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Sent: Tuesday, 29 March 2016 2:35 PM
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Subject: AM2014/67 - Black Coal Mining Industry Award 2010 - Clause 14 - Redundancy [BD-CM.30002560.02-3000-0722]

Dear Modern Awards Team

**AM2014/67 - Black Coal Mining Industry Award
Variation of clause 14 – redundancy**

We refer to the Directions issued by Commissioner Johns on 8 December 2015.

In accordance with the Directions, we **attach**, by way of filing, the following documents on behalf of the Coal Mining Industry Employer Group (**CMIEG**):

1. Submissions of the CMIEG;
2. Statement of John Edwards dated 24 March 2016;
3. Statement of Lorraine Merritt dated 24 March 2016;
4. Statement of Hannah Martin dated 23 March 2016; and
5. Statement of David Gunzberg dated 23 March 2016.

We have also arranged for copies of these documents to be served on the representatives from the AiGroup, CFMEU, APESMA and AMWU with responsibility for this matter.

Yours faithfully

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IN THE FAIR WORK COMMISSION

MATTER NO: AM2014/67

TITLE OF MATTER: FOUR YEARLY REVIEW OF MODERN AWARDS – BLACK COAL
MINING INDUSTRY AWARD 2010 – CLAUSE 14 – REDUNDANCY

SUBMISSIONS OF THE COAL MINING INDUSTRY EMPLOYER GROUP (CMIEG)

INTRODUCTION

1. These submissions are made on behalf of the Coal Mining Industry Employers Group (CMIEG) in accordance with the Directions issued by the Full Bench on 8 December 2015.
2. On 10 April 2015, a Full Bench of the Fair Work Commission (**Commission**) made a determination to vary the *Black Coal Mining Industry Award 2010* (**Award**) by deleting clause 14.4(c) (PR562586) (**2015 Determination**). The effect of the 2015 Determination was to delete an age based cap that had applied to the payment of retrenchment payments prescribed in clause 14 of the Award.
3. In its decision, the Full Bench observed that there:

...may potentially be some merit in the proposition that a new limitation on retrenchment payments should be introduced to replace clause 14.4(c)... Arguably, in circumstances where the original consensual industry-specific redundancy scheme will now be altered to remove one of its starting-point features, a new cap upon what is a fairly generous scheme should be imposed in line with common industrial practice: *Black Coal Mining Industry Award 2010* [2015] FWCFB 2192 (**2015 Decision**) at [44].
4. The Full Bench granted liberty to apply to any party who wished to seek a further variation to clause 14: **2015 Decision at [45]**.
5. By letter dated 4 June 2015, the CMIEG exercised the liberty to apply to seek a variation of clause 14 of the Award to include a cap on severance and retrenchment pay. A conference was subsequently convened before Commissioner Johns on 19 June 2015. Amongst other things, a recommendation was made to require the CMIEG to confirm the variation it proposed to be made to the Award and to provide a copy of draft terms of the proposed variation.

6. By letter dated 7 July 2015, the CMIEG articulated the proposed variation (**the Draft Variation**). The Draft Variation seeks to insert a new clause 14.5 into the Award as follows:

The amount of any payment an employee is entitled to receive in respect of severance pay under clause 14.3 and retrenchment pay under clause 14.4, is limited to the amount the employee would receive after nine years' service.

7. For the reasons set out below, CMIEG contends that the Draft Variation should be made. In summary, the CMIEG contends that clause 14 of the Award does not provide for a "*fair and relevant minimum safety net*" taking into account the criteria in s 134 of the *Fair Work Act 2009 (Cth)* (**FW Act**). Specifically, the CMIEG contends that clause 14 of the Award provides benefits which:

- (a) are far in excess of the minimum safety net prescribed in s 119 of the FW Act;
- (b) are inconsistent with redundancy test cases decided by both Federal and State industrial tribunals which, inter alia, were subject to service based caps on entitlements;
- (c) do not take into account that the hardship suffered by retrenched employees covered by the Award is ameliorated by a number of other benefits conferred under the Award, under the portable long service leave scheme applicable in the coal mining industry, under superannuation schemes applicable in the industry and under social security benefits provided by the Government;
- (d) are inconsistent with and more generous than every other modern award in circumstances where there are no material distinguishing features of the black coal mining industry to justify the differential entitlement;
- (e) do not promote collective bargaining and otherwise do not promote the modern awards objective set out in s 134(1)(a) to (h) of the FW Act.

8. The CMIEG further contends that by making a variation in the form of the Draft Variation to impose a service based cap on the benefits conferred under clause 14 of the Award, the Commission will discharge its statutory duty under s 134(1) of the FW Act to ensure that the Award contains a "*fair and relevant minimum safety net*" taking into account the criteria in s 134 of the FW Act.

9. As part of its consideration of any proposed variation, the Full Bench indicated at [44] of the 2015 Decision that it would need to have before it greater evidence on a range of matters including:

- (a) age profile (see [11] – [15] of the Statement of David Gunzburg signed 23 March 2016 (**Gunzburg Statement**); [17], [19], [26] and [35] of the Statement of John Edwards signed 24 March 2016 (**Edwards Statement**); and the Statement of Hannah Martin signed 23 March 2016 (**Martin Statement**));
- (b) length of service of people made redundant (see [11] – [12] of the **Gunzburg Statement**)
- (c) typical circumstances people face on redundancy (see the Statement of Lorraine Margaret Merritt signed 24 March 2016 (**Merritt Statement**); [17] – [27] of the **Gunzburg Statement**; and [12] – [32] of the **Edwards Statement**); and
- (d) the cost impact on employers of the scheme (see [33] of the **Edwards Statement**).

RELEVANT STATUTORY PROVISIONS

- 10. The present application arises as part of the 4 yearly reviews being conducted by the Commission pursuant to s 156 of the FW Act: **2015 Decision at [2]**.
- 11. As part of the 4 yearly review process, the Commission has express power pursuant to s 156(2)(b)(i) to make “*one or more determinations varying modern awards*”. The power to vary a modern award involves the exercise of “*modern award powers*” as described in s 134(2)(a) of the FW Act: see *4 Yearly Review of Modern Awards: Preliminary Jurisdictional Issues* [2014] FWCFB 1788; (2014) 241 IR 189 (***Preliminary Jurisdictional Issues Decision***) at [17].
- 12. A variation must satisfy the modern awards objective enshrined in s 134 (1) of the FW Act: see also ***Shop, Distributive and Allied Employees Association v National Retail Association (No 2) (SDA v NRA (No 2))*** [2012] FCA 480; (2012) 205 FCR 227. Relevantly, s 134(1) provides that the Commission must ensure that modern awards, together with the National Employment Standards, provide a “*fair and relevant minimum safety net*” taking into account the following criteria:
 - (a) relative living standards and the needs of the low paid; and
 - (b) the need to encourage collective bargaining; and
 - (c) the need to promote social inclusion through increased workforce participation; and

- (d) the need to promote flexible modern work practices and the efficient and productive performance of work; and
- (da) the need to provide additional remuneration for:
 - (i) employees working overtime; or
 - (ii) employees working unsocial, irregular or unpredictable hours; or
 - (iii) employees working on weekends or public holidays; or
 - (iv) employees working shifts; and
- (e) the principle of equal remuneration for work of equal or comparable value; and
- (f) the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden; and
- (g) the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and
- (h) the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.

13. Importantly, as noted above, s 134(2)(a) provides that the modern award objectives apply to the performance or exercise of the Commission’s functions or powers under Part 2-3 of the FW Act, which are described as the “*modern award powers*”.

14. Section 139 of the FW Act identifies the terms which may be included in modern awards. Redundancy pay is not one of the matters included in s 139.

15. Section 141(1) prescribes the circumstances in which a modern award may include an industry-specific redundancy scheme. Relevantly, s 141(1)(a) provides that an industry-specific redundancy scheme may be included in a modern award if it was included in that award in the “*award modernisation process*”.

16. Sections 141(3) to (5) provide for the circumstances in which the Commission may vary or omit industry-specific redundancy schemes from modern awards, as follows:

Varying industry-specific redundancy schemes

- (3) The FWC may only vary an industry-specific redundancy scheme in a modern award under Division 4 or 5:
 - (a) by varying the amount of any redundancy payment in the scheme; or

- (b) in accordance with a provision of Subdivision B of Division 5 (which deals with varying modern awards in some limited situations).
- (4) In varying an industry-specific redundancy scheme as referred to in subsection (3), FWC:
 - (a) must not extend the coverage of the scheme to classes of employees that it did not previously cover; and
 - (b) must retain the industry-specific character of the scheme.

Omitting industry-specific redundancy schemes

- (5) FWC may vary a modern award under Division 4 or 5 by omitting an industry-specific redundancy scheme from the award.
17. By reason of s 134(2)(a), the exercise of power by the Commission under ss 141(3) to (5) involves the exercise of “*modern award powers*” and, as a result, in varying an industry-specific redundancy scheme the Commission must ensure that the modern award provides for a “*fair and relevant minimum safety net*” taking into account the criteria enumerated in s 134(1)(a)-(h) of the FW Act.
18. Further, in the *Preliminary Jurisdiction Issues Decision* at [60] (209-211), a Full Bench of the Commission conveniently set out the parameters as to the scope of a 4 yearly review, as follows (emphasis added):
- 1. Section 156 sets out the requirement to conduct 4 yearly reviews of modern awards and what may be done in such reviews. The discretion in s.156(2) to make determinations varying modern awards and to make or revoke modern awards in a Review, is expressed in general terms. The scope of the discretion in s.156(2) is limited by other provisions of the FW Act. In exercising its powers in a Review the Commission is exercising ‘modern award powers’ (s.134(2)(a)) and this has important implications for the matters which the Commission must take into account and for any determination arising from a Review. In particular, the modern awards objective in s.134 applies to the Review.
 - 2. The Commission must be constituted by a Full Bench to conduct a Review and to make determinations and modern awards in a Review. Section 582 provides that the President may give directions about the conduct of a Review. The general provisions relating to the performance of the Commission’s functions apply to the Review. Sections 577 and 578 are particularly relevant in this regard. In conducting the Review the Commission is able to exercise its usual procedural powers, contained in Division 3 of Part 5-1 of the FW Act. Importantly, the Commission may inform itself in relation to the Review in such manner as it considers appropriate (s.590).
 - 3. The Review is broader in scope than the Transitional Review of modern awards completed in 2013. **The Commission is obliged to ensure that modern awards, together with the NES, provide a fair and relevant minimum safety net taking into account, among other things, the need to**

ensure a ‘stable’ modern award system (s.134(1)(g)). The need for a ‘stable’ modern award system suggests that a party seeking to vary a modern award in the context of the Review must advance a merit argument in support of the proposed variation. The extent of such an argument will depend on the circumstances. Some proposed changes may be self evident and can be determined with little formality. However, where a significant change is proposed it must be supported by a submission which addresses the relevant legislative provisions and be accompanied by probative evidence properly directed to demonstrating the facts supporting the proposed variation. In conducting the Review the Commission will also have regard to the historical context applicable to each modern award and will take into account previous decisions relevant to any contested issue. The particular context in which those decisions were made will also need to be considered. Previous Full Bench decisions should generally be followed, in the absence of cogent reasons for not doing so. The Commission will proceed on the basis that *prima facie* the modern award being reviewed achieved the modern awards objective at the time that it was made.

4. **The modern awards objective applies to the Review. The objective is very broadly expressed and is directed at ensuring that modern awards, together with the NES, provide a ‘fair and relevant minimum safety net of terms and conditions’.**
5. In the Review the proponent of a variation to a modern award must demonstrate that if the modern award is varied in the manner proposed then it would only include terms to the extent necessary to achieve the modern awards objective (see s.138). What is ‘necessary’ in a particular case is a value judgment based on an assessment of the considerations in s.134(1)(a) to (h), having regard to the submissions and evidence directed to those considerations.
6. There may be *no one set* of provisions in a particular modern award which can be said to provide a fair and relevant minimum safety net of terms and conditions. There may be a number of permutations of a particular modern award, each of which may be said to achieve the modern awards objective.
7. The characteristics of the employees and employers covered by modern awards varies between modern awards. To some extent the determination of a fair and relevant minimum safety net will be influenced by these contextual considerations. It follows that the application of the modern awards objective may result in different outcomes between different modern awards.
8. Any variation to a modern award arising from the Review must comply with s.136 of the FW Act and the related provisions which deal with the content of modern awards. Depending on the terms of a variation arising from the Review, certain other provisions of the FW Act may be relevant. For example, Division 3 of Part 2-1 of the FW Act deals with, among other things, the interaction between the National Employment Standards (NES) and modern awards. These provisions will be relevant to any Review application which seeks to alter the relationship between a modern award and the NES. The Review will also consider whether any existing term of a modern award is detrimental to an employee in any respect, when compared to the NES (see s.55(4)).

9. Division 5 of Part 2-3 (ss.157-161) of the FW Act deals with the exercise of powers outside 4 yearly reviews and annual wage reviews. These provisions are not relevant to the conduct of the Review but the Review process is not of itself a barrier to an application or determination being made under Division 5, provided the Commission is satisfied that the requirements of Division 5 have been met. In the event that the Review identifies an ambiguity or uncertainty or an error, or there is a need to update or omit the name of an entity mentioned in a modern award the Commission may exercise its powers under ss.159 or 160, on its own initiative. Interested parties will be provided with an opportunity to comment on any such proposed variation.
10. Division 6 of Part 2-3 contains specific provisions relevant to the exercise of modern award powers. These provisions apply to the Review. If the Commission were to make a modern award or change the coverage of an existing modern award in the Review, then the requirements set out in s.163 must be satisfied.

Determinations varying modern awards arising from the Review will generally operate prospectively and in relation to a particular employee the determination will take effect from the employee's first full pay period on or after the 'specified day'. Section 165(2) provides an exception to the general position that variations operate prospectively. A variation can only operate retrospectively if the variation is made under s.160 (which deals with variations to remove ambiguities or uncertainties, or to correct errors) *and* there are exceptional circumstances that justify retrospectivity.

Section 166 deals with the operative date of variation and determinations which vary modern award minimum wages and it also applies to the Review.

19. These principles are relevant to the discharge of the Commission's powers in the present matter.

CLAUSE 14 OF THE AWARD – HISTORICAL ORIGINS AND PURPOSE

20. Clause 14 of the Award sets out obligations and entitlements in respect of redundancies. In the event of a redundancy (as defined in clause 14.2), employees are entitled to:
 - (a) severance pay of 1 ordinary week's pay for each completed year of employment (clause 14.3); and
 - (b) retrenchment pay of 2 ordinary weeks' pay for each completed year of employment with a minimum payment of 2 ordinary weeks' pay (clause 14.4). It is noted that this entitlement to retrenchment pay only arises where redundancy occurs due to technological change, market forces or diminution of reserves (clause 14.4(a)).
21. The component of severance payment had its origins in the decisions of the Coal Industry Tribunal in 1973: **2015 Decision at [29]**. For employees in New South Wales and Queensland, the retrenchment payment entitlement was inserted by a decision of the Coal

Industry Tribunal of 19 January 1983, and included the capping provision previously found in clause 14.4(c) of the Award: **2015 Decision at [30]**. The entitlement to this second component of retrenchment pay was at its inception tied to the coal industry superannuation scheme pursuant to which employees could access retirement benefits at the age of 60 (including on the basis of concessional tax payable), which at that time was the relevant retirement age: **2015 Decision at [30]**. The purpose of the retrenchment entitlement was to compensate employees for involuntary termination prior to a time at which they could access their retirement benefits under the coal industry superannuation scheme.

22. There are no arbitrated decisions which expose the rational basis or underlying principles upon which the entitlements were determined to be an appropriate minimum standard in the past. Such decisions as are available indicate that the entitlements were agreed by industry participants within the context of specific industry retirement and superannuation schemes, which were premised on a mandatory retirement age. The underlying premise of the historically negotiated outcomes appear to reflect a desire to compensate employees for involuntary termination on the ground of redundancy at a time prior to retirement age.

23. The rationale for the age based “cap” that existed in clause 14.4(c) of the Award was considered by Commissioner Wilks in *BHP Coal* (Unreported, 13 July 2000, PR S8070) who stated at [20]:

...the clause is intended to avoid the potential for employees to obtain an unintended or "windfall" gain from being made redundant at a point where he or she is coincidentally nearer to the normal retirement age than another employee who, for no different reason is also made redundant, but may be much further from the normal retiring age of 60 years.

24. Such an age based “cap” was also reflected in the general standard for severance and retrenchment entitlements contained in federal industrial awards as outlined in the 1984 *Termination Change and Redundancy Case* (1984) 8 IR 34 (TCR Case). In that decision, a Full Bench of the then Conciliation and Arbitration Commission held at 75 that:

...we are of the opinion that where termination is within the context of an employee’s retirement, an employee should not be entitled to more than he/she would have earned if he/she had proceeded to normal retirement.

25. The matter was considered again by a five member Full Bench of the Australian Industrial Relations Commission in *Redundancy Case* (2004) 129 IR 155 at [163]-[165], which stated at [163] that:

The original purpose of the provision – to ensure that employees who are retrenched in reasonable proximity to their projected retirement date should not receive more

than they would have earned had they remained employed until retirement – is still apposite. The principle underpinning the existing provision is sound. The amount of money paid to a retrenched employee by way of severance pay should not cause that individual to be better off than if they had never been retrenched.

26. The statutory provisions mandating the retirement of coal miners at the age of 60 were progressively repealed, including in New South Wales in 2006 by the *Coal and Shale Mine Workers (Superannuation) Amendment Act 2006* (NSW): **2015 Decision at [36]**.
27. During the award modernisation process that took place pursuant to Part 10A of the *Workplace Relations Act 1996* (Cth) (**WR Act**), the (then) existing provisions relating to redundancy pay, including the age cap, were incorporated as clause 14 of the Award on the basis that they were an industry-specific redundancy scheme by the consent of all relevant parties: **2015 Decision at [37]**.
28. An examination of the *Award Modernisation Decision* [2008] AIRCFB 1000; (2008) 177 IR 364 discloses that there was no specific examination of the so-called “industry-specific” redundancy scheme. At [154]-[166] of that Decision, the Full Bench of the Australian Industrial Relations Commission considered the black coal mining industry. The only discussion in relation to retrenchment pay at [162] relates to the removal of the exercise of arbitral function by the Commission on the basis that the matter was already dealt with under the National Employment Standards.
29. It is plain that the inclusion of clause 14 into the Award reflected a consent position, but occurred in circumstances where the relevant entitlement to retrenchment pay was subject to an age based cap contained in clause 14.4(c).
30. The same decision also examined the making of the *Mining Industry Award 2010* at [193]-[219]. Relevantly, although noting some of the distinguishing features of the mining industry at [196], the Commission did not prescribe any industry-specific redundancy scheme for the Mining Industry Award.
31. It is evident that until the 2015 Decision there has never been an examination of the “industry-specific” features of the entitlements contained in clause 14 of the Award. More importantly, there has never been a full and proper examination as to whether the entitlements in clause 14 of the Award satisfied the modern awards objective and/or the criteria in s 134(1)(a) to (h) of the FW Act. (It is noted, as stated at paragraph 27 above, that the Award was prepared and made under Part 10A of the WR Act and in accordance with the Award Modernisation Request issued under s 576C of the WR Act by the then Minister for Employment and Workplace Relations.)

32. In the 2015 Decision, the Full Bench reasoned at [39] that the age based cap in clause 14.4(c) of the Award was not a provision which could legitimately form part of a fair and relevant minimum safety net of terms and conditions for reasons including that:
- (a) the original rationale for the provision, namely the existence of an industry retirement age of 60 no longer existed;
 - (b) the standard provision established by the TCR Case capping redundancy repayments by reference to an employee's normal retirement date had effectively been abolished;
 - (c) the employment of persons over the age of 60 was an established feature of the coal mining industry;
 - (d) the effect of subclause 14.4(c) was likely to discourage great participation in the coal mining workforce by employees over the age of 60;
 - (e) there was no alternative rationale for the retention of clause 14.4(c).
33. The result of the 2015 Determination is that the entitlement to retrenchment pay is now uncapped, when previously it had been subject to an age based cap which was an essential feature of the so-called industry-specific scheme. Notwithstanding the deletion of this component of the scheme, the relevant entitlements have not had their underlying purpose, rationale or operation questioned, tested or reviewed. The matter was not considered at all in the award modernisation process. The Commission has never had occasion to specifically examine whether the entitlements meet the modern awards objective. It is necessary that such an analysis and consideration occur in this 4 yearly review.

CLAUSE 14 DOES NOT MEET THE MODERN AWARDS OBJECTIVE

34. As noted above, the Commission is required to ensure that the Award, together with the NES, provides a fair and relevant minimum safety net. The CMIEG contends that clause 14 of the Award does not meet the modern awards objective for the reasons set out below.

Inconsistent with the legislated minimum standard

35. As set out at paragraphs 11 to 17 above, it is axiomatic that the Commission has a mandatory statutory duty under s 134(1) of the FW Act to ensure that the Award meets the modern awards objective. The express text of s 134(1) requires this statutory duty to be exercised by

reference to the National Employment Standards. In this regard, it is critical that the National Employment Standards already prescribe the legislated safety net for redundancy pay which the Parliament, and thus the community, regards as the minimum safety net standard for redundancy pay. It follows that clause 14 of the Award must be evaluated within that context and by reference to the standard prescribed in the National Employment Standards.

