



Australian Government



DES Restart Agreement Guidelines

V 1.3

Disclaimer

This document is not a stand-alone document and does not contain the entirety of Disability Employment Services Providers' obligations. It should be read in conjunction with the Disability Employment Services Grant Agreement and any relevant guidelines or reference material issued by the Department of Social Services under or in connection with the Disability Employment Services Grant Agreement.

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DES Restart Wage Subsidy Guidelines

Document Change History

Version	Effective Date	End Date	Change and Location
1.3	14 September 2020		Updated the end date of Head Agreements to 30 June 2022 and the Head Agreement template. to reflect the ESSWeb IT changes implemented for 1 July 2020.
1.2	12 November 2019	13 September 2020	Removal of Kickstart and Kickstart payment Change to definition of Pre-Existing Employment
1.1	3 December 2018	11 November 2019	Clarified policy intent Update terminology Clarified participant Eligibility (p.5) Clarified Placement Eligibility (p.7) Clarified Kickstart payment calculation (p.11)
1.0	1 July 2018	2 December 2018	Original version of document

Explanatory Note

All capitalised terms have the same meaning as in the *Disability Employment Services Grant Agreement* (the Grant Agreement). In this document, 'must' means that compliance is mandatory and 'should' means that compliance represents best practice and that compliance is discretionary.

Disclaimer

This Guideline is not a stand-alone document and does not contain the entirety of Providers' obligations. It must be read in conjunction with the Grant Agreement and any relevant Guidelines or reference material issued by the Department of Employment, Skills, Small and Family Business and Department of Social Services under or in connection with the Grant Agreement.

Summary

This Guideline details the requirements for Providers to manage Restart Agreements and sets out the rules that apply to Restart under the Grant Agreement.

Providers are expected to build strong relationships with Employers and use Restart Agreements to broker Employment opportunities for eligible Participants so that they can be retained in the job.

All Restart Placements must average at least 20 hours of work per week over the 26 week duration of the Restart Agreement.

Policy Intent

Restart assists income support and pension recipients to move off income support and into paid Employment by supporting employers to hire mature age Australians into sustainable ongoing Employment opportunities by contributing to the initial costs of recruitment, training and wages.

Relevant References

Reference documents relevant to this Guideline include:

- Restart Programme Supporting Document
- Documentary Evidence Guidelines
- Learning Centre website
- Vacancy, Participant Placement and Participant Outcome Guidelines
- Employment Services Risk Management & Programme Assurance

Restart Agreement Information







Process	Details
<p>Promotion of Restart Agreement</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • Clause 102.1 	<p>Promoting the Restart Agreement</p> <p>Providers can use the Restart Agreement to broker Employment opportunities for eligible Participants.</p> <p>In promoting Restart, Providers must be aware of the following principles:</p> <ul style="list-style-type: none"> • providing value for money • complying with any work, health and safety requirements under the relevant state or territory legislation • withstanding public scrutiny • not bringing Employment Provider Services or the Australian Government into disrepute. <p>Providers must promote to Employers the use of online agreements and the free mobile jobactive Employer App, available from the jobactive website, iTunes and Google Play. The app assists Employers to manage their Restart Agreements. Employers can use the app to sign agreements online and submit Documentary Evidence when requesting a Restart Payment. Hard copy Agreements are intended for use in very limited circumstances, such as where the Employer has no, or limited, access to the internet.</p>
<p>Participant Eligibility</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • Clause 102.1 	<p>Participant Eligibility</p> <p>A participant who meets the eligibility requirements for a Restart Agreement is referred to as a Restart Participant. The eligibility requirements for the Restart Agreement are detailed below. A Participant can only receive one wage subsidy at any given time.</p> <p>The Department’s IT Systems determine a Participant’s eligibility for the Restart Agreement. Providers should also check eligibility in accordance with Social Security Law, the Grant Agreement and this Guideline.</p> <p>If a Provider determines the Department’s IT Systems have incorrectly determined Participant eligibility, the Provider must contact their Relationship Manager to discuss the issue.</p> <p>A participant is eligible for Restart if they:</p> <ul style="list-style-type: none"> • are 50 years of age or older • have received any Department of Human Services (DHS—Centrelink) or Department of Veterans’ Affairs Income Support Payment or pension (including Age Pension or Austudy) for the last six months • are registered with a DES Provider at the time the Restart Agreement is created in ESSWeb. <p>If the Restart Participant is not already registered or commenced with a Provider, the Provider must register the Restart Participant as a Volunteer and create the Agreement within 12 weeks</p>



