact the DSP recipient on the day of non-attendance.

Where a DSP recipient does not attend an activity on a particular day or days, the Provider must attempt to contact the DSP recipient on the same Business Day that they become aware of the non-attendance.

Where contact can be made with the DSP recipient, the Provider must discuss the non-attendance with the DSP recipient and consider whether the DSP recipient has a reasonable excuse for the non-attendance.

Where contact cannot be made with the DSP recipient, Providers can decide whether it is appropriate to report the non-attendance to Services Australia. Providers must consider certain factors to ascertain whether the DSP recipient had a reasonable excuse, including the DSP recipient's:

- personal circumstances,
- system-recorded vulnerability indicators (if any),
- recent compliance history, and
- any other information the Provider believes is relevant.

Services Australia will investigate and determine what impact, if any, this should have on the DSP recipient's Income Support Payment.

The Provider should book another Appointment for the DSP recipient to attend following the submission of the report to Services Australia.

Where the Provider chooses not to report the non-compliance, they must use another engagement strategy to ensure the DSP recipient meets their compulsory participation requirements at the next available opportunity.

(Deed Reference(s): Clause 146)

The Provider must complete and submit a Disability Support Pension Activity Report to Services Australia through the Department's IT Systems where the Provider assesses that no reasonable excuse exists and they choose to report it. To do this, navigate to the 'create compliance' page in the Department's IT Systems, select the report and complete and submit. This must be submitted within 10 Business Days of the incident date.

8.4. Suspensions and Exits

8.4.1. Suspensions

DSP recipients with compulsory participation requirements can be Suspended from Service where:

- Services Australia applies an Exemption, or
- they have a temporary reduced work capacity of less than 8 hours per week.

Services Australia can grant temporary incapacity exemptions for DSP recipients with compulsory participation requirements for up to two years based on the medical practitioner's advice on the medical certificate. For further information see 'Getting a medical certificate' on Services Australia's Website.

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The Provider must provide Services if a Suspended DSP recipient with compulsory participation requirements wishes to voluntarily participate in Services.

Providers must resume delivery of services where a Suspension ends.

(Deed Reference(s): Clause 115, 116, 117)

8.4.2. Exits

A DSP recipient with compulsory participation requirements may be Exited from Services where they:

- are no longer in receipt of Income Support Payments, or
- are no longer subject to compulsory participation requirements (for example, they turn 35 years old or are reassessed by Services Australia as having a work capacity of 0-7 hours), or
- are undertaking a compulsory activity agreed with Services Australia that is not Workforce Australia Services, or they have commenced in DES or CDP.

(Deed Reference(s): Clause 118)

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Chapter 9. Pre-Release Prisoner initiative

9.1. Chapter Overview

Under the Australian Government's Pre-Release Prisoner initiative (the PRP initiative), Workforce Australia Services are available to people in custody to support them prior to release.

The PRP initiative provides wrap around support and assists people to build their vocational and non-vocational skills while in custody to decrease their likelihood of re-offending. These educational or employment activities may include work or training that leads or may lead to employment.

This Chapter explains the requirements for Providers when delivering this initiative.

9.2. Eligibility

To be eligible to Directly Register for Workforce Australia Services under the PRP initiative, people in custody must be:

- Within 12 months from their earliest possible release date,
- approved by corrective services or youth justice case managers,
- aged 15 years and over, and
- referred to a Workforce Australia Employment Services Provider by state or territory corrective or youth justice services.

People eligible for the PRP initiative are eligible Participants for Workforce Australia Services even while they are not on an Income Support Payment. People registered in PRP 'remain in legal custody' and do not qualify for any payment administered by Services Australia (see *Social Security Act 1991*, s 1158 23(5)).

9.3. Engage with corrective or youth justice services

Providers should establish links with corrective or youth justice services, so they are ready to receive referrals.

9.4. Referral and Registration of people in custody

Referrals are made by corrective and youth justice services. Refer to Pre-Release Prisoner in the Direct Registration Chapter for information on referrals and Direct Registration.

Once a person is referred to a Provider for the PRP initiative, the Provider must Directly Register them if eligible. For more information refer to the Direct Registration Chapter.

9.4.1. Apply the Pre-Release Prisoner indicator

Providers must apply the 'Pre-Release Prisoner' (PRP) special client type indicator to the Pre-Release Prisoner's Record in the Department's IT Systems when registering them.

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9.4.2. If a Provider finds a person in custody is not eligible

If a person is referred to a Provider and does not meet PRP initiative eligibility criteria, the Provider must not Directly Register them and should advise the relevant state or territory corrective or youth justice service accordingly.

9.5. Servicing

People in custody receive the same level of Services that are available to any other Workforce Australia Participant.

Providers must deliver high quality case management based on the person's circumstances and servicing needs. Servicing needs may include wrap around supports, such as training, education and other activities that may support a person to achieve employment. What supports are required are identified with the person and their corrective services or youth justice case manager. Supports and services provided must not duplicate services being accessed through corrective or youth justice managed or delivered services.

People in custody do not have Mutual Obligation Requirements.

9.5.1. Employment Services Assessment (ESAt)

If an ESAt is required, the Provider should notify the appropriate corrective or youth justice services case manager that the person in custody requires a referral. Such notifications should be done through a communications protocol agreed between the Provider and corrective or youth justice services. Corrective or youth justice services need to be involved in the process and approve the referral for an ESAt. Refer to Referring Participants for an Employment Services Assessment section for further information.

Medical evidence can be faxed to Service's Australia National Business Gateway on 1300 786 102. Providers faxing medical evidence to the National Business Gateway must ensure that all documents:

- can be clearly read
- include the person's name, address (preferably post release) and Customer Reference Number (CRN), and
- are clearly identified as PRP medical evidence for an ESAt

Where fax is not available, or medical evidence needs to be provided quickly, the Provider can email medical records to the Services Australia Focus Response Team at FOCUS.RESPONSE.TEAM@servicesaustralia.gov.au.

Following completion of the ESAt by Services Australia, the Provider must destroy the person's medical records. The person's medical records are retained on the secure Services Australia IT system.

Refer to Medical Evidence needed for the ESAt referral section for details.

ESAts resulting in referral to a different Service

If the outcome of an ESAt recommends a different employment service, the Provider must not action the Referral.

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The Provider should notify the Department of the recommendation. The Department will seek permission from the corrective or youth justice service for the recommended services and, if permission is granted, arrange for the person to be connected to the recommended services.

9.5.2. Using the Employment Fund

Providers may use the Employment Fund to assist people in custody registered for the PRP initiative.

Providers use their discretion in accessing the Employment Fund on behalf of people they are servicing. For more information refer to Employment Fund Chapter.

9.6. Release from custody

9.6.1. Income support assessment

People in custody who are soon to be released, including those who have recently been released from custody are assessed by Services Australia to determine their Income Support Payment entitlements and employment services eligibility.

9.6.2. Ceasing to be eligible for the PRP initiative

The Department removes the PRP special client type indicator after the person's release, if they are in receipt of an allowance. Where possible, Providers are encouraged to remove the flag as soon as they become aware the person has been released from custody.

People who have been released from custody are no longer eligible for Services under the PRP initiative.

Former people in custody who were registered to the PRP initiative who seek income support after release will be referred to the appropriate employment service by Services Australia.

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Chapter 10. Structural Adjustments

10.1. Chapter Overview

In exceptional circumstances, a Structural Adjustment Program (SAP) may be put in place to assist workers impacted by a large-scale retrenchment activity in a particular firm or industry. This is in addition to support that all other retrenched workers (and their partners) can receive through Early Access.

This Chapter details the core elements and requirements for Providers in registering and servicing Participants who are eligible for support under a SAP. It also provides information about servicing Early Access participants.

10.2. Structural Adjustment Programs

SAPs are implemented in exceptional circumstances and provide recently retrenched workers and their partners (Participants) from eligible companies or industries with direct access to employment support services to assist them to find new employment.

There are no SAPs open for new registrations.

However, Providers may have Participants on their Caseload who were registered under a previous SAP. This may include Participants registered under the:

- ASC Shipbuilding SAP
- Automotive Industry SAP
- BlueScope Steel 2015 SAP
- Alinta Energy SAP
- Queensland Nickel SAP
- Arrium (OneSteel) SAP
- Caterpillar SAP
- Hazelwood SAP

In these cases, the Participant's record in the Department's IT Systems will display a Special Placement Flag indicating their SAP.

If a new SAP is implemented, the Department will issue SAP specific guidelines and training.

10.3. Registering Participants in a Structural Adjustment Program

Participants who are eligible under a SAP can Directly Register with Providers, regardless of whether they are eligible for income support. Eligible Participants may also potentially be referred from Services Australia.

The Provider is to ask the Participant to complete the Job Seeker Snapshot or to conduct it with the Participant in order to gain a comprehensive understanding of their circumstances relevant to the labour market.

Given the exceptional circumstances of a SAP, it is expected Participants will generally be serviced by Providers. However, Participants may be referred from a Provider to the Online Full Service, via the Department's National Customer Service Line (NCSL). To request a Participant be referred to the

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Online Full Service, the Provider must send a completed Referral to Workforce Australia Online Form to nationalcustomerserviceline@dewr.gov.au. For more information, refer to the Eligibility and Referral Chapter.

Providers can instead register a Participant for Workforce Australia Online if requested.

Participants will generally be eligible for additional services as per the specific SAP Guidelines issued for an event.

(Deed Reference(s): Clause 102.1 (b))

10.4. Eligibility must be assessed (includes Early Access Participants)

When a SAP is implemented, Providers within identified Employment Regions must check whether individuals are eligible for access to Workforce Australia Services under a SAP Guideline, including whether they were retrenched less than 6 months before attending a Provider, and/or are in a recognised relationship with an eligible retrenched worker. Providers must also refer to the relevant individual SAP Guidelines on the Provider Portal.

Participants do not need to have left work before receiving assistance, but they do need to have been provided with evidence of retrenchment from an eligible company that includes their exit date.

Participants who access a SAP and find, but then lose, any new employment can regain access to the program within 6 months of their original retrenchment.

Retrenched workers and/or their partners must provide the following to participate in either Early Access or a SAP.

Participants will be required to present evidence of retrenchment, which can include:

- a retrenchment letter,
- certificate of separation, or
- other documentation, including a statutory declaration.

Participants who are partners of eligible retrenched workers will be in a relationship if they are legally married; in a registered relationship; or in a de facto relationship. Evidence of partnership and/or cohabitation can include at least one of the following:

- current evidence of living together (example: lease agreements, joint local authority registration under the same address, mortgage documents, council rate notices, utility bills)
- marriage certificate or evidence that the relationship has been declared to any relevant government bodies (example: Centrelink or the Australian Taxation Office)
- evidence of joint financial obligations (example: insurance policies, joint bank account statements).

Providers must apply the relevant Early Access/SAP Special Placement Flag in the "Special Client Type" field to the record of any participant who is eligible for Early Access/SAP.

If the Participant is referred from Services Australia or DSCC, Providers must confirm the status of the Participant's registration and assign the SAP Special Placement Flag.

10.5. Servicing SAP Participants

The Provider must conduct an Initial Interview for each SAP Participant in accordance with the Deed. At the Initial Interview, the Providers should explain to the Participant the Services they will receive, including the option for Workforce Australia Online, if eligible for referral.

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For most SAP Participants (i.e. those without Mutual Obligation Requirements), attendance at an Initial Interview is all that is required to Commence the Participant. In cases where SAP Participants have mutual obligations, an approved Job Plan is also required.

Once the Participant is Commenced, the Provider must deliver Services to the SAP Participant as an eligible Participant in accordance with the Deed, as well as per specific SAP Guidelines, until they Exit Workforce Australia Services.

Providers should check if Participants have accessed any pre-retrenchment assistance to avoid duplication and ensure complementary servicing.

Generally, Participants will not have Mutual Obligation Requirements on Commencement. However, some Participants may be eligible for Income Support Payments and they will be subject to the same Mutual Obligation requirements as other recipients.

(Deed Reference(s): Chapter B2)

10.6. Managing Employment Fund credits

Additional one-off SAP Employment Fund credits may be made into a separate SAP fund as per specific SAP Guidelines given the exceptional nature of the event. This is in addition to the usual Employment Fund credit made for all participants.

If issued, additional SAP credits are only permitted to be used for Participants who are identified as being eligible for additional support under the specific SAP.

The Department's IT Systems will display the balance of the additional SAP credits separately under the heading, 'SAP Balance Remaining' for Providers to view. Providers are expected to manage their SAP balance.

(Deed Reference(s): Clause 150.5)

10.7. Early Access

SAPs are only for exceptional circumstances. In most cases, retrenched workers and their partners not in receipt of income support are eligible for access to Employment Services under the Early Access initiative.

Early Access Participants can be directly registered by a provider. For Early Access Participants, attendance at an Initial Interview is all that is required to Commence the Participant; an approved Job Plan is not required. Once the Participant is Commenced, the Provider must deliver Services to the Early Access Participant as an eligible Participant in accordance with the Deed, until they Exit Workforce Australia Services.

If a relevant SAP exists, the Provider should check the eligibility of the Early Access Participant for a specific SAP**.** A retrenched worker (and/or their partner) can only be registered in one retrenched worker program, with a SAP taking priority over Early Access as it offers a higher level of support.

If a retrenched worker, who is not eligible for a SAP, wishes to register for employment services, they can directly register through a provider. Servicing requirements for Early Access Participants are the same as other Participants under the Deed, however, as they are not on income support, Early Access Participants will not have Mutual Obligation Requirements.

An Early Access Participant's record in the Department's IT Systems will display a Special Placement Flag indicate they are part of the Early Access initiative.

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Chapter 11. Job Plan and Mutual Obligation Requirements

Supporting Documents for this Chapter:

- Job Plan template for Participants with Mutual Obligation Requirements
- Job Plan template for Voluntary Participants (eligible for Mobility Allowance)
- Job Plan template for Disability Support Pension Recipients with Compulsory Requirements
- Workforce Australia Job Plan codes and requirements, by Participant Type
- Verification of Year 12 or equivalent qualification cover sheet
- Labour market credits in Workforce Australia Provider fact sheet
- Points values for tasks and Activities in the PBAS Provider fact sheet
- Reporting tasks in PBAS Provider fact sheet
- Reporting Activities in PBAS Provider fact sheet

11.1. Chapter Overview

This Chapter explains Providers' requirements relating to Job Plans and Mutual Obligation Requirements, including meeting a Points Requirement through the Points Based Activation System (PBAS).

Participants generally have Mutual Obligation Requirements in return for receiving Income Support Payments from Services Australia.

A Participant's Job Plan outlines their Mutual Obligation Requirements. Providers need to ensure that Participants with Mutual Obligation Requirements have a Job Plan in place at all times and that Participants understand their Mutual Obligation Requirements.

In a Participant's Job Plan, meeting a Points Requirement, which includes a Points Target and Job Search Requirement, is one of the core Mutual Obligation Requirements for a Participant. The maximum Points Requirement to meet each month is 100 points and this can be reduced based on a Participant's personal circumstances and local labour market conditions. Under the PBAS, Participants have flexibility and choice as to how they meet their Points Requirement. Participants can undertake tasks and Activities, including any Job Search Requirement to gain points to meet their Points Requirement, each month.

11.2. What is a Job Plan?

A Participant's commitment to participate in employment services in return for receiving an Income Support Payment is agreed through a Job Plan.

For the purposes of Social Security Law, a Job Plan is called an 'employment pathway plan' for Participants receiving participation payments and a 'participation plan' for Disability Support Pension Recipients (Compulsory Participation Requirements).

The Job Plan outlines what the Participant must do to participate in employment services, called their Mutual Obligation Requirements, which include:

- meeting a Points Requirement (including any Job Search Requirement) as displayed on their homepage, or as advised by their Provider, and reporting tasks and Activities through their homepage, or to their Provider
    - the homepage can be accessed by the Participant logging into their online account on the Workforce Australia website or app

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- attending and acting appropriately during any compulsory Appointments (i.e., Appointments with their Provider or Appointments with third parties, of which the Participant is notified)
- following up on job referrals and opportunities the Participant is referred to by the Provider
- attending and acting appropriately during a job interview/s
- accepting any offer of a suitable job and not voluntarily leaving a suitable job
- taking responsibility to accurately record or report attendance at their requirements
- participating in a Mandatory Activity Requirement on the dates and times notified.

Providers must discuss the contents of the Job Plan with the Participant to ensure they understand what they are agreeing to do and the potential consequences of not agreeing to enter into the Job Plan or failing to meet their Mutual Obligation Requirements as outlined in the Job Plan.

Providers must also consider the employment pathway plan matters outlined in Social Security Law. These are:

- the person's education, experience, skills and age;
- the impact of any disability, illness, mental condition or physical condition of the person on the person's ability to work, to look for work or to participate in training activities;
- the state of the labour market and the transport or other options available to the person in accessing that market;
- the participation opportunities available to the person;
- the family and caring responsibilities of the person;
- the length of travel time required to comply with requirements in an employment pathway plan;
- the financial costs (such as travel costs) of complying with requirements in an employment pathway plan, and the person's capacity to pay for such costs.

(Deed Reference(s): Clause 106, 107, 108, 139, 141)

11.2.1. Explaining the Job Plan to the Participant

As part of the Initial Interview, the Provider must explain to the Participant:

- the purpose of the Job Plan
- their Mutual Obligation Requirements outlined in the Job Plan, including meeting a Points Requirement if they have one.

The Provider must ensure the Participant is aware of:

- the section entitled ‘Information You Need to Know’ in the Job Plan
- their rights and responsibilities under the Job Plan, including ‘think time’ to consider the Job Plan before agreeing to it
- particular circumstances that may result in adjustment to the Participant's Mutual Obligation Requirements, including the Points Requirement (as shown on their homepage or advised by the Provider), as detailed in these Guidelines and on the Department's website
- how to contact the Provider to give prior notice, or if unable to meet certain Mutual Obligation Requirements, and the consequences of not giving prior notice if the Participant is able to do so
- the consequences of failing to meet their Mutual Obligation Requirements as outlined in the Job Plan, including the Points Requirements
- their right to appeal decisions and where they can find assistance to do this
- how information is handled under privacy legislation and Social Security Law, and

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- the Service Guarantee.

Explaining the Points Requirement

For Participants who have a Points Requirement, the Provider must ensure that the Participant understands that they must meet their Points Requirement which can be met through a variety of tasks and Activities using the PBAS.

- The Participant must meet a specified Points Target each month that is displayed on their homepage or as advised by their Provider, i.e., the number of points they must report to meet their Mutual Obligation Requirements
- The Participant must also complete a Job Search Requirement each month i.e. the number of Job Searches that they must report to meet their Mutual Obligation Requirements.
- If a Participant does not meet both their Points Target and Job Search requirement each month, they will not meet their Points Requirement
- The Participant must complete or attend tasks or Activities to earn points, for example 80 points of tasks and Activities and 20 points for 4 Job Searches to meet a Points Requirement of 100 points
- The Participant's Points Target will be tailored to recognise the Participant's personal circumstances and/or local labour market conditions
- The Participant's Points Reporting Period ends on the same day each month, and this date is displayed on their homepage, or is advised by the Provider
- If the Participant does not report sufficient points or Job Search efforts to meet their Points Requirement, including reporting sufficient Job Searches to meet any Job Search Requirement by the end of their Points Reporting Period, the Participant may be subject to compliance action under the Targeted Compliance Framework (TCF). Refer to the Targeted Compliance Framework and Mutual Obligations Failures Chapter for further information
- The Participant reports the completion of tasks and attendance at Activities on their homepage or to the Provider
- The Participant can contact the Provider if they are unable to report their participation or attendance at an Activity and the Provider will report on their behalf
- If the Participant cannot meet their Points Target or Job Search Requirement, or has a change in circumstances, to immediately advise their Provider and their Provider can adjust their requirements.

Note: The "Points values for task and Activities in the Points Based Activation System" fact sheet is available to provide to Participants in the Initial Appointment to assist in identifying suitable tasks and Activities to support their employment journey.

(Deed Reference(s): Clause 106, 107, 108, 109, 110, 138)

Interpreters, nominees and support persons

When a Participant requests, or if the Provider considers it appropriate, the Participant can bring a support person with them to review their Job Plan, including an interpreter.

Providers are required to use an interpreter to ensure that a Participant with language or hearing barriers understands their Mutual Obligation Requirements before they agree to the Job Plan.

Where a Participant has court appointed nominee arrangements in place due to an inability to manage their own affairs, for example with state and territory guardianship/financial management

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orders in place, the nominee should be involved in the agreement of the Job Plan to ensure appropriate requirements for the Participant.

The Provider may also need to work with a Humanitarian Settlement Program Case Manager, who may accompany some humanitarian entrant (refugee) Participants. A Humanitarian Settlement Program Case Manager can provide advice on appropriate Employment strategies and Activities suitable to the Participant.

Note: A Humanitarian Settlement Program Case Manager is not an interpreter.

A Participant in full-time residential or intensive drug and alcohol treatment or rehabilitation should have an authorised correspondence nominee. The nominee will receive all of the correspondence and notifications sent from the Provider to the Participant.

(Deed Reference(s): Clause 16)

11.3. Creating a Job Plan

Provider and Services Australia employees have been delegated certain powers under Social Security Law including the power to require a Participant to enter into a Job Plan and to approve or update it.

At the Initial Interview, a Provider must create a Job Plan with each Participant with Mutual Obligation Requirements, including new Participants who do not have a Job Plan and Participants that have transferred from other Providers or from Workforce Australia Online to a Provider.

The following requirements are pre-populated into the Job Plan and cannot be removed. All Participants with Mutual Obligation Requirements must agree to and understand that they must undertake these requirements.

Table 11-A: Non-removable Job Plan codes

Job Plan code	Job Plan requirement (non-removeable)	Description
PA09	Points Requirement	The Participant is required to meet the Points Target (including any Job Search Requirement) displayed on their homepage, or as advised by their Provider, each Points Reporting Period. They must do this by accurately reporting their tasks and Activities through their homepage or to their Provider. Where the Participant is capable of and agrees to accurately report their own attendance at their requirements (i.e., agrees to a Job Plan with the PA03 - personal responsibility requirement), they must record their tasks and Activities through their homepage. Where the Participant is unable to regularly report their tasks and Activities through their homepage (and agrees to a Job Plan without the PA03 - personal responsibility requirement) the Participant will report their tasks and Activities to their Provider. The Provider must record these in the Department's IT Systems and help the

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Job Plan code	Job Plan requirement (non-removeable)	Description
		Participant to manage their progress against their Points Target and Job Search Requirement. Refer also to Table 11-B below. In setting the Points Requirement, Providers must consider the factors and personal circumstances that may impact on a Participant's ability to comply with their Mutual Obligation Requirements, as specified in these Guidelines and the Social Security Law. For further information on setting requirements see Tailoring a Participant's Mutual Obligation Requirements.
JS13	Accept and retain suitable paid work	The Participant is required to accept any offer of suitable paid work and must not leave suitable paid work voluntarily (i.e., without a Valid Reason).
PA12	Actioning job referrals and opportunities	The Participant is required to follow up on any job opportunities they are referred to by their Provider. This may include applying for specific jobs, accepting a job interview, contacting an Employer to arrange and accept a job interview and providing personal details to support a job opportunity.
JS10	Job interviews	The Participant is required to attend and act appropriately at job interviews (i.e., those that they are referred to by their Provider).
AI16	Compulsory notified Appointments	The Participant is required to attend and act appropriately during any compulsory Appointments. This includes Appointments with their Provider, or with third parties (e.g., meeting with a Work for the Dole supervisor to discuss an Activity).

The following requirement (PA03 – personal responsibility) is pre-populated into the Job Plan; however, the Provider must remove it if it is not appropriate for a Participant, such as a lack of digital skills, no access to a computer and/or internet. If this requirement is kept in the Job Plan, the Participant must agree to and understand that they must undertake this requirement.

Table 11-B: Removeable Job Plan codes

Job Plan code	Job Plan requirement (removeable)	Description
PA03	Personal responsibility	The Participant is required to accurately record or report their attendance at their requirements. The Participant is required to accurately report their attendance on their homepage, by close of business on

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Job Plan code	Job Plan requirement (removeable)	Description
		the day of the requirement, at the following compulsory requirements in their Job Plan: • third party Appointments (**Note**: Providers will be responsible for recording attendance at Provider appointments) • Provider scheduled job interviews • the Mandatory Activity (where applicable). The Participant is also required to accurately report the completion of tasks and confirmation of attendance at Activities through their homepage to gain points through the PBAS. To demonstrate personal responsibility, the Participant must be able to self-manage their requirements online, via their homepage, in the manner described above. Where a Participant is identified by the Provider as lacking the ability to accurately report their own attendance and/or self-manage their participation online, this requirement must be removed. See Determining if a Participant can accurately record and report their participation online.

The following requirements can be added into the Job Plan by the Provider, when required.

Table 11-C: Addable Job Plan codes

Job Plan code	Job Plan requirement (addable)	Description
PA15	Mandatory Activity Requirement (Work for the Dole)	Work for the Dole must be added to the Job Plan when the Provider determines that the Participant is required to undertake this requirement in accordance with the Guidelines. Once included in the Job Plan, failure to attend or behave appropriately may result in compliance action under the TCF. For more information refer to Activation and Mandatory Activity Requirement.
JS05	Job Search with a Disability – Activity Tested	Where a Participant advises the Provider that they are claiming or receiving the higher rate of mobility allowance, the Provider must ensure that the

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Job Plan code	Job Plan requirement (addable)	Description
		Participant's Job Plan contains this requirement in order to trigger the higher rate of mobility allowance. **Note:** The standard rate of mobility allowance is triggered by having an approved Job Plan containing the Points Requirement (PA09).

Note: Under Workforce Australia Services, assistance codes are not included in a Participant's Job Plan. Providers can connect a Participant's identified barriers to the Points Based Requirement (PA09) item code and barriers can be addressed through participation in PBAS Activities.

(Deed Reference(s): Clause 106, 107, 108, 109, 110, 142, 143)

11.3.1. Determining if a Participant can accurately record and report their participation online

Participants should report their participation online, and manage their Mutual Obligation Requirements online, if they are able to do so.

In determining whether a Participant can self-manage their participation online, the Provider must consider whether a Participant is:

- capable of planning, managing, and reporting their Mutual Obligation Requirements, including if experiencing a short-term crisis
- able to use the online service themselves, or with appropriate support, by navigating to their homepage and reporting the tasks they have completed or reporting attendance at Activities.

This would include if the Participant has:

- connected their myGov profile to their Workforce Australia account or is willing to do so
- an ability to:
  - log on to the Workforce Australia website and/or app
  - view their homepage
  - report their own participation and tasks online to receive points during their Points Reporting Period.
- reliable access to technology such as a computer or smartphone and connection to the internet that would allow them to plan, undertake and record their participation
- an understanding of:
  - what they need to report and where they can find information on how to report points
  - what to do and who to contact if their circumstances may prevent them from meeting their Mutual Obligation Requirements in their Job Plan or monthly Points Requirement
  - the consequences of not reporting their Mutual Obligation Requirements by the notified date or not meeting their Points Target and Job Search Requirement by the end of their Points Reporting Period.

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If a Participant is not capable of navigating and reporting online, the Provider must remove this requirement from their Job Plan and work with the Participant to improve their capability to accurately report and record their attendance and completion of requirements.

When the PA03 requirement has been removed from the Job Plan, it is then the Provider's responsibility to record the Participant's participation against each of the Mutual Obligation Requirements scheduled in their Electronic Calendar by close of business on the day of the scheduled requirement. This includes reporting the completion of a task or attendance at an Activity.

Note: Providers will receive reminder notifications via the Workforce Australia Online platform for Providers under "Site tasks" at 15 and 5 days prior to the end of a Participant's Points Reporting Period to report their requirements. For guidance on reporting PBAS points, see the Workforce Australia – Reporting Points on Behalf of a Participant task card.

Note: Participants without the PA03 requirement in their Job Plan are still required to be available to assist their Provider in confirming and recording their attendance at compulsory requirements.

When the Participant is capable of accurately recording and reporting their own attendance at their requirements, the Provider should update the Job Plan to add this requirement back into the Job Plan.

If the PA03 requirement is included in the Job Plan, Participants agree to self-report and must record and report their attendance at tasks and Activities. The Provider must also monitor the Participant's daily attendance at compulsory Appointments, job interviews or the Mandatory Activity in their Job Plan to ensure attendance results are recorded in Department's IT Systems by close of business on the day of the requirement. If Providers observe Participants with PA03 requirements are not routinely recording their own attendance, Providers should review whether the Participant is capable of accurately recording and reporting their own attendance at their requirements.

If an attendance result has not been recorded by close of business on the day of a third party Appointment, job interview or a Mandatory Activity, the Participant's payment may be put on hold.

Note: Participants without the PA03 requirement in their Job Plan are still required to be available to assist their Provider in confirming and recording their attendance at these compulsory requirements.

When the Participant is capable of accurately recording and reporting their own attendance at their requirements, the Provider should update the Job Plan to add this requirement back into the Job Plan.

For further information on reporting tasks and Activities for a Participant, see Meeting the Points Requirement.

For guidance on creating a Job Plan in the Department's IT Systems refer to the Department's training resources.

(Deed Reference(s): Clause 110, 140, 143)

11.4. Review and Agreement of the Job Plan

Once the Job Plan has been created in the Department's IT Systems, the Provider must provide it to the Participant for their review and agreement.

Once the Job Plan is agreed and approved in the Department's IT Systems, the Participant is Commenced with the Provider. The Participant can agree to their Job Plan online, in person or over the phone.

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The Provider is required to formally notify the Participant that they must agree to their Job Plan and advise them of the consequences of failing to do so. A script is available on the Department's IT Systems for the Provider to read to the Participant and includes a compliance warning that is required to be given to Participants if they do not agree to the Job Plan within 2 Business Days.

The Participant can have up to 2 Business Days 'think time' to consider the requirements in the Job Plan and to agree to their Job Plan. Providers should tell the Participant that they can use this time to discuss the terms of the Job Plan with a third party if they wish.

Participants who do not enter into a Job Plan after 2 Business Days 'think time' will have 5 Business Days resolution time to address the failure by either agreeing to their Job Plan or providing a Valid Reason for the failure to avoid having their Income Support Payment suspended. If the Participant does not agree or provide a Valid Reason, their payment is suspended after resolution time.

For further information see the 'When a Participant commits a Mutual Obligation Failure' section of the Targeted Compliance Framework and Mutual Obligation Failures Chapter.

(Deed Reference(s): Clause 108)

11.4.1. Participants agreeing to the Job Plan online

Providers can send a Job Plan to the Participant to review and agree to online by sending it to their homepage through the Workforce Australia website or mobile app.

The Provider should inform the Participant that the Job Plan has been sent to their homepage for agreement. The 2 Business Days of 'think time' will commence at this point.

If a Participant has not agreed to their Job Plan by the end of those 2 Business Days, they will be notified that their payment will be suspended in 5 Business Days if they do not agree to their Job Plan.

When the Participant agrees to the Job Plan, the Job Plan status will automatically be set to 'approved' in the Department's IT Systems.

If a Participant cannot agree to a Job Plan online because they live in an area with unreliable connectivity or other similar reasons, the Provider needs to inform the Participant that they are required to agree to the Job Plan in person or over the phone.

(Deed Reference(s): Clause 108)

11.4.2. Participants agreeing to the Job Plan in person or over the phone

Job Plans can be agreed to by the Participant in person or over the phone when in contact with the Provider, including where the Participant does not have an online account.

The Provider is able to finalise and approve the Job Plan in the Department's IT Systems by confirming the Participant has read, understood and agreed to the Job Plan and the date the Job Plan was agreed.

Where approving in person, the Provider may print out a hard copy of the Job Plan for the Participant to read. Where approving over the phone, the Provider must read out the Job Plan requirements to the Participant.

The Provider must also always read out the notification scripts available in the Department's IT Systems.

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These scripts include a compliance warning advising the Participant of the consequences of not agreeing to the Job Plan within 2 Business Days.

If a Participant accepts 'think time', Providers need to arrange and book a Provider Appointment for the Participant to occur in 2 Business Days so that the Participant can agree the Job Plan over the phone or in-person.

Once the Job Plan has been agreed and approved in the Department's IT Systems, the Participant will be able to access it from their homepage.

For guidance on sending a Job Plan to a Participant through the Department's IT Systems and for approving a Job Plan in the Department's IT Systems see the Knowledge Base Article KB0014636 Job Plan - Creating, updating or withdrawing a Job Plan, or refer to the Department's training resources.

11.5. Updating a Job Plan

A Job Plan must be reviewed and updated when the Participant:

- is required to undertake Work for the Dole as their Mandatory Activity Requirement and the Job Plan code PA15 – Mandatory Activity is added to the Job Plan and when the Activity has been completed and it needs to be removed from the Job Plan
- requires PA03 – personal responsibility to be added to or removed from their Job Plan to reflect the Participant's capability to self-manage their reporting
- has a Capability Interview or Capability Assessment where it is identified that there are errors in compulsory requirements, or the Participant is not capable of meeting their requirements based on their circumstances
- moves between Workforce Australia Online and Workforce Australia Services or changes Providers in Workforce Australia Services.

Every time the Job Plan is updated, Providers need to discuss the requirements with the Participant to ensure that they understand the changes that have been made.

The Participant must agree to the updated Job Plan either online, in person or over the phone and the Participant can have up to 2 Business Days 'think time' to consider the updated Job Plan.

If a Participant accepts 'think time', Providers need to arrange and book a Provider Appointment for the Participant to occur in 2 Business Days so that the Participant can agree the Job Plan over the phone or in-person.

Note: A Job Plan can only be updated if there is no compliance outstanding. If compliance action is outstanding, the Department's IT Systems will not permit the Job Plan to be updated and the Provider will be redirected to the compliance screen in the Department's IT Systems to resolve the non-compliance first.

For guidance on updating a Job Plan in the Department's IT Systems see the Knowledge Base Article KB0014636 Job Plan – Creating, updating or withdrawing a Job Plan task card, or refer to the Department's training resources.

(Deed Reference(s): Clause 106, 107, 109, 143)

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11.6. Disability Support Pension Recipients (Compulsory Participation Requirements)

Providers must negotiate and approve a Job Plan for Disability Support Pension Recipients (Compulsory Participation Requirements) at the Initial Interview. The Job Plan must be regularly reviewed and updated as necessary in order to take into consideration the individual's circumstances.

Disability Support Pension Recipients (Compulsory Participation Requirements) do not have a Points Requirement in their Job Plan as they do not use the PBAS. Instead, they are required to have a Job Plan which contains at least one compulsory work-focused Activity and may also contain additional compulsory or voluntary Activities.

A requirement to attend regular participation interviews with Services Australia is included in the Job Plan template for Disability Support Pension Recipients (Compulsory Participation Requirements) and is a compulsory Activity.

Examples of other Activities and interventions which may be included in a Job Plan for a Disability Support Pension Recipient (Compulsory Participation Requirements) are listed below.

Note: The Activities included should be based on the Disability Support Pension Recipient's individual barriers and circumstances.

- ET53 - Apprenticeship/Traineeship (Compulsory (C), Voluntary (V))
- ET59 – Study Part-Time or Full-Time (C,V)
- ET64 – Work Preparation (C,V)
- WE11 – Voluntary Work (C,V)
- WE12 – Work for the Dole (C,V)
- NV02 – Counselling (V)

Note: Disability Support Pension Recipients (Compulsory Participation Requirements) are not required to undertake Work for the Dole, or other agreed Activities, unless the Activity is included as a compulsory item in their Job Plan.

Where a Disability Support Pension Recipient (Compulsory Participation Requirements) advises that they are claiming or receiving the mobility allowance, the Provider must ensure that the Disability Support Pension Recipient's Job Plan contains:

- in order to enable payment of the higher rate of allowance: JS05 - 'Job Search with a Disability – Activity Tested' (C), or
- to enable payment of the standard rate of allowance, at least one of the following codes:
    - JS04 - Job Search Contacts (V)
    - JS07 - Research and Prepare Applications (C,V)
    - JS09 - Job Search monthly (C,V)
    - JS10 - Job Interviews(C,V)
    - ET64 - Work Preparation (C,V).

In return for Income Support Payments, Disability Support Pension Recipients (Compulsory Participation Requirements) must enter into a Job Plan and must comply with the compulsory Appointments and Activities detailed in their Job Plan. Where they fail to do so, the Provider must contact them on the same Business Day as becoming aware of the failure to comply and, if the

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Disability Support Pension Recipient (Compulsory Participation Requirements) does not have a Valid Reason, the Provider must report this to Services Australia.

(Deed Reference(s): Clause 139, 141, 146)

11.7. Arrangements for Participants (Voluntary)

Participants (Voluntary), including those who have been Directly Registered, are generally not required to enter into a Job Plan and do not have Mutual Obligation Requirements under Social Security Law. They do not use the PBAS and are not subject to the TCF. These participants will generally choose to undertake Activities, with the assistance of their Provider, in order to increase their capacity and opportunity to participate in and gain paid work.

In accordance with the Deed and these Guidelines, after Commencing the Participant (Voluntary), the Provider must discuss and determine suitable Activities that the Participant (Voluntary) will participate in during their Volunteer Period, or while otherwise commenced as a Participant (Voluntary).

- The Provider must record in the Electronic Calendar on behalf of the Participant relevant details of those Activities, including Activity placement details and the Participant's subsequent attendance and completion of those Activities.

- The Provider should record in the Department's IT Systems details of other assistance provided to the Participant (Voluntary), including matching them to suitable Vacancies and providing them assistance with applying for suitable jobs.

Where a Participant (Voluntary) advises the Provider that they are claiming or receiving (the higher or standard rate of) mobility allowance, the Provider must negotiate and approve with the Participant a voluntary job plan containing a suitable voluntary Activity. This plan is a voluntary agreement and is not a Job Plan as defined under Social Security Law.

Inclusion of the JS06 - 'Job Search with a Disability – Non-Activity Tested' (Voluntary) Activity in an approved voluntary Job Plan will enable payment of the higher rate of allowance. Under JS06, the Participant (Voluntary) agrees to look for work of more than 15 hours per week, at or above the relevant minimum wage.

Inclusion of the Activity JS04 - Job Search Contacts (V)) will enable payment of the standard rate of allowance. Under JS04, the Participant (Voluntary) agrees to contact a certain number of Employers each fortnight. The Provider should enter a number greater than one that is agreed by the Participant and reflects the Participant's circumstances.

The Provider should support a Participant (Voluntary) who is claiming or receiving mobility allowance to look for work as appropriate by monitoring the relevant Job Search Activity.

- The Provider must manage and record in the Electronic Calendar the voluntary Activity participation of those claiming or receiving mobility allowance as for other Participants (Voluntary), as specified in the Deed and Guidelines.

(Deed Reference(s): Clause 116)

11.8. Mutual Obligation Requirements

A Participant's Mutual Obligation Requirements must reflect their individual circumstances and are affected by factors such as a Participant's age, assessed work capacity, if they have primary

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responsibility for the care of a child and any other any personal circumstances that may impact their ability to meet their requirements or participate in Services. Participants must meet **both** their Points Target and Job Search Requirement to meet their monthly Reporting Period requirement. If a Participant fails to meet one of these requirements, they will not meet their Points Requirement for that Reporting Period.

A Participant's Mutual Obligation Requirements must be tailored to the Participant which could include:

- adjusting the Participant's Points Target and Job Search Requirement
- scheduling Appointments or Activities to better suit the Participant
- tailoring Appointment arrangements such as holding Appointments by telephone or video call.

The maximum Points Requirement a Participant is required to meet each month is 100 points which generally includes 4 job searches equal to 20 points. If there are no adjustments to the Points Target or Job Search Requirement due to the Participant's personal circumstances and labour market conditions, the default target is set in the Department's IT Systems at 100 points (including 4 job searches) each Reporting Period.

(Deed Reference(s): Clause 105, 139)

11.8.1. Participants exempt from Mutual Obligation Requirements

If a Participant is temporarily unable to meet their Mutual Obligation Requirements, Services Australia may grant an Exemption for a specified period. This recognises the family and personal circumstances that Participants sometimes face.

The types of Exemptions that may be applied include, but are not limited to, the following situations:

- temporary medical incapacity
- pre and postnatal
- caring for children with a disability or other special family circumstances
- domestic violence
- newly arrived refugee within the first 13 weeks of entry to Australia
- other special family circumstances including if a:
    - Principal Carer Parent is a registered and active foster carer or providing foster care temporarily in an emergency, or on a respite, basis
    - parent is home schooling or facilitating distance education for one or more of the children or secondary pupil children for whom they are the principal carer or main supporter
    - Principal Carer Parent is caring for a family of 4 or more children aged 18 years or under
    - Principal Carer is a relative but not a parent of a child and the child is living with the Principal Carer in accordance with a family law order, or
    - Principal Carer is a relative but not a parent of a child (kin child) and the Principal Carer is caring for the wellbeing of that kin child in accordance with a document accepted by the state/territory that is responsible for the wellbeing of children.
- other special circumstances, including:
    - major personal disruption to the Participant's home
    - major personal crisis (including homelessness)

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- affected by declared natural disaster (for example, bushfires, flooding, or cyclone)
- volunteering during a state or national emergency
- temporary caring responsibilities
- dad and partner leave
- undertaking jury duty
- community service order for more than 20 hours per week
- attending a Defence Force Reserves training camp overseas
- being a newly protected witness or a newly arrived refugee (after the first 13 weeks but within their first 12 months on income support), or
- undertaking Indigenous cultural business.

If a Provider believes that the Participant does not have the capacity to meet their Mutual Obligation Requirements, the Participant must be advised to contact Services Australia to test their eligibility for an Exemption, on their normal payment phone line. If a Participant has applied for an Exemption and Services Australia is assessing that application, a Provider can reduce the Points Target and Job Search Requirement to zero while waiting for the Exemption to be granted.

From 1 January 2025 Services Australia can grant temporary incapacity Exemptions for unemployment payment recipients for up to two years based on the medical practitioner's advice on the medical certificate. For further information see 'Getting a medical certificate' on Services Australia website.

Participants granted an Exemption will be Suspended from a Provider's caseload for the period of the Exemption. These Participants may voluntarily choose to continue participating in employment services as a Participant (Voluntary). Some Participants with longer-term Exemptions may be Exited from a Provider's caseload.

Note: Some Participants considering an application for a Disability Support Pension may need to demonstrate that they have actively participated in a program of support to be eligible for the Disability Support Pension. Providers should advise these Participants that periods of Exemption will not count as participation in a program of support.

Note: Where an Exemption is applied for part of a Points Reporting Period, the Participant's Points Target will be pro-rated and an automatic credit will be applied in the Department's IT Systems to reduce the Points Target. Providers can make further adjustments to the Points Target and the Job Search Requirement during the pro rata period, or until the Exemption is granted. Similarly, if the Exemption is denied, Providers can still make manual adjustments to tailor the Points Target and Job Search Requirement to the circumstances of the Participant.

Participants subject to family and domestic violence

If a Participant discloses family and domestic violence, or a Provider has concerns that a Participant is experiencing, at risk or a survivor of family and domestic violence, Providers must discuss support options and services available to them and offer referrals. This includes support provided by a Services Australia social worker and national or state-based organisations that offer advice and information about family and domestic violence.

Participants must consent to a referral to a Services Australia social worker or other services. If a Participant does not consent to a referral, Providers must provide them with contact information to support options and services to enable the Participant to contact services directly. If providing written information, Providers must ensure with the Participant that it is safe to do so. If Providers

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have concerns for a Participant's safety, or the safety of their children, and the Participant declines support, these concerns must be escalated with supervisors.

Providers must also consider whether concerns for the safety of children require reporting in line with state and territory requirements, and should refer to the Commonwealth Child Safety Framework section in the Part A Guidelines: Operational Requirements Chapter for more information, links and resources.

Providers notified of family and domestic violence as the reason for a Participant not meeting their Mutual Obligation Requirements, must consider this in their assessment of whether or not the Participant had a Valid Reason.

If a Participant applies to Services Australia for an Exemption because they are subject to, or a survivor of family and domestic violence, Services Australia will assess whether an Exemption is granted and the appropriate length of the Exemption from their Mutual Obligation Requirements.

If a Participant has applied for an Exemption and Services Australia is assessing that application a Provider can reduce the Points Target and Job Search Requirement while the Exemption is being assessed.

Newly arrived refugees

Newly arrived refugees who volunteer to participate in provider-led services within their first 12 months on income support, should not have a Points Target or Job Search Requirements as they are not compellable. Newly arrived refugees are usually managed by Services Australia however they can be referred as a volunteer to participate in services offered by the Provider.

11.8.2. Participants who are Fully Meeting their Mutual Obligation Requirements

Some Participants are considered Fully Meeting their Mutual Obligation Requirements through sufficient participation in certain activities such as paid work, approved study, Voluntary Work or a combination of these.

Participants who are Fully Meeting their Mutual Obligation Requirements through an approved activity:

- will be suspended on their Provider's caseload,
- are not required to undertake any job search or participate in any additional activities,
- can elect to participate voluntarily with their Provider, and
- will be Exited, if participation in the approved activity will continue for 13 weeks or more (unless they elect to participate voluntarily with their employment services provider).

If the Participant has confirmed their engagement in an approved Fully Meeting activity but have not yet commenced, they will still have to participate in their Mutual Obligations Requirements (such as Job Search and attending Provider appointments if applicable) until they commence the Fully Meeting activity.

If a Participant is eligible through participation in certain approved activities or combination of activities, Providers are expected to assess and record the Participant as Fully Meeting their Mutual Obligation Requirements in the Department's IT Systems rather than sending the Participant to Services Australia to action. See Employment Systems Task Cards - Workforce Australia - Activities - Recording Participants as Fully Meeting Mutual Obligations.

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Once a Provider or Services Australia determines a Participant is Fully Meeting their Mutual Obligation Requirements, the Participant will be suspended from the Provider's Caseload and become Centrelink Managed. If the Participant is expected to continue to Fully Meet their Mutual Obligation Requirements for more than 13 weeks they will be Exited unless they elect to participate voluntarily with their Provider.

Note: If a Participant that is Fully Meeting their Mutual Obligation Requirements has a Job Plan with Services Australia, the Provider should not negotiate a new Job Plan. The Job Plan with Services Australia remains valid while the Participant continues Fully Meeting their Mutual Obligation Requirements. If the Job Plan with Services Australia expires and the Participant is still undertaking the Activity, they should be referred to Services Australia for the Job Plan to be updated.

A Participant Fully Meeting their Mutual Obligation Requirements may elect to participate voluntarily in Services as a Participant (Voluntary) while they are Suspended or Exited. See the Commencements, Transfers, Suspensions and Exits Chapter for more information on Participants voluntarily participating in Services.

If a Participant ceases Fully Meeting their Mutual Obligation Requirements, the Provider must resume delivery of Services. This would include engaging with the Participant to ensure they understand their Mutual Obligation Requirements and discuss appropriate tasks and Activities that the Participant can undertake to meet their Points Requirement.

Note: If a Participant is undertaking intensive drug and alcohol treatment or rehabilitation (such as full-time residential program) they are considered as meeting their Mutual Obligation Requirements and are not required to complete additional requirements (see Participants who are meeting their Points Requirement and Tailoring a Participant's Mutual Obligation Requirements).

For further information on the different cohorts of Participants and when they are Fully Meeting their Mutual Obligation Requirements see Attachment 11A.

Voluntary Work Approval Process for Fully Meeting requirements

Under current policy only Provider Sourced Voluntary Work and voluntary work approved by Services Australia can contribute to a participant Fully Meeting their requirements. Participant Sourced Voluntary Work is not an eligible activity type for this purpose – unless it is approved (see below). Participant Sourced Voluntary Work should also not be created as an activity in WOAP and is reported by Participants directly through their PBAS Reporting processes.

While both Employment Services Providers and Services Australia can approve voluntary work for Participant's aged 55+, Principal Carer Parents can only access Provider Sourced Voluntary Work for the purpose of Fully Meeting their requirements. This is due to the additional conditions that must be met for this cohort.

If a person is undertaking Participant Sourced Voluntary Work and wishes to use voluntary work participation to fully meet their requirements, then the Provider has the following options:

If the person is aged 55+ the Provider can:

- Assist the Participant in accessing the Voluntary Work approval form on the Services Australia website for the Participant and voluntary work organisation to complete and submit the form to seek approval from Services Australia for the Voluntary Work placement, or

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- Determine if the placement would be suitable as a Provider Sourced Voluntary Work and undertake the relevant steps to create Provider Sourced Voluntary Work placement (where the Provider deems this an appropriate activity for the Participant). See the Voluntary Work Chapter for more information on Provider Sourced Voluntary Work.
- If the person is under 55 and a Principal Carer Parent, the Provider can Review the Participant Sourced Voluntary Work and determine whether it is suitable to meet the requirements outlined in the Guideline which allow a Principal Carer Parent to Fully Meet their requirements, including that the Participant lives in a disadvantaged labour market, training opportunities are limited and there is a significant vocational element to the voluntary work. If so, the Provider should work with the Participant to assist them in Fully Meeting their requirements by creating a Provider Sourced Voluntary Work placement. See the Voluntary Work Chapter for more information on Provider Sourced Voluntary Work.

Note: When creating a Provider Sourced Voluntary Work placement for a Participant who will be Fully Meeting their requirements through voluntary work or a combination of activities that includes voluntary work, the Provider must ensure the duration of the placement in the Department's IT Systems does not exceed 365 days.

(Deed Reference(s): Clause 115, 116, 117)

11.8.3. Participants who are meeting their Points Requirement

Some Participants can meet their Points Requirement in the PBAS for the relevant Points Reporting Period through sufficient participation in certain tasks and Activities. These Participants remain on the Provider's caseload and continue to be serviced by the Provider while undertaking the tasks or Activities. They will also be required to undertake other Mutual Obligation Requirements outlined in their Job Plan.

Participants undertaking the following Activities will meet their Points Requirement if they undertake the Activity for their entire Points Reporting Period (4-week period).

- Local Jobs Program (high intensity level)
- Launch into Work
- Skills for Education and Employment
- Adult Migrant English Program (over 15 hours per week)
- Workforce Specialist Projects (high intensity level)
- Self-Employment Assistance Small Business training (up to 8 weeks – see note below)

Note: A Participant's Job Search Requirement will be automatically reduced to zero for the entire Points Reporting Period when the Participant reports their first attendance or weekly participation at one of these Activities in the Points Reporting Period.

Note: If a Participant stops undertaking one of these Activities during their Points Reporting Period they will earn points for the weeks attended but may not meet their Points Requirement for the entire Points Reporting Period. Providers are required to review the Participant's circumstances and consider supporting them in alternative activities to meet their Points Requirement or reduce their Points Requirement for the reporting period.

Note: Participants undertaking Self-Employment Assistance Small Business training are considered to be meeting their Mutual Obligation Requirements for a period of up to 8 weeks while they are undertaking this Activity. These Participants are therefore not required to undertake any additional Activities, such as attending Provider Appointments.

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Other Activities that can meet a Participant's Points Requirement include:

- Participants undertaking, for more than 15 hours per week, an eligible Education and training short course that will improve their employment prospects – refer to the Education and Training Chapter for further guidance on determining approved courses
- Early School Leavers undertaking Education and training, or a combination of Education and training and part-time work, for the required hours per week (25 hours; or 15 hours for Principal Carer Parents or those with a Partial Capacity to Work of 15-29 hours per week)
- Participants undertaking full-time residential or intensive drug and alcohol treatment or rehabilitation
- Participants undertaking a Defence Force Reserves training camp (or 15 hours per week of Reserve service for a Principal Carer Parent)
- Participants who relocate for a job with relocation assistance through the Employment Fund.

Participants who:

- undertake full-time residential or intensive drug and alcohol treatment or rehabilitation, or
- undertake a Defence Force Reserves training camp, or
- relocate for a job,

are considered to be meeting their Points Requirement for the relevant Points Reporting Period regardless of the duration of the Activity. They do not have to be undertaking the Activity for the entire Points Reporting Period (4-week period).

Note: If participation in one of these Activities falls over two (or more) Points Reporting Periods, the Participant will meet their Points Requirement for each of those Points Reporting Periods.

Providers must reduce the Job Search Requirement to zero in the Department's IT Systems for Participants who are meeting their Points Requirement through participation in the following Activities:

- Early School Leavers undertaking Education and training, or a combination of Education and training and part-time work, for the required hours per week (25 hours; or 15 hours for Principal Carer Parents or those with a Partial Capacity to Work of 15-29 hours per week)

These Participants will meet their Points Requirement through participation, but a manual adjustment to reduce the Job Search Requirement is required. Further information in respect of Early School Leavers is set out below.

Participants undertaking an eligible approved accredited or non-accredited Education and training course for more than 15 hours per week must have their Points Target and Job Search Requirement reduced.

Providers will need to adjust the Points Target by 20 points if the Points Target is set at 100 **and** set the Job Search Requirement to zero in the Department's IT Systems for Participants who are meeting their Points Requirement through participation in the following Activities:

- Participants undertaking, for more than 15 hours per week, an approved eligible accredited or non-accredited Education and training course that will improve their employment prospects – refer to the Education and Training Chapter for further guidance on determining approved courses

Generally, Providers will adjust the Points Target and Job Search Requirement by applying personal circumstance credits (Activity bonuses) This allows Participants to meet their Points Requirement by reporting any points earned for undertaking the approved eligible Education and training short courses.

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Providers will need to reduce the Points Target and Job Search Requirement to zero for Participants meeting their Points Requirement through participation in the following Activities:

- Participants undertaking full-time residential or intensive drug and alcohol treatment or rehabilitation
- Participants undertaking a Defence Force Reserves training camp (or 15 hours per week of Reserve service for a Principal Carer Parent)
- where the Participant relocates for a job with relocation assistance through the Employment Fund.

> **Example 1:** A Participant undertaking an approved eligible accredited or non-accredited Education and training course for **more than** 15 hours per week will earn 80 points over the 4 week Points Reporting Period. Providers must reduce the Points Target by 20 points for a Points Target of 100 points, or 10 points for a Points Target of 90 points, as well as reduce the Job Search Requirement to zero, using the points reduction category 'undertaking full time course' for the period of study. For Participants with a Points Target below 80 points, the Provider is only required to reduce the Job Search Requirement to zero and the Participant will earn points to meet their Points Target.
>
> **Example 2**: If a Participant is in full-time residential or intensive drug and alcohol treatment or rehabilitation for 1.5 weeks of the Points Reporting Period, or is undertaking a Defence Force Reserves training camp that runs for 2 weeks during a Points Reporting Period, the Participant will be considered to be meeting their Points Requirement for that entire Points Reporting Period and the Provider must reduce the Points Target **and** Job Search Requirement to zero.

11.8.4. Tailoring a Participant's Mutual Obligation Requirements

Participants with Mutual Obligation Requirements (including the Points Target and Job Search Requirement) must be tailored to the Participant's circumstances, which could include assessed work capacity, caring responsibilities, and age.

Mutual Obligation Requirements for Principal Carer Parents

A Principal Carer Parent's family and caring responsibilities must be considered when setting Mutual Obligation Requirements, including setting their Points Target. At the start of each Points Reporting Period, Participant's Points Target will be reduced automatically by 40 points in the Department's IT Systems for a Principal Carer Parent with a child aged 6 years or over, in recognition of their ongoing family and caring responsibilities.

Note: For any Principal Carer Parent participants with a child under 6 years old who are receiving an income support payment other than Parenting Payment will require Providers to manually add a points reduction of 40 points in the Department's IT Systems for each Points Reporting Period whilst the child is in care and has not turned 6.

Providers must manually reduce the points target by 40 points for any Principal Carer Parent with a child under 6. This can be done for six months at a time until the child turns 6. Providers should use the reduction type 'Principal Carer Parent' for the manual reduction in the Department's IT Systems.

Providers should also consider tailoring the Job Search target each reporting period to ensure that it is reasonable with the Participant's caring responsibilities.

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Providers can use their discretion to further tailor a Participant's Points Requirement dependent on the Participant's circumstances, noting these parents may have more onerous caring responsibilities than those with school age children.

Note: Providers also have flexibility to apply manual reductions of any amount for any Participant who has short-term caring responsibilities.

During school terms, face-to-face Provider Appointments and participation in Activities should be scheduled during school hours (generally between 9.00 am to 3.00 pm) unless otherwise agreed to by the Principal Carer Parent. Providers must not cause Participants to feel pressured to agree to requirements which would result in minors being left unsupervised.

Providers will still be able to set requirements at times outside school hours, including weekends. However, Providers must discuss this with the Principal Carer Parent to ensure they are available at that time and record the Principal Carer Parent's availability in the Department's IT Systems. This information will be attached to the requirement.

If a Principal Carer Parent is unable to obtain suitable childcare during the school holiday period, the Provider should work with the Participant and consider alternative arrangements to support the Participant in meeting their Mutual Obligation Requirements.

> **Example:** While Principal Carer Parents are not required to attend face-to-face Appointments with their Provider during school holidays, they may engage with their Provider through other means, such as by telephone or via Skype/face-time etc.

A Principal Carer Parent can fully meet their Mutual Obligation Requirements through sufficient participation in certain tasks and Activities. See Participants who are Fully Meeting their Mutual Obligation Requirements for further details.

Mutual Obligation Requirements for Participants with a Partial Capacity to Work (PCW) or temporary reduced work capacity (TRWC)

Participants assessed by Services Australia as having a PCW or TRWC of 15-29 hours per week must have their work capacity considered when setting Mutual Obligation Requirements, including setting their Points Target. At the start of each Points Reporting Period, a Participant's Points Target will be reduced automatically by 40 points in the Department's IT Systems to recognise a PCW. For TRWC Participants, the Points Target must be manually reduced by the Provider.

These Participants will be required to attend Provider Appointments, where notified.

Participants with an assessed PCW or TRWC of 15-29 hours per week can fully meet their Mutual Obligation Requirements through sufficient participation in certain tasks and Activities. See Participants who are Fully Meeting their Mutual Obligation Requirements for further details.

Participants with a PCW or TRWC of 0-14 hours per week will be managed by Services Australia and be required to attend quarterly interviews with Services Australia. The Participant does not need to be connected to a Provider but can volunteer to receive assistance.

For Participants with a TRWC, Providers must manually reduce their Points Target by 40 points and consider tailoring the Job Search Requirements in the Department's IT Systems.

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Mutual Obligation Requirements for mature age Participants

For Participants aged 55 years and over, their age must be considered when setting Mutual Obligation Requirements, including setting their Points Target. At the start of each Points Reporting Period, a Participant's Points Target will be reduced automatically by 40 points in the Department's IT Systems to recognise their age.

These Participants will be required to attend Provider Appointments, where notified.

Participants aged 55 years and over can meet their full-time Mutual Obligation Requirements through sufficient participation in certain tasks and Activities. See Participants who are Fully Meeting their Mutual Obligation Requirements for further details.

Mutual Obligation Requirements for Participants receiving Carer Allowance

From 1 April 2025, Participants who are in receipt of Carer Allowance will receive a reduction of their Points Target. At the start of each Points Reporting Period, a Participant's Points Target will be reduced automatically by 40 points in the Department's IT Systems to recognise their caring responsibilities. Providers are still required to consider if other reductions are appropriate.

For Participants who are not in receipt of Carer Allowance, but still have caring responsibilities, Providers should consider any personal circumstances that may impact their ability to meet their Mutual Obligation Requirements and reduce their Points Target and Job Search Requirement accordingly.

Carer Allowance recipients can fully meet their Mutual Obligation Requirements through sufficient participation in certain tasks and Activities. See Participants who are Fully Meeting their Mutual Obligation Requirements for further details.

Mutual Obligation Requirements for Early School Leavers

An Early School Leaver is a person who receives Youth Allowance (other), is under 22 years of age and has not completed Year 12, the final year of secondary school or an equivalent Australian Qualifications Framework Certificate III level or above.

Until they turn 22 years of age or, if sooner, attain Year 12 or an equivalent qualification, Early School Leavers are generally required to participate in:

- Education or training, including Certificate I and II level courses, for the required hours; or
- a combination of Education and training, and paid work for the required hours; or
- other approved Activities for the required hours and completing any Job Search Requirement.

The required hours are 25 hours per week (or 15 hours per week for Principal Carer Parents, recipients of Carer Allowance and those with a PCW of 15 to 29 hours per week).

An Early School Leaver who is placed in an approved Education or training course(s) by their Provider, and who undertake that Education and training alone, or in combination with paid work, for the required hours should meet their Points Target through that participation alone, without needing to meet the Job Search Requirement.

The Provider should closely consider the Early School Leaver's circumstances, including being a Principal Carer Parent or having a PCW of 15 to 29 hours per week, and reduce their Points Target appropriately.

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An Early School Leaver's participation for the required hours in Education and training, a combination of Education and training and paid work, or other approved activities should enable them to meet their Points Target.

The Provider must ensure that the Job Search Requirement has been reduced to zero for each reporting period in which the Early School Leaver is meeting their requirements through Education or training, or a combination of Education and training and paid work.

Only Services Australia can verify a Year 12 or equivalent qualification to determine whether a young person is no longer an Early School Leaver.

Once an Early School Leaver turns 22 years of age or, if sooner, has completed Year 12 or an equivalent qualification, they will no longer be an Early School Leaver. They will be subject to the Mutual Obligation Requirements that apply to other Participants.

Providers must fax the Early School Leaver's qualifications to the Services Australia Business Hotline on 1300 786 102. The Provider must sight the original and send a copy of the completed qualification with the cover sheet that is available on the Provider Portal. If the original qualification has been lost or destroyed, a certified copy of the qualification or a letter from the Education and training institution formally verifying attainment of the qualification will be accepted. If none of these can be obtained, a statutory declaration from the Early School Leaver will be accepted. The statutory declaration must include the name of the course, date completed, name of institution and institution contact details, and must be appropriately certified. Do not send verification requests to Services Australia if the Education level is below Year 12.

If Services Australia does not accept the qualification, they will contact the Provider. The Provider must contact the Early School Leaver to advise them of the reason the qualification was not verified.

Where the qualification is accepted by Services Australia, the Provider must update the Education level information in the Participant's Job Seeker Snapshot to reflect the Early School Leaver's advised higher level of educational attainment.

(Deed Reference(s): Clause 111, 116)

Mutual Obligation Requirements for Participants undertaking drug or alcohol treatment or rehabilitation in a residential program

If a Provider identifies or becomes aware that a Participant's ongoing capability to meet their Mutual Obligation Requirements is reduced due to a drug or alcohol dependency, the Provider should discuss this with the Participant to identify rehabilitation options that would assist the Participant to address their dependence.

Participants undertaking intensive drug and alcohol treatment or rehabilitation (such as a full-time residential program) are considered as Fully Meeting their Mutual Obligation Requirements and are not required to complete additional requirements. Providers must ensure that no other requirements, such as Provider Appointments or job interviews are scheduled while the Participant is in residential rehabilitation.

Staff of residential programs and intensive treatment programs have an Implied Authority to act on behalf of an individual attending their facility.

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Verbal notification of commencement into the treatment program and release is sufficient. Participants or treatment facilities are not required to provide written evidence of their participation in treatment programs.

If the Participant is undertaking alcohol or other drug dependency treatment (such as counselling sessions) or is already doing so when they enter Workforce Australia Services or transfers from another Provider, the Provider must schedule it in the Participant's Electronic Calendar and notify the Participant. Note: This does not apply for full-time rehabilitation treatment.

The Provider should record any information regarding the Participant's participation (or refusal to participate) in treatment services in the Capability Management Tool (CMT), in the Department's IT Systems.

The following circumstances should be recorded in the CMT as appropriate:

- the Participant has accepted and is currently participating in services
- services are not available in the Participant's area of residence
- there is a waiting list to participate in treatment
- the Participant has refused to participate in treatment.

Providers must reduce both the Points Target and the Job Search Requirement to zero for each Points Reporting Period where a Participant is participating in full-time or intensive drug or alcohol treatment in a residential program.