36. When evaluated by reference to the redundancy standard prescribed in s 119 of the FW Act, it is obvious that clause 14 of the Award gives rise to an entitlement which is far in excess of that legislated minimum standard. It does so because the entitlements under clause 14 of the Award provide for an entitlement which is uncapped as to years of service and as to any maximum quantum. There is no rational basis or obvious justification for this exceptionally generous entitlement, other than that it was the product of historically negotiated outcomes reached in 1973 and in 1983. As a matter of logic, the continuing escalation of the entitlements is inconsistent with the concept of a "safety net".

Inconsistent with principle

37. The entitlements conferred by clause 14 of the Award are inconsistent with well-established principles enunciated by both Federal and State industrial tribunals as to the purpose of severance pay and its appropriate limits.
38. In the *TCR Case*, a Full Bench of the Australian Conciliation and Arbitration Commission held that the purpose of severance pay was to compensate employees for hardship associated with termination on the ground of redundancy. At 71, the Full Bench held:

There is no doubt that there is hardship necessarily inherent in redundancy situations but we have provided for extended notice on termination of employment and we imposed obligations on employers which will assist employees in finding alternate employment. In these circumstances, it is arguable that the employer should not be required to do more. Redundancy caused unemployment is no different from unemployment due to any other event and, through legislation, the community at large accepts the burden of paying unemployed persons amounts determined appropriate. However, the material examined by the Commission indicates that many different heads of loss or damage have been considered relevant in matters involving the assessment of redundancy pay. The Full Bench said in *Clerks (Oil Companies) Case* which related to the introduction of computers that "...justice can be done to the employees concerned by compensation if the employers are unable to keep them in employment". In the *Helicopter Pilots case* (1968) 122 CAR 951, the Tribunal aimed at "determining 'a reasonable compensation' for a variety of matters including **the degree of hardship likely to be suffered by way of loss of accumulated benefits of service, lost opportunity of other and more secure employment and costs to move**; while those same matters were taken into account by the Deputy Public Service Arbitrator in the *Snowy Mountains case* 49 CPSAR 829, where the Arbitrator referred to his task as being to alleviate or remove a hardship. (emphasis added)

39. The Full Bench of the Australian Conciliation and Arbitration Commission had regard to the CITCA Report (Committee of Inquiry into Technological Change) which summarised the elements in monetary compensation for retrenchment as (see 73):

- (a) compensation for non-transferable 'credits' that have been built up, such as: accrued benefits like sick leave and long-service leave; loss of seniority; and loss of the employer's contribution to pension or superannuation;
- (b) compensation for the inconvenience or hardship imposed and assistance to the retrenched employee to make the change, with aims such as: to act as temporary income maintenance while the retrenched employee searches for another job; and to allow for the possibility of retraining or relocation to take up a new job;
- (c) an element that has a compensation component to the extent that it may allow the retrenched employee to take a share of the benefits that the employer expects from the change, and in which, if still employed, he or she could expect to share; alternatively, this element might be considered as the price of industrial peace.

40. In determining an appropriate redundancy pay scale, the Full Bench held at 72 that in determining a level of severance payments, a wide range of factors were relevant such as:

...age, seniority, period of notice, availability of alternative employment, compensation already available to the workers, benefits forgone, and the reasons for retrenchment.

41. Their Honours further held at 73 that:

Having regard to other aspects of our decision and having regard to what we have said about the existence of, and reason for, unemployment benefits. We do not believe that the primary reason for the payment of severance pay relates to the requirement to search for another job and/or to tide over an employee during a period of unemployment.

...

We prefer the view that the payment of severance pay is justifiable as compensation for non-transferrable credits and the inconvenience and hardship imposed on employees.

...

We are prepared to have regard to length of service in determining an appropriate quantum, but for the reasons outlined by the ACTU and because the problems of age on the evidence before us are related more towards the attempt to find alternative employment, we have decided not to provide for age related payments. Of course, indirectly, older employees will benefit from the scale of payments based on years of service.

42. The above rationale for severance entitlements was upheld in the *Redundancy Case* (2004) 129 IR 155.

43. Moreover, the leading test cases as to redundancy entitlements also disclose that there are several criteria that have been determined relevant to the setting of minimum severance pay standards. First, almost universally, the entitlements have been based on length of service. Second, they have a cap, which was initially set at 4-5 years of service, and later 8-10 years of service. Third, in setting an appropriate standard, industrial tribunals have taken into account access to other benefits, including those provided via social security as well as through other legislated minimum standards such as long service leave.

44. In *Shop, Distributive & Allied Employees' Assn (NSW) & Ors v Countdown Stores & Ors* (1983) 7 IR 273 (*Crocker's case*), President Fisher held at 289-290:

The pattern of severance payments emerging from the cases I have cited conforms to the pattern of the Labor Council claim — it is service and age related with levels of entitlement not only accumulating but increasing in relation to service and age factors. However suitable this pattern may be to professional structured employment in redundancy situations, I find this pattern of compensation not to relate to the evidence in this case. The dominant pattern of service and age related compensation is derived from superannuation formulations aimed at solving a different problem, the loss caused by retrenchment to career orientated professionals in highly structured and specialised employment.

45. Nevertheless, his Honour held at 291-2 that:

In deference to our familiar concept of service related payment, a short incremental scale may be permissible. The evidence certainly supports added hardship over the age of 45, an impression confirmed by the personal accounts of witnesses. This added hardship can be logically reflected by increasing the rate not lengthening the scale.

46. However, it was recognised that there had to be limits to the standard. For example, at 292, his Honour reasoned that:

...the level of severance payments should be determined by the needs of those employees whose efforts can be expected to be directed at the regaining of employment and their own retention within the workforce. Except in the case of intended retirement, this distinction cannot be drawn at point of severance. This means that all must receive severance pay, but it follows that the quantum of severance pay should not be enlarged to take account of the incidence of resulting chronic or permanent unemployment.

47. Ultimately, the severance standard determined by President Fisher contained both a scale based on service and a capped maximum entitlement at 5 years' service. The scale determined in the TCR Case was capped at 8 weeks' pay for more than 4 years' service. A

similar scale was determined in *Termination, Change and Redundancy Case* (1984) 9 IR 115 (*TCR Case No 2*).

48. In *Re Application for Redundancy Awards* (1994) 53 IR 419, a Full Bench of the Industrial Relations Commission of NSW considered an application to vary State awards in relation to redundancy provisions. The Full Bench stated at 442-443:

The employers' argue that the award of redundancy pay should be at a "safety net" level, not excessive and not matching either the rates on offer in the public sector of the Commonwealth and various States or the agreements reached by unions and employers in the private sector. The Commission accepts this argument but it does not follow, as employers claim it should, that levels of redundancy pay awarded by the Commission should remain as low as those awarded in 1982 in such very different circumstances...

Accepting the safety net approach, there still arises the question of what that should be. In our view it should be significantly above the level in *Crocker*. We dismiss as a guide subsequent awards at the *Crocker* level for the same reasons that we decline to follow *Crocker*. The 1987 *Clerks* case does provide in this context a more relevant example but relates only to retrenchment in circumstances exhibiting technological change.

The employers have argued strongly that we should not look at the many examples of other and higher standards. We would agree, but with one reservation. We would doubt a fixation of a safety net set in the middle of the many examples discussed could be said as a matter of practical common sense to be a safety net. On the other hand, if the safety net were altogether too low it would again effectively fail in its character as an adequate safety net. We have therefore looked, not to emulate any prescription but to consider the more conservative of current prescriptions.

...

A safety net should be below the public sector level but not so far below as to be out of touch. The Crocker scale is less than one-third of the New South Wales Public Sector scale, itself not of the leading examples. We also bear in mind the preference the Commission has often expressed to move away from "superannuation" type patterns and towards standards of compensation that acknowledge the force of length of service but without resulting in widely spaced differences in compensation for an essentially similar deprivation. (emphasis added)

49. The scale determined by the Industrial Relations Commission of NSW was subject to a cap imposed on 7 years' service.
50. In *Redundancy Case* (2004) 129 IR 155, a Full Bench of the Australian Industrial Relations Commission decided to increase the federal standard. It reasoned at [143]:

The existing severance pay scale reaches a maximum of eight weeks pay after four years of service. There is no disclosed reason why that should be so. The hardship associated with retrenchment is likely to be greater after five years' service than after

four and greater after nine years' service than after five, to take some illustrative examples.

51. At [149], the Full Bench rejected a scale based on the Queensland standard on the basis that the maximum severance payment of 16 weeks after 12 years of service paid “*insufficient regard to the overlap between severance pay and long service leave*”. At [152]-[154], the Full Bench determined that the scale should be extended from 4 years of service to 10 years, with increases in the entitlement in each year of service from 5 to 9 years but with a reduction in the entitlement in the 10th year of service. The Full Bench explained its rationale as follows:

Our decision to increase severance payments for employees whose employment is terminated by reason of redundancy after five or more years of service is based, to a significant extent, on the loss of non-transferable credits. The largest non-transferable credit is long service leave which accrues at the rate of 13 weeks leave for 15 years of service. The amount of 12 weeks' severance pay for 10 or more years of service, while still greater than the current maximum, has been fixed having regard to the fact that under the standard long service leave provision in federal awards employees with 10 or more years of service whose employment is terminated on account of redundancy are entitled to pro rata payment of long service leave. **It would be double counting not to make an allowance for that fact in fixing the amount of severance pay to apply after 10 years of service.** (emphasis added)

52. The federal standard remained largely unaltered until the introduction of the FW Act. Indeed, s 119(2) of the FW Act contains, as part of the legislated minimum safety net, the same scale as determined by the Full Bench in *Redundancy Case* (2004) 129 IR 155.
53. The entitlements conferred by clause 14 of the Award are inconsistent with these lead test cases:
- (a) first, by reference to the minimum standards arbitrated in Federal and State industrial awards, as well as those contained in the National Employment Standards, the benefits conferred by clause 14 of the Award far exceed the minimum entitlements that have historically been determined to be appropriate to compensate employees for the hardship associated with loss of employment on the ground of redundancy;
 - (b) second, unlike the minimum standards arbitrated in the past and contained in s 119 of the FW Act, the benefits conferred by clause 14 of the Award have no cap based on years of service;
 - (c) third, unlike these other standards, the benefits conferred by clause 14 of the Award do not take into account other benefits provided to employees in the black coal mining industry and/or via social security, as discussed further below.

No justification by reference to other industry based and other benefits

54. In the present case, the rationale for severance and retrenchment pay needs to be assessed by reference to the existence of several features of the black coal mining industry and the other terms of the Award which serve to ameliorate the hardship associated with termination on the ground of redundancy, including specific provisions which mitigate against the loss of non-transferable credits. These features include the following:

- (a) first, employees in the black coal mining industry generally are eligible for portable long service leave entitlements under the regime enacted under the *Coal Mining Industry (Long Service Leave) Administration Act 1992* (Cth), *Coal Mining Industry (Long Service Leave) Payroll Levy Act 1992* (Cth) and *Coal Mining Industry (Long Service Leave) Payroll Levy Collection Act 1992* (Cth): **Edwards Statement at [43]**. Pursuant to these schemes, eligible employees are entitled to take long service leave after eight years of qualifying service, and such leave accrues at the rate of 13 weeks' leave for each eight years of service: **Edwards Statement at [44]; Attachment JE-5**. If an eligible employee is made redundant and has at least six years' qualifying service, the employee can either request their employer to pay them their long service leave upon termination of employment, or choose to keep their qualifying service and long service leave credits in a fund administered by the Coal Mining Industry (Long Service Leave Funding) Corporation: **Edwards Statement at [44]; Attachment JE-6**.
- (b) second, clause 13.5(b) of the Award provides that employees whose employment is terminated due to "retrenchment", and have 70 or more hours of untaken personal leave, are entitled to be paid that entitlement: **Edwards Statement at [46]**. The entitlement to payment of these amounts must be viewed in light of the fact that the entitlement to personal leave under clause 25 of the Award of 105 hours (equivalent to 15 days) is more generous than the National Employment Standard.
- (c) third, under clause 25 of the Award, employees are entitled to five weeks (175 hours) of annual leave, with seven day roster employees being entitled to six weeks (210 hours). Further, when annual leave is taken, employees are paid the ordinary rate of pay plus a 20% loading, or the employee's rostered earnings for the period of the annual leave (which includes rostered overtime and roster public holidays), whichever is the greater. These entitlements are all in excess of the National Employment Standard.

- (d) fourth, clause 14 of the Award takes no account of the benefits that employees may receive under their relevant occupational superannuation fund. Employees covered by the Award are generally members of the Mine Wealth and Wellbeing Superannuation Fund, formerly known as the AUSCOAL Superannuation Fund and before that the COALSUPER Retirement Income Fund (**MWW Fund**): **Edwards Statement at [37]**. As set out in the Edwards Statement at [41], employees from the age of 55 are able to access superannuation benefits.
- (e) fifth, persons who are unemployed may be entitled to access unemployment benefits provided by the Government, by way of both monetary allowances and job search assistance. Examples of such unemployment benefits are detailed in **Schedule A** to these submissions which comprises a bundle of "factsheets" taken from the Australian Government's Department of Human Services, Department of Employment and "jobactive" websites.

55. The aggregation of these benefits indicates there are several ways in which the hardship occasioned to employees covered by the Award whose employment is made redundant is or will be ameliorated. It also indicates that the loss of non-transferable credits are likely to be limited, or are otherwise compensated.

Inconsistent with other Modern Awards despite no material distinguishing features of the black coal mining industry

56. In its present form, the entitlements contained in clause 14 of the Award are more generous than those contained in any other modern award. **Schedule B** to these submissions discloses that, excluding the Award, only 12 of the other 121 modern awards provide for redundancy entitlements different to the NES. Five of these modern awards provide exceptions for small business employers and seven appear to contain industry-specific redundancy schemes. None of the modern awards appear to be as generous as that contained in clause 14 of the Award and none are uncapped.
57. Irrespective of the historical justification for the "scheme", the contemporary evidence provides no warrant to distinguish the black coal mining industry from any other industry so as to justify the retention of clause 14 of the Award in its current form as a fair and relevant minimum standard.
58. **First**, based on data available from the Australian Bureau of Statistics, the time spent unemployed by individuals retrenched from the mining industry in the period from 1991 to 2015, is no better or worse than other industries: **Gunzburg Statement at [16]-[26]**.

Although the data does not distinguish between the black coal mining industry from the mining industry in general, the data does show considerable variability over time between various industries and at various times but no industry is better or worse than others: **Gunzburg Statement at [24]-[26]**. However, the data does indicate that the periods of unemployment in the mining industry generally fall within the lower range of periods in unemployment: **Gunzburg Statement at [26]**.

59. **Second**, the experience of an experienced outplacement consultant is that the length of time it takes employees to find new employment depends on a range of factors, which are not unique to the mining industry: **Merritt Statement at [25]-[30]**.
60. **Third**, the features relevant to the black coal mining industry are unlikely to be different to the mining industry in general, or to industries associated with the mining industry. However, as the Schedule C to these submissions discloses, modern awards in the general mining and associated industries do not confer redundancy benefits which are of any equivalence to the benefits conferred by clause 14 of the Award.
61. **Fourth**, as noted above, there are other generous entitlements conferred under the Award and under the long service leave scheme applicable in the industry more generally, which underscore that any distinguishing features of the black coal mining industry are in fact more beneficial to employees than in other industries.
62. It is not obvious that the black coal mining industry employees who are retrenched have markedly different, or worse, circumstances than those for employees in other industries who are retrenched. Indeed, there are sound reasons upon which to conclude that such employees are in comparatively enhanced position.

The factors in s 134 of the FW Act

63. As to the specific criteria prescribed by s 134(1)(a) to (h), the CMIEG submits that:
 - (a) **Relative living standards of the low paid**: This factor does not arise.
 - (b) **The need to encourage collective bargaining**: The entitlements contained in clause 14 of the Award do not encourage collective bargaining. On any objective view, the entitlements are not a “minimum” safety net standard and do not thereby encourage bargaining as to their terms. The entitlements, in fact, erect an overly generous, high threshold which discourages any genuine bargaining.

- (c) **The need to promote flexible modern work practices and the efficient and productive performance of work:** As the clause does not encourage collective bargaining, it discourages any genuine productivity trade-offs.
- (d) **The need to provide additional remuneration for penalties:** This factor does not arise.
- (e) **Equal remuneration for work of equal or comparable value:** This factor does not arise, other than that the entitlements conferred by clause 14 of the Award have no parallel in any other modern award including those applicable in the general mining and associated industries.
- (f) **Likely impact on productivity, employment costs and regulatory burden:** The CMIEG repeats subparagraphs (b) and (c) above.
- (g) **The need to ensure a simple easy to understand, stable and sustainable modern award system:** As noted above, clause 14 of the Award provides an entitlement which is inconsistent with every other modern award.
- (h) **Likely impact of any exercise of modern award powers on employment growth, etc:** The CMIEG repeats subparagraphs (b) and (c) above.

THE DRAFT VARIATION SATISFIES THE MODERN AWARDS OBJECTIVE

- 64. The Draft Variation proposed by the CMIEG seeks to insert a new clause 14.5 into the Award. The effect of the variation is to impose a cap on the entitlement to severance and retrenchment pay at 9 years' service.
- 65. The practical effect of the Draft Variation, if made, will be that an employee with 9 years or more of service will receive a maximum combined severance and retrenchment benefit of 27 ordinary weeks' pay. The CMIEG contends that this in itself is a generous entitlement which provides for a fair and relevant minimum safety net for the reasons set out below.
- 66. **First**, the Draft Variation provides a benefit which is consistent with the approach to the service based cap contained in s 119 of the FW Act. Although the entitlement would be capped, it would nevertheless exceed the benefit contained in s 119.
- 67. **Second**, for similar reasons, the imposition of the service based cap is consistent with the long line of redundancy test cases decided by Federal and State industrial tribunals discussed above.

68. **Third**, the imposition of the service based cap recognises the hardship suffered by employees whose employment is made redundant, but takes into account the many other benefits available to employees in the black coal mining industry which mitigate against that hardship.
69. **Fourth**, the imposition of the service based cap through the Draft Variation results in a variation to the amount of redundancy payment otherwise payable under the “industry-specific” scheme and is thus permitted by s 141(3) of the FW Act. The Draft Variation does not seek to alter the components of the benefit or the underlying formula to the benefit (i.e., the severance component remains to be calculated at 1 week per year of service and the redundancy component remains to be calculated at 2 weeks per year of service).
70. **Fifth**, as to the specific criteria prescribed by s 134(1)(a) to (h), the CMIEG submits that:
- (a) **Relative living standards of the low paid:** This factor does not arise.
 - (b) **The need to encourage collective bargaining:** The Draft Variation would encourage collective bargaining as it will impose a more relevant safety net as a platform for enterprise bargaining.
 - (c) **The need to promote flexible modern work practices and the efficient and productive performance of work:** The imposition of a more relevant safety net will encourage genuine collective bargaining and associated productivity trade-offs.
 - (d) **The need to provide additional remuneration for penalties:** This factor does not arise.
 - (e) **Equal remuneration for work of equal or comparable value:** The Draft Variation would bring the Award closer in line with the redundancy standards applicable in other industry awards and under the National Employment Standard.
 - (f) **Likely impact on productivity, employment costs and regulatory burden:** The CMIEG repeats subparagraphs (b) and (c) above.
 - (g) **The need to ensure a simple easy to understand, stable and sustainable modern award system:** The CMIEG repeats subparagraph (e) above.
 - (h) **Likely impact of any exercise of modern award powers on employment growth, etc:** The CMIEG repeats subparagraphs (b) and (c) above.

CONCLUSION

71. The CMIEG submits that the Draft Variation satisfies the modern awards objective and should be made.

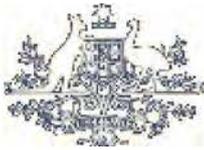
Yaseen Shariff

Ashurst Australia

Counsel for the CMIEG

29 March 2016

Schedule A to CMIEG Submissions



Australian Government

Department of Employment 

[jobactive \(/node/4019\)](#)

Help for workers who have recently lost their job

For: [Aboriginal and Torres Strait Islander peoples \(/taxonomy/term/2089\)](#)

[Job seekers \(/taxonomy/term/2133\)](#)

[Parents and carers \(/taxonomy/term/2145\)](#)

[People with disability \(/taxonomy/term/2147\)](#)

Information about employment assistance for people who have recently lost their jobs, including for workers made redundant from eligible companies in specific industries.

Retrenched workers who would like information about the support available to them can call the Employment Services Information Line on: **13 62 68**.

If you have been made redundant from your job, you could be eligible to receive help from jobactive. jobactive has programmes and services available to quickly reconnect you with employment opportunities.