Process	Details
	(84 days) from the Restart Placement. This is so the Provider can finalise the creation of the Agreement with the Employer within the 84 days required under the Guideline.
<p>Not eligible-Family Members</p>	<p>Not eligible – Family Members</p> <p>Participants must not be immediate family members of the Employer. The Department uses the following definitions of immediate family members from the <i>Fair Work Act 2009</i>:</p> <ol style="list-style-type: none"> a) an immediate family member of the employee as: <ol style="list-style-type: none"> a. a spouse b. de facto partner c. child d. parent e. grandparent f. grandchild or sibling. b) an immediate family member of the spouse or de facto partner of the employee as: <ol style="list-style-type: none"> a. a child b. parent c. grandparent d. grandchild or sibling. <p>The Department interprets this to include in-laws of both the employee and their partners to ensure no conflict of interest, real or perceived, or a person gaining an unfair advantage due to a family relationship compared with another member of the public.</p> <p>Examples:</p> <ul style="list-style-type: none"> • The Restart Participant cannot be the Employer’s brother. • The Restart Participant’s spouse cannot be the Employer’s sister. • The Restart Participant could be a niece, nephew or cousin of the Employer.
<p>Partial Capacity to Work (PCW)</p>	<p>Partial Capacity to Work (PCW)</p> <p>Restart Participants with an assessed PCW are eligible for a Restart Agreement where they work an average of at least 20 hours per week over the 26 weeks of the Restart Agreement and meet all other eligibility requirements.</p> <p>The Provider must take into account the Restart Participant’s Employment Services Assessment (ESAt) when determining the suitability of the Restart Placement. A Restart Participant must not be compelled to undertake more than their assessed PCW hours but they may volunteer to do so.</p>
<p>Placement Eligibility</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p>	<p>Placement Eligibility</p> <p>A Restart Placement can be:</p> <ul style="list-style-type: none"> • full-time, part-time or casual Employment • an apprenticeship or traineeship • found by the Provider or directly by the Restart Participant.


Process	Details
<p>Clause 102.1</p>	<p>A Restart Placement must:</p> <ul style="list-style-type: none"> • be declared by the Employer as a sustainable, ongoing position, offering an average of 20 hours per week over the 26 week duration of the Wage Subsidy Agreement, and expected to last more than 26 weeks • comply with Employment standards for the position as established under all relevant Commonwealth, state or territory law (for example, is it suitable work under social security law that pays the minimum national award wage) • be recorded by the Provider in the Department’s IT Systems • not be offered to an Employer, or any associated entities, that have previously employed the Participant <ul style="list-style-type: none"> ○ paid work trials recorded in the Department’s IT Systems are not considered pre-existing Employment • not displace an existing employee • not be a commission-based, self-employment or subcontracted position • not otherwise be a Non-Payable Outcome as defined in the Grant Agreement. <ul style="list-style-type: none"> • System Step: The Provider must create and approve the agreement in the Department’s IT Systems within 84 days from the commencement of the Restart Placement. • System Step: Restart Placement eligibility start dates can be viewed in the Registration Screen in ESSWeb. • Eligibility for Restart Agreements is calculated from the job placement start date. <p>Leave</p> <p>Approved leave is:</p> <ul style="list-style-type: none"> • leave that the Employer agrees to and must provide as part of the minimum Employment entitlements set out in the <u>National Employment Standards (NES)</u> under the <i>Fair Work Act 2009</i> • leave approved by the Employer that the Restart Participant is entitled to under the relevant award, <u>registered agreement</u> or contract of Employment (these leave entitlements cannot be less than the NES) • leave agreed to by the Employer and the Restart Participant. <p>All periods of approved leave, paid or unpaid, count towards the Restart Participant’s hours worked and are treated as though the Restart Participant worked the hours.</p> <p>If leave is approved, Providers must ensure any payments made to the Employer do not exceed 100 per cent of the Restart Participant’s wage.</p> <p>Approved leave cannot be used to regularly supplement a Restart Participant’s work hours to meet the 20 hour per week requirement.</p> <p>Examples:</p> <p>An Employer requires the Restart Participant to work 15 hours per week. The Employer cannot approve unpaid leave of five hours every week to bring the total hours worked to 20 hours per week to claim the Restart Payment.</p> <p>A Restart Participant is regularly working 20 hours per week. On one of these weeks, the Restart Participant works 17 hours and has three hours of approved leave under the relevant award. The</p>