(Deed reference: Clause 137, 139, 140)

Mutual Obligation Requirements for Participants undertaking paid work (including self-employment)

Participants can undertake paid part-time or casual Employment, including freelance and irregular work, at any stage and are generally required to accept any suitable work, including casual or part-time work, that is offered to them.

Further information on freelance and irregular work can be found at: Doing irregular or freelance work to meet your mutual obligations - Department of Employment and Workplace Relations, Australian Government (dewr.gov.au)

In line with the Social Security Guide, for any hours of Employment to count towards a Participant's Mutual Obligation Requirements, that employment must be for an appropriate level of remuneration and meet the sufficient work test.

Calculating hours of paid work to report points

Depending on how a Participant is paid, they may need to calculate how many hours of work are counted towards their Mutual Obligation Requirements under the sufficient work test.

If the income received is at least (or above) the applicable legal hourly rate (usually the National Minimum Wage or applicable occupation award wage), the Participant's total hours of Employment for a period can be reported. Participants must record their hours via the 'Earn and Report points' page through their Workforce Australia account to earn points towards their monthly Points Target.

If the income a Participant receives works out to be less than the National Minimum Wage or applicable occupation award wage (for example, where a Participant is self-employed), the number

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of hours which count towards a Participant's Mutual Obligation Requirements can be calculated under the sufficient work test. This is done by dividing the income received by the legal hourly rate.

Further information on the sufficient work test can be found at 3.11.3.20 Employment | Social Security Guide (dss.gov.au).

Providers can enter paid work hours on behalf of Participants.

Note: At the end of the Points Reporting Period, the Department's IT Systems will round up the total paid work hours and attribute the appropriate number of points earned.

Deed reference: Clause(s): 106.2

Mutual Obligation Requirements for pregnant Participants

Providers must consider a pregnant Participant's personal circumstances when setting their Mutual Obligation Requirements. Pregnant Participants:

- from 3 months before their due date, will not have a Job Search Requirement and Providers must manually adjust the Job Search Requirement to zero in the Department's IT Systems. Providers should consider adjusting their Points Target taking the pregnancy and other personal circumstances into account. During this time, Providers cannot compel these Participants to accept job offers or referrals to job interviews. These Participants can be required to attend Provider Appointments up to 6 weeks before the expected due date, where notified.
- from 6 weeks before the expected due date and until 6 weeks following the birth of the child, will have an Exemption from all of their Mutual Obligation Requirements.
- may also have an Exemption from all their Mutual Obligation Requirements if it would be unreasonable to expect them to comply or if a Services Australia delegate is satisfied in all the circumstances that the Participant should not be required to comply.

Tailoring the Points Requirement to reflect a Participant's circumstances

Under Workforce Australia, the Points Requirement, which includes the Points Target and Job Search Requirement, must be tailored to recognise the Participant's personal circumstances and/or local labour market conditions. It is important to take into consideration all factors that might impact a Participant's ability to meet their Points Target and Job Search Requirement. Consideration of the impact for the Participant to meet their requirements for the current and next reporting period is crucial.

Example 1: If a Provider applies a credit of 30 points, the Points Target will be reduced from 100 points to 70 points. This does not include any automatic credits.

Example 2: A Participant is aged 60 years old with a disability. The Provider can apply a personal circumstances reduction in addition to the automated 40-point mature age personal circumstances reduction. Providers can apply a reduction in 5-point increments. If they applied a reduction of 20 points for the disability, the Participant's Points Target would reduce by a total of 60 points.

Example 3: A Participant discloses they have low literacy skills and other barriers to employment. The Provider decides to apply a personal circumstances reduction of 30 points to recognise their level of literacy skills. The reduction is applied for two reporting periods to allow the Participant to work towards addressing their barriers. The Provider also reduces the Participant's Job Search target for the same period.

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Automatic credits to reduce the Points Target

At the start of each Points Reporting Period, credits will be automatically applied in the Department's IT Systems to tailor the Points Target to recognise the following circumstances:

- 20 points for Participants residing in employment regions with poor or below average labour market conditions, as set out in the 'Labour Market Credits in Workforce Australia' fact sheet.
- A total of 40 points for one or more of the following personal circumstances:
    - Partial Work Capacity (15-29 hours per week)
    - Principal Carer Parent with a child aged 6 years or over
    - Mature Aged (55+ years)
    - Receiving Carer Allowance.

Note: Participants residing on the boundary of an Employment Region listed in the 'Labour Market Credits in Workforce Australia' fact sheet or do not reside in an Employment Region listed can have their Points Target manually tailored to recognise the local labour market conditions in the area they reside in by applying a personal circumstances credit. Points targets must be appropriate for individual circumstances.

Note: Providers must manually apply credits to reduce the Points Target and Job Search Requirement for TRWC Participants.

Note: Automatic credits are applied once per Points Reporting Period and are capped at 20 points for labour market conditions and 40 points for personal circumstances. In instances where a Provider has manually applied a credit for one or more of the above circumstances, an automatic credit will not be applied in the Department's IT Systems.

Note: Where a Participant's circumstances change during a Points Reporting Period, such as where a Participant turns 55 part-way through their Points Reporting Period, or a Partial Work Capacity is granted part-way through the Points Reporting Period, the reduction to the Points Target will be applied in the same Points Reporting Period.

Manually applying credits to tailor the Points Requirement

In consultation with the Participant, the Provider must consider the Participant's personal circumstances and local labour market conditions to appropriately tailor requirements, including both the Points Target and Job Search Requirement.

Consistent with section 40F of the *Social Security (Administration) Act 1999*, Providers must consider the circumstances listed below and, where applicable, apply credits accordingly:

- The Participant's education, experience, skills and age.
- The impact of any disability, illness, mental condition or physical condition of the Participant on their ability to work, to look for work or to participate in training activities.
- The state of the labour market (regardless of whether the Participant is in an Employment Region which is automatically eligible for the 20 point labour market credit).
- Their transport or other options available to the Participant in accessing that labour market.
- The participation opportunities available to the Participant.
- The family and caring responsibilities of the Participant.
- The length of travel time required to comply with requirements in their Job Plan.

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- The financial costs (such as travel costs) of complying with requirements, and the Participant's capacity to pay for such costs.

Providers must also consider the Participant's needs and their capacity to comply with the requirements, as well as other matters the Provider considers relevant. These may include (but are not limited to):

- TRWC
- Community service orders for less than 20 hours per week (noting that Participants cannot meet their Points Requirement by undertaking a community service order unless Services Australia have applied an Exemption)
- Homelessness and/or emergency housing
- Drug and/or alcohol dependency
- Other barriers to employment
- Observance of cultural or religious beliefs.

Providers can reduce a Participant's Points Requirement as needed due to the personal circumstances of the Participant. Providers should also refer to Participants exempt from Mutual Obligation Requirements for Exemptions that may be applied by Services Australia. Where a Participant's circumstances are such that they may be temporarily unable to meet any requirements, Providers should encourage the Participant to contact Services Australia to discuss an Exemption.

Reductions are to be applied in 5 point increments and can be applied in any amount to reflect the Participant's circumstances and capacity to comply with the requirements. Providers should record the reasons for tailoring the Participant's Points Requirements within the comments section of the Department's IT Systems.

Reductions can be applied to a single Points Reporting Period or set to apply for consecutive Points Reporting Periods totalling up to 6 months (i.e., up to 6 consecutive Points Reporting Periods). The Points Requirement can only be set at a higher level in the next Points Reporting Period.

Note: The Points Target and Job Search Requirement should only be reduced to zero for short periods of time (with the exception of circumstances outlined in these Guidelines such as Full-time residential rehabilitation). If a Participant's circumstances could result in a longer period, the Participant should be encouraged to contact Services Australia for consideration of an Exemption.

The Provider can apply a reduction at any time during a Points Reporting Period if an adjustment to the Points Requirement is required to reflect a Participant's change in circumstances.

Note: Before applying reductions to more than one Points Reporting Period, Providers should take into consideration, any future automatic credits the Participant will receive.

Examples:

- 60 points for a mature age Participant with a disability.
- 30 points for a Participant aged 45+ years with other barriers to employment.
- 50 points for a Principal Carer Parent with a temporary illness during the Points Reporting Period.
- 15 points for a Participant that has to spend 3 days of the Points Reporting Period travelling to attend a cultural ceremony.

When setting the Points Target and Job Search Requirement, the Provider should review any barriers identified through an ESAt or JCA. The Job Seeker Snapshot and Capability Management Tool may

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also help identify personal issues affecting a Participant's capacity and opportunity to gain employment.

Note: Where a Provider reduces the Points Target to zero for any reason, the Job Search Requirement will not be automatically reduced in the Department's IT Systems. This must be manually reduced by the Provider. If the Job Search Requirement is not reduced in the Department's IT Systems, the Participant will not meet their **r**equirement**s** and may be subject to the Targeted Compliance Framework.

For guidance on how to reduce the Points Requirement in the Department's IT Systems refer to the Workforce Australia – PBAS – Tailoring a Participant's Points Target and Job Search Requirements

Note: Before applying reductions to more than one Points Reporting Period, Providers should take into consideration, any future automatic reductions the Participant will receive.

For guidance on how to tailor the Points Requirement in the Department's IT Systems refer to the Department's training resources.

The Provider must record the reason/s for the reduction of the Points Requirement in the Department's IT Systems.

Note: Community Service Orders are not to be entered into the Department's IT Systems as Voluntary Work. Providers can use the 'Community Service' reduction reason when applying a Points reduction and 'Other Exceptional Circumstances' when reducing Job Search Requirements for this circumstance. Providers should work with the Participant to ensure that the mandatory requirements set out in the Community Service Order does not conflict with the Participant's ability to meet their Mutual Obligation Requirements.

Reducing the Job Search Requirement

Under the PBAS, the Job Search Requirement is the total number of Job Search efforts that a Participant must submit during their Points Reporting Period to meet their Points Requirement. This is in addition to meeting their Points Target.

When setting a Participant's Points Requirement, Providers must also consider their personal circumstances and adjust the Job Search Requirement accordingly. Providers can reduce this requirement to 3, 2, one or zero Job Searches each Points Reporting Period.

Providers can reduce the Job Search Requirement for circumstances such as:

- poor or below average labour market
- barriers to employment
- significant caring responsibilities
- short term family or other emergency
- experiencing domestic violence
- homelessness and/or emergency housing
- Early School Leavers undertaking appropriate Activities
- undertaking an approved course for language, literary and numeracy issues
- undertaking full-time residential drug or alcohol treatment or rehabilitation.

Note: When the Job Search Requirement is reduced for any reason, the overall Points Target will not automatically reduce in the Department's IT Systems. The Participant can choose how they earn the points to meet their Points Requirement, by completing tasks or participating in other Activities.

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For the circumstances where the Provider should reduce the Job Search Requirement to zero, such as where a Participant is engaged in Education and training or other Activities which meet their Points Target – refer to Participants who are meeting their Points Requirement.

> **Example:** A Participant receives a labour market credit of 20 points and a personal circumstances credit of 40 points for a Principal Carer Parent with a child 6 years or over, and the Provider reduces the Job Search Requirement to zero due to significant caring responsibilities and a poor or below average labour market. The Participant would be required to report 40 points in the Points Reporting Period but complete no Job Search efforts to meet their Points Requirement.

The Job Search Requirement can be reduced for a single Points Reporting Period or set to apply for consecutive Points Reporting Periods totalling up to 6 months (i.e., up to 6 consecutive Points Reporting Periods).

When reducing the Job Search Requirement, Providers should also consider the Participant's ability to meet their Points Target, taking into account their personal circumstances and the availability of Activities in the area.

- For guidance on how to reduce the Job Search Requirement in the Department's IT Systems see the PBAS – Tailoring a participant's Points Target and Job Search Requirement task card, or refer to the Department's training resources.
- The Provider must record the reason for reducing the Job Search Requirement in the Department's IT Systems.

(Deed Reference(s): Clause 89, 138)

Tailoring the Points Target and Job Search Requirement to action the outcome of a Capability Interview or Capability Assessment

If the outcome of a Capability Interview or Capability Assessment is that the Participant is not capable of meeting their requirements, the Provider must review the Job Plan and tailor the Points Target and/or the Job Search Requirement to ensure they are suitable for the Participant and appropriately reflect a Participant's circumstances.

For further information on actioning the outcomes of a Capability Interview or Capability Assessment, see the Targeted Compliance Framework and Mutual Obligation Failures Chapter.

(Deed Reference(s): Clause 145)

11.8.5. Meeting the Points Requirement

The Participant meets their Points Requirement by the end of their Points Reporting Period by having undertaken and reported sufficient tasks and Activities.

The Provider must encourage the Participant to own their pathway to employment and take responsibility for meeting their Points Requirement each Points Reporting Period. The Provider must support and provide appropriate assistance to the Participant to ensure they are reporting their participation in their tasks and Activities.

The Participant can choose the tasks and Activities that they will undertake to meet their Points Requirement. However, the Provider must work with the Participant to identify a Participant's strengths as well as any barriers they may have to finding Employment and use this information to

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discuss appropriate tasks and Activities for the Participant. Any vocational and non-vocational Activities are to be tailored to address the Participant's individual needs and work capacity.

Note: Providers must consider whether the commute from the Participant's place of residence to attend the appointment or Activity is safe and beneficial to the Participant, and reasonable for their circumstances. The travel time should also be proportionate to the duration and type of Activity.

Participants who have a minimum Job Search Requirement (of 4, 3, 2 or one Job Searches) cannot meet their Points Requirement if they do not complete that number of Job Search efforts in that Points Reporting Period, even if they report more points from other tasks and Activities.

For Participants who are Principal Carer Parents or who have a PCW, reasonable travel must not exceed 60 minutes in one direction.

For Participants who are not Principal Carer Parents or who do not have a PCW, reasonable travel should not exceed 90 minutes in one direction.

Travel time refers to the actual time spent in transit, from the place of residence to the Activity location, and must be calculated using the method of travel that is most reliable and accessible to the Participant.

For Principal Carer Parents, travel time must also take into account the time to travel to and from childcare. Additionally, travel for Participant with a PCW should not aggravate or be unreasonably difficult due to their illness, injury or disability.

The Provider should also consider any information captured in the Capability Management Tool, Job Seeker Snapshot, any ESAt or, any current transition plan identified in the Department's IT Systems, to help identify appropriate tasks and Activities for the Participant.

Note: If a Participant is undertaking paid work (but not enough to fully meet their Mutual Obligation Requirements) and can record their participation online, the Provider should consider the Participant's suitability for Workforce Australia Online and request through the NCSL that the Participant be referred to Workforce Australia Online if the Provider assesses the Participant as suitable. See the Eligibility and Referral Chapter for information.

The Provider must engage in conversations with the Participant if they are not meeting their Points Requirement and/or if they are not attending their Activities, to identify the reason/s for the non-compliance. If a Participant does not engage in one approved activation Activity or one or more Provider assessed activation Activities by the activation point, they may be required to complete a Mandatory Activity. See the Activation and Mandatory Activity Requirement section for further information.

(Deed Reference(s): Clause 89, 110, 120)

Completing the Job Search Requirement

Generally, most Participants will need to complete a Job Search Requirement of 4 Job Searches (20 points) to meet their Points Requirement. Providers can reduce the Job Search Requirement to 3, 2, one, or zero, based on the Participant's circumstances.

Job Search efforts are the tasks and Activities undertaken as part of looking for employment, that count towards a Participant's Mutual Obligation Requirements.

A Job Search effort is worth 5 points – see the 'Points values for tasks and Activities in the PBAS' Provider fact sheet.

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For the purposes of Social Security Law and meeting Job Search Requirements under PBAS, a Participant is considered to have undertaken a Job Search effort if the Participant makes contact with another person or body in relation to, and for the purpose of, obtaining paid work with the other person or the body:

- Whether or not the contact is in relation to particular paid work; and
- Whether or not the other person or the body has advertised any paid work

The definition of contact includes:

- contacting an Employer by telephone, in writing, or in person
- submitting a written or online application, including a resume
- acting on a referral to a job

Note: Under the PBAS, interviews do not count towards a Participant's Job Search Requirement. Participants will earn points separately for attending an interview.

Participants who are freelance workers or self-employed can declare Job Search efforts that count toward the Points Requirement for contacting a potential Employer or person for the purposes of obtaining any suitable paid work opportunities related to their field of self-employment.

This can include project based work or short-term contracts such as:

- applying for a grant
- submitting a portfolio for a creative arts project
- contacting a potential client about their advertisement for web design work
- contacting the owner of a local venue for a music gig.

See the Irregular and Freelance work fact sheet and the Job Search Quality assessment user guide for more information on Irregular and Freelance work.

Note: The Job Search Requirement is set at 4 Job Search efforts each Points Reporting Period. However, Participants can undertake more than 4 Job Search efforts in a Points Reporting Period and can meet their Points Requirement through Job Search alone if appropriate for that individual.

> **Example:** A Participant with a Points Target of 100 could complete 20 Job Search efforts and meet their Points Requirement for that Points Reporting Period. These can be reported one by one, or in a bulk upload by the Participant or by the Provider on behalf of the Participant.

See the Workforce Australia – PBAS – Tailoring a Participant's Points Target and Job Search Requirement IT task card for more information on reducing the minimum Job Search Requirement.

Note: At the activation points, Participants who have undertaken only Job Search may have a Mandatory Activity Requirement if they have not been placed into an alternative Activity. See Activation and Mandatory Activity Requirement for further information, including a list of approved activation Activities.

(Deed Reference(s): Clause 139, 142)

Activities for Participants with reduced requirements

Participants can choose to do more than their assessed capacity and participate in a full-time Activity to meet their Points Requirement, however the total hours of all requirements and Activities undertaken by the Participant must also be appropriate.

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Before the Participant starts the Activity, the Provider must discuss the requirements of the Activity with the Participant and ensure that the Participant has the capacity to meet the requirement.

A Participant cannot participate in a Mandatory Activity (Work for the Dole) that exceeds their assessed capacity.

Points values for tasks and Activities

All tasks and Activities are assigned a points value, with more intensive Activities attracting more points. The points value assigned is based on the level of engagement and commitment required to complete the task or Activity and the strength of the link to paid work.

In certain circumstances, the Provider can add a personal circumstances Activity Bonus to increase the points value Participants receive for undertaking certain tasks or Activities, based on the requirements of the specific task or Activity and/or the Participant's personal circumstances.

Refer to the 'Points values for tasks and Activities in the PBAS provider fact sheet' on the Provider Portal or the Workforce Australia – PBAS – Adding a Personal Circumstance (Activity Bonus) for a Participant IT task card for more information.

Reporting tasks and Activities to earn points

Participants are responsible for reporting the completion of their tasks and their attendance at Activities where personal responsibility is included in their Job Plan (Job Plan requirement PA03 – personal responsibility).

For tasks, the Participant must report each completed task by using the Workforce Australia website or app. In some cases, reporting the task will be by adding it to their profile. For example, gaining a work-related licence or qualification. Once the Participant reports the task, the Department's IT Systems will automatically allocate the relevant points to the Participant.

For Activities, the Participant will earn points following the reporting of their attendance at that Activity by using the Workforce Australia website or app. At some Activities, the Participant may be able to report their attendance by scanning a QR code made available to them at the Activity.

- When an Activity is scheduled in the Participant's Electronic Calendar by the Provider, the Participant will report their attendance at that Activity on the day the Activity was scheduled. Points will be awarded when the Participant reports their attendance at the first day of the Activity each week.
- When an Activity is not scheduled in the Participant's Electronic Calendar, the Participant will report their participation in the Activity weekly.

Note: While points are awarded following attendance of at least one day in a scheduled Activity, Participants are required to attend every day of the Activity. If a Participant is not attending their Activity and fully engaged in that Activity, this could result in the need for a Mandatory Activity to be undertaken by the Participant. The Provider must discuss any non-attendance at Activities with the Participant to find out the reason/s for non-attendance. Refer to the 'Reporting Activities in PBAS Provider Fact Sheet' on the Provider Portal for more information on when an Activity is scheduled or not scheduled in the Participant's Electronic Calendar.

Note: Points for compulsory Provider Appointments - for Participants to receive 10 points for attending compulsory Provider Appointments, the Provider is required to result the attendance in the Participant's Electronic Calendar by the end of the same Business Day. The Department's IT

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Systems will automatically apply the points. Providers must inform the Participant that they will be able to view the points for attending the compulsory appointments in their Workforce Australia account. If the Provider incorrectly marks the Appointment as attended, points will still be applied. Refer to the 'Points values for tasks and Activities in PBAS provider fact sheet' on the Provider Portal for more information.

Note: Where the Provider determines that a Participant has declared that they have completed a task or Activity and reported incorrectly, the Provider is unable to remove the associated points in the Department's IT Systems. In these instances, the Provider must contact the Participant, remind them of their obligations under their Job Plan to accurately report the completion of eligible tasks and activities and educate the Participant on how to report correctly to attract eligible points.

Note: Participants undertaking a Mandatory Activity (Work for the Dole) must report their attendance by using the Workforce Australia website, mobile app or to their Provider, by close of business on the day the Activity was scheduled in their Electronic Calendar. If no result is recorded by close of business on that day, the Department's IT Systems will raise a compliance event.

Refer to the 'Reporting tasks in PBAS Provider fact sheet' and the 'Reporting Activities in PBAS Provider fact sheet' on the Provider Portal for more information on when an Activity is scheduled or not scheduled in the Participant's Electronic Calendar.

For guidance on how to report tasks and Activities in the Department's IT Systems refer to the Department's training resources.

(Deed Reference(s): Clause 120, 143)

Participant can earn points for tasks completed during an Activity

A Participant can report the completion of a task and earn points for that task if it was undertaken while participating in another Activity.

> **Example:** Getting a forklift licence while participating in Work for the Dole can be reported as a task completed by the Participant during their Points Reporting Period. This would be in addition to the points earned from attending the Activity.

Reporting tasks and Activities for a Participant

Sometimes a Provider must report the completion of tasks or attendance at Activities in the Department's IT Systems on a Participant's behalf when a Participant says they cannot do it themselves. This could include:

- where the Participant cannot self-manage their own reporting requirements and the Provider must do it for them
- during the initial Points Reporting Period to assist the Participant, if the Participant has not yet learnt how to do it, or
- where the Participant has damaged or lost their device or has connectivity issues and cannot report online.

In such cases, the Provider must report these tasks and Activities on the Participant's behalf by close of business on the day they are advised by the Participant.

Providers must select the 'Add Points' button on the participation screen when reporting a task or Activity on behalf of a Participant.

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For guidance on how to report tasks and Activities in the Department's IT Systems refer to the Department's training resources, including the 'Reporting tasks in PBAS' Provider fact sheet and 'Reporting activities in PBAS' Provider fact sheet on the Provider Portal.

(Deed reference: Clause 89, 120)

Assessing the quality of a Participant's Job Search efforts

Providers are required to review the quality of all Job Search efforts submitted by the Participants commenced on their caseload to meet a Points Requirement or a re-engagement requirement, to ensure they are of sufficient quality. Providers must:

- Assess the quality of all job searches submitted by their organisation on behalf of the Participant, at the time of upload, ensuring that only satisfactory job searches are uploaded to the Department's IT Systems and accrue points towards their job search and PBAS requirements.
- Assess the quality of all job searches submitted by their Participants at the end of each reporting period in the Department's IT Systems. This process is called the points period assessment and applies to all Participants who have submitted sufficient job searches to meet their PBAS requirement (which includes their job search requirement). The points period assessment involves:
    - undertaking a factual and holistic assessment of the quality of all Participant submitted job searches and marking them as 'satisfactory' or 'unsatisfactory' in the Department's IT Systems.
    - correctly identifying why any job search efforts have been assessed as unsatisfactory, including any failure of the holistic review.
    - leaving detailed comments to evidence how any quality issues identified in the factual and holistic assessment have, or will be, addressed. Refer to the Job Search quality assessment user guide for instruction on the minimum requirements for leaving comments for both unsatisfactory and satisfactory Job Search efforts.
    - submitting the completed points periods assessment no later than 5 Business Days after the Participant's points reporting period has closed.

  Note: the Department's IT Systems recognise any national and statewide public holidays based on the state or territory of the Provider's Sites the Participant is serviced by.
- Review the quality of re-engagement job searches as part of general servicing and address any issues identified at the Participant's next appointment. Re-engagement job searches cannot be assessed as part of the points period assessment process and are not assessed under the Provider Performance Framework.

Completing a factual and holistic review to determine the quality of Job Search efforts

To determine if a Participant's Job Search efforts are of sufficient quality, the Provider must undertake a factual and holistic review of all Job Searches undertaken by their Participants.

The factual review refers to the assessment of objective information relating to each individual Job Search effort, such as confirming that the Participant is suitably qualified for the role and that the job was applied for in the relevant reporting period. Similarly, the factual review considers any other factors relevant to assessing whether a person has undertaken a quality Job Search effort. For example, a deliberately unreadable or poor-quality application cannot be considered a satisfactory Job Search effort.

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A holistic review considers the variety of the Participant's Job Search efforts overall to establish if they are maximising their opportunities to secure employment. When conducting the holistic review, the Provider must consider whether the jobs applied for:

- are at levels of seniority or remuneration that are suitable for the Participant
- are in a variety of fields and occupations that the Participant is qualified for or has experience in, and if that work is suitable for the Participant
- used a variety of methods to contact potential Employers.

Note: While the above criteria must be considered when assessing the Job Search efforts, a Participant does not need to meet each criterion in every Points Reporting Period. To assess the appropriateness of Job Search variety, Providers must consider the Participant's unique circumstances holistically, including the labour market conditions they are operating within, and the Job Search efforts the Participant has submitted over time.

Leaving comments in support of the Job Search quality review

Where a Job Search effort is assessed as unsatisfactory, the Provider must deliver feedback and educate the Participant on how to improve their Job Search efforts to achieve the required quality. A summary of that conversation must be recorded in the Department's IT Systems as part of the Points Period Assessment. If the Provider has been unable to make contact with the Participant, they must record the feedback they intend to deliver at the next successful contact. This discussion may include, but is not limited to:

- discussing the reason(s) why any Job Search efforts were found to be unsatisfactory
- discussing what tailored support is available to help the Participant improve their future Job Search efforts
- encouraging the Participant to diversify their Job Search efforts and establishing a target if appropriate, or alternatively, to focus their Job Search efforts to the particular field in which they are qualified (rather than in a variety of fields and occupations) for an appropriate period of time
- discussing the consequences of submitting Job Search efforts that are not of satisfactory quality and the application of the Targeted Compliance Framework.

Where the Provider has identified issues with a Job Search effort but has decided to mark the Job Search as satisfactory, the Provider should leave comments in the Points Period Assessment substantiating this decision and outlining how the quality issue was, or will be discussed, with the Participant. This will provide departmental assessors with insight into the Provider's reasoning for not marking the Job Search as unsatisfactory, should the job search effort be sampled for review under the Department's Job Search quality assessment.

Note:

- Only Job Searches submitted by Participants can be assessed as satisfactory or unsatisfactory under the points period assessment process.
- Job Searches submitted by Providers are not able to be assessed as satisfactory or unsatisfactory as part of the points period assessment process. The quality of these Job Searches must be assessed by the Provider at the time of upload.
- Provider uploaded Job Search efforts should still be considered when conducting the points period assessment to establish if the variety of Job Search efforts overall, is suitable.

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For detailed guidance on how to assess Job Search Quality as part of the points period assessment, refer to the Job Search Quality Assessment User Guide and the Assessing Job Search Quality in the points period assessment IT task card.

The Points Reporting Period

Each Participant will have their own Points Reporting Period. For most Participants, their Points Reporting Period commences on the day that they agree to their first Job Plan during their Period of Unemployment.

> **Example:** If a Participant agrees to their Job Plan and commences in Services on 17 January, their Points Reporting Period will commence from this day and will end on 16 February. Their next Points Reporting Period will commence on 17 February.

Participants will be sent reminders about reporting their participation via SMS or email and inbox at 15 calendar days before the end of their Points Reporting Period, and again at 5 calendar days before the end of their Points Reporting Period.

Providers reporting on behalf of Participants (without a PA03 code in the Job Plan and not on track to meet their points requirements) will be reminded via the Open Task, referred to as a Site task in the Department's IT Systems 15 calendar days before the end of their Points Reporting Period, and again at 5 calendar days before the end of their Points Reporting Period. Providers are expected to follow up with the Participants and action prior to the end of the Participant's Points Reporting Period or they will not meet their requirements for that Points Reporting Period.

Suspension or Exemption lifted during a Points Reporting Period

The current Points Reporting Period will be set to 'no longer required', if a Participant has a Suspension or Exemption from Services applied during a Points Reporting Period and the Suspension or Exemption:

- ends within the last 5 calendar days of the Participant's current Points Reporting Period, or
- extends beyond the end of the current Points Reporting Period.

When a Participant has a Suspension from Services or an Exemption applied within a Points Reporting Period and it is lifted within the same Points Reporting Period, the Points Target and Job Search Requirement will be pro-rated automatically in the Department's IT Systems. An exception to this will be when the Suspension or Exemption ends in the last 5 calendar days as outlined above.

When a Participant starts a Points Reporting Period with a Suspension or an Exemption, but it is lifted during the Points Reporting Period, the Participant's Points Target will be pro-rated in the Department's IT Systems for the remainder of that Points Reporting Period.

Note: Any Job Searches submitted by the Participant during a pro-rated Points Reporting Period must still be assessed for quality by Providers. The relevant points period assessment must be submitted within 5 business days of the end of the Points Reporting Period, regardless of whether the Participant is Suspended during the period when the points period assessment is due.

If a Participant becomes exempt or is suspended within the 5 Business Day assessment period and the Provider assesses enough Job Searches as unsatisfactory to cause the Participant to fall below their target, the system will prevent the Provider from submitting the points period assessment. This is to prevent the TCF being triggered when a suspension or exception is in place. These instances are excluded from assessment under the Performance Framework.

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If the Participant is unable to meet the pro-rated Points Target and they have a Valid Reason, the Provider must record a Valid Reason in the Department's IT Systems for the Participant for that Points Reporting Period.

See the Commencements, Transfers, Suspensions and Exits Chapter for more information on Suspensions.

(Deed Reference(s): Clause 107, 110, 116, 120)

11.8.6. Setting Job Referral tasks

Job referral tasks can connect Participants with suitable work. Where the Provider identifies a job opportunity for the Participant, the Provider must set a job referral task for the Participant to action. Specific job referral tasks a Provider can set include:

- Apply for a specific job
- Accept a job interview
- Contact an employer to arrange and accept a job interview
- Provide personal details to support a job opportunity.

Providers must ensure that all job referral tasks that a Participant is required to do, are recorded in the Department's IT Systems.

Note: Providers must not set a job referral task for Participants to update their resume. The Department expects that as part of general servicing Providers are assisting Participants in updating their resume.

All information Providers enter in the Department's IT Systems in relation to the job referral task must be accurate and complete. The Participant must be formally notified, with reasonable notice, of each job referral task that they have been set.

Providers are expected to ensure Participants are only set job referral tasks that they are able to successfully undertake by the due date.

The Department's IT Systems does not limit the number of job referral tasks that can be set for a Participant. Providers must ensure they do not set a number that exceeds the Participant's Job Search Requirement.

11.8.7. Scheduling Mutual Obligation Requirements in the Participant's Electronic Calendar

The Provider is required to record details of, and schedule each compulsory requirement in the Participant's Electronic Calendar, including:

- compulsory Appointments
- Mandatory Activities
- Provider-scheduled job interviews.

Where a Participant has regular commitments such as paid work, caring commitments or medical appointments, Providers must record these as a Personal Event on behalf of the Participant into the Participant's Electronic Calendar as a Personal Event, where the hours are regular and it is reasonable to do so. Where a Participant is in paid work, Providers must ensure that any scheduled requirements do not conflict with the Participant's hours of paid work, including any reasonable travel times to and from work. This ensures that this work is taken into account when scheduling

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other requirements and supports transparency in ensuring that Provider staff and the Participant can clearly see what the Participant is doing to meet their Mutual Obligations Requirements.

To schedule a compulsory requirement in the Participant's Electronic Calendar, the Job Plan code that corresponds to that requirement must be included in the Participant's current, signed Job Plan.

Refer to Creating a Job Plan for more information on the Job Plan and Job Plan codes.

(Deed Reference(s): Clause 104, 105)

Scheduling compulsory requirements

The Provider must ensure that each day of each compulsory requirement is scheduled in the Participant's Electronic Calendar and populated with:

- the name or description of the requirement
- the start time
- break times, where relevant
- the end time
- the location of the requirement, including any special instructions to locate a venue (e.g., located on battle-axe block), and
- the name of any third-party provider or training organisation.

When the Provider schedules the requirement in the Participant's Electronic Calendar and formally notifies the Participant, the requirement will then appear in the Participant's Electronic Calendar.

(Deed Reference(s): Clause 104, 105)

Providers must not schedule a Provider Appointment or other Mutual Obligation Requirement in order to request a pay slip or other proof of employment from a Participant. Providers may request a Participant to supply a pay slip or other proof to confirm their commencement in employment or ongoing employment; however, Participants are under no obligation to supply evidence of employment. It is never appropriate for a Provider to set a Mutual Obligation Requirement or use or threaten to use the Targeted Compliance Framework in order to obtain proof of employment from a Participant. For more information on alternative ways to verify Employment Outcomes, please see Employment Outcome Payments.

Issuing formal notification to the Participant

Provider employees are delegated powers by the Department's Secretary under Social Security Law to notify Participants of their Mutual Obligation Requirements.

Note: The requirement to formally notify a Participant receiving Income Support Payments also applies to Disability Support Recipients (Compulsory Requirements).

The Provider is required to formally notify the Participant of every compulsory requirement in their Job Plan. The Provider must explain how to meet each requirement, as well as the consequences of not doing so, including possible financial penalties.

When the Provider schedules a requirement in the Participant's Electronic Calendar, the Department's IT Systems will automatically create and record the selected notification type to be issued. If a requirement is re-scheduled, the Provider must formally notify the Participant of the new requirement.

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Formal notification always includes:

- the reason for the Appointment, if the requirement is an Appointment
- whether the requirement is for the purpose of re-engagement
- the date and start time of the requirement
- the location or address of the requirement
- if the Participant is required to record their own attendance, and if so, the consequences of not doing so
- whether the Participant will require evidence to record their own attendance
- that the Participant must contact their Provider beforehand if they become aware of an Acceptable Reason preventing them from being able to attend or complete the requirement, to inform the Provider of that reason
- the possible consequences for the Participant if they do not meet their requirement
- a statement that the notification is a Notice under Social Security Law
- that the Participant must complete their requirement in return for their Income Support Payment.

The Provider must issue a Participant formal notification within the appropriate timeframe before the requirement is scheduled to occur. If reasonable notice timeframes are not met, the Electronic Calendar will not allow a requirement to be booked unless the Provider is in direct contact with the Participant and they have agreed to attend this requirement and the Provider records this.

Personal Events

Personal Events are a way of communicating a period when a Participant has a personal commitment which could prevent them from attending a requirement. Personal Events can be created by the Provider or the Participant for anytime between 6 am and 9 pm, and can be booked recurringly, up to 8 weeks in advance. Participants may only create Personal Events where a Mutual Obligation Requirement is not already scheduled.

Providers must, as part of ongoing servicing, discuss Personal Events with their Participants. This includes encouraging, and assisting where necessary, the Participant to create Personal Events in their Calendar. It is a requirement of the Deed that Providers ensure that known Personal Events for paid work are scheduled in the Participant's calendar.

(Deed Reference(s): Clause 104)

Confirmed Personal Events

Participants are required to include information about their personal commitment when creating a Personal Event in their Calendar. The Provider must regularly review Personal Events and either confirm the Participant's Personal Events or leave them unconfirmed. When deciding to confirm a Personal Event, the Provider should also consider the nature of the Personal Event and the Participant’s personal situation. The Provider must advise the Participant that even though they have confirmed the Personal Event, Mutual Obligation Requirements can still be scheduled for that time.

If the Provider confirms a Personal Event, they cannot ‘unconfirm’ the event, and must then discuss any future clashes with the Participant before booking requirements over the confirmed event. Where a Participant has recorded a potential Personal Event, Providers should discuss the Participant’s availability and the details of that commitment at the next available opportunity.

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Example:

Jo has just secured work starting next week. They are working a five hour shift each Monday, Wednesday and Friday. This is a recurring Personal Event.

At their next appointment, Jo discusses this new work with their Provider, explaining that they will not be available during those days or times.

Together, they create Personal Events for those days and times in the Calendar. Their Provider confirms the Personal Events and shows Jo how to create new ones in case their work hours change.

Jo has given prior notice of their inability to attend requirements at that time. Creating Personal Events ensures that their Provider knows not to book future requirements during these days and times.

(Deed Reference(s): Clause 104)

Unconfirmed Personal Events

If a Provider considers that a Personal Event entered by a Participant is not appropriate, for example:

- it is not aligned with what the Provider knows about the Participant's circumstances,
- more information is required, or
- there is an entry that is not appropriate or suitable, and would inhibit the Participant's ability to attend a Mutual Obligation Requirement at that time,

the Provider must attempt to contact the Participant to discuss. If contact is not established, the Provider should leave it unconfirmed. When contact is established or at the next Provider Appointment the Provider must discuss the unconfirmed Personal Event. Based upon that discussion, if appropriate the Provider can then confirm the Personal Event. The Provider must advise the Participant that even though they have confirmed the Personal Event, Mutual Obligation Requirements can still be scheduled for that time.

(Deed Reference(s): Clause 104)

Conflicting Requirements – booking requirements over Personal Events

Generally, Providers should not book a conflicting requirement over a confirmed or unconfirmed Personal Event, but where it is essential that a conflicting requirement be booked, the Participant must be contacted first and justification for the refusal to acknowledge a Participant's pre-existing commitment must be entered into the Department's IT Systems under the comment section. Providers must formally notify the Participant of the requirement, ensuring they can make other arrangements for the Personal Event created. The exception to this is when the Provider is aware that the Personal Event is for paid work. Participants must not be required or asked to give up or reschedule paid work to meet requirements.

If a Personal Event has been created incorrectly or in error by the Participant, Providers should discuss this with the Participant and advise them that they will not confirm the Personal Event and that other requirements can be scheduled during this time.

Providers are reminded that if the engagement is not a compellable Mutual Obligation Requirement, for example, a job club or resume development workshop, these must not be scheduled to occur at the Personal Event time.

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(Deed Reference(s): Clause 104)

Providers need to manage the conflicting requirement in the Participant's Electronic Calendar and must record the reason for scheduling the requirement at this day/time in the Department's IT Systems in the comments section.

(Deed Reference(s): Clause 104)

Scheduling a Provider Appointment

The Provider must ensure that the Provider's Electronic Calendar has the availability for an Appointment within the next 2 Business Days.

When booking a Provider Appointment for a Participant, the Provider needs to select the correct Appointment type, schedule the Appointment in the Electronic Calendar and formally notify the Participant. If a Participant has an Appointment with their Provider, the Provider must deliver a Contact on the date and time of the Appointment as recorded in the Participant's Electronic Calendar.

There are 4 types of Appointments:

1. Initial Appointment
2. Contact Appointment
3. re-engagement Appointment, and
4. Capability Interview Appointment.

Appointments must be conducted at the Provider's premises, or another agreed suitable location. Appointments must be held at locations that are accessible, appropriate and safe for Participants, children and Provider staff. Providers must not conduct Appointments or other Contacts at a Participant's home under any circumstances.

(Deed Reference(s): Clause 102, 104, 105)

Scheduling job interviews

Provider-sourced job interviews need to be scheduled in the Participant's Electronic Calendar and the Participant must be formally notified of the requirement to attend. Participants taking personal responsibility to record their own attendance must do so for job interviews.

When the Provider becomes aware that a Participant has an upcoming job interview, the Provider must schedule it in the Participant's Electronic Calendar. This is required where the Provider has the relevant information and details to schedule the job interview and appropriate time to notify the Participant prior to the day of the job interview.

(Deed Reference(s): Clause 104)

Scheduling an informal Activity

Informal Activities or workshops are organised by the Provider and can be delivered by the Provider, or by an external Host Organisation. Informal Activities are intended to assist Participants to build employability skills that can include (but are not limited to) job search clubs, résumé writing workshops and interview preparation training.

The delivery of an informal Activity does not require the Provider to enter into an agreement with a Host Organisation, or to undertake a formal risk assessment prior to the Participant commencing

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into the Activity. Providers must however, ensure that any Activity a Participant is placed in has a safe system of work in place.

For guidance on scheduling an informal Activity, see the Department's training resources, including the 'Reporting Activities in PBAS' Provider fact sheet on the Provider Portal and the Workforce Australia - Activities - Creating an Informal Activity task card.

11.8.8. Participants can bank additional reported points

If a Participant exceeds their Points Target for their current Points Reporting Period, the additional points may be banked and used to reduce the Points Target of their next Points Reporting Period. The Department's IT Systems will attribute the banked points at the start of the next Points Reporting Period.

Participants can only bank half of their Points Target at any time.

> **Example:** If a Participant's Points Target at the start of their Points Reporting Period is 80, they can bank:
>
> - 30 points for the next Points Reporting Period if they gain 110 points, or
> - 40 points for the next Points Reporting Period if they gain 120 points or more.
>
> **Note:** If the Participant's Points Target is reduced during their current Points Reporting Period, due to a Provider credit, the Participant will still be able to bank 40 points. The total of points able to be banked cannot change during a Points Reporting Period.

Note: Banked points will round up to the nearest 5 points.

> **Example:** If a Participant's Points Target is 75, they can bank half of their Points Target, which is 37.5. In this instance, the total of points able to be banked will be rounded up to 40 points.

11.8.9. Participants who do not meet their Mutual Obligation Requirements

The TCF applies to all Participants with Mutual Obligation Requirements who fail to meet their Mutual Obligation Requirements including those outlined in their Job Plan and on their homepage. This includes not meeting their Points Requirement in a Points Reporting Period without a Valid Reason or submitting Job Search efforts that are not of a satisfactory quality. The failure to meet their Mutual Obligation Requirements is a Mutual Obligation Failure. For further information on the application of the TCF, see the Targeted Compliance Framework and Mutual Obligation Failures Chapter.

(Deed Reference(s): Clause 145)

11.9. Activation and Mandatory Activity Requirement

The purpose of activation is to encourage Participants to engage in Activities to develop skills and improve employment prospects.

Activation requirements can be satisfied at any point in time. That is why early engagement in Activities, education or work both increases the likelihood a Participant will secure ongoing work and

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also satisfies activation prior to the activation point. Providers should support Participants to meet their activation requirements.

The Provider is responsible for:

- advising Participants of the Mandatory Activity Requirement
- considering a Participant's capacity and capability to undertake Activities for their activation requirement. This includes assessing the Participant's barriers and whether they are unable to undertake Activities or can only undertake fewer than the required activation requirement hours
- assessing and agreeing in negotiation with the Participant, a range of suitable and safe Activities that will support the Participant to find and maintain decent employment
- supporting and monitoring Participants when undertaking Activities that count towards meeting their activation requirement
- after the activation point, continuing to request Participants to select an appropriate Activity. The Provider must then refer Participants to the Mandatory Activity (only if eligible) if Participants do not meaningfully engage in other Activities
- managing Participants in accordance with the Targeted Compliance Framework where Participants are undertaking the Mandatory Activity.

11.9.1. Activation point

Activation points are used to identify if a Participant:

- is engaged in Activities, paid work, education or training, or
- needs to complete a Mandatory Activity.

Participants' first activation point will occur at either 3 or 6 months:

- 3 months from the date of commencement in Workforce Australia Services if the Participant is transferred from Workforce Australia Online following a Period of Registration of 12 months or more, or
- 6 months from the date of initial commencement in Workforce Australia Services for all other Participants.

Subsequent activation points are either 6-months after:

- their last activation point, or
- the date they last met their activation requirement,

whichever is the latest.

11.9.2. Meeting the activation requirement

Prior to the activation point Participants can meet their activation requirement by participating in:

- an approved activation Activity (i.e. completing at least 80% of), or
- one or more Provider-assessed activation Activities (any combination of Activities).

After the activation point Participants can meet their activation requirement by either:

- continuing in an Approved Activation Activity or Provider-assessed activation Activities,
- commencing in and participating in an Approved Activation Activity or Provider-assessed Activities, or
- completing Work for the Dole as the Mandatory Activity.

Circumstances where an approved or Provider-assessed Activity may be more appropriate than the Mandatory Activity, include where:

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- the Activity is more suitable and/or beneficial for the Participant,
- the Participant is not eligible to participate in a Work for the Dole activity, e.g. under 18 years old,
- the Participant cannot be required to do Work for the Dole, or
- the Participant has commenced in a Mandatory Activity and the Provider assesses that it is not suitable.

Activation requirement - checking participation/completion.

Providers should continually monitor and assess Participants' engagement in Activities.

In addition, at 4 weeks prior to a Participant's activation point, the Provider must assess whether the Participant has met their activation requirement by checking their attendance history at Approved or Provider-assessed Activities and confirm this through the Department's IT Systems. A successful completion reason for the Activity must be entered. This can also be confirmed in the Department's IT Systems earlier when the Participant meets the requirement.

At the same time (4 weeks prior to a Participant's activation point), if a Participant has not met their activation requirement or doesn't have an existing referral or commencement to an Activity, the Department's IT Systems will:

- send notifications to the Participant about their upcoming activation requirement, and
- create an Open Task advising the Provider to assess and place the Participant in an approved activation Activity, Provider-assessed activation Activity or Mandatory Activity. These Open Tasks will be shown in the Provider's in-tray.

The notifications and Open Task will remain until Participants either successfully complete a relevant Activity or Providers assess successful engagement with Activities and mark a Participant as having met their activation requirement in the Department's IT Systems.

If a Participant has not met the activation requirement the Provider can re-assess the Participant's needs and circumstances and determine if the Participant has undertaken Activities to the extent of their capacity considering individual circumstances and barriers. In this case the Provider can update the activation requirement as 'met'.

If the Participant has exceptional circumstances that prevents them from undertaking Activities, the Provider may update the activation requirement as 'met' in the Department's IT Systems and record a file note to detail the reasons why the Participant was unable to meet the activation requirement.

Where Progress Payments are primarily dependent on completion of approved activation Activities or interventions, the evidence uploaded by Providers when claiming Progress Payments can be used by the Provider in considering whether the activation requirement has been met. For more information on Progress Payments, see Progress Payments section.

Mandatory Activity

Work for the Dole is the only Mandatory Activity for Participants in Workforce Australia Services. This means that the Targeted Compliance Framework applies to non-attendance at Work for the Dole, but only when Participants have reached the activation point and continue not to engage in an Approved activation Activity or Provider-Assessed activation Activity.

The Targeted Compliance Framework cannot be applied to any other Activity, including Work for the Dole where participation is not as the Mandatory Activity e.g. prior to the Activation Point.

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Participants can only be referred to Work for the Dole where eligible. For more information see the Mandatory Activity – Work for the Dole section.

Approved Activation Activities

Participation in one of the Activities below will meet the activation requirement:

- Adult Migrant English Program (AMEP)
- Career Transition Assistance (CTA)
- Employability Skills Training (EST)
- Education and training (accredited training courses) with a course duration of at least 4 weeks
- Self-Employment Assistance (SEA) Small Business Training
- Skills for Education and Employment (SEE)
- Voluntary attendance at Work for the Dole (WfD)

The Department's IT Systems will confirm the activation requirement has been met when the Participant has:

- attended at least 80% of a Career Transition Assistance or Employability Skills Training Course; or
- completed the Activity and an exit reason has been entered such as 'successful completion of Activity' or 'found employment'.

Otherwise, Providers will need to assess whether Participants have met their activation requirement by attending at least 75 hours of the Activity by checking their attendance history and points earned during the period in the Department's IT Systems.

The examples below show when a Participant may, or may not, meet their activation requirement through approved activation Activities and don't need to complete a Mandatory Activity.

Example 1:

A Participant was enrolled in a CTA Course which involves attendance of 75 hours over 8 weeks. The Participant attended 60 hours which is equivalent to 80% of the entire course, therefore the Participant is considered to have met the activation requirement (and does not have to complete a Mandatory Activity Requirement).

Example 2:

A Participant was enrolled in an EST Course which required them to attend 15 hours per week for 5 weeks or 75 hours in total. The Participant did not attend 2 weeks of the training; therefore, they have not met the participation requirement of at least 80% needed for meeting the activation requirement. The Provider should refer the Participant to the Mandatory Activity (Work for the Dole if they are eligible and can be required to participate in Work for the Dole on a compulsory basis).

Example 3:

A Participant was attending an Activity with a long duration (over 6 months e.g. SEA or SEE). Providers should confirm via a direct contact with the Activity provider if the Participant has been engaged in that Activity and if so, the Participant has met the

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activation requirement (and does not have to complete a Mandatory Activity Requirement).

Provider-assessed activation Activities

Participants can meet the activation requirement (and not require a Mandatory Activity) if they engage in one or more of Provider-assessed activation Activities for a minimum of 75 hours across at least 2 Points Reporting Periods before they reach the Activation Point.

List of Provider-assessed activation Activities

- approved activation Activities (when a Participant has not met the 80% participation/completion requirement)
- Australian Defence Force Reserves
- Non-vocational assistance and interventions, such as counselling, self-help or support groups
- Education and training (non-accredited training courses or accredited training courses where the course duration is less than 4 weeks)
- Local Jobs Program
- Launch into Work
- Non-Government Programs
- Observational Work Experience
- other government programs
- paid work
- Self-Employment Assistance - Exploring Self-Employment Workshops
- Voluntary Work (Participant or Provider sourced)
- Workforce Specialist Projects

Providers must review and confirm the Participant's attendance at the Provider-assessed activation Activities throughout the relevant 3- or 6-month Period of Service to the activation point. This can be done by checking with Host Organisations, activity attendance history, as well as checking the Participant's Points Based Activation System (PBAS) points earned for Activities during the period in the Department's IT Systems.

Further information on the eligibility and participation requirements for Activities can be found in relevant Activity Chapters in these Guidelines (e.g., Launch into Work).

The examples below show when a Participant is taking part in in Provider-assessed activation Activities and does not need to complete a Mandatory Activity:

Example 1:

A Participant has undertaken the following Activities over the 6 month period from Commencement to their activation point:

- 2 weeks of an EST Course (80% of the EST Course was not completed)
- 8 weeks of regular 2 hourly Drug & Alcohol treatment/rehabilitation sessions, and
- 10 hours of paid work in one week.

Even though the Participant did not meet the activation requirement by attending 80% of the EST course, the Provider assessed the Participant as meeting the activation

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requirement as they were actively participating in Activities that improved their employability. A Mandatory Activity Requirement was not required.

Example 2:

A Participant undertaking a non-accredited training course attended 10 hours a week throughout the semester (18 weeks over 6 months). The Provider confirmed the Participant's attendance through reviewing the Participant's PBAS points earned for the period. The Participant attended more than the minimum 75 hours over at least 2 reporting periods therefore, the Participant met the activation requirement. A Mandatory Activity was not required.

Providers must record in the Department's IT Systems that the Participant has met the activation requirement.

11.9.3. Activation requirement not met

Where a Participant has not met the activation requirement, the Provider must contact the Participant to:

- ensure the Participant understands the activation requirements,
- confirm that they can continue with any approved activation Activity in which they are already enrolled in, or the Provider-assessed activation Activity (e.g. paid work) to meet the activation requirement, or
- arrange for the Participant to undertake the Mandatory Activity (unless the requirement is waived) or enrol the Participant in a different approved or Provider-assessed Activity.

Providers must not refer Participants to the Mandatory Activity if they are presently engaged in residential or full-time drug and alcohol treatment or rehabilitation at the time. These Participants are considered to have met their activation requirement by participating in a Provider-assessed activation Activity.

(Deed Reference(s): Clauses 142.1 (a)(i) and 142.1 (a)(ii))

Mandatory Activity - Work for the Dole

Participants who fail to meet the required participation in Activities, are required to commence in Work for the Dole as the Mandatory Activity within 4 weeks of the activation point. Participants must complete 8 weeks of Work for the Dole to meet the activation requirement.

Work for the Dole is the only Mandatory Activity that can be undertaken to meet the Mandatory Activity Requirement. See the Work for the Dole Chapter for more information.

Where the Participant is required to undertake a Mandatory Activity, the Provider must contact the Participant to:

- ensure that the Participant understands the activation requirement and the Mandatory Activity Requirement with the Participant,
- update the Participant's Job Plan by adding the Mandatory Activity Requirement (PA15) and refer the Participant to a Work for the Dole Activity (only where the Participant can be required to participate in Work for the Dole on a compulsory basis. Further information is provided below),
- remove the Mandatory Activity Requirement (PA15) from the Job Plan following the successful completion of the Work for the Dole activity, and

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Note: The Mandatory Activity (PA15) cannot and must not be added to the Job Plan before the Participant has reached their activation point.

- ensure the Participant understands:
  - how to report details of their participation in, and completion of, the Mandatory Activity, and
  - the consequences of failure to participate in the Mandatory Activity. See the Targeted Compliance Framework Mutual Obligation Failure Chapter for more information.

Providers should note the following:

- Under Social Security Law, Participants cannot be required to participate in Work for the Dole if they are on a part rate of income support (whether due to their income, their parents' or their partner's), or if they are aged 60 and over. Work for the Dole must not be used as a mandatory requirement in these cases (it may still be a voluntary requirement).
- Participants under 18 years of age are not eligible for Work for the Dole.
- If a Participant has Work for the Dole as a mandatory requirement in their Job Plan and their circumstances change so that they are no longer able to have this as a requirement (e.g., they turn 60 or start declaring income), or if they become engaged in residential or full-time drug and alcohol treatment or rehabilitation, Work for the Dole must immediately be removed as a compulsory requirement from their Job Plan.

Providers must record the mandatory Work for the Dole activity in the Participant's Job Plan as a compulsory Activity (PA15), in the Department's IT Systems. The Mandatory Activity code (PA15) must be removed from the Participants Job Plan when the Activity has been completed.

When a Participant meets their Mandatory Activity Requirement by completing the mandatory Work for the Dole activity, the Provider must update the Department's IT Systems.

See earlier in this Chapter for further information on recording a compulsory Activity in a Job Plan.

(Deed Reference(s): Clauses 142.1 and 142.2)

11.9.4. Record Keeping

Providers should ensure they adhere with Documentary Evidence requirements for each Activity, as outlined in relevant Activity Chapters.

(Deed Reference(s): Clause 120.12)

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Attachment 11A. Cohorts Fully Meeting their Mutual Obligation Requirements

This guide provides information on when Participants can be recorded as Fully Meeting their Mutual Obligation Requirements as referred to in Participants who are Fully Meeting their Mutual Obligation Requirements.

Further information on Fully Meeting Mutual Obligation Requirements can be found at Social Security Guide | Mutual Obligation Requirements (dss.gov.au).

Participant Cohort	Requirements to be Fully Meeting their Mutual Obligation Requirements
Mature age Participants (55-59 years)	**If in their first 12 months of receiving Income Support Payments.** By undertaking: • 30 hours per fortnight of approved study and/or paid work (including self-employment), or • Voluntary Work combined with at least 15 hours of approved study and/or paid work (including self-employment), for 30 hours per fortnight. **After receiving Income Support Payments 12 months or more (or receiving Parenting Payment for any duration).** By undertaking: • 30 hours per fortnight of approved study, paid work (including self-employment) or Voluntary Work, in any combination.
Mature age Participants (60 years and over)	By undertaking: • 30 hours per fortnight of approved study, paid work (including self-employment) or Voluntary Work, in any combination.

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Participant Cohort	Requirements to be Fully Meeting their Mutual Obligation Requirements
Principal Carer Parents (youngest child is under 16 years of age)	By undertaking: • 30 hours per fortnight of approved study and/or paid work (including self-employment), or • Voluntary Work combined with at least 15 hours of approved study and/or paid work (including self-employment), for 30 hours per fortnight. Principal Carer Parents receiving PES, and undertaking 30 hours of full-time study, including bachelor degree courses, are also taken to be Fully Meeting their requirements.
Participants with Partial Capacity to Work (15-29 hours per week)	By undertaking: • 30 hours per fortnight of approved study and/or paid work (including self-employment), or • Voluntary Work combined with at least 15 hours of approved study and/or paid work (including self-employment), for 30 hours per fortnight.
Participants in receipt of a Carer Allowance	By undertaking: • 30 hours per fortnight of approved study and paid work (including self-employment), or • Voluntary Work combined with at least 15 hours of approved study and/or paid work (including self-employment), for 30 hours per fortnight.
70 hours combined work and study (Workforce Australia participants only)	By undertaking: • 70 hours per fortnight of paid work (including self-employment) and approved study combined.

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Chapter 12. Targeted Compliance Framework and Mutual Obligation Failures

Supporting Documents for this Chapter:

- 'Compliance Action No Longer Appropriate' reason options
- Provider action - Creation and confirmation of Demerits; potential suspension of Income Support Payment; lifting of Income Support Payment suspensions
- Light Touch Declaration Script
- Manual Demerit removal options
- 'Re-engagement Not Required' reason options
- 'Rescheduled', 'No-Longer Required' and 'Requirement no longer needs to be met' reason options
- Targeted Compliance Framework (TCF) workflow
- 'Unable to Re-engage Within 2 Business Days' reason options
- Unemployment Failure reason options
- Valid Reason assessment options
- Work Refusal Failure reason options

12.1. Chapter Overview

This Chapter:

- provides information about the Targeted Compliance Framework (TCF) and outlines how it applies to Participants in Workforce Australia Services.
- describes what happens when Participants commit Mutual Obligation Failures, Work Refusal Failures and Unemployment Failures and how Providers are to respond. This includes guidance on assessing reasons for failures and ensuring the accurate and timely reporting of outcomes against Participant's Mutual Obligation Requirements.
- provides information about Capability Interviews and Capability Assessments and related processes. These capability reviews are key components of the TCF that provide safeguards for Participants to determine whether their Job Plan and Mutual Obligation Requirements are suitable.
- explains the Provider's obligations under the Deed.

12.2. Targeted Compliance Framework

The TCF is designed to target financial penalties towards those Participants who persistently commit Mutual Obligation Failures without a Valid Reason or Reasonable Excuse, while providing protections for those who are trying to comply with their requirements.

It is also designed to encourage Participants to engage with their Provider, take personal responsibility for managing and meeting their Mutual Obligation Requirements, actively look for work and improve their employment prospects.

Participants commit Mutual Obligation Failures when they fail to comply with their requirements. If a Participant persistently commits Mutual Obligation Failures, they progress through the 3 zones of the TCF and may face financial penalties.

Under the TCF, a Participant's Income Support Payment may be:

- suspended, reduced and/or cancelled if they commit a Mutual Obligation Failure

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- suspended and/or cancelled if they commit a Work Refusal Failure (that is, they refuse or fail to accept an offer of suitable employment, subject to certain exceptions)
- cancelled if they commit an Unemployment Failure (that is, they become unemployed as a result of a voluntary act (other than a reasonable act) or misconduct
- cancelled if they do not meet a Reconnection Requirement within 28 calendar days of it being notified to the Participant.

12.2.1. Provider Obligations

The Provider's main obligations relating to the TCF are set out in Chapter B4 – Participant Requirements and Compliance of the Deed. In summary, the TCF obligations of the Provider include:

- assessing a Participant's capability to record/report their own participation (and reviewing their capability as required). For more information on how to assess a Participant's capability to self-report their participation and how to record this in the Department's IT Systems, refer to Determining if a Participant can accurately record and report their participation online
- making sure the Participant's Mutual Obligations Requirements and Points Requirement (including Job Search Requirement, where applicable) are suitable and tailored to their personal circumstances and commitments (see the Job Plan and Mutual Obligation Requirements Chapter for more information)
- actively monitoring and recording each Participant's compliance with their Mutual Obligation Requirements
- timely and accurate recording in the Department's IT Systems when a Participant has committed a Mutual Obligation Failure, Work Refusal Failure or Unemployment Failure.

Training

Provider staff must successfully complete all mandatory TCF training identified on the Targeted Compliance Framework page, on the Learning Centre, at least every 12 months.

(Deed Reference(s); Clauses 56.3, 97.1)

12.2.2. The 3 zones

The TCF comprises 3 zones for Participants:

- Green Zone
- Warning Zone
- Penalty Zone.

For a diagram illustrating the 3 zones in the TCF, see Attachment 12A - Overview of the Targeted Compliance Framework.

The key things that determine if a Participant moves from one zone to another are:

- they accrue a Demerit when a Mutual Obligation Failure is applied
- how many Demerits they accrue in a particular period
- the type of Mutual Obligation Failure that led to the accrual of the Demerits
- the outcomes of any Capability Interviews or Capability Assessments.

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The Green Zone

All new Participants begin in the Green Zone when they commence in employment services. They remain in this zone as long as they do not commit any Mutual Obligation Failures without a Valid Reason.

The Warning Zone

When a Participant in the Green Zone accrues a Demerit, they move into the Warning Zone.

Moving into the Warning Zone helps to reinforce the importance of meeting Mutual Obligation Requirements and discourages Participants from committing any further Mutual Obligation Failures.

Each Demerit lasts for 6 active months, after which it automatically expires in the Department's IT Systems.

The term '6 active months' generally means 182 days, but the period is prolonged for any time the Participant is in a penalty period or has an Exemption (up to a maximum of 12 months).

Participants are required to participate in capability reviews once they have accrued 3 and 5 Demerits in a 6 active month period:

- at 3 Demerits, they will attend a Capability Interview with their Provider. The outcome of a Capability Interview determines whether the Participant will remain in the Warning Zone or go back to the Green Zone with their Demerits reset to zero.
- at 5 Demerits, they will participate in a Capability Assessment with Services Australia. The outcomes of the Capability Assessment determines whether the Participant will progress to the Penalty Zone or go back to the Green Zone with their demerits reset to zero.

At any time, a Participant may also be fast-tracked to the relevant capability review if they commit a 'fast-track' Mutual Obligation Failure.

While in the Warning Zone a Participant may have a Payment Suspension applied until a Reconnection requirement is met (see Reconnection Requirements below).

The Penalty Zone

Before a Participant enters the Penalty Zone, the Participant must have:

- attended a Capability Interview and the Participant's Mutual Obligation Requirements during that Capability Interview were confirmed as suitable for their circumstances
- incurred 5 Demerits in 6 active months, and
- attended a Capability Assessment and the Participant's Mutual Obligation Requirements during that Capability Assessment were confirmed as suitable for them.

A Participant in the Penalty Zone will incur the following financial penalties if they continue to commit Mutual Obligation Failures without a Reasonable Excuse:

- first Mutual Obligation Failure in the Penalty Zone—loss of 1 week's Income Support Payment
- second Mutual Obligation Failure in the Penalty Zone—loss of 2 weeks' Income Support Payment
- third Mutual Obligation Failure in the Penalty Zone—Income Support Payment is cancelled, the Participant must serve a 4 week preclusion period and must reapply for payment before

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they may be paid again. The preclusion period referred to here is called a 'post-cancellation non-payment period' in the Social Security Law.

Once a Participant moves into the Penalty Zone, they will generally remain in this zone for 91 days.

A Participant in the Penalty Zone will return to the Green Zone if they do not commit any further Mutual Obligation Failures for 91 days. The potential to return to the Green Zone, through demonstrating compliance, provides a further incentive for Participants to change their behaviour and meet their Mutual Obligation Requirements.

If a Participant has had their Income Support Payment cancelled while in the Penalty Zone, and they return to payment:

- within 91 days of cancellation, they will return to the beginning of the Penalty Zone. Their next Mutual Obligation Failure without a Reasonable Excuse (committed within 91 days of the cancellation) would result in another loss of 1 week's payment.
- after 91 days of the cancellation, they will return to the Green Zone.

Although Participants can incur financial penalties while they are in the Penalty Zone, they do not accrue further Demerits.

Regardless of how many financial penalties have been applied (if any), the Department's IT Systems will automatically return the participant to the Green Zone after 91 days pass, where no other significant changes to capability require an earlier return to occur.

12.2.3. Recording participation by close of business

Providers must schedule Engagements in each Participant's Electronic Calendar. Providers must schedule all Mutual Obligation Requirements, except the Participant's requirement to:

- report adequate Points Requirements
- enter into a Job Plan, or
- action a job referral task or job opportunity.