A jobactive provider will assess your circumstances in detail and work with you to help you re-enter the workforce as soon as possible. They will help you look for alternative work and provide you with information about job opportunities in your area. This may include:

- an initial, face to face interview to explain the services that jobactive can deliver
- help with your résumé and job applications, interview skills and presentation techniques
- advice on searching for a job, various career options and employment programmes
- information about job vacancies and access to job search facilities offered by Centrelink and jobactive providers, including the [jobactive website \(http://www.jobactive.gov.au\)](http://www.jobactive.gov.au)
- local employment opportunities, advice about skills shortage areas and information about training opportunities and
- access to an interpreter if required.

More information on assistance through [jobactive \(/jobactive\)](#) is available.

Information Resources

[Help for workers who have recently lost their jobs \(http://docs.employment.gov.au/node/35033\)](http://docs.employment.gov.au/node/35033)

Structural adjustment programmes

If you have been retrenched from an eligible company then you may be able to receive extra support.

Fact Sheets are available to help workers who lose their jobs from:

- [The automotive manufacturing industry \(http://docs.employment.gov.au/node/35035\)](http://docs.employment.gov.au/node/35035)
- [The forestry industry in Tasmania \(http://docs.employment.gov.au/node/35037\)](http://docs.employment.gov.au/node/35037)
- [Caterpillar Underground Mining in Burnie, Tasmania \(https://docs.employment.gov.au/node/35506\)](https://docs.employment.gov.au/node/35506)
- [Alinta Energy in South Australia \(https://docs.employment.gov.au/node/35536\)](https://docs.employment.gov.au/node/35536)
- [Arrium \(OneSteel\) steelworks in Whyalla, South Australia \(https://docs.employment.gov.au/node/35546\)](https://docs.employment.gov.au/node/35546)
- [BlueScope Steel, in Port Kembla, NSW \(https://docs.employment.gov.au/node/35541\)](https://docs.employment.gov.au/node/35541)
- [Queensland Nickel, in Townsville, Queensland \(https://docs.employment.gov.au/node/35626\)](https://docs.employment.gov.au/node/35626)

Other support services

[Centrelink \(http://www.humanservices.gov.au/customer/subjects/retrenched-or-made-redundant\)](http://www.humanservices.gov.au/customer/subjects/retrenched-or-made-redundant) can assess your situation and work out what services you are eligible for. If you receive a redundancy payment, you may be subject to a waiting period before you can get an income support payment from Centrelink. To find out what services you are eligible for call the Centrelink Employment Services Line on **13 28 50** or visit your local Centrelink Service Centre.

Centrelink's Financial Information Service

[\(http://www.humanservices.gov.au/customer/services/centrelink/financial-information-service?utm_id=7\)](http://www.humanservices.gov.au/customer/services/centrelink/financial-information-service?utm_id=7) offers free, unbiased financial information about your redundancy package and Government assistance. For information on this service call a Financial Information Service officer on **13 23 00**.

[Disability Employment Services \(http://dss.gov.au/des\)](http://dss.gov.au/des) helps people with disability, injury or health condition get ready to look for a job, find a job and keep a job. To find out if you are eligible for these services, call a JobAccess Adviser on **1800 464 800** or visit the [JobAccess \(http://www.jobaccess.gov.au/\)](http://www.jobaccess.gov.au/) website.

Australians in remote communities are better placed under the Community Development Programme (formally the Remote Jobs and Communities Programme) to find work and get the skills they need to find a job. To find Community Development Programme service provider visit [jobactive \(http://www.jobactive.gov.au\)](http://www.jobactive.gov.au)

The Skills for Education and Employment programme

[\(http://www.industry.gov.au/skills/ProgrammesandAssistance/SEE\)](http://www.industry.gov.au/skills/ProgrammesandAssistance/SEE) provides language, literacy and numeracy training to job seekers who find it hard to get work. For more information contact your jobactive provider.

The [Adult Migrant English Program \(http://www.immi.gov.au/amep\)](http://www.immi.gov.au/amep) provides basic tuition in the English language. For more information and to find out if you are eligible for this assistance call **13 18 81**.

Employees who are owed certain employee entitlements after losing their job because their employer went bankrupt or into liquidation may be able to get financial help from the Australian Government through the [Fair Entitlements Guarantee \(/fair-entitlements-guarantee-feg\)](#). For more information on the Fair Entitlements Guarantee call **1300 35 040**.

If you have recently lost your job and believe you have not received the entitlements you are owed, the [Fair Work Ombudsman \(http://fairwork.gov.au/Pages/default.aspx\)](#) can help you recover your outstanding entitlements. For information on this service call the Fair Work Info Line on **13 13 94**.

[beyondblue \(http://www.beyondblue.org.au/\)](#) works to reduce the impact of depression and anxiety in the community by raising awareness and understanding, empowering people to seek help, and supporting recovery, management and resilience. For access to this support call **1300 224 636**.

[Lifeline \(http://www.lifeline.org.au/\)](#) provides access to online, phone and face to face crisis support 24 hours a day, seven days a week. For access to this support call **13 11 14**.

[MoneySmart \(https://www.moneysmart.gov.au/\)](#) is an initiative of the Australian Securities and Investments Commission that offers tips and tools to help people make the most of their money. For information on this service visit the [MoneySmart \(https://www.moneysmart.gov.au/\)](#) website.

If you are experiencing difficulty paying off a loan or mortgage as a result of losing your job, you may be able to postpone your mortgage loan repayments for up to 12 months. You will need to contact your financial institution or bank directly to find out more.

Want more information?

For further information on support available, contact [Centrelink \(http://humanservices.gov.au/\)](#) or your local jobactive provider. You can visit [jobactive \(http://www.jobactive.gov.au\)](#) to find your local jobactive provider.

Share this page:



Newstart Allowance

Eligibility basics

- aged 22 years or older but under age pension age
- looking for paid work
- prepared to meet the Mutual Obligation Requirements while you are looking for work
- meet an income and assets test

A new employment service called Transition to Work starts in early 2016 to help eligible young job seekers become job ready. Read more about [Transition to work](#)^[1].

Eligibility & payment rates

Eligibility for Newstart Allowance

You may be eligible for Newstart Allowance if you:

- are aged 22 years or older but under [age pension age](#)^[2]
- are looking for suitable paid work
- are prepared to enter into a Job Plan
- are not involved in industrial action
- meet income and assets test requirements
- meet [Mutual Obligation Requirements](#)^[3], and
- meet residence requirements

Payment rates for Newstart Allowance

If you are:	Your maximum fortnightly payment is:
single, no children	\$527.60

single, with a dependent child or children	\$570.80
single, aged 60 or over, after 9 continuous months on payment	\$570.80
partnered	\$476.40 (each)
single principal carer granted an exemption from Mutual Obligation Requirements for either: <ul style="list-style-type: none"> • foster caring • non-parent relative caring under a court order • home schooling • distance education • large family 	\$737.10

Waiting periods

When you apply for a payment with us, you may not receive your payment immediately. The time you have to wait is called a waiting period.

There are different types of waiting periods. One or more of these may apply to you before you can receive a payment from us.

Ordinary Waiting Period

Depending on what payment you make a claim for, you may have an Ordinary Waiting Period of 1 week.

Read more about the [Ordinary Waiting Period](#)^[4].

Liquid Assets Waiting Period

Depending on your financial situation, you may have a Liquid Assets Waiting Period of between 1 and 13 weeks. Liquid Assets are any funds that are readily available to either you or your partner, including money your employer owes you.

Read more about the [Liquid Assets Waiting Period](#)^[5].

Income Maintenance Period

The Income Maintenance Period is a waiting period when we cannot pay you because you have received some other form of payment. This could be payment for sick leave, annual leave or a redundancy payment from your former employer when that job

ended.

Read more about the [Income Maintenance Period](#)^[6].

Seasonal Work Preclusion Period

The Seasonal Work Preclusion Period applies if you or your partner have finished seasonal, contract or intermittent work within 6 months of submitting your claim.

Read more about the [Seasonal Work Preclusion Period](#)^[7].

Unemployment Non-Payment Period

If you leave your job voluntarily or are dismissed due to misconduct, you may need to serve an unemployment non-payment period.

Read more about the [Unemployment Non-payment Period](#)^[8].

Newly Arrived Resident's Waiting Period

If you are a newly arrived resident you generally have to wait 104 weeks before you can access most payments and benefits from us. This waiting period does not apply to family assistance payments.

Read more about [Newly Arrived Resident's Waiting Period](#)^[9].

Reviews and appeals

You have the right to appeal any decision we make.

Read more about [reviews and appeals](#)^[10].

Income test, assets test and Working Credit

Income test

As a Newstart Allowance customer, you can earn up to \$102 per fortnight before tax before your payment is affected.

Income above \$102 and up to \$252 per fortnight reduces your fortnightly payment by 50 cents in the dollar. Income above \$252 per fortnight reduces your payment by 60 cents in the dollar.

If you are the single principal carer of a dependent child, your payments will reduce by 40 cents for each dollar of income you earn above \$102 per fortnight. Partner

income that exceeds the cut-out point reduces your payment by 60 cents in the dollar.

Read more about the [income test for allowances](#)^[11] and the [types of income we assess](#)^[12].

Assets tests

As an applicant for [Newstart Allowance](#)^[13], you will be assessed against an [assets](#)^[14] test. This includes liquid assets, which are any funds, including money owed to you by your employer, that are readily available to either you or your partner.

Working Credit

[Working Credit](#)^[15] is a way you can keep more of your Newstart Allowance payment if you do part time or casual work. It also makes it easier for you to get Newstart Allowance back if you have a short term, full time job.

Residence requirements for Newstart Allowance

To be eligible for Newstart Allowance, you need to satisfy residence requirements. You must:

- be an [Australian resident](#)^[16]
- be physically present in Australia on the day you lodge your claim, and
- continue to meet the residence requirements for as long as you get this payment

[Newly arrived residents](#)^[9] generally have a 104 week waiting period, with some exemptions. If you are a non-protected [Special Category Visa holder](#)^[16], you may be able to access a once only payment of either:

- [Newstart Allowance](#)^[13]
- [Sickness Allowance](#)^[17]
- [Youth Allowance](#)^[18]

At the time of making a claim you must have been [living in Australia](#)^[16] continuously for at least 10 years. Time spent in Australia prior to 27 February 2001 cannot count towards these 10 years. If you are eligible, payment can be made for a maximum continuous period of up to 6 months.

Claiming

Check if you are [eligible](#)^[13] for this payment before you start your claim.

Once you have read about eligibility, the next steps are:

1. find out what you need before you start your claim
2. begin your claim
3. provide your supporting documentation
4. submit your claim
5. We will assess your claim and let you know the outcome

[Next](#) ^[19]

Managing your payment

Mutual Obligation Requirements

To meet your Mutual Obligation Requirements you need to apply for jobs, train or study.

Your Mutual Obligation Requirements are more flexible if you are aged 55 years or older, are a principal carer, or have a medical condition.

Job Plan

Job seekers with Mutual Obligation Requirements need to have a Job Plan in order to receive a payment. The Job Plan outlines activities you agree to undertake to give you the best chance of getting a job.

Your Job Plan will be negotiated with us or your Employment Services Provider, and will be reviewed regularly.

Job seekers aged 55 and over

If you are aged 55 years or over, you can meet your requirements by doing at least 30 hours per fortnight of suitable paid work, self employment, approved voluntary work, or a combination of these.

Suitable paid work is any work you are capable of performing. If you choose to do voluntary work, we must agree that the voluntary work position is suitable for you. You will need to discuss this with us.

Principal carers

A principal carer is someone who is responsible for the day to day care, welfare and development of a child under 16 years of age.

Only one person at a time can be the principal carer of a child and this is generally the person who provides the greater amount of day to day care, such as a parent or guardian. If you and your partner provide equal levels of care, either of you may nominate as the principal carer.

If you are a principal carer and receive an income support payment, your Mutual Obligation Requirements are more flexible. Read more about Mutual Obligation Requirements and [exemptions for principal carers](#)^[20].

Job seekers with a medical condition

If you have a temporary medical condition that affects your ability to look for work, you may be eligible for an exemption from your Mutual Obligation Requirements during this time.

To allow us to make this decision, you must provide a medical certificate stating that you are unfit to work for 8 hours or more a week. You can submit documents online using your Centrelink online account through [myGov](#)^[21]. For detailed instructions, see our online guide [Submitting documents using your Centrelink online account](#)^[22].

Lodging a medical certificate does not automatically mean you do not have to look for work. We consider your medical condition and how it affects your ability to do suitable work, or participate in other activities such as training. Suitable work is any work you are capable of doing that is not necessarily your usual work.

If you are assessed as being able to undertake suitable work or activities for at least 8 hours a week, we will determine your Mutual Obligation Requirements for this time. You may also have to attend an appointment with us or your Employment Services Provider to discuss activities that can be included in your Job Plan during this period.

Employment Services Providers

A [jobactive](#)^[23] organisation, [Disability Employment Services](#)^[24] or [Community Development Programme](#)^[25] provider can help you look for work.

We can refer you to an Employment Services Provider in your area who can help you access job search assistance and training, job vacancies in your area and things like computers, telephones and stationery.

Read more about [jobactive](#)^[23] on the Department of Employment website.

Penalties for not meeting requirements

If you do not meet your Mutual Obligation Requirements, your income support payment may be reduced or stopped.

Read more about [penalties for not meeting your Mutual Obligation Requirements](#)^[26].

Exemptions from your Mutual Obligation Requirements

You may be able to receive a short term exemption from your Mutual Obligation Requirements in special circumstances. Exemptions are based on your individual circumstances and you will be required to provide evidence. Some examples where an exemption might be granted are:

- a major personal crisis such as the death of an immediate family member, domestic violence or homelessness
- a major disruption to your home such as a fire or flood
- temporary caring responsibilities for an adult or child

If you need an exemption, [call us](#)^[27] to discuss your situation.

More information

Read the [Mutual Obligation Requirements form \(SU450\)](#)^[28].

Change of circumstances for Newstart Allowance

If you do not tell us when your circumstances change, you may be doing the wrong thing.

For example, not telling us if:

- your personal circumstances change
- you change your address
- your income changes
- you do not have to lodge a tax return
- your care arrangements change, or
- your work or study load changes

Doing the right thing is easy:

- tell us about any [changes to your circumstances](#)^[29] within 14 days
- regularly check that your information is up to date through your [myGov](#)^[21] account

It is never too late to report a change. By telling us about any changes today, we can

help make sure you receive the correct payment.

If you have received payments you are not eligible for, you may have to repay the amount plus a recovery fee. Having to repay a debt may be difficult but choosing not to tell us when your circumstances change could lead to far more serious consequences.

If you deliberately do not tell us when your circumstances change, you could be committing **fraud**^[30]. Read more about how to avoid committing fraud.

You can continue getting Newstart Allowance if you get sick or have an accident and are temporarily unable to work. You will need to get a medical certificate from your doctor that states you are unfit to work at least 8 hours a week.

You will not have to meet the Mutual Obligation Requirements while you are unfit for work and have a medical certificate.

You may need to report this on a regular basis.

How to report your changes

You can report changes to your circumstances using our **self service options**^[31].

Self service

Do your Centrelink, Medicare and Child Support business using self service options, including our Express Plus mobile apps, online accounts and phone self service.

Read more about using self service^[31]

Owing money while receiving Newstart Allowance

If you owe us money, you will be sent an Account Payable letter telling you:

- why you owe the money
- the amount owed
- when the amount is due to be paid, and
- how you can make the payment

Read more about owing money and how to avoid a debt.^[32]

Advance payment options

Eligibility

Before you are eligible for an advance payment you must have received one of the following income support payments for 3 months:

- Age Pension^[2]
- Carer Payment^[33]
- Disability Support Pension^[34]
- Newstart Allowance^[13]
- Parenting Payment^[35]
- Widow Allowance^[36]
- Widow B Pension^[37]
- Wife Pension^[38] or
- Youth Allowance^[18] for job seekers

However, there is no minimum time you must have received one of the following payments to be eligible for an advance payment:

- ABSTUDY^[39]
- Austudy^[40]
- Youth Allowance^[18] for students
- Family Tax Benefit Part A^[41] or
- Mobility Allowance^[42]

Not eligible

With the exception of Mobility Allowance, you are not eligible to receive an advance payment if you:

- are repaying an advance payment you received more than 12 months ago
- owe a debt to the Australian Government
- cannot afford to repay the advance payment out of your payment within 6 months without suffering financial hardship, or
- are not in Australia when you apply for the advance payment of your income support entitlement

If you receive Mobility Allowance, you are not eligible to receive an advance payment if you are:

- planning on leaving Australia for more than 6 weeks in the next 6 month period
- not continuing your current activities for at least the next 6 months
- receiving a funded package of support from National Disability Insurance Scheme (NDIS) - this does not include My Way in Western Australia

You are not eligible to get an advance payment if you have already had one in the previous 12 months while receiving:

- ABSTUDY
- Austudy
- Mobility Allowance
- Newstart Allowance
- Parenting Payment
- Widow Allowance, or
- Youth Allowance

You may be eligible for an additional advance payment of Parenting Payment single regardless of when you last received one if you:

- apply for the advance payment within 28 days of becoming single and
- meet all the other eligibility requirements

Payment details

Payment details for Family Tax Benefit Part A

Number of advance payments

You can choose to receive the Family Tax Benefit advance as a one-off payment or as a regular advance.

A one-off advance is an advance payment you can receive on any day of the year. You can choose how much you receive, as long as the amount is within the minimum and maximum amount you are eligible for.

A regular advance is automatically paid to you every 26 weeks as long as you remain eligible, or until you ask us to stop paying a regular advance. The amount you receive as a regular advance will be the minimum advance amount. You can have only one regular advance in place at any given time.

You can have one or more one-off advances at any time; however, the combined total of any regular and one-off advances is capped at \$1,091.98.

Amount of advance payments

The maximum amount for a one-off advance is 7.5% of your annual rate of Family Tax Benefit Part A including add-ons but excluding the Family Tax Benefit Part A Supplement, which is capped at \$1,091.98 for the 2015-16 financial year.

The minimum amount for a one-off advance is 3.75% of the standard rate for 1 child under 13 years. This is also the amount for a regular advance.

If you are being paid Family Tax Benefit as a blended family, the minimum and maximum advance amounts will be based on your blended family percentage.

If you are still repaying an existing advance payment, the maximum amount you may receive is the maximum amount you are eligible for, minus the original amount

of each existing Family Tax Benefit advance payment that has not been fully repaid.

Payment details for Age Pension, Disability Support Pension, Carer Payment, Widow B Pension or Wife Pension

Number of advance payments

The number of advance payments available over any given 13 fortnight or 6 month period are:

- 1 advance payment at the maximum amount
- 1 or 2 advance payments greater than the minimum amount, or
- 3 advance payments each at the minimum amount

Amount of advance payments

The amount available to you is limited by a minimum and maximum amount.

Advance amount	If you are single	If you are partnered
Minimum	\$412.45	\$310.90
Maximum	\$1,237.35	\$932.70

If you receive a part rate or are receiving Disability Support Pension at the under 21 rate of payment, the maximum amount will depend on the amount of pension you receive.

These amounts are linked to increases in adult pension payments, so that the minimum and maximum advance payment amounts will keep pace with increases in pension payments each March and September.

Payment details for ABSTUDY, Austudy Payment, Newstart Allowance, Parenting Payment Partnered, Widow Allowance or Youth Allowance

You can only get one advance payment in a 12 month period. The maximum amount is \$500. The minimum amount is \$250. The amount can be taken as one lump sum or in 2 instalments.

Payment details for Special Employment Advance

To receive a Special Employment Advance you must be receiving:

- Austudy
- Carer Payment
- Mature Age Allowance
- Disability Support Pension

- Mature Age Partner Allowance
- Newstart Allowance
- Parenting Payment single
- Widow B Pension
- Widow Allowance
- Wife Pension, or
- Youth Allowance

and:

- be in receipt of an eligible payment, and
- be offered a job that will last for at least 6 weeks where your expected earnings will reduce your income support payment by at least 50%

You may also be eligible if you:

- have been offered a job but you do not have enough money to pay for something you need to start your job, or
- are short of money because you or your partner have worked but have not been paid for work by the employer and the earnings have reduced your income support payment by at least 50%

Amount of Special Employment Advance payments

You can get one or more advance payments up to the maximum amount of \$500 at any one time. The minimum amount is \$50.

Payment details for Mobility Allowance Advance

You can only get one advance payment in a 12 month period equal to 13 fortnightly (6 months) payments of Mobility Allowance.

If you are paid a Mobility Allowance advance payment, you will not receive fortnightly payments of Mobility Allowance for up to 6 months. If you become eligible for a higher rate of Mobility Allowance while in an advance period, fortnightly payments may start earlier than the expected 6 month period.

You cannot choose to increase or decrease the repayment amount of Mobility Allowance advance payments.

Claiming

There are a variety of ways you can apply for an advance payment.

Online

Online by self service^[43].

Use your Centrelink online account through [myGov](#)^[44] to apply.

- sign in to [myGov](#)^[44]
- access your **Centrelink online account**
- select **My Profile**
- select **Advance Payment**
- apply for an advance payment

If you don't already have a Centrelink online account you can [register for online accounts](#)^[45] through myGov.

You can then also:

- check when you are next eligible for an advance
- check the balance of your current advance
- check your advance history for the past 2 years
- check the repayment amount for each current advance
- manage your regular Family Tax Benefit Part A advance payment

Express Plus mobile apps

Use the [Express Plus Centrelink mobile app](#)^[46] to apply.