Process	Details
	<p>Employer can claim 20 hours of work for the Restart Participant, for that week, under the Restart Agreement.</p> <p>Work Trials Restart Wage Subsidy Agreements can include periods of paid work trials. Restart Wage Subsidy Agreements can begin at the start of the paid work trial, or immediately after the work trail ends where Ongoing Employment commences.</p> <p>Work trials must meet <i>Fair Work Act</i> requirements, which set out the reasonable circumstances of a paid and unpaid work trial.</p> <p>For the purpose of claiming a Restart Agreement, a paid Work Trial (as recorded in the Department’s IT Systems) is not considered pre-existing Employment. A paid work trial cannot be for more than two consecutive calendar weeks.</p> <p>Restart Agreements can include periods of paid Work Trials. Restart Placements can either begin at the start of the paid Work Trial, or at the end of the paid Work Trial when ongoing Employment commences.</p> <p>Restart Agreements cannot include periods of unpaid Work Trials or work experience.</p>
<p>Concurrent Funding</p>	<p>Concurrent Funding</p> <p>Employers cannot combine two Australian Government wage subsidies or similar funding.</p> <p>Example:</p> <p>The Employer of a Restart Participant cannot also receive Employer Incentive Funding available from the CDP administered by the Department of Prime Minister and Cabinet.</p> <p>Australian Apprenticeships Incentives Programme</p> <p>An Employer can receive both a Restart wage subsidy and an Australian Apprenticeships Incentives Programme (AAIP) Payment concurrently. This is because the AAIP is a training program and not an Employment program, the funding received under the AAIP is not considered to be a wage subsidy or similar funding.</p> <p>As AAIP payments are not considered to be similar funding, they are excluded when calculating the 100 per cent rule.</p> <p>Australian Apprentice Wage Subsidy</p> <p>Consistent with the Australian Apprentice Wage Subsidy criteria, an Employer cannot receive both an Australian Government Wage Subsidy and an Australian Apprentice Wage Subsidy.</p> <p>State and territory government wage subsidies</p> <p>Restart wage subsidies can be combined with state or territory government wage subsidies or similar funding, as long as:</p> <ul style="list-style-type: none"> • all other requirements in the relevant guidelines have been satisfied • the total funding from the combined wage subsidies or similar funding does not exceed 100 per cent of the Participant’s wages over the 26-week period of the Restart Agreement.