Providers must confirm and/or record participation against each Mutual Obligation Requirement scheduled in a Participant's Electronic Calendar. Providers must do this no later than close of business on the day that the Mutual Obligation Requirement is scheduled to occur in the Participant's Electronic Calendar. Failure to do so could result in incorrect suspension of a Participant's Income Support Payment.

With the exception of reporting attendance at a Provider Appointment, if an outcome is not recorded by the Provider or by the self-reporting Participant, by close of business on the same day the requirement was scheduled, the Department's IT Systems will automatically suspend their Income Support Payment:

- after 5 Business Days for Participants in the Green or Warning Zone
- immediately for Participants in the Penalty Zone.

If, within that 5 Business Day period, the Participant:

- makes contact with their Provider to report their participation or
- gives a Valid Reason for the Mutual Obligation Failure, or
- meets a Reconnection Requirement (where one is set and the Participant does not have a Valid Reason), and

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- this is recorded in the Department's IT Systems,

the Participant's Income Support Payment will not be affected.

Although a Participant does not necessarily accrue a Demerit for failing to record their participation against a Mutual Obligation Requirement, they may accrue a Demerit if they did not attend or participate in the Mutual Obligation Requirement, including if they failed to give prior notice to their Provider of their inability to meet the requirement when it was reasonable to expect them to do so. See the Provider action - Creation and confirmation of Demerits; potential suspension of Income Support Payment; lifting of Income Support Payment suspensions supporting document for information on the circumstances in which a Participant will accrue a Demerit.

(Deed Reference(s): Clauses 104.3, 104.4, 104.5, 105.1, 140, 143 and 144, and Section B2.6)

12.2.4. Committing Mutual Obligation Failures

Where a Participant commits a Mutual Obligation Failure without a Valid Reason, their Income Support Payment is suspended, and they accrue a Demerit or a financial penalty (depending on the zone the Participant is in).

The term 'Mutual Obligation Failure' has the same meaning as 'mutual obligation failure' in section 42AC of the *Social Security (Administration) Act 1999*.

A Participant will commit a Mutual Obligation Failure if they:

- fail to enter into a Job Plan
- fail to attend, or be punctual for, an appointment that they are required to attend under their Job Plan or as otherwise notified
- fail to attend, be punctual for, or participate in an Activity that they are required to undertake under their Job Plan
- fail to comply with their Points Requirement (being the requirement that the Participant must meet their Points Target and/or Job Search Requirement in each Reporting Period) specified in their Job Plan
- fail to comply with any other requirement in their Job Plan or any notified requirement
- act in an inappropriate manner:
    - during an appointment that they are required to attend under their Job Plan, or which notified to them, or
    - while participating in an Activity that they are required to undertake under their Job Plan
- intentionally act in a manner that could reasonably foreseeably result in an offer of paid work not being made to them
- fail to:
    - attend and participate appropriately at a job interview, or
    - act on a job referral or job opportunity when requested to do so by their Provider.

(Deed Reference(s): Clauses 138, 139, 140, 145 and 146)

Note: Providers must not use or threaten to use the Targeted Compliance Framework to request pay slips or other proof of employment from a Participant. Providers may request that a Participant supply pay slips or other proof of employment, but Participants are under no obligation to supply evidence of employment.

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Fast-track Mutual Obligation Failures

Particular types of Mutual Obligation Failures are referred to as 'fast-track' Mutual Obligation Failures because they can result in a Participant having a Capability Interview or Capability Assessment more quickly than would otherwise be the case.

Fast-track Mutual Obligation Failures apply to all Participants who have an obligation to look for work.

A fast-track Mutual Obligation Failure occurs when a Participant:

- intentionally acts in a manner which could result in an offer of Employment not being made to the Participant (e.g. where the Participant does not behave appropriately at a job interview)
- fails to attend or participate appropriately at a scheduled job interview, or
- fails to act on a job referral or job opportunity when requested to do so by their Provider.

If a Participant has:

- fewer than 3 Demerits when they incur a Demerit for a fast-track Mutual Obligation Failure, the Department's IT Systems will automatically increase the number of Demerits to 3, or
- either 3 or 4 Demerits when they commit a fast-track Mutual Obligation Failure, the Department's IT Systems will automatically increase the number of Demerits to 5.

Prior notice and Acceptable Reasons

If a Participant notifies the Provider, before the scheduled start time for a Mutual Obligation Requirement, that the Participant is unable to comply with their Mutual Obligation Requirement, the Provider must then assess whether the Participant's reason for being unable to comply with the Mutual Obligation Requirement is an Acceptable Reason.

> Providers must consider the necessity of scheduling a requirement over any confirmed Personal Events in the Calendar because a Personal Event is considered prior notice of a Participant's inability to attend requirements (see Scheduling Mutual Obligation Requirements in the Participant's Electronic Calendar).
>
> In some limited circumstances, the Provider may need to schedule a requirement for the same time as a Participant's confirmed and scheduled Personal Event. In this case the Provider must discuss with the Participant whether it is appropriate to record the Mutual Obligation Requirement. The Provider must ensure the Participant has been sufficiently notified and is able to make other arrangements for the Personal Event. Finally, the Provider will be required to record the reason for their assessment that it was appropriate to book the requirement over the event. Participants must not be asked to give up paid work to meet requirements.

The Provider must determine a Participant has an Acceptable Reason if:

- the Participant notified the Provider, before the scheduled start time for a Mutual Obligation Requirement, that the Participant is unable to meet the Mutual Obligation Requirement; and
- the Provider is satisfied that the Participant has a Valid Reason for being unable to meet the Mutual Obligation Requirement.

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Note: a person notifying that they will be working at the time of a requirement is generally considered an Acceptable Reason.

In determining a Valid Reason the Provider must be satisfied that the reason given by the Participant:

- would directly prevent the Participant from meeting the Mutual Obligation Requirement at the time the Mutual Obligation Requirement is scheduled to occur
- would be considered to be reasonable by a member of the general public, and
- aligns with the Participant's personal circumstances as known by the Provider

See the Valid Reason assessment options supporting document, for guidance on what reasons can be accepted or not accepted as a Valid Reason.

The exception to the above is discussed below in Drug and Alcohol Dependency or Misuse.

If the Provider is satisfied that the Participant has an Acceptable Reason, they must reschedule or remove the scheduled Mutual Obligation Requirement from the Electronic Calendar.

Rescheduling means that the Provider moves the relevant Engagement to another day and/or time in the Electronic Calendar. Providers must formally notify the Participant of the details of their new date and/or time of the Engagement and the consequences of not meeting the relevant Mutual Obligation Requirement.

Removing means that the Provider records in the Department's IT Systems that the relevant Engagement is 'No Longer Required'. The Provider must notify the relevant Participant as soon as the provider has done this to ensure there is no confusion.

Where a Provider has a Deed obligation to reschedule or remove a Mutual Obligation Requirement, the Provider must select 'No Longer Required' or 'Rescheduled' (as appropriate) in relation to the Mutual Obligation Requirement in the Participant's Electronic Calendar. This will either remove the Mutual Obligation Requirement from the Participant's Electronic Calendar or allow the Mutual Obligation Requirement to be rescheduled in the Participant's Electronic Calendar.

If the Mutual Obligation Requirement in question is a requirement to attend a job interview or act on a job opportunity the Provider must select 'No Longer Required' and also select from the drop-down menu the description of the relevant Acceptable Reason which is most similar to the Participant's Acceptable Reason as they described it to the Provider.

If the Participant provides an Acceptable Reason for not being able to meet their monthly Points Requirement, the provider should select 'No Longer Required' and also select from the drop-down menu the description of the relevant Acceptable Reason which is most similar to the Participant's Acceptable Reason as they described it to the Provider.

A full list of these drop-down menu options can be found in the 'Rescheduled', 'No-Longer Required' and 'Requirement no longer needs to be met' reason options supporting document.

If the Provider is not satisfied that the Participant has an Acceptable Reason for being unable to satisfy the future Mutual Obligation Requirement, the Provider must tell the Participant why. The Provider must then remind the Participant that they are still expected to meet this Mutual Obligation Requirement and must remind them about the potential consequences of non-compliance. The Provider must provide support and information to assist the Participant to meet their Mutual Obligation Requirement. If the Participant then does not meet their Mutual

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Obligation Requirement, the Provider must comply with the obligations set out in the Assessing Valid Reasons section.

(Deed Reference(s): Clause 144 and Section B4.3)

Misconduct—Acting in an inappropriate manner

Particular types of Mutual Obligation Failures are referred to as 'misconduct' in the Department's IT Systems. The circumstances in which the Provider must select 'misconduct' are described in the When the Participant does not have a Valid Reason section.

Misconduct refers to:

- inappropriate behaviour by the Participant:
  - during an Appointment they were notified about and required to attend as part of their Mutual Obligation Requirements, or
  - while participating in an Activity they were notified about and required to undertake as part of their Mutual Obligation Requirements, or
- behaviour by a Participant, during a job interview, that could, or did, result in an offer of Employment not being made.

A Provider must determine that a Participant's behaviour involved 'misconduct' in the circumstances described above when the Participant's behaviour during the relevant appointment, Activity or job interview:

- was within the Participant's control
- prevented the purpose of the relevant appointment, Activity or job interview from being met, and
- would be judged by a reasonable person as being inappropriate in the circumstances.

This behaviour may include:

- dressing in a way that is clearly inappropriate for the relevant appointment, Activity or job interview
- using offensive language during the relevant appointment, Activity or job interview
- showing an obvious lack of interest in the relevant appointment, Activity or job interview to the extent that it prevents participation
- exaggerating the severity of an existing injury or illness to avoid fully participating in the relevant appointment, Activity or job interview
- leaving the relevant appointment, Activity or job interview before its completion.

Behaviour that appears to be inappropriate but is out of the Participant's control must not be determined by a Provider to be misconduct. For example, a Participant may act in an inappropriate manner because they:

- do not have appropriate clothes to wear to the relevant appointment, Activity or job interview
- are affected by a significant personal crisis
- are affected by a medical condition.

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Transition Safeguard – transitioning to Workforce Australia and the Points Based Activation System

As part of the transition to Workforce Australia services, Participants will not receive a Mutual Obligation Failure for not meeting their monthly Points Requirement for their first reporting period under Workforce Australia.

If by the end of the Participant's first reporting period they have not met their Points Requirement they will be notified about what they need to do to meet their future Points Requirements.

12.2.5. Participant contact

Contact attempt required on same Business Day

The Provider must attempt to contact the Participant on the same Business Day they become aware that the Participant has missed a Mutual Obligation Requirement (except in the specific circumstances outlined in Contact attempt not required).

Where the Provider is able to make contact with the Participant, the Provider must discuss the reasons for the missed requirement so they can determine whether a Mutual Obligation Failure has actually occurred, and if so whether they have a Valid Reason.

Where the Provider establishes a Valid Reason for non-compliance, a Mutual Obligation Failure must not be reported in the Department's IT Systems.

If the Provider cannot establish a Valid Reason for the non-compliance the Provider must determine if a Reconnection Requirement should be set for the Participant.

Where the Reconnection Requirement is a Capability Interview, the Provider must schedule a Capability Interview in accordance with the processes detailed in the Scheduling a Capability Interview section.

See Assessing Valid Reasons and the Valid Reason assessment options supporting document for more information on Valid Reasons.

(Deed Reference(s): Clauses 138, 139, 140, 145.1 and 146)

Contact attempt not required

The Provider is not required to contact the Participant if a Mutual Obligation Failure has occurred because the Participant:

- failed to meet their Points Target and/or Job Search Requirement by the end of their Points Reporting Period, or
- failed to enter into a Job Plan after being notified to do so.

In these instances, the Provider should wait for the Participant to make contact.

In most instances for these failures, the Department's IT Systems apply a confirmed Demerit and set the Reconnection Requirement for the Participant. Where a Capability Interview is required, the Provider must wait for the Participant to make contact and schedule the Capability Interview as the Reconnection Requirement. For more information see Capability Interviews.

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(Deed Reference(s): Clause 145)

Contact attempt not successful

When the Provider attempts to contact the Participant in accordance with the above obligation and the attempt is not successful, the Provider must record they are not in contact with the Participant and select 'Did Not Attend—Invalid' in relation to the relevant Mutual Obligation Requirement in the Participant's Electronic Calendar. Doing so will:

- create a pending Demerit on the Participant's record if the Participant is in the Green Zone or the Warning Zone, or
- create a pending Non-Compliance Report on the Participant's record if the Participant is in the Penalty Zone.

If the Participant is in the Green Zone or the Warning Zone, the Participant's Income Support Payment will be automatically suspended, in 5 Business Days, if the Participant does not make contact or does not meet a Reconnection Requirement (where the Participant does not have a Valid Reason).

If the Participant is in the Penalty Zone, Income Support Payment suspension will occur when the Provider has recorded 'Did Not Attend—Invalid' in the Department's IT Systems.

If the Provider is contacted by the Participant to discuss the Mutual Obligation Failure, the Provider must discuss with the Participant their reasons for the Mutual Obligation Failure, assess whether the Participant has a Valid Reason, comply with the obligations set out in Assessing Valid Reasons, and if the Provider:

- assesses that the Participant has a Valid Reason, record in the Department's IT Systems that the Participant has a Valid Reason and comply with the obligations set out in When the Participant has a Valid Reason, or
- assesses that the Participant does not have a Valid Reason, set an appropriate Reconnection Requirement for the Participant in accordance with Reconnection Requirements.

See the Provider action - Creation and confirmation of Demerits; potential suspension of Income Support Payment; lifting of Income Support Payment suspensions supporting document.

When a Participant commits a Mutual Obligation Failure

The consequences for a Participant who commits a Mutual Obligation Failure are that:

- their Income Support Payment is suspended:
  - if the Participant is in the Green Zone or the Warning Zone, payment suspension will occur if, within 5 Business Days of the date of the Mutual Obligation Failure, they do not provide a Valid Reason or meet a Reconnection Requirement, or
  - if the Participant is in the Penalty Zone, payment suspension will occur at the time the Provider records that a Mutual Obligation Failure has occurred.
- they accrue a Demerit if they do not have a Valid Reason and are in the Green Zone or the Warning Zone.

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Five Business Day Resolution Time: payment suspensions for Green and Warning Zones

The purpose of Resolution Time is to allow Participants 5 Business Days to contact their Provider, to discuss and—when possible—resolve the Mutual Obligation Failure, before a Participant's payment is impacted.

While in the Green Zone and the Warning Zone, a Participant's Income Support Payment may be suspended 5 Business Days after the day a Mutual Obligation Failure is recorded in the Department's IT Systems.

Suspension of a Participant's Income Support Payment will not occur if, within those 5 Business Days, the Participant contacts the Provider and:

- the Provider records that the Participant has a Valid Reason, or
- the Participant agrees to or meets a Reconnection Requirement for associated Mutual Obligation Failure.

See Assessing Valid Reasons and Reconnection Requirements.

During the 5 Business Days that occur between:

- the recording of a Mutual Obligation Failure in the Department's IT Systems, and
- the suspension of a Participant's Income Support Payment

the Provider must be available to engage with Participants who make contact to discuss a Mutual Obligation Failure and the relevant delayed payment suspension.

During this discussion, the Provider must determine whether the Participant has a Valid Reason for the Mutual Obligation Failure and must immediately record this assessment in the Department's IT Systems. As a result of this assessment:

- If the Provider records the Participant has a Valid Reason, the payment suspension will be avoided.
- If the Provider records the Participant does not have a Valid Reason, the Participant must meet a Reconnection Requirement if one has been set. See Reconnection Requirements.
    - However, if the Participant meets the Reconnection Requirement before the 5 Business Day Resolution timeframe has expired, the payment suspension will be avoided.
    - If the Participant does not meet the Reconnection Requirement before the 5 Business Day Resolution timeframe has expired, the payment suspension will occur 5 Business Days following the day the Reconnection Requirement was recorded in the Department's IT Systems as did not attend. This suspension will generally be maintained until the Participant meets the Reconnection Requirement.

See Reconnection Requirements – No Longer Required.

Immediate payment suspension: Penalty Zone

In the Penalty Zone, a Participant's Income Support Payment is suspended at the time a Mutual Obligation Failure is recorded in the Department's IT Systems. This immediate suspension is intended to encourage the Participant to promptly contact their Provider and discuss the Mutual Obligation Failure.

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Notifications to Participants of Mutual Obligation Failures

When the Provider records in the Department's IT Systems that a Participant has committed a Mutual Obligation Failure while they are in the Green Zone or Warning Zone, the Department's IT Systems sends the Participant a notification on the Provider's behalf to advise them:

- it appears they have failed to meet a Mutual Obligation Requirement
- to contact their Provider as soon as possible, and
- their Income Support Payment may be suspended after 5 Business Days have passed if they take no further action.

When the Provider records in the Department's IT Systems that a Participant has committed a Mutual Obligation Failure while they are in the Penalty Zone, the Department's IT Systems sends the Participant on the Provider's behalf a notification to advise them:

- their Income Support Payment is suspended
- why their Income Support Payment is suspended
- what they must do for the Income Support Payment suspension to be lifted, and
- to contact their Provider as soon as possible.

The automatic notifications described above only occur if the Participant has SMS or email details recorded in the Department's IT Systems for automatic notification.

If the Participant does not have SMS or email details recorded in the Department's IT Systems for automated notification, the Provider must send the notice prepared by the Department's IT Systems to the Participant's postal address on the same day the Provider records in the Department's IT Systems that the Participant has committed a Mutual Obligation Failure.

(Deed Reference(s): Clause 115, sections B4.2 and B4.3)

Five Business Days Resolution Time have passed since the Provider recorded the Mutual Obligation Failure in the Department's IT Systems: in the Green and Warning Zones

If the Participant is in the Green Zone or the Warning Zone, the Department's IT Systems will automatically suspend the Participant's Income Support Payment once 5 Business Days have passed and:

- the Provider has not recorded in the Department's IT Systems that the Participant has contacted the Provider, or
- the Provider has recorded that the Participant does not have a Valid Reason and has not recorded that the Participant has met a Reconnection Requirement.

When the Participant's Income Support Payment is suspended, the Department's IT Systems sends them a notification (on the Provider's behalf):

- that their Income Support Payment is suspended
- why their Income Support Payment is suspended
- what they must do for the Income Support Payment suspension to be lifted, and
- to contact their Provider as soon as possible.

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If the Participant does not have SMS or email details recorded in the Department's IT Systems for automated notification, the Provider must send the notice prepared by the Department's IT Systems to the Participant's postal address on the same day on which that 5 Business Day timeframe ends.

A Participant's Income Support Payment will normally remain suspended until they meet a Reconnection Requirement or until the Provider records a Valid Reason in the Department's IT Systems, and an Income Support Payment will be cancelled by Services Australia if the Participant fails to meet a Reconnection Requirement within 28 calendar days of it being notified to the Participant.

(Deed Reference(s): Clause 115, sections B4.2 and B4.3)

12.2.6. Assessing Valid Reasons

As referred to in Contact attempt required on same Business Day and Contact attempt not successful, Providers must assess whether a Participant has a Valid Reason for a Mutual Obligation Failure. If the Provider records in the Department's IT Systems that the Participant:

- has a Valid Reason for a Mutual Obligation Failure, any Demerit on their record relating to that Mutual Obligation Failure will be removed, or
- does not have a Valid Reason, the Demerit will be confirmed.

See the Provider action - Creation and confirmation of Demerits; potential suspension of Income Support Payment; lifting of Income Support Payment suspensions supporting document for information on the circumstances in which a Demerit (pending confirmation) will be confirmed or removed from the Participant's record.

A Provider must determine the Participant has a Valid Reason for a Mutual Obligation Failure when the Provider is satisfied that the reason the Participant provided:

- directly prevented the Participant from meeting the Mutual Obligation Requirement at the relevant time that the Mutual Obligation Failure occurred
- would be considered to be reasonable by a member of the general public, and
- aligns with their personal circumstances as known by the Provider.

The exception to the above is discussed below under Drug and alcohol dependency or misuse.

(Deed Reference(s): Clauses 138, 144 and 145)

Drug and alcohol dependency or misuse

There are limits on the circumstances in which a Provider can determine that a Participant's drug or alcohol misuse or dependency is an Acceptable Reason or a Valid Reason for a Mutual Obligation Failure.

Acceptable and Valid Reason determinations are discussed in Prior Notice and Acceptable reasons and Assessing Valid Reasons.

Subject to those Sections, the first time a Participant cites drug or alcohol misuse or dependency as the reason they are not able to meet an upcoming Mutual Obligation Requirement or have committed a Mutual Obligation Failure, the Provider may determine this is an Acceptable Reason or a Valid Reason, respectively.

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If the Provider determines that a Participant's drug or alcohol misuse or dependency is an Acceptable Reason or a Valid Reason, the Provider must identify and source an available and appropriate treatment program and must encourage the Participant to participate in that program. Participation in treatment services to address drug or alcohol misuse or dependency may reduce other Mutual Obligation Requirements. See Mutual Obligation Requirements for more information on setting Mutual Obligation Requirements.

If a Participant cites drug or alcohol misuse or dependency as the reason they are not able to meet an upcoming Mutual Obligation Requirement or have committed a Mutual Obligation Failure, the Provider must not determine this is an Acceptable Reason or a Valid Reason (as relevant) if:

- the Provider previously determined that the Participant's drug or alcohol misuse or dependency was an Acceptable Reason or a Valid Reason, so the relevant upcoming Mutual Obligation Failure was rescheduled or the relevant Mutual Obligation Failure did not result in a Demerit
- the Provider referred the Participant to available and appropriate treatment to address the drug or alcohol misuse or dependency
- the Participant refused or deliberately failed to participate in the treatment, and

unless one of the following exceptions applies:

- the treatment that the Participant was referred to was not available or appropriate for the Participant
- the Participant was genuinely unable to participate in the treatment
- the Participant agreed to participate in the treatment but, despite taking all reasonable steps to commence the treatment, the treatment did not commence, or
- before the Participant was referred to the treatment, the Participant had:
    - completed the same type of treatment as the treatment they were referred to, or
    - completed treatment that was substantially similar to the treatment they were referred to and, in the opinion of an appropriately qualified medical professional, the Participant would not benefit from further treatment of the same kind as the type of treatment already completed by the person.

(Deed Reference(s): Clause 137, 145)

When the Participant has a Valid Reason

On the day the Provider determines a Participant has a Valid Reason for a Mutual Obligation Failure, the Provider must record this assessment in the Department's IT Systems.

The way the Provider must record this assessment differs, depending on the type of Mutual Obligation Failure that the Participant has committed. The steps the Provider must take, depending on the type of Mutual Obligation Failure with a Valid Reason, are described below.

By recording a reason that is Valid, the Provider is:

- removing any re-engagement requirement associated with the Mutual Obligation Failure
- finalising the Mutual Obligation Failure to prevent the Participant's Income Support Payment being affected
- lifting the Participant's payment suspension if the Participant's Income Support Payment is suspended, and
- removing the relevant Demerit from the Participant's record.

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When the Provider records that the Participant has a Valid Reason, the Provider must also select from the drop-down menu the description of the relevant Valid Reason.

A list of Valid Reason drop-down menu options can be found in the Valid Reason' assessment options supporting document. An item not being included in drop-down menus does not necessarily mean that it is not a Valid Reason and the Provider should choose the option that is most similar to the reason given by the Participant.

Providers should also note, that in the Department's IT Systems:

- 'reasons accepted' refers to the reasons that the Provider determines are Valid Reasons, and
- 'reasons not accepted' refers to the reasons that the Provider determines are not Valid Reasons.

Failures against requirements that are in the Participant's Electronic Calendar (including failure to attend a Mandatory Activity)

On the day the Provider determines a Participant has a Valid Reason for a Mutual Obligation Failure:

- If the Provider has not already recorded an attendance result in relation to the relevant Mutual Obligation Requirement—the Provider must select 'Did Not Attend—Valid'.
- If the Provider has already recorded 'Did Not Attend—Invalid' or 'Misconduct' in relation to the relevant Mutual Obligation Requirement—the Provider must select 'Yes' in response to the question of whether they accept the Participant's given reason.

(Deed Reference(s): Clause 139, 142, 145)

Failures to meet monthly Points Requirement

Failures to meet Points Requirement are automatically created and confirmed by the Department's IT Systems.

On the day the Provider determines a Participant has a Valid Reason for a Mutual Obligation Failure due to the Participant's failure to meet their Points Requirement, the Provider must select 'Yes' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate the Participant's reason for not meeting their Points Requirement has been accepted. The system will prompt Providers to record the reason the Participant provided.

(Deed Reference(s): Clauses 110, 138, 145)

Failures to enter into a Job Plan

Refer to Creating a Job Plan for more information about Participant requirements to enter into a Job Plan.

On the day the Provider determines a Participant has a Valid Reason for a Mutual Obligation Failure due to the Participant failing to enter into a Job Plan:

- the Provider must select 'Yes' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate the Participant's reason for failing to enter into a Job Plan has been accepted. The system will prompt the Provider to record the reason the Participant provided.

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- Once the Provider has recorded that the Participant has a Valid Reason, the Provider must then create a Provider Appointment for the Participant to attend within 2 Business Days after the day the Provider has recorded their assessment. If the Participant attends the Provider Appointment, the Provider must discuss the Job Plan with the Participant. If the Participant does not attend the Provider Appointment to discuss the Job Plan, this is a Mutual Obligation Failure, and the Provider must comply with their usual obligations regarding Mutual Obligation Failures.

(Deed Reference(s): Clauses 107, 108, 145)

Failures to act on a job referral task or job opportunity

Refer to Creating a Job Plan for more information about Participant requirements to act on a job referral task or job opportunity.

On the day the Provider determines that a Participant has a Valid Reason for a Mutual Obligation Failure due to a failure to act on a job referral task or job opportunity when requested to do so by the Provider, the Provider must select 'Unsatisfactory—Valid' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate the Participant's reason for failing to act on a job opportunity has been accepted.

(Deed Reference(s): section B4.3)

When the Participant does not have a Valid Reason

On the day the Provider determines a Participant does not have a Valid Reason for a Mutual Obligation Failure, the Provider must record this assessment in the Department's IT Systems.

The way the Provider records this differs depending on the type of Mutual Obligation Failure the Participant has committed.

When the Provider records this information, they must also select from the drop-down menu a description of the reason the Participant has given that they have determined was not Valid. Where the exact reason is not in the drop-down menu, the Provider should select the option which is most similar to the reason the Participant described.

By recording the Participant's reason is not a Valid Reason, the Provider is confirming the relevant Demerit on the Participant's record.

A list of these drop-down menu options can be found at Valid Reason assessment options supporting document. Providers should also note, that in the Department's IT Systems:

- 'reasons accepted' refers to reasons that the Provider determines are Valid Reasons
- 'reasons not accepted' refers to reasons that the Provider determines are not Valid Reasons.

On the day the Provider determines a Participant does not have a Valid Reason for failing to meet a Mutual Obligation Requirement, the Provider must also explain the following to the Participant:

- their Income Support Payment (if they are in the Green or Warning Zone) will be suspended in 5 Business Days unless the Participant is able to meet a Reconnection Requirement before those 5 Business Days lapse,
- their Income Support Payment (for Participants in the Penalty Zone) has been suspended, and

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- they must meet a Reconnection Requirement to have their Income Support Payment suspension lifted.

AND

Regardless of what zone the Participant is in, the Provider must inform them:

- why their given reason was not a Valid Reason (including the consequences of having no Valid Reason for non-compliance),
- how this decision will be displayed on the 'Participant's Compliance Status Indicator' on the online Dashboard including the number of Demerits the Participant has accrued,
- whether the Mutual Obligation Failure is considered to be a 'fast-track' Mutual Obligation Failure and, if so, what that means and what the next steps are,
- the importance of meeting all Mutual Obligation Requirements,
- the consequences of persistent non-compliance, including financial penalties and Income Support Payment cancellation, and
- what and when the Participant's Reconnection Requirement will be.

By reinforcing the consequences of failing to meet Mutual Obligation Requirements, Participants are encouraged to meet their Mutual Obligation Requirements in the future and remain engaged with their Providers.

Failures against requirements that are in the Participant's Electronic Calendar (including failure to attend a Mandatory Activity)

Where a Participant commits a Mutual Obligation Failure by failing to meet a Mutual Obligation Requirement that is scheduled in the Participant's Electronic Calendar, the Provider must undertake the system steps referred to below by close of business on the day the Provider determines the Participant does not have Valid Reason for the Mutual Obligation Failure.

If the Provider:

- has not already recorded an attendance result in relation to the relevant Mutual Obligation Requirement—the Provider must select 'Did Not Attend—Invalid'.
- has already recorded 'Did Not Attend—Invalid' or 'Misconduct' in relation to the relevant Mutual Obligation Requirement—the Provider must select 'No' in response to the question of whether they accept the Participant's given reason. The system will prompt Providers to record the reason the participant provided.

(Deed Reference(s): Clause 139, 142, 145)

Failures to meet a Points Requirement

Failures to meet Points Requirements are automatically created and confirmed in the Department's IT Systems.

On the day that the Provider determines that a Participant does not have a Valid Reason for a Mutual Obligation Failure due to the Participant failing to meet their Points Requirement, the Provider must select 'No' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate that the Participant's reason for not meeting their Points Requirement has not been accepted. The system will prompt Providers to record the reason the Participant provided.

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Participants who fail to meet their Points Requirement without a Valid Reason will be required to meet a Reconnection Requirement to make up the missed points by undertaking Job Search. See Reconnection Requirement for failing to meet Points Requirement for more information.

Failures to enter into a Job Plan

Refer to Creating a Job Plan for more information about Participant requirements to enter into a Job Plan.

- On the day that the Provider determines that a Participant does not have a Valid Reason for a Mutual Obligation Failure due to the Participant failing to enter into a Job Plan, the Provider must select 'No' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate that the Participant's reason for failing to enter into a Job Plan has not been accepted. The system will prompt Providers to record the reason the Participant provided.

Failures to act on a job referral task or job opportunity

Refer to Creating a Job Plan for more information about Participant requirements to act on a job referral or job opportunity.

- On the day that the Provider determines that a Participant does not have a Valid Reason for a Mutual Obligation Failure due to a failure to act on a job opportunity when requested to do so by the Provider, the Provider must select 'Unsatisfactory—Invalid' on the Outstanding Non-Compliance screen in the Department's IT Systems to indicate that the Participant's reason for failing to act on a job opportunity has not been accepted. The system will prompt Providers to record the reason the Participant provided.

Manually removing Demerits

If the Participant is in the Penalty Zone when the Provider assesses that a Demerit should be removed the Provider should contact their Provider Lead for advice before removing the Demerit.

Providers must remove Demerits in the following circumstances:

- the Demerit was recorded in respect of a Mutual Obligation Failure by a Participant who was subsequently found to have had a Valid Reason for committing the Mutual Obligation Failure, or
- the Demerit was recorded in error.

- When removing the Demerit, the Provider must record the reason for the removal in the Department's IT Systems. A full list of these drop-down menu options can be found in the Manual Demerit removal options supporting document.

(Deed Reference(s): Clause 145.4)

12.2.7. Participants cannot appeal Demerit decisions under Social Security Law

All Participants have the right to ask for a review of a decision made under Social Security Law and, in most cases, to appeal the decision to a tribunal or court. This includes decisions to suspend a Participant's Income Support Payment as a result of non-compliance and decisions made by Services Australia to reduce or cancel their Income Support Payment.

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Demerit decisions are not decisions under Social Security Law and so Participants cannot appeal or ask for a formal review of any decision to confirm a Demerit using the same processes as those that apply for decisions under Social Security Law. However, Participants may dispute Demerit decisions.

Disputing a Demerit decision by contacting the National Customer Service Line

If a Participant is dissatisfied with a Demerit decision, they must first discuss the decision with their Provider. If they still wish to dispute the decision after this discussion, they can contact the National Customer Service Line (NCSL).

By contacting the NCSL to dispute a Demerit decision, the Participant will in effect make a Workforce Australia Services-related complaint. If required and appropriate, the Provider must action complaints that are referred back to them by the NCSL. This may include reviewing the Demerit decision-making process, any Valid Reason assessments or information that has been recorded on the Department's IT Systems.

12.2.8. Reconnection Requirements

Note: 'Reconnection Requirements' are referred to as 're-engagement requirements' in the Department's IT Systems and in some reference materials.

A Reconnection Requirement is what a Participant must do during their 5 Business Day resolution time to prevent their Income Support Payment from being suspended or to restore their payment. Usually, the requirement will mirror the Mutual Obligation Requirement that the Participant failed to meet.

Reconnection Requirements are set:

- **By Providers, unless the Department's IT Systems do it automatically (see below):** When contact with a Participant occurs to discuss their reasons for a Mutual Obligation Failure, and the Provider assesses they do not have a Valid Reason and records the assessment in the Department's IT Systems (as described in Assessing Valid Reasons), the Provider must set a Reconnection Requirement for the Participant. This will generally be to attend an appointment or Activity.
- **Automatically:** The Department's IT Systems will automatically set the Reconnection Requirement when the Participant has failed to:
    - meet their Points Requirement (i.e. the Participant fails to do or report sufficient tasks or activities to meet their Points Target and/or Job Search Requirement at the end of their Points Reporting Period, or
    - enter into a Job Plan, after the 5 Business Day resolution time has expired.

See Reconnection Requirements -– No Longer Required.

Where the Department's IT Systems automatically set a Reconnection Requirement for a Participant as described above, the Provider does not need to do this.

If the Participant's Income Support Payment has been suspended, they must meet a Reconnection Requirement in order to have their Income Support Payment suspension lifted.

See the Provider action - Creation and confirmation of Demerits; potential suspension of Income Support Payment; lifting of Income Support Payment suspensions supporting document for information on the circumstances in which:

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- a Participant's Income Support Payment is suspended
- the suspension of a Participant's Income Support Payment is lifted.

Note that if set, a Reconnection Requirement is a Mutual Obligation Requirement. This means that, among other things the Provider must comply with the Deed:

- when recording Reconnection Requirements in a Participant's Electronic Calendar
- in relation to rescheduling or removing a Reconnection Requirement from a Participant's Electronic Calendar.

(Deed Reference(s): Clauses 140 and 145)

12.2.9. Reconnection Requirements - No Longer Required

Providers must finalise attendance-based non-compliance prior to the expiry of resolution time:

- if they are in contact with the Participant, and
- they are satisfied that a re-engagement requirement is not necessary.

The Provider must record 'Re-engagement Not Required – non-compliance discussed' in the Department's IT Systems. Recording this will end the need for the Participant to have a separate re-engagement requirement booked and end Resolution Time.

If the purpose of the initial requirement needs more time to be achieved (for example to discuss Job Search), a new requirement can be booked.

In instances where the Participant has demonstrated continued patterns of disengagement, or if the Provider considers that re-engagement is required, the Provider can set a Re-engagement Requirement to occur in accordance with Setting a Reconnection Requirement.

If a Provider does set a Reconnection Requirement they must record the reason in the comment section of the Department's IT Systems.

Reconnection Requirements are still required following Mutual Obligation Failures for:

- Initial Appointments
- Job Plans
- Points Requirements, or
- When the Participant has a re-engagement requirement of either a Capability Interview or Capability Assessment

12.2.10. Setting a Reconnection Requirement

When setting a Reconnection Requirement, the Provider must follow the prompts in the Department's IT Systems and notify the Participant of the Reconnection Requirement. If the Reconnection Requirement is not automatically set, the Department's IT Systems will specify the type of Reconnection Requirement which the Provider must set for the purposes of complying with their Deed obligation referred to above. Refer to Notifications to Participants of Mutual Obligation Failures for information on notifying Participants within the appropriate timeframe.

The Provider must schedule the Reconnection Requirement in the Participant's Electronic Calendar to occur within 2 Business Days following the day of the contact between the Participant and their

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Provider to discuss the relevant Mutual Obligation Failure. Exceptions to this 2 Business Day requirement are:

- the Department's IT Systems automatically set the date and time of the Reconnection Requirement as discussed below which have times and dates automatically set by the Department's IT Systems, or
- the Participant has a Valid Reason for not being able to meet the Reconnection Requirement within the 2 Business Day timeframe as discussed below in Valid Reason to not meet Reconnection Requirement within 2 Business Days.

Reconnection Requirements must be scheduled to occur within 2 Business Days of Participant contact.

(Deed Reference(s): Clauses 120, 140 and 145)

Reconnection Requirement for failing to meet Points Requirement

To meet a Reconnection Requirement for failing to meet the Points Requirement, the Participant must complete Job Search to the value of the Points Requirement that was not previously met.

> **Example:** Where a Participant has a Points Target of 80 points, but has only earned 65 points, the Participant must complete 3 Job Searches (5 points per Job Search = 15 points) (15 points + 65 points = previous Points Target of 80 points).

- When the Provider or Participant reports the Participant's new Job Searches (i.e. job applications), the Department's IT Systems will automatically allocate these points first to offset the Participants Job Search re-engagement requirement.

Participants must complete the required number of Job Searches to either:

- avoid payment suspension within the 5-day Resolution Time; or
- have their payment suspension lifted if Resolution Time has passed.

See the Job Plan and Mutual Obligation Requirements Chapter for details on Job Search and reporting Job Search on behalf of a Participant.

Light Touch Reconnection for a Points Based Failure

Note: Light Touch Reconnection for a Points Based Failure is a different process and is in addition to the Transition Safeguard arrangements, through which no PBAS Mutual Obligation Failures are raised.

All Participants are offered a "Light Touch" Reconnection when they have their first Points Based failure.

The system will identify when a Participant is eligible for Light Touch Reconnection and the Reconnection Requirement will be automatically set to 'Light Touch', unless the Reconnection Requirement is to attend a Capability Interview or Capability Assessment.

Participants will have a Reconnection Requirement to agree to a declaration to confirm their understanding of their Points Requirements. Participants will not need to make up the points they missed. A Participant's Income Support Payment will be suspended following the 5 Business Day resolution time, if the Participant does not agree to this declaration.

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Any Participant who is unable to agree to this online declaration themselves, must contact their Provider to arrange for them to finalise the Reconnection Requirement process.

To support this process, Providers must:

- have a conversation, using the Light Touch Declaration Script, with the Participant to ensure the Participant understands their Points Requirement, and the consequence of not meeting their Points Requirements in the future; and
- update the system on the Participant's behalf.

Note: Providers should also use this conversation to ensure the Participant's Points Requirement is appropriately tailored to their personal circumstances. For more information, see Tailoring the Points Requirement to reflect a Participant's circumstances.

When a Participant agrees that they understand the script, Providers should update the system as described below. There is no further action for the Provider.

To finalise the Reconnection Requirement on behalf of the Participant, the Provider needs to select reason 'Compliance Action No Longer Required' and select the option 'Light Touch Re-engagement used – non-compliance discussed'.

If a Participant does not understand the script or does not agree, Providers should update the system as described in the 'system step' above and set a Provider Appointment to occur within the next 10 days (if one has not already been scheduled).

At this appointment, the Provider should work with the Participant to ensure they understand their Points Requirement and to help them to understand and plan what tasks they will undertake to meet their Points Requirement each month. This may also involve helping the Participant to upload these to their Dashboard and / or to enter Job Search efforts on the Participant's behalf.

Note: Participants in the Penalty Zone cannot access the 'Light Touch' re-engagement option.

Multiple Mutual Obligation Failures before contact

When a Participant commits multiple Mutual Obligation Failures before there is a contact with their Provider to discuss those Mutual Obligation Failures:

- only one Reconnection Requirement can be set, and
- the Provider must advise the Participant they only have to meet one Reconnection Requirement.

Points Based failures in the Penalty Zone

If a Participant fails to meet their Points Requirement, and the Participant is in the Penalty Zone, the Participant's Reconnection Requirement is to contact their Provider. The Department's IT Systems automatically set this Reconnection Requirement. If the Participant's Income Support Payment is suspended, the suspension is lifted when the Provider records that they are in contact with the Participant.

Valid Reason to not meet Reconnection Requirement within 2 Business Days

When the Provider is in contact with a Participant to discuss an apparent Mutual Obligation Failure(s) (as referred to in Participant Contact above) and determines that the Participant has

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committed a Mutual Obligation Failure, the Provider must consider whether the Participant has a Valid Reason for being unable to meet their Reconnection Requirement within 2 Business Days following that contact.

- If the Provider considers that the Participant does have a Valid Reason, the Provider must select 'Unable to Re-engage Within 2 Business Days' on the Outstanding Non-Compliance screen in the Department's IT Systems. If the Participant's Income Support Payment is suspended, this will lift the Participant's Income Support Payment suspension and remove the need for a Reconnection Requirement.

  For the purposes of the above, a Provider must determine that the Participant has a Valid Reason for being unable to meet their Reconnection Requirement within 2 Business Days in line with Assessing Valid Reasons.

- If the Provider selects 'Unable to Re-engage Within 2 Business Days' as described above, the Provider must also select from the drop-down menu a description of the relevant Valid Reason that is most similar to the Participant's Valid Reason as they described it to the Provider.

A full list of these drop-down menu options can be found in the Unable to Re-engage Within 2 Business Days' reason options supporting document.

Provider not able to arrange or deliver the Reconnection Requirement within 2 Business Days

In limited circumstances, a Provider may not be able to arrange or deliver the Reconnection Requirement within 2 Business Days following the contact between the Participant and the Provider to discuss the relevant Mutual Obligation Failure(s).

- If that is the case, the Provider must select 'Re-engagement Not Required' on the Outstanding Non-Compliance screen. When selecting 'Re-engagement Not Required' as described above, the Provider must also select from the drop-down menu the description of the relevant reason which is most similar to the actual reason.

  A full list of these drop-down menu options can be found in the Re-engagement Not Required' reason options supporting document.

If the Participant's Income Support Payment is suspended, this will lift the payment suspension and remove the need for a Reconnection Requirement.

Compliance action no longer appropriate

Once a Participant's Reconnection Requirement has been set, unexpected circumstances may make it inappropriate to expect them to meet a Reconnection Requirement and/or to maintain their payment suspension.

- If that is the case, the Provider must record 'Compliance action no longer appropriate' on the Outstanding Non-Compliance screen.
  - When selecting 'Compliance action no longer appropriate' as described above, the Provider must also select from the drop-down menu the description of the relevant reason which is most similar to the actual reason.
  - A list of these drop-down menu options can be found in the Compliance Action No Longer Appropriate' reason options supporting document.

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If the Participant's Income Support Payment is suspended, this will lift the payment suspension and remove the need for a Reconnection Requirement.

Failure to meet a Reconnection Requirement

If the Provider becomes aware that a Participant has failed to meet a Reconnection Requirement, the Provider must attempt to contact the Participant on the same Business Day. If the Provider:

- attempts to contact the Participant on that day but is unsuccessful the Provider must record they are not in contact with the Participant and select 'Did Not Attend—Invalid' in relation to the Reconnection Requirement in the Participant's Electronic Calendar. In this case:
  - if the Participant's Income Support Payment is not yet suspended, it will be suspended when the 5 Business Days Resolution Time following the original failure expires, or
  - if the Participant's Income Support Payment is suspended, the payment will remain suspended until the Reconnection Requirement is met.
- is able to contact the Participant on that day, the Provider must discuss the Participant's reasons for not meeting the Reconnection Requirement and assess if the Participant had a Valid Reason.

For the purposes of the above, a Provider must determine that the Participant had a Valid Reason for being unable to meet their Reconnection Requirement when they are satisfied that the Participant's reason meets the requirements as set out in Assessing Valid Reasons.

If the Participant had a Valid Reason, the Provider must select 'Did Not Attend–Valid' in relation to the Reconnection Requirement in the Participant's Electronic Calendar. If the Participant's Income Support Payment is suspended, this will lift the payment suspension as the Participant will be taken to have met the Reconnection Requirement (as they have a Valid Reason). However, the Provider must set a Mutual Obligation Requirement for the Participant:

- to occur within 2 Business Days after the day on which the Provider determines that the Participant has a Valid Reason for not meeting the Reconnection Requirement
- that is the same type as the Mutual Obligation Requirement the Participant failed to meet originally.

If the Participant did not have a Valid Reason, the Provider must select 'Did Not Attend—Invalid' in relation to the Reconnection Requirement in the Participant's Electronic Calendar. In this case:

- if the Participant's Income Support Payment is not yet suspended, it will be suspended if the Participant does not meet another Reconnection Requirement within 2 Business Days following the date of the original Reconnection Requirement, or
- if the Participant's Income Support Payment is suspended, the payment will remain suspended, and the Provider must reschedule the Reconnection Requirement.

12.2.11. Non-compliance Reports

If a Participant is in the Penalty Zone and the Provider records 'Did Not Attend—Invalid' or 'Misconduct' as discussed under When the Participant does not have a Valid Reason, the Department's IT Systems creates a Non-compliance Report and submits it to Services Australia for investigation instead of recording a Demerit. The Participant's Income Support Payment is suspended as a result of the creation of a non-compliance report.

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If a Participant is in the Penalty Zone and the Provider records 'Did Not Attend—Valid' as discussed under When the Participant has a Valid Reason, any non-compliance report on their record relating to that Mutual Obligation Failure will be closed.

An open Non-Compliance report on a Participant's record will prevent the Participant from finalising their fortnightly reporting requirement and from receiving their Income Support Payment. Participants will be prompted to contact Services Australia to discuss the non-compliance report when they are completing their fortnightly report.

12.2.12. Record Keeping

Depending on the Mutual Obligation Failure that the Participant has committed, in addition to the evidence recorded in the Department's IT Systems, the Provider must retain Documentary Evidence which is not retained on the Department's IT Systems. This would include:

- where the Mutual Obligation Failure is a failure to attend a job interview or act on a job opportunity, a copy of any manually prepared and prior notification of the requirement to attend the job interview or act on the job opportunity,
- where the Mutual Obligation Failure is a failure to attend an appointment, a copy of the manually prepared and prior notification of the requirement to attend the appointment,
- where the Mutual Obligation Failure is a failure to meeting a monthly Points Requirement, including Job Search Requirement, a hard copy of any relevant fully or partially completed Job Searches, and
- where the Mutual Obligation Failure is acting in an inappropriate manner during an appointment or while participating in an Activity, details of the job/Employer and/or details of the relevant incident, including dates, the parties involved and what occurred.

12.3. Capability Interviews

12.3.1. The purpose of a Capability Interview

The purpose of the Capability Interview is to determine whether a Participant's Job Plan and Mutual Obligation Requirements are suitable for the Participant. Mutual Obligation Requirements are suitable for a Participant if they are appropriate to the Participant's circumstances and the Participant is capable of meeting them.

The outcome of the Capability Interview will determine whether the Participant continues in the Warning Zone or whether they are returned to the Green Zone with their Demerits reset to zero. The Department's IT Systems will determine the outcome of the Capability Interview based on the information that the Provider records in the Department's IT Systems in relation to the Capability Interview. For more information on what the Provider must record in the Department's IT Systems regarding Capability Interviews, see the Preparing to conduct a Capability Interview and Conducting the Capability Interview sections.

A Participant will:

- return to the Green Zone with their Demerits reset to zero if the outcome of the Capability Interview is that their Job Plan and Mutual Obligation Requirements are not suitable (i.e. the Mutual Obligation Requirements are not appropriate to the Participant's circumstances or the Participant is not capable of meeting them), or

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- continue in the Warning Zone if the outcome of the Capability Interview is that their Job Plan and Mutual Obligation Requirements are suitable for the Participant (i.e. the Mutual Obligation Requirements are appropriate to the Participant's circumstances and the Participant is capable of meeting them).

(Deed Reference(s): Clauses 104, 105, 107, 138, 145)

12.3.2. When a Capability Interview is triggered

The Providers must conduct a Capability Interview when the Department's IT Systems specify that the Participant's Reconnection Requirement is a Capability Interview.

Broadly speaking, this will occur when the Participant has, in 6 active months accrued 3 Demerits or a Demerit for a 'fast-track' Mutual Obligation Failure. See Fast-Track Mutual Obligation Failures for more information.

The outcome of any Capability Interview or Capability Assessment which has been conducted in relation to the Participant in the previous 60 calendar days will also influence whether a Provider must conduct a Capability Interview. Subject to certain exceptions, if the previous capability review outcome is that the Participant's Mutual Obligation Requirements are suitable, then a further Capability Interview is not required. These exceptions include when a Participant moves to a different employment program (e.g. from Disability Employment Services to Workforce Australia Services) and the Department's IT Systems indicate a new Capability Interview is required.

When the Department's IT Systems specify that the Participant's Reconnection Requirement is a Capability Interview:

- a Capability Interview is said to be 'triggered', and
- the Department's IT Systems will identify that the Capability Interview is 'outstanding'.

The Department's IT Systems will identify that a Capability Interview is 'outstanding' until it is finalised.

The Capability Interview will be finalised when the Provider selects 'submit' in the Department's IT Systems after completing the pre-interview check and recording all the relevant information during the Capability Interview (as discussed below in Preparing to conduct a Capability Interview and Conducting the Capability Interview).

When a Participant accrues a Demerit that triggers a Capability Interview, their Income Support Payment will be suspended until the Participant participates in the Capability Interview and the Capability Interview is finalised. Exceptions to this are discussed below under Circumstances where a Capability Interview cannot be delivered within 2 Business Days.

Where the Department's IT Systems identify that a Capability Interview is 'outstanding' (as referred to above), the Participant will not be able to accrue any further Demerits until they attend a Capability Interview and that Capability Interview is finalised.

(Deed Reference(s): Clause 145)

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12.3.3. Capability Interviews resulted as 'No Longer Required' but are still outstanding

In some circumstances, where the Department's IT Systems identify that a Capability Interview is 'outstanding', the Capability Interview will be shown to be 'No Longer Required'. This will happen where, after the Capability Interview is triggered, but before it is finalised, the Participant:

- transfers from the Provider to another Provider, including transfers to and from Provider-led Services, or
- is granted an Exemption.

Even though the Capability Interview is shown as 'No longer Required', the Capability Interview must still be undertaken:

- when the Participant transfers to a new Provider, the new Provider must conduct the Capability Interview, and
- when the Participant returns to servicing after an Exemption, the current Provider must conduct the Capability Interview.

In these cases, the Participant must participate in a Capability Interview before their new Job Plan can be negotiated with them. The Department's IT Systems will continue to identify that the Capability Interview is 'outstanding' until the Capability Interview is finalised.

The timeframe within which the 'No longer Required' Capability Interview must be conducted is discussed below under When the Participant is transferred to another Provider or they are returning to service after an Exemption.

12.3.4. Scheduling a Capability Interview

When scheduling a Capability Interview in the Participant's Electronic Calendar, the Provider must be in direct contact with the Participant. This direct contact ensures that the Participant receives formal notification of the Capability Interview within a reasonable timeframe.

Usually, when a Provider is scheduling the Capability Interview, the Provider must schedule it to occur within 2 Business Days after the Participant accrues the relevant Demerit. This usual timeframe is referred to in this Guideline as the 'standard 2 Business Days timeframe'. Exceptions to the standard 2 Business Days timeframe are discussed below under Circumstances where a Capability Interview cannot be delivered within 2 Business Days.

Providers must ensure the scheduled Capability Interview appointment time is of sufficient length to allow for a thorough review of the Participant's personal circumstances and have a detailed discussion. The recommended time for a Capability Interview is between 30 and 60 minutes.

Providers must also ensure that as with all other compulsory appointments, efforts are made to avoid clashes with any Personal Events in the Calendar. Participants must be able to prioritise commitments such as paid work. See Scheduling Mutual Obligations Requirements in the Participant's Electronic Calendar.

When scheduling the Capability Interview, the Provider must ensure that they explain to the Participant:

the purpose of the Capability Interview

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- the reason they must participate in a Capability Interview (either because they accrued 3 Demerits or because they committed a fast-track Mutual Obligation Failure), and
- the serious potential consequences of continued Mutual Obligation Failures.

(Deed Reference(s): Clause 145)

12.3.5. Circumstances where a Capability Interview does not need to be delivered face-to-face

Unless otherwise directed by the Department, Providers must conduct Capability Interviews face-to-face in accordance with the Face-to-face Service Delivery section in the Part A: Universal Guidelines, except in allowable circumstances.

Allowable circumstances are limited to circumstances listed in the Face-to-face Service Delivery section of the Part A: Universal Guidelines, under the heading 'Reasonable in the circumstances to be conducted in a face-to-face format'. Providers must consider a Participant's personal circumstances when scheduling Capability Interviews.

Where a Provider determines face-to-face servicing is not appropriate for a Capability Interview, they may conduct the Capability Interview via telephone or videoconference so that it is delivered within the standard 2 Business Days timeframe.

When scheduling the Capability Interview to be delivered via phone or videoconference, the Provider must record their reasons in the Department's IT Systems and update their reasons as circumstances change.

(Deed Reference(s): Clauses 105.3, 145.2)

12.3.6. Circumstances where a Capability Interview does not need to be delivered within 2 Business Days

If the participant has an Acceptable Reason

A Participant may notify the Provider, before the end of the standard 2 Business Days timeframe, that they are unable to attend the Capability Interview within that timeframe. The Provider must then assess whether the Participant's reason for not being able to attend the Capability Interview within that timeframe is an Acceptable Reason.

For the purposes of the above, the Provider must determine that a Participant has an Acceptable Reason for being unable to attend the Capability Interview within the standard 2 Business Days timeframe:

- the Participant notified the Provider, before the end of the standard 2 Business Days timeframe, that the Participant is unable to attend the Capability Interview, and
- the Provider is satisfied that the Participant has a Valid Reason for being unable to attend the Capability Interview within the standard 2 Business Days timeframe.

A Provider must determine the Participant has a Valid Reason if they are satisfied that the reason meets the requirements as outlined in Prior Notice and Acceptable Reasons.

If the Provider determines a Participant has an Acceptable Reason for being unable to attend the Capability Interview within the standard 2 Business Days timeframe as discussed above, the Provider

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must schedule the Capability Interview to occur within 12 Business Days after the standard 2 Business Days timeframe. Broadly speaking, this means that the Provider must schedule the Capability Interview within 14 Business Days after the Participant accrues the Demerit that triggers the Capability Interview.

In this case, Providers must select 'unable to re-engage within 2 Business Days' in the Department's IT Systems. The Department's IT Systems will then prompt the Provider to schedule the Capability Interview within that 14 Business Day timeframe. This will lift the Participant's Income Support Payment suspension, but the requirement to attend the Capability Interview will still be outstanding on the Participant's record.

If the Provider selects 'unable to re-engage within 2 Business Days' in the Department's IT Systems as referred to above, the Provider must also select from the drop-down menu a description of the relevant Valid Reason that is most similar to the Participant's Valid Reason as they described it to the Provider.

A full list of the reasons that appear in the drop-down menu can be found in the Unable to re-engage within 2 Business Days' reason options supporting document.

If the Participant does not have an Acceptable Reason

If the Provider assesses that the Participant's reason is not an Acceptable Reason as discussed above, the Provider must schedule the Capability Interview within the standard 2 Business Days timeframe. The Provider must then tell the Participant why their reason is not an Acceptable Reason, inform them that they are still expected to attend the Capability Interview and remind them their Income Support Payment suspension will not be lifted until they do so.

When part-time or outreach services prevent delivery of the Capability Interview within 2 Business Days

If part-time or outreach services prevent the Provider from delivering the Capability Interview face-to-face within the standard 2 Business Days timeframe, but the Provider has determined the Capability Interview must be conducted face-to-face (e.g. because it is unsuitable to deliver the Capability Interview via telephone or videoconference or no allowable circumstance exists), the Provider must then schedule the Capability Interview to occur as soon as possible after the standard 2 Business Days timeframe. In any event, the Provider must schedule the Capability interview to occur within 12 Business Days after the standard 2 Business Days timeframe. Broadly speaking, this means that the Provider must schedule the Capability Interview within 14 Business Days after the Participant accrues the Demerit that triggers the Capability Interview.

In these cases, Providers must select 're-engagement not required' in the Department's IT Systems. This will lift the Participant's Income Support Payment suspension, but the requirement to attend the Capability Interview will still be outstanding on the Participant's record.

The Provider must record the reason why 're-engagement is not required' in the Department's IT Systems. The only drop-down menu option is 'Part-time/outreach services'.

The Provider must then manually schedule the Capability Interview in the Participant's Electronic Calendar.

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When the Participant is transferred to another Provider or they are returning to service after an Exemption

A Provider does not need to conduct the Capability Interview within the standard 2 Business Days timeframe where, after the Capability Interview is triggered, but before it is finalised, the Participant:

- transfers from their current Provider to another Provider or Other Service, or
- is granted an Exemption.

When the Participant transfers to another Provider, that new Provider must conduct the Capability Interview at the Participant's Initial Interview.

When the Participant returns to servicing after an Exemption, the Provider must conduct the Capability Interview within 14 Business Days after the Participant returns.

Reporting Work Refusal Failures and Unemployment Failures before the Capability Interview is finalised

Providers must still create Work Refusal Failure reports and Unemployment Failure reports in accordance with their Deed obligations, regardless of whether the Participant has an outstanding Capability Interview in the Department's IT Systems.

(Deed Reference(s): Clauses 138, 140, 145)

For more information, see Work Refusal Failures and Unemployment Failures.

If a Participant fails to attend their Capability Interview

As a Capability Interview is a type of Reconnection Requirement the Provider must take the action required when a Participant fails to meet a Reconnection Requirement. See Reconnection Requirements.

12.3.7. Preparing to conduct a Capability Interview

Prior to the Capability Interview, the Provider must accurately complete a pre-interview check in the Department's IT Systems.

The Provider must prepare for the Capability Interview by completing the pre-interview check by reviewing the following:

- the Capability Interview Best Practice Guide, on the Learning Centre.
- the Participant's current Assessments (including their Job Seeker Snapshot and any ESAt, — to familiarise themselves with the Participant's personal circumstances
- the Capability Management Tool (CMT)—for information on barriers that may be affecting the Participant's ability to meet their Mutual Obligation Requirements
- the Job Seeker Profile—to familiarise themselves with the Participant's basic information history and current circumstances, and
- the Participant's current Job Plan and Mutual Obligation Requirements to determine:
    - whether the Participant's Mutual Obligation Requirements are up-to-date and appropriate based on their known and recorded personal circumstances

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- if their Points Target and Job Search Requirements are appropriate for their known and recorded personal circumstances and in line with Policy
- if the requirements do not include excessive hours in a Mandatory Activity/ies.

In determining these things, the Provider must consider the relevant requirements outlined in the Job Plan and Mutual Obligation Requirements Chapter.

The Provider must be well prepared and have all relevant information to hand both prior to conducting the Capability Interview and during the Capability Interview itself.

Pre-interview check

The Provider can access the pre-interview check in the Department's IT Systems by selecting the relevant Capability Interview listed on the Non-Compliance History screen.

The pre-interview check is a set of questions that determine if the Participant's Job Plan and Mutual Obligation Requirements are suitable (i.e. the Mutual Obligation Requirements specified in the Participant's Job Plan are appropriate to the Participant's circumstances and the Participant is capable of meeting them).

The questions in the pre-interview check focus only on the Participant's Mutual Obligation Requirements specified in the Participant's Job Plan. Providers must not consider voluntary requirements as part of this check.

When answering the pre-interview check questions, Providers must only use the information that is known about the Participant and has been recorded in the Department's IT Systems prior to the Capability Interview being triggered.

For more information regarding the pre-interview check, see the Capability Interview Best Practice Guide, on the Learning Centre.

12.3.8. Conducting the Capability Interview

Delivery by a different staff member

While it is not a requirement, it is strongly recommended the staff member who delivers the Capability Interview is someone other than the staff member who entered into and approved the relevant Participant's Job Plan or set and manage their Mutual Obligation Requirements. This is because the Participant may disclose new information to another staff member which they had not previously disclosed to their usual consultant (i.e. the staff member who would usually enter into and approve the relevant Participant's Job Plan or set and manages their Mutual Obligation Requirements).

Site resourcing may restrict this practice, for example. In this situation, it is acceptable for the same staff member who entered into and approved the relevant Participant's new Job Plan to also conduct the Capability Interview.

Getting started

An interpreter must be provided when requested by the Participant and it is appropriate to the Participant's circumstance. The Provider must first advise the Participant that the Capability

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Interview is being undertaken due to their Mutual Obligation Failure(s). The Provider must explain the purpose and potential outcomes of the Capability Interview, including:

- the Participant's Mutual Obligation Requirements may require renegotiating
- the Participant will either return to the Green Zone or continue in the Warning Zone, depending on the outcome of the Capability Interview, and
- the financial consequences for the Participant if they continue to commit Mutual Obligation Failures without a Valid Reason.

The focus of the Capability Interview is to:

- ensure the Participant understands their Mutual Obligation Requirements and the consequences of not meeting them
- ensure the Participant's Mutual Obligation Requirements are appropriate for their circumstances, and
- identify any undisclosed barriers preventing the Participant from meeting their Mutual Obligation Requirements.

The Provider must ensure the Participant is aware their Provider is seeking to better understand the reasons why they have not been meeting their Mutual Obligation Requirements.

Providers must advise Participants that:

- it is important they disclose any personal circumstances that may be affecting their ability to comply with their Mutual Obligation Requirements (so the Provider can set Mutual Obligation Requirements appropriately)
- if needed, the Participant will be provided with assistance to help them meet their Mutual Obligation Requirements or their Mutual Obligation Requirements may be adjusted
- the Participant may require and receive different services as a result of the Capability Interview
- they may be referred to Services Australia for an Employment Services Assessment (ESAt), and
- if they continue to commit Mutual Obligation Failures without a Valid Reason, this will result in serious consequences of increasing severity, including potential loss of their Income Support Payment.

The Provider must ask the Participant if they have any concerns or questions before starting the Capability Interview, and they should address these where possible.

(Deed Reference(s): Clauses 138, 140, 143, 144 and 145)

Capability Interview discussion

During the Capability Interview, the Provider must discuss and consider holistically the following with the Participant:

- the Participant's understanding of their Mutual Obligation Requirements and what they must do to meet them. This may require a detailed discussion to ascertain the Participant's level of understanding of the requirements of their Job Plan and what they must do to avoid Demerits and Income Support Payment suspension, reduction and/or cancellation

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- the reasons behind the Participant's recent Mutual Obligation Failure(s) and any factors that may be affecting the Participant's capacity to meet their Mutual Obligation Requirements and Points Requirement
- whether alternative Mutual Obligation Requirements may be more appropriate for the Participant
- any undisclosed barriers that might be preventing the Participant from meeting their Mutual Obligation Requirements
- any support or assistance the Participant identifies that might better help them meet their Mutual Obligation Requirements
- if applicable, the quality of their Job Search efforts
- if applicable, what the Participant will do to increase their chances of finding Employment
- if applicable, the Participant's attempts to find and keep suitable Employment, including their long-term employment goals, and
- anything else of relevance to the Participant's capability to meet their Mutual Obligation Requirements.

Providers should note that the Capability Interview is not an opportunity to review the circumstances under which each Demerit was accrued or to review the decision-making process for each Demerit decision.

During the Capability Interview discussion with the Participant, the Provider must accurately answer all the Capability Interview questions that can be accessed on the Non-Compliance History screen in the Department's IT Systems. The Provider must also accurately record additional information relating to those questions where they are prompted to do so by the Department's IT Systems.

The Provider must finalise the Capability Interview in the Department's IT Systems while the Participant is still in attendance at the Capability Interview appointment, or while the Participant is still in contact where the Capability Interview was delivered via phone or videoconference.

If the Participant attended the Capability Interview appointment but did not participate for the duration of the appointment, Providers must complete the Capability Interview based on what is recorded in the Department's IT Systems about the Participant and then ensure to finalise the Capability Interview in the Department's IT Systems the same day.

(Deed Reference(s): Clauses 138, 140, 141, 143, 144 and 145)

Updating the Job Seeker Snapshot

The Job Seeker Snapshot is a questionnaire which includes questions used to determine the Participant's JSCI score and helps to identify if the Participant requires an ESAt.