You can then also:

- check when you are next eligible for an advance
- check the balance of your current advance
- check your advance history for the past 2 years
- check the repayment amount for each current advance

By phone

- Phone self service on **136 240**
- [Phone us](#)^[27]

In person

- Visit your nearest [service centre](#)^[47]

Watch our demonstration video about how to [apply for an advance payment](#)^[48].

You must be able to afford to repay the money, so you will need to tell us about your income and expenses.

By form

Complete the claim for [Special Employment Advance form](#)^[49] if you are offered a job but can't afford something you need to start your job, or you have not been paid yet.

Supporting documentation

We will tell you if there are other documents and forms you need to provide. The sooner we receive your documents, the sooner we can process your claim.

Claim outcome

If we cannot give you an advance payment we will let you know why.

If you disagree with a decision we make

You always have the right to appeal any decision made by us.

Read more about [reviews and appeals](#)^[10].

Paying advance payments back

Repayments for advance payments are made fortnightly through a reduction in your regular payment.

Repayments for your advance start the next payment date after you have received the advance payment. If you are granted an advance and are already repaying an advance, the amount you repay each fortnight will be increased.

If the payment you receive changes, repayments will continue from your new payment. If you stop receiving a payment, you will still need to repay the amount you owe.

For Mobility Allowance advance payments, the regular fortnightly payment reduces to nil for up to 6 months.

If you have received an advance and are having difficulties repaying it, please [contact us](#)^[50] about your situation to find out what assistance is available.

Paying your advance back early

An advance payment can be repaid early. To pay the balance of your advance payment as a lump sum or to make extra repayments, you can visit a service centre and pay by cash or cheque.

You can also request to increase the rate of repayment made from your regular payment as long as the increased amount does not place you in financial hardship. [Phone us](#)^[27] if you would like to do this.

Paying your advance back early does not necessarily mean that you will be eligible to receive another advance payment.

Please note: you cannot repay advance payments at Australia Post using Post Billpay

arrangements.

Newstart Allowance while travelling outside Australia

There are rules about when your Newstart Allowance can be paid when you travel outside Australia.

Rules for Newstart Allowance outside Australia

Your Newstart Allowance payments will stop on departure if you:

- leave Australia to live in another country, or
- leave Australia temporarily, unless you are travelling for an approved reason

If you have been granted Newstart Allowance under a residence exemption available to certain New Zealand citizens and your payment stops while you are outside Australia, you cannot be re-granted payment under the exemption on your return.

Approved reasons for payment overseas

Newstart Allowance may be paid outside Australia for a negotiated period of up to 6 weeks for the following approved reasons:

- attending an acute family crisis. For example, to visit a **family member**^[16] who is critically ill
- humanitarian reasons. For example, to adopt a child or attend custody proceedings, or
- receiving eligible medical treatment that is not available in Australia

If you are attending a training camp with the Australian Defence Force Reserves you can get your payment for the duration of the training.

When to tell us about your travel

You should always tell us if you are leaving Australia.

The easiest way to tell us about your travel plans is to use your [Centrelink online account](#)^[43] through myGov. You can get tailored information on how your payments and concession cards could be affected. You may need to phone us to discuss your circumstances further.

Read more about [payments while outside Australia](#)^[51].

Weekly payment option

Eligibility

Weekly payments are only available if you are homeless, at risk of being homeless or have considerable difficulty with your finances. You need to be receiving:

- [ABSTUDY](#)^[39]
- [Age Pension](#)^[2]
- [Austudy](#)^[40]
- [Bereavement Allowance](#)^[52]
- [Carer Payment](#)^[33]
- [Disability Support Pension](#)^[34]
- [Newstart Allowance](#)^[13]
- [Parenting Payment](#)^[35]
- [Partner Allowance](#)^[53]
- [Sickness Allowance](#)^[17]
- [Special Benefit](#)^[54]
- [Widow Allowance](#)^[36]
- [Widow B Pension](#)^[37]
- [Wife Pension](#)^[38]
- [Youth Allowance](#)^[18]

By signing up to weekly payments you will no longer be eligible for immediate or urgent payments.

How it works

If eligible, your weekly payments, including any Rent Assistance you may get, will start with your next income support payment. You will receive half of the calculated fortnightly amount. The rate of payment will be different for each person - it depends on your reported income, assets and any automatic deductions.

We consider your automatic deductions such as debt repayments, rent or Centrepay contributions before we calculate your weekly rate. The remainder of your payment is made 7 days later.

While on weekly payment arrangements, your income support payment will be in 2 instalments for your reporting period, making it easier for you to budget.

Family Tax Benefit cannot be paid on a weekly basis.

Apply

To apply for weekly payments, you will need to [contact us](#)^[27] so we can assess your eligibility.

Review

Weekly payments are not a permanent arrangement. You will receive weekly payments until you advise us that your circumstances have improved. This may be during regular contact with us or at a review of your weekly payments, which we will schedule. Once your accommodation or financial situation has improved, you will return to fortnightly payments.

Your weekly payments will be reviewed after the arrangement has been in place for 6 months. This review may be in person or we may contact you by phone. After the first review your arrangement will be reviewed annually. During the review, we will assess:

- your budgeting
- if your accommodation situation has improved, and
- if your financial situation has stabilised

You can ask to return to fortnightly payments at any time.

Income reporting

How much you earn affects your payment. We need to know what you have earned each fortnight so you are paid the right amount.

[Read more about income reporting](#)^[55]

Income reporting

To report your income, you can:

- log on to your [Centrelink online account](#)^[43] through [myGov](#)^[21]
- use an [Express Plus app](#)^[46]
- phone **133 276** (13 EARN) on your reporting day

What you need to report

If you are earning income or receiving a payment with Mutual Obligation Requirements, you will need to report to us on a regular basis.

You still need to report even when your income is zero.

When you report your income, you may be asked to confirm if you are meeting your Mutual Obligation Requirements and notify us of any change in your circumstances.

Income

Income means:

- an amount you earn, derive or receive for your own use or benefit, or
- a periodical payment or benefit you receive as a gift or allowance

Read more about how we define income^[56].

You must report your and your partner's income for the entire reporting period, including the first and last day, even if you haven't been paid by your employer yet. This is so we can make sure you get paid the correct amount. If you are overpaid, you may have to pay it back. Your partner can report earnings and changes for both of you.

When reporting your income, you need to know:

- your reporting date that was provided to you after you last reported your income. You may have also received a notification or reminder by online letter, email or SMS
- how much you have earned during the reporting period

To work out your earnings, you need to know:

- your hourly pay rate, including variations like overtime-you can find this out from your pay office or you can work it out from a recent payslip
- the total number of hours you worked during your reporting period - it will help if you keep a note of your hours each time you work using the **earnings worksheet form**^[57], in a diary or on a calendar

Read the **information you need to know about reporting employment and using the Earnings Worksheet**^[58] to understand how your payment is affected by your income.

We have an Employment Diary to assist you in keeping track of your work. You can access this using your **Centrelink online account**^[43] through **myGov**^[21].

Do not copy the amount on your payslip, as the period may not match your reporting period and could be incorrect.

You need to keep evidence of your earnings as we may ask you to show proof of your income. We recommend keeping your payslips for at least 6 months.

Change of circumstance

It is important you tell us if your circumstances change. This is so we can make sure you get paid the correct amount. You must report any **change of circumstances**^[59] for you or your partner within 14 days of the change, or by the last day of your income support payment fortnightly entitlement period if you are receiving a payment with Mutual Obligation Requirements.

If you pay or receive child support, make sure we know about any changes to your situation. Changes to your circumstances may affect the amount of child support you pay or receive.

You can update your child support arrangement by using your [Child Support online account](#)^[60], through [myGov](#)^[21] or by calling **131 272**.

[Read more about changes that affect your child support](#)^[61].

How to report

From early 2016, myGov will be the only way you can access your Centrelink online account. [Start using myGov now](#)^[62] to access your government services online, all in one place.

Report your income and all changes to your circumstances by using the self service option of your choice including:

- your [Centrelink online account](#)^[43] through [myGov](#)^[63]. If you do not have an account, it's easy to [register](#)^[45]
- your [Express Plus mobile app](#)^[46]. You can download Express Plus mobile apps from the App Store or Google Play™
- phone self service by calling **133 276** (13 EARN) between 8 am and 5 pm on your regular reporting day. You will need to provide your Customer Access Number and Personal Identification Number (PIN) when you call. If you do not have a 6 digit PIN, you can call **136 240** to register and get one

If you are still sent a paper reporting form in the mail, you can now choose to report using self service. You can use a self service terminal at one of our [service centres](#)^[47], or speak to a Service Officer who can record your reporting information.

When to report

You need to report by 5 pm on your reporting date to avoid delays in your payment. You cannot report before your reporting date, except when your reporting date is affected by [public holidays](#)^[64]. We will tell you about any exceptions.

If you report late, the payment you might be entitled to could be late. If you fail to report how much you earned, you will not get paid.

You can report online up to 13 days after your reporting date.

If you are more than 13 days late, you need to call us on **132 850** or visit your [nearest service centre](#)^[47].

When you report your income, you may also be asked to confirm you are meeting your Mutual Obligation Requirements and notify us of any change in your circumstances.

If you still receive a paper form, you will need to report on the date shown on your Reporting Statement. You can do this by calling **132 850** or visiting one of our [service centres](#)^[47].

If you do not report your income or change of circumstances, you may have to pay back the payments you received during the period.

[Read more about owing money](#)^[32].

Reporting notifications and reminders

We can notify or remind you to report your income. You can choose how we remind you.

Self service

If you report via [self service](#)^[31], your next reporting date will be given when you report. This includes if you report using:

- your [Centrelink online account](#)^[43] through [myGov](#)^[21]
- Centrelink [Express Plus mobile app](#)^[46] or
- phone self service by calling **133 276** (13 EARN)

Online letters

If you are registered to receive [Centrelink online letters](#)^[65], you will receive your reporting reminders and other notifications through your Centrelink online account.

If you are not registered to receive Centrelink online letters, you can register by logging onto your [Centrelink online account](#)^[43] through [myGov](#)^[21].

Once you link your Centrelink Online account to your myGov account, your mail will go to your myGov inbox.

Electronic Messaging

If you are subscribed to [Electronic Messaging](#)^[66], you will receive your reporting notifications and reminders by email or SMS.

Register to receive Electronic Messaging reminders by logging on to your [Centrelink online account](#)^[43] through [myGov](#)^[67].

Letter

You will continue to receive your reporting notifications and reminders by paper if you do not report via your online account or are not subscribed to Centrelink online letters or Electronic Messaging.

Help reporting your income

Working out your reportable earnings

To work out your reportable earnings, divide the gross pay on your payslip by the number of hours you worked, this will give you your standard hourly pay rate. When you have this information, multiply the number of hours worked in your reporting period by your hourly pay rate to calculate how much you have earned at the standard rate.

Working out your income if you are not paid a standard rate

If you do overtime or other work that is paid at a different hourly rate, you need to include the following earnings as well:

- your total gross earnings at the standard hourly rate
- your overtime or penalty earnings by calculating:
 - your hourly overtime rate of pay. You can find this out from your employer or pay office, and
 - how many overtime or penalty rate hours you worked in the reporting period

Multiply the number of overtime hours worked in the reporting period by your hourly overtime rate, and add this amount to the total gross earnings at your standard hourly rate.

Keep a record of your overtime hours every time you work, rather than trying to remember them at the end of the fortnight.

To work out your total employment income:



Fixed unit rate

If you are paid a fixed amount for each unit of work completed, such as per item produced, you do not need to know how many hours you worked in the reporting period in order to work out how much you made. You just need to know how many units you produced in your reporting period.

Employment Diary

If you are receiving employment income, use the Employment Diary located in your [Centrelink online account](#)^[43] by selecting **Report employment income**.

The diary allows you to easily enter and save your employment income during the reporting period. You will be shown a summary of what you have entered for the reporting period and have the option of importing it directly into your report on your reporting day.

Self employed

If some or all of your earnings are from self employment, [contact us](#)^[50] to find out how you should report these earnings.

Updating your reported income

If you tell us the wrong amount, [contact us](#)^[50] as soon as possible to fix the mistake. This will ensure we pay you the right amount. Do not wait until your next reporting day to fix mistakes from previous reports.

You cannot use [self service](#)^[31] to change an amount you have already reported.

Someone to deal with us on your behalf

If your partner also gets an income support payment, they might be able to report for both of you. If they do not receive an income support payment, they can report on your behalf if you provide consent. You may also be able to have another person such as a family member, friend or a third party, like an institution, contact us on your behalf.

[Read more about getting someone to deal with us on your behalf](#)^[68].

Reporting for multiple jobs

If you have more than one job during your reporting period, you must report your earnings from each job. You can keep track of your income by using a separate [earnings worksheet](#)^[57] for each employer.

Reporting your leave payments

If you go on temporary leave from your work, you need to let us know about any money you earn from both leave and hours worked in the same reporting period. If we have not told you to report on a specific day, then you have 14 days to tell us about leave earned at a different rate to your normal wages.

If you are paid out accrued leave from your current employer, but do not take it as a leave of absence, you need to let us know. This is treated differently to other leave.

Reporting redundancy payments

If you get a severance or redundancy payment from your employer when you leave your job, you have to tell us as you may be subject to an **Income Maintenance Period**^[69].

An Income Maintenance Period is a period of time where leave or redundancy payments received by you or your partner are treated as income. This means your payment might be reduced or stopped for a while, depending on how much you were paid and the period it was paid for.

Reporting your superannuation contributions

We will include any reportable contributions to superannuation as income. These contributions will be included in the income used to work out your payment.

Read more about assessable income^[70].

Newstart Allowance when you reach age pension age

You should apply to transfer to Age Pension to see if you are eligible.

Read more about how to transfer to Age Pension.^[71]

Cashless debit card

The cashless debit card will look and operate like a normal bank debit card, except it cannot be used to buy alcohol, to gamble or withdraw cash. You still receive the full amount of your welfare payment; however, this will be split – some will go to your normal account and the rest will be put onto your cashless debit card.

Trial locations

There will be 2 trial locations for the cashless debit card.

Trial 1

If you live in Ceduna, South Australia, are of working age and receive Newstart, Disability Support Pension, Parenting Payment or Carers Payment, your cashless debit card trial will start from 15 March 2016.

Trial 2

If you live in the Kununurra/Wyndham area in the East Kimberly region of Western Australia, are of working age and receive Newstart, Disability Support Pension, Parenting Payment or Carers Payment, your cashless debit card trial will start from 26 April 2016.

Card support

The cashless debit cards will be issued and supported by Indue Ltd (Indue).

You will need to contact Indue directly to:

- activate your cashless debit card
- get card and transaction support
- check your balance
- get your transaction history and
- report a lost or stolen card

Cardholders and Merchants can contact Indue directly once the trial starts by visiting the [Indue^{\[72\]}](#) website or calling the Indue Customer Support Centre on **1800 710 265**.

More information

Read more about the [Cashless Debit Card Trial^{\[73\]}](#) on the Department of Social Services website.

What to do if your account is overdrawn

Your account may be overdrawn when you take out more money than you have.

This can happen because your account sometimes takes a few days to update after transactions. Overdrawing can also happen when direct debits come directly from your account or from a cheque you have written.

This may lead to a debt and a fee that you have to repay the financial institution through your account. Financial institutions include banks, building societies and credit unions. To recover the debt and any fee, the financial institution sometimes takes money directly from your account.

If you receive certain income support payments, an agreement exists covering how

much your financial institution can take from the money that goes into your account. This is called the 'Code of Operation^[74]' (the Code) and, while not legally binding, helps to ensure you have money left over to cover living costs.

For example:

If you receive a pension payment of \$200 a fortnight, the Code means you can keep at least \$180 (90%) of your payment. The financial institution can take up to \$20 to repay the overdrawn amount, including fees.

Protected payments

Under the Code, financial institutions can take no more than 10% of the payments listed below from your account.

- ABSTUDY, including supplements
- Age Pension
- Australian Government Disaster Recovery Payment
- Australian Victim of Terrorism Overseas Payment
- Austudy
- Bereavement Allowance
- Carer Allowance
- Carer Payment
- Crisis Payment
- Double Orphan Pension
- Disability Support Pension
- Disaster Recovery Allowance
- Education Entry Payment
- Farm Household Allowance
- Income Support Bonus
- Mobility Allowance
- Newstart Allowance
- Parental Leave Pay
- Parenting Payment
- Partner Allowance
- Pension Supplement
- School Kids Bonus
- Seniors Supplement
- Sickness Allowance
- Special Benefit
- Widow Allowance
- Widow B Pension
- Wife Pension
- Youth Allowance

Also, financial institutions can take no more than 10% of the payments listed below when you are receiving one of the payments above.

- Assistance for Isolated Children
- Baby Bonus
- Bereavement Payment
- Carer Adjustment Payment
- Carer Supplement
- Community Development Employment Projects Participant Supplement and Supplementary Benefits
- Child Care Benefit
- Child Care Rebate
- Child Disability Assistance Payment
- Clean Energy Advance
- Dad and Partner Pay
- Energy Supplement
- Essential Medical Equipment Payment
- Family Tax Benefit Part A and Part B
- Low Income Family Supplement
- Low Income Supplement
- Newborn Upfront Payment and Newborn Supplement
- Pension Bonus Bereavement Payment
- Pension Bonus Scheme
- Pension Bonus Top-Up
- Pensioner Education Supplement
- Pension Loans Scheme
- Pharmaceutical Allowance
- Remote Area Allowance
- Rent Assistance
- Single Income Family Supplement
- Stillborn Baby Payment
- Telephone Allowance
- Utilities Allowance
- Work Bonus
- Youth Disability Supplement

The following payments from the Department of Veterans' Affairs are also protected with a 10% limit:

- Crisis payment
- Defence Force Income Support Allowance
- Education Entry Payment
- Income Support Supplement
- Periodic Payments of Wholly Dependent Partner's Pension
- Service Pension – age, invalidity, or partner
- War Widow(er)'s Pension

You can choose to repay more than 10% if you wish.

All other types of income are not covered by this arrangement.

Speak to your financial institution about their specific fees or repayment policies, or to make alternative arrangements.

Participating institutions

To find out if your financial institution participates, visit the following member lists:

- [Australia Bankers' Association](#)^[75] members
- [Australian Finance Conference](#)^[76] members
- [Customer Owned Banking Organisation](#)^[77] members who have signed the Customer Owned Banking Organisation Code of Practice

Exceptions to the Code

You are not protected by the Code if:

- your account is overdrawn due to fraudulent, dishonest or unlawful transactions, conduct or activity
- a third party organises with your financial institution to recover money from your account. For example, you owe money to a business, who gets a court order to recover money from your account

Getting help

If you are concerned about an overdrawn account, you should first **talk to your financial institution** about the Code and other ways they may be able to help you manage your debt.

After you have spoken to your financial institution, and if your payment has not been released, we can help you negotiate this with your financial institution.

Call the [contact number](#)^[27] related to your payment.

If you don't make any arrangement to pay your debt at all and you do not respond to letters from your financial institution telling you about the overdue payment, after 60 days they could:

- report this to a credit reporting body, which could affect your credit rating, or
- take legal action against you to take back the overdrawn amount that you owe

For tips and tools please visit [Managing your Money](#)^[78].

You can also talk to one of our [social workers](#)^[79].

If you speak a language other than English, you can ask for an interpreter at any Centrelink service centre or call our [Multilingual Phone Service](#)^[80] on **131 202**.

[Information in your language](#)^[81] about income support payments and services is also

on our website.

Other support services

Talk to a financial counsellor from the [Financial Counselling Australia^{\[82\]}](#) website. You can talk to a free and independent financial counsellor on **1800 007 007**.

If you can't resolve disputes with your financial institution you can contact the following organisations:

- the Financial Ombudsman Service (for banks) Freecall™ **1300 780 808**
- the Credit and Investments Ombudsman Service (for a limited number of financial institutions) Freecall™ **1800 138 422**
- Financial Ombudsman interpreter services Freecall™ **131 450**. [Translations^{\[83\]}](#) of dispute resolution factsheets are also available from the Financial Ombudsman Service Australia website

Related services

- [Centrepay^{\[84\]}](#)
- [Education Entry Payment^{\[85\]}](#)
- [Energy Supplement^{\[86\]}](#)
- [Health Care Card^{\[87\]}](#)
- [Income Support Bonus^{\[88\]}](#)
- [JobSearch facilities^{\[89\]}](#)
- [Jobs, Education and Training Child Care Fee Assistance^{\[90\]}](#)
- [Pensioner Concession Card^{\[91\]}](#)
- [Pensioner Education Supplement^{\[92\]}](#)
- [Pharmaceutical Allowance^{\[93\]}](#)
- [Rent Assistance^{\[94\]}](#)
- [Rent Deduction Scheme^{\[95\]}](#)
- [Skills for Education and Employment^{\[96\]}](#)
- [Telephone Allowance^{\[97\]}](#)

Related subjects

- [Indigenous Australians looking for work, studying or training^{\[98\]}](#)
- [Looking for work^{\[99\]}](#)
- [Managing your money^{\[78\]}](#)
- [Payments for job seekers^{\[100\]}](#)
- [Retrenched or made redundant^{\[101\]}](#)
- [Self service^{\[31\]}](#)

This information is intended as a general guide to the department's payments and services. It is based on the selections made by a user of the department's 'create your own brochure' facility. It may not include all of the relevant information on this topic. If you decide to apply for a payment, the department can give you more specific advice with regard to your particular circumstances.