Process	Details
	<p>The Provider must check the Employer is following the above requirements.</p>
<p>Employer Eligibility and Government Entity Eligibility</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • <i>Clause 102.1</i> 	<p>Employer Eligibility</p> <p>A Employer must be a legal entity, sole trader, partnership or trust with a valid Australian Business Number (ABN).</p> <p>For the purposes of a Restart Wage Subsidy only, an Employer can be a:</p> <ul style="list-style-type: none"> • Related Entity of the Provider • labour hire company or group training organisation. <p>A Employer must not:</p> <ul style="list-style-type: none"> • be suspended or excluded from receiving Wage Subsidies • have previously received a wage subsidy payment of the same type for the same Participant • be the Provider’s Own Organisation • displace an existing employee. <p>If a labour hire company or group training organisation is receiving a Restart Payment for an employee, they must disclose this to the business taking on the employee.</p> <p>Government Entity Eligibility An Employer must not be an Australian Government or state/territory government entity. However, an Employer can be a local government entity, provided the position it is not otherwise funded by an Australian, state or territory government entity.</p> <p>Providers can use the Australian Government’s website ABN Lookup to determine if an Employer is a government entity.</p> <p>If the ABN Lookup site states that the ABN belongs to an Australian, state or territory government entity, the Employer does not meet the Restart Employer eligibility requirements.</p> <p>If an Employer claims they are not an Australian, state or territory government entity, they must provide proof to their Provider.</p> <p>Change of Business Ownership</p> <p>If an Employer’s business changes ownership, the new owner is eligible to claim the remaining Restart Payments, provided all other eligibility criteria and Restart Program requirements are met.</p> <p>If the new owner is eligible and requests to claim the Restart Payments then the Restart Agreement must be novated between the parties in accordance with their own legal advice.</p>
<p>Negotiation of Restart Agreement with the Employer</p> <p><i>Disability Employment Services Grant Agreement</i></p>	<p>Providers negotiate and manage all elements of a Restart Agreement including making Restart Payments to Employers.</p> <p>The Restart Agreement consists of both a head agreement and a Schedule (see Attachment A).</p> <p>Providers must enter into a head agreement with each Employer. The head agreement contains the general terms and conditions of the Restart Agreement. This only needs to be done once for each Employer.</p> <p>A separate Schedule for each new Participant must be attached to the head agreement. Schedules contain the specific details of the Restart Placement for each new Restart Participant.</p>


Process	Details
<p><i>Clauses</i> <i>References:</i> <i>Clause 102.1</i></p>	<p>Providers must explain the terms and conditions of the Restart Agreement to the Employer to ensure they fully understand their rights and obligations in accepting the Restart Agreement.</p> <p>Providers should instruct Employers to register on the jobactive website, where they can download the free mobile jobactive Employer App (also available from iTunes and Google Play).</p> <p>The App allows Employers to manage all of their Restart Agreements.</p> <p> System step: The Provider must create the agreement in ESSWeb using the wage subsidies head agreement.</p> <p> System step: The Provider must negotiate and agree on the terms of the Schedule with the Employer before attaching a Schedule to the head agreement.</p> <p> System step: The Provider must attach the Schedule to the head agreement within 12 weeks (84 days) of the Participant commencing in the Restart Placement, using ESSWeb (see Summary of Documentary Evidence section).</p> <p> System step: The Restart Agreement term begins (wage subsidy start date) on the day the Restart Placement starts and ends 26 weeks from that date (wage subsidy end date).</p> <p> System step: Restart Agreements must be approved online by the Employer on the jobactive website or the free mobile jobactive Employer App.</p> <ul style="list-style-type: none"> • Agreements should only be printed and signed offline if access to online facilities is not available. • If an agreement is signed offline, the Provider must still approve the head agreement online within 84 Days, and keep a signed copy. <p> System step: If amendments are required during the Restart Agreement term (excluding amendments to Vacancy details), the Provider must agree on the changes with the Employer and update the details in the Restart Agreement in the Department's IT Systems.</p> <ul style="list-style-type: none"> • Any changes to the Restart Placement date in ESSWeb will automatically end the Restart Agreement. A new Restart Agreement will need to be created and approved with the new Restart Placement date. <p>If a Provider enters into collaboration arrangements with other Providers to cater for an Employer's needs, the Provider who owns the Vacancy should negotiate, create, approve and manage the Restart Agreement with the Employer.</p>
<p>Supporting Restart Participants</p>	<p>When a Restart Agreement is approved, Providers should offer post-placement support to Restart Participants and Employers as required.</p> <p>This allows Providers to support Restart Participants and Employers to maximise the success of Restart Placements, including after a Restart Participant is Suspended or Exited from a Provider's caseload.</p>
<p>Restart Amount</p>	<p>\$10,000 (GST inclusive) is payable per Restart Placement for Employment of a six month duration that satisfies all other eligibility requirements.</p>
<p>Flexible payments</p>	<p>The Provider must negotiate with the Employer a Restart Payment structure that works best for the Employer's business. Restart Payments can be made to Employers as agreed by the Provider and Employer.</p>