During each Capability Interview, the Provider must:

- review the Job Seeker Snapshot, and
- if the Job Seeker Snapshot does not accurately reflect the current circumstances of the Participant as disclosed during the Capability Interview, update the Job Seeker Snapshot with the Participant's newly disclosed information.

See How to conduct the Job Seeker Snapshot for further information.

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Referring the Participant for an Employment Services Assessment after updating the Job Seeker Snapshot

Services Australia conducts an ESAt to determine if a Participant has a long-term reduced work capacity or is eligible for Disability Employment Services (DES).

Generally, Providers cannot book another ESAt Appointment for a Participant unless a recommendation for one is identified during a Capability Interview.

See Referring Participants for an Employment Services Assessment for further information.

Where the Job Seeker Snapshot results in an ESAt being required and a referral to Services Australia is made within the Capability Interview, the Capability Interview will not be finalised by the Department's IT Systems until the ESAt appointment is booked. The outcome of the Capability Interview will be 'newly disclosed information' (meaning the Participant's Mutual Obligation Requirements and or Job Plan is not suitable), and the Participant will return to the Green Zone with their Demerits reset to zero.

Services Australia will notify the Provider of the outcome of the ESAt via the noticeboard in the Department's IT Systems and will upload any newly disclosed vulnerabilities and barriers into the CMT for the Provider to action.

While awaiting the outcome of an ESAt, Participants are still required to meet Mutual Obligation Requirements that are appropriate to their circumstances and any newly disclosed information, but they cannot accrue further Demerits for Mutual Obligation Failures.

Using the Capability Management Tool

Providers must use the CMT during the Capability Interview.

Providers can access the CMT in the Department's IT Systems. The CMT is used to record, review and manage information on Participant's personal circumstances that may be affecting their capacity to meet their Mutual Obligation Requirements. The CMT consolidates information collected from the Capability Interview discussion and any past ESAts or Capability Assessments.

Based on the discussion with the Participant during the Capability Interview, the Providers must use the CMT to accurately record information regarding all identified barriers or vulnerabilities affecting the Participant's ability to meet their Mutual Obligation Requirements and find employment.

(Deed Reference(s): Clauses 140 and 145)

12.3.9. Actioning the outcomes of the Capability Interview

As noted above, the Department's IT Systems will determine the outcome of the Capability Interview. The outcome is based on the information that the Provider records in the Department's IT Systems in relation to the Capability Interview, so it is important to ensure it is accurate.

The Department's IT Systems will display one of the following outcomes of a Capability Interview. The possible outcomes displayed in the Department's IT Systems are that the Participant is:

- Capable
- Not Capable due to errors in compellable requirements

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- Not Capable of meeting current requirements due to ongoing circumstances
- Not Capable due to newly disclosed information, or
- Not Capable due to a change in service eligibility or stream
- Each of these outcomes is discussed in further detail below.

Once the Department's IT Systems have determined the outcome of the Capability Interview, the Provider must explain this outcome to the Participant while they are still in attendance/in contact the Capability Interview appointment. The Provider must ensure that the Participant understands what the Capability Interview outcome means and what will happen next.

If the result of the Capability Interview is that the Participant's Job Plan and compellable requirements are not suitable, meaning that the Mutual Obligation Requirements specified in the Job Plan need to be negotiated and updated so they are suitable for the Participant, refer to Tailoring the Points Requirement to reflect a Participant's circumstances, for information on how to tailor the Points Target and/or the Job Search Requirement of a Participant.

Capable

If the outcome of the Capability Interview is that the Participant's Job Plan and compellable requirements are suitable for the Participant (i.e. the Mutual Obligation Requirements specified in the Participant's Job Plan are appropriate to the Participant's circumstances and the Participant is capable of meeting them), they will continue in the Warning Zone with 3 Demerits once the Capability Interview is finalised.

Because the Job Plan is suitable for the Participant, the Mutual Obligation Requirements specified in the Participant's Job Plan do not need to be updated.

Provider action

- Advise the Participant that their Job Plan and Mutual Obligation Requirements have been assessed as being suitable for them.
- Advise the Participant, if they continue to commit Mutual Obligation Failures without a Valid Reason, this may result in a Capability Assessment with Services Australia.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Not Capable due to errors in compellable requirements

If the outcome of the Capability Interview is that there are errors in the Participant's compellable requirements (i.e. there are errors in the Mutual Obligation Requirements), the Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must discuss the Participant's requirements with them, renegotiate and update the Participant's Job Plan and compellable requirements so that they are suitable
- This should be undertaken as soon as the Capability Interview outcome has been determined by the Department's IT Systems, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview.

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- The Provider must then explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Note: Until the Job Plan has been discussed and agreed, the Participant cannot accrue further Demerits. If the Participant has compellable requirements recorded outside of the Job Plan which require updating in the system (i.e. Points Requirement and/or Job Search Requirement and/or Activity placement details for the Mandatory Activity), then the Provider must action these changes, and also reapprove the Job Plan. Once the Participant has agreed to their new Job Plan, this will flag in the system that Mutual Obligation Requirements are appropriate and the Participant will be able to accrue Demerits against those requirements.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.2)

Not Capable of meeting current requirements due to ongoing circumstances

If the outcome of the Capability Interview is the Participant is not capable of meeting their current compellable requirements due to ongoing circumstances (i.e. the Participant is not capable of meeting the Mutual Obligation Requirements), the Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must discuss with the Participant to renegotiate and update the Participant's Job Plan and compellable requirements so that they are suitable.
- This should be undertaken as soon as the Capability Interview outcome has been determined by the Department's IT Systems, or if this is not possible within 10 Business Days following the finalisation of the Capability Interview.
- The Provider must then explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Note: Until the Job Plan has been discussed and agreed, the Participant cannot accrue further Demerits. If the Participant has compellable requirements recorded outside of the Job Plan which require updating in the system (i.e. Points Requirement and/or Job Search Requirement and/or Activity placement details for the Mandatory Activity), then the Provider must action these changes, and also reapprove the Job Plan. Once the Participant has agreed to their new Job Plan, this will flag in the system that Mutual Obligation Requirements are appropriate and the Participant will be able to accrue Demerits against those requirements.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.2)

Not Capable due to newly disclosed information

If the outcome of the Capability Interview is that the Participant was not capable of meeting their compellable requirements at the time non-compliance occurred (i.e. the Participant was not capable of meeting the Mutual Obligation Requirements specified in their Job Plan), the Participant is returned to the Green Zone with their Demerits reset to zero.

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Provider action

- The Provider must consider if the Mutual Obligation Requirements specified in the Participant's Job Plan remain appropriate to the Participant's circumstances and the Participant is capable of meeting them.
- If not, the Provider is strongly encouraged to discuss and, when agreed, update the Participant's Job Plan so that it is suitable.
- If the Job Plan is not suitable and not updated as part of the Capability Interview, the Provider must discuss with the Participant and update the Job Plan (so that the Mutual Obligation Requirements specified in the Job Plan are appropriate to the Participant's circumstances and the Participant is capable of meeting them) within 10 Business Days following the finalisation of the Capability Interview.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

For more information on Eligibility criteria, Referrals and other employment services, refer to the Eligibility and Referral Chapter.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.2)

Not Capable due to a change in service eligibility or stream

If the outcome of the Capability Interview is the Participant is not capable due to a change in service eligibility or stream) this means the Participant is not capable of meeting their Mutual Obligation Requirements specified in their Job Plan. The Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- Advise the Participant that their level of servicing or program eligibility has changed as a result of an updated JSCI score - or as a result of the finalisation of an ESAt.
- The Provider must discuss and when agreed, update the Participant's Job Plan so that it is suitable.
- The Provider is strongly encouraged to negotiate and update the Job Plan as part of the Capability Interview once the outcome has been determined by the Department's IT Systems.
- If the Job Plan is not updated as part of the Capability Interview, the Provider must negotiate and update the Job Plan within 10 Business Days following the finalisation of the Capability Interview.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.2)

12.4. Capability Assessment

A Capability Assessment is a key component of the TCF. It is further protection for the most vulnerable Participants and provides another opportunity for Participants to disclose issues that may be affecting their ability to meet their Mutual Obligation Requirements specified in their Job Plan.

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Capability Assessments are conducted by Services Australia and ensure only those Participants who deliberately fail to meet their Mutual Obligation Requirements face potential financial penalties.

The purpose of the Capability Assessment is to determine whether a Participant's Job Plan and Mutual Obligation Requirements are suitable for the Participant. Mutual Obligation Requirements are suitable for a Participant if they are appropriate to the Participant's circumstances and the Participant is capable of meeting the requirements.

Even though Providers do not conduct Capability Assessments, Providers still have Deed obligations in relation to Capability Assessments.

The Capability Assessment will determine the Participant's place in the TCF. The Participant will:

- return to the Green Zone with their Demerits reset to zero if the result of the Capability Assessment is that the Participant's Job Plan is not suitable for the Participant, or
- enter the Penalty Zone and incur financial penalties for future non-compliance if the result of the Capability Assessment is that the Participant's Job Plan is suitable for the Participant.

(Deed Reference(s): Clause 145.3)

12.4.1. When a Capability Assessment is triggered

Services Australia conducts a Capability Assessment when the Participant has:

- completed a Capability Interview that resulted in an outcome of "Capable", and
- in 6 active months, accrued 5 Demerits or a Demerit for a 'fast-track' Mutual Obligation Failure when they already have 3 Demerits.

When the circumstances described above occur:

- a Capability Assessment is said to be 'triggered', and
- the Department's IT Systems will identify that the Participant's Reconnection Requirement for their most recent Mutual Obligation Failure is a Capability Assessment.

When a Capability Assessment is triggered, the Department's IT Systems will display the formal notification script the Provider must then read to the Participant. This notification informs the Participant that:

- they must contact Services Australia as soon as possible to participate in a Capability Assessment, and
- their Income Support Payment will be suspended in 5 Business Days if they do not contact Services Australia.

Participants will be unable to report to Services Australia for their next fortnightly Income Support Payment until they contact Services Australia to undertake the Capability Assessment.

No further Demerits until the Capability Assessment is finalised

Participants will not accrue any further Demerits until they have completed their Capability Assessment and that Capability Assessment is finalised in the Department's IT Systems.

After triggering the Capability Assessment, Participants might commit further Mutual Obligation Failures after participating in a Capability Assessment but before the Capability Assessment has been finalised in the Department's IT Systems. In these cases, the Participant will not accrue Demerits, but

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their Income Support Payment may still be suspended to encourage the Participant to reconnect with their Provider.

Work Refusal Failure or Unemployment Failure before the Capability Assessment is finalised

Providers must still comply with their Deed obligations relating to Work Refusal Failures and Unemployment Failures, regardless of whether the Capability Assessment is finalised in the Department's IT Systems.

For more information, see Work Refusal Failures and Unemployment Failures.

(Deed Reference(s): Clause 145.3)

12.4.2. Delivery of the Capability Assessment and recording outcomes

Services Australia will notify Providers of Capability Assessment outcomes via a noticeboard message on the Department's IT Systems. Services Australia will record the outcome of the Capability Assessment and will provide information in the Participant's record on what Mutual Obligation Requirements are inappropriate and that the Provider must renegotiate with the Participant.

(Deed Reference(s): Clause 145.3)

12.4.3. Actioning the outcomes of a Capability Assessment

Once Services Australia has finalised the Capability Assessment in the Department's IT Systems, the Provider must review the outcome and any servicing recommendations Services Australia has recorded in the CMT.

The possible outcomes are that the Participant is:

- Capable
- Not Capable due to errors in compellable requirements
- Not Capable of meeting current requirements due to ongoing circumstances
- Not Capable due to newly disclosed information, or
- Not capable due to a change in service eligibility or stream (Note. This outcome is applicable when the Participant is not capable due to a change in service eligibility)

Providers can view the Capability Assessment outcomes on the Targeted Compliance Framework History Screen in the Departments IT system. Each of the above outcomes are discussed in further detail below.

Capable

If the outcome of the Capability Assessment is that the Participant's Job Plan or Mutual Obligation Requirements is suitable for the Participant, they will move into the Penalty Zone.

Because the Job Plan and compellable requirements are suitable for the Participant, the Mutual Obligation Requirements do not need to be updated.

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Provider action

- The Provider must advise the Participant that their Job Plan and compellable requirements have been assessed as being suitable for them (i.e. the Mutual Obligation Requirements are appropriate to the Participant's circumstances and the Participant is capable of meeting them).
- The Provider must explain to the Participant their Mutual Obligation Requirements in their Job Plan and the consequences of non-compliance.
- The Provider must advise the Participant they are now in the Penalty Zone and that the next time they commit a Mutual Obligation Failure, this may result in loss of part or all of their Income Support Payment.
- The Provider must review the CMT for the Participant as Services Australia may have identified issues that the Provider will need to consider when renegotiating the Participant's Mutual Obligation Requirements in the future.

Not Capable due to errors in compellable requirements

If the outcome of the Capability Assessment is that there are errors in the Participant's compellable requirements (i.e. there are errors in the Mutual Obligation Requirements specified in the Participant's Job Plan), the Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must advise the Participant that their Demerits have been reset to zero and they have returned to the Green Zone.
- The Provider must review the CMT for service recommendations recorded by Services Australia, and must consider those recommendations before renegotiating the Participant's Mutual Obligation Requirements.
- In consultation with the Participant, the Provider must update the Job Plan so that it is suitable within 10 Business Days following the finalisation of the Capability Assessment (including making any necessary adjustments to the Participants Points Target and/or Job Search Requirements).
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.3)

Not Capable of meeting current requirements due to ongoing circumstances

If the outcome of the Capability Assessment is the Participant is not capable of meeting their current compellable requirements due to ongoing circumstances (i.e. the Participant is not capable of meeting the Mutual Obligation Requirements specified in their Job Plan), the Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must advise the Participant that their Demerits have been reset to zero and they have returned to the Green Zone

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- The Provider must review the CMT for service recommendations recorded by Services Australia and must consider those recommendations before -discussing the Participant's Mutual Obligation Requirements with them.
- In consultation with the Participant, the Provider must update the Job Plan so that it is suitable within 10 Business Days following the finalisation of the Capability Assessment. This includes making any necessary adjustments to the Participants Points Target and/or Job Search Requirements as required.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.3)

Not Capable due to newly disclosed information

If the outcome of the Capability Assessment is that the Participant was not capable of meeting their compellable requirements at the time non-compliance occurred (i.e. the Participant is not capable of meeting the Mutual Obligation Requirements specified in their Job Plan), the Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must advise the Participant that their Demerits have been reset to zero and they will return to the Green Zone.
- The Provider must review the CMT for service recommendations and/or barriers recorded by Services Australia and consider if the Participant's Job Plan remains suitable for the Participant (i.e. the Mutual Obligation Requirements specified in the Job Plan remain appropriate to the Participant's circumstances and the Participant is capable of meeting them).
- If the Job Plan does not remain suitable, the Provider must update the Job Plan so that it is suitable within 10 Business Days following the finalisation of the Capability Assessment. This includes making any necessary adjustments to the Participants Points Target and/or Job Search Requirements as required.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.3)

Not Capable due to a change in service eligibility or stream

If the outcome of the Capability Assessment is the Participant is not capable due to a change in service eligibility or stream) this means the Participant is not capable of meeting their Mutual Obligation Requirements specified in their Job Plan. The Participant is returned to the Green Zone with their Demerits reset to zero.

Provider action

- The Provider must advise the Participant that their level of servicing or program eligibility has changed as a result of an updated JSCI score or as a result of the finalisation of an ESAt.
- The Provider must advise the Participant that their Demerits have been reset to zero and they will return to the Green Zone.

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- The Provider must review the CMT for service recommendations and/or barriers recorded by Services Australia that must be considered before renegotiating the Participant's Mutual Obligation Requirements.
- In consultation with the Participant, the Provider must update the Job Plan so that it is suitable within 10 Business Days following the finalisation of the Capability Assessment.
- The Provider must explain to the Participant their Mutual Obligation Requirements and the consequences of non-compliance.

Note: Until the Job Plan is updated and agreed to, the Participant cannot accrue further Demerits.

For more information on Eligibility criteria, Referrals and other employment services, refer to the Eligibility and Referral Chapter.

(Deed Reference(s): Clauses 106.2, 107, 108, 109, 110, 145.3)

12.5. Work Refusal Failures and Unemployment Failures

There are consequences for Participants who commit a Work Refusal Failure or an Unemployment Failure.

A Participant commits a Work Refusal Failure when they refuse or fail to accept an offer of suitable Employment.

A Participant commits an Unemployment Failure when they become unemployed either:

- as a direct or indirect result of a voluntary act (unless Services Australia is satisfied that the voluntary act was reasonable), or
- as a result of their misconduct as an employee.

Providers must comply with their Deed obligations relating to apparent Work Refusal Failures and Unemployment Failures regardless of which zone the relevant Participant is in.

If a Participant commits:

- a Work Refusal Failure, their Income Support Payment may be suspended or will be cancelled if they do not have a Reasonable Excuse, or
- an Unemployment Failure, their Income Support Payment may be cancelled.

When the Provider creates a Work Refusal Failure or an Unemployment Failure report, the report will be sent through the Department's IT Systems to Services Australia. In the case of a Work Refusal Failure report, Services Australia will determine whether the Participant has a Reasonable Excuse for the Work Refusal Failure. In the case of an Unemployment Failure report, Services Australia will then determine whether the Participant committed an Unemployment Failure.

If Services Australia determines a Participant has committed a Work Refusal Failure without a Reasonable Excuse or an Unemployment Failure, the Participant's Income Support Payment is cancelled and it cannot be paid for 4 weeks. Participants can reapply for payment at any time after their payment has been cancelled but they may not receive Income Support Payment again until they have served their preclusion period.

These penalties reinforce the principles that:

- Income Support Payments for Participants should only be available to those who are genuine in their efforts to move into paid work, and

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- where Participants gain Employment, they must take all reasonable steps to remain in the workforce and reduce their reliance and need for an Income Support Payment.

12.5.1. Work Refusal Failures

Identifying a Work Refusal Failure

Providers have obligations under the Deed when they become aware (e.g. an Employer notifies the Provider or the Provider receives information from the Department) a Participant has apparently committed a Work Refusal Failure.

When the Provider is in contact with the Participant (as referred to in Reporting a Work Refusal Failure), the Provider must discuss the circumstances of an apparent Work Refusal Failure with the Participant and must consider whether the Participant has refused or failed to accept an offer of Employment.

If, after discussing the circumstances of an apparent Work Refusal Failure with the Participant, the Provider assesses that:

- the Participant has not received an offer of Employment (e.g. they attended an interview, but were not offered the position), the Provider must not determine that the Participant committed a Work Refusal Failure; or
- the Participant has refused or failed to accept an offer of Employment, the Provider must then assess whether the Employment offered was suitable for the Participant. Providers must consider the following factors when making this assessment, as any one of these factors would make the work unsuitable:
    - the Participant lacks the particular skills, experience or qualifications that are needed to perform the work and no training will be provided by the Employer
    - there is medical evidence that the Participant has an illness, disability or injury that would be aggravated by the conditions in which the work would be performed
    - the Participant is the principal carer, and does not have access to appropriate care and supervision for the children at the times when the Participant would be required to undertake the work (which includes reasonable amounts of time that would be needed for the Participant to travel between home and the work)
    - the Participant is the principal carer, or the Participant has a partial capacity to work, and the work hours are greater than 15 hours per week
    - performing the work in the conditions in which the work would be performed would constitute a risk to health or safety and would contravene a law of the Commonwealth, a State or a Territory relating to occupational health and safety
    - the terms and conditions for the work would be less generous than the applicable statutory conditions
    - commuting between the Participant's home and the place of work would be unreasonably difficult [that is, it would require the Participant to spend more than 90 minutes each way in commuting time (or 60 minutes each way for principal carers or those with a partial capacity to work, see below), using the mode of transport normally available to the Participant]
    - the work requires the Participant to change residence, in most cases
    - the Participant has a verifiable and legitimate objection to the work on moral, cultural or religious grounds (for example, there is evidence that the Participant adheres to a

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particular set of moral, ethical or religious values and aspects of the work would be inconsistent with those values)

- the work would require the Participant to enlist in the Defence Force or the Reserves, or
- the Participant has a partial capacity to work, or is a principal carer and one or more of the following applies:
  - the duration of the journey between the Participant's home and the place of work would normally exceed 60 minutes
  - the Participant would be financially worse off as a result of undertaking the work, by comparison with not undertaking the work, considering:
    - the financial cost to the Participant in providing appropriate care and supervision for one or more children, for whom the Participant is the principal carer, at the times when the Participant would be required to undertake the work
    - the financial cost of travel that would be incurred by the Participant in undertaking the work,
    - the reduction in income support, additional tax paid or impact on public housing, or
    - the financial benefit for the Participant of undertaking the work would be marginal because of the financial cost to the Participant in providing appropriate care and supervision for one or more children, for whom the Participant is the principal carer, at the times when the Participant would be required to undertake the work.

(Deed Reference(s): Clauses 138.1 (d), 140.1 (a), 145.1)

12.5.2. Reporting a Work Refusal Failure

Following the discussion with the Participant, the Provider must consider whether the Participant has committed a Work Refusal Failure. See Identifying a Work Refusal Failure.

Timeframe to report a Work Refusal Failure

The Work Refusal Failure report must be created and finalised within 10 Business Days of the incident date (described in further detail below).

If this does not occur (e.g. where the Provider does not become aware of an apparent Work Refusal Failure until after 10 Business Days have passed since the incident date), the Department's IT Systems will not allow the Work Refusal Failure report to be finalised, meaning the Work Refusal Failure will not be reported to Services Australia.

The incident date is the date on which the Participant:

- refused an offer of suitable Employment. For example, if a Participant was offered a job at an interview and refused that offer:
  - on the day of the interview, the incident date is the date of the interview
  - 3 days after the interview, the incident date is the date that is 3 days after the interview, or
- failed to accept an offer of suitable Employment, for example:

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- if the Participant was given 14 days to accept the offer and did not do so, the incident date is the 14th day (unless the Participant actively refuses the job on an earlier day), or
- if, when the offer was made, the Participant agreed a start date with the potential Employer, but did not commence work on that date, the incident date is the date the Participant was due to start.

(Deed Reference(s): Clauses 138.1 (d), 140.1 (a), 145.1)

The steps that the Provider must take when they become aware that a Participant has apparently committed a Work Refusal Failure are described below.

Contact attempt is successful on the same Business Day

Provider considers that the Participant committed a Work Refusal Failure

If, after contacting the Participant on the same Business Day as becoming aware of the apparent Work Refusal failure and discussing the circumstances of the apparent failure, the Provider considers the Participant has committed a Work Refusal Failure (see Identifying a Work Refusal Failure), the Provider must create a Work Refusal Failure report, for investigation by Services Australia.

The Provider must create and finalise the Work Refusal Failure report by undertaking the following steps in the Department's IT Systems:

- selecting 'create compliance'
- selecting the appropriate Event Type from the drop-down menu:
  - select 'job seeker failed to accept suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable Employment, other than by failing to commence work on the start date agreed with the potential Employer, or
  - select 'job seeker failed to commence suitable job' where the Provider considers that the Participant refused or failed to accept an offer of suitable Employment by failing to commence work on the start date agreed with the potential Employer
- recording the incident date (discussed above)
- answering 'yes' to the question of whether they are in contact with the Participant
- selecting a reason from the 'Reasons not accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason the Participant gave as to why they refused or failed to accept the offer of suitable Employment. A full list of these drop-down menu options can be found in the Work Refusal Failure reason options supporting document,
  - otherwise accurately answering the questions that will be automatically generated, and
  - selecting 'create', which will finalise the Work Refusal Failure report and send it to Services Australia. Services Australia will assess whether the Participant had a Reasonable Excuse for the Work Refusal Failure, which will determine whether the Participant's Income Support Payment is cancelled.

By creating and finalising the Work Refusal Failure report as described above, the Provider is confirming they consider the Participant has committed a Work Refusal Failure.

(Deed Reference(s): Clauses 138.1 (d), 140.1 (a), 145.1)

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Provider considers that the Participant has not committed a Work Refusal Failure

No further action is required if the Provider:

- was in contact with the Participant on the Business Day on which the Provider became aware of an apparent Work Refusal Failure, and
- after discussing the circumstances of the apparent Work Refusal Failure with the Participant, considers the Participant has not committed a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above).

Provider considers that the Participant has been non-compliant but the TCF cannot be applied

If, after contacting the Participant on the same Business Day as becoming aware of the apparent Work Refusal failure and discussing the circumstances of the apparent failure, the Provider considers that:

- the Participant has committed a Work Refusal Failure (see Identifying a Work Refusal Failure); and
- the TCF cannot be applied (i.e. it has been more than 10 Business Days after the incident date, as referred to above), the Provider must take the steps in the 'TCF is not applicable' column in the Targeted Compliance Framework Workflow supporting document.

12.5.3. Contact attempt is not successful on the same Business Day

When the Provider becomes aware that a Participant has apparently committed a Work Refusal Failure but is unable to contact the Participant on the same Business Day, the Provider must undertake the steps described below.

On the Business Day that the Provider becomes aware of the apparent Work Refusal failure, the Provider must create the Work Refusal Failure report by undertaking the following steps in the Department's IT Systems:

- selecting 'create compliance'
- selecting the Event Type from the drop-down menu that will appear as follows:
  - select 'job seeker failed to accept a suitable job' where the Provider considers that the Participant has apparently refused or failed to accept an offer of suitable Employment, other than by failing to commence work on the start date agreed with the potential Employer, or
  - select 'job seeker failed to commence suitable job' where the Provider considers that the Participant has apparently refused of failed to accept an offer of suitable Employment by failing to commence work on the start date agreed with the potential Employer
- recording the incident date (discussed above)
- answering 'no' to the question of whether they are in contact with the Participant
- accurately answering the questions that will be automatically generated, and
- selecting 'create'. This will create a draft Work Refusal Failure report.

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In any zone, the Participant will receive notification advising that they appear to have committed an apparent Work Refusal Failure, that they must contact their Provider as soon as possible, and their payment may be suspended after 5 Business Days if they take no further action. If the Participant does not make contact with their Provider within 5 Business Days, the Department's IT Systems will automatically suspend the Participant's Income Support Payment and the Participant will receive notification that their Income Support Payment has been suspended and to contact their Provider.

In any zone, the Participant's Reconnection Requirement is to make contact with their Provider to discuss the apparent Work Refusal Failure. If the Participant's Income Support Payment has been suspended, the suspension will be lifted once they make contact with their Provider and their Provider finalises the Work Refusal Failure report (as discussed immediately below).

(Deed Reference(s): Clauses 138.1 (d), 140.1 (a), 145.1)

When there is contact with the Participant

Where there is contact with the Participant after the Business Day on which the Provider became aware of the apparent Work Refusal Failure, the Provider must update the draft Work Refusal Failure report (referred to above).

The Provider must update and finalise the Work Refusal Failure report by undertaking the following steps in the Department's IT Systems:

- selecting the edit option in the draft Work Refusal Failure report (By doing so, the Provider is confirming that they are in contact with the Participant), and either:
  - if the Provider considers the Participant committed a Work Refusal Failure (see the discussion under the heading 'Identifying a Work Refusal Failure' above):
    - selecting 'No' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has committed a Work Refusal Failure
    - selecting a reason from the 'Reasons not accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why they refused or failed to accept the offer of suitable Employment. A full list of these drop-down menu options can be found in the Work Refusal Failure reasons supporting document, and
    - selecting 'submit', which will send the Work Refusal Failure report to Services Australia. Services Australia will assess whether the Participant had a Reasonable Excuse for the Work Refusal Failure, which will determine whether the Participant's Income Support Payment is cancelled,

OR

  - if the Provider considers the Participant did not commit a Work Refusal Failure (see the discussion under Identifying a Work Refusal Failure):
    - selecting 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed a Work Refusal Failure
    - selecting a reason from the 'Reasons accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why they did not refuse or fail to

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accept an offer of suitable Employment. A full list of these drop-down menu options can be found at Work Refusal Failure reasons supporting document, and

- selecting 'submit', which will close the report (i.e. the report will not be sent to Services Australia for investigation).

If the Participant's Income Support Payment has been suspended, this suspension is lifted when the Provider selects 'submit'.

If the Participant does not contact their Provider within 28 calendar days of their payment suspension date, their Income Support Payment will automatically be cancelled.

Where the TCF cannot be applied, but the Provider has determined the Participant has been non-compliant, refer to the Targeted Compliance Framework Workflow supporting document.

(Deed Reference(s): Clauses 138.1 (d), 140.1 (a), 145.1)

12.5.4. Unemployment Failures

Identifying a potential Unemployment Failure

Providers have Deed obligations when they become aware (e.g. when an Employer notifies the Provider or the Provider receives information from the Department) that a Participant has become unemployed apparently as:

- a direct or indirect result of a voluntary act of the Participant, or
- a result of the Participant's misconduct as an employee.

For the purposes of this Guideline, the circumstances described above are referred to as 'a Participant potentially committing an Unemployment Failure'.

When the Provider discusses the circumstances of a potential Unemployment Failure with the Participant, in addition to whether or not the work was unsuitable (as discussed under the heading Identifying a Work Refusal Failure), the Provider must also consider the issues referred to below.

Was the unemployment due to the Participant's misconduct as an employee?

The Provider must, when they are in contact with the Participant (see below) discuss with the Participant the reasons they became unemployed and consider whether the Participant became unemployed as a result of the Participant's misconduct as an employee. The Provider must have regard to the following factors (as relevant) when assessing whether the Participant became unemployed as a result of the Participant's misconduct as an employee:

- **deliberate** failure by the Participant to produce/deliver a reasonable amount of work
- the Participant's unauthorised absence(s) from work without good reason
- the Participant's improper behaviour or practices, such as theft, assault or harassment of other employees
- deliberate actions by the Participant that cause serious risk to the health or safety of other employees, or
- deliberate actions that threaten the reputation, viability or profitability of the Employer.

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Was the unemployment due to a voluntary act of the Participant?

The Provider must, when they are in contact with the Participant (see below) discuss with the Participant the reasons they became unemployed, and also consider whether the Participant became unemployed as a direct or indirect result of an act of the Participant that was voluntary. For example, a Participant will become unemployed as a direct result of their voluntary act if the Participant voluntarily resigns.

This will not be an Unemployment Failure if Services Australia considers the Participant's voluntary act was reasonable (for example, if the Participant resigned due to bullying or unsafe work practices or if, for any of the reasons listed under Identifying a Work Refusal Failure, the work was unsuitable).

(Deed Reference(s): Clause 145.1)

12.5.5. Reporting a potential Unemployment Failure

Following a discussion with the Participant, the Provider must consider whether the Participant has committed a potential Unemployment Failure. See above under Identifying a potential Unemployment Failure.

Timeframe to report a potential Unemployment Failure

The Unemployment Failure report must be created and finalised within 20 Business Days of the incident date. If this does not occur (e.g. where the Provider does not become aware of the potential Unemployment Failure until after 20 Business Days have passed since the incident date), the Department's IT Systems will not allow the Unemployment Failure report to be finalised, meaning the potential Unemployment Failure will not be reported to Services Australia.

The incident date is the first full day a Participant is unemployed (e.g. if a Participant was dismissed due to misconduct, the incident date is the day after the day on which they became unemployed).

The steps that the Provider must follow after they have considered whether the Participant has potentially committed an Unemployment Failure are described below.

(Deed Reference(s): Clauses 138.1, 140.1)

Contact attempt is successful on the same Business Day

Provider considers that the Participant has potentially committed an Unemployment Failure

If, after contacting the Participant on the same Business Day as becoming aware of the unemployment and discussing the circumstances of the potential Unemployment Failure with the Participant, the Provider considers the Participant has potentially committed an Unemployment Failure (see Identifying a potential Unemployment Failure), the Provider must create an Unemployment Failure report.

The Provider must create and finalise the Unemployment Failure report by undertaking the following steps in the Department's IT Systems by:

- selecting 'create compliance'

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- selecting the Event Type from the drop-down menu as follows:
    - select 'job seeker dismissed for misconduct' where the Provider considers that the Participant became unemployed apparently as a result of the Participant's misconduct as an employee, or
    - select 'job seeker voluntarily leaves a job' where the Provider considers that the Participant became unemployed apparently as a direct or indirect result of a voluntary act of the Participant
- recording the incident date (discussed above)
- answering 'yes' to the question of whether they are in contact with the Participant
- selecting a reason from the 'Reasons not accepted' column of the drop-down menu. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to:
    - why the Participant did the voluntary act (e.g. resigned) that led to their unemployment, or
    - why the Participant engaged in misconduct (or believed they did not engage in misconduct)

A full list of these drop-down menu options can be found in the Unemployment Failure reason options supporting document.

- otherwise accurately answer the questions that will be automatically generated, and
- selecting 'create', which will send the Unemployment Failure report to Services Australia for investigation and subsequent decision.

(Deed Reference(s): Clauses 138.1, 140.1)

Provider considers that the Participant has not potentially committed an Unemployment Failure

No further action is required if the Provider:

- was in contact with the Participant on the Business Day on which the Provider became aware of the potential Unemployment Failure, and
- after discussing the circumstances of the potential Unemployment Failure with the Participant, considers the Participant has not committed an Unemployment Failure (see the discussion under Identifying a potential Unemployment Failure above).

Provider considers that the Participant has been non-compliant but the TCF cannot be applied

If, after contacting the Participant on the same Business Day as becoming aware of the unemployment and discussing the circumstances of the potential Unemployment Failure, the Provider, considers that the TCF cannot be applied (i.e. it is. more than 20 Business Days since the incident date), but the Participant has potentially committed an Unemployment Failure, the Provider must take the steps in the 'TCF is not applicable' column in the Targeted Compliance Framework Workflow supporting document.

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Contact attempt is not successful on the same Business Day

Providers must, where they become aware that a Participant has potentially committed an Unemployment Failure, attempt to contact the Participant on the same Business Day. If a Provider attempts to contact the Participant on that day, but the attempt is not successful, the Provider must undertake the following steps:

On the Business Day that the Provider becomes aware of the potential Unemployment Failure, the Provider must create the Unemployment Failure report by undertaking the following steps in the Department's IT Systems, by:

- selecting 'create compliance'
- selecting the Event Type from the drop-down menu that will appear as follows:
  - select 'job seeker dismissed for misconduct' where the Provider considers that the Participant became unemployed apparently as a result of the Participant's misconduct as an employee, or
  - select 'job seeker voluntarily leaves a job' where the Provider considers that the Participant became unemployed apparently as a direct or indirect result of a voluntary act of the Participant
- recording the incident date (discussed above)
- answering 'no' to the question of whether they are in contact with the Participant
- accurately answering the questions that will be automatically generated, and
- selecting 'create', which will create a draft Unemployment Failure report that the Provider must update when they are next in contact with the Participant.

Unlike the creation of a Work Refusal Failure report, the creation of an Unemployment Failure report does not trigger payment suspension under any circumstances. Therefore, to prompt the Participant to make contact in order to discuss the potential Unemployment Failure, the Provider must create a Provider Appointment for the Participant to participate in within 10 Business Days.

If the Participant participates in the Provider Appointment, the Provider must discuss the potential Unemployment Failure with them at that Provider Appointment.

If the Participant is in the Green Zone or Warning Zone and they do not participate in the Provider Appointment to discuss the potential Unemployment Failure, the Participant will receive notification that their Income Support Payment will be suspended after 5 Business Days if they do not make contact with their Provider. If the Participant does not make contact with their Provider within 5 Business Days, their Income Support Payment is suspended and they will receive notification of the suspension.

If the Participant is in the Penalty Zone and they do not participate in the Provider Appointment, their Income Support Payment will be suspended for failing to participate and they will receive notification that they should contact their Provider.

Income Support Payment suspensions act as a trigger to encourage the Participant to contact their Provider.

Once the Participant makes contact, the Provider must then discuss the potential Unemployment Failure with them in the same conversation and follow the steps as outlined in the sub-section below under the heading 'When there is contact with the Participant'.

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If the Participant does not contact their Provider within 28 calendar days from the day on which their Income Support Payment is suspended, their Income Support Payment will automatically be cancelled.

(Deed Reference(s): Clauses 138.1, 140.1)

When there is contact with the Participant

Where there is contact with the Participant after the Business Day the Provider became aware of the potential Unemployment Failure, the Provider must update the draft Unemployment Failure report referred to above by following the steps set out below.

The Provider must update and finalise the Unemployment Failure report by undertaking the following steps in the Department's IT Systems:

- Selecting the edit option in the draft Unemployment Failure report. By doing so, the Provider is confirming that they are in contact with the Participant, and either:
  - if the Provider considers the Participant potentially committed an Unemployment Failure (see the discussion under the heading 'Identifying a potential Unemployment Failure' above):
    - selecting 'No' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has committed an potential Unemployment Failure, and
    - selecting a reason from the 'Reasons not accepted' column of the drop-down menu that will appear. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to:
      - why the Participant did the voluntary act (e.g. resigned) that lead to their unemployment, or
      - why the Participant engaged in misconduct (or believed they did not engage in misconduct), and
    - selecting 'submit', which will send the Unemployment Failure report to Services Australia for investigation.

OR

  - if the Provider considers the Participant did not potentially commit an Unemployment Failure (see the discussion under the heading 'Identifying a potential Unemployment Failure' above):
    - selecting 'Yes' in response to the question of whether they accepted the reason given by the Participant. By doing so, the Provider is confirming that they have determined that the Participant has not committed an apparent Unemployment Failure
    - selecting a reason from the 'Reasons accepted' column of the drop-down menu. The Provider must select the reason that most closely aligns with the reason that the Participant gave as to why the Participant became unemployed. A full list of these drop-down menu options can be found in the Unemployment Failure reason options supporting document, and selecting 'submit', which will close the report (i.e. the report will not be sent to Services Australia for investigation).

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If, after contacting the Participant and discussing the circumstances of the potential Unemployment Failure, the Provider, considers that the TCF cannot be applied (i.e. it is more than 20 Business Days since the incident date), but the Participant has potentially committed an Unemployment Failure, the provider must take the steps in the 'TCF is not applicable' column in the Targeted Compliance Framework Workflow supporting document.

(Deed Reference(s): Clauses 138.1, 140.1)

12.5.6. Identifying Work Refusal Failures and potential Unemployment Failures for Transition to Work Participants

If a Transition to Work Provider assesses that a Transition to Work Participant has committed a Work Refusal Failure or potentially committed an Unemployment Failure, they must refer the Participant to a Workforce Australia Provider. The Transition to Work Provider must:

- explain the impact of the failure to the Participant
- exit the Participant from Transition to Work and refer the Participant to a Workforce Australia Provider, and
- provide electronic evidence to the Workforce Australia Provider that supports the Transition to Work Provider's assessment that the Participant has committed a Work Refusal Failure or potentially committed an Unemployment Failure.

The Workforce Australia Provider must then comply with their Deed obligations in relation to that Participant, including those relating to Work Refusal Failures and potential Unemployment Failures.

12.5.7. Summary of required Documentary Evidence

Depending on the failure or apparent failure that has occurred, in addition to the evidence recorded in the Department's IT Systems, Documentary Evidence could include the following:

- notification of an Employment offer
- the format of the notification (i.e. SMS, email or letter)
- details of the job/Employer and/or details of the incident, including dates, the parties involved and what occurred, and
- evidence from a Transition to Work Provider (for Transition to Work Participants).

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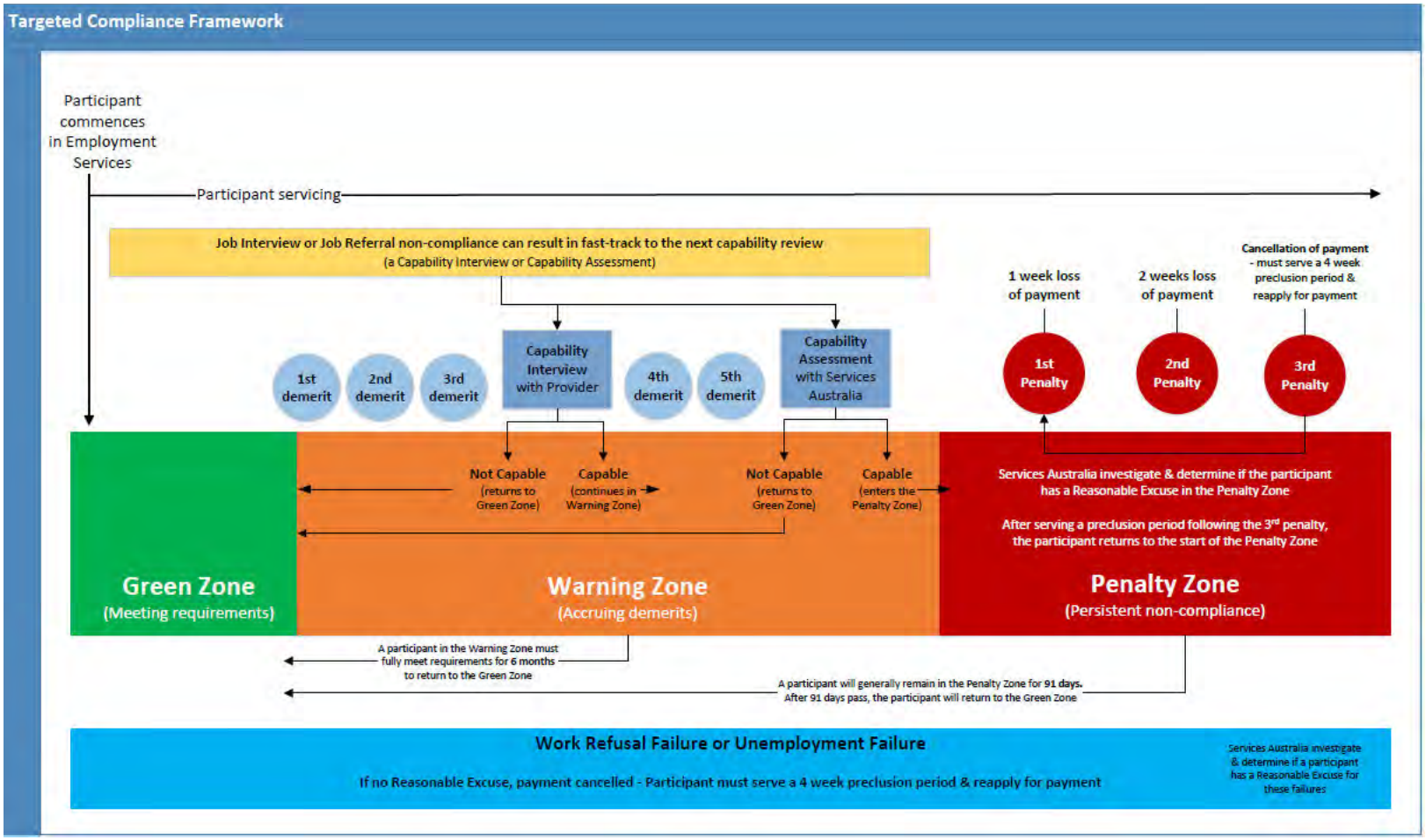
Attachment 12A. Overview of the Targeted Compliance Framework



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Chapter 13. Activity Management

Supporting Documents for this Chapter:

- WHS Incidents and Insurance Readers Guide – Providers
- WHS Incidents and Insurance Readers Guide – Participants
- Workforce Australia Services Activities Information Sheet
- Risk Assessment Example Template (optional)
- Competent Person Register Example Template (optional)

13.1. Chapter Overview

Participating in Activities helps Participants to improve their skills and motivation so they can find and keep Employment. Activities can also develop a Participant's ability to take directions from a Supervisor, work independently, communicate effectively, and work as part of a team.

This Chapter outlines the requirements for the Provider when setting up and managing Activities, which may also apply to other activities that do not have specific requirements in the Deed. Additional information on specific Activities can be found in relevant Activity Chapters.

The Provider is strongly encouraged to innovate and deliver activities that support diverse pathways to Employment. The Provider is able to develop and deliver custom activities tailored to Participants' needs in addition to the formal Activities detailed in these Guidelines.

Note: Participants are also able to arrange and report on some self-initiated activities and tasks.

13.2. Identifying suitable Activities for Participants

Activities can generally be undertaken at any time where the Provider and Participant agree that the Activity will address the Participant's Vocational Barriers and/or Non-vocational Barriers, and improve their work readiness and progress towards Employment.

In identifying suitable Activities, the Provider must consider how the Activity will address the Participant's Vocational Barriers and/or Non-vocational Barriers, improve their work readiness and help support the Participant to progress towards Employment, and is appropriate for the Participant's individual circumstances and work capacity.

The Provider must ensure that Participants are provided with a choice of Activities, except when they are referred to an Activity for:

- their Mandatory Activity Requirement, or
- a Reconnection Requirement.

Refer to Reconnection Requirements and the Mandatory Activity Requirement for more information.

The Provider must not arrange any Activity for any Participant to participate in, or refer any Participant to any Activity, where the Activity may involve:

- the Participant undertaking any Services that the Provider is contracted to deliver under the Deed or any Head Licence, or any other contract or arrangement between the Provider and the Department or another Government department or agency;

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- an illegal activity or the Participant undertaking tasks that the Participant is not permitted to do under the law (e.g. a task can only be undertaken by a licensed person and the Participant does not hold that licence)
- the Participant undertaking tasks or working for any:
  - organisation owned or controlled by the Participant; or
  - Family Member of the Participant
- the participant displacing an existing employee of the Host Organisation or undertaking work that would reduce an existing employee's hours of work (full-time, casual, or part-time), including reducing an existing employee's customary overtime;
- the Participant undertaking tasks associated with the sex industry or involving nudity (including retail or hospitality positions);
- the Participant undertaking tasks directly involving gambling; and/or
- in the case of any Specified Activity, the Participant undertaking tasks in the Participant's own home.

Information on any specific eligibility criteria for Activities is contained in relevant Activity Chapters.

(Deed Reference(s): Clauses 120)

13.3. Arranging Activities

The Provider is reminded of the importance of complying with its obligations relating to work health and safety set out in Chapter B3.2 of the Deed, and must ensure that Activities do not proceed where work health and safety issues cannot be addressed.

As early as possible and for the duration of a Participant's Period of Registration, the Provider must arrange Activities for Participants according to their individual needs, including referral to Complementary Programs, other non-vocational interventions, Education, training and other opportunities.

For guidance on establishing and managing Activities in the Department's IT Systems please refer to the Department's training resources.

The Provider is responsible for supporting Participants to undertake Activities that count towards their Points Target and help them to meet their Points Requirements and any other Mutual Obligation Requirements.

The Provider may refer Participants to Activities arranged by the Department or Workforce Specialists and may also arrange a broad range of other activities. Examples of other activities the Provider may consider arranging include job search clubs, parenting courses, group information sessions, résumé writing sessions and interview preparation sessions. More information on the requirements for these activities to count towards Points Based Activation System (PBAS) is available in Job Plan and Mutual Obligations Requirements Chapter.

Further information on the Provider responsibilities in relation to arranging Activities is located in the Deed and in the relevant Chapter for each Activity type.

(Deed Reference(s): Clauses 107.3, 111.1, 120)

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13.4. Collaboration with other providers and community organisations

The Provider should seek to develop and maintain effective relationships with Complementary Program providers and Other Service Providers in its Employment Region(s) so as to ensure the successful delivery of programs and Activities.

The Provider must also engage with other organisations and services in its Employment Region(s) to ensure delivery of a comprehensive range of activities and support for Participants that address their Vocational Barriers and Non-vocational Barriers. This includes, but is not limited to, engaging with private and community-based service providers, education and training institutions, healthcare organisations and local governments.

(Deed Reference(s): Clauses 90.1 and 120.4)

13.5. Engaging with Host Organisations

- The Provider must ensure Host Organisations meet all Host Organisation eligibility and work health and safety requirements.

The Provider should seek to engage with a range of businesses, other employment services providers and community organisations to arrange Activities that prepare Participants to meet Employers' needs.

Some Specified Activities arranged by the Provider are hosted by a Host Organisation, including:

- Observational Work Experience
- Provider Sourced Voluntary Work
- Work for the Dole
- Non-Government Programs

The term Host Organisation specifically excludes the following:

- an Employability Skills Training (EST) Provider in relation to its delivery of an EST Course
- a Career Transition Assistance (CTA) Provider in relation to its delivery of a CTA Course
- a Local Jobs Program (LJP) Activity Host in relation to its delivery of a LJP Activity
- a Launch into Work Organisation in relation to its delivery of a Launch into Work Placement
- a Workforce Australia - Workforce Specialist in relation to its delivery of a Workforce Specialist Project
- a Skills for Education and Employment (SEE) Provider in relation to its delivery of a SEE Training Course.

13.5.1. Eligible Host Organisations

The Provider must **not** arrange, or refer any Participant to, any Activity that is hosted by a Host Organisation that:

- Does not have a valid ABN
- has engaged in any illegal operations or promotes or condones any form of unlawful conduct
- has been or is associated with the sex industry
- promotes or condones gambling that the Department deems inappropriate

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- promotes or condones any form of violence, self-harm or suicide
- promotes or condones any form of discrimination, including on the grounds of race, ethnic group, language, sex, religion or disability; and/or
- provides any other service or conducts themselves in a manner that is likely to bring the Participant, the Provider or the Department into disrepute.

If the Provider suspects or becomes aware that a Host Organisation has engaged in any conduct described in the list above, the Provider must:

- ensure that no Participant commences participating in, or continues to participate in, any Activity that the Host Organisation hosts;
- Notify the Department immediately and provide information as requested by the Department, and
- if requested by the Department, cease or vary the Activity

The types of organisations which can be a Host Organisation for a particular Activity type and any additional eligibility requirements are provided in the relevant Activity specific Chapter.

Eligible Host Organisations can host more than one Observational Work Experience Placement, Work for the Dole Project, Work for the Dole Placement and/or Voluntary Work Placement concurrently where they meet the requirements for each relevant Activity type.

13.5.2. Host Organisation Agreements

The aim of Host Organisation Agreements between the Provider and a Host Organisation (and, where applicable, the Participant) is to assist all parties to understand their rights and obligations in relation to the provision of, and participation in, Activities.

The Provider must arrange the following Activities under a Host Organisation Agreement:

- Observational Work Experience
- Provider Sourced Voluntary Work
- Work for the Dole.

For the Activities listed above, the Provider must discuss with the Host Organisation, and document in the relevant Host Organisation Agreement, all the Host Organisation's obligations, regarding the relevant Activity.

The obligations that the Provider must impose on the Host Organisation in relation to a particular Activity will depend on the type of Activity in question and the provisions of the relevant template Host Organisation Agreement issued by the Department in relation to that type of Activity. The Provider should ensure that the obligations imposed on the Host Organisation under any Host Organisation Agreement are sufficient to enable the Provider to comply with its obligations under the relevant Head Licence. The Provider retains the risk of any non-compliance with any of its Head Licence obligations, regardless of the terms of any Host Organisation Agreement. To assist the Provider to comply with its obligations under its Head Licence, the Provider must ensure that each Host Organisation Agreement includes the following (at a minimum):

- details of the proposed Activity that the Host Organisation must provide, including details of the tasks that will be undertaken by Participants while participating in the Activity;
- details of how the Host Organisation will support and accommodate varying Participants' needs and capabilities (including work restrictions);

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- details of the Supervision that the Host Organisation must provide while Participants are participating in the relevant Activity;
- details of training and induction that must be provided to Participants before they commence participation in the relevant Activity and/or before they commence undertaking particular tasks as part of their Participation in the relevant Activity (and which party will be providing the training and induction);
- where any of the Participants participating in the relevant Activity require their attendance to be recorded in the Department's IT Systems in order to meet their Mutual Obligation Requirements, details of the Host Organisation's obligations regarding the recording and reporting to the Provider of the Participant's attendance at, and participation in, the relevant Activity; and
- details of the Host Organisation's obligations in relation to work health and safety and incident reporting.

Note: Where the Provider replaces another Workforce Australia Employment Services Provider who negotiated and executed a Host Organisation Agreement, a novation to the relevant Host Organisation Agreement, or a new Host Organisation Agreement may be required if the Specified Activity is to continue. The Department will issue Transition Advice for each occurrence where a Provider is replaced by another Provider.

Host Organisation Agreement templates for individual Activities can be found on the Provider Portal or generated via the Department's IT Systems where relevant.

The Host Organisation Agreement must be signed by all relevant parties before the Participant commences in the Activity.

The Provider must retain evidence (either hard copy or soft copy) of Host Organisation Agreements and any other required Documentary Evidence.

13.5.3. Misuse of programs

If the Provider suspects or becomes aware that a Host Organisation has breached a Host Organisation Agreement, the Provider must immediately Notify the Department and provide information about the relevant breach as requested by the Department.

Where the Department determines that a Host Organisation has engaged in any conduct described above in Eligible Host Organisations, the Department may give a direction to the Provider that the Provider must not arrange, and/or must not refer any Participants to, any Activities hosted by that Host Organisation. If the Department gives such a direction, the Provider must immediately comply with the direction.

13.6. Referrals and Commencement of an Activity

When identifying appropriate Activities for a Participant, the Provider must ensure the Activity is suitable and safe, will assist the Participant to progress towards Employment and accounts for the Participant's individual circumstances and capacity.

The Provider must not refer a Participant to an Activity unless the Provider has first:

- confirmed that the Participant is eligible to participate in the Activity, noting that certain Activities have particular eligibility requirements. Information on any specific eligibility

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criteria for a particular Activity is contained in the relevant Chapter below relating to that Activity;

- confirmed that the Activity is appropriate for the Participant, taking into account the individual needs and circumstances of the Participant, including:
  - the Participant's education, experience, skills and age;
  - the Participant's capacity to undertake the Activity;
  - the Participant's strengths, as well as any barriers they have, to participating in the Activity;
  - the impact of any disability, illness, physical or mental health condition or other non-vocational issue that the Participant has, including drug and alcohol dependency, on the Participant's ability to participate in the Activity;
  - any Risk Assessment;
  - the Participant's preferences and employment goals, where possible; and
  - any other matters that the Provider considers relevant to the Participant's circumstances;
- explained to the Participant when to commence participating in the Activity, and the consequences of not commencing the Activity on time;
- explained to the Participant the frequency of the Contact that the Participant must have with the Provider while they are participating in the Activity; and
- advised the Participant where they can access the WHS Incidents and Insurance Readers Guide – Participants for Work Health and Safety guidance.

For Mandatory Activity referrals into Work for the Dole, the Provider must, in consultation with the Participant, update a Participant's Job Plan with information about the selected Activity. Further information on the Job Plan can be found in the Job Plan and Mutual Obligations Requirements Chapter.

the Provider must record details of each Activity in the Department's IT Systems, including: details of the Participants referred to or placed in the Activity; and the required hours of participation for each Participant.

13.6.1. Setting up Activities in the Department's IT Systems

For guidance on establishing, scheduling and managing Activities in the Department's IT Systems please refer to the Department's training resources.

13.7. Managing participation in an Activity

The Provider must support each Participant to fully engage in any Activity they choose or to which they are referred.

While the Participant is undertaking an Activity, this includes the Provider:

- complying with its work health and safety obligations. For Specified Activities this includes the Provider or Host Organisation ensuring the provision of training, equipment and clothing and the Provider checking the availability of appropriate facilities (such as toilets and access to drinking water) at the Specified Activity location
- complying with its obligations in relation to providing or ensuring adequate and appropriate Supervision so that relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment;

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- meeting with or contacting the Participant to obtain feedback on their progress, and check whether the Participant has any complaints or safety concerns regarding the Activity, or any WHS incidents to report;
- ensuring that the Participant is benefiting from the Activity, enhancing their Employment prospects and is not being exploited;
- minimising disruptions where a Participant is attending an Activity (e.g. arranging Provider appointments outside Activity times where possible); and
- monitoring the Participant's progress, attendance, behaviour and satisfaction with the Activity.

(Deed Reference(s): Clauses 79.6, 120.6, 121, 122, 123 and 124)

13.7.1. Transport to and from Activities

Participants will generally be expected to source their own transport to and from an Activity. However, the Provider must arrange transportation for a Participant to and from an Activity in where:

- the Participant does not have access to a vehicle or does not have a driver's licence, and alternative transport options such as public transport are not available;
- the Activity is at an isolated location;
- access to the Activity is along an unsealed road or track; or
- the Activity has a residential or overnight accommodation component.

If Providers are transporting Participants to or from an Activity, this must be included in the Risk Assessment of the Activity.

13.7.2. Recording and Monitoring Attendance at Activities

Information regarding attendance recording and monitoring requirements is available in the Job Plan and Mutual Obligations Requirements Chapter. Some individual Activities have specific requirements regarding attendance. Please refer to individual Activity Chapters for more information where relevant.

13.7.3. Assistance with Activity Costs

Providers may be able to seek reimbursement for some eligible Activity costs through the Employment Fund. Work for the Dole Payments are also available for Work for the Dole Activities and are designed to offset the running costs of a Work for the Dole Activity for the Provider and the Host Organisation. Refer to the Employment Fund Chapter for more information.

13.8. Completion of Activities

The Provider must record a range of details when a Participant completes an Activity in the Department's IT Systems.

At the completion of a Participant's participation in an Activity, the Provider must record the following information in the Department's IT Systems:

- the reason the Participant ceased participating in the Activity (completion exit reason);
- the last date on which the Participant participated in the Activity (end date); and

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- the number of hours the Participant participated in the Activity, where relevant.

The above process is not required where a Participant on the Provider's Caseload completes an CTA or EST Activity. Refer to the Employability Skills Training or Career Transition Assistance Chapters for further information on the role of the Provider.

13.9. Managing work health and safety for Activities

The Provider must at all times ensure that the Services are carried out in a safe manner, including ensuring that all Participants are in a safe environment when participating in Activities (including Specified Activities and any other activities that the Provider has arranged or referred a Participant to). In addition, the Provider must:

- in carrying out its obligations under the Deed and any Head Licence; and
- ensure that its Personnel, Subcontractors, Third Party IT Vendors and agents, in carrying out activities related to the Deed and any Head Licence, comply with all relevant laws and requirements of any Commonwealth, state, territory or local authority, including the WHS Laws.

The Provider is required to ensure that each Participant is aware of the process to lodge a complaint or voice safety concerns about an Activity. Where the Provider becomes aware of safety concerns, including those raised by a Participant, that cannot be addressed, the Provider must ensure that the Participant immediately ceases participation in the Activity.

(Deed Reference(s): Clauses 79.6, 120.6 and 120.10)

13.9.1. Ensuring Work Health and Safety measures are in place

Before arranging, or referring any Participant to an Activity, the Provider must confirm:

- that the Activity is not prohibited under relevant state and territory laws;
- its delivery is permitted under the Deed and any Head Licence, and any Guidelines;
- the Host Organisation, where relevant, is complying with all work health and safety requirements in the relevant state and territory; and
- its delivery is in line with any advice provided by local authorities.

> **Example:** Host Organisations must have COVID-Safe plans (or similar) in place in accordance with the requirements specified by the relevant state or territory.

The Provider must take all reasonable steps to minimise the likelihood of injury to Participants and any other people at any location at which an Activity is being conducted.

Depending on the Activity, support may be available to assist Participants with costs related to engaging in an approved Activity through the Employment Fund, such as personal protective equipment. Refer to the Employment Fund Chapter for further information.

The Provider must consult, coordinate and cooperate as appropriate with relevant parties including but not limited to the Department, Host Organisations, Launch into Work Organisations and LJP Activity Hosts to ensure that any work health and safety issues in relation to an Activity are appropriately managed.

(Deed Reference(s)(s): Clause 79.6)

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13.9.2. Managing work health and safety on Specified Activities

The Provider must, in accordance with the Deed, any Head Licence and these Guidelines, meet their obligations to ensure work health and safety measures are in place for Specified Activities.

Specified Activities are:

- Launch into Work Placements
- LJP Activities arranged by the Provider
- Observational Work Experience Placements
- Non-Government Programs
- Provider Sourced Voluntary Work
- Work for the Dole Placements
- Work for the Dole Projects.

The Provider must ensure that there is a safe system of work in place for each Specified Activity, both prior to the commencement of and throughout the Specified Activity, including, where a Host Organisation is engaged by the Provider, that the relevant Host Organisation is complying with all work health and safety requirements in the jurisdiction in which the Specified Activity occurs.

The Provider must take all reasonable steps to minimise the likelihood of injury to Participants and any other people at any location at which a Specified Activity is being conducted.

(Deed Reference(s): Clause 121.1)

13.9.3. Conducting Risk Assessments for Specified Activities

The Provider must meet their Deed, Head Licence and Guideline obligations with regards to Risk Assessments for Specified Activities. This includes Specified Activities where the Provider is the Host Organisation.

- The Provider must ensure that Activity Risk Assessments and Participant Risk Assessments are undertaken by Competent Persons, updated as necessary and meet relevant laws and departmental policies and procedures on work health and safety. If the Provider does not itself have a Competent Person, it must engage a Competent Person for this purpose.

There are 2 types of Risk Assessment that must be conducted in relation to a Specified Activity:

- Activity Risk Assessment - a risk assessment in relation to a potential or actual Specified Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).
- Participant Risk Assessment - a risk assessment in relation to each Participant's involvement in a Specified Activity, which is undertaken and/or updated in accordance with any Guidelines (including these Guidelines).

Note: Where the term Risk Assessment is used, it refers to the Activity Risk Assessment and a Participant Risk Assessment. The Competent Person arranged by the Provider to undertake the Risk Assessments may document an Activity Risk Assessment and a Participant Risk Assessment in a single document, so long as all requirements specified in these Guidelines in relation to the documentation of both Risk Assessments are met.

The purpose of the Risk Assessment process is to:

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- determine whether an Activity is suitable to proceed, before the Provider refers any Participants to the Activity;
- identify potential risks associated with the tasks that will be undertaken by Participants while they are participating in the Activity; and
- identify if the Activity is suitable for the relevant Participant(s) who is referred to the Activity, including identifying any risks that may arise from a Participant's personal circumstances.

The Provider must ensure a Competent Person conducts and documents the Risk Assessment before a Specified Activity commences.

Activity Risk Assessment

The Provider must, in accordance with any Guidelines (including these Guidelines) undertake an Activity Risk Assessment of:

- subject to the following paragraph, every Specified Activity it has arranged; and
- any Local Jobs Program Activity where the Provider is the Local Jobs Program Activity Partner, and
- any Launch into Work Project Activity where the Provider intends to place a Participant on their Caseload into the Activity

before the start of the Specified Activity.

The Provider must confirm that an Activity Risk Assessment has been undertaken for any Specified Activity conducted by any:

- Local Jobs Program Activity Host (where the Provider is not the Local Jobs Program Activity Partner);
- Workforce Australia - Workforce Specialist;
- EST Provider;
- CTA Provider;
- Work for the Dole Host Organisation (where the Provider is not the Arranging Provider),

in which a Participant on the Provider's Caseload has been placed.

Participant Risk Assessment

Subject to the exception noted below, the Provider must, in accordance with any Guidelines (including these Guidelines), undertake a Participant Risk Assessment for each Participant, with regard to their potential participation in any Specified Activity, before their commencement in the Specified Activity.

The Provider is not required to undertake a Participant Risk Assessment for any Participant in relation to their participation in a Specified Activity arranged by a Workforce Specialist. The Provider must confirm that a Participant Risk Assessment has been undertaken for any Specified Activity arranged by a Workforce Specialist in which a Participant on the Provider's Caseload has been placed.

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Risk Assessment considerations

The Provider must ensure that each Risk Assessment undertaken or arranged by the Provider takes into account:

- the role of the Host Organisation, or LJP Activity Host, or Launch into Work Organisation;
- relevant Participant(s); and
- the relevant working environment,

with regard to the following factors:

- the nature and location of the tasks to be undertaken by a Participant, such as whether the Specified Activity is:
  - in a non-public area (e.g. a private residence worksite with a tradesperson)
  - with a sole trader (e.g. a butcher or hairdresser who operates from a small shop or private residence)
  - working alone with another person
  - with alternative hours of work (for example, early starts, night work)
  - working in a labour hire environment in one or more different workplaces
- the Participant's personal circumstances (that is, working capabilities, any health or other personal issues and level of experience)
- the level of Supervision required
- the nature, cause and likelihood of any risk(s)
- the consequences of an incident
- effective controls, including training and Personal Protective Equipment.