This information was printed on 24 March 2016 from <https://www.humanservices.gov.au/customer/services/centrelink/newstart-allowance>. The information in this brochure is provided subject to the disclaimer at [humanservices.gov.au/siteinformation](https://www.humanservices.gov.au/siteinformation).

Link references

1. <https://www.humanservices.gov.au/customer/news/help-young-job-seekers-become-job-ready>
2. <https://www.humanservices.gov.au/customer/services/centrelink/age-pension>
3. <https://www.humanservices.gov.au/customer/enablers/mutual-obligation-requirements>
4. <https://www.humanservices.gov.au/customer/enablers/centrelink/waiting-periods/ordinary-waiting-period>
5. <https://www.humanservices.gov.au/customer/enablers/centrelink/waiting-periods/liquid-assets-waiting-period>
6. <https://www.humanservices.gov.au/customer/enablers/centrelink/waiting-periods/income-maintenance-period>
7. <https://www.humanservices.gov.au/customer/enablers/centrelink/waiting-periods/seasonal-work-preclusion-period>
8. <https://www.humanservices.gov.au/customer/enablers/mutual-obligation-requirements/mutual-obligation-penalties#a4>
9. <https://www.humanservices.gov.au/customer/enablers/newly-arrived-residents-waiting-period>
10. <https://www.humanservices.gov.au/customer/information/reviews-and-appeals>
11. <https://www.humanservices.gov.au/customer/enablers/income-test-newstart-allowance-partner-allowance-sickness-allowance-and-widow>
12. <https://www.humanservices.gov.au/customer/enablers/income>
13. <https://www.humanservices.gov.au/customer/services/centrelink/newstart-allowance>
14. <https://www.humanservices.gov.au/customer/enablers/assets>
15. <https://www.humanservices.gov.au/customer/enablers/working-credit>
16. <https://www.humanservices.gov.au/customer/enablers/residence-descriptions>
17. <https://www.humanservices.gov.au/customer/services/centrelink/sickness-allowance>
18. <https://www.humanservices.gov.au/customer/services/centrelink/youth-allowance>
19. <https://www.humanservices.gov.au/customer/enablers/claiming-newstart-allowance>
20. <https://www.humanservices.gov.au/customer/enablers/mutual-obligation-requirements/principal-carers>
21. <https://my.gov.au/LoginServices/main/login?execution=e1s1>
22. <https://www.humanservices.gov.au/customer/enablers/online-services/guides/submitting-documents-using-centrelink-online-account>
23. <http://www.employment.gov.au/jobactive>
24. <https://www.humanservices.gov.au/customer/services/centrelink/disability-employment-services>
25. <https://www.humanservices.gov.au/customer/services/centrelink/community->

development-programme

26. [https:// www.humanservices.gov.au/ customer/ enablers/ mutual-obligation-requirements/ mutual-obligation-penalties](https://www.humanservices.gov.au/customer/enablers/mutual-obligation-requirements/mutual-obligation-penalties)
27. [https:// www.humanservices.gov.au/ customer/ contact-us/ phone-us](https://www.humanservices.gov.au/customer/contact-us/phone-us)
28. [https:// www.humanservices.gov.au/ customer/ forms/ su450](https://www.humanservices.gov.au/customer/forms/su450)
29. [https:// www.humanservices.gov.au/ customer/ enablers/ change-circumstances](https://www.humanservices.gov.au/customer/enablers/change-circumstances)
30. [https:// www.humanservices.gov.au/ customer/ enablers/ how-avoid-committing-fraud](https://www.humanservices.gov.au/customer/enablers/how-avoid-committing-fraud)
31. [https:// www.humanservices.gov.au/ customer/ subjects/ self-service](https://www.humanservices.gov.au/customer/subjects/self-service)
32. [https:// www.humanservices.gov.au/ customer/ enablers/ owing-money](https://www.humanservices.gov.au/customer/enablers/owing-money)
33. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ carer-payment](https://www.humanservices.gov.au/customer/services/centrelink/carer-payment)
34. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ disability-support-pension](https://www.humanservices.gov.au/customer/services/centrelink/disability-support-pension)
35. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ parenting-payment](https://www.humanservices.gov.au/customer/services/centrelink/parenting-payment)
36. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ widow-allowance](https://www.humanservices.gov.au/customer/services/centrelink/widow-allowance)
37. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ widow-b-pension](https://www.humanservices.gov.au/customer/services/centrelink/widow-b-pension)
38. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ wife-pension](https://www.humanservices.gov.au/customer/services/centrelink/wife-pension)
39. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ abstudy](https://www.humanservices.gov.au/customer/services/centrelink/abstudy)
40. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ austudy](https://www.humanservices.gov.au/customer/services/centrelink/austudy)
41. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ family-tax-benefit-part-a-part-b](https://www.humanservices.gov.au/customer/services/centrelink/family-tax-benefit-part-a-part-b)
42. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ mobility-allowance](https://www.humanservices.gov.au/customer/services/centrelink/mobility-allowance)
43. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ centrelink-online-accounts](https://www.humanservices.gov.au/customer/services/centrelink/centrelink-online-accounts)
44. [https:// my.gov.au/ LoginServices/ main/ login?execution=e2s1](https://my.gov.au/LoginServices/main/login?execution=e2s1)
45. [https:// www.humanservices.gov.au/ customer/ enablers/ online-services/ register](https://www.humanservices.gov.au/customer/enablers/online-services/register)
46. [https:// www.humanservices.gov.au/ customer/ services/ express-plus-mobile-apps](https://www.humanservices.gov.au/customer/services/express-plus-mobile-apps)
47. [https:// www.humanservices.gov.au/ findus](https://www.humanservices.gov.au/findus)
48. [https:// www.humanservices.gov.au/ customer/ enablers/ apply-advance-payment-using-your-centrelink-online-account](https://www.humanservices.gov.au/customer/enablers/apply-advance-payment-using-your-centrelink-online-account)
49. [https:// www.humanservices.gov.au/ customer/ forms/ su514](https://www.humanservices.gov.au/customer/forms/su514)
50. [https:// www.humanservices.gov.au/ customer/ contact-us/](https://www.humanservices.gov.au/customer/contact-us/)
51. [https:// www.humanservices.gov.au/ customer/ enablers/ outside-australia](https://www.humanservices.gov.au/customer/enablers/outside-australia)
52. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ bereavement-allowance](https://www.humanservices.gov.au/customer/services/centrelink/bereavement-allowance)
53. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ partner-allowance](https://www.humanservices.gov.au/customer/services/centrelink/partner-allowance)
54. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ special-benefit](https://www.humanservices.gov.au/customer/services/centrelink/special-benefit)
55. [https:// www.humanservices.gov.au/ customer/ enablers/ centrelink/ income-reporting](https://www.humanservices.gov.au/customer/enablers/centrelink/income-reporting)
56. [https:// www.humanservices.gov.au/ customer/ enablers/ income/](https://www.humanservices.gov.au/customer/enablers/income/)
57. [https:// www.humanservices.gov.au/ customer/ forms/ su505](https://www.humanservices.gov.au/customer/forms/su505)
58. [https:// www.humanservices.gov.au/ customer/ forms/ su505-i](https://www.humanservices.gov.au/customer/forms/su505-i)
59. [https:// www.humanservices.gov.au/ customer/ enablers/ change-of-circumstances](https://www.humanservices.gov.au/customer/enablers/change-of-circumstances)
60. [https:// www.humanservices.gov.au/ customer/ services/ child-support/ child-support-online-accounts](https://www.humanservices.gov.au/customer/services/child-support/child-support-online-accounts)
61. [https:// www.humanservices.gov.au/ customer/ enablers/ child-support/ change-of-circumstances-that-affect-your-child-support](https://www.humanservices.gov.au/customer/enablers/child-support/change-of-circumstances-that-affect-your-child-support)
62. [https:// www.humanservices.gov.au/ customer/ subjects/ about-mygov](https://www.humanservices.gov.au/customer/subjects/about-mygov)

63. [https:// my.gov.au/](https://my.gov.au/)
64. [https:// www.humanservices.gov.au/ customer/ news/ public-holiday-payment-arrangements](https://www.humanservices.gov.au/customer/news/public-holiday-payment-arrangements)
65. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ online-letters](https://www.humanservices.gov.au/customer/services/centrelink/online-letters)
66. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ electronic-messaging](https://www.humanservices.gov.au/customer/services/centrelink/electronic-messaging)
67. [https:// my.gov.au/ LoginServices/ main/ login?execution=e3s1](https://my.gov.au/LoginServices/main/login?execution=e3s1)
68. [https:// www.humanservices.gov.au/ customer/ enablers/ someone-to-deal-with-us-on-your-behalf](https://www.humanservices.gov.au/customer/enablers/someone-to-deal-with-us-on-your-behalf)
69. [https:// www.humanservices.gov.au/ customer/ enablers/ waiting-periods#IncomeMaintenancePeriod](https://www.humanservices.gov.au/customer/enablers/waiting-periods#IncomeMaintenancePeriod)
70. [https:// www.humanservices.gov.au/ customer/ enablers/ income/ index](https://www.humanservices.gov.au/customer/enablers/income/index)
71. [https:// www.humanservices.gov.au/ customer/ enablers/ transfer-age-pension](https://www.humanservices.gov.au/customer/enablers/transfer-age-pension)
72. [https:// indue.com.au/ dct/](https://indue.com.au/dct/)
73. [https:// www.dss.gov.au/ families-and-children/ programmes-services/ welfare-conditional/ cashless-debit-card-trial-overview](https://www.dss.gov.au/families-and-children/programmes-services/welfare-conditional/cashless-debit-card-trial-overview)
74. [https:// www.humanservices.gov.au/ corporate/ publications-and-resources/ code-of-operation](https://www.humanservices.gov.au/corporate/publications-and-resources/code-of-operation)
75. [http:// www.bankers.asn.au/ About-Us/ Members](http://www.bankers.asn.au/About-Us/Members)
76. [http:// www.afc.asn.au/ afc_Info/](http://www.afc.asn.au/afc_Info/)
77. [http:// www.customerownedbanking.asn.au/ members/ list-of-members](http://www.customerownedbanking.asn.au/members/list-of-members)
78. [https:// www.humanservices.gov.au/ customer/ subjects/ managing-your-money](https://www.humanservices.gov.au/customer/subjects/managing-your-money)
79. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ social-work-services](https://www.humanservices.gov.au/customer/services/centrelink/social-work-services)
80. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ multilingual-phone-service](https://www.humanservices.gov.au/customer/services/centrelink/multilingual-phone-service)
81. [https:// www.humanservices.gov.au/ customer/ information-in-your-language/](https://www.humanservices.gov.au/customer/information-in-your-language/)
82. [http:// www.financialcounsellingaustralia.org.au/ Corporate/ Find-a-Counsellor](http://www.financialcounsellingaustralia.org.au/Corporate/Find-a-Counsellor)
83. [http:// www.fos.org.au/ consumers/ translations/](http://www.fos.org.au/consumers/translations/)
84. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ centrepay](https://www.humanservices.gov.au/customer/services/centrelink/centrepay)
85. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ education-entry-payment](https://www.humanservices.gov.au/customer/services/centrelink/education-entry-payment)
86. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ energy-supplement](https://www.humanservices.gov.au/customer/services/centrelink/energy-supplement)
87. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ health-care-card](https://www.humanservices.gov.au/customer/services/centrelink/health-care-card)
88. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ income-support-bonus](https://www.humanservices.gov.au/customer/services/centrelink/income-support-bonus)
89. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ jobsearch-facilities](https://www.humanservices.gov.au/customer/services/centrelink/jobsearch-facilities)
90. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ jobs-education-and-training-child-care-fee-assistance](https://www.humanservices.gov.au/customer/services/centrelink/jobs-education-and-training-child-care-fee-assistance)
91. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ pensioner-concession-card](https://www.humanservices.gov.au/customer/services/centrelink/pensioner-concession-card)
92. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ pensioner-education-supplement](https://www.humanservices.gov.au/customer/services/centrelink/pensioner-education-supplement)
93. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ pharmaceutical-allowance](https://www.humanservices.gov.au/customer/services/centrelink/pharmaceutical-allowance)
94. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ rent-assistance](https://www.humanservices.gov.au/customer/services/centrelink/rent-assistance)
95. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ rent-deduction-scheme](https://www.humanservices.gov.au/customer/services/centrelink/rent-deduction-scheme)

96. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ skills-education-and-employment](https://www.humanservices.gov.au/customer/services/centrelink/skills-education-and-employment)
97. [https:// www.humanservices.gov.au/ customer/ services/ centrelink/ telephone-allowance](https://www.humanservices.gov.au/customer/services/centrelink/telephone-allowance)
98. [https:// www.humanservices.gov.au/ customer/ subjects/ indigenous-australians-looking-work-studying-or-training](https://www.humanservices.gov.au/customer/subjects/indigenous-australians-looking-work-studying-or-training)
99. [https:// www.humanservices.gov.au/ customer/ subjects/ looking-work](https://www.humanservices.gov.au/customer/subjects/looking-work)
00. [https:// www.humanservices.gov.au/ customer/ subjects/ payments-job-seekers](https://www.humanservices.gov.au/customer/subjects/payments-job-seekers)
01. [https:// www.humanservices.gov.au/ customer/ subjects/ retrenched-or-made-redundant](https://www.humanservices.gov.au/customer/subjects/retrenched-or-made-redundant)



Australian Government
Department of Human Services

JobSearch facilities

If you are looking for work, you can use our self service facilities to search for jobs.

Most of our service centres offer:

- self service computers and printers
- information on Employment Services Providers, and
- a wide variety of career, study, and job search information and guides

These facilities are free of charge. They can help you identify employment opportunities and make contact with Employment Services Providers. These providers may be able to help you in your search for work.

These facilities may not be available in every service centre.

Australian JobSearch

If you have an Australian JobSearch account, you can use our self service computers to sign in to your Australian JobSearch online account through myGov. If you haven't already, create a myGov account now in a few easy steps and then link your Australian JobSearch account. Once you have linked your account you can:

- create a Job Match Profile
- create and upload your resume
- record and manage your job search
- use an instant job list to find jobs based on your skills and experience
- manage your Job Plan, if you are registered with an Employment Services Provider
- manage your messages received from employers and Employment Services Providers
- keep track of your appointments with your provider and us, and
- search for Employment Services Providers

MoneySmart



MoneySmart offers free independent guidance to help people make the most of their money.

[Read more about MoneySmart.](#)

Related services

- [Jobs, Education and Training Child Care Fee Assistance](#)
 - [Newstart Allowance](#)
 - [Youth Allowance](#)
-

Related subjects

- [Disabled, ill or injured and looking for work](#)
- [Indigenous Australians looking for work, studying or training](#)
- [Looking for work](#)
- [Retrenched or made redundant](#)

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This information was printed Thursday 24 March 2016 from

humanservices.gov.au/customer/services/centrelink/jobsearch-facilities It may not include all of the relevant information on this topic. Please consider any relevant site notices at **humanservices.gov.au/siteinformation** when using this material.

jobactive—helping you find work

jobactive is the Australian Government’s way to get more Australians into work. It connects job seekers with employers and is delivered by a network of jobactive providers in over 1700 locations across Australia.

As a job seeker, your jobactive provider can help you to:

- write a résumé
- look for work
- prepare for interviews
- get skills that local employers need
- find and keep a job.

Am I eligible for jobactive?

jobactive services are generally available if you get an income support payment, such as Newstart Allowance, Youth Allowance (other), or Parenting Payment, and have mutual obligation requirements. Mutual obligations are certain things that you need to do in return for your payment, like look for work.

The Australian Government Department of Human Services will assess your circumstances and eligibility for jobactive and refer you to a jobactive provider.

If you aren’t on income support, or you are receiving income support and don’t have mutual obligations, you may be able to volunteer for jobactive services if you:

- are not working or studying full-time, and
- have the right to work in Australia.

For more information, see the jobactive — help for volunteer job seekers fact sheet at www.employment.gov.au/jobactive.

What help can I get?

jobactive providers have the flexibility to tailor their services to your assessed needs to help you get and keep a job.

Your jobactive provider will meet with you to help you find work and develop a Job Plan that could include:

- activities to help you get skills that local employers are looking for
- help for you to overcome or manage non-vocational issues where relevant
- looking for up to 20 jobs each month— your jobactive provider can tailor this number to your circumstances and local labour market conditions
- Work for the Dole or another approved activity (such as part-time work, part-time study in an eligible course, participation in accredited language, literacy and numeracy training or volunteer work) for six months each year.

To help you get and keep a job, your jobactive provider can access funding to pay for work-related items, professional services, relevant training and support after you start work.

Your provider can also connect you to a range of other government initiatives. These include relocation assistance, wage subsidies, training, apprenticeships and help to start a business through the New Enterprise Incentive Scheme (NEIS).

If you are aged 18 to 30 and stay in work for at least 12 months, you may also be eligible for a Job Commitment Bonus.

What tools are available to me?

To help you find work, your jobactive provider will give you access to computers, the internet and printers at their office. You can use these facilities to look for and apply for jobs, and update and print your résumé.

You can also look for jobs and access online services on the jobactive website at www.jobactive.gov.au or the free Job Seeker JobSearch app (available from iTunes and Google Play).

By linking your myGov account to your JobSearch account, you can track your job applications, manage appointments with providers, get job alerts and manage your résumé, all from your personal dashboard.

The Career Quiz App can also help you find out about the types of work that might suit you, as well as useful information like how many people are employed in certain industries and what they earn. You can download the Career Quiz from your app store or go to www.joboutlook.gov.au/careerquiz.

What is expected of me?

If you receive an income support payment and have mutual obligation requirements, you will need to enter into a Job Plan and do all of the activities listed, such as completing:

- the required number of job searches per month, and

- Work for the Dole, or another approved activity, for six months each year.

You also need to act on referrals from your provider to specific jobs in your local area.

Your jobactive provider will explain and work with you to help you meet your mutual obligation requirements.

Expectations for service delivery

The Australian Government expects jobactive providers to deliver quality services to job seekers and employers.

Service Guarantees setting out provider service requirements can be found at www.employment.gov.au.

jobactive providers are required to display the Service Guarantees and their service delivery plans in their offices and make them available to job seekers and employers. Their plans are also published at www.jobsearch.gov.au.

Want more information?

- Go to www.employment.gov.au/jobactive
- Call the Employment Services Information Line on 13 62 68* or talk to your provider if you are already registered with jobactive or Disability Employment Services
- Search for a local jobactive provider at www.jobactive.gov.au.

Do you need help with this fact sheet?

If you need an interpreter, please call the Translating and Interpreting Service (TIS) on 131 450* and ask for 13 62 68*.

If you are deaf, or have a hearing or speech impairment, you can use the National Relay Service. For more information, visit www.relayservice.com.au*

**Note that call charges apply for calls to '13' numbers from mobile phones.*



Australian Government



Help to relocate and take up a job— information for job seekers

The Relocation Assistance to Take Up a Job programme is an Australian Government programme which helps job seekers to relocate for work.

If you move away from home to take up an ongoing job and are an eligible job seeker, you may be able to get practical and financial relocation assistance under the programme.

Am I eligible for relocation assistance?

You are eligible for relocation assistance if you apply to receive assistance before you move and start work, and you:

- are registered as a fully eligible job seeker with a jobactive provider or are participating in Disability Employment Services
- have been receiving an eligible income support payment (Newstart Allowance, Youth Allowance (other) or Parenting Payment) for the last 12 months
- have mutual obligation requirements.

Where can I move to?

Your new location must be:

- within Australia
- at least 90 minutes away from where you currently live, based on reasonable travel routes.

If your move is between capital cities, your new location must have a lower unemployment rate than where you currently live.

How much assistance can I receive?

You may be eligible to receive up to:

- \$3,000 if you relocate to a capital city
- \$6,000 if you relocate to a regional area
- an extra \$3,000 if you relocate with dependent children.

What can I use the assistance for?

Relocation assistance is flexible and can be used for:

- up to two months' rent
- rental bond and connecting utilities
- removalist and travel costs
- some employment-related expenses.

Speak with your employment services provider about whether you can receive your assistance as a reimbursement, an upfront payment, or whether suppliers can be paid directly.

What jobs can I do?

You can get relocation assistance if you move to take up any suitable work or an apprenticeship, but your new job must be ongoing.

There are penalties which may include loss of income support payments for up to 12 weeks if:

- you leave your job without a valid reason within the first six months

- your employer ceases your employment due to your misconduct
- you accept relocation assistance but do not commence employment or do not relocate.

Penalties will not apply if it is not your fault that you lose your job, such as through redundancy or business closure.

Want more information?

- Go to www.employment.gov.au/relocation
- Call the Employment Services Information Line on 13 62 68*
- If you are registered with a jobactive or Disability Employment Services provider, ask them about eligibility information and what assistance you can receive, or call the National Customer Service Line on 1800 805 260*.