Process	Details
<p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • <i>Clause 102.2</i> • <i>Clause 102.3</i> 	<p>The Provider must have entered into a Restart Agreement with the Employer and all eligibility criteria must be satisfied before a Restart Payment can be made.</p> <p> Documentary Evidence: The Employer must submit Documentary Evidence demonstrating the Restart Participant has worked an average of at least 20 hours per week over 26 weeks from the wage subsidy start date (see Summary of Documentary Evidence section).</p> <p> Documentary Evidence: The Employer must invoice the Provider to receive a Restart Payment (see Summary of Documentary Evidence section).</p> <p>Payments, together with any concurrent state/territory government wage subsidies, must not exceed 100 per cent of the Restart Participant’s wages over the 26-week period of the Restart Agreement.</p> <p>The Department may recover any Reimbursements made to the Provider if the Employer has not met the terms and conditions of the Restart Agreement, or if the Employer has engaged in any fraudulent practice in relation to Restart Program.</p>
<p>Calculating payments for early terminations</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • <i>Clause 102.2</i> • <i>Clause 102.3</i> 	<p>When the Employment is terminated before the Restart Agreements end date at 26 weeks, Providers must calculate the outstanding Restart Payments based on the number of weeks the Restart Participant worked for an average of hours per week.</p> <p>If the Employer does not provide the Restart Participant with at least 20 hours on average throughout the Restart Agreement they will not be eligible to receive the full Restart Payment.</p> <p>Example:</p> <p>If a Restart Agreement lasted eight weeks and one day, the Provider should round this up to nine weeks. The Provider must then calculate the average hours per week over nine weeks. If the Restart Participant did not work an average of 20 hours per week over the nine weeks, the Employer is not eligible for the full Restart Payment.</p> <p>To work out the payment amount, divide the total Restart Payment amount \$10,000 by 26 weeks (the full Restart wage subsidy period) to calculate the weekly rate the Employer should have received. Then multiply this amount by the number of weeks worked.</p> <p>Using the above example of nine weeks and a Restart Payment amount of \$10,000 the calculation is:</p> <ul style="list-style-type: none"> • $\\$10,000/26 = \\384.60 (weekly rate) • $\\$384.60 \times 9 \text{ weeks worked} = \\$3,461.40$ <p>This amount is the maximum payment the Employer can receive based on the Restart Participant working nine weeks. This Restart Payment cannot exceed 100 per cent of the wages paid to the Restart Participant over the nine weeks.</p> <p>Scenario for calculating an average of 20 hours per week</p> <p>A Restart works for nine weeks. The Employer provides pay slips to the DES Provider to claim the Restart Payment, which shows the Restart Participant worked the following hours:</p> <p style="padding-left: 40px;">Week 1 = 25</p> <p style="padding-left: 40px;">Week 2 = 22</p>