> **Example:** The Provider would need to consider the risks of placing a Participant with medical needs in an Activity in an isolated location to ensure this is a suitable placement for the Participant.

Reviewing, maintaining and updating Risk Assessments

The Provider must review risks regularly and take appropriate action on those risks where required.

As part of its obligation to ensure that there is a safe system of work in place for each Specified Activity, the Provider must determine, and ensure there are implemented, appropriate actions to mitigate the identified risks after conducting or updating any Risk Assessment.

Where the Provider becomes aware (including based on an Activity Risk Assessment) that it cannot ensure that there is a safe system of work in place at a Specified Activity, the Provider must:

- if the Provider was intending to arrange the Specified Activity, not arrange the Specified Activity;
- not refer any Participants to the Specified Activity; and
- if the Provider has already referred any Participant to the Specified Activity, immediately ensure that the Participant ceases participation in the Specified Activity.

Where the Provider becomes aware (including based on a Participant Risk Assessment) that it cannot ensure that there is a safe system of work in place for any Participant participating in any Specified Activity, the Provider must:

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- not refer the Participant to the Specified Activity; or
- if the Provider has already referred the Participant to the Specified Activity, immediately ensure that the Participant ceases participation in the Specified Activity.

The Department may, at any time and at its absolute discretion, give a direction to the Provider in relation to an Activity, proposed Activity or type of Activity, including a direction that an Activity must be ceased or varied.

(Deed Reference(s): Clauses 120.5 and 121.1)

Example Risk Assessment Templates and checklists are available on the Provider Portal.

Please note, the Provider must also refer to specific Activity Chapters in this Handbook for any further details or requirements regarding Risk Assessments that may be in addition to the requirements outlined in this Chapter.

The Provider has the discretion to determine how they document their Risk Assessments. A verbal Risk Assessment does not meet the Department's requirements.

The Provider must retain Records of each Risk Assessment and any action taken in accordance with each Risk Assessment. The Provider must provide these Records to the Department if requested.

The Provider must create and maintain a Record identifying any Competent Person(s) that it engages to conduct any Risk Assessment. Providers must maintain a structured register of Competent Person(s) engaged.

This record must contain:

- the full name of the Competent Person,
- a description of the qualification, training or experience (and its relevance, if this is not clear from the qualification, training title, or experience) held by the Competent Person, including:
  - the qualification they hold, including course ID (if formal qualification undertaken),
  - internal or informal training name, and/ or
  - the number of years of relevant experience
- date of qualification/training completion (if applicable)
- refresher due date (if relevant)
- the employment region/s the under which the Competent Person can undertake Risk Assessments, or
- the Licence number under which the Competent Person is able to undertake Risk Assessments.

Providers must provide a Record of this format to the Department upon request. A Competent Person(s) Register Template is available on the Provider Portal, however, use of this template is not mandatory. If the template is not used, Providers must use their own structured register which includes at a minimum all the same headings as in the template.

(Deed Reference(s): Clause 122)

13.10. Supervision requirements

The Provider must, in accordance with the Deed, their Head Licence and these Guidelines, meet their obligations with regard to Supervision for Activities the Provider arranges for Participants.

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'Supervision' means the action or process of directly monitoring and managing Participants participating in Activities.

Note: Supervisors may be engaged/employed by the Provider or a Subcontractor to supervise Activities (including Specified Activities or any other activities arranged by the Provider), or may be engaged/employed by Host Organisations to supervise Activities that they provide. Launch into Work Organisations, LJP Activity Hosts, Workforce Australia - Workforce Specialists, CTA Providers and EST Providers are responsible for organising Supervision in relation to Activities they provide and for conducting relevant checks on their Personnel and Supervisors prior to their involvement.

- The Provider must ensure that it or, where relevant, each Host Organisation, provides adequate and appropriate Supervision so that the relevant Participants are undertaking appropriate tasks and operating in a healthy and safe environment.

The Provider must ensure that there is Continuous Supervision provided over the entire duration of any Activity where it involves:

- people who are elderly, disabled or otherwise vulnerable, or
- Children (excluding other Participants).

The Provider must also ensure that the Continuous Supervision is provided over the entire duration of any Activity where the Provider otherwise considers that Supervision should be continuous having regard to the nature of the tasks to be undertaken, the potential Participants in the Activity and any risks identified in the relevant Risk Assessment.

The Provider must ensure that all Supervisors and relevant Personnel have had checks as specified in the Checks and Reasonable Care clauses of the Deed and the Background Checks section, and Supervisors have met any additional statutory requirements before being given responsibility for the Supervision of Participants.

The Provider must ensure that each Supervisor, whether engaged by the Provider, a Subcontractor or a Host Organisation, is aware of the requirement to notify the Provider of:

- the non-attendance at all relevant Activities; and
- any other non-compliance in connection with the Activities,

of a Participant as soon as practicable.

With the exception of Work for the Dole, the Employment Fund may be used to pay for Supervisor costs, if the costs are associated with the actual supervision of Participants on the Activity and not for any other tasks or services already paid for under the Deed. Refer to the Employment Fund Chapter for further information on what can be claimed through the Employment Fund and the Documentary Evidence requirements.

13.10.1. Supervision requirements for Specified Activities

In addition to the above, for the Specified Activities detailed in clause 124.3 of the Deed, as well as Non-Government Programs, arranged by the Provider, the Provider must ensure that all Supervisors and relevant Personnel of the Provider, any Host Organisation or any Subcontractor who has direct involvement (including where they have close contact with Participants) in the Activity:

- is a fit and proper person to be involved in the relevant Activity;

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- has a high level of skill/knowledge, training and/or experience in:
- each part of the Activity they are involved in; and
- working with, training and supervising individuals in such activities; and
- has relevant work health and safety training.

(Deed Reference(s): Clauses 80, 124)

13.10.2. Background checks

Providers must, in accordance with the Deed, their Head Licence and these Guidelines, and their local jurisdictional requirements, establish whether the nature of an Activity requires Participants and/or Supervisors and/or relevant Personnel to have checks, and arrange those checks if required to do so.

> For the purpose of these Guidelines, 'checks' refers to criminal records/police checks, Working with Children checks and/or Working with Vulnerable People checks.

Activities arranged by the Provider that require checks include those where:

- legislation requires checks to be conducted
- the Activity is subject to industry standards or legal requirements that mean Participants cannot have been convicted of particular crimes
- the Participant and/or Supervisor will have regular or unsupervised contact with Children, the elderly or other classes of vulnerable people
- the Activity is otherwise specified by the Department as requiring checks.

Unless notified otherwise by the Department, the Provider must arrange and pay for any checks to be completed before arranging for, or allowing the Participant to participate in any Activity.

The obligation set out in clause 80.1 of the Deed does not apply to Activities delivered by Workforce Australia - Workforce Specialists, CTA Providers and EST Providers, SEE Provider, Launch into Work Organisations (except where the Launch into Work Organisation asks the Provider for assistance in arranging and paying for employer-required checks) and LJP Activity Hosts.

Where the Provider has an obligation to undertake a check, the Providers must contact the relevant organisation/s in their state or territory to arrange for the check to be completed. Checks must be arranged in line with the relevant state and territory rules and regulations.

Checks may take some time to complete. Where required, Providers should identify interim or alternative Activities for Participants awaiting the outcomes of the checks.

Where checks show that Participants or Supervisors must not participate in particular Activities, they are no longer eligible and are excluded from participation in or Supervision in that particular Activity. Alternative Activities should be suggested to the Participant. Please note, exclusion from a particular Activity - such as a specific Work for the Dole activity - may not necessarily mean the Participant is unsuitable for all other Work for the Dole activities.

The results of checks contain Personal Information. The Provider must comply with its Deed obligations in relation to such Personal Information, including obligations relating to the use and disclosure of the Personal Information. Additional information regarding disclosure of information and privacy considerations can be found in Part A Guidelines: Privacy Chapter.

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If an Activity is repeated or a Participant is to engage in another Activity in the future, Providers must ensure the checks conducted are still valid. Further checks must be conducted where required or where an initial check is no longer valid.

Providers may be able to seek Reimbursement through the Employment Fund for costs associated with Participant checks for Activities.

(Deed Reference(s): Clauses 80 and 124)

13.11. Managing Activity-related Incidents

The Provider must Notify the Department as soon as possible of any incident involving an Activity where a Participant is in attendance (including travel to, from or during an activity), including:

- any Critical WHS Incidents (including in relation to a Participant or member of the public), which must be reported within one hour

> A 'Critical WHS Incident' has the same definition as a Notifiable Incident under the WHS Act and means an incident that results in the death of a person, a serious injury or illness of a person, or a dangerous incident.
>
> A dangerous incident is an incident that exposes a person to a serious risk to health or safety due to an immediate or imminent exposure to electric shock, spillage/leakage of a substance, uncontrolled implosion, explosion or fire.
>
> Examples of Critical WHS Incidents include:
>
> - injuries requiring immediate treatment as an in-patient in a hospital,
> - a serious head or eye injury,
> - a serious burn,
> - spinal injury, or
> - amputation of any part of the body.
>
> Please refer to the relevant clauses in the WHS Act.

- any Non-critical WHS Incidents, which must be reported on the same day

> A 'Non-critical WHS Incident' is any incident that relates to a work, health and safety issue or near miss, but is not a Critical WHS Incident. Non-Critical WHS Incidents include incidents such as those involving:
>
> - non-serious injury requiring first aid and/or assistance from a medical practitioner,
> - minor property damage, or near misses that could have resulted in serious or non-serious injury, and
> - any other WHS incidents that are non-Critical that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute.

(Deed Reference(s): Clause 123.1)

The Provider is required to Notify the Department of all Activity-related accidents or near misses that happen to Participants or other people in accordance with these Guidelines. Refer to the

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WHS Incidents and Insurance Readers Guide - Providers available on the Incidents and Insurance page on the Provider Portal).

When an incident occurs:

- appropriate medical attention, including contacting emergency services depending on the nature of the incident, should immediately be provided by the Supervisor
- the Supervisor must try and protect any other Participants and other people at the Activity from unnecessary trauma, where possible
- the relevant WHS Regulator must be notified of the incident if it results in the death or serious injury, in accordance with laws of the relevant state or territory
- the relevant WHS Regulator must be notified of any dangerous incident that exposes someone to a serious risk, even if no one is injured, in accordance with laws of the relevant state or territory
- any directions by a WHS Regulator must be followed
- a WHS Employment Assistance Program Incident Report available on the Incidents and Insurance page (on the Provider Portal), must be completed by the Host Organisation when the incident involves a Participant's accident, injury, death or near miss
- the Provider must complete a Public and Products Liability Incident Report, available on the Incidents and Insurance page (under 'Provider Operations' tab of the Provider Portal), when a third party alleges a Participant has been negligent and caused accident, injury or death, or property damage. The Public and Products Liability Claim Form must be completed by the Provider when a third party is making an insurance claim as a result of a reported incident.

Following submission of any incident reports, the Provider will receive confirmation of successful submission and a copy of the information will be sent to the relevant areas of the Department.

An incident may result in the Department issuing safety recommendations to the Provider and/or Host Organisation (or LJP Activity Host) to ensure the risk of the same incident being repeated is reduced or eliminated, if possible. The Provider has an obligation to comply with the Department's directions relating to any Activity (see Deed clause 120.5).

It is imperative that Participants have access to reporting mechanisms in the event they wish to report an incident, lodge a complaint or provide positive/constructive feedback confidentially. The Provider must ensure that there is an internal, impartial and easily accessible complaints mechanism that can be used by Participants regardless of the nature of the complaint.

(Deed Reference(s): Clauses 38.1, 79.6, 79.7 and 123.1)

The Provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the Provider becomes aware of any incident referred to in this section. In the event the WHS Incident form is unavailable, the Provider must complete and submit the WHS Employment Assistance Program Incident Report form.

13.11.1. Work health and safety incidents

Where an incident includes any accident, injury or death occurring during the Activity, or direct travel to or from an Activity, including in relation to a Participant or a member of the public, the Provider must also, as soon as possible, and on the same day, give full details of the accident, injury or death to the Department in the form specified in these Guidelines.

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Detailed information on notifying the Department with regard to WHS Incidents is included in the WHS Incidents and Insurance Readers Guide - Providers on the Incidents and Insurance page under the 'Provider Operations' tab of the Provider Portal.

(Deed Reference(s): Clause 123.2)

The Provider must notify the Department of Critical WHS Incidents within one hour via telephone and followed by formal written notification to the Provider Lead that give full details of the accident, injury or death to the Department.

The Department must be notified of Non-critical WHS Incidents by the Provider as soon as possible and on the same day by completing the WHS Incident Report Form.

The Provider is required to submit the WHS Incident Report form on the Department's IT Systems on the same day as the Provider becomes aware of any incident referred to in this section. In the event the WHS Incident form is unavailable in the Department's IT Systems, (the Provider must complete and submit the WHS Employment Assistance Program Incident Report form. The relevant forms to support Supervisors and Host Organisations to submit a WHS Incident Form are available on the Incidents and Insurance page on the Provider Portal.

The Provider must maintain records of WHS incidents.

Other Incidents

Any other incidents that are non-serious that may impact upon a Participant or the Department or bring the Provider or the Services into disrepute must be reported to the Department within 24 hours. A WHS incident may also be considered a challenging behaviour incident. In these cases, the Provider may need to submit a WHS incident form and also Job Seeker Incident Report in accordance with Deed requirements.

The Provider must report any instances of misconduct or threatening behaviour via the 'Job Seeker Incident Report'. See Part A Guidelines: Servicing Participants with Challenging Behaviours Chapter.

All Incidents – both Personal Accident and Public and Products Liability

Providers must Notify the Department of any incident that may result in a liability claim (irrespective of whether a claim is being made at the time).

The Provider must also comply with any instructions issued by the Department or the Department's insurance broker. Detailed information in relation to the process for reporting incidents that may result in liability is available in the WHS Incidents and Insurance Readers Guide - Providers.

The Department's personal accident liability insurance provides coverage when a Participant is injured while participating in an approved Activity, including direct travel to, from or during such Activities.

The Department's public and products liability insurance provides coverage results when a third party alleges a Participant has been negligent and caused an accident, injury or death, or property damage, while participating in an Activity.

The Provider must, when requested by the Department's insurance broker, provide full details to the insurance broker of any incident that may or does result in a liability claim. The insurer is responsible

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for determining liability. The Providers must not admit fault or accept responsibility for any alleged negligence that may or does result in a third party claim.

Forms for the Provider to complete to Notify the Department of any personal accident or public and products liability incidents are available on the Incidents and Insurance page on the Provider Portal.

The Provider must maintain a copy of all incident notifications and records for supporting evidence in any insurance claims.

13.11.2. Insurance coverage for Participants

The Provider must, in accordance with the Deed, comply with any instructions issued by the Department or the Department's insurance broker, and these Guidelines, in relation to insurance purchased by the Department for Participants involved in Activities.

The Department purchases the following insurance policies to cover Activities:

- Personal Accident insurance - covers the Participant in respect of personal injury or death that occurs while undertaking Activities, including direct travel to, from or during such Activities
- Public and Products Liability insurance for Participants - covers the legal liability of the Participant arising out of their negligence that causes personal injury to a third party, or damage to a third party's property, while participating in approved activities
- Public and Products Liability insurance for Work for the Dole Activities - covers the legal liability of Host Organisations who are receiving assistance from Participants undertaking Community Support Projects which would otherwise be denied under the Host Organisation's own insurance policies.

Further information on the insurance purchased by the Department to cover Participants undertaking Activities is in the WHS Incidents and Insurance Readers Guide – Providers, with copies of the insurance policies also on the Incidents and Insurance page of the Provider Portal.

Information for Participants about insurance is included in the WHS Incidents and Insurance Readers Guide – Participants which is available on the Provider Portal for Providers to give to the Participants and is published on the Department's website under 'Insurance arrangements for Employment Services activities'.

The Provider should note the Department's policies have standard exclusions. The Department's purchased insurance policies:

- do not cover illness or sickness contracted by a Participant during an Activity, including COVID-19
- do not cover any Activities that would have been prohibited under these Guidelines
- may have time limits that apply for claims
- do not cover any other exclusions listed within the terms and conditions of each insurance policy.

If alternative insurance is in place, Providers can still deliver Activities where tasks are excluded under the Department's policies.

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In addition, the Provider are contractually obligated to maintain various insurances as outlined in the Deed and understand the coverage available to them under their own insurance policies as outlined in the Deed.

Providers are also required to confirm that the Host Organisation has appropriate insurance coverage, and where coverage is insufficient the Provider can decide to purchase or fund additional insurance for the Activity.

(Deed Reference(s): Clauses 52, 122.5(f) and 123.3)

Sourcing additional insurance coverage

The Provider must purchase additional insurance to ensure adequate coverage of the Participant. For Activities other than Work for the Dole, Employment Fund may be used to purchase additional insurance. Please refer to the Employment Fund Chapter.

The Provider must keep a full copy of any insurance policies relied upon by the Provider to be complaint with the requirements for additional insurance.

As an alternative to purchasing insurance, the Provider may consider modifying the tasks in the proposed Activity so that no part of the Activity would be excluded under the Department's insurance coverage.

(Deed Reference(s): Clause 52.13)

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Chapter 14. Employability Skills Training

Supporting Documents for this Chapter:

- Employability Skills Training Participant Fact Sheet
- Referral Cap Supporting Document

14.1. Chapter Overview

Description: Enhances work readiness by providing intensive pre-employment training.		**Activity Code:** PAET **Job Plan Code:** N/A
Eligibility: aged 15+, on income support and subject to Mutual Obligation Requirements	**Duration:** 75 hours over 3 consecutive weeks (25 hours per week) or 5 consecutive weeks (15 hours per week)	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes - approved activity or Provider-assessed	**Progress Payment:** Yes – vocational intervention
Fee-for-Service Payment: Providers must pay the EST Provider: Up to $1,250 per Participant for Training Block 1 Courses Up to $300 per Participant for Training Block 2 Courses (full fee is $1,250 including $950 paid by the Department)		

This Chapter outlines the requirements for Providers with regard to Employability Skills Training (EST).

EST Courses are available on a fee-for-service basis. Providers must pay the EST Provider for each Participant Referral prior to the date the EST Course starts.

14.2. Background

EST is a Complementary Program, administered by the Department, which Providers may access to enhance work readiness of Participants. EST provides intensive pre-employment training through 2 different blocks of targeted training:

- Training Block 1: workplace focused training
- Training Block 2: industry focused training.

EST Eligible Participants can undertake one or both EST Courses, in any order.

Each EST Course runs for 75 hours, in a group setting, over:

- 25 hours per week over 3 consecutive weeks, or
- 15 hours per week over 5 consecutive weeks.

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EST Courses can be delivered by EST Providers as Youth Courses, 25 Plus Courses or All Ages Courses. EST Courses can be delivered face-to-face, hybrid (a blend of face-to-face and online) or online.

Providers may approach EST Providers to deliver specific or tailored EST Courses where there is an identified demand, for example for training in a particular location or industry.

Participation in EST is voluntary.

14.3. Benefits of EST

14.3.1. Benefits of both Training Block 1 and 2 Courses

Following their Training Block 1 or Training Block 2 Course, Participants will receive:

- an updated, professionally presented résumé that identifies the Participant's skills and experience, and
- an assessment that documents the industries and/or occupations that may be suitable for the Participant, and recommendations for next steps for the Participant to pursue employment and/or training opportunities.

EST and Points Requirements

EST Participants can gain Points under the PBAS. Participants may also earn points for tasks completed (such as job applications) as part of the EST Course, in addition to the points received for participating in the EST Course. EST can also be undertaken where the Participant would otherwise have Work for the Dole as the Mandatory Activity Requirement. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

The TCF will not apply for non-attendance in EST, however, it will apply if Participants fail to meet their Points Requirement.

14.3.2. Benefits of Training Block 1

Training Block 1 Courses help Participants develop job search and workplace skills.

Advanced job search skills training helps Participants gain the skills they need to look for work and a better understanding of the local labour market to help them find sustainable employment opportunities. Training Block 1 Courses help Participants demonstrate they have the attitude and approach to work that employers want.

Upon successful Completion of a Training Block 1 Course, Participants should be able to demonstrate the following Learning Outcomes:

- use a variety of techniques and strategies to seek and apply for work
- identify opportunities in the local labour market
- understand employer expectations
- prepare a résumé
- prepare a job application, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to opportunities in the local labour market
- complete an online psychometric and aptitude screening test
- prepare for an in-person and virtual job interview

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- manage their digital footprint
- apply conventions of online etiquette
- apply the 10 skill areas described in the Core Skills for Work Developmental Framework.

14.3.3. Benefits of Training Block 2

Training Block 2 Courses help EST Participants learn more about industries that are in demand or have emerging opportunities in their local labour market.

Upon successful Completion of a Training Block 2 Course, EST Participants should be able to demonstrate the following Learning Outcomes:

- use the most suitable techniques and strategies to seek and apply for work in the industries covered
- understand the duties, requirements, career prospects and employer expectations of the industries covered
- tailor a résumé to the industries covered
- tailor a job application to the industries covered, including preparing a cover letter, addressing selection criteria, and preparing video applications as relevant to the industries covered
- complete an online psychometric and/or aptitude screening test as relevant to the industries covered
- prepare for an in-person and virtual job interview for the industries covered
- use technology relevant to entry-level employment opportunities in the industries covered.

Training Block 2 Courses include Industry Awareness Experiences that aim to provide EST Participants with insight into the tasks and duties of an industry. Examples of Industry Awareness Experiences include guided tours of workplaces arranged with an Employer and Inbound Employer Visits.

There are 2 types of Training Block 2 Courses:

- Generalist Courses
- Specialist Courses.

Generalist Courses

Generalist Courses give EST Participants a taste of a few different industries to help them decide whether an industry is right for them.

The industries must have entry-level employment opportunities in the local labour market.

Generalist Courses may offer accredited training to support the Learning Outcomes.

Specialist Courses

Specialist Courses focus on a single industry to help EST Participants build industry-specific skills and provide a pathway for EST Participants to entry-level Employment opportunities in the industry or a formal training program.

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Specialist Courses may offer accredited training to support the Learning Outcomes and to support Participants to build skills relevant to the industry. Examples include a construction Work Health and Safety 'white card' or the Responsible Service of Alcohol unit of competency.

Specialist Courses are endorsed by a relevant industry association to ensure the training is suitably tailored to, and valued by, employers in the industry and to make course Participants more competitive for entry-level employment opportunities in the industry.

14.4. Role of Providers

Key responsibilities and actions undertaken by Providers in relation to EST, which must be done in accordance with the Deed and these Guidelines, include:

- only referring Participants who meet the eligibility criteria to participate in an EST Course
- confirming if the Participant would benefit from EST
- confirming if the Participant is capable of undertaking the EST Course for the required hours per week and by the nominated delivery mode (see Referral to EST)
- in referring an EST Eligible Participant to an EST Course, Providers must ensure the Participant is:
    - made aware of their responsibilities, such as recording attendance
    - made aware of, and consented to, the disclosure of relevant personal information to the EST Provider for the purpose of managing the Participant's referral and participation in an EST Course
- ensuring that the EST Provider has all the information it requires to inform the required Risk Assessments for any Industry Awareness Experience (other than an Inbound Employer Visit), ensuring any personal information is only disclosed if the Participant has given consent
- paying the relevant EST Provider in accordance with these Guidelines
- providing Participants with or arranging any EST Course prerequisites
- encouraging Participant attendance at the EST Course, noting that Participants must attend the EST Course within 7 Business Days of the EST Course starting (including the EST Course start date) or the EST Provider will end the Participant's referral to the EST Course
- working collaboratively with EST Providers to support Participants to successfully complete the EST Course
- reviewing, on completion of the EST Course, the assessment provided by the EST Provider of the Participant's learning outcomes and recommended next steps.

EST Providers will identify any EST Course prerequisites in the EST Course description (for example a police check, personal protective equipment or a USB memory stick). Providers should action EST Provider requests to supply or arrange EST Course prerequisites in a timely manner. If eligible, Providers can seek reimbursement from the Employment Fund for the cost of required items.

EST Providers will enter EST Course completion details in the Department's IT Systems. If a Participant is required to exit from the Activity early, the Provider must contact the EST Provider to request they action the exit.

(Deed Reference(s): Clauses 120.1, 120.3, 120.4, 120.6, 133)

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14.5. Eligibility

To be eligible to participate in EST, a Participant must:

- be aged 15 years or over
- be receiving income support, and
- have Mutual Obligation Requirements.

Participants are eligible for referral to EST from their Commencement in Services.

The Department's IT Systems will identify if a Participant is EST Eligible.

There is no limit to the number of times a Participant can undertake EST if the Provider and EST Provider consider that the Participant would benefit.

(Deed Reference(s): Clauses 133)

14.6. Referral to EST

Local EST Providers are expected to make suitable Courses available to meet the needs of Individuals in their contracted Employment Region, including those on Provider caseloads. Providers can search for and view scheduled EST Courses in the Department's IT Systems.

Providers view available EST Course places via the Activity Management component in the Department's IT Systems.

Providers must make referrals to EST in the Department's IT Systems.

EST Providers will contact Participants prior to EST Course Commencement to undertake a range of pre-engagement checks. If the EST Provider identifies concerns about the suitability of the EST Course for the Participant, the EST Provider will contact the Provider to discuss the reasons. The EST Provider will reject the referral in the system if, following discussion with the Provider, the EST Provider determines the Participant would not benefit from or would not be able to participate in an EST Course.

A Participant with a full-time Mutual Obligation Requirement can choose to undertake an EST Course at 15 hours per week over 5 consecutive weeks. Conversely, a Participant with a part-time Mutual Obligation Requirement can choose to undertake an EST Course at 25 hours per week over 3 consecutive weeks. However, if the weekly hours would exceed the Participant's assessed work capacity, the Provider must agree with the Participant that full-time participation in an EST Course is appropriate before referring the Participant.

(Deed Reference(s): Clause 133)

14.6.1. Referral Cap

Providers which are also EST Providers (as their Own Organisation, Related Entity or Subcontractor) delivering Training Block 2 Courses in the same Employment Region are subject to a Referral Cap whereby no more than 50 per cent of total referrals to EST Training Block 2 Courses resulting in a commencement may be made to the Provider's Own Organisation, a Related Entity or a Subcontractor.

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The Referral Cap will not apply to Training Block 1 referrals, or where the only EST Providers in an Employment Region are the Provider's Own Organisation, Related Entities or Subcontractors. A temporary exemption to the Referral cap can be requested using the Referral Cap Temporary Exemption Request Form.

The Provider must not refer a Participant to an EST Course if to do so would exceed the Referral Cap.

As specified in the Referral Cap Supporting Document, the Referral Cap is measured on a cumulative basis over the length of the Head Licence. Provider compliance will be reviewed every six months, or at any other time as determined by the Department.

Any Provider that has exceeded the Referral Cap in accordance with these Guidelines may have their capacity to make future EST referrals to their Own Organisation, Related Entity or Subcontractor restricted, which may include the Department issuing a direction to cease referrals to those entities. This restriction will remain in place until the Provider is below the Referral Cap, or unless otherwise advised by the Department.

Refer to the Referral Cap Supporting Document for further information regarding the application and review of the Referral Cap.

(Deed Reference(s): Clause 133.3)

Providers can use Qlik to monitor their adherence to the Referral Cap.

14.7. On Completion of the EST Course

Once the EST Course ends, the Participant and the Provider will receive an assessment which sets out:

- progress made by the Participant
- the Participant's performance against each of the Learning Outcomes of the EST Course
- any units of competency completed
- industries and/or occupations suitable for the Participant, taking into account the Participant's goals, skills and the local labour market
- recommended next steps the Participant should take to pursue Employment and/or training opportunities based on the Participant's goals, skills and the local labour market.

Note that if a Participant does not attend each day of the EST Course, the EST Provider will complete the assessment to the extent possible given the Participant's level of participation.

14.8. Payments

14.8.1. Course fee

Providers must pay the relevant course fee to the EST Provider on a fee-for-service basis of:

- up to $1,250 per Participant for each Training Block 1 Course
- up to $300 per Participant for each Training Block 2 Course (full course fee is $1,250, the remaining $950 is subsidised directly to the EST Provider by the Department).

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Providers must pay the EST Provider the relevant course fee by the date advised by the EST Provider. The transfer of funds from Provider to EST Provider happens outside of the Department's IT Systems. Providers must make their own arrangements with the EST Provider to facilitate payment.

The course fee paid is fully refundable if the EST Provider cancels the EST Course or finds the Participant unsuitable to commence the EST Course. The Provider should ascertain from the EST Provider whether there are other circumstances in which any proportion of the fee paid will be refundable if the Participant does not attend.

14.8.2. Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Completion of at least 80% of an EST Course (at least 60 hours) may contribute towards a Progress Payment. For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 15. Career Transition Assistance

Supporting Documents for this Chapter:

- CTA – Information for Providers
- CTA – Information for Participants
- Referral Cap Supporting Document

15.1. Chapter Overview

Description: Practical pre-employment assistance for mature-age Participants to increase digital literacy and employability in the local job market.		**Activity Code:** CTA **Job Plan Code:** N/A
Eligibility: aged 45+, subject to confirmation by CTA Providers	**Duration:** 75+ hours over 3 to 8 weeks and no more than 25 hours per week.	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation Eligible:** Yes – approved activity or Provider-assessed	**Progress Payment:** Yes – vocational intervention

This Chapter outlines the requirements for Providers with regard to the Career Transition Assistance program (CTA).

CTA Eligible Participants can be referred to a CTA Course, with payment made by the Department to the CTA Provider upon Commencement of the Participant in CTA.

15.2. Background

CTA is a Complementary Program, administered by the Department, which Providers may access to provide practical assistance to mature-age Participants (45 and older) with the aim of improving digital literacy, and increasing their employability and competitiveness in the local job market.

Each CTA Course runs for 3 to 8 weeks. Participation in a CTA Course is for a minimum of 75 hours (including a minimum of 50 hours in small group settings), excluding breaks, and no more than 25 hours per week.

Participation in CTA is voluntary.

15.3. Benefits of CTA

The benefits of CTA include, but are not limited to:

- building skills and confidence to use everyday technologies such as computers, tablets and smart phones
- improving skills to apply for jobs online, and to use simple technology found in different workplaces
- identify existing skills and how they transfer to other jobs or industries

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- better understanding of the job opportunities in their local area, and the skills needed
- updating and tailoring job applications to apply for a range of different jobs
- exploring goals and motivations.

At the end of the CTA Course, each Participant will also have a personal Career Pathway Plan and an updated résumé.

CTA Providers will leverage their local labour market and industry connections to provide at least one Employer Visit per Course.

CTA Participants can gain points under the PBAS. Participants may earn points for tasks completed (such as job applications) as part of the CTA Course, in addition to the points received for participating in the CTA Course. CTA can also be undertaken where the Participant would otherwise have Work for the Dole as the Mandatory Activity Requirement. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in CTA, however, it will apply if Participants fail to meet their Points Requirement.

15.4. Role of Providers

Key responsibilities and actions undertaken by Providers in relation to CTA, which must be done in accordance with the Deed and these Guidelines include:

- identifying if Participants meet the eligibility criteria to participate in a CTA Course
- confirming if the CTA Course is suitable for the Participant
- confirming if the Participant:
    - has the capacity to undertake the CTA Course for the required hours per week and by the nominated delivery mode
    - is capable of undertaking, and would benefit from, referral to CTA
- in referring a CTA Eligible Participant to a CTA Course, Providers must ensure the Participant is:
    - made aware of their responsibilities, such as recording attendance,
- made aware of, and consented to, the disclosure of relevant personal information to the CTA Provider for the purpose of managing the Participant's referral and participation in a CTA Course selecting an appropriate schedule for details to appear in the Participant's Calendar, in accordance with the Department's training resources
- ensuring that the CTA Provider has all the information it requires to inform the required Risk Assessments for any Outbound Employer Visits ensuring any personal information is only disclosed if the Participant has given consent.
- on completion of the CTA Course, Providers must be available for the Personal Handover Meetings.

CTA Providers must enter CTA Course completion details in the Department's IT Systems. If a Participant is required to exit from the Activity early, the Provider must contact the CTA Provider to request they action the exit.

(Deed Reference(s): Clauses 120, 122, 134)

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15.5. Eligibility and Suitability

To be eligible to participate in CTA, a Participant must be aged 45 years or over and have not already completed a CTA Course. Participants who commence a CTA Course but do not complete it, may be eligible to commence in a new CTA course, subject to Departmental approval.

After assessing that a Participant is eligible to participate in CTA, the Provider must also determine that CTA is suitable for the Participant prior to referral. CTA is considered suitable for CTA Eligible Participants where the Provider believes the Participant would benefit from the program, **unless** the Participant has a significant non-vocational issue that needs to be addressed as a priority before they can benefit from CTA.

Providers will be able to view a list of CTA Eligible Participants via the CTA Eligibility Widget in the Department's IT Systems.

(Deed Reference(s): Clauses 134)

15.6. Collaboration with CTA Providers

Providers will need to work with local CTA Providers to facilitate referrals to the program and ensure CTA Providers are aware of upcoming demand to schedule courses accordingly.

The Provider is expected to participate in Personal Handover Meetings to discuss the Participant's next steps following completion of CTA, including pursuing employment and work experience opportunities. As part of this meeting, the CTA Provider will provide a copy of the Participant's updated résumé and Career Pathway Plan. The CTA Provider will also offer the Participant 2 future Contacts to occur within 3 months of completion of CTA.

Exception - A Personal Handover Meeting is not required where a Participant exits the CTA Course prior to completing 80% of the scheduled hours or to commence employment.

Should a Participant transfer Providers while on a CTA Course, the gaining Provider must contact the CTA Provider to ensure the Personal Handover Meeting is scheduled with the correct Provider.

15.7. Referral to CTA

Once a CTA Provider has entered a CTA Course into the Department's IT Systems, Providers can search for and view that CTA Course. CTA Eligible Participants are also able to view all Activities in their Employment Region for which they may be eligible.

Once a suitable CTA course has been identified in the Department's IT Systems, the Provider must select the appropriate schedule from those available in the CTA Course, taking the CTA Eligible Participant's individual circumstances into account. Participants cannot be referred to a CTA Course that has commenced.

As part of the referral process, the CTA Eligible Participant will undertake an Initial Meeting with the CTA Provider.

During the Initial Meeting, the CTA Provider will assess the suitability of the Participant.

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If the CTA Provider believes the CTA Course is not suitable for the Participant, or the Participant will not benefit from CTA, the CTA Provider will reject the referral and advise the Provider that the Participant has not been accepted into the CTA Course, and the reasons for this.

If the Participant is unable to attend the Initial Meeting, the Participant is required to notify their Provider, who must then work with the CTA Provider to reschedule this meeting.

A place in the CTA Course will only be confirmed once the Course has been assessed as suitable for the Participant by the CTA Provider at the Initial Meeting.

Providers view available CTA Course places via the Activity Management component in the Department's IT Systems.

Participants are to be provided with details of the suitable CTA Courses available in their Employment Regions, and Providers are required to refer Participants, in the Department's IT Systems, to the CTA Provider chosen by the Participant, where this would not exceed the Referral Cap. Information on Activity referrals is available in the Department's training resources.

(Deed Reference(s): Clauses 134.2)

15.7.1. Referral Cap

Providers which are also CTA Providers (as their Own Organisation, Related Entity or Subcontractor) in the same Employment Region are subject to a Referral Cap whereby no more than 50 per cent of total referrals to CTA Courses resulting in a commencement may be made to the Provider's Own Organisation, a Related Entity or a Subcontractor.

The Referral Cap will not apply if all CTA Providers in an Employment Region are the Provider's Own Organisation, Related Entities or Subcontractors. A temporary exemption to the Referral Cap can be requested using the Referral Cap Temporary Exemption Request Form.

The Provider must not refer a Participant to a CTA course if to do so would exceed the Referral Cap.

As specified in the Referral Cap Supporting Document, the Referral Cap is measured on a cumulative basis over the Term of the Head Licence. Provider compliance will be reviewed every six months, or at any other time as determined by the Department.

Any Provider that has exceeded the Referral Cap in accordance with these Guidelines may have their capacity to make future CTA referrals to their Own Organisation, Related Entity or Subcontractor restricted, which may include the Department issuing a direction to cease referrals to those entities. This restriction will remain in place until the Provider is below the Referral Cap, or unless otherwise advised by the Department.

Refer to the Referral Cap Supporting Document for further information regarding the application and review of the Referral Cap.

(Deed Reference(s): Clauses 134.4)

The Provider can use Qlik to monitor their adherence to the Referral Cap.

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15.8. Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Completion of at least 80 per cent of a CTA Course may contribute towards a Progress Payment. For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 16. Reserved

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Chapter 17. Reserved

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Chapter 18. Observational Work Experience

Supporting Documents for this Chapter:

- Observational Work Experience Host Organisation Agreement template
- OWE Contact Card
- OWE Fact Sheet

18.1. Chapter Overview

Description: Enables a Participant to undertake voluntary, short-term, unpaid, observational work experience placements to build soft skills and gain a better understanding of the workplace or potential career opportunities.		**Activity Code:** UWEP **Job Plan Code:** N/A
Eligibility: Aged 15 and older, and registered in Workforce Australia Services	**Duration:** Up to 4 weeks	**Specified Activity:** Yes
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes – Provider-assessed	**Progress Payment:** Yes – work placement
Participant Payment: No	**Host Payment:** No	**Provider Payment:** No

This Chapter outlines the requirements for the Provider when arranging and managing Observational Work Experience (OWE) Placements.

OWE is an Activity which the Provider may use for eligible Participants who are not yet job-ready and have limited or no experience in the workplace.

18.2. Benefits of OWE

Some of the potential benefits of OWE include it being:

- an opportunity for the Participant to gain valuable exposure to workplaces and learn what Employers expect of their workers
- an opportunity to enhance Participants' awareness of different careers
- an effective tool to assist Participants to build employability skills, such as attendance and communication.

OWE Participants can gain points under the PBAS. The TCF will not apply for non-attendance in OWE, however, it will apply if Participants fail to meet their Points Requirement. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

18.3. Role of Providers

When arranging an OWE Placement, the Provider must:

- ensure the Participant is eligible and suitable for OWE

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- ensure the Host Organisation is eligible to host an OWE Placement
- ensure the OWE Placement meets the requirements set out in these guidelines
- ensure an Activity Risk Assessment and Participant Risk Assessment have been completed by a Competent Person
- negotiate and enter into an OWE Host Organisation Agreement with the Participant and the Host Organisation
- monitor the OWE Placement for its duration and respond to any issues that arise.

18.4. Eligibility

18.4.1. Eligible Participants

To be eligible to participate in OWE, a Participant must be:

- aged 15 years or over
- participating in Workforce Australia Services.

Participants are not required to be receiving an Income Support Payment.

18.4.2. Eligible Host Organisations

OWE Placements can occur in:

- for-profit organisations
- not-for-profit organisations
- the Provider's Own Organisation, Related Entities or Subcontractor.

The Host Organisation requirements and prohibitions outlined in the Eligible Host Organisations section of the Activity Management Chapter also apply to OWE Placements.

18.5. Arranging Placements

In addition to the Activity requirements and prohibitions outlined in the Identifying Suitable Activities for Participants section of the Activity Management Chapter,

The Provider must ensure OWE Placements:

- only involve observation (allowing for participation in meetings and discussions where relevant), with no tasks to be undertaken by the Participant
- are no more than 4 weeks in duration
- do not involve more than 50 hours of attendance per fortnight, and generally not more than 25 hours per week
- do not involve more than 8 hours of attendance per day (excluding breaks)
- include at least one 30-minute break every 5 hours
- do not include participation on a public holiday

Participants may participate in OWE placements outside of core business hours. However, the Participant needs to agree to this before being referred.

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OWE Placements do not need to have a reasonable prospect of future Employment with the Host Organisation. It is at the discretion of the Provider as to the number of OWE Placements a Participant undertakes (either with the same Host Organisation, or another).

For each OWE Placement, an Activity record with an activity description outlining the observational tasks to be undertaken by the Participant must be created in the Department's IT Systems in accordance with the Department's training resources. An Activity ID will then be created automatically by the Department's IT Systems.

18.6. Work Health and Safety

For the purposes of Work Health and Safety, the Provider must also refer to, and comply with, the requirements specified in Managing Work Health and Safety for Activities section in the Activity Management Chapter.

(Deed Reference(s): Clauses 121, 129.2)

The Provider must retain Records of any action taken with regard to any Incidents that occur during an OWE Placement in accordance with the WHS Incidents and Insurance Readers Guides.

Providers have the discretion to determine how they document Activity Risk Assessments and Participant Risk Assessments for OWE Placements but must retain Records of each Risk Assessment undertaken.

18.7. Managing OWE Placements

18.7.1. Referring a Participant to OWE

Prior to referring a Participant to an OWE Placement, the Provider must:

- determine the Participant's eligibility for OWE
- ensure the Participant has undertaken any background checks required for the OWE Placement
- ensure the Risk Assessment process has been completed by a Competent Person
- ensure the nature of the observation activities are appropriate and suitable for a Participant (see the Activity Management Chapter for further information).

In addition, The Provider should identify any assistance or items the Participant will require for the OWE Placement. This may include specific clothing and transport. The Provider may be able to seek reimbursement for goods and services related to OWE. Providers should refer to, and comply with, the requirements specified in the Employment Fund Chapter.

The Provider must refer the Participant against the relevant Activity record in accordance with the Department's training resources.

18.7.2. Host Organisation Agreement

For the purposes of completing Host Organisation Agreements for OWE Placements, Providers must also refer to and comply with the requirements specified in the Engaging with Host Organisations Section in the Activity Management Chapter.

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For OWE Placements, the Provider must use the Host Organisation Agreement template. This template can be found on the Provider Portal.

The OWE Host Organisation Agreement must be agreed and signed by the Participant, Provider and Host Organisation prior to the Participant commencing in the OWE Placement.

As part of this process, the Provider must:

- explain the terms and conditions to the Participant and Host Organisation to ensure they understand their obligations under the OWE Host Organisation Agreement
- ensure all fields in the OWE Host Organisation Agreement are completed with accurate details
- provide the Participant with the OWE Participant Contact Card and OWE Participant Fact Sheet, which are available on the Provider Portal.

The Provider must retain either a hard copy or soft copy of the signed OWE Host Organisation Agreement and provide it to the Department upon request.

Prior to the OWE Placement commencing, the Provider should discuss the preferred contact method, frequency and timing of contact with the Participant and Host Organisation to avoid disruption during the activity. The frequency of contact should also be appropriate to the length of the OWE Placement.

18.7.3. Commencing the Placement

The Provider must confirm with the Host Organisation that the Participant commenced in the OWE Placement on the start date recorded in the OWE Host Organisation Agreement, and then confirm the Participant's commencement in the Department's IT Systems.

The Provider must confirm the OWE Placement start date in the Department's IT Systems within 5 Business Days following the scheduled start date.

18.7.4. Monitoring the Placement

The Provider is expected to proactively monitor the OWE Placement for its duration. The Provider should remain in contact with the Host Organisation and Participant to:

- identify any changes in circumstances affecting the OWE Placement
- ensure the Host Organisation is operating in accordance with the OWE Host Organisation Agreement
- ensure any issues that may arise are quickly resolved.

18.7.5. Transfer Arrangements

If a Participant is required to be transferred between Providers and the OWE Placement can continue, the transfer should be delayed until the OWE Placement concludes. The relinquishing and gaining Providers should work together to ensure the completion of the OWE Placement.

Refer to the Commencements, Transfers, Suspensions and Exits Chapter for more information in relation to transfers.

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Where it is agreed an OWE Placement should not continue to completion, the relinquishing Provider must end the OWE Placement in the Department's IT Systems using the appropriate end reason.

(Deed Reference(s): Clause 103)

18.7.6. Participant Completion of Placement

In addition to the requirements outlined in Completion of Activities, Providers must exit the Participant from the OWE Placement and provide an exit reason. The Provider must also close the activity in the Department's IT Systems.

18.8. Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Completion of an OWE Placement may contribute towards a Progress Payment. For Progress Payments, the Provider must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 19. Self-Employment Assistance

Supporting Documents for this Chapter:

- Self-Employment Assistance program factsheet

19.1. Chapter Overview

Description: Self-Employment Assistance that encourages people to consider self-employment and helps people to start and run viable small businesses.		**Activity Code:** TBD **Job Plan Code:** N/A
Eligibility: Aged 15+ (18+ for Small Business Coaching) and as determined by Self-Employment Assistance Providers	**Duration:** Variable	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet		**Progress Payment:** Yes – education or vocational intervention

This Chapter outlines the requirements for Providers about the Self-Employment Assistance program.

Participants can be referred to Self-Employment Assistance with all payments for the delivery of services made by the Department to the Self-Employment Assistance Provider upon delivery of the relevant element.

19.2. Background

Self-Employment Assistance is a Complementary Program, administered by the Department, which provides eligible Participants with a broad range of services that help them to start and run a small business.

There are 6 core Self-Employment Assistance Services delivered by Self-Employment Assistance Providers.

- **Exploring Self-Employment Workshops** that help Participants learn about small business, help them generate and validate a business idea, and decide whether self-employment is a good fit for them. These workshops are delivered over 25 hours and are generally conducted over the course of 1 to 2 weeks.
- **Small Business Training** that provides Participants with access to free accredited small business training. This training may range from accessing a skillset through to a full Certificate IV qualification.
- **Business Plan Development** offers advice and assessment that helps Participants to develop a viable business plan and gauge the viability of their business idea.

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- **Small Business Coaching** provides Participants with up to 12 months of business mentoring and support. Additionally, for those who are eligible, they can receive Self-Employment Allowance for up to 39 weeks and Self-Employment Rental Assistance for up to 26 weeks.
- **Business Health Checks** help existing business owners to identify opportunities to further develop their business to ensure they remain successful.
- **Business Advice Sessions** provide eligible Participants with flexible advice and support on a range of small business-related issues.

Participants are given the flexibility to access the elements of the program most relevant to their needs and, subject to eligibility requirements, may access any of the above services in any order.

For more information about Self-Employment Assistance, refer to the Self-Employment Assistance program factsheet.

19.3. Role of Providers

Provider responsibilities in relation to Self-Employment Assistance, which must be in accordance with the Deed and these Guidelines, include:

- ensuring that any Participant who expresses an interest in self-employment is made aware of Self-Employment Assistance
- providing interested Participants with the contact details of relevant Self-Employment Assistance Providers and either:
    - referring the Participant to the Self-Employment Assistance Provider in the Department's IT Systems, or
    - suggesting the Participant contact the Self-Employment Assistance Provider directly, to allow the Self-Employment Assistance Provider to self-refer the Participant to their program
- ensuring that Participants accessing Self-Employment Assistance are supported to do so, including through the setting of appropriate Mutual Obligation Requirements
- working collaboratively with all local Self-Employment Assistance Providers to ensure Participants are given relevant and accurate information about the program.

(Deed Reference(s): Clause 135)

19.4. Eligibility

Participants may be eligible to access Self-Employment Assistance regardless of whether they:

- already have a business idea or existing business
- receive Income Support Payments
- have Mutual Obligation Requirements
- are available full-time or part-time.

Participants that intend to access Self-Employment Assistance Small Business Coaching should be advised that to do so they must:

- be 18 years of age or old, and
- not have accessed Self-Employment Assistance Small Business Coaching in the previous 12 months.

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Participants must meet a range of eligibility criteria that relate to both the status of the Participant, and the nature of their business or business idea (if applicable).

Self-Employment Assistance Providers are responsible for determining Participant eligibility for Self-Employment Assistance, so the Provider must refer questions about eligibility for Self-Employment Assistance to the relevant Self-Employment Assistance Provider.

19.5. Referrals to Self-Employment Assistance

There are 2 ways for a Participant to be referred to Self-Employment Assistance Services on the Department's IT Systems.

19.5.1. Provider referrals

Participants can be referred by their Provider to Self-Employment Assistance through the Department's IT Systems.

Following the Provider's referral, the Self-Employment Assistance Provider will contact the Participant to confirm their eligibility and discuss which elements of Self-Employment Assistance Services the Participants wishes to access.

Providers can issue a referral to Self-Employment Assistance through the Referrals screen in the Department's IT Systems by selecting the relevant Self-Employment Assistance Provider.

19.5.2. Self-Employment Assistance Provider self-referrals

Participants may also directly approach a Self-Employment Assistance Provider to discuss Self-Employment Assistance prior to being referred to the program through the Department's IT Systems. If the Self-Employment Assistance Provider assesses the Participant to be eligible and suitable, the Self-Employment Assistance Provider will complete a self-referral in the Department's IT Systems and refer the Participant to their own services.

Providers can confirm that the Participant has been referred to Self-Employment Assistance Services by viewing the contract referral in the Referral History screen in the Department's IT Systems.

19.6. Mutual Obligation Requirements for Participants accessing Self-Employment Assistance

All of the Self-Employment Assistance Services will contribute to a Participant's Mutual Obligation Requirements.

Providers may confirm that a Participant has been placed in an activity by a Self-Employment Assistance Provider by viewing the Activity Placement screen in the Department's IT Systems.

The Self-Employment Assistance Provider is responsible for ensuring that a Participant accessing Self-Employment Assistance services is participating appropriately. Where a Self-Employment Assistance Provider determines that a Participant in one of those activities is not participating appropriately, they will exit the Participant from relevant Activity, advise the Provider of their

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decision and refer the Participant back to the Provider for continued access to Workforce Australia Services.

19.6.1. Exploring Self-Employment Workshops

Participants accessing Exploring Self-Employment Workshops can gain points under PBAS when they participate in the Activity. The TCF will not apply for non-attendance at the Workshops, however, it will apply if Participants fail to meet their Points Requirement.

19.6.2. Business Plan Development

Participants accessing a Business Plan Development session can gain points under PBAS per approved Business Plan.

19.6.3. Small Business Training

Participation in Small Business Training meets the Points Requirements and Mutual Obligation Requirements of Participants for up to 8 weeks and they will not have a Job Search Requirement at the same time. Participants will be required to record their attendance at training to meet their requirements. For this 8-week period, Participants who continue to satisfactorily participate in Small Business Training cannot have their Income Support Payment suspended due to a Mutual Obligation Failure.

Small Business Training can also be undertaken where the Participant would otherwise have Work for the Dole as the Mandatory Activity Requirement.

More details on PBAS and activation are in the Job Plan and Mutual Obligation Requirements Chapter.

19.6.4. Business Health Check

Participants who access a Business Health Check can gain points under PBAS for each session they participate in, which they can access twice in a 12 month period.

19.6.5. Business Advice Session

Participants who access a Business Advice Session can gain points under PBAS for each session they participate in, which they can access once in a 12 month period.

19.7. Payments

19.7.1. Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment or self-employment.

For example, completion of an Exploring Self-Employment Workshop may contribute towards a Progress Payment as a vocational intervention.

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Small Business Training may contribute towards a Progress Payment as a vocational intervention, or result in a Progress Payment for undertaking Education, depending on the outcome of the Participant's participation.

For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

19.7.2. Outcome Payments

Providers may be eligible to claim 4, 12 and 26 Week Partial Outcomes, and any associated Very Long Term Unemployment Bonus if applicable, for Participants who Exit the Provider's Caseload upon the Participant's Self-Employment Assistance Commencement.

For more information, please refer to the Provider Payments and Vacancies Chapter.

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Chapter 20. Work for the Dole

Supporting Documents for this Chapter:

- Work for Dole Activity Risk Assessment Template
- Work for the Dole Activity Risk Assessment Checklist
- Work for the Dole Activity Host Agreement Template – Projects
- Work for the Dole Activity Host Agreement Template – Work for Dole Placements
- Work for the Dole Host Organisation Handbook
- Work for the Dole Community Support Project – Proposal Form
- Managing the Work for the Dole Projects Fund Guide
- Request for Additional Work for the Dole Projects Funding Form

20.1. Chapter Overview

<table>
<tr><td colspan="2">Description: Work for the Dole is designed to help Participants gain the skills, experience and confidence needed to move to secure and sustainable employment.</td><td>Activity Code: WE12

Job Plan Code: PA15 (if Mandatory Activity)</td></tr>
<tr><td>Eligibility: Aged 18 years and over, registered in Workforce Australia Services and in receipt of income support</td><td>Duration: Minimum of 8 weeks, depending on needs of the Participant</td><td>Specified Activity: Yes</td></tr>
<tr><td>PBAS: Yes –
Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet</td><td>Activation eligible: Yes - approved activation activity or Provider-assessed except where it is done as a Mandatory Activity</td><td>Progress Payment: Yes - work placement</td></tr>
<tr><td>Participant Payment: Yes –
$20.80 per fortnight
Approved Program of Work Supplement</td><td>Host Payment: Yes –
to be passed on by the Arranging Provider from the Work for the Dole Placement Fee (at least 50 per cent) or the Work for the Dole Projects Fund (as per agreed Budget)</td><td>Provider Payment: Yes –
Work for the Dole Placement Fee – $500 per Participant commencement to be shared with the Host Organisation

Work for the Dole Projects Fund Allocation – Providers will be given a notional allocation within the Department’s IT Systems to be drawn down on each financial year.</td></tr>
</table>

This Chapter outlines the requirements for Providers for setting up and managing Work for the Dole activities. It includes specific requirements for ensuring that there is always a safe system of work in place during the conduct of a Work for the Dole activity.

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20.2. Background

Work for the Dole is designed to improve Participants' skills, experience and confidence to help them towards secure and sustainable employment. It provides a valuable opportunity for Participants to develop skills through training and demonstrate their capabilities and positive work behaviours. This will stand Participants in good stead with potential employers while at the same time making a positive contribution to the local community.

Work for the Dole may be undertaken by eligible Participants as a voluntary activity at any time. It is also the Mandatory Activity where an eligible Participant with Mutual Obligation Requirements has not satisfied their activation requirement and does not undertake another Activity when they reach their activation point. Participants may have their first Mandatory Activity Requirement at 3 months Period of Service following at least 12 months in Workforce Australia Online (Online Full Services), or at 6 months Period of Service for any other Participants, with future requirements every 6 months. Refer to the Activation and Mandatory Activity Requirement section for further information.

20.3. Role of Providers

The role of Providers is to arrange sufficient, suitable Work for the Dole activities to meet their caseload needs by engaging with existing and potential Host Organisations. The range of Work for the Dole activities available must suit the different characteristics, needs and limitations of a wide variety of Participants.

Providers should plan and collaborate to meet the needs of Participants and make a positive contribution to the local community through the delivery of Work for the Dole activities. Providers are encouraged to collaborate with other Providers by sharing Work for the Dole activities in the Employment Region.

For the purpose of managing Work for the Dole, a Provider will be either an Arranging Provider or a Non-arranging Provider.

An Arranging Provider is the Provider that has the Host Organisation Agreement with the Host Organisation. An Arranging Provider must be identified for each activity.

A Non-arranging Provider is a Provider that has a Participant in a Work for the Dole activity for which they are not the Arranging Provider.

(Deed Reference(s): Clauses 120 and 125.1)

20.3.1. Responsibilities of Providers

Providers, whether they are the Arranging Provider or Non-arranging Provider must:

- comply with all relevant Commonwealth, state and territory and local authority legislation and regulations, including work health and safety
- work proactively and collaborate with other Providers, Host Organisations and other stakeholders to deliver the Work for the Dole Program
- ensure that the integrity of the Work for the Dole Program is maintained
- ensure that all work health and safety requirements are adhered to.
- ensure that all requirements relating to Participant Risk Assessments are met

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- comply with processes outlined in the WHS Incidents and Insurance Readers Guides
- monitor and enter participation results into the Participant's Electronic Calendar in the Department's IT Systems for Participants not required to report their own attendance, or where they are unable to do so on an individual day and request assistance by close of business on the day
- follow up on non-attendance
- continue to service Participants while they are undertaking Work for the Dole activities.

- ensure a Competent Person conducts a Participant Risk Assessment taking into account the Activity Risk Assessment and the Participant's personal circumstances and work restrictions to ensure the Activity is suitable and safe.

- ensure that any required actions identified in the Participant Risk Assessment have been actioned prior to the Participant commencing in the activity.

- ensure a Competent Person reviews and revises the Participant Risk Assessment as appropriate and when advised by the Arranging Provider that there have been significant changes to the activity.

(Deed Reference(s): Clauses 120, 122 and 125.1)

20.3.2. Responsibilities of the Arranging Provider

In addition to the above responsibilities for all Providers, as part of securing Work for the Dole activities, Arranging Providers are required to:

- Source Work for the Dole activities
- plan activities in consultation with Host Organisations and identify the requirements of each Work for the Dole activity
- ensure Host Organisations are eligible and perform due diligence on their bona fides and ensure they have a good reputation and that the proposed activity will not result in displacement of paid workers
- negotiate and execute the Host Organisation Agreement in accordance with the Deed and Guidelines, and update as necessary during the activity
- ensure Host Organisations understand program requirements, including acquittal requirements and the types of Documentary Evidence that may be required to support any funding received for Work for the Dole activities
- satisfy itself that the Host Organisation is aware of its work health and safety obligations and ensure Host Organisations meet all work health and safety requirements
- ensure that all requirements relating to Activity Risk Assessments and the Activity Risk Assessment Checklist are met
- ensure that the Host Organisation implements all actions agreed in the Host Organisation Agreement and those identified through risk assessments
- monitor the Work for the Dole activity to ensure it continues to be suitable and safe for Participants
- ensure that Supervisors are aware of their role in managing individual daily QR and Passcodes to ensure Participants attending activities can locate and scan the daily code to self-report their attendance

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- maintain contact with the Host Organisation. Unless the Host Organisation agrees otherwise and to ensure clear communication, they should only deal with the Arranging Provider of an activity.
- appropriately manage the overall activity including liaising with the Host Organisation and other Providers (as necessary) to ensure the activity is delivered as agreed in the Host Organisation Agreement
- reserve Places for Non-arranging Providers. Arranging Providers are able to reserve places in the Department's IT Systems for Non-arranging Providers for a maximum period of 2 full Business Days. If the Places are not claimed within that timeframe, they will be automatically returned to the advertising pool
- report significant issues to relevant Non-arranging Providers and, if appropriate, the Department
- suspend or terminate the activity where required
- make payments to Host Organisations from the Work for the Dole Placement Fees, including the amounts received on behalf of other Providers for their Participants in the Arranging Provider's Work for the Dole activity
- pay the relevant amounts for approved Projects to Host Organisations.

- immediately advise other Non-arranging Providers of any relevant or significant issues, including work health and safety matters, such as changes in circumstances/activity tasks.

- monitor, review and amend the Activity Risk Assessment and immediately advise Non-arranging Providers so that they can review the Participant Risk Assessment for their Participant where necessary. Upload the amended Activity Risk Assessment to the Department's IT Systems.

(Deed Reference(s): Clause 122, 125)

20.3.3. Responsibilities of the Non-arranging Providers

When Non-arranging Providers commence a Participant into an activity, in addition to Provider responsibilities outlined above they must:

- pass on and maintain the Participant's details (including any relevant personal circumstances/work restrictions) to the Arranging Provider
- work proactively and collaboratively with the Arranging Provider and the Host Organisation for the activity

20.4. Eligibility

20.4.1. Eligible Participants

Participants can choose to engage early in a Work for the Dole activity to assist them to meet their activation requirement. Participation in Work for the Dole early will be considered as voluntary, except where it is undertaken as the Mandatory Activity, and Work for the Dole Participants can gain points under the PBAS.

Only Participants aged 18 years and over, in receipt of income support and Referred to Workforce Australia Services are eligible to participate in Work for the Dole. Participants under 18 years of age cannot participate in Work for the Dole activities. Participants who are in receipt of Disability Support Pension (with Compulsory Requirements) and referred to Workforce Australia Services may

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be placed into a Work for the Dole activity. For further information on Disability Support Pension, see the Disability Support Pension (Compulsory Participation Requirements) Chapter.

Participants receive an Approved Program of Work Supplement of $20.80 per fortnight while they are undertaking Work for the Dole activities to assist with the cost of participating in the activity, such as travel.

For the purposes of the Mandatory Activity Requirement and Services that Providers must deliver to Participants, Providers must refer to, and comply with the requirements specified in the Job Plan and Mutual Obligation Requirements Chapter.

(Deed Reference(s): Clause 125.7, 138, 141 and 142)

20.4.2. Eligible Host Organisations

In addition to the requirements outlined in the Activity Management Chapter, Work for the Dole activities must only be hosted by:

- not-for-profit organisations/charities
- local, state, territory or Australian Government organisations or agencies, or
- a not-for-profit arm of for-profit organisations

except in specific circumstances, including Community Support Projects (CSPs) (see the Community Support Projects section for more information).

Providers need to satisfy themselves that the potential Host Organisation is:

- eligible to host a Work for the Dole activity
- of good reputation, can demonstrate they are who they claim to be and have the capacity to undertake a Work for the Dole activity satisfactorily
- able to meet all program requirements
- able to deliver the proposed activity as agreed.

Third Party Intermediaries

Host Organisations may appoint third party intermediaries to undertake Work for the Dole activity functions on their behalf. However, third party intermediaries cannot take on the obligations of Host Organisations. A third party intermediary cannot sign the Host Organisation Agreement on behalf of the Host Organisation.

Providers are required to take reasonable steps when sourcing places with Host Organisations that engage third party intermediaries to ensure compliance with the Deed and these Guidelines. Third party intermediaries must also meet guideline requirements for a suitable Host Organisation.

20.5. Arranging activities

20.5.1. Participating in Work for the Dole

Participants can choose to undertake Work for the Dole activities at any time while they are in Workforce Australia Services. However, if an eligible Participant has not met their activation requirement and has not chosen to undertake another Activity, they are required to undertake a Mandatory Activity. Work for the Dole is the only Mandatory Activity that can be undertaken to

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meet the Mandatory Activity Requirement (where the Participant is 18 or over and can be compelled to participate in Work for the Dole). For more information on the Mandatory Activity Requirement, see the Activation and Mandatory Activity Requirement section in the Job Plan and Mutual Obligation Requirements Chapter.

When commencing Participants in Work for the Dole activities, Providers must prioritise Participants with a Mandatory Activity Requirement.

A Participant's commitment to participate in a Work for the Dole activity must only be entered into the Participant's Job Plan and linked to the Work for the Dole activity if it is for a Mandatory Activity Requirement and the Participant is aged 59 or under and not on a part rate of payment. This is a compulsory activity, and any non-compliance is subject to the TCF. For further information, see the Targeted Compliance Framework and Mutual Obligation Failures Chapter.

All Participants undertaking Work for the Dole must have the days and times they are required to participate in the activity scheduled in their Electronic Calendar.

There are 2 participation requirement categories for Work for the Dole. The table below outlines the minimum and maximum fortnightly requirement for each of these categories.

Table 20-A: Work for the Dole Participation Requirements

Participant Category	Fortnightly Requirement
Category 1 - Participants who are: • aged 18-59 with full-time requirements	Minimum – 30 hours Maximum – 50 hours
Category 2 - Participants who are: • aged 18-59 who have a Partial Capacity to Work (15 – 29 hours) • aged 18-59 who are Principal Carers • aged 60 – up to Age Pension (irrespective of whether they have full-time or part-time requirements) * • Disability Support Pension (DSP) recipients under 35 who have participation requirements	Minimum – 15 hours Maximum – 30 hours

***Note:** While Participants aged 60 and over, and those on part rate of income support can participate in Work for the Dole, they cannot have this activity added as a compulsory activity to their Job Plan. Their participation in Work for the Dole can only be voluntary.

Factors that Providers might consider when determining a Participant's specific Fortnightly Requirement in a Work for the Dole activity include (but are not limited to):

- the individual circumstances and any non-vocational barriers of the Participant
- the method and availability of transport for a participant to travel to and from the activity
- other activities a Participant may be involved with (i.e., Education and training, casual employment)
- the availability of the Host Organisation (i.e., how many hours per week a Host Organisation may be able to accommodate for Participants).