Do you need help with this fact sheet?

If you need an interpreter, please call the Translating and Interpreting Service (TIS) on 131 450* and ask for the Employment Services Information Line on 13 62 68* or the National Customer Service Line on 1800 805 260*.

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Australian Government

jobactive
restart

Restart your employment—information for mature age job seekers (50+)

The Restart programme is an Australian Government wage subsidy that encourages businesses to employ mature age job seekers.

If you are a job seeker aged 50 or older and have been on income support for six months or more, the Restart programme can support your return to work. Employers can receive up to \$10,000 (GST inclusive) if they hire and keep you in a job for 12 months.

Am I an eligible job seeker?

An employer can access Restart if you:

- are 50 years of age or older
- have been on any of the following income support payments for six months or more: Newstart Allowance; Parenting Payment; Disability Support Pension; Bereavement Allowance; Widow Allowance; Carer Payment; Special Benefit; Partner Service Pension; War Widows Pension; Age Pension; Mature Age Partner Allowance; Wife Pension; Widows B Pension; or Austudy
- are not the employer's immediate family member.

Your new job must be ongoing and comply with minimum employment standards applicable to the position. It cannot be commission-based, subcontracting or self-employment, or displace an existing employee. Apprenticeships and traineeships are also eligible.

How much will my employer receive?

Employers will receive up to \$6,500 (GST inclusive) over 12 months if they employ an eligible job seeker. Pro-rata payments are available for part-time work between 15-29 hours per week.

A bonus payment of up to \$3,500 (GST inclusive) is also available for employment which lasts the full 12 months, making the total subsidy up to \$10,000 (GST inclusive).

How does my employer apply?

- Your employer must make contact with your employment services provider **within 28 days** of you starting work to access Restart.
- If you are not registered with an employment services provider, you must direct register with a jobactive provider as a Volunteer **within 28 days** of starting work in order for your employer to receive Restart.

Want more information?

- Visit www.jobactive.gov.au
- [Find your local provider and ask them about Restart](#)
- Call the Employment Services Information Line on 13 62 68*

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Australian Government



Help for workers who have recently lost their jobs

If you have been made redundant from your job you can get help through jobactive, the Australian Government's way to get more Australians into work. It connects job seekers with employers and is delivered by a network of jobactive providers in over 1700 locations across Australia.

Your jobactive provider can help you to:

- write a résumé
- look for work
- prepare for interviews
- get skills that local employers need
- find and keep a job.

Am I eligible?

The Australian Government Department of Human Services will assess your circumstances and eligibility for jobactive and refer you to a jobactive provider. Visit your local Department of Human Services office or call 13 28 50.

Some job seekers may be able to register directly with a jobactive provider. Call the Employment Services Information Line on 13 62 68 for more information.

What help is available to me?

jobactive providers can tailor their services to your assessed needs to help you get and keep a job.

Your jobactive provider will meet with you to help you find work and develop a Job Plan that could include:

- activities to help you get skills that local employers are looking for
- help for you to overcome or manage non-vocational issues where relevant
- assistance to look for jobs each month.

To help you get and keep a job, your jobactive provider can access funding to pay for work-related items, professional services, relevant training and support after you start work.

Your provider can also connect you to a range of other government initiatives. These include relocation assistance, wage subsidies, training, apprenticeships and help to start a business through the New Enterprise Incentive Scheme (NEIS).

What tools are available to me?

To help you find work, your jobactive provider will give you access to computers, the internet and printers at their office. You can use these facilities to look for and apply for jobs, and update and print your résumé.

You can also look for jobs and access online services on the jobactive website at www.jobactive.gov.au or the free Job Seeker JobSearch app (available from iTunes and Google Play).

By linking your myGov account to your JobSearch account, you can track your job applications, manage appointments with providers, get job alerts and manage your résumé, all from your personal dashboard.

The Career Quiz App can also help you find out about the types of work that might suit you, as well as useful information like how many people are employed in certain industries and what they earn. You can download the Career Quiz from your app store or go to www.joboutlook.gov.au/careerquiz.aspx

Help to manage your finances

The Department of Human Services offers free, unbiased financial information about your redundancy package and government assistance.

Eligibility for income support will depend on your personal circumstances, including your income and assets. If you are eligible for income support, it may not be available for a period of time, depending on leave or redundancy payments made to you.

For information call the Department of Human Services on **13 23 00** or visit www.humanservices.gov.au

Help for mortgage relief

If you are experiencing difficulty paying off a loan or mortgage as a result of losing your job, you may be able to postpone these repayments for up to 12 months. You will need to contact your financial institution or bank directly to find out more.

Help to make the most of your money

If you need tips and tools to help you make the most of your money, visit www.moneysmart.gov.au

Help with language, literacy and numeracy training

You may be able to get Government assistance to improve your language, reading, writing or maths skills. The training available under the Skills for Education and Employment programme may help you to participate more effectively in training or in the

workforce. Training may be available on a part-time or a full-time basis.

The Department of Human Services or jobactive providers can refer you to a Skills for Education and Employment provider. For more information contact your jobactive provider or visit www.industry.gov.au/see

Help with English language tuition

The Adult Migrant English Programme provides basic tuition in the English language. For more information and to find out if you are eligible for this assistance, call **13 38 73** or visit www.education.gov.au/amep

Structural adjustment programmes

Structural adjustment programmes are available to workers who have been made redundant from eligible companies in certain industries.

If you have been made redundant from an eligible company you may be able to get further intensive employment services through these programmes.

For more information visit www.employment.gov.au/help-workers-who-have-recently-lost-their-job

Job seekers with disability and mental health conditions

If you are a person with disability or have a mental health condition and have special workplace support needs, you may be eligible for Disability Employment Services.

A Disability Employment Services provider can help you with specialist assistance and provide ongoing support to help you find and keep a job. Your jobactive provider can talk to you about your eligibility and help you have your eligibility assessed if needed.

For more information about how Disability Employment Services providers can help you, or to locate your local service call a JobAccess Adviser on **1800 464 800** or visit www.jobaccess.gov.au

Job seekers in remote communities

If you are living in a remote region or community, you may be eligible for the Community Development Programme (formally the Remote Jobs and Communities Programme). A Remote Jobs and Communities service provider can give you the personalised support you need to take up job opportunities and participate in meaningful activities that contribute to your community.

For more information about how a Community Development Programme service provider can help you, or to locate your local provider visit www.indigenous.gov.au/regional-network/network-regions

Fair Entitlements Guarantee

Employees who are owed certain employee entitlements after losing their job because their employer went bankrupt or into liquidation may be able to get financial help from the Government. This help is available through the Fair Entitlements Guarantee, a legislative safety net scheme of last resort. For more information visit www.employment.gov.au/feg or call the Fair Entitlements Guarantee hotline on **1300 135 040**.

Redundancy entitlements

If you have been made redundant and believe you have not received the entitlements you are owed, contact the Fair Work Ombudsman. The Fair Work Ombudsman will help you recover your outstanding entitlements. You can call the Fair Work Ombudsman on **13 13 94** or visit www.fairwork.gov.au

What is expected of me?

If you receive an income support payment and have mutual obligation requirements, you will need to enter into a Job Plan and do all of the activities listed, such as completing:

- a required number of job searches per month, and
- Work for the Dole, or another approved activity, for six months each year.

You also need to act on referrals from your provider to specific jobs in your local area.

Your jobactive provider will explain and work with you to help you meet your mutual obligation requirements.

Expectations for service delivery

The Australian Government expects jobactive providers to deliver quality services to job seekers and employers.

Service Guarantees setting out provider service requirements can be found at www.employment.gov.au/service-guarantee-jobactive

jobactive providers are required to display the Service Guarantees and their service delivery plans in their offices and make them available to job seekers and employers. Their plans are also published at www.jobsearch.gov.au.

Want more information?

- For advice on jobactive call 13 62 68 or visit www.employment.gov.au/jobactive
- For advice on services offered by the Department of Human Services call 13 28 50 or visit www.humanservices.gov.au
- The information in this brochure can also be found at www.employment.gov.au/help-workers-who-have-recently-lost-their-job

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Australian Government



Help for workers who have recently lost their jobs in the automotive manufacturing industry

If you have been made redundant from an eligible company in the automotive manufacturing industry (including component suppliers), the Automotive Industry Structural Adjustment Programme can help you find a new job.

The programme provides a range of tailored assistance and access to intensive employment services.

The Automotive Industry Structural Adjustment Programme is delivered as part of jobactive, the Australian Government's way to get more Australians into work. It connects job seekers with employers and is delivered by a network of jobactive providers.

Your jobactive provider will help you to:

- write a résumé
- look for work
- prepare for interviews
- train in skills that local employers need
- use self-help facilities
- find and keep a job.

Am I eligible?

To receive assistance through the Automotive Industry Structural Adjustment Programme, you must register with a jobactive provider no later than six months after the date of your redundancy.

Your jobactive provider will confirm your eligibility for the programme and will need to see your letter (or other evidence) of redundancy to complete your registration.

Find your local jobactive provider at www.jobactive.gov.au and ask to register directly with them.

What help is available to me?

jobactive providers can tailor their services to your assessed needs to help you get and keep a job.

Through the Automotive Industry Structural Adjustment Programme you will receive immediate access to intensive employment services (Stream B assistance).

Your jobactive provider will meet with you to help you find work and develop a Job Plan that could include:

- activities to help you get skills that local employers are looking for
- help for you to overcome or manage non-vocational issues where relevant
- assistance to look for jobs each month.

To help you get and keep a job, your jobactive provider can access funding to pay for work-related items, professional services, relevant training and support after you start a new job. For eligible automotive workers, this fund includes a \$1,300 credit for jobactive providers to use.

Your provider can also connect you to a range of other government initiatives. These include relocation assistance, wage subsidies, training, apprenticeships and help to start a business through the New Enterprise Incentive Scheme (NEIS).

What tools are available to me?

To help you find work, your jobactive provider can give you access to computers, the internet and printers at their office. You can use these facilities to look for and apply for jobs, and update and print your résumé.

You can also look for jobs and access online services on the jobactive website at www.jobactive.gov.au or the free Job Seeker JobSearch app (available from iTunes and Google Play).

By linking your myGov account to your JobSearch account, you can track your job applications, manage appointments with providers, get job alerts and manage your résumé, all from your personal dashboard.

The Career Quiz App can also help you find out about the types of work that might suit you, as well as useful information like how many people are employed in certain industries and what they earn. You can download the Career Quiz from your app store or go to www.joboutlook.gov.au/careerquiz.aspx

Help to manage your finances

The Department of Human Services offers free, unbiased financial information about your redundancy package and government assistance.

Eligibility for income support will depend on your personal circumstances, including your income and assets. If you are eligible for income support, it may not be available for a period of time, depending on leave or redundancy payments made to you.

For information call the Department of Human Services on **13 23 00** or visit www.humanservices.gov.au

Help for mortgage relief

If you are experiencing difficulty paying off a loan or mortgage as a result of losing your job, you may be able to postpone these repayments for up to 12 months. You will need to contact your financial institution or bank directly to find out more.

Help to make the most of your money

If you need tips and tools to help you make the most of your money, visit www.moneysmart.gov.au

Help with language, literacy and numeracy training

You may be able to get Government assistance to improve your language, reading, writing or maths skills. The training available under the Skills for Education and Employment programme may help you to participate more effectively in training or in the workforce. Training may be available on a part-time or a full-time basis.

The Department of Human Services or jobactive providers can refer you to a Skills for Education and Employment provider. For more information contact your jobactive provider or visit www.education.gov.au/see

Help with English language tuition

The Adult Migrant English Programme provides basic tuition in the English language. For more information and to find out if you are eligible for this assistance, call **13 38 73** or visit www.industry.gov.au/amep

Job seekers with disability and mental health conditions

If you are a person with disability or have a mental health condition and have special workplace support needs, you may be eligible for Disability Employment Services.

A Disability Employment Services provider can help you with specialist assistance and provide ongoing support to help you find and keep a job. Your jobactive provider can talk to you about your eligibility and help you have your eligibility assessed if needed.

For more information about how Disability Employment Services providers can help you, or to locate your local service call a JobAccess Adviser on **1800 464 800** or visit www.jobaccess.gov.au

Fair Entitlements Guarantee

Employees who are owed certain employee entitlements after losing their job because their employer went bankrupt or into liquidation may be able to get financial help from the Government. This help is available through the Fair Entitlements Guarantee, a legislative safety net scheme of last resort.

For more information visit www.employment.gov.au/feg or call the Fair Entitlements Guarantee hotline on **1300 135 040**.

Redundancy entitlements

If you have been made redundant and believe you have not received the entitlements you are owed, contact the Fair Work Ombudsman. The Fair Work Ombudsman will help you recover your outstanding entitlements. You can call the Fair Work Ombudsman on **13 13 94** or visit www.fairwork.gov.au

What is expected of me?

If you receive an income support payment and have mutual obligation requirements, you will need to enter into a Job Plan and do all of the activities listed, such as completing:

- a required number of job searches per month, and
- Work for the Dole, or another approved activity, for six months each year.

You also need to act on referrals from your provider to specific jobs in your local area.

Your jobactive provider will explain and work with you to help you meet your mutual obligation requirements.

Expectations for service delivery

The Australian Government expects jobactive providers to deliver quality services to job seekers and employers.

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Australian Government

 jobactive

Help for workers who have recently lost their jobs in the forestry industry in Tasmania

If you have been made redundant from an eligible company in the forestry industry in Tasmania, the Forestry Industry in Tasmania Structural Adjustment Programme can help you find a new job.

The programme provides a range of tailored assistance and access to intensive employment services.

The Forestry Industry in Tasmania Structural Adjustment Programme is delivered as part of jobactive, the Australian Government's way to get more Australians into work. It connects job seekers with employers and is delivered by a network of jobactive providers.

Your jobactive provider will help you to:

- write a résumé
- look for work
- prepare for interviews
- train in skills that local employers need
- use self-help facilities
- find and keep a job.

Am I eligible?

To receive assistance through the Forestry Industry in Tasmania Structural Adjustment Programme, you must register with a jobactive provider no later than six months after the date of your redundancy.

Your jobactive provider will confirm your eligibility for the programme and will need to see your letter (or other evidence) of redundancy to complete your registration.

Find your local jobactive provider at www.jobactive.gov.au and ask to register directly with them.

What help is available to me?

jobactive providers can tailor their services to your assessed needs to help you get and keep a job.

Through the Forestry Industry in Tasmania Structural Adjustment Programme you will receive immediate access to intensive employment services (Stream B assistance).

Your jobactive provider will meet with you to help you find work and develop a Job Plan that could include:

- activities to help you get skills that local employers are looking for
- help for you to overcome or manage non-vocational issues where relevant
- assistance to look for jobs each month.

To help you get and keep a job, your jobactive provider can access funding to pay for work-related items, professional services, relevant training and support after you start a new job. For eligible Tasmanian forestry workers, this fund includes a \$2,630 credit for jobactive providers to use.

Your provider can also connect you to a range of other government initiatives. These include relocation assistance, wage subsidies, training, apprenticeships and help to start a business through the New Enterprise Incentive Scheme (NEIS).

What tools are available to me?

To help you find work, your jobactive provider can give you access to computers, the internet and printers at their office. You can use these facilities to look for and apply for jobs, and update and print your résumé.

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Help for mortgage relief

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Schedule B to CMIEG Submissions

MODERN AWARDS – REDUNDANCY PROVISIONS

The National Employment Standards (**NES**) provide as follows:

119 Redundancy pay

Entitlement to redundancy pay

(1) An employee is entitled to be paid redundancy pay by the employer if the employee's employment is terminated:

(a) at the employer's initiative because the employer no longer requires the job done by the employee to be done by anyone, except where this is due to the ordinary and customary turnover of labour; or

(b) because of the insolvency or bankruptcy of the employer.

Note: Sections 121, 122 and 123 describe situations in which the employee does not have this entitlement.

Amount of redundancy pay

(2) The amount of the redundancy pay equals the total amount payable to the employee for the redundancy pay period worked out using the following table at the employee's base rate of pay for his or her ordinary hours of work:

Period of continuous service with the employer	Redundancy pay period
At least 1 year but less than 2 years	4 weeks
At least 2 years but less than 3 years	6 weeks
At least 3 years but less than 4 years	7 weeks
At least 4 years but less than 5 years	8 weeks
At least 5 years but less than 6 years	10 weeks
At least 6 years but less than 7 years	11 weeks
At least 7 years but less than 8 years	13 weeks
At least 8 years but less than 9 years	14 weeks
At least 8 years but less than 9 years	16 weeks
At least 10 years	12 weeks

MODERN AWARD PROVISIONS

Name	Redundancy Pay Provision										
<p><i>Building and Construction General On-site Award 2010</i></p>	<p>17.3 Redundancy pay</p> <p>(a) A redundant employee will receive redundancy/severance payments, calculated as follows, in respect of all continuous service with the employer:</p> <table style="margin-left: 40px;"> <thead> <tr> <th style="text-align: left;">Period of continuous service with an employer</th> <th style="text-align: left;">Redundancy/severance pay</th> </tr> </thead> <tbody> <tr> <td>1 year or more but less than 2 years</td> <td>2.4 weeks' pay plus for all service in excess of 1 year, 1.75 hours pay per completed week of service up to a maximum of 4.8 weeks' pay</td> </tr> <tr> <td>2 years or more but less than 3 years</td> <td>4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours pay per completed week of service up to a maximum of 7 weeks' pay</td> </tr> <tr> <td>3 years or more than but less than 4 years</td> <td>7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours pay per completed week of service up to a maximum of 8 weeks' pay</td> </tr> <tr> <td>4 years or more</td> <td>8 weeks' pay</td> </tr> </tbody> </table> <p>(b) Provided that an employee employed for less than 12 months will be entitled to a redundancy/severance payment of 1.75 hours per week of service if, and only if, redundancy is occasioned otherwise than by the employee.</p>	Period of continuous service with an employer	Redundancy/severance pay	1 year or more but less than 2 years	2.4 weeks' pay plus for all service in excess of 1 year, 1.75 hours pay per completed week of service up to a maximum of 4.8 weeks' pay	2 years or more but less than 3 years	4.8 weeks' pay plus, for all service in excess of 2 years, 1.6 hours pay per completed week of service up to a maximum of 7 weeks' pay	3 years or more than but less than 4 years	7 weeks' pay plus, for all service in excess of 3 years, 0.73 hours pay per completed week of service up to a maximum of 8 weeks' pay	4 years or more	8 weeks' pay
Period of continuous service with an employer	Redundancy/severance pay										
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4 years or more	8 weeks' pay										
<p><i>Dredging Industry Award 2010</i></p>	<p>12.2 This clause applies to employees other than casual employees who remain in employment until the completion of a dredging contract unless transferred by the employer.</p> <p>12.3 At the completion of each contract an employee becomes entitled to a period of redundancy pay. Such payment is to be calculated on the employee's service during the period of dredging work on a contract.</p> <p>12.4 Payment is to be made only on the termination of employment.</p> <p>12.5 The payment is to be at the rate of three weeks' pay for each year of continuous service or pro rata calculated on completed months of service. Such payment is to be paid at the relevant rate prescribed in clause 14—Minimum wages.</p>										

Name	Redundancy Pay Provision
<p><i>Educational Services (Teachers) Award 2010</i></p>	<p>12.1 Redundancy pay is provided for in the NES. This clause of the award provides industry specific detail and supplements the NES which deals with redundancy.</p> <p>12.5 Interaction of this clause with clause 11—Termination of employment</p> <p>Where the employee’s employment is terminated on the grounds of redundancy, the employee will be entitled only to the greater of:</p> <p>(a) notice of termination under clause 11.2 or 11.3; or</p> <p>(b) notice of termination and severance payments under the NES.</p> <p>...</p> <p>11.2 Notice of termination by an employer—schools</p> <p>Subject to clause 12.5, the employment of an employee (other than a casual employee) will not be terminated without at least seven term weeks’ notice (inclusive of the notice required under the NES), the payment of seven weeks’ salary instead of notice or part notice and part payment instead of notice provided that the total weeks’ notice and weeks’ payment instead equal seven.</p> <p>11.3 Notice of termination by an employer—other than schools</p> <p>The employment of an employee (other than a casual employee) will not be terminated without at least four weeks’ notice (inclusive of the notice required under the NES), or four preschool term weeks in the case of a preschool employee, or the payment of four weeks’ salary instead of notice. If the employee is over 45 years of age and has completed at least two years of service the NES notice period will apply.</p>
<p><i>Higher Education Industry - Academic Staff - Award 2010</i></p>	<p>17.5 Employees accepting redundancy</p> <p>Where an employee volunteers to accept termination of employment by reason of redundancy and the employee’s employment is terminated by the employer accordingly, the following conditions will apply:</p> <p>(a) the employee will be notified of the date on which their employment will terminate;</p> <p>(b) this date will be no less than six months from the date of notification;</p> <p>(c) the employer may elect to pay to the employee an amount equal to six months’ pay instead of the period of notice;</p> <p>(d) during the period of notice of termination the employee may request and the employer may agree that the balance of the period be waived, in which case the employee is entitled to payment for the balance of the period or four weeks’ pay, whichever is the lesser;</p> <p>(e) the employee must be paid a redundancy payment of:</p> <p>(i) a sum calculated at the rate of two weeks’ salary per completed year of service with the employer, to a maximum entitlement of 52 weeks’ salary; and</p> <p>(ii) payment on a pro rata basis for long service leave calculated on completed years of service.</p>
<p><i>Joinery and Building Trades Award 2010</i></p>	<p>17.1 Redundancy pay is provided for in the NES.</p> <p>17.4 Small employer</p> <p>(a) For the purposes of clause 17.4(b), small employer means an employer to whom Subdivision B of Division 11 of the NES does not</p>