Process	Details
	<p>Week 3 = 19</p> <p>Week 4 = 21</p> <p>Week 5 = 15</p> <p>Week 6 = 19</p> <p>Week 7 = 19</p> <p>Week 8 = 15</p> <p>Week 9 = 15</p> <p>Calculating the hours worked</p> <p>The DES Provider adds up all of the hours worked over the nine weeks. The total = 170 hours worked over nine weeks.</p> <p>To calculate the average hours worked per week, divide 170 hours by nine hours = This equals an average of 18.88 hours per week ($170 \div 9 = 18.88$). The Employer is therefore not eligible for a Restart Payment because the Restart Participant did not work an average of 20 hours per week over the nine week period.</p> <p>However, the Provider can re-calculate the hours to determine when the 20 hours per week average was achieved.</p> <p>For the purpose of this scenario, if the Provider re-calculates the average hours over seven weeks, 20 hours on average was achieved.</p> <p>Total = 140 hours worked over seven weeks. Then divide 140 by seven = 20 hours ($140 \div 7 = 20$).</p> <p>In this case, even though the Employer is not eligible for a Restart Payment for the full nine weeks, they are eligible to receive a Restart Payment for the seven weeks.</p>
<p>Restart Payments to Employers and Claims for Reimbursement</p>	<p>Restart Payments to Employers</p> <p>Restart Payments must not exceed 100 per cent of the Restart Participant's wages at any point over the six month (26 week) period of the Restart.</p> <p> Documentary Evidence: Employers must invoice the Provider to receive a Restart Payment (see Summary of Documentary Evidence section).</p> <p>Claims for Reimbursement</p> <p>Providers can submit a claim for Reimbursement from the Department once they have paid a Restart Payment to an Employer.</p> <p>Providers can claim Reimbursement at any time from the Restart Placement confirmed date to 56 days after the end of the Restart Agreement.</p> <p>Claims can be made:</p> <ul style="list-style-type: none"> • after each flexible payment is made (weekly, fortnightly, monthly, quarterly, or any other agreed milestone) <p>or</p> <ul style="list-style-type: none"> • collectively at the end of the 26 week Restart Agreement. • The Provider must:

Process	Details
	<ul style="list-style-type: none"> • make Restart Payments out of their own funds to the Employer • ensure the Restart Participant worked a minimum average of 20 hours per week over the Restart Agreement period • only claim Reimbursement up to the same dollar value they paid the Employer (see Summary of Documentary Evidence section). <p> System step: Providers must claim all Reimbursements within 56 days of the end of the Restart Agreement.</p> <ul style="list-style-type: none"> • Providers who fail to meet this timeframe will not be Reimbursed unless they can demonstrate, to the Department’s satisfaction, exceptional circumstances beyond their control lead to the delay in the claim. • Providers are required to have appropriate administrative processes in place, and must work with Employers to ensure this timeframe is met. <p> Providers may allow Employers more than the 28 days — specified in the Head Agreement — to submit their final claim if the claim for Reimbursement to the Department is made within 56. Documentary Evidence: Providers must ensure that all Documentary Evidence is retained to demonstrate the Restart Participant was Employed as per the conditions agreed to in the wage subsidy head agreement and 100 per cent of Participant’s wages have not been exceeded.</p> <p> System step: Providers must select the ‘Flexible payment’ in the Claim screen in ESSWeb when claiming Reimbursement for flexible payments.</p>
<p>Summary of Documentary Evidence</p> <p><i>Disability Employment Services Grant Agreement Clauses</i></p> <p><i>References:</i></p> <ul style="list-style-type: none"> • Clause 21 • Clause 22 • Clause 23 • Clause 102.2 • Clause 102.4 	<p>Summary of Documentary Evidence</p> <p> Documentary Evidence: Providers must obtain sufficient Documentary Evidence to process a Restart Payment to an Employer and claim Reimbursement from the Department.</p> <p>Restart Agreements</p> <p>For a Restart wage subsidy, an approved Restart Agreement, linking Vacancy, Employer and Placement details, must be entered into the Department’s IT Systems. Most of this information is pre-populated.</p> <p>Restart Agreements must be approved online by the Employer on the jobactive website or the free mobile jobactive Employer App.</p> <p>Restart Agreements should only be printed and signed offline if access to online facilities is not available.</p> <p>Evidence from Employers— Restart Participant Employment</p> <p>Providers must ensure all Documentary Evidence is retained to demonstrate the Restart Participant was Employed as per the conditions in the Wage Subsidy Head Agreement, and the required hours were worked over the Restart Agreement period. This Documentary Evidence must include a declaration by the Employer through the Department’s IT Systems and either:</p> <ul style="list-style-type: none"> • payslips or a print out from the Employer’s payroll software to demonstrate the hours worked and wages paid for the entire claim period <p style="text-align: center;">or</p> <ul style="list-style-type: none"> • a statutory declaration, email or other correspondence from the Employer to confirm the Participant’s Employment.