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Work for the Dole participation undertaken as the Mandatory Activity will not count towards future Mandatory Activity/activation Requirements. To meet Mandatory Activity Requirements, Participants are required to undertake Work for the Dole for a minimum of 8 weeks. Providers should only place a Participant with a Mandatory Activity Requirement in Work for the Dole for longer than 8 weeks where the Participant agrees to do so. In this circumstance the Provider must ensure the Participant is advised that the requirement will be compellable, even after the minimum of 8 weeks and that any non-compliance is subject to the TCF.

Factors that Providers may consider when determining whether a Mandatory Requirement of longer than 8 weeks is suitable include:

- whether the activity includes a training component that requires a commitment of more than 8 weeks
- the Participant would benefit from a longer duration in Work for the Dole to improve their chances of obtaining secure and sustainable employment
- a longer placement is suitable for the Participant's individual circumstances.

Participants may participate in Work for the Dole activities outside of core business hours, including on a public holiday, if the Participant chooses to do so. However, the Participant needs to agree to this before being referred and inform the Provider of any barriers to their participation, such as transport or caring responsibilities.

If the Participant does not agree to the participation outside normal business hours, the Provider needs to Source a different activity so that the Participant can meet their Mutual Obligation Requirement.

(Deed Reference(s): Clause 120.1)

20.5.2. Activity types

Placements

Placements are to be undertaken by individual Participants and must involve the Participant being provided with a work-like experience with a Host Organisation. Where possible, a sequence of Participants should undertake the Place when the original Participant leaves.

A Host Organisation may choose to take on a single Participant or multiple Participants at any one time in a Placement. Generally, a Placement activity sits within the existing structure of the Host Organisation. A Placement activity can initially run for up to 12 months and may be extended up to a maximum of 24 months. If a Placement activity is extended beyond 12 months, the Activity Risk Assessment and Host Organisation Agreement must be reviewed and updated prior to the commencement of the extension period.

A Placement activity with multiple Places is different from a Project.

(Deed Reference(s): Clause 125.1(d))

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Projects

Work for the Dole Projects are specific community projects developed for the purpose of providing a work-like experience for groups of Participants, including the engagement of a supervisor for Participants and delivery of a benefit to the community.

A Project must:

- have a specific goal and / or deliverable with an identified end date, and
- involve a group of Participants working as a team to meet the common goal or deliverable.

Participants can be referred to Projects from multiple Providers. Projects often involve the engagement of an external Supervisor for the activity; however, a Host Organisation or Provider may also choose to use their own staff to supervise an activity where agreed. Projects should be created to meet caseload needs of Providers.

All activities, whether Projects or Placements must have adequate and appropriate Supervision. See the Activity Management Chapter for details.

When creating Work for the Dole Projects in the Department's IT Systems, the projects must have start and end dates within the same financial year.

For further information on entering activity types into the Department's IT Systems, see the Department's training resources.

(Deed Reference(s): Clause 125.1)

20.5.3. Suitable Work for the Dole activities

Work for the Dole activities must focus on providing Participants with work-like experiences that include skills that are in demand within the local labour market and provide training that is relevant to, or a prerequisite for, the activity that is being undertaken. Work-like experiences involve providing Participants with experiences that are similar to those in a workplace. Participation in Work for the Dole activities is intended to assist in preparing Participants to take up employment. Work for the Dole activities must be available to Participants for a minimum of 8 weeks.

Providers should also take into consideration the types of activities undertaken by a Host Organisation to ensure that Work for the Dole activities meet program requirements and do not bring the Commonwealth into disrepute. Refer to the list of Prohibited Work for the Dole activities for more information.

20.5.4. Prohibited Work for the Dole activities

In addition to the activities listed in the Identifying Suitable Activities for Participants section, an activity must not be a Work for the Dole activity, where it:

- requires the Participant to undertake activities in a non-face-to-face environment (i.e. all aspects of activities must be undertaken in-person at the activity location)
- is in Early Childhood Education settings such as childcare and early learning or preschools
- involves personal care of people, of an intimate nature, including dressing, showering, feeding or toileting, or professional services

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- results in a benefit or gain to the Provider, or would fund any operations, activities, or infrastructure of the Provider
- involves work which would have been undertaken by a paid worker if the Work for the Dole activity had not taken place
- involves tasks that primarily promote a particular religious or political view
- might bring, the Work for the Dole Program, the Provider or the Department into disrepute.
- is otherwise prohibited under any Guidelines or by any advice provided by the Department

An activity must not be a Work for the Dole activity, unless it is a Community Support Project or otherwise specified in any Guidelines, where it:

- involves working exclusively on private property
- requires Participants to enter private homes or grounds, unless prior approval is obtained from the Department
- competes with established businesses
- fulfils a function that is part of a commercial contract or enterprise
- is undertaken for a for-profit organisation or on a for-profit basis

An activity must not be a Work for the Dole activity, unless it is an Indigenous specific activity and the Department's prior written approval has been obtained, where it:

- involves undertaking tasks for a Family Member

An activity must not be a Work for the Dole activity, unless the Department's prior written approval has been obtained, where it:

- involves a residential or an overnight accommodation component

(Deed Reference(s): Clause 120.7)

20.5.5. Displacement

Work for the Dole activities, whether they are Placements or Projects, must not displace paid workers. Work for the Dole Places must not:

- involve the same tasks that would normally be done by a paid worker, including a worker in casual or part-time work, and/or
- reduce the hours usually worked by a paid worker or reduce the customary overtime of an existing employee.

In addition, a Work for the Dole Place must not proceed if:

- an organisation has downsized its workforce in the previous 12 months—for example, through redundancies or termination—and the tasks that are being proposed are doing the same tasks as those roles made redundant, and/or
- it is being used as a stop-gap measure while an organisation is undertaking recruitment exercises or as a way of meeting ad-hoc needs in lieu of creating paid employment opportunities.

If a Provider becomes aware of displacement, the Provider is required to advise the Department through its Provider Lead and act in accordance with the Deed.

If the Work for the Dole activity has been created but Places have not been filled, the activity must be closed immediately.

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(Deed Reference(s): Clause 120.9)

20.5.6. Indigenous specific activities

Providers should look for opportunities to establish Indigenous specific, community-based Work for the Dole activities.

Indigenous specific activities are activities which:

- have an Indigenous Host Organisation and/or are for the benefit of an Indigenous community
- are linked to community goals
- help support achievable and meaningful career pathways for Indigenous Participants
- can be Placements or Projects

Non-Indigenous Participants can also undertake an Indigenous specific activity.

Providers can access the Employment Fund to provide non-accredited pre-placement training to Indigenous Participants and Host Organisations with Indigenous Participants undertaking a Work for the Dole activity.

More information on access to the Employment Fund can be obtained through the Employment Fund Chapter.

Indigenous specific flag must be selected when creating an Indigenous specific activity.

20.5.7. Community Support Projects

CSPs are Work for the Dole activities that will contribute to recovery efforts following a disaster event or assist with nationally significant projects at a local level that have been identified as providing a social, economic, environmental, cultural and/or heritage benefit to the Australian community.

Where a CSP is assisting because of a natural disaster, the project should not compete with the work of, or replace the roles of, specialised emergency services (such as the State Emergency Service). CSPs require the prior written approval of the Department to proceed. CSPs may:

- respond to, and assist with, the recovery from declared national, state, territory and local community natural disasters
- assist not-for-profit and volunteer organisations that are supporting affected communities
- support local residents and assist rebuilding of the local economy
- provide logistical support to emergency services personnel in areas such as food preparation, delivery of clothing and maintenance of emergency services accommodation and infrastructure
- respond to other events and/or identified tasks that positively impact on local communities or at a national level
- assist the community where there is an identified need for a coordinated national activity and human resources and finances are limited.

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Flexibilities available in Natural Disaster Zones/Areas for CSPs

The Department will ease some restrictions on Work for the Dole activities when CSPs are established following a natural disaster in areas where the Australian or state/territory governments have declared a State of Emergency or a Natural Disaster Zone/Area or as determined by the Department.

This means that Providers can develop activities that:

- operate on private residential properties, in private commercial businesses and with farming enterprises. This could include primary producers, a group of local small businesses or disadvantaged community members such as the elderly or people with a disability
- carry out tasks that are normally prohibited—for example, activities that may compete with or support an established business or a commercial contract or enterprise, and/or
- would normally be prohibited because the activity or Host Organisation has received government funding

Providers must continue to meet all other Deed and Guideline requirements.

Who can be the Host Organisation for CSPs?

CSPs must only be hosted by:

- Providers
- not-for-profit organisations/charities
- local, state, territory or Australian Government organisations or agencies, or
- a not-for-profit arm of a for-profit organisation.

Implementation

CSPs can be initiated by one or more Providers (as a joint activity), however an Arranging Provider must be identified. Providers should consult with authorities and community organisations in the local area to offer assistance with the recovery and/or restoration activities. In this way, Providers can target activities most appropriately. There is no limit on the number of CSPs that a Provider can create.

The Provider/s must complete a Work for the Dole Community Support Project Proposal Form and submit to the Department for approval. Providers must demonstrate the following in their proposal:

- broad benefit to the wider community from working on private residential property, with private commercial businesses and with farming enterprises (that is, the economic benefit of having families, communities and local businesses return to normal life as soon as possible)
- that they are not working with just one person or entity, except in the case of farmers, where large infrastructure restoration is required to protect the community (for example, repairing common boundary fences along public roads and highways). Activities can assist homeowners or business operators, provided they offer support to multiple establishments in the surrounding area
- a focus on repair and restoration work (activities should not be seen to add value over and above what was previously in place)
- that Participants will not be undertaking tasks that could be perceived as ‘business as normal’ tasks

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- that Participants will not be kept working on the CSP for indefinite periods of time and are provided with appropriate skills and work-like experiences.

Provider Leads will assess proposals for CSPs as quickly as possible. It may be useful for Providers to include their Provider Lead in early conversations about the proposed activity to assist this process.

Use of Work for the Dole Payments in CSPs

Work for the Dole Payments cannot be used to purchase materials that may be funded through other sources, such as insurance or flood recovery funding, grants or payments that improve the capital value of a property to the sole benefit of a property owner or entity.

In addition, Providers cannot purchase or reimburse the following items using Work for the Dole Payments for CSPs:

- additional Supervision costs where the Supervisor is the farmer on the site where CSPs are taking place
- material costs such as water, fuel, stock feed and fencing materials
- upgrades to equipment owned by a landowner, or
- costs involved in the transport of such things as fencing material or stock feed.
- Providers should adhere to all other standard Deed and Guideline requirements when determining the types of purchases for which Work for the Dole Payments can be used.

Entering CSPs into the Department's IT Systems

When creating a CSP activity, Providers must select the CSP Activity sub-type from the drop-down list in the Department's IT Systems.

Providers should make Work for the Dole Places in CSPs viewable in the Department's IT Systems to other Workforce Australia Services Providers and consider requests to collaborate.

20.5.8. Private Property

Where a proposed Work for the Dole activity involves entering private homes or grounds or working exclusively on private property, the Provider is required to seek the Department's agreement to undertaking the activity by sending a written request to the Provider Lead.

A request to the Department for activities requiring entry to, or work on, Private Property must include:

- a clear description of the Work for the Dole activity, including:
- the reason for Participants needing to enter private homes or grounds
- the part(s) of the activity that will involve entering private homes or grounds, or working on private property
- the approximate amount of time that Participants will spend on the property
- where known, the location of the property (note that this can be at a regional level)
- whether the activity is for private benefit
- details of the Supervision provided to Participants, including details of how the Host Organisation manages its employees and who will supervise Participants

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- a copy of the Activity Risk Assessment that addresses specific risks regarding private property, including mitigation strategies and work health and safety procedures
- confirmation whether, for the duration of the activities, there is public liability insurance, written on an occurrence basis, with a limit of indemnity of at least $20 million in respect of any one occurrence, which covers the liability of the lessor or owner of the land on which the activities take place, including to the Participant.

When seeking permission, the Provider is required to ensure there is sufficient and detailed information to inform the Department's decision. The Department may ask for additional documentation or information to support the request at any time.

The Department will acknowledge receipt of the request within 2 Business Days and endeavour to respond within 5 Business Days. It will provide its agreement or refusal in writing.

In addition to any other relevant conditions imposed, Providers must:

- undertake regular reviews of the Work for the Dole activity (the frequency of these reviews will be at the discretion of the Provider and should take into account the nature of the activity and the requirements of the Participant)
- advise the Department of any changes to the nature or circumstances of the activity. In these circumstances, the Department may review its permission for the activity, including possible cessation

(Deed Reference(s): Clauses 122, 124, 125.11)

20.5.9. Supervision

For the purposes of Supervision at Work for the Dole activities, Providers must refer to and comply with the requirements specified in the Activity Management Chapter.

Providers must ensure that Participants will be adequately and appropriately supervised at all times. In addition, for activities involving identified vulnerable people, there must be Continuous Supervision.

Supervisors need to be aware of non-Work for the Dole Participants (e.g. members of the public) on site at activities and their level of interaction with and proximity to Work for the Dole Participants while undertaking the activity.

Providers should also carefully consider the appropriate ratio of Supervisor(s) to Participants, depending on how many Participants there are and the nature of the activities taking place at the site, to ensure the health, welfare and safety of Participants and members of the public. Where a Host Organisation has multiple activities, the Provider must take this into account.

> **Example:** If the nominated Supervisor is also Supervising other Work for the Dole activities, this could significantly affect the Supervision ratio for the activities involved. The Arranging Provider should also liaise with other Arranging Providers with activities at the site to ensure a consistent approach is undertaken to risk assessments, acquittal/reimbursements and other program requirements.

Arranging Providers must ensure that the Host Organisation has Supervisors on all Work for the Dole activities for the duration of each activity who meet these requirements as well as those outlined in the Activity Management Chapter.

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If there are to be changes in the Supervisor arrangements (for example, a new Supervisor is introduced or a Supervisor is away) during an activity, the Arranging Provider needs to ensure that the Host Organisation is aware that they need to notify the Arranging Provider of the change in Supervisor arrangements and confirm they meet the above requirements. Providers should also ensure that Host Organisations have a procedure in place for non-attendance by Supervisors, especially at short notice.

Providers must keep records of all Supervision arrangements and the associated Supervision period. This information should also be kept up-to-date in the Department's IT Systems.

If a Participant is not self-reporting, then the Arranging Provider must ensure that the Supervisor notifies the Arranging Provider of any Participant non-attendance or non-compliance as soon as practicable, but by no later than the end of the relevant day. Where the 'Supervisor' mobile device application is being used by a Work for the Dole Supervisor, they will have access (through the application) to details of those Participants who are expected to participate in the activity on any given day. These details are only accessible where the Department's IT Systems is being used by the Provider to record required participation. In addition, the Provider must record the hours spent participating in the Work for the Dole activity for each Fully Eligible Participant undertaking a Mandatory Activity Requirement. Through the application, Supervisors can record attendance and preliminary non-attendance results, which will be automatically sent to the Department's IT Systems.

All reported non-compliance must be followed up by the Provider.

(Deed Reference(s): Clause 80, 124)

20.5.10. Checks

Providers must refer to and comply with the requirements specified in the Conducting Background Checks section in the Activity Management Chapter.

Providers must, in accordance with the Deed and these Guidelines, establish whether the nature of a Work for the Dole activity requires Participants and/or Supervisors and/or relevant Personnel to have checks, and arrange those checks if required to do so.

Where a Provider creates a Work for the Dole activity, they must identify, in consultation with the Host Organisation, whether any checks will be required and any associated costs.

If a Work for the Dole activity requires the Participant to have identified checks, the Provider must record this in the Department's IT Systems.

Where checks are required, Providers must arrange and pay for the checks to be completed before allowing the Participant to participate in that activity (as per the Deed). The Work for the Dole Payments may be used by the Provider to pay for any appropriate checks required for the activity. Providers may use the Employment Fund to cover the costs of police checks for Participants undertaking Work for the Dole Placements.

Providers should keep in mind the timeframes required for checks to be processed by external parties and how this may impact on the timeliness of placing and commencing a Participant in a Work for the Dole activity, including Participants who are to undertake Work for the Dole as the Mandatory Activity Requirement.

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(Deed Reference(s): Clause 80, 124.3, 124.4)

20.5.11. Conducting Risk Assessments

For the purposes of conducting Risk Assessments, Providers must also refer to and comply with the requirements specified in the Conducting Risk Assessments for Specified Activities section in the Activity Management Chapter.

Work for the Dole Placements and Work for the Dole Projects are Specified Activities. Prior to referring a Participant to a Work for the Dole activity and entering into the Host Organisation Agreement, the Provider must ensure that an Activity Risk Assessment and Participant Risk Assessment have been completed by a Competent Person.

The Provider must also ensure that the Activity Risk Assessment Checklist is completed.

It is the responsibility of the Arranging Provider to review and update the Activity Risk Assessment for the duration of the activity.

The Work for the Dole activity must have an Activity Risk Assessment and Activity Risk Assessment Checklist completed and uploaded to the Department's IT Systems prior to the approval and commencement of an activity.

Any time an Activity Risk Assessment is updated, the Arranging Provider must immediately notify Non-Arranging Providers with Participants in the Work for the Dole activity of the changes to the Activity Risk Assessment so they can review their Participant Risk Assessment and determine if the activity is still suitable for the Participant. If the Work for the Dole activity is not assessed as suitable, the Participant must be exited from the Place and referred to a more suitable Work for the Dole activity or another Approved Activity.

If the proposed or actual changes to the Work for the Dole activity include risks that cannot be mitigated or adequately managed by the Provider and/or the Host Organisation, the Arranging Provider must cease the activity and notify the Host Organisation, Non-Arranging Providers and their Provider Lead.

(Deed Reference(s): Clause 121.1, 122)

20.5.12. Activity Risk Assessment

The Provider must ensure an on-site Activity Risk Assessment is undertaken by a Competent Person for each potential Work for the Dole activity. Through this Activity Risk Assessment, the Competent Person must be satisfied that there is a safe system of work in place prior to the activity being approved.

The Activity Risk Assessment must include the name and ID of the activity when it is uploaded to the Department's IT System.

An optional template is available for Providers to use, however, all Activity Risk Assessments must identify, assess and record all work health and safety issues and any other concerns at the site or premises where a Participant will undertake the activity (in accordance with the Deed), such as:

- physical (e.g. noise, heat, cold, dust, step/stairs, slippery surfaces, lifting, manual handling)
- chemical (e.g. acids, poisons, asbestos, flammable and hazardous substances)

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- biological (e.g. radiation, lead)
- psychological, such as arising from fatigue, shift work (mental tiredness), bullying or harassment
- work that is inherently dangerous (e.g. working with electricity, heavy machinery, at heights or requiring formal competency/operator tickets)
- electrical equipment (e.g. electrical equipment not tested and tagged e.g. machinery, power tools, kitchen appliances)
- warehousing, traffic management and driving (e.g. traffic and pedestrian interactions not marked appropriately with safe clearances and walkways, vehicles and mobile plant registered and well maintained)
- emergency preparedness (e.g. emergency drills/procedures, floor maps, exit signs, fire extinguishers and first aid kits must be in place).

The Activity Risk Assessment must also identify/include:

- that the Host Organisation and Competent Person are satisfied that the Host Organisation has adequate work health and safety processes in place to deliver the activity safely
- that the Host Organisation and Competent Person are satisfied that the Host Organisation is compliant with the relevant legislative and regulatory work health and safety obligations
- all steps and measures that will be put in place to mitigate any identified issues and concerns
- the nature, scope and duration of any training, including work health and safety training, to be undertaken by the Participant at commencement and for the duration of the activity
- any specific personal protection equipment and clothing that is required for the Participant to participate safely in the activity and whether this material will be provided by the Host Organisation or will be arranged by the Arranging Provider or Participant's provider
- if the activity will involve direct or indirect interaction with vulnerable people and whether relevant checks should be undertaken
- the Supervision arrangements, including the level (that is, ratio and frequency) of Supervision that will be provided to the Participant and the experience, skills and knowledge of the Supervisor(s), and the Organisation has undertaken relevant checks on Supervisors and that Supervisors meet any additional statutory requirements, prior to being given responsibility for the Supervision of Participants
- confirmation that where the activity involves vulnerable people, the Host Organisation will provide continuous Supervision for the duration of the activity
- confirmation that the Host Organisation is satisfied it has current and appropriate insurance to cover any risks associated with the Work for the Dole Place
- whether there are other activities (including other Work for the Dole activities) taking place at the site and any associated risks are identified and addressed
- availability and details of appropriate facilities (e.g. access to drinking water, toilets) to the Participant for the duration of the activity.

(Deed Reference(s): Clause 122)

20.5.13. Work for the Dole activities in multiple locations

Where any Work for the Dole activity involves Placements undertaking tasks across multiple locations, one comprehensive Activity Risk Assessment may be conducted. However, the Activity Risk Assessment must clearly identify the multiple locations and corresponding hazards and risks at each of the different locations, including travel between these locations.

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20.5.14. Activity Risk Assessment Checklist

The Activity Risk Assessment Checklist must be completed by a Competent Person, prior to a Work for the Dole activity commencing.

The Arranging Provider must complete the Activity Risk Assessment Checklist. The Activity Risk Assessment Checklist must be completed accurately, in full in the format provided, and the template must not be altered. Should a change to the activity require an update to the Activity Risk Assessment, the Activity Assessment Checklist will also need to be updated to align with the Activity Risk Assessment.

A template for the Activity Risk Assessment Checklist is available on the Provider Portal.

Each Activity Risk Assessment must include the completed Activity Risk Assessment Checklist and be uploaded to the Department's IT Systems. The Activity Risk Assessment Checklist should be used as a cover page to the Activity Risk Assessment.

The Arranging Provider must maintain Records of all Activity Risk Assessment they have undertaken and provide these Records to the Department upon request.

(Deed Reference(s): Clause 121.1, 122)

20.5.15. Conducting a Participant Risk Assessment

Providers must, in accordance with the Deed, ensure a Participant Risk Assessment is undertaken by a Competent Person for each individual Participant before the Participant is referred to, or participates in, a Work for the Dole activity. The Participant Risk Assessment must ensure that the Work for the Dole activity is suitable for the Participant, taking into account any relevant circumstances and work restrictions of the Participant.

The format of the Participant Risk Assessment is not prescribed for Work for the Dole activities, however, the Participant Risk Assessment must specify:

- that the Activity Risk Assessment has been reviewed
- the Participant's personal circumstances and work restrictions. This could include, but is not limited to:
    - working capabilities and capacity
    - transport restrictions
    - carer responsibilities
    - specific injuries
    - pregnancy
    - allergies or other health issues (e.g. diabetes)
    - history of aggressive behaviour
- any training, additional to that contained in the Activity Risk Assessment, including work health and safety training, required for the Participant to participate safely, and ensure that training is of sufficient length and quality
- any specific personal protection equipment, clothing or materials, additional to that contained in the Activity Risk Assessment required for the Participant to participate safely, and ensure that such materials will be provided to the Participant
- that the level of Supervision being provided is adequate and appropriate for the Participant

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- the Participant has been advised of the work health and safety and incident reporting and escalation processes
- the Participant has been provided with the location or access to the WHS Incidents and Insurance Reader's Guide – Participants, and
- whether any checks (for example, National Criminal Records and/or Working with Vulnerable People/Children Checks) are required and ensure that such checks will be completed prior to the Participant commencing in the activity.

In addition, the Provider must, if applicable and only if the Participant provides consent, discuss the personal circumstances of the Participant with the Arranging Provider/Host Organisation to determine whether they can be accommodated and whether the Work for the Dole activity will be suitable. If any of these elements is not met, the Participant must not be commenced into the activity.

The Participant Risk Assessment must also be signed and dated by the Participant before they commence in the activity.

The Arranging Provider must maintain Records of all Participant Risk Assessments they have undertaken and provide these Records to the Department upon request.

20.5.16. Host Organisation Agreement

For the purposes of completing Host Organisation Agreements, Providers must also refer to and comply with the requirements specified in the Engaging with Host Organisations Section in the Activity Management Chapter.

Providers can provide Work for the Dole activities themselves if they are eligible to be Host Organisations or arrange Work for the Dole activities from a Host Organisation.

If a Provider provides a Work for the Dole activity itself (i.e., the Provider and the Host Organisation have the same ABN), the Provider is not required to enter into a Host Organisation Agreement for the Work for the Dole activity. However, the Provider must upload to the Department's IT Systems a document setting out Work for the Dole activity details, corresponding to the information required to be included in Part 1 of the Host Organisation Agreement Template – Work for the Dole Project or Host Organisation Agreement Template – Work for the Dole Placement (as relevant), prior to the start date.

For all other Work for the Dole activities, a Host Organisation Agreement must be completed, signed and dated for each Work for the Dole activity by the Arranging Provider and Host Organisation. Template agreements are available for Providers to use.

Where a Provider uses its own agreement format for these purposes, they must ensure that all topics in the Department's template agreement are covered in their agreement and must include, word for word, any clauses specified as mandatory in the Department's template agreement.

The Arranging Provider must negotiate and execute the Host Organisation Agreement before any Participants can be commenced in the activity. The Provider must retain written evidence of any agreed changes to the Host Organisation Agreement.

If the Arranging Provider for the activity is different from the Provider who created the activity, the Arranging Provider—as part of negotiating the Host Organisation Agreement—must ensure a

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Competent Person checks the Activity Risk Assessment, confirm with the Host Organisation that all controls listed in the Activity Risk Assessment have been implemented and if there have been any changes, and update the Activity Risk Assessment as necessary.

The completed Activity Risk Assessment, including the Activity Risk Assessment Checklist, must be provided to the Host Organisation with the final Host Organisation Agreement to ensure that all parties are aware of any identified issues so they can be appropriately managed.

The final Host Organisation Agreement or, where relevant, the alternative document setting out Work for the Dole activity details, must be uploaded to the Department's IT Systems prior to the approval and commencement of the activity.

Host Organisation Agreements must be reviewed and updated or renegotiated every 12 months. As part of this process a new Activity Risk Assessment, including the Activity Risk Assessment Checklist, must be completed.

A copy of the revised Host Organisation Agreement and any subsequent versions must be retained.

The revised Host Organisation Agreement (including any subsequent versions) must be uploaded to the Department's IT Systems.

The Arranging Provider must retain written evidence of any agreed changes to the Host Organisation Agreement.

(Deed Reference(s): Clauses 122.4, 125.4)

20.6. Provision of Skills Development and Training

20.6.1. Providing suitable skills development

To improve the work readiness of Participants, Work for the Dole activities should include some or all of the 10 Core Competencies identified by Jobs and Skills Australia.

The relevant Core Competencies should be identified, in consultation with the Host Organisation when establishing the Work for the Dole activity. The Host Organisation Agreement should reflect the Core Competencies being addressed within the activity.

The Core Competencies covered in each Work for the Dole activity should be listed in in the Department's IT Systems.

20.6.2. Provision of training

Training should be offered to a Participant if it forms part of, or is relevant to, the Work for the Dole activity. This must include any relevant work health and safety training required.

Wherever possible, Work for the Dole activities should also include the attainment of a licence, qualification, Micro-credential or other recognised skill, to assist in improving the employment opportunities of Participants. Providers should keep in mind the skills in demand in their local area when determining the inclusion of relevant skills development within Work for the Dole activities.

Work for the Dole Fees can be used to support the delivery of this training.

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Where the Work for the Dole activity includes the opportunity for the attainment of a licence, qualification, Micro-credential or other recognised skill, Providers should ensure the activity offers Participants the opportunity to develop experience using that licence, qualification, Micro-credential or other recognised skill.

The training intended to be delivered within the Work for the Dole activity, should be outlined in the Training Requirements section of the Department's IT Systems.

(Deed Reference(s): Clauses 125.1, 125.9)

20.6.3. Partnering with Registered Training Organisations

As Work for the Dole activities may include specific training elements, Providers may engage Registered Training Organisations (RTOs) to deliver these training elements.

A Provider, who is also an RTO, or is associated with an RTO, may deliver training for up to 50 per cent of their Work for the Dole activities. However, a Provider may not engage themselves to deliver training on a Work for the Dole activity where they are both the Arranging Provider and the Host Organisation. In some circumstances, for example, if the Provider is the only RTO in the Employment Region or sub–Employment Region, the Provider may seek written approval from the Department to exceed this cap.

20.7. Managing work health and safety and incidents

For the purposes of managing work health and safety and incidents at Work for the Dole activities Providers must refer to and comply with the requirements specified in the Managing Work Health and Safety for Activities section in the Activity Management Chapter.

(Deed Reference(s): Clauses 121, 125.3)

20.8. Managing/Monitoring activities

20.8.1. Recording the activity on the Department's IT Systems

Where the Provider has determined that the Work for the Dole activity is appropriate, details of the activity must be recorded in the Department's IT Systems.

A Work for the Dole activity must be for a minimum of 8 weeks, however, Work for the Dole activities can be created for up to 12 months. Work for the Dole Places must be a minimum of 15 hours per fortnight for the duration of the activity.

Extending Work for the Dole Placements

If a Host Organisation wishes to establish a Work for the Dole Placement of more than 12 months, the activity will need to be entered into the Department's IT Systems for 12 months and must only be extended for up to another 12 months' duration once the Activity Risk Assessment and Host Organisation Agreement have been reviewed.

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Extending Work for the Dole Projects

Work for the Dole Projects cannot be extended into a new financial year. If a Host Organisation wishes to continue a Work for the Dole Project into a new financial year, a new activity must be created, taking into consideration the availability of Work for the Dole Projects Funding.

Activity Schedules

The Provider must enter in the schedule/s that will apply to the activity prior to advertising the activity. The schedule/s relate to the days/hours that Participant/s may participate in the activity. Schedules are set for a period of time – for example, Monday to Thursday from 9 am to 4 pm or Monday, Wednesday, Thursday from 11 am – 5 pm. The schedules will depend on when the activity is being run and how Participants will participate.

All schedule/s are developed during the activity creation to approval stage. For further information on recording activities in the Department's IT Systems, see the Employment Services Task Cards.

Advertising the Activity

Providers may choose to advertise at a national, state/territory, Employment Region, Organisational or Site level.

The advertising level can be changed by the Arranging Provider at any time. For example, if the activity was advertised to an Employment Region, it could later be advertised to the State level.

Once an Arranging Provider decides the advertising level, they can then reserve places for other Providers. Reserved Places will be held for up to 2 Business Days from the date the reservation is made. If a Provider does not claim their Reserved Place within the necessary timeframe, it will be returned to the pool for advertising.

Where a Place is claimed by a Provider, and a Participant is referred, but does not commence within 10 Business Days, the Place will be readvertised to the original pool to which the activity was first advertised.

20.8.2. Claiming a Work for the Dole Place

Providers can claim a Work for the Dole Place up to 5 Business Days before a Participant commences in a Work for the Dole activity. This gives Providers flexibility in managing their Participants.

Where a Provider claims a Work for the Dole Place in an activity that has started, the Provider must:

- identify and assign a Job Seeker ID to the Place
- commence the Participant in that Place within 10 Business Days of claiming the Place. If this does not occur, the Work for the Dole Place will automatically be readvertised to those Providers to which the activity was first advertised

Providers are able to claim a future Work for the Dole Place up to 10 Business Days before the start date of the new Work for the Dole activity. When claiming the Place, Providers must:

- identify and assign a Job Seeker ID to each Work for the Dole Place they require

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- commence the Participant in the activity within 10 Business Days of the activity start date. If this does not occur, the Work for the Dole Place will automatically be readvertised to those Providers to which the activity was first advertised.

To ensure the Host Organisation's needs are met, where a Provider claims a Work for the Dole Place they must utilise as much of the Work for the Dole Place as possible. This will be monitored by the Department.

(Deed Reference(s): Clause 125.8)

20.8.3. Commencing a Participant in a Work for the Dole Place

Before commencing a participant in a Work for the Dole activity the Provider must:

- as part of conducting the Participant Risk Assessment, examine the Activity Risk Assessment to ensure that the Work for the Dole activity is appropriate and safe for the Participant
- ensure that relevant checks (for example, criminal records/police checks and Working with Vulnerable People Checks) have been finalised
- consider a Participant's individual circumstances, capabilities, skills and work experience and only commence Participants in Work for the Dole activities that are safe and suitable to the participation requirements and capabilities of the Participant and the activity

Where a Participant commences in and subsequently leaves a Placement or Project activity before its conclusion, their Provider should identify and place another suitable Participant in that Place, where possible, within 5 Business Days. If no Participant is able to be placed in the activity within this timeframe, the activity Place will be made available in the original pool in which it was advertised. This is to ensure Host Organisations have Participants in their activities and minimises the delay in progressing projects.

The Department will monitor timeliness in placing subsequent Participants and utilisation of Places in an activity.

(Deed Reference(s): Clause 125.6, 125.8)

Providers must confirm the Work for the Dole commencement in the Department's IT Systems no later than 5 calendar days after the Participant commences in the Work for the Dole activity.

To ensure PBAS Points are accurately applied, Providers should select the Placement type 'Part Time' where the Participant is scheduled to undertake up to 15 hours (15 points) per week and 'Full Time' where the Participant is scheduled to undertake over 15 hours per week (20 points).

20.8.4. Managing Participants undertaking Work for the Dole activities

The Provider must schedule participation requirements into the Participant's Electronic Calendar. For Participants who are not capable of self-reporting their attendance at activities, the Provider must enter the attendance result on behalf of the Participant by close of business on the day of the requirement.

Arranging Providers must:

- ensure that arrangements are in place for Host Organisations or Supervisors to advise the Provider (through the Arranging Provider as appropriate), as soon as practicable, when a Participant does not attend their activity

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- follow up on preliminary non-attendance results from the Supervisor App and follow up on any non-compliant behaviour reported
- where possible, replace any Participant who leaves a Work for the Dole Place early

While Participants are undertaking Work for the Dole activities, Providers must:

- review the Participant Risk Assessment if the Activity Risk Assessment is updated, if there are changes to the activity tasks or circumstances, or if the Participant's circumstances change
- maintain contact with the Participant to ensure that they continue to focus on looking for work as well as participating in Work for the Dole activities
- work with Participants who are not yet capable of self-reporting their own attendance at Work for the Dole activities to develop these skills
- refer to the Targeted Compliance Framework and Mutual Obligation Failures Chapter when non-compliance is identified, for required action including recording decisions and re-engaging Participants

(Deed Reference(s): Clause 125.6)

For further information on scheduling participation requirements in the Participant's Electronic Calendar in the Department's IT Systems. For further information, see the Targeted Compliance Framework and Mutual Obligation Failures Chapter.

For further information on reporting attendance at activities on behalf of the Participant in the Department's IT Systems, see Recording and Monitoring Attendance at Activities.

20.8.5. Monitoring of Work for the Dole Places

Providers must track Work for the Dole activities and ensure that Places that are time sensitive are filled as a matter of priority. Providers should ensure that Host Organisations are kept informed in a timely manner regarding the availability of suitable Participants so the delivery of Activities can be managed.

(Deed Reference(s): Clause 125.8)

20.9. Participant Completion of Activities

In addition to the requirements outlined in Completion of Activities, where a Participant completes their participation in a Work for the Dole activity, prior to the Expected End Date, the Provider must exit the Participant from the Place in the Department's IT Systems in a timely manner.

Providers must ensure all Participants are exited from their Work for the Dole activity in the Department's IT Systems if they have completed their Placement or Project activity or have transferred to another activity or service and are no longer attending Work for the Dole.

20.10. Work for the Dole Payments

Work for the Dole Payments are designed to offset the running costs of a Work for the Dole activity for the Provider and the Host Organisation. Providers must ensure that the Host Organisation is aware that:

- costs must not be inflated and must be representative of actual costs incurred

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- Work for the Dole Payments are not grants and there is no guarantee of repeat funding, and, therefore, Host Organisations should not rely on Work for the Dole funding to support their ongoing operations.

A Provider cannot use the Employment Fund for any Work for the Dole expenses with the following exceptions:

- police checks for Participants who will be undertaking Work for the Dole Placements.
- transport costs for Participants undertaking Work for the Dole Placements who are incurring transport costs, over and above the fortnightly Approved Program of Work Supplement.
- for non-accredited pre-placement training to Indigenous Participants and Host Organisations with Indigenous Participants undertaking a Work for the Dole activity.

Expenses for Participants undertaking Work for the Dole Projects must be covered by Work for the Dole Projects Funding.

(Deed Reference(s): Clause 150.7, 160.1)

20.10.1. Work for the Dole Placement Fees

The Work for the Dole Placement Fee is paid per commencement for Placement activities. The Work for the Dole Placement Fee can only be used to help offset costs of the Host Organisation or the costs of Participants undertaking Work for the Dole activities.

Where the Arranging Provider commences a Participant in a Place, they will receive the Work for the Dole Placement Fee. At least 50 per cent of this Fee must be passed on to the Host Organisation.

Where a non-Arranging Provider commences a Participant in an activity, the non-Arranging Provider will receive 50 per cent of the Work for the Dole Placement Fee. The Department's IT Systems will automatically transfer the remaining 50 per cent of the Work for the Dole Placement Fee to the Arranging Provider for them to pass to the Host Organisation. This is not considered a payment to the Arranging Provider. Where the Provider has agreed to pass on more than 50 per cent of the Work for the Dole Placement Fee to the Host Organisation, payment of any additional Work for the Dole Placement Fees from the non-Arranging Provider must be facilitated between the Arranging and non-Arranging Provider.

A maximum of 3 Work for the Dole Placement Fees will be paid per Participant, per 12 month period, even if the Participant has changed Providers. The Department may allow for the payment of additional Work for the Dole Placement Fees upon approval, under exceptional circumstances. Providers must send a written request to their Provider Lead detailing the reasons for the additional Work for the Dole Placement Fee. Once received, the Provider Lead will process the request through the Department's IT Systems.

Note: Where a Participant is in Yarrabah or Broome Employment Services, Placements with previous Providers within the relevant 12 month period will not count towards the maximum Placement Fee limit.

If any amount of the Fee has not been expended, the Provider must use the balance solely for Services undertaken by the Provider that are directly related to Work for the Dole. These funds do not need to be acquitted.

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(Deed Reference(s): Clause 160.2, 160.3, 160.4, Annexure B1 - Payments and Employment Fund Credits - Table 8C)

20.10.2. Work for the Dole Projects Funding

Work for the Dole Projects Funding is notionally allocated every financial year, based on a Provider's anticipated caseload, per Employment Region. Providers may request additional funding where there is a demonstrated need. Requests should be submitted to their Provider Lead before the end of February each year, using the Request for additional Work for the Dole Projects Funding form, available on the Provider Portal.

Work for the Dole Projects Fund Allocation

The Department will inform Arranging Providers of their notional allocation for each Employment Region prior to each financial year.

- The notional allocation balance will be visible in the Department's IT Systems when creating a Work for the Dole Project. Providers will not be able to approve a Work for the Dole Project if the budget entered in the Department's IT Systems exceeds the Provider's notional allocation for that Employment Region.
- Once a Work for the Dole Project has been approved in the Department's IT Systems, the funding is considered committed, and it is not possible for it to be returned to the overall allocation if the activity status is changed to 'Closed' or 'Withdrawn'. The Budget for the Project can also not be decreased once the activity has had a status of 'Approved' even if the activity has been closed or withdrawn and does not proceed.

The notional allocation cannot be transferred between Employment Regions.

Project funding notional allocations will be reviewed at least once every financial year and adjusted to incorporate any caseload variability, where necessary.

(Deed Reference(s): Clauses 161.1, 161.2)

Budget

All Work for the Dole Projects require a Budget to ensure that Project expenditure does not exceed the notional allocation for a particular Employment Region.

- The total Budget figure must be entered into the Department's IT Systems when creating the Work for the Dole Project.

Providers must not use the Work for the Dole Project Funding to cover:

- management fees
- administration fees
- handling costs (for example, buying items for the Participant and charging them a storage fee).

Further information is available in Managing the Work for the Dole Projects Fund Guide.

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Assets

Assets can be purchased for the purpose of Work for the Dole Projects and where possible should be retained for use on other Work for the Dole Projects or Placements. Where a Provider wishes to dispose of an Asset prior to the Deed or Head Licence completion date, they must seek approval in writing from their Provider Lead.

(Deed Reference(s): Clauses 161.1, 161.9-161.13)

Advance payment

Work for the Dole Project Funding can be claimed up to 28 calendar days in advance of an approved Work for the Dole Project start date (and prior to the Project end date) in the Department's IT Systems. Where an activity is approved in the Department's IT Systems less than 28 calendar days prior to the start date, the advance payment will be made once the Provider selects the option to claim the advance payment.

Where Payments are claimed in advance, Arranging Providers may claim up to 80 per cent of the Budget recorded in the Department's IT Systems from their notional allocation.

(Deed Reference(s): Clauses 161.3, 161.4)

Reimbursement

Providers may choose to access the Work for the Dole Projects Fund via a Reimbursement. Providers will be able to claim reimbursement of Work for the Dole Project Funding once the Department has approved the relevant acquittal report at the end of each financial year.

(Deed Reference(s): Clauses 161.3, 161.7)

Project Acquittals

An Arranging Provider is required to submit one acquittal report per Employment Region, per acquittal period. The Arranging Provider must submit this acquittal report within 56 calendar days of the end of an acquittal period. The set acquittal periods are 1 July to 31 December (interim acquittal) and 1 January to 30 June (final acquittal) each financial year. The acquittal report must include all expenditure incurred during a particular acquittal period for all the Work for the Dole Projects in that Employment Region.

Unavoidable (or 'sunk') costs incurred can be paid where reasonable, for example where a Supervisor is engaged but an insufficient number of Participants are available to complete the Project. The Host Organisation Agreement should include a provision to close the activity early if this will avoid unnecessary ongoing costs.

The Department will monitor the use of unavoidable (or 'sunk') costs.

More details relating to Project acquittal report requirements can be found in the Managing the Work for the Dole Projects Fund Guide available on the Provider Portal.

(Deed Reference(s): Clauses 161.3, 161.5, 161.6

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Documentary Evidence for Project Funding

- Receipts and tax invoices or some other acceptable form of evidence of payment must be kept of all expenditure relating to Work for the Dole Projects, and the Provider must be able to explain how the costs relate to the agreed Projects. This includes maintaining an Asset Register and Disposal Plan in accordance with the Deed.
- In exceptional circumstances where a Host Organisation is not able to provide receipts or invoices to support expenditure a Statutory Declaration may be accepted.
- The Arranging Provider must retain written evidence of any changes agreed with the Host Organisation to the Work for the Dole Budget.

The Arranging Provider may choose to upload receipts and Budgets for Projects in the Department's IT Systems, to assist with record keeping for acquittals.

(Deed Reference(s): Clauses 28.1-28.3, 161.11)

20.11. Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Participation in a Work for the Dole activity may contribute towards a Progress Payment. For Progress Payments, Providers must refer to and comply with the requirements specified the Provider Payments and Vacancies Chapter.

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Chapter 21. Voluntary Work

Supporting Documents for this Chapter:

- Voluntary Work Host Organisation Agreement template

21.1. Chapter Overview

Description: Provider Sourced Voluntary Work placements and Participant Sourced Voluntary Work aim to develop Participants' skills and experience with a not-for-profit community organisation.		**Activity Code:** VWRK - Voluntary work - Community/non-profit sector Activity N/A - Participant Sourced Job Plan Code: N/A
Eligibility: 15 years old and older, and registered in Workforce Australia Services	**Duration:** Should not exceed 26 weeks, unless the Provider determines this is the best participation option under the circumstances	**Specified Activity:** Yes – if Provider Sourced Voluntary Work
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation:** Yes - Can meet activation requirement as provider-assessed	**Progress Payment:** Yes – work placement
Participant Payment: No	**Host Payment:** No	**Provider Payment:** No

In this Chapter, Voluntary Work refers to both Provider Sourced Voluntary Work (arranged by the Provider) and Participant Sourced Voluntary Work (arranged by the Participant). This Chapter does not cover Voluntary Work managed by Services Australia.

This Chapter outlines the requirements Providers must adhere to when sourcing Voluntary Work, in addition to the requirements in the Activity Management Chapter. It also outlines the Provider's responsibility when supporting Participants who engage in self-sourced Voluntary Work. Provider Sourced Voluntary Work is a Specified Activity arranged by the Provider. Participant Sourced Voluntary Work is self-driven and directly reported by the Participant.

21.2. Benefits of Voluntary Work Placements

The benefits of Voluntary Work placements for eligible Participants include:

- developing practical employability skills such as attendance and communication
- increasing networks, updating referees and building confidence

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- demonstrating their skills, knowledge, experience and attitude, and gaining valuable exposure to workplaces to help them understand workplace expectations.
- providing service to a Participant's community, such as State Emergency Service and volunteer firefighting
- counts toward meeting their Points Requirement. More details on these requirements are available in the Job Plan and Mutual Obligation Requirements Chapter.
- can also be undertaken to satisfy their activation requirement. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

Voluntary Work Participants can gain points under the PBAS. The TCF will not apply for non-attendance in Voluntary Work, however, it will apply if Participants fail to meet their Points Requirement. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

Participation in Voluntary Work may also fully meet a Participant's Mutual Obligation Requirements for certain cohorts. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

The benefits of Provider Sourced Voluntary Work placements for the Host Organisation may include:

- access to extra sets of hands to undertake activities and projects that may not normally get done
- access to support from the Provider to source suitable Participants, and contribute towards participation costs, such as relevant checks
- Participants referred by a Provider are covered by personal accident insurance and public and/or product liability insurance. However, this coverage does not extend to Provider Sourced Voluntary Work placements that are extended by Services Australia after the initial expected end date, for those Participants who are Fully Meeting their Mutual Obligations through Voluntary Work.

21.3. Role of Providers

21.3.1. Provider Sourced Voluntary Work

The role of the Provider is to:

- arrange suitable Provider Sourced Voluntary Work placements for participants in not-for-profit Host Organisations
- determine the suitability of Activity Host Organisations and their proposed placements and discuss the opportunities with the participant to determine their interests, experience, skills, and suitability for the available placement
- support Participants declaring their attendance at Voluntary Work
- identify if Participants are Fully Meeting their Mutual Obligation Requirements through participation in Voluntary Work and if so, discuss the options with the Participant. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

State-based laws may apply to Voluntary Work placements. Please check with your relevant State/Territory government for more information.

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21.3.2. Participant Sourced Voluntary Work

Participant Sourced Voluntary Work is Voluntary Work that a Participant with a Points Based Activation System Requirement has identified and secured for themselves. Participants can report the hours retrospectively as a Job Search Related Task. Documentary Evidence is not required for Participant Sourced Voluntary Work and Providers are not required to create this as an Activity in the Department's IT Systems. Providers must ensure Participants are not reporting hours for Provider Sourced Voluntary Work as a Job Search Related Task.

Where Providers are aware Participants are undertaking Participant Sourced Voluntary Work, they should discuss with the Participant how the activity benefits and contributes to improving employment prospects, including adding experience to their resume and leveraging job networking. Where appropriate, Providers should encourage Participants to diversify their job search efforts and activities where the Participant Sourced Voluntary Work is not contributing to their employment prospects.

21.4. Eligibility

21.4.1. Eligible Participants

The Provider may arrange a Provider Sourced Voluntary Work Placement for any Participant on their Caseload who is aged 15 and over, if they are of the view that the Participant would benefit from the Activity, and the Activity is suitable and safe for the Participant.

Participants aged 15 and over are eligible to participate in Participant Sourced Voluntary Work.

For information on how Participants aged 55 and above, Principal Carer Parents, Participants with a Partial Capacity to Work and Participants in receipt of Carer Allowance can fully meet their Mutual Obligation Requirements through Voluntary Work and other activities, refer to the Job Plan and Mutual Obligation Requirements Chapter.

21.4.2. Eligible Host Organisations

In addition to the Host Organisation requirements and prohibitions outlined in the Eligible Host Organisations section of the Activity Management Chapter, Voluntary Work Host Organisations must be a:

- not-for-profit organisation/charity, or
- not-for-profit arm of a for-profit organisation,

that provides a community service (examples include firefighter reserves, State Emergency Service, school canteen, etc.) and is adequately insured. At minimum, Host Organisations must have public liability and personal accident insurance.

Note: Government sector agencies are considered to be not-for-profit organisations for the purpose of Voluntary Work.

Voluntary Work can be conducted in an eligible Host Organisation's place of business where all other requirements specified in the Deed and Guidelines have been met.

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21.5. Arranging Placements

In addition to the Activity requirements and prohibitions outlined in the Identifying suitable Activities for Participants section of the Activity Management Chapter, Voluntary Work placements must:

- be of benefit to the Participant and the local community and offer no financial gain to the volunteer organisation
- provide the Participant with the opportunity to gain vocational and nonvocational skills that will directly improve their Employment prospects, such as the ability to work as part of a team, take directions from a Supervisor, work independently, communicate effectively, and become more motivated and dependable
- be unpaid, however some eligible placement costs associated with Voluntary Work can be reimbursed using the Employment Fund,
- not primarily promote a particular religious or political view, and
- not involve more than 50 hours of attendance per fortnight, and not more than 25 hours per week
- not include participation outside core business hours, including on a public holiday, unless a Participant chooses to do so and has agreed in advance.
- A Provider Sourced Voluntary Work placement should not exceed 26 weeks unless:
    - the Provider determines this is the best participation option under the circumstances, or
    - the Participant is Fully Meeting their Mutual Obligation Requirements through approved voluntary work. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

Note: Unpaid work performed under a Community Service Order is not considered to be Voluntary Work

For each Provider Sourced Voluntary Work placement, an Activity record with an activity description clearly outlining the Voluntary Work tasks being undertaken by the Participant/s must be created in the Department's IT Systems by selecting the Voluntary work - Community/non-profit sector Activity type. Providers are encouraged to include details of the Core Competencies that will be covered by participation in the Voluntary Work activity when creating the Activity in the Department's IT Systems.

Where a Provider Sourced Voluntary Work placement will Fully Meet or contribute to a Participant Fully Meeting their Mutual Obligation Requirements, this must be recorded in the Placement details. The number of hours per fortnight a Participant will be undertaking Voluntary Work must be entered in the placement details.

21.6. Work Health and Safety

For the purposes of work health and safety, the Provider must refer to, and comply with, the requirements specified in the Managing Work Health and Safety for Activities section in the Activity Management Chapter.

(Deed Reference(s): Clauses 121, 126.2)

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The Provider must retain Records of any action taken with regard to any Incidents that occur during a Voluntary Work placement in accordance with the WHS Incidents and Insurance Readers Guides.

Providers have the discretion to determine how they document Activity Risk Assessments and Participant Risk Assessments for Provider Sourced Voluntary Work Placements but must retain Records of each Risk Assessment undertaken.

21.7. Managing Provider Sourced Voluntary Work Placements

21.7.1. Referring a Participant to Provider Sourced Voluntary Work

Prior to referring a Participant to a Provider Sourced Voluntary Work placement, the Provider must:

- determine the Participant's eligibility
- ensure the Participant has undertaken any background checks required for the Placement
- ensure the Risk Assessment process has been completed by a Competent Person
- ensure the nature of the activities are appropriate and suitable for a Participant (see the Activity Management Chapter for further information).
- refer to and comply with the requirements specified in the Engaging with Host Organisations Section in the Activity Management Chapter.

In addition, the Provider should identify any assistance or items the Participant will require for the Placement. This may include specific clothing and transport. The Provider may be able to seek reimbursement for goods and services related to the Placement. Providers should refer to, and comply with, the requirements specified in the Employment Fund Chapter.

The Provider must refer the Participant against the relevant Activity record in accordance with the Department's training resources.

21.7.2. Commencing the Provider Sourced Voluntary Work Placement

The Provider must confirm with the Host Organisation that the Participant commenced in the placement on the start date recorded in the Voluntary Work Host Organisation Agreement, and then confirm the Participant's commencement in the Department's IT Systems.

The Provider must confirm the placement start date in the Department's IT Systems within 5 Business Days following the scheduled start date.

21.8. Monitoring the Provider Sourced Voluntary Work Placement

The Provider is expected to proactively monitor the placement for its duration.

In addition to the Activity Management Chapter, the Provider should remain in contact with the Host Organisation and Participant to ensure:

- they are aware of any changes in circumstances affecting the placement
- the Host Organisation is operating in accordance with the Voluntary Work Host Organisation Agreement, and
- any issues that may arise are quickly resolved.

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21.9. Participant Completion of Placement

In addition to the requirements outlined in Completion of Activities, Providers must ensure all Participants are exited from their Provider Sourced Voluntary Work Placement and provide an exit reason. When a Provider Sourced Voluntary Work activity ends, the Provider must end the activity in the Department's IT Systems.

21.10. Progress Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Participation in Provider Sourced Voluntary Work may contribute towards a Progress Payment based on work placement. For Progress Payments, the Provider must refer to, and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 22. Local Jobs Program

22.1. Chapter Overview

Description: The Local Jobs Program brings together expertise, resources and access to funding at the local level to support job seekers, employers and their communities in each region. The program has a particular focus on reskilling, upskilling and training and employment pathways.		**Activity Code:** LCJB **Job Plan Code:** N/A
Eligibility: Participants with a Workforce Australia Employment Services Provider, ParentsNext Provider, Transition to Work Provider. See Eligibility for further details	**Duration:** Local Jobs Program Activities vary depending on project.	**Specified Activity:** Yes
PBAS: Points depend on the intensity level and/or nature of the activity. Yes - Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes – Provider-assessed	**Progress Payment:** Yes

This Chapter outlines the requirements for Workforce Australia Providers with regard to the Local Jobs Program (LJP).

22.2. Background

The Local Jobs Program is a collaborative place-based initiative to ensure local labour markets work well for all Australians, in partnership with business and communities. The program supports tailored approaches to skilling individuals to meet local workforce needs. A key focus of the program is to support the more effective local delivery of employment services, achieved by leveraging existing programs and resources, reducing duplication, and providing opportunities for local collaboration. As a place-based initiative, the program acknowledges that regions across Australia have unique characteristics and require responses that reflect and leverage local conditions to best support the needs of individuals and businesses. The program operates in all of Australia's 51 Employment Regions and runs until 30 June 2025.

The program includes the following elements:

- A Job Coordinator and a Support Officer (or Program Officer) on the ground in each region. They bring together key stakeholders including employers, employment services providers, higher education and training organisations to work collaboratively to address the priorities for the region, as identified in the Local Jobs Plan (see below).

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- A Local Jobs and Skills Taskforce with representatives from the local region. They identify key employment priorities and local workforce needs and then connect and collaborate with stakeholders to design and implement solutions.
- A Local Jobs Plan, developed in consultation with local stakeholders and the Local Jobs and Skills Taskforce, which provides a framework for driving skills and employment outcomes in the local labour market.
- Australian Government Job Coordinators deliver the Job Coordinator role in five locations:
    - Three micro regions in WA in Broome, Geraldton and Kalgoorlie (these positions do not include a Program Officer)
    - The Mid North Coast of NSW (includes a Program Officer).
    - Mackay of QLD (includes a Program Officer)
- A Local Recovery Fund (LRF) to support activities designed to address employment and training priorities and identify opportunities to better skill participants to meet local employer demand.
- A National Priority Fund (NPF) for innovative initiatives that address structural and other barriers to the attraction, recruitment and retention of job seekers and workers.
- A Local Initiatives Fund (LIF) that provides a flexible pool of funding for Job Coordinators to use towards small activities addressing community priorities.

(Deed Reference(s): Clause 130)

22.3. Benefits of the Local Jobs Program

The benefits of LJP include, but are not limited to:

- building strong connections between local stakeholders, including Providers, employers and higher education and training organisations to solve local workforce needs
- developing tailored skills and employment initiatives that meet local labour market and employer needs
- providing a mechanism to transition people into new roles by reskilling and upskilling in the skills needed in the Employment Region
- providing an opportunity for Providers to improve their local connections and creating pathways to employment for Participants on their Caseload
- enhancing collaboration and coordination between the Australian Government, state, territory and local governments and community-initiated skills and employment initiatives
- raising awareness of current and upcoming local employment and training opportunities.

The overall goal is to support significant improvements in labour market outcomes for each Employment Region by addressing the issues unique to each region.

Participants in LJP Activities can gain points under the PBAS. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

The TCF will not apply for non-attendance in LJP Activities, however, it will apply if Participants fail to meet their Points Requirement.

(Deed Reference(s): Clauses 90 and 130)

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22.4. Eligibility

Participants registered with a Workforce Australia Employment Services Provider, Transition to Work Provider and ParentsNext Provider are eligible to participate in LJP Activities funded under the LRF. Any of these Providers may refer a Participant to the LRF Activity, with each Activity allocated points under the Points Based Activation System (PBAS).

LJP Activities that are delivered by the Job Coordinator (and not a LJP Activity Host) can be open to any individual.

Participation in Activities funded under the LRF and NPF initiatives is voluntary.

(Deed Reference(s): Clause 130)

22.5. LJP Activities

LJP Activities are locally driven and aligned to a region's employment and skills needs. Activities include:

- LJP Activities funded through the LRF and NPF are determined through tender processes. These activities will require an LJP Activity Host and may have a LJP Activity Partner. Not all LJP Activities with an LJP Activity Host will have a LJP Activity Partner.
- other activities that do not receive funding through the LRF but which are coordinated and delivered by Job Coordinators under the LJP.
- activities that leverage funding being provided by existing programs and services, including state and territory government programs, coordinated through the LJP.

22.6. NPF Initiatives

NPF initiatives are place-based approaches that will address structural and other barriers to employment and complement job creation initiatives to support Australian job seekers into work.

Provider engagement will be variable and dependant on multiple factors including:

- the nature of the NPF initiative – some initiatives may be research or strategy pieces involving nil or minimal participants, while others may involve mentoring and pre-employment programs relevant to skills shortages
- the target cohort – which may extend beyond participants with a Workforce Australia, Transition to Work or ParentsNext Provider; and
- requirement for the NPF initiative to count towards a Participant's Points Requirement under PBAS.

Providers can expect engagement from NPF Suppliers and/or Job Coordinators, and where approached, must collaborate and work proactively with any of these relevant stakeholders, noting the extent of Provider involvement may be variable across NPF initiatives.

22.7. Local Initiatives Fund

Job Coordinators and Australian Government Job Coordinators each have access to a flexible funding pool of up to $30,000 (GST excl) per financial year to support and deliver small scale local activities to respond to community priorities that improve local labour market functioning. The use of the LIF must:

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- support actions or interventions that contribute to improved functioning of the local labour market, including those that enhance local coordination, collaboration or capacity building,
- align with one or more priorities in the region's Local Jobs Plan; or an opportunity identified by the Taskforce, and
- not bring Workforce Australia Local Jobs, Job Coordinator and Support Officer Services, the Department or the Australian Government into disrepute.

The LIF may be utilised for activities that:

- support skills development or increase individuals' competitiveness in the labour market or are likely to lead to an employment pathway including training, pre-employment and community connection activities,
- build capability of stakeholders in the local skills and employment ecosystem,
- assist individuals, workers and employers that have been impacted by labour market disruption, or
- contribute to other local initiatives or projects that align with the Local Initiatives Fund principles.

22.8. LJP Activity Hosts

For LJP Activities funded through the LRF, prospective LJP Activity Hosts, will initiate and develop a proposal, considering the Local Jobs Plan, local labour market and employer needs. Prior to submission, activities can identify a Provider to partner with and work collaboratively with that Provider (known as an Activity Partner and previously referred to as the Partnering Provider) for the duration of the Activity. Some activities may not have an Activity Partner.

Successful tenderers will enter a Commonwealth Contract with the Department.

The LJP Activity Host will be responsible for delivering the LJP Activity in accordance with their Commonwealth Contract – LJP Activity, including providing Supervision, ensuring that a safe system of work is in place, and reporting attendance and any incidents to the LJP Activity Partner (where relevant) who will manage distribution to any relevant Providers or the Department.

(Deed Reference(s): Clause 123, 124, 130)

22.9. Role of LJP Activity Partner (Partnering Provider)

Where a LJP Activity funded through the LRF has a LJP Activity Partner, the Activity Partner needs to be identified prior to the LJP Activity proposal being submitted for tender assessment. The role of the Activity Partner includes the following.

- participating in the development phase of LJP Activities
- setting up the LJP Activity in the Department's IT Systems, including entering the PBAS points value for the Activity as outlined in the Activity Schedule
- conducting an Activity Risk Assessment of the LJP Activity prior to commencing the delivery of the Activity and reviewing and updating as required
- distributing information in a timely fashion to other Providers in the region to support the successful delivery of the Activity
- identify potential and interested participants on their caseload and, where the participant is interested in participating in the Activity, conduct a Participant Risk Assessment to assess their suitability for participation in the LJP Activity, and reviewing and updating as required

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- referring and commencing Participants on their caseload in the LJP Activity
- ensuring referrals and commencements are correctly recorded in the Department's IT Systems
- working with Job Coordinators to help ensure the LJP Activity meets the needs of participants and employers in the region
- collaborating with other Workforce Australia, ParentsNext and Transition to Work Providers to ensure Activities are fully subscribed with Participant referrals.
- advising the LJP Activity Host when a Participant has been referred to their LJP Activity.

The LJP Activity Partner is also responsible for distributing necessary information in a timely manner to providers with a Participant placed onto an LJP Activity. This includes:

- making the LJP Activity Risk Assessment available to Providers referring Participants into an LJP Activity.
- sharing the Activity ID with Providers referring Participants into an LJP Activity and other stakeholders relevant to the activity.
- passing on attendance information and any incidents from the LJP Activity Host to other Providers with Participants in the LJP Activity.

(Deed Reference(s): Clause 90.2, 121, 122, 124, 130)

22.10. Role of Providers

The LJP offers Providers the opportunity to improve their local connections and create pathways to training and employment for Participants on their caseload. Key responsibilities and actions undertaken by Providers in relation to LJP Activities, which must be done in accordance with the Deed and these Guidelines include:

- collaborating and engaging with Job Coordinators and Support Officers, and key stakeholders in the region such as employers, LJP Activity Partners and LJP Activity Hosts
- identifying opportunities to actively engage with LJP Activities as the Activity Partner
- referring and commencing Participants in LJP Activities and broader LJP activities, including NPF initiatives
- monitoring placements
- updating Participant Job Plans
- undertaking and updating Participant Risk Assessments, as required and advising the LJP Activity Partner and/or LJP Activity Host
- recording participation in the Activity for participants on their caseload
- following up non-attendance of Participants on their caseload
- managing the replacement of Participants who disengage or withdraw from the LJP Activity
- reporting incidents to the Department
- working with the LJP Activity Partner to:
    - advise them when they are referring a Participant to the LJP Activity
    - manage the replacement of Participants to maximise utilisation.

Job Coordinators, as part of their contractual obligations, will provide regular feedback to the Department regarding Providers' collaboration and participation in LJP Activities and the broader Local Jobs Program.

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(Deed Reference(s): Clause 90.2, 121.1, 122, 124, 130)

22.11. Referral to a LJP Activity

It is a priority to ensure that available places in a LJP Activity are fully utilised.

The LJP Activity Partner will have the first opportunity to place Participants onto the LJP Activity they are partnering on.

Either in advance of the LJP Activity commencing or following its commencement, the LJP Activity Partner should consider if the LJP Activity is shared with other Providers in the Employment Region to maximise success.

If the LJP Activity Partner does not have enough suitable Participants on their caseload, they must share the LJP Activity with other Providers to ensure that the activity is fully subscribed. This can be done through negotiation with Providers in the Employment Region, including through the Job Coordinator and Support Officer.

Where a LJP Activity is shared, the LJP Activity Partner will provide the Activity ID to other Providers to allow them to refer their Participants to the LJP Activity.

The Department will monitor the utilisation of LJP Activity places and may request the Job Coordinator and Support Officer to liaise with Providers to maximise participation.

(Deed Reference(s): Clause 130)

22.12. Work Health and Safety and Incidents

For the purposes of Work Health and Safety, Providers must also refer to, and comply with, the requirements specified in the Deed and Activity Management Chapter.