Name	Redundancy Pay Provision												
	<p>apply because of the provisions of s.121(1)(b) of the Act.</p> <p>(b) Despite the terms of s.121(1)(b) of the Act, the remaining provisions of Subdivisions A, B and C of Division 11 of the NES apply in relation to an employee of a small employer covered by this award except that the amount of redundancy pay to which such an employee is entitled must be calculated in accordance with the following table:</p> <table border="1" data-bbox="616 343 1444 662"> <thead> <tr> <th data-bbox="616 343 1131 399">Employee's period of continuous service with the employer on termination</th> <th data-bbox="1131 343 1444 399">Redundancy pay period</th> </tr> </thead> <tbody> <tr> <td data-bbox="616 422 1131 454">Less than 1 year</td> <td data-bbox="1131 422 1444 454">Nil</td> </tr> <tr> <td data-bbox="616 470 1131 502">At least 1 year but less than 2 years</td> <td data-bbox="1131 470 1444 502">4 weeks pay</td> </tr> <tr> <td data-bbox="616 518 1131 550">At least 2 years but less than 3 years</td> <td data-bbox="1131 518 1444 550">6 weeks pay</td> </tr> <tr> <td data-bbox="616 566 1131 598">At least 3 years but less than 4 years</td> <td data-bbox="1131 566 1444 598">7 weeks pay</td> </tr> <tr> <td data-bbox="616 614 1131 646">At least 4 years and over</td> <td data-bbox="1131 614 1444 646">8 weeks pay</td> </tr> </tbody> </table>	Employee's period of continuous service with the employer on termination	Redundancy pay period	Less than 1 year	Nil	At least 1 year but less than 2 years	4 weeks pay	At least 2 years but less than 3 years	6 weeks pay	At least 3 years but less than 4 years	7 weeks pay	At least 4 years and over	8 weeks pay
Employee's period of continuous service with the employer on termination	Redundancy pay period												
Less than 1 year	Nil												
At least 1 year but less than 2 years	4 weeks pay												
At least 2 years but less than 3 years	6 weeks pay												
At least 3 years but less than 4 years	7 weeks pay												
At least 4 years and over	8 weeks pay												
<p><i>Mannequins and Models Award 2010</i></p>	<p>12.1 Redundancy pay is provided for in the NES.</p> <p>12.2 Severance pay—employees of a small employer</p> <p>In addition to the provisions set out in the NES, an employee of a small employer as defined in clause 3.1 whose employment is terminated by reason of redundancy is entitled to the following amount of severance pay in respect of a period of continuous service:</p> <table border="1" data-bbox="616 869 1377 1157"> <thead> <tr> <th data-bbox="616 869 1131 901">Period of continuous service</th> <th data-bbox="1131 869 1377 901">Severance pay</th> </tr> </thead> <tbody> <tr> <td data-bbox="616 917 1131 949">Less than 1 year</td> <td data-bbox="1131 917 1377 949">Nil</td> </tr> <tr> <td data-bbox="616 965 1131 997">1 year and less than 2 years</td> <td data-bbox="1131 965 1377 997">4 weeks' pay</td> </tr> <tr> <td data-bbox="616 1013 1131 1045">2 years and less than 3 years</td> <td data-bbox="1131 1013 1377 1045">6 weeks' pay</td> </tr> <tr> <td data-bbox="616 1061 1131 1093">3 years and less than 4 years</td> <td data-bbox="1131 1061 1377 1093">7 weeks' pay</td> </tr> <tr> <td data-bbox="616 1109 1131 1141">4 years and over</td> <td data-bbox="1131 1109 1377 1141">8 weeks' pay</td> </tr> </tbody> </table>	Period of continuous service	Severance pay	Less than 1 year	Nil	1 year and less than 2 years	4 weeks' pay	2 years and less than 3 years	6 weeks' pay	3 years and less than 4 years	7 weeks' pay	4 years and over	8 weeks' pay
Period of continuous service	Severance pay												
Less than 1 year	Nil												
1 year and less than 2 years	4 weeks' pay												
2 years and less than 3 years	6 weeks' pay												
3 years and less than 4 years	7 weeks' pay												
4 years and over	8 weeks' pay												

Name	Redundancy Pay Provision												
<p><i>Manufacturing and Associated Industries and Occupations Award 2010</i></p>	<p>23.1 Redundancy pay is provided for in the NES.</p> <p>23.2 Small furnishing employer</p> <p>(a) For the purposes of clause 23.2(b), small employer means an employer to whom Subdivision B of Division 11 of the NES does not apply because of the provisions of s.121(1)(b) of the Act.</p> <p>(b) Despite the terms of s.121(1)(b) of the Act, the remaining provisions of Subdivisions B and C of Division 11 of the NES apply in relation to an employee of a small employer who performs any of the work within the Manufacturing and Associated Industries and Occupations which immediately prior to 1 January 2010 was in clauses 6.1 to 6.6 of the <i>Furnishing Industry National Award 2003</i>, except that the amount of redundancy pay to which such an employee is entitled must be calculated in accordance with the following table:</p> <table border="1" data-bbox="638 491 1883 810"> <thead> <tr> <th data-bbox="638 491 1579 523">Employee's period of continuous service with the employer on termination</th> <th data-bbox="1579 491 1883 523">Redundancy pay period</th> </tr> </thead> <tbody> <tr> <td data-bbox="638 523 1579 587">Less than 1 year</td> <td data-bbox="1579 523 1883 587">Nil</td> </tr> <tr> <td data-bbox="638 587 1579 651">At least 1 year but less than 2 years</td> <td data-bbox="1579 587 1883 651">4 weeks pay</td> </tr> <tr> <td data-bbox="638 651 1579 715">At least 2 years but less than 3 years</td> <td data-bbox="1579 651 1883 715">6 weeks pay</td> </tr> <tr> <td data-bbox="638 715 1579 778">At least 3 years but less than 4 years</td> <td data-bbox="1579 715 1883 778">7 weeks pay</td> </tr> <tr> <td data-bbox="638 778 1579 810">At least 4 years and over</td> <td data-bbox="1579 778 1883 810">8 weeks pay</td> </tr> </tbody> </table>	Employee's period of continuous service with the employer on termination	Redundancy pay period	Less than 1 year	Nil	At least 1 year but less than 2 years	4 weeks pay	At least 2 years but less than 3 years	6 weeks pay	At least 3 years but less than 4 years	7 weeks pay	At least 4 years and over	8 weeks pay
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At least 1 year but less than 2 years	4 weeks pay												
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At least 3 years but less than 4 years	7 weeks pay												
At least 4 years and over	8 weeks pay												
<p><i>Mobile Crane Hiring Award 2010</i></p>	<p>12.3 Payment instead of notice</p> <p>In supplementation of the NES, this subclause provides additional notice entitlements, to operate to the extent that the entitlements exceed those in the NES.</p> <p>(a) Employees with more than 12 months continuous service will be entitled to receive four weeks pay at ordinary rates instead of notice.</p> <p>(b) Employees with less than 12 months continuous service, other than casuals will be entitled to notice on the following basis:</p> <ul style="list-style-type: none"> (i) up to three months—one week; (ii) more than three months up to six months—two weeks; (iii) more than six months up to nine months—three weeks; or (iv) over nine months—four weeks. <p>(c) An employee will be paid instead of such notice or be required to work one week of such notice and be paid any balance instead.</p> <p>12.4 Retrenchment payments</p> <p>(a) Retrenched employees with more than 12 months service, will be entitled to three weeks pay, at the ordinary rate of pay for each completed year of service and pro rata payments for any uncompleted final year up to a maximum of 27 weeks' pay.</p> <p>(b) Provided that any employee who had at 16 September 1994 accrued any entitlements of more than 27 weeks' pay will be entitled to the number of weeks entitlement accrued at that date with payment at the ordinary rate of pay applicable at the date of retrenchment.</p>												

Name	Redundancy Pay Provision										
	<p>12.5 Other entitlements</p> <p>In addition to the entitlements prescribed in clauses 12.3 and 12.4, retrenched employees are entitled to the following additional benefits:</p> <p>(a) payment of public holidays occurring within 20 working days of the final day of employment;</p> <p>(b) pro rata annual leave plus loading of 17.5%; and</p> <p>(c) accumulated sick leave to a maximum of 10 days.</p>										
<p><i>Plumbing and Fire Sprinklers Award 2010</i></p>	<p>18.3 Redundancy pay</p> <p>(a) A redundant employee will receive redundancy/severance payments in respect of all continuous service with the employer, calculated as follows:</p> <table border="1" data-bbox="622 587 1749 1002"> <thead> <tr> <th data-bbox="622 587 1106 639">Period of continuous service with an employer</th> <th data-bbox="1106 587 1749 616">Redundancy/severance pay</th> </tr> </thead> <tbody> <tr> <td data-bbox="622 667 1106 695">1 year or more but less than 2 years</td> <td data-bbox="1106 667 1749 743">2.4 weeks pay plus, for all service in excess of 1 year, 1.75 hours pay per completed week of service up to a maximum of 4.8 weeks' pay</td> </tr> <tr> <td data-bbox="622 767 1106 796">2 years or more but less than 3 years</td> <td data-bbox="1106 767 1749 844">4.8 weeks pay plus, for all service in excess of 2 years, 1.6 hours pay per completed week of service up to a maximum of 7 weeks pay</td> </tr> <tr> <td data-bbox="622 868 1106 896">3 years or more than but less than 4 years</td> <td data-bbox="1106 868 1749 944">7 weeks pay plus, for all service in excess of 3 years, 0.73 hours pay per completed week of service up to a maximum of 8 weeks pay</td> </tr> <tr> <td data-bbox="622 968 1106 997">4 years or more</td> <td data-bbox="1106 968 1749 997">8 weeks pay</td> </tr> </tbody> </table> <p>(b) Provided that an employee employed for less than 12 months will be entitled to a redundancy/severance payment of 1.75 hours per week of service if, and only if, redundancy is occasioned otherwise than by the employee.</p>	Period of continuous service with an employer	Redundancy/severance pay	1 year or more but less than 2 years	2.4 weeks pay plus, for all service in excess of 1 year, 1.75 hours pay per completed week of service up to a maximum of 4.8 weeks' pay	2 years or more but less than 3 years	4.8 weeks pay plus, for all service in excess of 2 years, 1.6 hours pay per completed week of service up to a maximum of 7 weeks pay	3 years or more than but less than 4 years	7 weeks pay plus, for all service in excess of 3 years, 0.73 hours pay per completed week of service up to a maximum of 8 weeks pay	4 years or more	8 weeks pay
Period of continuous service with an employer	Redundancy/severance pay										
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4 years or more	8 weeks pay										
<p><i>Sugar Industry Award 2010</i></p>	<p>16.1 Redundancy pay is provided for in the NES.</p> <p>16.5 Bulk terminal employees</p> <p>For employees in bulk terminals the redundancy entitlement will be the greater of the NES or, for employees with greater than 12 months' continuous service, 2.5 weeks' redundancy pay for each year of service to a maximum of 52 weeks plus:</p> <p>(a) For all employees with more than 12 months' service an amount of up to \$1,000 towards retraining at a recognised institution on the production of such invoices.</p> <p>(b) A service will be provided to assist employees in preparing job applications, CVs and the like.</p> <p>(c) Access to a financial planning adviser will be considered upon application from the employee.</p> <p>(d) Employees aged 45 years and over and/or having 10 years' continuous service at the date of redundancy will be entitled to payment</p>										

Name	Redundancy Pay Provision												
	<p>for all accrued sick leave.</p> <p>(e) Employees under 45 years of age with less than 10 years' continuous service at the date of redundancy will be entitled to 50% payment of all accrued sick leave.</p> <p>(f) The maximum payment under this clause will not exceed 52 weeks of ordinary time pay excluding any accrued annual leave, sick leave, long service leave or the severance payment as set out in clause 15—Termination of employment.</p> <p>16.6 Redundancy pay—apprentices and fixed term employees in sugar mills</p> <p>The NES limitation on redundancy in s.123 of the Act for an employee employed for a specified period of time or for a specified task will not apply to employees of sugar mills where such employees are:</p> <p>(a) engaged on a series of consecutive contracts where the period of actual service covered by the series of contracts totals in excess of 12 months. For the purpose of this clause the continuity of an employee's service with an employer is taken not to be broken by a period between fixed term contracts which is equal to or less than eight weeks; or</p> <p>(b) apprentices who are retained in employment for more than six months after the completion of their apprenticeship.</p>												
<p><i>Textile, Clothing, Footwear and Associated Industries Award 2010</i></p>	<p>19.1 Redundancy pay is provided for in the NES.</p> <p>19.2 In this clause small employer means an employer to whom Subdivision B—Redundancy Pay of Division 11 of the NES does not apply because of the provisions of s.121(1)(b) of the Act.</p> <p>19.3 Redundancy pay—employees of a small employer</p> <p>Despite the terms of s.121(1)(b) of the Act, the remaining provisions of Subdivision B—Redundancy pay of Division 11 of the NES apply in relation to an employee of a small employer in the clothing industry as defined in clause 3.1 above except that the amount of redundancy pay to which such an employee may be entitled must be calculated in accordance with the following table:</p> <table border="1" data-bbox="622 895 1400 1177"> <thead> <tr> <th data-bbox="622 895 965 922">Period of continuous service</th> <th data-bbox="1223 895 1400 922">Severance pay</th> </tr> </thead> <tbody> <tr> <td data-bbox="622 948 801 975">Less than 1 year</td> <td data-bbox="1294 948 1328 975">Nil</td> </tr> <tr> <td data-bbox="622 1000 1014 1027">At least 1 year but less than 2 years</td> <td data-bbox="1240 1000 1379 1027">4 weeks' pay</td> </tr> <tr> <td data-bbox="622 1051 1025 1078">At least 2 years but less than 3 years</td> <td data-bbox="1240 1051 1379 1078">6 weeks' pay</td> </tr> <tr> <td data-bbox="622 1102 1025 1129">At least 3 years but less than 4 years</td> <td data-bbox="1240 1102 1379 1129">7 weeks' pay</td> </tr> <tr> <td data-bbox="622 1153 898 1181">At least 4 years and over</td> <td data-bbox="1240 1153 1379 1181">8 weeks' pay</td> </tr> </tbody> </table>	Period of continuous service	Severance pay	Less than 1 year	Nil	At least 1 year but less than 2 years	4 weeks' pay	At least 2 years but less than 3 years	6 weeks' pay	At least 3 years but less than 4 years	7 weeks' pay	At least 4 years and over	8 weeks' pay
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At least 2 years but less than 3 years	6 weeks' pay												
At least 3 years but less than 4 years	7 weeks' pay												
At least 4 years and over	8 weeks' pay												
<p><i>Timber Industry Award 2010</i></p>	<p>15.1 Redundancy pay is provided for in the NES.</p> <p>15.7 Small employer</p> <p>(a) For the purposes of this clause small employer means an employer to whom the NES does not apply because of the provisions of s.121(1)(b) of the Act.</p> <p>(b) Despite the terms of s.121(1)(b) of the Act, the remaining provisions of Subdivisions B and C of Division 11 of the NES apply in relation to an employee of a small employer who performs any of the work within the scope of this award which immediately prior to 1</p>												

Name	Redundancy Pay Provision												
	<p data-bbox="519 204 1951 280">January 2010 was in clause 6 of the <i>Timber and Allied Industries Award 1999</i>, or clause 6 of the <i>Furnishing Industry National Award 2003</i> except that the amount of redundancy pay to which such an employee is entitled must be calculated in accordance with the following table:</p> <table border="1" data-bbox="636 320 1883 635"> <thead> <tr> <th data-bbox="636 320 1576 355">Employee's period of continuous service with the employer on termination</th> <th data-bbox="1576 320 1883 355">Redundancy pay period</th> </tr> </thead> <tbody> <tr> <td data-bbox="636 355 1576 416">Less than 1 year</td> <td data-bbox="1576 355 1883 416">Nil</td> </tr> <tr> <td data-bbox="636 416 1576 477">At least 1 year but less than 2 years</td> <td data-bbox="1576 416 1883 477">4 weeks</td> </tr> <tr> <td data-bbox="636 477 1576 537">At least 2 years but less than 3 years</td> <td data-bbox="1576 477 1883 537">6 weeks</td> </tr> <tr> <td data-bbox="636 537 1576 598">At least 3 years but less than 4 years</td> <td data-bbox="1576 537 1883 598">7 weeks</td> </tr> <tr> <td data-bbox="636 598 1576 641">At least 4 years and over</td> <td data-bbox="1576 598 1883 641">8 weeks</td> </tr> </tbody> </table>	Employee's period of continuous service with the employer on termination	Redundancy pay period	Less than 1 year	Nil	At least 1 year but less than 2 years	4 weeks	At least 2 years but less than 3 years	6 weeks	At least 3 years but less than 4 years	7 weeks	At least 4 years and over	8 weeks
Employee's period of continuous service with the employer on termination	Redundancy pay period												
Less than 1 year	Nil												
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MODERN AWARDS WITH REDUNDANCY ENTITLEMENTS REFLECTING THE NES

Name	Redundancy Pay Provision	Comments
<i>Aboriginal Community Controlled Health Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Aged Care Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Air Pilots Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Aircraft Cabin Crew Award 2010</i>	16.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Airline Operations - Ground Staff Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Airport Employees Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Alpine Resorts Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Aluminium Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Ambulance and Patient Transport Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Amusement, Events and Recreation Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Animal Care and Veterinary Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Aquaculture Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Architects Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Asphalt Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Banking, Finance and Insurance Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Book Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Broadcasting and Recorded Entertainment Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Business Equipment Award 2010</i>	19.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Car Parking Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Cement and Lime Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Cemetery Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Children's Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Cleaning Services Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Clerks - Private Sector Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Coal Export Terminals Awards 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Commercial Sales Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Concrete Products Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Contract Call Centres Award 2010</i>	17.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Corrections and Detention (Private Sector) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Cotton Ginning Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Dry Cleaning and Laundry Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Educational Services (Post-Secondary Education) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Educational Services (Schools) General Staff Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Electrical, Electronic and Communications Contracting Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Electrical Power Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Fast Food Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Fire Fighting Industry Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Fitness Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Food, Beverage and Tobacco Manufacturing Award 2010</i>	19.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Funeral Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Gardening and Landscaping Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Gas Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>General Retail Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Graphic Arts, Printing and Publishing Award 2010</i>	16.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Hair and Beauty Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Health Professionals and Support Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Higher Education Industry - General Staff - Award 2010</i>	No provision	[Same as the NES.]
<i>Horse and Greyhound Training Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Horticulture Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Hospitality Industry (General) Award 2010</i>	17.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Hydrocarbons Field Geologists Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Hydrocarbons Industry (Upstream) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Journalists Published Media Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Labour Market Assistance Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Legal Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Live Performance Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Local Government Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Marine Tourism and Charter Vessels Award 2010</i>	12.1 Redundancy pay Redundancy pay is provided for in the NES.	Same as the NES.
<i>Marine Towage Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Maritime Offshore Oil and Gas Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Market and Social Research Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Meat Industry Award 2010</i>	17.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Medical Practitioners Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Mining Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Miscellaneous Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Nursery Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Nurses Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Oil Refining and Manufacturing Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Passenger Vehicle Transportation Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Pastoral Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Pest Control Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Pharmaceutical Industry Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Pharmacy Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Port Authorities Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Ports, Harbours and Enclosed Water Vessels Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Poultry Processing Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Premixed Concrete Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Professional Diving Industry (Industrial) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Professional Diving Industry (Recreational) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Professional Employees Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Quarrying Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Racing Clubs Events Award 2010</i>	16.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Racing Industry Ground Maintenance Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Rail Industry Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Real Estate Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Registered and Licensed Clubs Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Restaurant Industry Award 2010</i>	17.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Road Transport and Distribution Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Road Transport (Long Distance Operations) Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Salt Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Seafood Processing Award 2010</i>	14.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Seagoing Industry Award 2010</i>	12.1 Redundancy arrangements are provided for in the NES.	Same as the NES.
<i>Security Services Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Silviculture Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Social, Community, Home Care and Disability Services Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Sporting Organisations Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>State Government Agencies Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Stevedoring Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Storage Services and Wholesale Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Supported Employment Services Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Surveying Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Telecommunications Services Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Transport (Cash in Transit) Award 2010</i>	13.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Travelling Shows Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Vehicle Manufacturing, Repair, Services and Retail Award 2010</i>	18.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Waste Management Award 2010</i>	17.1 Redundancy pay is provided for in the NES.	Same as the NES.

Name	Redundancy Pay Provision	Comments
<i>Water Industry Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Wine Industry Award 2010</i>	15.1 Redundancy pay is provided for in the NES.	Same as the NES.
<i>Wool Storage, Sampling and Testing Award 2010</i>	12.1 Redundancy pay is provided for in the NES.	Same as the NES.