Process	Details
	<p>Employers can declare the Restart Participant has worked the required hours through the Department’s IT Systems. The Wage Subsidy Head Agreement states that Employers must retain payslips/payroll summaries to support their declaration.</p> <p>Providers must verify the Restart Participant has completed the required hours of work. Providers must also retain evidence from the Employer to verify any periods of approved leave.</p> <p>The Department can request any documentation in relation to a Restart Agreement from Providers, to support program assurance activities. If Providers do not have this documentation they can request it from Employers, as per the Employers obligations under the Wage Subsidy Head Agreement.</p> <p>Evidence from Provider—claims for Reimbursement</p> <p>Providers must make Restart Payments to Employers before making a claim for Reimbursement.</p> <p>The Reimbursement claim amount must not exceed the amount the Employer paid the Restart Participant. The Provider can claim the Reimbursement any time from the Restart Placement confirmed date to 56 days after the end of the Restart Agreement.</p> <p>Providers must retain Documentary Evidence to demonstrate payment to the Employer before Reimbursement, this may include:</p> <ul style="list-style-type: none"> • a record of transaction (bank statement or report from the Provider’s financial system) • a tax invoice and corresponding receipt from the Employer • a tax invoice from the Employer and a remittance advice or • statutory declaration, email or other correspondence from the Provider. <p>All Documentary Evidence must include:</p> <ul style="list-style-type: none"> • the amount of the Restart Payment • the Employer’s details (including ABN) • the date the Restart Payment was made. <p> System step: Providers submit claims for Reimbursement through the Department’s IT Systems. Providers must also keep any evidence not uploaded to the Department’s IT Systems with the claim for Reimbursement.</p> <p>At the Department’s request, Providers must supply evidence to demonstrate they have paid the Employer and that the Reimbursement claimed matches the Restart Payment they made to the Employer.</p> <p> System step: When submitting an override and special claim request, the Provider must include the linked agreement identifier and/or the Vacancy identifier. The Provider must provide appropriate justification for the override request.</p>
Transferred Arrangements	Transferred Arrangements

Process	Details
<p><i>Disability Employment Services Grant Agreement Clauses References:</i></p> <ul style="list-style-type: none"> • <i>Clause 102.6</i> 	<p>When a Restart Participant transfers to another Provider, the gaining and outgoing Providers must ensure both the Restart Participant and Employer continue to be supported.</p> <p> System step: The outgoing Provider must agree that the Restart Agreement will be terminated.</p> <ul style="list-style-type: none"> • The Department’s IT Systems prevent the outgoing Provider from claiming any further Reimbursements. The gaining Provider must enter into a new Restart Agreement with the Employer for the remaining balance.
<p>More Information</p>	<p>For further information, contact your Relationship Manager.</p>

Restart Wage Subsidy Head Agreement

Agreement ID:

Restart Wage Subsidy Head Agreement (SAMPLE ONLY)

Employment Services Provider (Provider) details	Provider name:	
	Provider ABN:	
	Site address:	
Wage Subsidy Employer details	Legal name:	
	ABN:	
	Address:	
Head Agreement Term	Start date:	Commenced, or deemed to have commenced, on <insert date>
	End date:	30 June 2022 unless terminated earlier