Should an incident occur on a LJP Activity, the LJP Activity Host is responsible for managing the incident, in collaboration with the Supervisor of the LJP Activity. The LJP Activity Host is responsible for advising the LJP Activity Partner of any incidents which involve Participants.

It is the LJP Activity Partner's responsibility to ensure that the Participant's relevant Provider is notified.

For further information in relation to the process for reporting incidents and completing incident forms refer to the WHS Incidents and Insurance Readers Guides and the Activity Management Chapter.

Providers must retain Records of any action taken with regard to any Incidents that occur during an LJP Activity in accordance with the WHS Incidents and Insurance Readers Guide.

(Deed Reference(s): Clause 121, 130)

22.12.1. Conducting Risk Assessments

An LJP Activity is a Specified Activity. Providers must:

- where they are the LJP Activity Partner,
    - undertake an Activity Risk Assessment of their LJP Activity, prior to commencing the delivery of the Activity and reviewing and updating as required.

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- make the Activity Risk Assessment available to other Providers referring Participants into the LJP Activity.

- undertake and update Participant Risk Assessments for participants on their caseload that are referred to LJP Activities.

Further information on Risk Assessment Requirements is available in the Conducting Risk Assessments for Specified Activities section of the Activity Management Chapter.

Providers have the discretion to determine how they document Risk Assessments, but must retain Records of each Risk Assessment undertaken.

22.13. Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Successful participation in and/or completion of an LJP Activity may contribute towards a Progress Payment. Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 23. Workforce Specialists

23.1. Chapter Overview

Description: Workforce Specialists deliver Workforce Specialist Projects that connect job seekers with workforce opportunities in selected industries and occupations.		**Activity Code:** WFS **Job Plan Code:** N/A
Eligibility: All Participants, noting projects may have additional eligibility criteria.	**Duration:** Variable	**Specified Activity:** No
PBAS: Yes - Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes. For Workforce Specialist Projects – Provider-assessed	**Progress Payment:** Yes – Pathway to employment activity or work placement (dependant on project)
Participant Payment: N/A	**Host Payment:** Any host payments are managed by the Workforce Specialist	**Provider Payment:** No

This Chapter outlines the requirements for Providers in regard to Workforce Specialists and Workforce Specialist Projects.

23.2. Background

Workforce Specialist Projects are designed to meet the workforce needs of identified industries and occupations, connecting them to suitable Participants in Workforce Australia Online, Workforce Australia Services and Workforce Australia – Transition to Work.
Projects may support job seekers to identify, access and engage with:

- labour market opportunities within these industries
- the skills and training pathways to connect with these opportunities
- potential areas for career progression, and/or
- the support available to prepare for and take up these employment opportunities.

Workforce Specialist Projects will vary considerably in their design and duration, with details provided as part of each project description, including PBAS points.

On 14 May 2024, the Australian Government announced it would cease approving new projects under the Workforce Specialists initiative, effective immediately. Projects currently being delivered will continue until completion.

Information regarding current Workforce Specialist Projects can be found at: Workforce Specialists - Department of Employment and Workplace Relations, Australian Government (dewr.gov.au)

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23.3. Role of Providers

Key responsibilities and actions undertaken by Providers in relation to Workforce Specialist Projects, which must be done in accordance with the Deed and these Guidelines, include:

- identifying if Participants meet any identified eligibility criteria to participate in a Workforce Specialist Project
- confirming, including by reference to the relevant Risk Assessments, if the Workforce Specialist Project is suitable for the Participant
- assisting Participants to submit an expression of interest to participate in the Workforce Specialist Project via Workforce Australia Online
- where a Participant is accepted to participate in a Workforce Specialist Project, Providers:
    - must ensure the Participant is aware of their responsibilities, such as attending the Workforce Specialist Project on the relevant days and times advised by the Workforce Specialist
    - must work collaboratively with the Workforce Specialist to support the Participant's participation in the Workforce Specialist Project. This may include using their discretion to draw upon the Employment Fund where appropriate, in accordance with the requirements specified in the Employment Fund Chapter
    - must confirm an Activity Risk Assessment has been undertaken for any Specified Activity conducted by the Workforce Specialist as part of a Workforce Specialist Project
- where a Participant is placed into Employment by a Workforce Specialist, providing Post-placement Support, in collaboration with the Workforce Specialist if appropriate.

(Deed Reference(s): Clauses 122.3, 122.4, 131)

23.4. Eligibility

Participation in a Workforce Specialist Project is voluntary. A Provider can assist a Participant from their Caseload to submit an expression of interest to be considered for participation in a Workforce Specialist Project, subject to any additional Workforce Specialist Project specific eligibility criteria. For example, a Workforce Specialist Project may be targeted to Participants of a specific age group, or require Participants to have a Driver's Licence.

Providers can view any additional eligibility criteria in a Workforce Specialist Project description in the Department's IT Systems.

Participants in a Workforce Specialist Project can gain points under the PBAS. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information. The TCF will not apply for non-attendance in Workforce Specialist Projects, however, it will apply if Participants fail to meet their Points Requirement.

23.5. Collaboration with Workforce Specialists

Providers will need to work with Workforce Specialists to support Participant referrals to, and participation in, Workforce Specialist Projects. Providers will also need to work with Workforce Specialists to provide Post-placement support to Participants placed into Employment as part of a Workforce Specialist Project.

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- Providers must provide support to Workforce Specialists to assess the suitability and capacity of a Participant from the Provider's Caseload to undertake any Activity within a Workforce Specialist Project. This includes assisting with the provision of information to support the Workforce Specialist undertake a Participant Risk Assessment and the management of other Work Health & Safety matters, including incidents.

(Deed Reference(s): Clauses 90.2, 91.5, 122.3, 123, 131)

23.6. Expressions of Interest for a Workforce Specialist Project

Once a Workforce Specialist has entered Workforce Specialist Project into the Department's IT Systems, Providers can search for and view that Workforce Specialist Project.

- Providers view available Workforce Specialist Projects via the Activity Management component in the Department's IT Systems.

Information about each Workforce Specialist Project will be available in the project description, including the number of PBAS points a Participant can receive by participating.

Workforce Specialists may also promote Workforce Specialist Projects to Providers and Participants outside of the Department's IT Systems.

Providers must identify eligible and potentially suitable Participants for Workforce Specialist Projects. Providers should provide identified Participants with details of Workforce Specialist Projects available in their Employment Regions.

Prior to discussing potential referrals with the Workforce Specialist, the Provider must ensure the Participant has been made aware of, and consented to, the disclosure of relevant personal information to the Workforce Specialist for the purpose of managing the Participant's referral and participation in a Workforce Specialist Project.

Before recommending that a Participant submits an expression of interest for a Workforce Specialist Project, the Provider must consider the nature of the tasks involved in the Workforce Specialist Project and whether these are appropriate and suitable for the Participant. The Provider may also discuss potential referrals with the Workforce Specialist to assist in making any determination of the Participant's suitability and capacity to participate in the Workforce Specialist Project.

To be considered for a Workforce Specialist Project, the Participant will need to submit an expression of interest. The expression of interest process will vary from project to project, and may include several screening questions (for example, relevant tickets or licences already held by the Participant, or occupations they may be interested in).

- Providers are required to support Participants to submit expressions of interest for Workforce Specialist Projects via Workforce Australia Online.

The Workforce Specialist will assess all expressions of interest to participate in a Workforce Specialist Project. A place in the Workforce Specialist Project will only be confirmed once a Participant's expression of interest has been accepted by the Workforce Specialist.

Participants may submit expressions of interest via Workforce Australia Online without first notifying their Provider. The Workforce Specialist is strongly encouraged to discuss the referral with the Provider prior to accepting an expression of interest from the Participant.

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If a Workforce Specialist does not accept a Participant's expression of interest, it should notify the Participant of the reasons for its decision. A Workforce Specialist Project may have a limited number of places available.

(Deed Reference(s): Clauses 120.1, 131)

23.7. Payments

The funding arrangements for each Workforce Specialist Project will be outlined in a contract between the Workforce Specialist and the Department. The funding arrangement will consider existing support and funding available under other programs available to assist Participants.

Providers may be asked to draw upon Financial Incentives, including the Employment Fund, to support Participants successfully take part in Workforce Specialist Projects. For example, a Participant may require workwear or equipment for a job placement that forms part of a Workforce Specialist Project.

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Completion of a Workforce Specialist Project may contribute towards a Progress Payment. For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

The Provider of a Participant placed into Employment by a Workforce Specialist may be eligible to receive Employment Outcome Payments in line with the Deed and the Provider Payments and Vacancies Chapter.

(Deed Reference(s): Clauses 149, 155.6)

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Chapter 24. Launch into Work

24.1. Chapter Overview

<table>
<tr><td colspan="2">Description: Launch into Work (LiW) is a pre-employment Activity for clients of Workforce Australia Services or Transition to Work. Participation is voluntary. LiW Projects support LiW Project Participants into entry level employment and are tailored to the role requirements. LiW Projects include training, practical workplace activities, mentoring and a guaranteed job for suitable LiW Project Participants who successfully complete all requirements of the Project. LiW Project Participants must have participated in screening and selection, and pre-employment checks (if required), to determine their suitability for the job on offer prior to commencement in a LiW Project.</td><td>Activity Code: LiW

The LiW team will create the Activity ID for each Project and will provide it to you prior to commencement of the LiW Project.

Job Plan Code:

Not Applicable</td></tr>
<tr><td>Eligibility: Aged 18 years and over who are in Workforce Australia Services, or Transition to Work.
Note: LiW Projects may have additional unique eligibility criteria relevant to the role.</td><td>Duration: Variable - depending on the requirements of the role. Can run for 2 or up to 12 weeks.</td><td>Specified Activity: Yes</td></tr>
<tr><td>PBAS: Yes – Please refer to the points values for tasks and activities in the Points Based Activation System participant fact sheet.</td><td>Activation eligible: Yes - Provider-assessed</td><td>Progress Payment: Yes – Refer to Provider Payments and Vacancies Chapter - Progress Payments for undertaking Activities and Progress Payments for completing a pathway to Employment.</td></tr>
</table>

This Chapter outlines the requirements for Providers with regard to LiW.

24.2. Background

LiW funds employers (i.e. LiW Organisations) to deliver LiW Projects that include:

- Pre-LiW Project events focused on screening and selection of the Caseload to identify Participants who are suitable for a LiW Project
  - LiW Organisations select candidates based on the essential values and attributes required for success in the participating employer's entry-level jobs
  - Participants who are selected for a LiW Placement are 'LiW Project Participants'
- Delivery of the LiW Project to selected Participants
  - The LiW Organisation prepares Participants for employment by providing training, practical workplace activities and mentoring tailored to the roles available with the participating employer(s).

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The LiW Organisation, or nominated employer for coordinated projects, is required to commit to employing all suitable Participants who successfully complete the LiW Project. The number of LiW Project Participants must not exceed the number of available jobs.

The LiW Program creates opportunities for Participants who would not otherwise have been offered employment through typical recruitment methods.

LiW Organisations provide information to Providers and potential LiW Project Participants about career pathways in their industry and organisation.

LiW Projects offer Providers the opportunity to place Participants into an Activity that leads to a guaranteed employment outcome for all LiW Project Participants who successfully complete all aspects of the LiW Project. LiW Project Participants will be deemed to have successfully completed the LiW Project when they:

- successfully complete the required training
- participate in mentoring
- participate in practical workplace activities
- have a positive attendance record for the duration of the LiW Placement
- demonstrate the required values and attributes throughout the LiW Placement
- any other requirements of the LiW Project and employer(s).

Providers cannot provide or purchase LiW Projects.

24.3. Benefits to Participants

Participants who are selected for and successfully complete all aspects of a LiW Project are guaranteed employment with the participating employer(s) (the definition of successfully completes a LiW placement provided at section 24.2 applies to the guaranteed employment outcome).

LiW is a high intensity form of pre-employment preparation. Projects vary in duration depending on the requirements of the role. They can run for 2 weeks and up to 12 weeks.

LiW Project Participants gain Points under the PBAS for their participation in screening and selection processes and LiW Projects. A Participant's Job Search Requirement will be automatically set to zero when the Provider commences the Participant into the LiW Project in Workforce Australia Online. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

The Targeted Compliance Framework will not apply for non-attendance in pre-LiW Project events and LiW Projects, however, it will apply if Participants fail to meet their Points Requirement.

24.4. Role of Providers

The role of Providers in the LiW Project is:

- attending a provider briefing session delivered by the LiW Organisation and department regarding the Project and risk assessments
- collaborating with the LiW Organisation to promote LiW Projects and the associated employment outcome to LiW Project Participants
- identifying and referring potentially suitable and interested Participants to LiW Project information sessions and screening and selection processes

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- supporting the preparation of Participants for LiW Project screening and selection, through resume development, interview preparation and organising pre-employment checks where required, e.g. police checks, working with children checks or medical assessments (this includes supporting Participants to source the relevant identity documents)
- placing and commencing Participants who are selected by the LiW Organisation for the LiW Project against the Activity ID in the Department's IT Systems to enable them to earn their full PBAS points from the first day of the project
- ensuring that the Participant is set up on Workforce Australia Online to claim their PBAS points for screening and selection related assessments and the LiW Project (this includes instances where the Provider has removed the PA03 Job Plan code from the Participant's Job Plan and the Participant cannot self report).
- providing transport support to Participants (if required) to enable them to participate in screening and selection, pre-employment checks, the LiW Project and the early stages of employment and meeting the cost of pre-employment checks and personal protective equipment (where this is not met by the LiW Organisation)
- conducting Participant and Activity Risk Assessments prior to commencement of the LiW Project, updating Participant and Activity Risk Assessments (as required) if any aspects of the LiW Project change during the LiW Project, and critical incident management during the LiW Project (if required)
- working collaboratively with the LiW Organisation to follow up on any issues throughout the LiW Project and the early stages of employment (e.g. non-attendance of Participants on their Caseload).

Providers may be able to seek reimbursement from the Employment Fund for goods and services related to LiW participation where it is not funded through the LiW Activity. Providers should refer to, and comply with, the requirements specified in the Employment Fund Chapter.

(Deed Reference(s): Clauses 90, 122, 132)

24.5. Eligibility

Participants must be in Workforce Australia Services or Transition to Work and must be aged 18 years or over to participate in a LiW Project.

Other eligibility requirements will vary depending on the job role and the needs of the employer who is offering guaranteed jobs to successful Participants. These will be clearly communicated at the provider briefing and LiW Project information sessions.

24.6. Collaboration with Launch into Work Organisations

The Department will notify Providers when there is a LiW Project opportunity in their location and invite them to a LiW Project briefing session with the LiW Organisation. At the briefing session the LiW Organisation will:

- describe the LiW Project duration and the job type, employment outcome and supported career pathways offered by the participating employer(s)
- describe the values and attributes Participants will require to be successful in employment on completion of the LiW Project (Providers must use this information to screen their Caseload prior to referral of a Participant to a LiW Project information session)

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- outline the screening and selection process and the pre-employment checks required to determine Participant suitability for commencement in the LiW Project
- provide timelines for Participant referral, screening and selection, project delivery and employment.

Following the briefing session, Providers will:

- screen their Caseload for Participants who are interested and may be suitable for a LiW Placement
- if required, organise a space for a virtual LiW Project information session and support Participants to complete any expression of interest forms
- refer interested and suitable potential Participants (in keeping with the LiW Organisation's requirements) to a LiW Project information session or assessment centre with the LiW Organisation
- provide Participants with:
    - any LiW Project specific marketing material (where applicable), e.g. flyers, position descriptions
    - details of the LiW Project job seeker information session and any information they need to bring with them to the session
    - a basic understanding of the employer and positions available.

The LiW Organisation will undertake screening and selection activities to identify their preferred LiW Project Participants and invite them to commence in the LiW Project.

LiW Organisations will ensure all relevant Personnel and Supervisors involved in LiW Projects have undertaken appropriate employment checks for their role and are fit for involvement in the LiW Project.

The LiW Organisation does not have IT system access. Where the Participant or the LiW Organisation advises the servicing Provider that a Participant has attended a job interview or other assessment activities (such as a medical) for a LiW Project after the fact, the servicing Provider can add a task on behalf of the Participant via the IT system. Refer to the Meeting the Points Requirement section in the Jobs Plan and Mutual Obligations Chapter for more information.

Providers may be able to seek reimbursement from the Employment Fund for goods and services related to LiW participation where it is not funded through the LiW Project. Providers should refer to, and comply with, the requirements specified in the Employment Fund Chapter.

The LiW Organisation will advise the Provider when the Participant has passed all the required pre-employment checks and has been selected for the LiW Project. The LiW Organisation will provide constructive feedback to those not successful in securing a position on the LiW Project.

The LiW Organisation does not have IT system access and cannot schedule the Activity for the LiW Project Participant. The Provider must place and commence the LiW Project Participant into the Activity using the Activity ID provided by the Department.

Once the placement of the Participant into the Activity has been confirmed by the Provider a weekly declaration will be triggered to allow the LiW Project Participant to confirm participation in the LiW Project via the Workforce Australia website or mobile app. Where LiW Project Participants do not have the authority to confirm their own participation in the Activity, the Provider will need to do this on their behalf. Where this is the case, the Provider must advise the LiW Organisation at the

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commencement of the relevant Participant in the LiW Project, request regular updates from the LiW Organisation on the Participant's attendance and use this information to update the Participant's details on their behalf. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

Consistent with the Deed and the Conducting Risk Assessments section**,** Providers must complete the Participant and Activity Risk Assessments and ensure that the LiW Project is appropriate prior to the Participant commencing in the LiW Project.

Providers must ensure that the Participant is not booked into conflicting appointments for the duration of these LiW events:

- information sessions
- screening and selection processes, including assessment centres
- pre-employment checks, and
- the LiW Project.

24.7. Activity management

24.7.1. Creation and referral to a Launch into Work Project

The Department will create the Activity for the LiW Project in the Department's IT Systems and provide the Activity ID to the Provider.

The Provider can place Participants into the LiW Project once:

- the LiW Organisation has confirmed with the Provider that the Participant has passed the screening and selection requirements for the LiW Project and has accepted a place on the LiW Project, and
- the Provider has conducted Participant and Activity Risk Assessments, determined the Activity is suitable for the Participant and implemented a strategy for mitigation of any risks associated with the Activity.

The Department will provide the relevant Activity ID to those Providers whose Participants are invited to join a LiW Project. Providers must then place and commence the eligible Participant into the LiW Project. Refer to the Meeting the Points Requirement section in the Jobs Plan and Mutual Obligations Chapter for more information.

24.7.2. Risk Assessments for a Launch into Work Project

LiW Placements are Specified Activities. Providers must comply with the requirements set out in the Deed and Guidelines, including the Activity Management Chapter.

LiW Organisations undertake a risk analysis as part of the LiW Project development process. LiW Organisations will share relevant information from this risk analysis with Providers on request. Providers remain responsible for conducting Participant and Activity Risk Assessments for LiW Project Participants.

Before placing the Participant into a LiW Project, the Provider must ensure the Activity is suitable and safe, will assist the Participant to progress towards employment and accounts for the Participant's individual circumstances and capacity. Refer to the Activity Management Chapter, Referrals and Commencement of an Activity Section.

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The Activity Risk Assessment should take into account the role of the LiW Organisation and the tasks the LiW Project Participants will be undertaking, consistent with Activity Management Chapter, Managing work health and safety for Activities of this Guideline.

Providers must review risks regularly and take appropriate action on those risks where required. The Provider and the LiW Organisation must determine and implement appropriate methods to mitigate the identified risks after the Provider conducts the Activity Risk Assessment, taking into consideration the Participant Risk Assessment.

Where a Participant and/or Activity Risk Assessment identifies significant work health and safety concerns that cannot be mitigated to create a safe working environment and/or cannot be adequately managed by the Provider and/or the LiW Organisation, the Activity must not proceed.

24.8. Payments

Providers may be eligible for Progress and Outcome Payments. Refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 25. Education and training

Supporting Documents for this Chapter:

- Education and training in Workforce Australia Participant fact sheet

25.1. Chapter Overview

Description: Provides Participants with the opportunity to learn skills and gain qualifications that will improve their employment prospects. Prepares Participants to meet Employers' skill needs through skills development, Education and training.		**Activity Code:** AETV (accredited) NETV (non-accredited) **Job Plan Code:** N/A
Eligibility: Variable Refer to the Eligible Education and training courses section below.	**Duration:** Less than 12 months in duration.	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes - approved Activity or Provider-assessed depending on the type of training.	**Progress Payment:** Yes – education or vocational intervention

This Chapter outlines the Education and training options available for Participants to learn skills and gain qualifications that will improve their employment prospects.

25.2. Eligible Education and training courses

Education and training benefits Participants to increase their skills and complete courses and/or gain a qualification that will enhance their ability to gain secure and meaningful employment.

Participants can undertake an Education or training course, of less than 12 months:

- by selecting an eligible course that is listed on Your Career as either:
  - a Fee-Free TAFE course, or
  - subsidised by a state or territory government
- where the Provider approves that course for the Participant, they can do so by selecting a course not subsidised or not listed on Your Career. Refer to Approval of a course of study for more information on the approval process.

Participants undertaking an eligible Education and training course will earn points towards their Points Target under the PBAS. The Participant can choose to undertake these courses at any time during their Points Reporting Period. The Provider should guide the choice but unless specified by these Guidelines, does not need to approve the Participant to undertake these courses.

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Note: Participants undertaking an eligible Education and training course over 15 hours per week or full-time as determined by the institution, for less than 12 months duration, will not be required to complete a Job Search Requirement.

- Providers must reduce the Job Search Requirement to zero in the Department's IT Systems for these Participants.
- Where a Participant's Points Target is 100 points, Providers must reduce a Participant's Points Target by applying a 20 point Activity bonus credit where they are undertaking Education and training courses over 15 hours per week.

Education and training may be undertaken where the Participant would otherwise have Work for the Dole as a Mandatory Activity Requirement. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in Education and training, however, it will apply if Participants fail to meet their Points Requirement.

Fee-Free TAFE courses can vary between different states and territories. Participants should check their eligibility when selecting a course and can find this information under 'Enrol now in your state or territory' on the Fee-Free TAFE | Your Career website.

25.2.1. Allowable breaks while undertaking an Education and training course

Where a Participant has a break, such as a semester break, that is of less than or equal to a period of 4 consecutive weeks while undertaking an eligible Education or training course which is contributing to their Points Target, there is no need to adjust a Participant's requirements. Points relating to the ongoing Education and training course should continue to be credited for the duration of the break.

If the break is greater than 4 weeks, the Participant must do other requirements, such as Job Search or other Activities to meet their Points Target, for the period of the break.

25.3. Approval of a course of study

Participants can study a course not listed as eligible in myskills.gov.au or is non-accredited if the course is less than 12 months in duration and the Provider determines that the course is appropriate to the Participant and improves their employment prospects.

Courses considered to improve a Participant's employment prospects include:

- courses that will lead to qualifications in an in-demand area of identified skill needs
- courses that will address a skills gap of the individual necessary for them to find work
- courses that will lead directly to employment for the Participant
- courses that are year 12 or an equivalent level for Early School Leavers.

Areas of identified skills needs may include:

- identified on the Skills Priority List as in shortage and/or of high to moderate future demand (Skills Priority List | Jobs and Skills Australia);
- a higher education short course listed on the www.courseseeker.edu.au/courses, or
- information sources relevant to the local area.

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Any course approved by a Provider must be a Certificate I course or higher (but not a Masters or Doctorate course, except in the circumstances listed at section Approval of courses of 12 months or longer in duration, or certain non-accredited courses as outlined below).

Note: Non-accredited courses do not need to be a Certificate I or higher, but the course must be in the best interest of the Participant and will allow the Participant to develop skills that will enhance their employability or enable them to undertake further study in accredited Education and training courses.

People undertaking full-time Education and training that is longer than 12 months in duration should generally be placed on a student allowance. Providers should refer full-time students to Services Australia for an Income Support Payment eligibility check.

Early School Leavers should generally be required to participate in Education and training/or other suitable Activities for 25 hours per week until they have achieved year 12 or an equivalent level qualification (15 hours for Principal Carer Parents/ those with a Partial Capacity to Work).

Specific courses and qualifications may have their own eligibility criteria and Providers should discuss these with the Participant to ensure that the Participant meets any prerequisite requirements before approving any Education and training.

25.3.1. Approval of courses of 12 months or longer in duration

Providers must not approve full-time courses of 12 months (2 semesters) or longer in duration, or Masters or Doctorate courses, except in the following specific circumstances.

- Participants in receipt of Special Benefit (Nominated visa holder - NVH) who have not attained a Year 12 or equivalent qualification may undertake full-time study in a school institution up to Year 12. These Participants will still be required to attend Provider appointments and have a Job Search Requirement, where appropriate for their circumstances.
- Participants in receipt of Youth Allowance (other) can continue to study in a course which is longer than 12 months in duration if they have exceeded the allowable time for their course under Youth Allowance (student) but have less than 12 months of study remaining to complete their course.
- The Participant is a single Principal Carer Parent who has been granted Pensioner Education Supplement (PES) for an academic course or course longer than 12 months. Where an eligible course for which PES is granted is being undertaken full-time or for at least 30 hours per fortnight, this will fully meet requirements, and the single principal carer will not be required to undertake additional Activities.
- The Participant is in receipt of Parenting Payment Single.
- The Participant is a Parenting Payment recipient who transferred to JobSeeker Payment or Youth Allowance (other) or, in some limited instances, where a Participant was granted the Disability Support Pension and then transferred to JobSeeker Payment or Youth Allowance (other). They are able to continue their studies in the same course they commenced while receiving the previous Income Support Payment type for which they receive PES.
- Services Australia has approved participation in a full-time course for Participants prior to entering employment services if the Participant has been identified as requiring training under the SEE Program or AMEP.

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- Services Australia can also approve participation in a full-time course for any Participant prior to entering employment services or another relevant Provider's program if:
    - the Participant has an offer of employment, confirmed by a letter from the potential employer, contingent upon their completing the course
    - the course has a clear vocational application, and
    - the Participant is prepared to meet any additional expenses involved.

25.4. Role of Providers

The Provider should:

- encourage Participants to build on their existing skill sets and help them to access appropriate and targeted skills and training opportunities and increase their ability to find work
- become familiar with, and promote, flexible Education and training including courses subsidised by Commonwealth, state and territory governments
- monitor Participants undertaking Education or training, and support them to complete their course
- support Participant to update their résumé and profile to reflect the new qualification.

Providers are required to obtain copies of any qualifications or statements of attainment from the Participant.

The Provider may also consider supporting costs associated with studying in accordance with the requirements outlined in the Employment Fund Chapter.

Where study is undertaken online, Providers can request Documentary Evidence from Participants of the online hours that they complete.

The Provider must retain evidence (either hard copy or soft copy) of timesheets or other records of attendance. Where Participants are recording their own attendance, Documentary Evidence is not required to be kept by the Provider.

The Provider must retain evidence (either hard copy or soft copy) of qualifications, statements of attainment or similar where relevant.

(Deed Reference(s): Clauses 89, 90, 91, 120)

25.5. Payments

Progress Payments may be available to claim when the Participant’s circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

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Chapter 26. Skills for Education and Employment

Supporting Documents for this Chapter:

- Summary of Eligibility Criteria
- SEE and AMEP Client Capability Guide
- 'How to refer to SEE' task cards
- Differentiating between AMEP and SEE: when to refer to which program
- SEE Program – Evidence for Progress Payments

26.1. Chapter Overview

Description: Training that prepares Participants for employment or further study, or supports their existing connection to the workforce, by building vital foundation skills in language, literacy, numeracy and digital literacy (LLND), boosting their communication skills, engagement, and confidence.		**Activity Code:** OAPG - LN **Job Plan Code:** N/A
Eligibility: aged over 15 years and have left school, an Australian citizen, permanent resident or on an eligible[5] provisional or temporary visa, suitable for training without significant barriers to successful participation	**Duration:** Up to 2 years for an individual referral (iterative referrals are available until the participant achieves an exit benchmark)	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes – approved activity or Provider-assessed	**Progress Payment:** Yes – education
Participant Payment: $20.80 per fortnight Language, Literacy and Numeracy Supplement if eligible	**Host Payment:** N/A	**Provider Payment:** N/A

This Chapter outlines the requirements for Providers with regard to the Skills for Education and Employment (SEE) program. Please see the Provider Portal for more information about the program.

26.2. Background

Low levels of literacy, numeracy and basic digital skills can be a significant barrier to even entry-level employment. However, they are able to be addressed.

[5] Provisional or temporary visa with working rights and eligible for the Adult Migrant English Program

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The SEE program provides accredited and non-accredited training in English language, reading, writing, maths and digital skills, to prepare Participants for employment or further study or strengthen their connection to existing employment. The program addresses the foundation skill gaps that limit individuals' employment options and prevent their successful engagement in training for a specific occupation.

SEE courses can focus on language and literacy only, for example a Certificate in Spoken and Written English, or numeracy and digital skills, or contextualised to support learning for those undertaking VET courses such as Childcare or Aged Care certificates. Workforce Australia Participants can undertake SEE in classroom settings, via distance learning, or using a combination of both. Participants may undertake individual building blocks of a course focusing on specific skill sets, or work toward a recognised qualification up to Certificate III level with LLND skills embedded in the training. Training is tailored to meet a Participant's needs and goals and both part-time and full-time options are available.

26.3. Benefits of SEE

SEE prepares Participants for employment or further study by building vital foundation skills in language, literacy, numeracy and digital literacy, boosting communication skills, engagement, and confidence.

Participation in SEE meets a Participant's Points Requirement and will not have a Job Search Requirement under the PBAS. SEE can also be undertaken where the Participant would otherwise have Work for the Dole as a Mandatory Activity Requirement. Refer to the Job Plan and Mutual Obligations Requirements Chapter for more information.

The TCF does not apply directly for non-attendance in SEE. However, it can apply if the Participant fails to meet their Points Requirement through non-attendance and does not make up the points deficit another way.

26.4. Role of Providers

Providers have the responsibility to:

- work with their local SEE Providers and ensure they are familiar with SEE's service offering.
- actively identify Participants likely to benefit and discuss referral (the Participant may struggle to complete forms, or navigate online environments, or be identified in the SEE Potential Clients Qlik App)
- ensure potential referrals are aware of the program, its flexible delivery options, and the opportunities and benefits it offers.
- engage with any concerns or hesitation and consider what supports can be provided.

The SEE Foundation Skills Quiz is an additional tool to help Providers clearly and confidently identify when a SEE referral is indicated.

26.4.1. Stream 2 SEE delivery – First Nations

SEE now includes a training stream for First Nations communities. This stream, commencing from July 2024, will support development of local, First Nations-led solutions addressing barriers to access and delivery in First Nations communities.

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SEE Stream 2 is a competitive grants program and there will not be a project in each community. Additionally, as Stream 2 projects are community designed and led, they will be aligned to the needs of the respective community and may not all be directly related to employment outcomes.

Given the local, community-led nature of these projects, Providers do not initiate referrals under this stream. If First Nations Participants should inquire about Stream 2 SEE delivery, Providers should:

- advise them that SEE Stream 2 referrals are not facilitated by Workforce Australia Services
- reassure the Participant that mainstream SEE delivery is culturally safe and explore the options available in their local area
- offer to forward their inquiry to the Department for further information about the First Nations stream and current projects (please take the Participant's name and a phone or email contact and forward with their inquiry to SEEFirstNations@dewr.gov.au).

(Deed Reference(s): Clauses 89, 90, 120, 136)

26.5. Eligibility

26.5.1. Eligibility

A Participant's eligibility for Workforce Australia Services will already cover most SEE eligibility criteria (see Summary of Eligibility Criteria). Individuals must also be aged over 15 years, have left school and be deemed suitable for training without barriers that would prevent successful participation.

Participants are not required to be receiving an Income Support Payment or have Mutual Obligation Requirements to participate in SEE.

26.5.2. Suitability

Potential suitability and benefit will often be indicated by the Job Seeker Snapshot. Under the heading 'Skills for Education and Employment or Adult Migrant English Program', the word 'Yes' is displayed if the job seeker self-identified low ability in speaking, reading or writing English, required an interpreter during appointments, or completed less than year 10 schooling.

Providers should review the Participant's Job Seeker Snapshot and discuss potential referral to SEE with the Participant if any of the above indicators are present.

The Adult Migrant English Program (AMEP) also offers free language and literacy training to eligible migrants and humanitarian entrants. The guide Differentiating between AMEP and SEE was developed to help Providers refer clients to the most appropriate service for their needs.

26.6. Referral to SEE

After a potential SEE Participant is identified and the Provider has made the referral in the Department's IT Systems, a Pre-Training Assessment (PTA) is conducted by the SEE Provider. The PTA assesses the Participant's capability levels against the Australian Core Skills Framework (ACSF) and determines their capacity to benefit from the program.

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The SEE Provider will advise the Participant and the Provider whether or not training is recommended and, if SEE is recommended, will commence the Participant in a course of study aligned to their goals and capabilities.

Providers refer Participants to SEE via the Department's IT Systems as an Activity. Knowledge Base Article KB0014580 outlines the referral process.

26.7. Monitoring Placements

Providers should liaise with the SEE Provider regarding the Participant's assessed capability levels and establish agreed communication protocols for advice on progression.

Where the SEE Participant lacks the capability to self-report their weekly attendance, the Provider will need to undertake this on the Participant's behalf. The Provider only needs to seek the Participant's personal confirmation of SEE attendance that week and ensure the Participant is aware of the consequences of a false declaration. Once the SEE Provider has entered actual attendance records in the system, or forwarded records to the Provider, any inconsistency should be followed up with the Participant.

The SEE Provider is responsible for exiting the Participant from SEE should they cease to attend training regularly and are not contactable to ascertain a reason. In this instance, the SEE Provider will notify the Provider.

No system steps are required of the Provider when the Participant is exited from the SEE program.

26.8. Completion of SEE

Average participation in SEE is approximately 8 months. SEE clients have 2 years in a single referral period to complete their chosen course(s) or qualification(s). They can continue to access the program, which may involve iterative referrals, until they achieve an exit benchmark, i.e. a Certificate IV in a foundation course or a Certificate III in a mainstream VET course. After 2 years in the program, a Participant may again access the program if a new PTA indicates further capacity to benefit.

No system steps are required of the Provider when the Participant completes a SEE referral.

26.9. Payments

Progress Payments are available to claim when the Participant's circumstances have changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. For Progress Payments, Providers must refer to, and comply with, the requirements specified in the Provider Payments and Vacancies Chapter.

Payment eligibility will often be evidenced by the Participant's Customised Training Plan (CTP), which summarises the Participant's SEE progress against the ACSF. A guide to the CTP is available via the SEE page of the Provider Portal.

Additional information on ACSF levels and the capabilities they typically indicate is available via the SEE Client Capability Guide, which can be completed by the SEE Provider after assessments to help inform Providers' servicing decisions.

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26.10. Transfer arrangements

Where a Participant already participating in SEE moves to the Provider from another Workforce Australia Employment Services Provider, a different employment service or from Workforce Australia Online, the Provider should support and encourage the Participant's continuation, particularly if they have not yet achieved an exit benchmark.

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Chapter 27. Adult Migrant English Program

27.1. Chapter Overview

Description: Free English language tuition to eligible migrants.		**Activity Code:** AMEP **Job Plan Code:** N/A
Eligibility: aged 18 + (or 15-17 years in specific circumstances) and a permanent resident of Australia or hold an eligible temporary visa or be a citizen who previously held a permanent visa	**Duration:** Unlimited hours until vocational English is achieved	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes – approved activity or Provider-assessed	**Progress Payment:** Yes – education

This Chapter outlines the requirements for the Provider in regard to the Adult Migrant English Program (AMEP).

27.2. Background

The AMEP provides free English language tuition to eligible migrants and humanitarian entrants to help them learn foundation English language and settlement skills to enable them to participate socially and economically in Australian society.

Participants can access unlimited hours of English classes until vocational English is achieved for clients with a visa commencement date on or before 1 October 2020. No time limits for registration, commencement and completion apply.

Clients who have a visa commencement date after 1 October 2020 also have unlimited hours of tuition until vocational English is achieved, however a five-year completion timeframe applies. This can be extended to 10 years in certain circumstances.

27.3. Benefits of the AMEP

The AMEP gives participants the opportunity to learn the English that they need to get a job, help their children settle, and participate more in day-to-day life in Australia.

The AMEP provides a range of flexible learning options to help participants study, including full-time, part-time, evening and weekend classes.

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It offers face-to-face and online classes, a volunteer tutor scheme and distance learning. The AMEP also provides free childcare services if participants have under school-aged children when participating in face-to-face classes.

AMEP Participants can gain points under the PBAS. The AMEP can also be undertaken where the Participant would otherwise have Work for the Dole as the Mandatory Activity Requirement. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in the AMEP, however, it will apply if Participants fail to meet their Points Requirement.

27.4. Role of Providers

The role of the Provider is to be familiar with the AMEP and its requirements, and actively identify Participants on their Caseload who would benefit from attending the program.

The Provider should advise potential participants of the opportunities and benefits of the program including the varied delivery options. The Provider should offer additional support, including through the Employment Fund, where appropriate.

(Deed Reference(s): Clauses 89, 90, 120, 136)

27.5. Eligibility

Participants must generally be 18 years or over (15-17 years in specific circumstances as assessed by an AMEP provider), a permanent resident of Australia or hold an eligible temporary visa, or be a citizen who previously held a permanent visa. More information on eligibility is available by speaking to a local AMEP provider, or through the Department of Home Affairs Website.

27.6. Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain Employment. Participation in AMEP may contribute towards a Progress Payment as an Education Activity. For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

27.7. Further Information

For more information about the AMEP, including contact details for local AMEP providers is available on the Department of Home Affairs Website.

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Chapter 28. Other Activities

Supporting Documents for this Chapter:

- List of Approved Non-Government Programs
- Non-Government Programs – Approval Application Form
- Non-Government Programs – Submission and Assessment Guide

28.1. Chapter Overview

This Chapter outlines other Activities that the Providers may wish to consider in order to assist Participants to improve their employment prospects and/or manage or overcome vocational and non-vocational barriers to employment.

All Activities detailed in this Chapter are voluntary.

This Chapter includes the following Activities that may be undertaken by Participants to meet participation requirements as outlined in the Job Plan and Mutual Obligation Requirements Chapter:

- Non-Government Programs
- non-vocational assistance and interventions, for example
    - counselling
    - drug and alcohol treatment/rehabilitation
    - medical or health related programs
    - self-help and support groups
- other government programs
- Australian Defence Force Reserves.

Note: Some of the Activities above are described as Engagements in the Deed where they must be recorded in the Electronic Calendar.

28.2. Role of Providers

The Provider must refer to and comply with the Deed and Guidelines including:

- the Activity Management Chapter, and
- Employment Fund Chapter should they seek reimbursement from the Employment Fund for participation costs

in relation to the Activities described in this Chapter.

The Provider will need to determine if the Activity will be of benefit to the Participant, help support the Participant to progress towards employment, and is appropriate for the Participants individual circumstances and capacity.

The Provider should also consider whether the Activities will prepare Participants to meet skills needs identified by Employers.

The Provider should be familiar with programs and services that are available in their local area, including keeping up-to-date with the available Non-Government Programs and the offerings of the relevant state, territory and local governments.

(Deed Reference(s): Clauses 89, 90, 91, 120)

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28.3. Eligibility

Specific eligibility criteria vary between Activities. The Provider must ensure a Participant meets the relevant eligibility criteria before referring them to an Activity listed in this Chapter.

The Provider and Participant must also agree that the Activity will help address Vocational or Non-vocational Barriers and support the Participant on their pathway towards employment.

28.4. Payments

Progress Payments are available to claim when the Participant's circumstances have been changed during participation in Workforce Australia Services such that they are more prepared to gain and maintain employment. Participation in Activities described in this Chapter may contribute towards a Progress Payment. For Progress Payments, Providers must refer to and comply with the requirements specified in the Provider Payments and Vacancies Chapter.

28.5. Non-Government Programs

<table>
<tr><td colspan="2">Description: A broad range of work-focused programs or vocational interventions approved by the Department and identified as such on the Provider Portal.</td><td>Activity Code: ANGP

Job Plan Code: N/A</td></tr>
<tr><td>Eligibility: aged 18+, noting that programs may have additional eligibility criteria</td><td>Duration: Approved programs may have rolling intakes and varying durations.</td><td>Specified Activity: Yes</td></tr>
<tr><td>PBAS: Yes –
Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet</td><td>Activation eligible: Yes – Provider-assessed</td><td>Progress Payment: Yes - vocational intervention</td></tr>
</table>

Non-Government Programs (NGPs) are work-focused programs or vocational interventions run by community and private sector organisations.

NGPs must be approved by the Department (see the Approved NGP section below) to be eligible for a Progress Payment, noting the Provider must still confirm participation in the approved NGP meets the criteria for the Progress Payment as outlined in the Provider Payments and Vacancies Chapter.

Participants in an NGP can gain points under the PBAS. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in NGPs, however, it will apply if Participants fail to meet their Points Requirement.

The Provider must refer participants to NGPs in accordance with the Department's training resources.

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Note: The Provider may be able to seek reimbursement from the Employment Fund under the Activities Costs category for NGPs. However, departmental approval of an NGP does not constitute automatic approval of any costs in relation to the Employment Fund. Providers must ensure use of the Employment Fund meets all Guideline requirements, including the Employment Fund Principles and Prohibited purchase list, as outlined in the Employment Fund Chapter.

28.5.1. Eligibility

Eligible Participants

To be eligible to participate in an NGP, a Participant must be:

- aged 18 years or over
- registered in Workforce Australia Services.

Participants are not required to be receiving an Income Support Payment.

Eligible Host Organisations

The Provider is not eligible to be a Host Organisation for the purpose of delivering an NGP. However, the Provider is able to collaborate with local organisations with established or proposed employment pathways, and encourage them to apply to be recognised as a NGP. To be eligible as a Host Organisation of an NGP, the organisation must:

- not be prohibited due to its conduct as outlined in the Eligible Host Organisations section of the Activity Management Chapter
- have developed a program that comprises more than just the delivery of a training course – those that are only training should instead be assessed and, where appropriate, arranged by Providers in accordance with the Education and Training Chapter.

28.5.2. Approved NGP

The Department will approve NGPs following assessment against the criteria outlined in the NGP application form on the Department's website. Factors that will be considered include the need for a work or vocational focus and ensuring the NGP does not duplicate Workforce Australia Services.

Approved NGPs will not be hosted by the Provider, Related Entities or Subcontractors.

28.5.3. NGPs are Specified Activities

NGPs are Specified Activities. The Provider must comply with the requirements in the Deed and Guidelines regarding Specified Activities. This includes requirements relating to:

- work health and safety
- Activity Risk Assessments and Participant Risk Assessments, and
- Supervision

described in the Activity Management Chapter.

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28.6. Non-vocational assistance and interventions

Description: A broad range of assistance and interventions for Participants to manage or overcome non-vocational barriers to employment.	**Activity Codes:** ASNV - Non-vocational Assistance INTV - Interventions **Job Plan Code:** N/A	
Eligibility: Variable. The Provider must determine it is in the best interests of the Participant.	**Duration:** As considered appropriate by the Provider.	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet.	**Activation eligible:** Yes – Provider-assessed	**Progress Payment:** Yes - non-vocational interventions

Participants can undertake activities to help address Non-vocational Barriers to employment at any time the Provider thinks it is in the best interest of the Participant.

Non-vocational assistance and interventions may include:

- parenting courses
- financial courses
- mental health support services
- cultural services
- personal development, such as addressing self-esteem and confidence issues
- drug or alcohol treatment/rehabilitation programs
- counselling
- medical or health related services
- anger management courses
- treatment for behavioural addictions
- obtaining stable housing
- addressing barriers associated with caring responsibilities
- addressing financial instability/difficulty
- addressing transport access issues.

Arranging these inventions may include:

- the assistance of a:
    - doctor
    - counsellor
    - psychologist
    - social worker

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    - allied health professional
    - rehabilitation provider
- self-help programs
- support groups
- driving lessons
- referral to appropriate government, health, community or private organisations.

Non-vocational assistance can be delivered either in-person or, where appropriate, via video or teleconference.

The Provider may be able to seek reimbursement from the Employment Fund under the Non-Vocational Support and Professional Services categories for non-vocational assistance and interventions. The Provider should refer to the Employment Fund Chapter for further information including regarding limits that can be claimed for Professional Services delivered by the Provider's Own Organisation or Related Entities.

Participants undertaking non-vocational assistance and interventions can gain points under the PBAS. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in non-vocational assistance and interventions, however, it will apply if Participants fail to meet their Points Requirement.

As outlined in the Mutual Obligation Requirements section, Participants who are undertaking full-time residential or intensive drug and alcohol treatment or rehabilitation will not be required to have a Points Requirement for the duration of the intervention. These Participants remain on the Provider's caseload and continue to be serviced by the Provider while undertaking these interventions.

The Provider **must** retain evidence (either hard copy or soft copy) of invoices for services or a letter of acceptance into a program for non-vocational interventions).

The Provider must enter non-vocational assistance and intervention Activities in the Department's IT Systems and refer participants to these Activities in accordance with the Department's training resources.

28.7. Australian Defence Force Reserves

Description: Participation in the Australian Defence Force Reserves.		**Activity Code:** MDF **Job Plan Code:** N/A
Eligibility: Available to Participants who can meet the enlistment and ongoing standards required by the Defence Reserves.	**Duration:** Ongoing, hours dependent on commitment	**Specified Activity:** No

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PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes - Provider-assessed	**Progress Payment:** Yes – work placements

Australian Defence Force Reserves is an Activity available to Participants who can meet the enlistment and ongoing standards required by the Australian Defence Force Reserves.

The Australian Defence Force Reserves offers a Participant the opportunity to provide a service to the community and train and develop self-discipline, focus and leadership. Reservists develop skills and experience through formal Defence courses, ongoing training, and on the job, as they put their skills into practice.

Participants in the Australian Defence Force Reserves can gain points under the PBAS. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in Australian Defence Force Reserves, however, it will apply if Participants fail to meet their Points Requirement.

The Provider will have the ability to update the Placement Type during the Activity Placement to reflect changes to the Participant's participation.

The Provider **must** retain evidence (either hard copy or soft copy) of signed training notice or signal notice (for Defence Force Reserves).

The Provider must refer Participants to this Activities in accordance with the Department's training resources.

28.8. Other government programs

Description: Commonwealth, state, territory or local government program that vary between jurisdictions.		**Activity Code:** OAPG **Job Plan Code:** N/A
Eligibility: aged 15+, noting that programs may have additional eligibility criteria	**Duration:** Variable	**Specified Activity:** No
PBAS: Yes – Please refer to the PBAS points values for tasks and activities in the Points Based Activation System factsheet	**Activation eligible:** Yes – Provider-assessed	**Progress Payment:** Yes – work placements (where the other government program has an employment focus)

Providers must ensure that there is a safe system of work in place prior to referring a Participant to another government program.

Participants can undertake other government programs, including other Australian Government, state, territory or local government programs, where the Provider and Participant agree that

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participation would support the job seeker to progress towards employment, and that participation would be suitable and safe for the Participant.

Other government programs should not duplicate services Providers are contracted to deliver.

Participants in other government programs can gain points under the PBAS. Refer to the Job Plan and Mutual Obligation Requirements Chapter for more information.

The TCF will not apply for non-attendance in other government programs, however, it will apply if Participants fail to meet their Points Requirement.

Other government programs available to Participants vary between jurisdictions. Providers can contact their relevant state, territory or local government for up-to-date information on their range of programs available.

The Provider must enter other government program Activities in the Department's IT Systems. and refer participants to these Activities in accordance with the Department's training resources.

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Chapter 29. Provider Performance Framework

29.1. Chapter Overview

Provider performance is assessed using the Workforce Australia Employment Services Provider Performance Framework (the Provider Performance Framework) as shown in Figure 29-A. This chapter describes the Provider Performance Framework and its 5 modules. The Provider Performance Framework is intended to:

- ensure Participants and employers are getting tailored and quality servicing,
- encourage innovation and drive performance improvement, and
- ensure Providers are fulfilling their Deed obligations and meeting the required standards.

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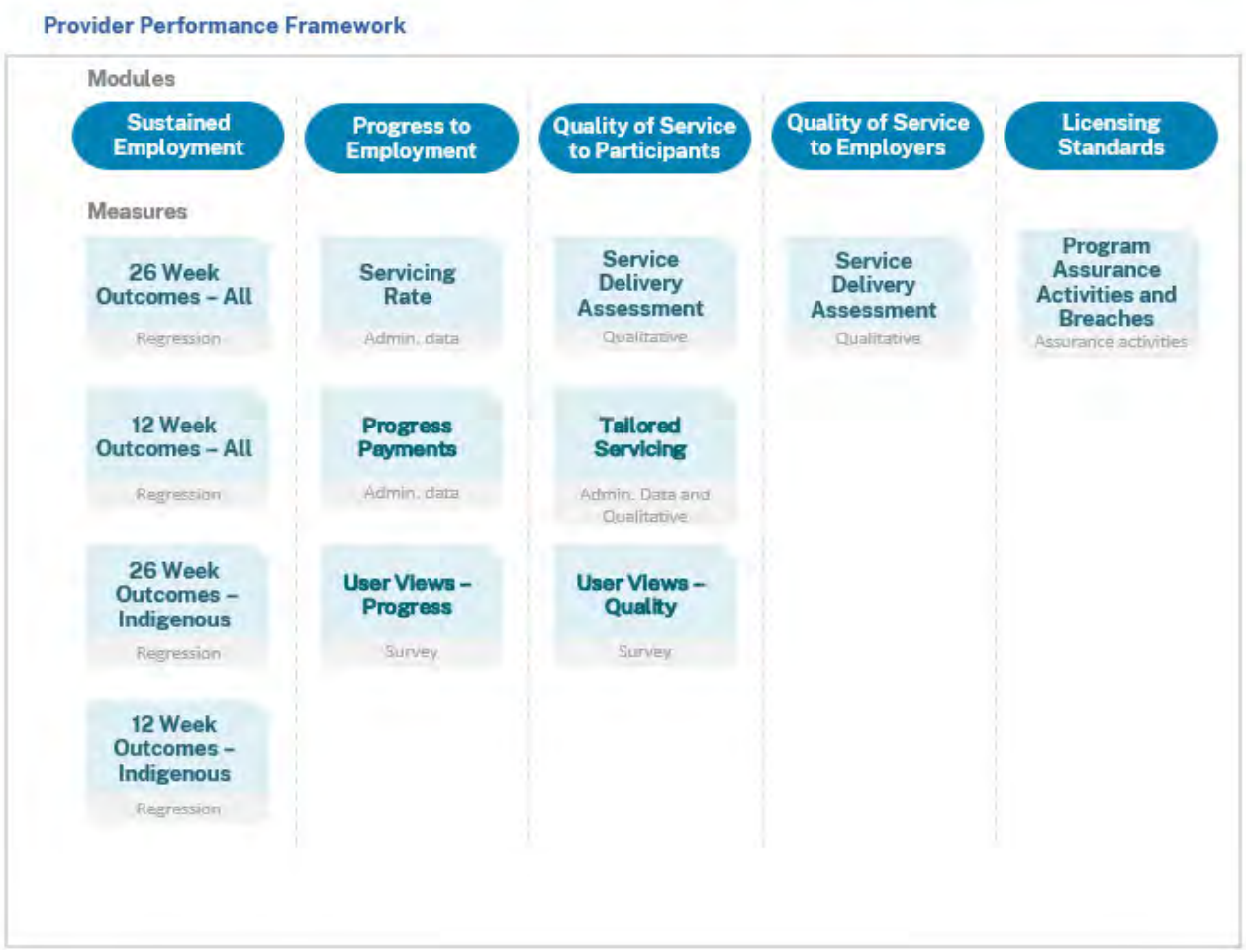
Figure 29-A: The Workforce Australia Employment Services Provider Performance Framework



29.2. Provider Performance Framework

The Provider Performance Framework is a comprehensive and holistic assessment of Provider performance at the Licence level across 5 modules as detailed in Figure 29-A. The underpinning performance measures include both quantitative and qualitative metrics and the frequency of assessment varies depending on the type of measure.

The modules and measures may be refined over time with Providers being notified of any changes. Supporting documents provide detailed descriptions of the methodologies for each of the measures.

Performance ratings of High, Moderate or Low are awarded for each measure. Where there is insufficient data for a measure rating with respect to a Licence, a Moderate rating is awarded. The measure ratings are combined to determine module ratings of High, Moderate or Low. The module ratings are combined to determine overall ratings of High, Moderate or Low.

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To ensure that the Provider Performance Framework continues to drive continuous improvement, regular reviews are conducted of the performance thresholds required to achieve performance ratings for each module and their performance measures.

The performance ratings inform Provider performance treatments, for example a performance improvement plan, and Licence Review decisions. For more information refer to the Licence Administration Chapter.

(Deed Reference(s): Clause 92)

29.2.1. Overall Performance Ratings

Module ratings for each Licence are used to determine overall ratings as set out in Table 29-A.

Table 29-A: Overall Performance Ratings

Performance Category	Requirements
High Performance	A High rating for the Sustained Employment module. AND At least Moderate ratings for all other modules.
Moderate Performance	At least Moderate ratings for all modules
Low Performance	A Low rating for any module.

29.2.2. Progress to Employment Module

This module assesses the success of the Provider in progressing Participants towards Employment via 3 performance measures:

- Participant Servicing Rate

  A quantitative measure of the extent to which Providers deliver regular service to all Participants (on the caseload) they are assisting.
- Progress Payments

  A quantitative measure of the Provider's success at achieving Progress Payments.
- User Views - Progress

  A survey-based measure of Participant views on whether Providers have improved their chances of finding employment.

The performance measure ratings are used to determine module ratings as set out in Table 29-B.

Table 29-B: Progress to Employment Module Ratings

Performance Category	Requirements
High Performance	One or more High ratings and no Low ratings
Moderate Performance	All ratings are Moderate
Low Performance	One or more Low ratings

29.2.3. Quality of Service to Participants Module

This module assesses the success of the Provider in delivering high quality services to Participants via 3 performance measures.

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- Service Delivery Assessment – Participants

  A qualitative assessment of each Provider's quality of service to Participants.
- Tailored Servicing

  An assessment of the:
  - appropriate tailoring of Points Targets under the Points Based Activation System, as part of delivering services tailored to the unique circumstances of each Participant
  - quality of the Provider's review of Participant Job Search efforts including the educative support delivered to Participants to improve the quality of unsatisfactory Job Search efforts, and whether the review was completed within the required 5 business days.

  The overall rating for the Tailored Servicing measure is determined by combining the performance of the two sub-measures in the matrix below:

Table 29-C: Tailored Servicing – Determining the rating for Tailored Servicing

	Tailored Servicing – PBAS			
Tailored Servicing – Job Search Quality		**High**	**Moderate**	**Low**
	High	High	Moderate	Moderate
	Moderate	Moderate	Moderate	Low
	Low	Moderate	Low	Low

Note: If a Licence has 5 records or fewer assessed over the performance period, a default rating of Moderate will be applied.

- User Views - Quality

  A survey-based assessment of the Participant experience of the quality of service delivered by each Provider.

The performance measure ratings are used to determine module ratings as set out in Table 29-D.

Table 29-D: Quality of Service to Participants Module Ratings

Performance Category	Requirements
High Performance	One or more measures receive High ratings and no Low rating
Moderate Performance	All measure ratings are Moderate
Low Performance	One or more measures receive a Low ratings

29.2.4. Quality of Service to Employers Module

This module assesses the success of the Provider in delivering high quality services to Employers via the Service Delivery Assessment – Employers measure. This measure is a qualitative assessment of each Provider's quality of service to Employers.

The rating for this measure is also the rating for the module.

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29.2.5. Sustained Employment Module

This module assesses the success of Providers in their Participants achieving sustained employment outcomes via 4 quantitative outcome rate performance measures.

- 26 Week Outcomes – All Participants
- 12 Week Outcomes – All Participants
- 26 Week Outcomes – Indigenous Participants
- 12 Week Outcomes – Indigenous Participants

Generalist and Ex-Offender specialist Licences receive ratings for all 4 measures. Indigenous specialist Licences receive ratings for the 2 Indigenous Participant measures. Culturally and Linguistically Diverse and Refugee specialist Licences receive ratings for the 2 All Participant measures.

For Licences with 4 measure ratings, the performance measure ratings are used to determine module ratings as set out in Table 29-E.

Table 29-E: Sustained Employment Module Ratings for Licences with 4 Measure Ratings

Performance Category	Requirements
High Performance	High in 2 or more measures (and not being one of the exceptions detailed below) AND not Low in any measure
Moderate Performance	Does not meet the criteria for a High or Low Module rating
Low Performance	Low in 2 or more measures

High Performance – Exceptions

In the following situations, a Licence that achieves 2 High measure ratings and 2 Moderate measure ratings receives a module rating of Moderate:

- The 2 High ratings are for the 2 – All Participant measures, indicating that the Licence has not achieved comparably high results for their Indigenous Participants.
- The 2 High ratings are for the 2 Indigenous Participant measures, indicating that the Licence has not achieved comparably high results for All Participants.
- The 2 High ratings are for the two 12 Week Outcome measures, indicating that the Licence has not been highly effective at sustaining employment placements for 26 weeks.

For Licences with 2 measure ratings, the performance measure ratings are used to determine module ratings as set out in Table 29-F.

Table 29-F: Sustained Employment Module Ratings for Licences with 2 Measure Ratings

Performance Category	Requirements
High Performance	High in both measures
Moderate Performance	At least Moderate in both measures
Low Performance	Low in one or both measures

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29.2.6. Licensing Standards Module

This module ensures that Providers continue to meet the standards required to operate and are displaying expected values and behaviours via a single performance measure:

- Program Assurance Activities and Breaches

  Program Assurance activities and breaches are assessed to determine a Licensing Standards Assurance Score.

The rating for this measure is also the rating for the module.

29.3. Performance Thresholds

Each measure has 2 performance thresholds that define the 3 performance ratings:

- The upper threshold is the cut-off between High and Moderate
- The lower threshold is the cut-off between the Moderate and Low

The performance rating for each measure is determined by comparing a Licence's result against the performance thresholds for that measure.

29.3.1. Annual Performance Threshold Adjustment Process

The Provider Performance Framework is designed to drive continuous improvements in performance by adjusting performance thresholds over time, where appropriate.

The thresholds are evaluated annually between April and May each year, Providers are advised of any adjustments for the upcoming financial year in June each year.

29.4. Release of Performance Ratings

The Department calculates and releases performance ratings on a quarterly basis.

29.4.1. Public Release

The public release includes overall module and measure ratings. The ratings are published to a variety of locations (Department website, Provider Portal and to Services Australia for use in the referral process), 1 week after each Provider receives their own performance ratings.

29.4.2. Reports

To support Providers to manage their own performance, they receive regular reports. Table 29-G details when performance measure data were first distributed to Providers and the frequency of updates.

Table 29-G: Reporting of Performance Measure Data

Module	Measure	Performance Measure Data Reports	
		First Report Distributed	Frequency of Updates
	Progress Payments	April 2023	Monthly

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Module	Measure	Performance Measure Data Reports	
		First Report Distributed	Frequency of Updates
Progress to Employment	User Views – Progress	June 2023	Quarterly
	Participant Servicing Rate	December 2022	Monthly
Quality of Services – Participant	User Views – Quality	June 2023	Quarterly
	Service Delivery Assessment – Participants	April 2023	Biannually
	Tailored Servicing – Points Based Activation System sub-measure	January 2023	Monthly
	Tailored Servicing – Job Search Quality sub-measure	January 2024	Monthly
Quality of Services – Employer	Service Delivery Assessment – Employers	April 2023	Biannually
Sustained Employment	26 Week Outcomes – All Participants	March 2023	Monthly
	26 Week Outcomes – Indigenous Participants	March 2023	Monthly
	12 Week Outcomes – All Participants	December 2022	Monthly
	12 Week Outcomes – Indigenous Participants	December 2022	Monthly
Licensing Standards	Assurance Activity Results	April 2023	Monthly

29.5. Periodic Review of Provider Performance Framework

The Department may periodically initiate broader reviews of the Provider Performance Framework to ensure the framework is driving the overall policy intent of the model. Such reviews could result in the Department making changes to the framework, such as adding, removing, or adjusting modules and/or measures and their thresholds.

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Chapter 30. Quality Assurance Framework

Supporting Documents for this Chapter:

- Quality Assurance Framework Audits Process document for Providers

30.1. Chapter Overview

The Quality Assurance Framework (QAF) sets out the minimum standards of quality for Workforce Australia Employment Services Providers, ensuring their policies and processes support continuous improvement and quality service delivery.

This Chapter contains detailed information on the requirements for Providers to achieve and maintain QAF Certification.

30.2. QAF Certification

To obtain QAF Certification, Providers must:

- achieve certification against one of the 2 approved Quality Standards, and
- demonstrate adherence to the Department's 7 Quality Principles.

QAF Certification is valid for 3 years, subject to a Provider maintaining Certification against both the Quality Standards and the Quality Principles.

QAF Certification will only be granted where the Provider has:

- provided the Department with evidence of Quality Standards Certification
- achieved certification against the Quality Principles.

Providers must obtain a QAF Certificate no later than 9 months after any Head Licence Start Date, unless otherwise Notified by the Department, and maintain the currency of the Certificate for the duration of the Head Licence Term.

The Department will aim to advise a Provider of its QAF Certification outcome within 20 Business Days of evidence of both Quality Standard and Quality Principles Certification. Where further information is required to complete an assessment, this timeframe does not apply.

(Deed Reference(s): Clause 7.1, 7.4, 95.1, 95.5)

30.2.1. Group Respondents (including change of membership)

Where the Provider is a Group Respondent, the lead member must achieve and maintain Certification against the QAF. All Sites listed in the Provider's Head Licence are within scope for audit Site sample. When auditing against the Quality Principles, the lead member's head office must be audited as part of the Site sample.

If there is a change in Group membership, the new Group Respondent must gain or maintain QAF Certification.

(Deed Reference(s): Clause 54.1)

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30.2.2. Novations

Following execution of a Deed of Novation, the Provider must achieve or demonstrate adherence to QAF Certification as specified in the Deed of Novation, and in line with QAF Certification requirements in this Guideline.

(Deed Reference(s): Clause 60.3)

30.3. The Quality Standards

The Quality Standards approved by the Department under the QAF are:

- ISO 9001
- the National Standards for Disability Services (NSDS).

For QAF purposes, the scope of all Quality Standard audits must include a Provider's Workforce Australia business.

The Provider must choose one of these Quality Standards to be certified against as part of its QAF Certification. If the Provider changes to a different approved Quality Standard during the term of its Head Licence, it must achieve Certification against the new Quality Standard prior to the expiry date of its previous certification.

The Provider must be delivering Disability Employment Services (DES) if using the NSDS for QAF Certification. A Provider which ceases to deliver DES during their Head Licence Term must transition to an alternative approved Quality Standard before the expiry of their NSDS Quality Standard Certification.

30.3.1. Types of Quality Standards Audits

ISO 9001 and the NSDS involve Certification and Surveillance audits. The timing and format of a Quality Standards Audit is determined by the Quality Standard that is being audited. Providers should discuss the timing of audits with their Conformity Assessment Body (CAB) to meet QAF Certification requirements.

30.3.2. Quality Standards Audits

The Provider must achieve and maintain certification against a Quality Standard by fulfilling all requirements of the relevant Quality Standard, including following the relevant audit schedule. The Provider should discuss its Quality Standards auditing requirement with its CAB.

Quality Standards Audit Plan

The Provider must send a completed Quality Standards Audit Declaration and submit it with the associated Quality Standard Audit Plan to the Department for endorsement **40 Business Days** before the commencement of the audit.

A Quality Standards Audit Declaration and the Quality Standard Audit Plan is required for all Quality Standard Audits (Certification, Surveillance and Recertification). This is to ensure the sample included in the audit is representative of its Workforce Australia Services business.

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The Department will advise endorsement or requested changes to the Audit Plan within 25 Business Days of Audit Plan receipt.