Schedule C to CMIEG Submissions

MINING, EXTRACTIVE AND ASSOCIATED INDUSTRIES' MODERN AWARDS – REDUNDANCY PROVISIONS

The National Employment Standards (**NES**) provide as follows:

119 Redundancy pay

Entitlement to redundancy pay

(1) An employee is entitled to be paid redundancy pay by the employer if the employee's employment is terminated:

- (a) at the employer's initiative because the employer no longer requires the job done by the employee to be done by anyone, except where this is due to the ordinary and customary turnover of labour; or
- (b) because of the insolvency or bankruptcy of the employer.

Note: Sections 121, 122 and 123 describe situations in which the employee does not have this entitlement.

Amount of redundancy pay

(2) The amount of the redundancy pay equals the total amount payable to the employee for the redundancy pay period worked out using the following table at the employee's base rate of pay for his or her ordinary hours of work:

Period of continuous service with the employer	Redundancy pay period
At least 1 year but less than 2 years	4 weeks
At least 2 years but less than 3 years	6 weeks
At least 3 years but less than 4 years	7 weeks
At least 4 years but less than 5 years	8 weeks
At least 5 years but less than 6 years	10 weeks
At least 6 years but less than 7 years	11 weeks
At least 7 years but less than 8 years	13 weeks
At least 8 years but less than 9 years	14 weeks
At least 8 years but less than 9 years	16 weeks
At least 10 years	12 weeks

Redundancy Provision – Same as the NES

Name	Coverage	Redundancy Pay Provision	Comments
<p><i>Aluminium Industry Award 2010</i></p>	<p>4.2 For the purposes of this clause, aluminium industry means bauxite operations and the treatment of bauxite, alumina, aluminium or any of their derivatives, including:</p> <ul style="list-style-type: none"> (a) resource drilling, extraction, rehabilitation work and treatment of bauxite; (b) all processing, refining, smelting, melting, casting and rolling operations performed in connection with the treatment of bauxite, alumina, aluminium and any of their derivatives; (c) activities ancillary to clauses 4.2(a) and (b) including, but not limited to: <ul style="list-style-type: none"> (i) the generation and/or transmission of power and/or steam that is ancillary or incidental to the employer’s activities in clauses 4.2(a) or (b) (albeit that excess power may sold into the grid); and (ii) bulk materials handling at a wharf or any load out/in facility, including the loading and unloading of bauxite, alumina and other bulk materials for the purpose of such activities by employers engaged in such activities; (d) the servicing, maintaining (including mechanical, electrical, fabricating or engineering) or repairing of plant and equipment used in activities set out in clauses 4.2(a), (b) and (c) by employees principally employed to perform work on an ongoing basis at a location where such activities are being performed; and (e) the provision of supplementary labour services used in activities set out in clauses 4.2(a), (b) and (c) by supplementary labour personnel principally engaged to perform work at a location where such activities are being performed. 	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>

Name	Coverage	Redundancy Pay Provision	Comments
<p><i>Electrical, Electronic and Communications Contracting Award 2010</i></p>	<p>4.1 This industry award covers employers throughout Australia in the industry of electrical services provided by electrical, electronics and communications contractors and their employees in the classifications within Schedule B—Classification Definitions to the exclusion of any other modern award.</p> <p>4.2 Without limiting the generality of that exclusion, the award does not cover:</p> <p style="padding-left: 40px;">(a) employers who are manufacturers or vendors of plant or equipment in high or low tension power stations; and/or substations for the generation and/or transmission of electric power in respect of the manufacturing section of the business or their employees engaged in that section; or</p> <p style="padding-left: 40px;">(b) employers operating a business, the primary purpose of which is the manufacture and/or vending of plant and equipment in respect of those parts or divisions of the business which predominantly engage in the manufacture and/or vending of plant and equipment or the installation, assembly, refurbishment and maintenance of that plant and equipment or their employees engaged in that part or division.</p> <p>4.8 For the purposes of clause 4.1, electrical services includes:</p> <p style="padding-left: 40px;">(a) the maintenance of electric power distribution lines and all associated work; and/or</p> <p style="padding-left: 40px;">(b) the installation of electric light and power, all classes of assembly, wiring, repair and maintenance of electrical installations and appliances including, without in any way limiting the generality of the foregoing, the assembling, installing, diagnosing, servicing and rectifying of faults in any of the following:</p> <p style="padding-left: 80px;">electronic products (e.g. television receivers, video cassette recorders, audio equipment/systems, home computers, etc) and any combination of these products together with ancillary devices and/or equipment;</p>	<p>15.1 Redundancy pay is provided for in the NES.</p> <p>15.7 Redundancy pay schemes</p> <p style="padding-left: 40px;">(a) Where an employer terminates the employment of an employee and the employer incurs a redundancy pay obligation to the employee under the NES, some or all of the benefit the employee receives from a redundancy pay fund may be set off against the employer's redundancy pay obligation under the NES, subject to the following conditions.</p> <p style="padding-left: 40px;">(b) If the employee receives a benefit from the redundancy pay fund, the employer may set off any proportion of the benefit which is attributable to the employer's contribution to the fund against its</p>	

Name	Coverage	Redundancy Pay Provision	Comments
	<p>television and radio transmitting devices including: LF (low frequency); HF (high frequency); VHF (very high frequency); UHF (ultra high frequency); and CB radios;</p> <p>telemetry systems and ancillary equipment;</p> <p>multiple access television distribution systems;</p> <p>computers and their peripherals;</p> <p>microwave and associated equipment;</p> <p>electrically operated refrigeration and air conditioning plant and/or equipment;</p> <p>telephone communication devices;</p> <p>fibre optic transmission lines and associated equipment;</p> <p>public address systems;</p> <p>domestic satellite television receivers;</p> <p>maritime electronic equipment (including depth sounders, radar, etc);</p> <p>security alarm systems;</p> <p>fire alarm systems;</p> <p>superconductivity systems and associated equipment;</p> <p>electromagnetic devices;</p> <p>instrumentation; and</p> <p>all work incidental to the above.</p>	<p>redundancy pay obligation under the NES. If the proportion so calculated is equal to or greater than the employer's redundancy pay obligation under the NES the obligation will be fully satisfied.</p> <p>(c) If the employee does not receive a benefit from the redundancy pay scheme, contributions made by an employer on behalf of an employee to the scheme will, to the extent of those contributions, be set off against the liability of the employer under the NES and payments to the employee will be made in accordance with the rules of the redundancy pay scheme fund or any agreement relating thereto. If the contribution is equal to or greater than the employer's redundancy pay obligation under the</p>	

Name	Coverage	Redundancy Pay Provision	Comments
		<p>NES the obligation will be fully satisfied.</p> <p>(d) The redundancy pay scheme must be an Approved Worker Entitlement Fund under the <i>Fringe Benefits Tax Regulations 1992</i>.</p>	
<i>Hydrocarbons Field Geologists Award 2010</i>	<p>4.1 This award covers employers of field geologists throughout Australia and in the adjacent areas as defined in the <i>Petroleum (Submerged Lands) Act 1967</i> (Cth) and their employees in the classifications listed in Schedule B—Classifications to the exclusion of any other modern award.</p>	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>
<i>Hydrocarbons Industry (Upstream) Award 2010</i>	<p>4.1 This industry award covers employers throughout Australia who are engaged in the hydrocarbons industry in respect of work by their employees engaged in the classifications listed in this award, to the exclusion of any other modern award.</p> <p>4.2 Definition of hydrocarbons industry</p> <p>For the purposes of this clause, hydrocarbons industry means:</p> <ul style="list-style-type: none"> (a) the exploration and/or drilling for hydrocarbons by use of on and offshore drilling rigs or platform drilling rigs or any other means; (b) the preparatory work and development of an oil or gas field, including well servicing, and decommissioning of hydrocarbon facilities; (c) the extraction, separation, production and processing, piping, storage, distribution and transport (including handling or loading facilities) of hydrocarbons; (d) provision of services incidental to the activities set out in clause 	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>

Name	Coverage	Redundancy Pay Provision	Comments
	<p>4.2(a) to (c) above, including:</p> <p>(i) provision of clerical and administrative, warehousing, stores and materials, medical, laboratory, utility or general services, or platform services at a location where the activities in clause 4.2(a) to (c) above are being performed;</p> <p>(ii) provision of catering, cleaning and accommodation services where owned or operated by an employer engaged in the activities set out in clause 4.2(a) to (c) above at a location where the activities in clause 4.2(a) to (c) above are being performed;</p> <p>(iii) provision of supply base services owned or operated by an employer engaged in the activities set out in clause 4.2(a) to (c) above;</p> <p>(e) the commissioning, servicing, maintaining (including mechanical, electrical, fabricating or engineering and preparatory work) modification, upgrading or repairing of facilities, plant and/or equipment used in the activities set out above by employees principally employed to perform work on an ongoing basis at a location where the activities described above are being performed;</p> <p>or</p> <p>(f) the provision of temporary labour services used in the activities set out in clause 4.2(a) to (e) above, by temporary labour personnel principally engaged to perform work at a location where the activities described above are being performed.</p>		
<p><i>Manufacturing and Associated Industries and Occupations Award 2010</i></p>	<p>4.1 This award covers employers throughout Australia of employees in the Manufacturing and Associated Industries and Occupations who are covered by the classifications in this award and those employees.</p> <p>4.9 Manufacturing and Associated Industries and Occupations means:</p> <p>(a) the following industries and parts of industries:</p> <p>(i) the manufacture, making, assembly, processing, treatment, fabrication and preparation of:</p>	<p>23.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>

Name	Coverage	Redundancy Pay Provision	Comments
	<p>the products, structures, articles, parts or components set out in clause 4.10; or</p> <p>the materials or substances set out in clause 4.10; or</p> <p>any products, structures, articles, parts or components made from, or containing, the materials or substances set out in clause 4.10.</p> <p>(ii) the coating, painting, colouring, varnishing, japanning, lacquering, enamelling, porcelain enamelling, oxidising, glazing, galvanising, electroplating, gilding, bronzing, engraving, cleaning, polishing, tanning, dyeing, treatment and finishing of any of the items referred to in clause 4.9(a)(i).</p> <p>(iii) the repair, refurbishment, reconditioning, maintenance, installation, testing and fault finding of:</p> <p>any of the items referred to in clause 4.9(a)(i); or</p> <p>floor covering; or</p> <p>plant, equipment and buildings (including power supply) in the industries and parts of industries referred to in clauses 4.9(a)(i) and (ii); or</p> <p>plant, equipment and buildings (including power supply) in any other industry.</p> <p>(iv) mechanical and electrical engineering.</p> <p>(v) space tracking.</p> <p>(vi) farriery (other than in the racing industry).</p> <p>(vii) bottle merchants.</p> <p>(viii) the printing and processing of photographs from film.</p> <p>(ix) every operation, process, duty and function carried on or performed in or in connection with or incidental to any of the foregoing industries, parts of industries or occupations.</p> <p>(x) handling, sorting, packing, despatching, distribution and</p>		

Name	Coverage	Redundancy Pay Provision	Comments
	<p>transport in connection with any of the foregoing industries or parts of industries.</p> <p>(b) the provision of any of the operations or services set out in clause 4.9(a) on a contract basis by one business to another business, where the first business is independent of the second business.</p> <p>(c) the following occupations:</p> <p>(i) maintenance employees in the engineering streams.</p> <p>(ii) technical workers.</p> <p>(iii) draughtspersons.</p> <p>(iv) production planners.</p> <p>(v) trainee engineers.</p> <p>(vi) trainee scientists.</p> <p>(vii) engine drivers.</p> <p>4.10 For the purposes of clause 4.9(a)(i), the products, structures, articles, parts, components, materials and substances include:</p> <p>(a) all products made from, or containing, steel, iron, metal, sheet metal, tin, brass, copper and non-ferrous metal.</p> <p>(b) melting and smelting of metals.</p> <p>(c) articles made from wire and the drawing and insulation of wire.</p> <p>(d) industrial gases.</p> <p>(e) ships, boats, barges and marine vessels of all descriptions, and components.</p> <p>(f) aircraft and components.</p> <p>(g) locomotives, rolling stock, railway line and components.</p> <p>(h) motor engines, motor cars, motor cycles and other motor driven</p>		

Name	Coverage	Redundancy Pay Provision	Comments
	<p>vehicles and components.</p> <p>(i) industrial machinery.</p> <p>(j) tools, saws, dies, gauges and moulds.</p> <p>(k) electrical, electronic, telecommunications, lighting, radio, television and X-ray products, equipment, apparatus, installations, appliances, devices and signs.</p> <p>(l) recording, measuring and controlling devices for electricity, fluids, gases, heat, temperature, pressure, time, weight, mass, etc.</p> <p>(m) stoves, ovens, steam cookers, refrigerators, kitchenware, household utensils, irons, radiators, heaters, furniture, toys, sporting goods, perambulators, window frames, agricultural implements, machinery and appliances, safes, strong rooms, wet batteries, dry batteries, metallic containers, canisters, drums, lifts, elevators, air-conditioning plant/equipment, bridges, girders, gates, fences, frames, engine packing, brushes and brooms.</p> <p>(n) insulation materials and articles.</p> <p>(o) clay and ceramic articles, including but not limited to bricks, refractory bricks, terra cotta products, tiles, pipes, pottery, tableware and flower pots.</p> <p>(p) jewellery, watches and clocks (including cases), badges, name-plates, precious metal products and precious stones.</p> <p>(q) medical and optical instruments, appliances and equipment, including but not limited to spectacles, contact lenses and artificial limbs.</p> <p>(r) brake linings, disc pads, clutch facings and other friction materials for automotive or other industrial applications.</p> <p>(s) all products made from or containing plastic or rubber, or substitutes for plastic or rubber.</p> <p>(t) synthetic resins, powders, tablets, etc, used in the plastics</p>		

Name	Coverage	Redundancy Pay Provision	Comments
	<p>industry.</p> <p>(u) duperite, bakelite, casein or similar compositions, synthetic rubberlikes, guttaperchalikes, rubberlike plastics, nitrocellulose, celluloid, leathercloth and elastomers.</p> <p>(v) thermoplastics and thermo-setting plastics, cellulose plastics, perspex, cellulose acetate butyrate, polymethyl methacrylate, nylon 66, polyethylene terephthalate, acronitrile-butadiene-styrene, epoxy resins, laminates of all descriptions, polymers of all descriptions and all long chain organic materials generally known as plastics.</p> <p>(w) transmission cables which encompasses power and communication cables (including single strand) whether insulated or not.</p> <p>(x) abrasive wheels and stones, bounded abrasives, articles or goods containing a thermoplastic and/or a thermosetting plastic and allied products.</p> <p>(y) all types of tapes including pressure sensitive tapes, cellulose adhesive tape, masking, cloth, metal, paper, plastic tapes in rolls or sheet form, films, papers or cloth surface coated with abrasives, and abrasive coated materials and abrasive coated and/or uncoated articles of all descriptions, impregnated and/or coated or uncoated films, papers or cloths, plastic ribbons, adhesives, laminates, sealers, coatings and elastic cements, and associated machinery and/or dispensing equipment using any of the above products.</p> <p>(z) gelatine, glue, agar, and their by-products, dried residues, filter earth dextrine and adhesives of all descriptions, and other like materials.</p> <p>(aa) artificial fertilizers, chemicals, alkalis and all processes involving chemical synthesis.</p> <p>(bb) fungicides, insecticides, vermin destroyer and weed destroyer (except for spraying, fumigating, poisoning or otherwise applying such substances).</p>		

Name	Coverage	Redundancy Pay Provision	Comments
	<p>(cc) paint, decorative or protective surface coatings or coverings and associated products.</p> <p>(dd) rope, cordage, twine, yarn, thread and braid made from jute or flax and/or any fibre or synthetic fibre in substitution therefore and all products made from such rope, cordage, twine, yarn, thread and braid.</p> <p>(ee) skins, pelts, leather, canvas, fibre, vulcanised fibre, webbing, bark and other tanning extracts and all substitutes and all products made therefrom, including but not limited to saddles, harnesses, whips, machine belting, sporting goods, travel goods, handbags, wallets, belts, gloves, hats, sails, tents, tarpaulins, umbrellas, parachutes, car seats, gaskets, beach shelters, deck chairs, cargo nets, shipsgear and life jackets.</p> <p>(ff) all types of flat glass and fibreglass, and all substitutes, and all products made therefrom including but not limited to flint ware, bottles, containers, jars, bricks, light bulbs, opal ware, pyrex ware, translucent reinforced sheeting, tubing, rods and lamp shades.</p> <p>(gg) gypsum, plasterboard, fibre cement and similar materials and all products made therefrom.</p> <p>(hh) furnishings made from cane, bamboo and other like materials.</p> <p>(ii) upholstery, furnishing drapery, blinds, screens, awnings, mattresses and bedding.</p> <p>(jj) flooring products made from other than wood.</p> <p>(kk) picture frames made from other than wood.</p> <p>(ll) musical instruments made from other than wood.</p> <p>(mm) non-food grocery products including candles, soap, soap powders and extracts, soda, blue (washing), boot blacking, boot polish, boot paste, boot stains, blacklead, charcoal, coal dust, cloudy ammonia, dubbin, ebonite shine, furniture polish, glycerine, greasers, harness dressing, harness compounds, ink, knife polish,</p>		

Name	Coverage	Redundancy Pay Provision	Comments
	<p>kindlers, linoleum and oilcloth polish, metal polish, moulders, blacking, oils, phenyle, plumbargo preparations, stove polish, and vaseline.</p> <p>(nn) refractory materials.</p>		
<p><i>Maritime Offshore Oil and Gas Award 2010</i></p>	<p>4.1 This industry award covers employers throughout Australia who are engaged in the maritime offshore oil and gas industry and their employees in the classifications listed in clause 13—Classifications and minimum wage rates, to the exclusion of any other modern award.</p>	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>
<p><i>Mining Industry Award 2010</i></p>	<p>4.1 This industry award covers employers throughout Australia who are engaged in the mining industry in respect of work by their employees in a classification in this award and their employees engaged in the classifications listed in clause 13—Classifications and minimum wage rates, of this award, to the exclusion of any other modern award.</p> <p>4.2 Definition of mining industry</p> <p>For the purposes of this clause mining industry means:</p> <p>(a) extracting any of the following from the earth by any manner or method including exploration, prospecting, development and land clearing, preparatory work and rehabilitation during the life of the mine:</p> <ul style="list-style-type: none"> (i) any metals, minerals or ores; (ii) phosphates and gemstones; (iii) mineral sands; (iv) uranium and other radioactive substances; <p>(b) the processing, smelting and refining of the metals, minerals, ores or substances covered by clause 4.2(a);</p> <p>(c) the transportation, handling and loading of any of the metals, minerals, ores or substances covered by clause 4.2(a) on a mining lease or tenement;</p>	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>

Name	Coverage	Redundancy Pay Provision	Comments
	<p>(d) the transportation, handling and loading of any of the metals, minerals, ores or substances covered by clause 4.2(a) by the mine operator, a related company or an entity principally engaged by the mine operator to do such work, using the plant or infrastructure (including rail and/or ports) of the mine operator or a related company;</p> <p>(e) the servicing, maintaining (including mechanical, electrical, fabricating or engineering) or repairing of plant and equipment used in the activities set out in clauses 4.2(a) to (d) by employees principally employed to perform work on an ongoing basis at a location where the activities described above are being performed; or</p> <p>(f) the provision of temporary labour services used in the activities set out in clauses 4.2(a) to (e), by temporary labour personnel principally engaged to perform work at a location where the activities described above are being performed.</p>		
<i>Quarrying Award 2010</i>	<p>4.1 This industry award covers employers throughout Australia in the quarrying industry and their employees in the classifications listed in clause 16—Classifications to the exclusion of any other modern award.</p>	<p>15.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>
<i>Salt Industry Award 2010</i>	<p>4.1 This industry award covers employers throughout Australia who are engaged in the salt industry in respect of work by their employees engaged in the classifications listed in Schedule B—Classification and Structure, to the exclusion of any other modern award.</p> <p>4.2 Definition of salt industry</p> <p>For the purposes of this clause salt industry means:</p> <p>(a) the producing, gathering, extracting, harvesting, storing, distributing, packaging, manufacturing, treating, refining, brine handling, processing and transporting, shipping and conveying of salt and incidental related work by employees of the employer;</p>	<p>12.1 Redundancy pay is provided for in the NES.</p>	<p>Same as the NES.</p>

Name	Coverage	Redundancy Pay Provision	Comments
	<p>(b) the servicing, maintaining (including mechanical, electrical, fabricating or engineering) or repairing of plant and equipment or camp facilities used in the activities set out in clause 4.2(a) by employees employed by employers principally engaged in the salt industry; and</p> <p>(c) the provision of temporary labour services used in the activities set out in clauses 4.2(a) and (b), by temporary labour personnel principally engaged to perform work at a location where the activities described in clause 4.2(a) and (b) are being performed.</p>		

Annexure 1

[Statement of John Edwards dated 24 March 2016](#)

[Statement of Lorraine Merritt dated 24 March 2016](#)

[Statement of Hannah Martin dated 23 March 2016](#)

[Statement of David Gunzberg dated 23 March 2016](#)