Where an **approved** Quality Standards Audit Plan changes ahead of the scheduled Audit, the Provider must send an updated Audit Plan to the Department for reapproval before the Quality Standards audit commences.

Quality Standards Audit Report

- Within **30 Business Days** of a Quality Standards Audit closing meeting, the Provider must submit the Quality Standards Audit Report to the Department, along with copies of any new or updated Certificates as evidence of Quality Standard Certification.
- The Department will respond to the outcomes of the Quality Standards Audit Report within **15 Business Days** of Audit Report receipt.

A Provider must notify the Department immediately if its Quality Standards Certification lapses or is suspended.

(Deed Reference(s): Clauses 95.2, 95.3 and 95.4)

Quality Standards auditors

A Provider must engage a CAB that has been accredited by the Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ) to undertake an ISO 9001 or NSDS audit. A Provider may use a different CAB for its Quality Standards Audit to the CAB that is used for its Quality Principles Audit.

30.4. The Quality Principles

There are 7 Quality Principles:

1. Governance
2. Leadership
3. Personnel
4. Participants
5. Labour market, Employers and Community
6. Operational effectiveness
7. Continual improvement

Each of the Quality Principles is underpinned by a set of Key Performance Measures (KPMs), containing Practice Requirements, that a Provider must meet to demonstrate conformance with the KPM. The KPMs and Practice Requirements are outlined at Attachment 30A.

30.4.1. Quality Principles Certification

A Provider must achieve and maintain certification against the Quality Principles by fulfilling all the requirements of the Quality Principles, including following the audit schedule.

For the purposes of Quality Principles Certification, Providers must refer to the Quality Assurance Framework Audit Process document for Providers in relation to how the Department manages the QAF Certification process.

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30.4.2. Types and Scope of Quality Principles Audits

Certification audit

Required to gain initial QAF Certification, all Practice Requirements will be audited during a Quality Principles Certification audit.

Recertification audit

Conducted every 3 years, all Practice Requirements will be audited during a Quality Principles Recertification audit.

Extraordinary audit

The Department may conduct, or may request that a Quality Auditor conducts, an Extraordinary audit. The Provider is required to cover the audit costs.

The scope of an Extraordinary audit is determined by the Department on a case-by-case basis and will be targeted to a specific aspect, or aspects, of the Quality Principles.

Conducting Quality Principles Audits

Department led audits

Suitably trained Departmental Audit Officers may conduct Quality Principles Certification, Recertification, Surveillance, and Extraordinary Audits on certain Providers at the Department's discretion. Providers selected for Department led audits will be advised no later than **40 Business Days** prior to the proposed audit.

For the purposes of Quality Principles Certification, Providers must refer to the Quality Assurance Framework Audits Process documents for Providers in relation to how the Department manages the Certification process.

Quality Auditor audits

Providers that are not audited by the Department must engage a Department approved CAB to undertake Quality Principles Audits. A CAB, and their Quality Auditors, must participate in and pass all the Department's required training before conducting a Quality Principles audit. The list of approved Quality Principles CABs is on the Provider Portal.

The Provider is responsible for its audit costs, including the close out of non-conformances, regardless of whether the audit is conducted by Department Officers or a CAB.

30.5. Quality Principles Audits

The Provider must achieve and maintain certification against the Quality Principles by fulfilling all the requirements of the Quality Principles, including following the audit schedule.

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30.5.1. Quality Principles Audit Plans

A Provider being audited by a Quality Auditor must send a completed Quality Principles Audit Plan for its Quality Principles audit to the Department for endorsement no less than **40 Business Days** before the commencement of the audit.

Audit Plan templates are available on the Provider Portal. Providers must refer to the QAF Audit Process document for Providers in relation to sampling requirements.

The Department will advise endorsement or request changes to the Audit Plan within **25 Business Days** of Audit Plan receipt.

A Quality Principles Audit Plan is required for all Quality Principles Audits (Certification and Recertification).

Where an approved Quality Principles Audit Plan requires changes, the Provider must send this to the Department for reapproval before the Quality Principles audit commences.

A Provider being audited by a Departmental Audit Officer will be sent a draft Quality Principles Audit Plan for its Quality Principles audit by the Departmental Audit Officer **40 Business Days** prior to commencement.

The Provider must return an agreed Quality Principles Audit Plan for Quality Principles Audits to the Department for approval **40 Business Days** before the commencement of the Audit.

30.5.2. Self-Assessment Report

Providers must send a completed Quality Principles self-assessment report and specified supporting documents to the Departmental Audit Officer or Quality Auditor a minimum of **20 Business Days** prior to the approved commencement date for the Quality Principles Audit.

30.5.3. Audit Report

Providers being audited by a Quality Auditor must send a copy of the Quality Principles Audit Report **within 30 Business Days** of the audit closing meeting.

Providers being audited by a Departmental Audit Officer will be sent a draft Quality Principles Audit Report by the Department **20 Business Days** after the audit closing meeting. The Provider must review the Quality Principles Audit Report for any inaccuracies and send the Quality Principles Audit Report to the Departmental Audit Officer **10 Business Days** after it has been received, advising of amendments for consideration.

(Deed Reference(s): Clauses 95.3, 95.4)

30.6. Non-conformances

Any non-conformance identified during a Quality Standards audit or a Quality Principles audit must be closed in accordance with the requirements outlined below.

30.6.1. Quality Standards non-conformances

Providers must close any non-conformance identified in a Quality Standards audit within the timeframe provided by the Quality Auditor.

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Any non-conformance raised against a Quality Standard that results in the suspension of certification against that Quality Standard may result in the QAF Certification being suspended and remedial action being taken against the Provider.

(Deed Reference(s): Clause 95.4)

30.6.2. Quality Principles non-conformances

Major non-conformance

A Major non-conformance is:

- a failure to have any process, or an effective process, in place for a Practice Requirement
- an identified Minor non-conformance that is the same as identified in the preceding audit (Certification or Recertification).

Major non-conformances must be closed or downgraded **within 3 months** of the audit closing meeting.

A Major non-conformance identified by the Department following a review of an audit report prepared by a Quality Auditor must be closed **within 3 months** of the date the Provider is advised of the non-conformance.

Quality Principles and QAF Certifications will not be granted or renewed until all Major non-conformances are downgraded to a Minor non-conformance or closed.

Failure to address a Major non-conformance within the required timeframes may result in an existing QAF Certification being suspended, and remedial action taken against the Provider.

(Deed Reference(s): Clauses 63.2, 67.1, 95.5)

Minor non-conformance

A Minor non-conformance is issued where the process in place for a Practice Requirement does not fully meet requirements or is only partially effective.

QAF Certification may be granted if Minor non-conformances are identified.

Minor non-conformances must be closed **within 6 months** of the audit closing meeting.

In the case of a Department-identified Minor non-conformance, the Minor non-conformance must be closed **within 6 months** of the date the Provider is advised of the non-conformance.

If a Major non-conformance has been downgraded to a Minor non-conformance, the Provider must completely close the Minor non-conformance **within 6** months of the audit closing meeting date. That is:

- the non-conformance should be closed in a **maximum timeframe of 6 months** from the audit closing meeting date or,
- for non-conformances identified by the Department following a review of an audit conducted by a Quality Auditor, **a maximum timeframe of 6 months** from the date the Department advised the Provider of the non-conformance.

Failure to address a Minor non-conformance within the required timeframes may result in the QAF Certification being suspended and remedial action being taken against the Provider.

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(Deed Reference(s): Clauses 63.2, 67.1, 95.5)

30.6.3. Non-conformances identified by the Department through a review of a CAB conducted Quality Principles Audit

The Department may issue a non-conformance for a Quality Principles audit conducted by a Quality Auditor where it is not satisfied that the evidence included in the audit report addresses the requirements or where it considers that the evidence in the audit report indicates a non-conformance.

The Department reserves the right to raise non-conformances where it has received information contrary to the audit report.

30.6.4. Quality Principles Corrective Action Plan

A Corrective Action Plan (CAP) must be submitted to the Department where non-conformances have been identified in a Quality Principles audit.

All CAPs **must** use the Department's CAP template, available on the Provider Portal.

Corrective Action Plan

- A CAP must be submitted to the Department no later than **30 Business Days** after the audit closing meeting or the Provider being notified of Department-identified non-conformances.
- Where there is already a CAP in place relating to the Quality Principles audit, Department-identified non-conformances must be added to the existing CAP and submitted to the Department within the outlined timeframe.

Closing a CAP

- When a non-conformance is closed, an updated CAP must be submitted to the Department by the Provider. The updated CAP must include verification by the Quality Auditor or Departmental Audit Officer to close the relevant non-conformance.
- Where a Provider was audited by a Departmental Audit Officer, the Departmental Audit Officer will work with the Provider to close non-conformances within the relevant timeframes.
- Non-conformances identified by the Department following a review of an audit conducted by a Quality Auditor must be closed by a Quality Auditor.

30.7. Failure to obtain QAF Initial Certification

If a Provider fails to comply with Deed clause 95 – Quality Assurance Framework conformance, the Department may exercise remedies under the Deed, including terminating the Deed.

Workforce Australia Employment Services Providers who do not achieve certification against the QAF within 9 months of the issuance and commencement of their first Workforce Australia Services (Generalist or Specialist) Licence may have their Head Licence revoked.

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30.8. Suspension of QAF Certification

The Department may suspend a Provider's QAF certification where (but not limited to):

- a Major non-conformance identified in a Quality Standards and/or Quality Principles Audit has been identified that poses a risk to the safety or wellbeing of Participants and/or Personnel
- a Minor or Major non-conformance identified in a Quality Standards and/or Quality Principles Audit is not closed within the required timeframes, and the delay is not due to circumstances outside the control of the Provider
- the Provider does not submit its Quality Standards and/or Quality Principles Audit Report in time for the Certification to be renewed before the Certification expiry date.

If the Department suspends the Provider's QAF Certification or the Provider fails to comply with Deed clause 95 – Quality Assurance Framework conformance, the Department may exercise remedies under the Deed, including terminating the Deed.

(Deed Reference(s): Clauses 7.1, 7.4, 63.2, 95.5)

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Attachment 30A. Quality Principles

Table 30-A: QAF Principle 1 - Governance

Principle 1: Governance		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
1.1 The Provider has appropriate policies and processes in place that manage operational and strategic risks for the delivery of Services, including disaster recovery.	1.1.1 The Provider has corporate governance arrangements in place, for the delivery of Services, that manage risk.	The Provider has a current risk management framework that is applied to the delivery of Services which includes: (a) organisational and Site risk management plans (b) processes for identifying and managing risks, including incident management and disaster recovery plans (c) processes for scheduled regular reviews of all risk management plans.
	1.1.2 The Provider has corporate governance arrangements in place, for the delivery of Services, that manage fraud.	The Provider has a current fraud control plan that is applied to the delivery of Services which includes: (a) processes for Personnel to notify management of potential fraud (internal and external) (b) the Department's tip-off line contact details.
	1.1.3 The Provider has corporate governance arrangements in place, for the delivery of Services, that manage IT systems.	The Provider has: (c) a current plan that includes processes for identifying and managing IT systems fraud risks (d) policies and processes in place for ongoing compliance with the Deed in relation to access and information security, including Right Fit for Risk.

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Table 30-B: QAF Principle 2 - Leadership

Principle 2: Leadership		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
2.1 All Personnel understand the design and operational elements of the Provider's model for the delivery of Services and how this relates to the purpose of Workforce Australia Services.	2.1.1 The Provider's model for the delivery of Services is communicated with its Personnel, and the model is followed and upheld by the Provider and its Personnel.	The Provider has current processes in place to ensure that its Personnel: (a) are aware of and follow the model for delivery of Services (b) facilitate the use of self-help resources for Participants (c) support Participants in accordance with the objectives of the Services and the requirements of the Deed.
	2.1.2 The Provider's Code of Conduct is promoted and upheld by the Provider and its Personnel.	The Provider has a current Code of Conduct that is applied to the delivery of Services, and it includes: (a) a set of values outlining Personnel expectations relating to how they deal with Participants (b) a requirement that Personnel act in good faith and in a manner that maintains a positive reputation for the Services (c) a requirement for regular scheduled reviews of Personnel awareness of Code of Conduct Requirements.

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Table 30-C: QAF Principle 3 - Personnel

Principle 3: Personnel		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
3.1 The Provider has a structured approach to the employment, development and performance management of its Personnel.	3.1.1 The Provider has policies and processes to ensure that it employs Personnel with the appropriate skills and abilities to assist Participants.	The Provider has policies and processes in place that ensure: (a) people with suitable skills and abilities are employed to deliver Services (b) Personnel delivering Services have obtained and maintain any required police checks and checks for working with vulnerable people (as required by relevant legislation).
	3.1.2 The Provider has Personnel training and development policies and processes in place.	The Provider has current policies and processes in place that ensure: (c) the Personnel induction outlines what is required in relation to the delivery of Services (d) Personnel training and development assists in the effective delivery of Services (e) Personnel undertake all training mandated by the Department, and in accordance with the Deed and Guidelines (f) Personnel are aware of the powers and functions that have been delegated to them under Social Security Legislation (g) regular Personnel performance reviews take place.
	3.1.3 The Provider has policies and processes that assure the cultural competence of its Personnel in dealing with Participants	The Provider has policies and processes in place that ensure Personnel: (h) receive training to enable them to provide culturally appropriate Services

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		(i) can identify where interpreting services for Participants are required and can easily access interpreting services for these Participants.

Table 30-D: QAF Principle 4 - Participants

Principle 4: Participants		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
4.1 The Provider has strategies in place that result in effective engagement with Participants.	4.1.1 The Provider has communication policies and processes in place to engage with Participants.	The Provider has communication policies and processes in place for engaging with Participants that: (a) include a variety of communication methods (b) include options for Participants with communication barriers (c) align with the Service Guarantee.
	4.1.2 The Provider regularly reviews its Caseload to ensure Participant engagement.	The Provider has policies and processes in place that ensure: (a) there is regular Caseload monitoring conducted across Sites and emerging issues are addressed (b) Participants are commenced quickly after the date of Referral (c) Participants are commenced quicky into Activities and remain involved in the Activity for its duration (d) engagement with Participants is maintained to assist them to remain in employment for the length of the Employment Outcome period (e) Participants are recommenced quickly following a Suspension, Exemption period, or where they fall out of employment.

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Principle 4: Participants		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
4.2 Services are delivered to Participants that assist them to become work ready and gain sustainable Employment, in line with individual program eligibility.	4.2.1 The Provider delivers Services in line with the Service Guarantee and the Joint Charter.	The Provider has policies and processes in place that: (a) reflect the expectations outlined in the Service Guarantee and Joint Charter (b) ensure Personnel are aware of the obligations outlined in the Service Guarantee and appropriately apply them to individual Participants (c) ensure Participants are made aware of the minimum level of service they can expect and what is expected of them as outlined in the Service Guarantee.
	4.2.2 Provider Personnel understand the eligibility criteria for individual employment Services and programs and can identify the compliance requirements for individual Participants.	The Provider has policies and processes in place that ensure its Personnel: (a) are aware of eligibility for individual employment Services and programs (b) can identify the varying circumstances and Mutual Obligation Requirements of individual Participants (c) are aware of and support Participants to manage their participation and reporting through the Points Based Activation System (PBAS).
	4.2.3 Provider Personnel undertake assessments of Participant's circumstances and implement strategies that focus on assisting them to become work ready and gain sustainable Employment.	The Provider has processes in place that ensure its Personnel: (d) use available assessment of the Participant's circumstances to implement strategies that will assist them to become work ready and gain sustainable Employment

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Principle 4: Participants		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
		(e) regularly review a Participant's circumstances and amend the implemented strategies where required (f) record factual and informative notes in the appropriate system about the Participant's circumstances to ensure that the Participant will receive consistent service, regardless of which Provider Personnel is managing them.
	4.2.4 The Provider has a variety of strategies in place for promoting a wide range of Employment opportunities to Participants	The Provider has processes in place that ensure Personnel can: (g) identify suitable Employment opportunities for Participants. (h) promote suitable Employment opportunities to Participants.
4.3 Job Plans set out an individualised approach reflective of a Participant's current circumstances and servicing needs.	4.3.1 Job Plans are tailored to the Participant and contain activities: • that will satisfy the Participant's Mutual Obligation Requirements (where relevant) and PBAS Points Target, and • assist Participants achieve their Employment goals.	The Provider has processes in place that ensure: (a) Participants have individualised and up-to-date Job Plans that have been discussed, agreed, and signed by the Participant (b) the Job Plans are recorded on the Department's IT Systems (c) Participant Job Plans are reviewed regularly and modified accordingly (d) Participants fulfil the requirements of their individual Job Plans

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Principle 4: Participants		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
		(e) Participants are placed into suitable Activities that enable them to meet Mandatory Activity Requirements (f) Participant's required hours of participation in Activities are recorded correctly, and within Deed and Guideline requirements.
	4.3.2 The Provider has processes in place to ensure Participants fulfil their Mutual Obligation Requirements through the PBAS and Personnel effectively and appropriately undertake action under the Targeted Compliance Framework.	The Provider has processes in place in relation to MORs that ensure its Personnel: (g) report non-attendance or non-compliance, as required (h) take appropriate action when a Participant fails to comply with their MORs.

Table 30-E: QAF Principle 5 - Labour market, Employers and community

Principle 5: Labour market, Employers, and community		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
5.1 The Provider identifies and incorporates local labour market knowledge into Services delivery.	5.1.1 The Provider has policies in place to incorporate labour market knowledge to assist Personnel to achieve Employment Outcomes.	The Provider has policies and processes in place: (i) for keeping up-to-date with, assessing and implementing local labour market knowledge (j) that assists its Personnel to tailor Services to different cohort groups.
	5.1.2 The Provider has policies and processes in place to provide tailored support to the cohorts	The Provider has policies and processes in place that: (k) identify the different cohort groups it services

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Principle 5: Labour market, Employers, and community		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
	it services to assist these Participants into Employment.	(l) detail the specific procedures to support and assist these Participants into Employment.
5.2 The Provider has a systematic approach to servicing the needs of Employers including evidence of ongoing relationships that deliver Employment Outcomes for Participants.	5.2.1 The Provider has policies in place for meeting the needs of Employers.	The Provider has: (m) processes for engaging, developing, and maintaining relationships with Employers and employer groups (n) examples of engagement with Employers and Employer groups.
	5.2.2 The Provider has policies and processes in place for sourcing and matching Participants with vacancies.	The Provider has policies and processes in place that ensure its Personnel can: (a) assess the needs of Employers and match these with Participants on the caseload (b) provide ongoing assistance to Employers for eligible Participants to improve Employment Outcomes.
5.3 Effective relationships are developed and maintained with Host Organisations, other Workforce Australia Employment Services Providers, and providers of other initiatives and services.	5.3.1 The Provider can demonstrate linkages with Host Organisations.	The Provider has: (a) processes for promoting Services and programs to potential Host Organisations (b) examples of how Services have been promoted to potential Host Organisations.
	5.3.2 The Provider can demonstrate linkages between the Services delivered and appropriate referral to and from other agencies.	The Provider has: (c) processes for establishing networks with other Employment Services Providers and providers of other initiatives and services

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Principle 5: Labour market, Employers, and community		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
		(d) examples of where networks have been established with other Employment Services Providers and providers of other initiatives and services.

Table 30-F: QAF Principle 6 - Operational Effectiveness

Principle 6: Operational effectiveness		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
6.1 The Provider's policies and processes support the delivery of Services that comply with the Deed and Guideline.	6.1.1 Changes in the Deed and Guideline are promptly and accurately reflected in the Provider's systems, processes, and practices.	The Provider has policies and processes that outline: (a) how and when policies will be updated following changes to the Deed and/or the Guideline (b) how and when its Personnel will be advised of and receive training on changes to the Deed and/or the Guideline.
6.2 The Provider has arrangements in place to comply with the *Privacy Act 1988*, the applicable Work Health and Safety Act(s) and other relevant legislation.	6.2.1 The Provider has arrangements in place to advise Participants, Host Organisations and Employers of its privacy and confidentiality policies.	The Provider has policies and processes in place that ensure: (a) Its Personnel are aware of and follow privacy and confidentiality requirements in relation to Participants, Host Organisations and Employers (b) Participants are informed about how their personal information may be used (c) Employers and Host Organisations are informed of privacy requirements in relation to Participants

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Principle 6: Operational effectiveness		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
		(d) breaches of privacy or confidentiality are identified and addressed immediately, and procedures updated as a priority to prevent future breaches.
	6.2.2 The Provider has policies and processes in place that monitor and comply with any applicable Work Health and Safety requirements.	The Provider has policies and processes in place that ensure: (a) Provider Sites and Activities involving Participants have ongoing compliance with any applicable Work Health and Safety requirements (b) Risk Assessments for Activities and Participants are updated and uploaded prior to the commencement of an Activity (c) its Personnel are aware of their Work Health and Safety responsibilities and respond to Work Health and Safety issues, including reporting incidents and Notifiable Incidents (d) procedures are reviewed following a Work Health and Safety issue or incident and updated as required (e) procedures are updated quickly when there are changes to any applicable Work Health and Safety requirements
6.3 Claiming processes used by the Provider are systematic and ensure claiming practices align with the Deed and Guideline	6.3.1 The Provider ensures that reimbursement and claiming policies and processes in place align with the Deed and Guideline.	The Provider has processes in place that ensure: (a) reimbursement and claiming for Services align with the Deed and the Guideline (b) information on internal and external (where required) approval processes for expenditure,

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Principle 6: Operational effectiveness		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
		reimbursements and claims is outlined and included in process documents (c) instances of incorrect or improper reimbursement and claiming is addressed immediately, and updates to procedures made as a priority, where required.

Table 30-G: QAF Principle 7 - Continual Improvement

Principle 7: Continual Improvement		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
7.1 The Provider has in place a systematic approach to identify and implement continual improvement.	7.1.1 The Provider has processes for the systematic monitoring and reporting of Site, Employment Region and Provider performance.	The Provider has processes in place that measure and review performance at a Site, Employment Region and Provider level. (a) The processes include specific monitoring of: (i) Placement and Outcome data in relation to Aboriginal and Torres Strait Islander peoples (ii) placement strategies to ensure they continue to be effective in securing Employment Outcomes for Participants (b) The processes are monitored and reviewed, and lead to specific performance improvements.
	7.1.2 The Provider has a continual improvement register that is used to monitor continual improvement proposals and the activities that address them.	The Provider has a process in place for managing and updating a continual improvement register, including: (c) Non-conformances identified in Quality Standards and/or Quality Principles audits.

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Principle 7: Continual Improvement		
Key Performance Measure	**Practice Requirement**	**QAF Evidence Requirement**
7.2 The Provider has strategies in place to measure the satisfaction of its Personnel, Participants, Employers and other organisations it works with to deliver Workforce Australia services and supports the raising of feedback and other complaints.	7.2.1 The Provider has policies and processes for monitoring Participant satisfaction with the Services being delivered.	The Provider has policies and processes in place for the ongoing, regular, and proactive monitoring of Participant satisfaction with the Services delivered.
	7.2.2 The Provider's policies and processes support the raising of complaints and feedback, with no fear of retribution, and facilitates complaints resolution.	The Provider has policies and processes in place: (d) to support Participants, its Personnel, Employers and other organisations it works with to deliver Workforce Australia services to raise complaints and provide feedback (e) that ensure its Personnel manage, address and, where possible, resolve complaints and feedback (f) that ensure its Personnel escalate complaints they cannot resolve (where required).
	7.2.3 The Provider can demonstrate how feedback and complaints received from a variety of sources inform the implementation of continual improvement activities.	The Provider has processes in place: (g) for collating Provider-wide information on feedback and complaints received from its Personnel, Participants, Employers, other organisations it works with to deliver Workforce Australia services, auditors and the Department (h) to update procedures at a Site and Provider-wide level in consideration of the complaints and feedback received (i) to improve the quality of Service using observations and opportunities for improvement from the Quality Standards and/or Quality Principles audits.

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Chapter 31. Licence Administration

31.1. Chapter Overview

The Workforce Australia Services licensing system aims to drive high quality service delivery and support employment outcomes for Participants and Employers and is underpinned by the Provider Performance Framework.

Each Workforce Australia Services Licence is part of a Head Licence, which is formed when the Department issues a Work Order to a Panel Member. The Department intends that each Licence will have an initial term of 3 years. This Chapter contains information about how the Department will undertake Annual Licence Reviews and novations of Head Licences.

For the purposes of this Guideline, the Panel Member is referred to as 'the Provider' once it has been issued with a Head Licence. Being a Panel Member does not guarantee the issuance of a Head Licence.

31.2. Licence Review

All Workforce Australia Services Provider Licences are due to expire on 30 June 2025. The current Deed allows for Licences to be extended.

On 1 October 2024 the Department advised all Workforce Australia Services Providers with Head Licences under the Deed that it will be conducting a Licence Review. This Licence Review is considered an 'Annual Licence Review' for the purposes of the Deed.

On 11 October 2024, the Department provided further details and sought information from Panel Members to support the Licence Review.

A Licence Review Committee, comprised of senior Department staff, has been established to review all Workforce Australia Services Licences and make recommendations to the delegate. The recommendations available for the Review Committee to make will include the following, with the possibility for conditions to be attached to any Licence extension:

- a Licence being extended to 30 June 2027;
- a Licence being extended to 30 June 2026; or
- non-extension of a current Licence (ceasing at 30 June 2025).

The outcomes of the Licence Review will determine if any existing Provider Licences are to cease. The Department will consider what is in the best interests of Participants, risk factors and value for money when determining options to address any service gaps, including the offer of new Head Licences to Panel Members without a current Licence.

An FAQ document is available at Workforce Australia Services – Licence Review: Frequently Asked Questions.

For more information contact ESLicenceReview@dewr.gov.au.

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31.3. Novations

Deeds and Head Licences are not transferrable (i.e. cannot be novated) when organisations sell their business/es without the Department's agreement (in the form of a deed of novation).

Providers must not enter into any arrangement that might require the transfer (i.e. novation) of business under their Deed or Head Licence to another organisation, irrespective of whether that organisation is a Provider that is contracted to deliver Workforce Australia Services, or a Provider under any other deed the Department manages, without prior written approval from the Department. The Department's approval is not guaranteed, and any timeframes requested by a Provider on the effective date of any legal instrument cannot be guaranteed.

The rights and obligations under the Deed and any Head Licence remain with the Provider until otherwise approved by the Department and the relevant legal instrument (i.e. a deed of novation) takes effect.

Where the Department considers that a Provider has failed to comply with its obligations regarding assignment and/or novation, the Department may potentially exercise its rights under clause 67 to terminate or reduce the scope of the Deed or the Provider's Head Licence, which would include ending all relevant Licences.

(Deed Reference(s): Clause 60, 67)

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Chapter 32. Capacity Building Fund

Supporting Documents for this Chapter:

- Acquittal Summary Form

32.1. Chapter Overview

A Capacity Building Fund (the Fund) has been established to support greater diversity in the employment market through two key elements; assisting small Workforce Australia Services Providers to establish themselves under Workforce Australia Services and to build the capacity of First Nations organisations to deliver employment services.

Specifically, the Fund is available to eligible Workforce Australia Services Providers to provide financial assistance in helping cover some of the costs associated with attaining the required quality assurance standards these being ISO 9001 or National Standards for Disability (NSDS) and/or the Department's Right Fit for Risk (RFFR) IT security accreditation.

The Fund is also available to the National Indigenous Employment and Training Alliance (NIETA) to provide financial support in building the capacity of new and emerging First Nations organisations in delivering employment services. Using the Capacity Building Fund, the Department will work in partnership with NIETA to co-design projects that will help improve employment opportunities for Aboriginal and Torres Strait Islander Peoples and progress under the National Agreement on Closing the Gap.

This section sets out who is eligible for the Fund, guidance around the kinds of costs can be reimbursed under the Fund and how claims for reimbursement can be lodged.

32.2. Provider Eligibility

For a Workforce Australia Services Provider to be eligible for the Fund, all 3 of the following criteria must be met:

- the Provider has been issued a Head Licence, and
- is a Small Business Entity, and
- does not currently have or has not previously been required to have, under any agreement with the Commonwealth Government for the delivery of employment services,
    - ISO 9001 or NSDS certification, and/or
    - the Department's RFFR accreditation for information security.

Workforce Australia Services Providers may be eligible to claim reimbursement of Right Fit for Risk (RFFR) costs through the Capacity Building Fund where the Provider's RFFR requirements have increased due to their Workforce Australia Services Licence(s). This includes eligible Small Business Entity Providers, who previously were required to meet RFFR accreditation requirements under any agreement with the Commonwealth Government for the delivery of employment services prior to being granted a Workforce Australia Services Licence.

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Capacity Building for First Nations Organisations

The Capacity Building Fund eligibility has been broadened to allow NIETA to co-design projects to build the capacity of the Aboriginal community-controlled sector. Contracting arrangements with NIETA will be undertaken via a grant opportunity process.

(Deed Reference(s): Clauses 98.2, 98.3)

32.2.1. Small Business Entity (SBE)

At the time a Head Licence is issued, the Provider must be a Small Business Entity (SBE) as defined by the Australian Taxation Office. That is, the Provider's aggregated turnover (being all ordinary income that the Provider earned in the ordinary course of running a business, plus the annual turnover of any entities connected with the Provider or that are the Provider's affiliates) was less than $10 million for the most recent Financial Year ending prior to the Head Licence Start Date.

Eligibility as an SBE will be based on the Provider's most recent financial statements at the time a Head Licence is issued. For example, if the Provider receives a Head Licence as part of the initial tender, the Provider must supply evidence in the form of financial statements for 30 June 2021 or 31 December 2021 (depending on financial year cycle).

If the Provider's business status changes after the Head Licence is issued, the Provider will continue to be eligible for the Fund.

Group Respondent

Where the Provider is a Group Respondent, the financial statement of each individual member (for the relevant financial year) will be assessed in aggregate to determine if the Group Respondent as a whole, is an SBE.

Panel Members

A Panel Member offered a Head Licence will need to confirm they are still an SBE in order to be eligible for the Fund. This check will be completed as part of the licensing process through the form of providing the latest financial statements relevant at the time the Head Licence is issued. If a Panel Member's business status changes from being an SBE before a Head Licence is issued, they will not be eligible for the Fund.

Panel Members can attain the required certification/accreditation while on the Panel, however, claims for reimbursement cannot be made unless a Head Licence is issued, and all the eligibility requirements as outlined under the 'Provider Eligibility' section are met.

(Deed Reference(s): Clauses 98.2)

32.2.2. Certification/Accreditation requirements

In addition to meeting the SBE requirement, to be eligible for the Fund, a Provider (including through any Related Entity) must not currently have or been required to have under any agreement with the Commonwealth Government for the delivery of employment services,

- ISO 9001 or the NSDS certification for Quality, and/or

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- the Department's RFFR accreditation for information security.

For Group Respondents if any of the members within the Group have or are required to have the ISO 9001 or NSDS certification and RFFR accreditation, the Group as a whole will not be eligible to access the Fund.

Where the Provider (including any member of a Group Respondent) has:

- obtained some but not all the required certification/accreditation; and
- has not been required to have this certification/accreditation under any agreement with the Commonwealth Government for the delivery of employment services, or
- where the Provider's RFFR requirements have increased due to their Workforce Australia Services Licence(s), including eligible SBE Providers, who previously were required to meet RFFR accreditation requirements under any agreement with the Commonwealth Government for the delivery of employment services,

the Provider is eligible for the Fund.

> **Example:** If the Provider has obtained the RFFR accreditation under a previous employment services agreement; however, has not obtained (and has not been required to have) ISO 9001 or NSDS, the Provider is eligible to access the Fund to help with attaining the outstanding certification.

(Deed Reference(s): Clauses 98.3, 98.4)

32.2.3. Obtaining and Maintaining Certification/Accreditation

ISO 9001 or NSDS Certification for Quality

Providers are required to meet the Department's Quality Assurance Framework (QAF) certification requirements as outlined in the Quality Assurance Framework Chapter.

The Fund is only for reimbursements related to Providers obtaining and maintaining the ISO 9001 or the NSDS certification for the purposes of delivering Workforce Australia Services and is not for reimbursements associated with meeting the Quality Principles component of the QAF. A Provider is considered certified against the ISO 9001 or the NSDS when the Provider has received their certification from a third party auditor approved by the Department. Once this certification is attained or renewed, a claim for reimbursement can be made.

Where a Provider ceases to deliver Disability Employment Services while delivering services under a Head Licence and transitions to achieving ISO 9001 certification, the Provider can claim for those expenses if the Provider has not already exceeded the $300,000 cap and all other eligibility criteria is met. Note, Providers cannot seek reimbursement for expenses that have already been claimed and paid by another Commonwealth Agency.

Right Fit for Risk Accreditation

Providers are required to meet the Department's External Systems Accreditation Framework (ESAF) to ensure confidential data stored outside of the Department's IT Systems, i.e. in a Provider's IT system, is secure.

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Under ESAF, Providers are required to undertake a Right Fit for Risk (RFFR) Accreditation process that provides a tailored assurance approach to inform the Department's accreditation decision.

The Fund is only for reimbursements related to Providers obtaining and maintaining the full RFFR Accreditation component. To obtain the full accreditation, the Department requires Providers to complete a set of milestones within a prescribed period that demonstrates the Provider's IT systems meets the RFFR requirements. The accreditation and milestone process for each Provider will depend on their size and risk profile to the department. Refer to the Part A Guideline: External Systems Assurance Framework Chapter.

Providers are encouraged to contact the Department's Digital Information Assurance Section through the SecurityComplianceSupport@dewr.gov.au mailbox for additional support and guidance towards meeting the RFFR accreditation requirements.

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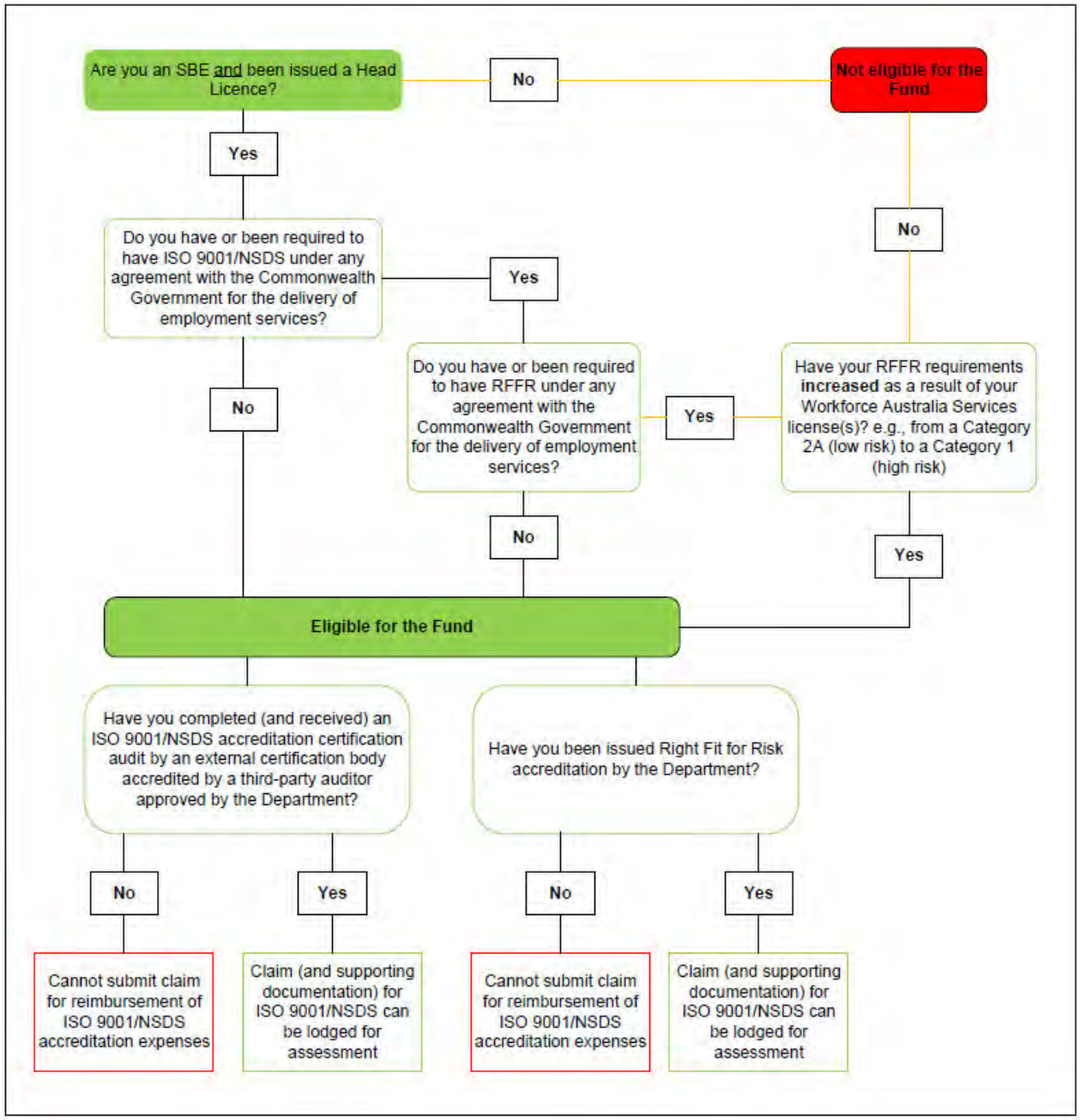
32.2.4. Eligibility Check

Figure 32-A: Capacity Building Fund Eligibility Check Flowchart



32.3. Eligible Reimbursement Expenses

In addition to claiming reimbursement attributed to obtaining the required certification/accreditation, effective 1 January 2025, eligible Providers (as above) can also claim reimbursement for costs associated with the maintenance and renewal of the required certification/accreditation. As of 1 January 2025, there are two reimbursement caps per Head Licence (for the life of the Head Licence) as follows:

- up to $300,000 for obtaining the initial ISO 9001 or the NSDS certification and/or the full RFFR Accreditation component, and

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- up to $300,000 for expenses directly attributed to the maintenance and renewal of the initial ISO 9001 or the NSDS certification and/or the full RFFR Accreditation component.

All expenses submitted for reimbursement must be **GST inclusive**. The $300,000 caps include the value of GST paid by the Provider in purchasing the service and/or products.

For Group Respondents, reimbursements can be claimed for any of the Group members that form the Head Licence, however the $300,000 caps apply collectively at the Head Licence level.

The Department will not fully prescribe reimbursement expenses; however, claims for reimbursement must be for costs **directly** associated with obtaining, maintaining and renewing the required certification/accreditation for the purpose of delivering Workforce Australia Services.

Reimbursement examples include:

- Obtaining professional advice and support (from relevant consultants, auditors, etc.) to undertake services such as:
  - a gap analysis to identify areas in the organisation's current structure that require adjustments for obtaining, maintaining and renewing certification/accreditation,
  - creating documents needed for obtaining and renewing certification/accreditation,
  - designing, implementing and maintaining the system to meet information security requirements,
  - training and working with employees to implement and maintain the new system.
- Procuring services of an independent certifying body to externally audit a system (quality or cybersecurity) against all specific requirements needed for obtaining, maintaining and renewing certification/accreditation.
- Software upgrades, new hardware, other IT infrastructure to comply with information security requirements, such as Australian cloud storage and Essential Eight Maturity Level One.
- Hiring of additional staff to specifically obtain and renew certification/accreditation.

In addition, reimbursements are only payable for expenses that are incurred by the Provider:

- on or after the date the Deed has been executed by the Parties (the Provider and Department). For example, if a Provider has commenced obtaining quality certification before the Deed has been executed only those expenses incurred on or after the date the Deed was executed are payable, and
- on or before the Head Licence Completion Date.

(Deed Reference(s): Clauses 98.5)

32.4. Ineligible Reimbursement Expenses

The following expenses are not eligible for reimbursement through the Fund:

- Paying for mentoring from another employment services provider or industry body.
- New or upgraded software, hardware or other IT infrastructure that is not required for the purpose of supporting the requirements of information security.
- Certification/accreditation costs directly associated with a Related Entity.

The Department may also exclude any other expenses for which a Provider may seek reimbursement if not considered appropriate spending under the Fund.

(Deed Reference(s): Clauses 98.6)

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32.5. Lodging Claim for Reimbursement

Reimbursement to obtain initial certification/accreditation

Eligible Providers are required to lodge a claim for reimbursement within 30 calendar days of obtaining the initial RFFR accreditation and/or ISO 9001 or National Standards for Disability quality assurance certification.

A Provider can only submit up to 2 claims for attaining initial certification/accreditation, one for each claim type (ISO 9001/NSDS and RFFR). Providers must ensure all amounts for reimbursement are submitted for each claim type as Providers can only lodge one claim per accreditation/certification. Where a Provider is only eligible for reimbursement of one accreditation type, only that claim type can be submitted, however, the full cap of up to $300,000 (GST inclusive) can still be claimed for reimbursement.

Reimbursement for the maintenance and renewal of certification/accreditation

Effective 1 January 2025, eligible Providers can lodge claims for reimbursement for reasonable costs incurred and directly attributed to the maintenance and required renewal of the initial ISO 9001 or the NSDS certification and/or the full RFFR Accreditation component. Providers can submit claims for reimbursement retrospectively for any costs already incurred as long as the expenses are directly associated with the maintenance of the initial certification/accreditation and sufficient documentary evidence is provided.

A Provider can submit multiple claims for reimbursement associated with the maintenance and renewal of each certification/accreditation type they are eligible for (ISO 9001/NSDS and/or RFFR) until the Head Licence Completion Date, however the aggregate amount for all claims approved must not exceed the $300,000 cap.

Lodging a claim in the Department's IT Systems

When lodging a claim for reimbursement, the Provider must upload:

- supporting documentation for the expenses being claimed,
- the completed Acquittal Summary Form clearly linking the supporting evidence to the certification/accreditation expense (GST inclusive) for reimbursement, and
- for ISO 9001/NSDS related reimbursements claims only, evidence that full certification or renewal has been attained.

Note: as the Department is the certifying body for attaining, maintaining and renewing the RFFR accreditation, evidence of achieving this does not need to be uploaded for reimbursements related to RFFR.

Providers must upload and retain sufficient Documentary Evidence as outlined below.

Providers must lodge claims for Reimbursement using the 'Request Payment' function, selecting the applicable claim type as follows:

- PRO6 Capacity Building Fund - ISO 9001/NSDS Certification
- PRO6 Capacity Building Fund - RFFR Accreditation.

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32.6. Documentary Evidence

Examples of supporting evidence for reimbursement claims can include:

- Valid tax invoice that distinguishes between individual item costs:
  - if required, the Provider can issue a recipient created tax invoice (RCTI) as long as the supplier is registered for GST. The RCTI must contain all of the information required of a tax invoice.
- Evidence of payment from the Provider to a third party supplier which may include:
  - a record of transaction (bank statement or a record of transaction from the organisation's financial system);
  - a Tax Invoice with the receipt from the supplier;
  - a remittance advice;
  - other valid proof of payment; or
  - timesheets for staff wages that relate to attaining certification/accreditation.

32.7. Assessment of Reimbursement

Once a claim for reimbursement has been lodged in the Department's IT Systems, the Department will assess the evidence provided and approve as relevant. When assessing the claim/s the Department will consider the following:

- does the Provider meet the eligibility criteria to access the Fund,
- are the expenses directly associated with attaining, maintaining or renewing the required accreditation/certification being claimed,
- do the expenses fall within any of the ineligible reimbursement categories,
- has the Provider already claimed for reimbursement against the certification/accreditation for which they are making a claim against, and
- are funds available from the applicable $300,000 cap.

Where the total expenses claimed exceed the applicable $300,000 cap (including GST), the Department will only reimburse expenses up to the value of the cap.

Where the Department requires further information to assess the claim, it will be sought from the nominated contact person on the acquittal summary via the Provider's Provider Lead. The Provider Lead will work with the contact person to resolve any issues that may arise throughout the claim assessment and reimbursement process. The Provider will be informed of the claim reimbursement result through either approving the claim in the Department's IT Systems or communication from the Provider Lead where a claim is not valid or is only partially valid.

The Department will assess the claim lodged in Department's IT Systems. Where Documentary Evidence is not sufficient to assess the claim in full, the assessment process and therefore payment may be delayed while the issues are resolved.

(Deed Reference(s): Clauses 98.7)

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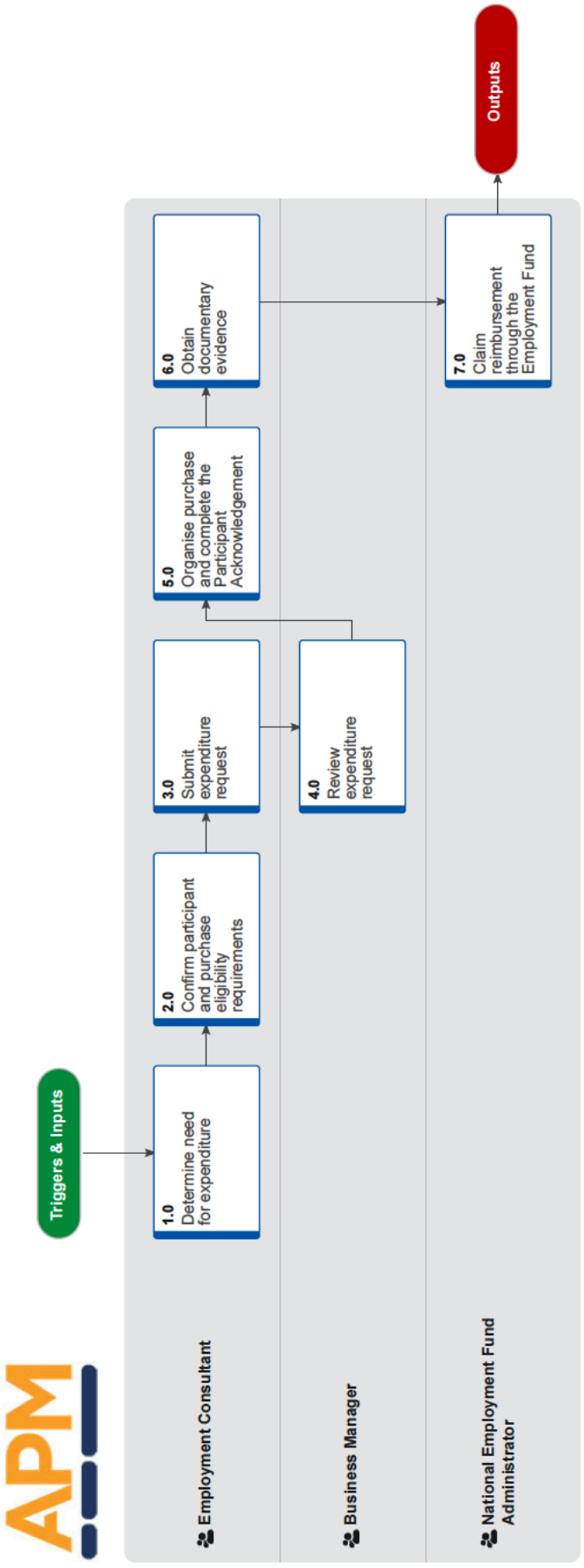

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Employment Fund v15.0

Summary

Objective
The Employment Fund (EF) is a flexible pool of funds available to APM to offer support tailored to the needs of participants, employers, and the local labour market. Each APM participant receives credits they can use and then claim reimbursement for the purchase of goods and services that support and assist Participants to gain the tools and build the skills and experience they need to find and keep a job.

Owner s 22(1)

Expert s 22(1)

Procedure

1.0 Determine need for expenditure
Employment Consultant

a Before you commit to any type of EF expenditure to anyone outside of APM, you MUST have created the expenditure request in Pulse.

NOTE **Why must I create expenditure requests before committing to EF expenditure?**
Before committing to any type of EF expenditure you must create the request in Pulse because:

• you require approval before spending EF funds
• creating an expenditure request will generate an EXP number which is required to be listed on invoices and etc. to suppliers of goods and services, and
• credit card requests will be marked as 'Awaiting Purchase' and sit on your dashboard to update once the payment has been made, this will assist your team members to update the request if you go on leave.

b If the participant has requested or you have identified the use of the EF, determine whether or not the expenditure is appropriate and/or necessary to progress them towards employment.

NOTE **What goods and services can the EF be spent on?**
Please open the table 'Employment fund categories and system and documentary evidence requirements' for a detailed list of the EF categories plus any specifics or documentary evidence required.

Employment Services - Workforce Australia Services - Employment Fund categories and system and documentary evidence requirements
https://advancedpersonnelmanagement.sharepoint.cc

NOTE **How do I determine if expenditure is appropriate and/or necessary?**
As a guide when determining if expenditure is appropriate or necessary, you must be able to answer yes to any of the following questions (where applicable):

• will the expenditure directly improve the participant's ability to gain or maintain employment?
• is the expenditure necessary for the participant to undertake interventions or receive support to address their barriers?
• is the expenditure aligned with a realistic employment direction (i.e. a job that the participant is able to do and is available in the local labour market)?, and
• does it meet the Employment Fund Principles and is not on the list of Employment Fund Prohibited Items?

NOTE **What are the EF principles?**
When purchasing goods or services through the EF you must adhere to the EF principles which are:

• provides eligible Participants with the work-related tools, skills and experience that correspond with their difficulties in finding and keeping a job in the relevant labour market
• provides value for money
• complies with any work, health and safety laws that may apply
• withstands public scrutiny, and
• will not bring the services, APM or the department into disrepute.

NOTE **Can I use the EF for an interpreter for a pending participant?**
Yes. You can use the EF for an interpreter for pending and commenced participants by booking the service through Pulse.

NOTE **How do I book an interpreter through Pulse?**
Please click on the link to open the 'Pulse Interpreter Booking System User Guide' to find out how to book an interpreter through Pulse.

Also attached below, is the link to the 'EziSpeak Interpreter Language Access Guide' if you would like to find out what languages are offered through EziSpeak.

Employment Services - The Hello Co. Customer Language Guide
https://advancedpersonnelmanagement.sharepoint.cc

Employment Services - Pulse Interpreter Booking System User Guide
https://advancedpersonnelmanagement.sharepoint.cc

2.0 Confirm participant and purchase eligibility requirements
Employment Consultant

a Confirm participant eligibility before purchasing goods or services.

Workforce Australia - Employment Fund Supporting Document
https://ecsnaccess.gov.au/providerportal/pro6/docum

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NOTE **What are the participant eligibility requirements?**

To be able to utilise the EF, participants must be:

- commenced with the APM
- suspended after commencing with APM
- pending after previous commencement with APM
- pending with APM and require certified interpreter services
- within 183 calendar days after being exited from the APM, or
- within 183 calendar days after being transferred from the APM to another provider.

b Confirm purchase eligibility before purchasing goods or services.

NOTE **What are the purchase eligibility requirements?**

- meets the Employment Fund Principles
- is not prohibited, and
- satisfies any specific EF category requirements.

NOTE **What is a prohibited purchase?**

Please open the guide 'Employment Fund Prohibited Purchases' for further information.

Employment Services - Workforce Australia Services - Employment Fund Prohibited Purchases.pdf

NOTE **What do I do if the purchase is prohibited, but will progress the participant to gaining employment?**

If the purchase is on the 'Employment Fund Prohibited Purchases' guide but will assist your participant in progressing towards employment, discuss the matter with your Manager.

NOTE **Can I utilise the EF to access WorkCare for my participant?**

Yes. To refer a participant to WorkCare, go to:

- Pulse >> File Notes
- Category: APM Professional Service
- Subcategory: Referral
- Complete all fields and click on submit.

NOTE **Can I utilise the EF to purchase Public Liability Insurance for participant's undertaking the Self Employment Assistance?**

Yes. You can utilise the EF to pay for participant's Public Liability Insurance who are in pending or commenced in Self Employment Assistance.

NOTE **What do I do if the EF is being utilised for 'Accredited Training' or 'Work Related Licensing'?**

If you are utilising the EF for accredited training, the participant MUST be referred to the accredited training activity in ESS Web before you submit the expenditure in Pulse.

When you are creating activities in ESS Web for accredited training, in the details section you must add the RTO Code - RTO Name - Course Code - Course Name.

For example:
91088 - Management Consultancy International Pty Ltd - BSB30120 - Certificate III in Business.

You also need to confirm that the training organisation is recognised as a RTO within the training.gov.au website, and that they have the scope to deliver the course we are paying for.

training.gov.au - Organisation/RTO search
https://training.gov.au/Search/SearchOrganisation?na

NOTE **What do I do if the EF is being utilised for 'Relocation Assistance'?**

APM may utilise the Relocation Assistance category in the EF to assist participants to take up a job in another location, that is more than 90 minutes away from their current residence. This assistance can be used to assist the participant to relocate with a dependent as well.

Support which can be provided before the participant moves includes, but is not limited to removalist costs, travel costs, disturbance costs and short-term accommodation costs.

When offering Relocation Assistance it is very important to ensure that:

- documentary evidence has been uploaded to the expenditure request confirming the employment (e.g. contract, letter of offer or email confirming the employment)
- that the move is 90 minutes or more away from the participant's current residence
- the employment is sustainable and will lead to an outcome, and
- for larger amounts of expenditure, you consider obtaining quotes to ensure we can get value for money.

Please note, Rental Bond is not an allowable expense under the Employment Fund.

NOTE **What do I do if the EF is being utilised to purchase an Electric Bike?**

Please click on the below process 'Purchasing Electric Bikes' for further information.

PROCESS Purchasing Electric Bikes (E-Bikes)

3.0 Submit expenditure request

Employment Consultant

Employment Services - Expenditure User Guide.pdf

a Ensure all file notes are added to Pulse detailing the request for the purchase, how it will assist the participant to get or keep a job and any other details required.

b Ensure all documentary evidence required is uploaded into Pulse.

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c Submit expenditure request through the Pulse tab labelled 'Expenditure'.

NOTE **How do I purchase a fuel card, grocery card or mobile phone credit for a participant?**
APM have partnered with We Make a Difference (WeMAD) to streamline the purchase and delivery of gift cards to Participants.

If a participant requires assistance with a fuel card, grocery card or mobile phone credit please purchase via the WEMAD link on the Expenditure tab in PULSE, per the WeMAD - eGift Card Expenditure User Guide below.

You will not be required to obtain a signed Participant Acknowledgement form or email from the participant for WeMAD eGift Cards.

You will not be required to create an expenditure in PULSE for this purchase. By ordering through the WeMAD portal the expenditure will be created automatically for you.

Employment Services – WeMAD – eGift Card Expenditure User Guide.pdf

d Once you get get to the blue section labelled 'Expenditure Items' ensure you review the information that populates when you select the ' Assistance Type' for any extra specifics or documentary evidence required.

e Ensure you add the correct amount for the expenditure item/s that APM is paying for and the correct GST component.

NOTE **What happens if I am reimbursing the participant for a work item or service they paid for?**
If you are reimbursing the participant for a work item or service they have paid for, select 'Participant Reimbursement' within the 'Payment Method' field and the GST component will be $0.

f Review any Pulse emails that are sent to you so you can action any items required for your expenditure request to be approved.

4.0 Review expenditure request

Business Manager

a Review your expenditure requests regularly by navigating to the 'Expenditures' tab in Pulse or by clicking on 'Expenditure' in the black ribbon up and selecting 'Find Expenditure'.

b Review the expenditure request and file notes in Pulse to determine if the expenditure is appropriate and necessary.

c Review all of information and documentation in Pulse and where applicable, ensure it matches up with what the information provided in ESS Web.

d Confirm the participants, the expenditure items and any supplier/s eligibility requirements.

e If you determine that the expenditure is appropriate and necessary and meets all eligibility requirements in Pulse, approve the request or recommend it to go to your Manager.

f If you determine that the expenditure is not appropriate or necessary, or it does not meet all of the eligibility requirements, reject the request.

Employment Services - DES Workforce Australia Services ParentsNext - Expenditure Authority Levels.pdf

5.0 Organise purchase and complete the Participant Acknowledgement Form

Employment Consultant

a Once you receive confirmation that the expenditure has been approved organise the purchase with the payment method identified in the request.

b Let the participant know that the goods and/or services have been paid for.

c If the participant is required to acknowledge that they have received the item/s purchased, gain their confirmation through the relevant 'Participant Acknowledgment Form' or the email template.

Employment Services - Workforce Australia Services - Participant Acknowledgement Form

Employment Services - Workforce Australia Services - Participant Acknowledgement Email Template.docx

Employment Services - Transport Participant Acknowledgement Form.pdf

NOTE **What purchases require the participant to sign the Participant Acknowledgement Form, or return the email template?**
For the following items:

- fuel cards
- mobile phone credit
- internet data credit
- bus tickets
- grocery/food vouchers
- public transport cards (e.g. Go Card, Opal etc), and
- travel related vouchers

You must get the participant to either sign the Participant Acknowledgement Form, or return the Participant Acknowledgement email template.

NOTE **What purchases require the participant to sign the Transport Participant Acknowledgement Form?**
For the following items:

- bicycle
- e-bike
- helmet
- u-lock
- safety lights

You must get the participant to sign the Transport Participant Acknowledgement Form.

d Once the purchase is complete, upload the tax invoice/ receipt and Participant Acknowledgement Form (where applicable) into the Pulse document store.

6.0 Obtain documentary evidence

Employment Consultant

a Obtain any outstanding invoices/receipts for goods and/ or services supplied to the participant asap and upload them into the expenditure request in Pulse.

NOTE **What timeframe does the EF Team have to claim money back through the EF?**
The EF Team have 56 calendar days from the date we paid for the goods and services, to claim the money back through the EF.

If we do not claim the money back within the 56 days it will come off of APM's bottom line expenditure.

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b If APM is paying for the goods or services (not reimbursing the participant) ensure the invoice is made out to APM to pay.

NOTE **What details need to be on a invoice and receipt?**
Before uploading an invoice or receipt into Pulse, ensure it has:
• the supplier's name
• the supplier's ABN
• the details of the items purchased and/or details of the service delivered, and
• whether the purchase was GST inclusive or not.

And in addition to the above if APM pays a supplier:
• the date that the supplier was paid.

NOTE **Is there any additional considerations to note when uploading documentary evidence?**
Yes, before uploading evidence please take note of the following:

• if we are reimbursing the participant, the receipt they gave you has a zero balance and the date the supplier was paid
• where there are multiple goods in an invoice or receipt, that you only raise expenditure for the items APM will be reimbursing the participant for
• the receipt is clear legible with no parts missing
• if the receipt is from an organisation that collects payments on behalf of another (e.g. Australia Post) and it does not clearly identify the supplier or detail the items to reimburse, you must also upload evidence of this information, and
• when a supplier charges a layby fee or credit card surcharge, and it does not appear on the tax invoice, you must also upload evidence of these additional costs.

7.0 Claim reimbursement through the Employment Fund

National Employment Fund Administrator

a Review Pulse for any documentary evidence required for the expenditure.

b Review the expenditure, confirming that the commitment matches the actual amount spent.

c Claim reimbursement through ESS Web.

d Reconcile expenditure with APM Accounts to ensure that all eligible expenditure is committed and reimbursed.

Triggers & Inputs

TRIGGERS

None Noted

INPUTS

None Noted

Outputs & Targets

OUTPUTS

None Noted

PERFORMANCE TARGETS

None Noted

Process Dependencies

PROCESS LINKS FROM THIS PROCESS

Process Name	Type of Link	Assigned Role
Purchasing Electric Bikes (E-Bikes)	Note	Employment Consultant

PROCESS LINKS FROM OTHER PROCESSES

None Noted

RACI

RESPONSIBLE
Roles that perform process activities

Business Manager, Employment Consultant, National Employment Fund Administrator

Systems that perform process activities

None Noted

ACCOUNTABLE
For ensuring that process is effective and improving

Process Owner	s 22(1)
Process Expert	s 22(1)

CONSULTED
Those whose opinions are sought

STAKEHOLDERS
None Noted

STAKEHOLDERS FROM LINKED PROCESSES

Process	Owner	Expert	Process Group
Purchasing Electric Bikes (E-Bikes)	s 22(1)	s 22(1)	Work Preparation and Job Search

INFORMED
Those notified of changes

All of the above. These parties are informed via dashboard notifications.

Systems

None Noted

Lean

None Noted

Timeframes

Activity	Incl.	Active	Wait

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			Time	Time
1.0	Determine need for expenditure *	✔	-	-
2.0	Confirm participant and purchase eligibility requirements *	✔	-	-
3.0	Submit expenditure request *	✔	-	-
4.0	Review expenditure request *	✔	-	-
5.0	Organise purchase and complete the Participant Acknowledgement Form *	✔	-	-
6.0	Obtain documentary evidence *	✔	-	-
7.0	Claim reimbursement through the Employment Fund *	✔	-	-
	TOTAL		-	-

Variance Scenarios:

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Revenue paid to APM under each of our current DEWR programs for FY25 - YTD up to 31 March 2025

Government Department	Contract Name	YTD Revenue - 31 March 2025 ($)
DEWR	Workforce Australia	73,069,000
DEWR	Transition to Work	11,030,000
DEWR	Self-Employment Assistance	9,688,000
s 22(1)		
DEWR	Employability Skills Training	1,992,000
DEWR	Career Transition Assistance	1,664,000

From: DEWR - Qld Employment Services
To: s 22(1)
Cc: s 22(1)
Subject: BBXY - Work for the Dole Projects Fund Allocation – 1 July 2024 to 30 June 2025
Date: Tuesday, 30 April 2024 1:58:00 PM
Attachments: image001.jpg

Good afternoon s

This email is to advise you of the Work for the Dole Projects Fund Allocation for APM Employment Services for the period 1 July 2024 to 30 June 2025.

The Department has allocated the following funding to your organisation to support the delivery of Work for the Dole Projects. As outlined in Section 20.10.2 of the Workforce Australia Services Guidelines – Part B, allocations are based on your organisation's anticipated caseload per Employment Region. This year Allocations also take into consideration any previous Work for the Dole Projects you have run in each Employment Region.

Work for the Dole Projects Fund Allocation for the period 1 July 2024 to 30 June 2025

Organisation	Employment Region	Allocation (GST ex)	Allocation (GST inc)
APM Employment Services	Capital Region	$58,477.58	$64,325.34
	Adelaide North	$85,739.90	$94,313.90
	Bendigo	$54,817.00	$60,298.70
	Cairns	$128,134.75	$140,948.22
	Darwin (includes Alice Springs)	$40,903.20	$44,993.52
	Esperance	$6,459.03	$7,104.93
	Gold Coast	$48,984.29	$53,882.72
	Illawarra South Coast	$52,581.23	$57,839.35
	Inner Metropolitan Melbourne	$45,990.78	$50,589.86
	Murray Riverina	$60,590.68	$66,649.74
	North West Country SA	$26,511.84	$29,163.02
	Somerset	$76,569.32	$84,226.26
	Wide Bay and Sunshine Coast	$177,747.55	$195,522.31
	Sydney East Metro	$149,072.09	$163,979.30
	Sydney North and West	$49,575.54	$54,533.10
	South West WA	$76,427.28	$84,070.01
	Wivenhoe	$64,851.01	$71,336.11
	Total	**$1,203,433.07**	**$1,323,776.39**

If you believe that your Allocation for the 2024/25 financial year will not provide your organisation with sufficient funds to operate Work for the Dole Projects in a particular Employment Region, you can apply to the Department for additional funding by completing a *Request for Additional Work for the Dole Projects Funding Form* available on the Provider Portal.

Should these requests be approved, the Department will add these additional funds to your 2024/25 Allocation. For Providers to receive the additional funding Allocations in the IT system prior to 1 July 2024, the Department must receive these requests no later than **COB 22 May 2024**. Further requests for additional funding can be submitted up until 28 February 2025.

Further information on Work for the Dole Projects and the acquittal process, including training material and templates, are available on the Provider Portal and Learning Centre.

Kind regards

s 22(1)

s 22(1)
Contract Manager

Queensland State Office| Workforce Australia Provider Support Division
Australian Government Department of Employment and Workplace Relations
Phone s 22(1)
dewr.gov.au

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.