General Terms and Conditions:

Preliminary:

1. The Provider and Wage Subsidy Employer (Employer) agree that each Schedule that the Provider attaches to this Head Agreement will relate to a single Wage Subsidy Placement (Placement) and will create a separate contract (Wage Subsidy Agreement) between the Provider and the Employer in relation to that Placement. Each Wage Subsidy Agreement consists of the terms and conditions of this Head Agreement and the relevant terms relating to the Placement, Wage Subsidy Participant (Participant) and Wage Subsidy Period/s set out in the relevant Schedule.
2. The Employer acknowledges that Wage Subsidies are funded by the Commonwealth of Australia through the Department of Education, Skills and Employment (the Department) and that the Department may take action to ensure the proper use of Wage Subsidies. For example, the department may review the Employer's use of Wage Subsidies and, where improper use is identified, suspend or permanently exclude the Employer from receiving further Wage Subsidies.

The Placement and Participant:

3. The Employer agrees in relation to each Placement and Participant that:
 - a. prior to the Wage Subsidy Placement Start Date, the relevant Participant has never been employed by the Employer, or any other entity associated with the Employer;
 - b. the relevant Participant is not an immediate family member of the Employer;
 - c. it will employ the relevant Participant for an average of at least 20 hours per week for the duration of the Wage Subsidy Agreement Term;

- d. it will notify the provider immediately if the position is funded either in full or in part by the Australian Government;
- e. if it receives a state or territory government wage subsidy for the Placement, it will immediately notify the Provider of the amount of any such funding;
- f. the total value of the Wage Subsidy for the Placement, together with any concurrent state or territory government wage subsidy, will not exceed 100 per cent of the relevant Participant's wage at any point over the Wage Subsidy Agreement Term;
- g. the employment of the relevant Participant has not, does not, and will not, displace an existing employee;
- h. the Placement is a sustainable and ongoing position that is not intended to end when the Wage Subsidy payments cease, and in respect of which the Employer knows of no reasons why the Placement will not continue indefinitely;
- i. the Placement is one that complies with all employment standards for the employment position under any relevant Commonwealth, state and/or territory laws, including:
 - i. complying with the National Employment Standards; and
 - ii. paying the relevant Participant at least the equivalent of the minimum rate prescribed in any Modern Award that covers or applies to the employment position, or if no Modern Award covers or applies to the employment position, the National Minimum Wage;
- j. it will ensure a safe place of work for the Participant at all times during the Placement;
- k. the Placement is not commission-based, self-employment or a subcontracted position; and
- l. if it is a labour hire or group training organisation, the Employer will disclose to any relevant host business that it is receiving a Wage Subsidy for the relevant Placement. The Employer must retain written evidence of any disclosure under this clause 3l.

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

- 4. The Employer must comply with all relevant laws and requirements of any Commonwealth, state, territory, or local authority, including work, health and safety laws.
- 5. The Provider and the Employer must, as soon as possible, bring to the attention of the other party any difficulties the relevant Participant may have in the relevant Placement, and work towards supporting the Participant to continue in the Placement.
- 6. Where a Participant's employment ends prior to the Wage Subsidy Placement End Date, the Employer must:
 - a. immediately notify the Provider of this;
 - b. issue a separation certificate to the Participant; and
 - c. provide to the Provider a written statement of the reasons why the Participant's employment ended and any other information that the Provider requires, and the parties agree that the Wage Subsidy Agreement for that particular Placement and Participant is terminated.

Documentary Evidence:

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

- a. all payslips, payroll summaries, declarations and/or tax invoices;
 - b. evidence required to be retained under clause 3I;
 - c. information required to be provided under clause 6; and
 - d. any other evidence that the Provider deems necessary,
- relating to the relevant Placement, Participant and/or Wage Subsidy Agreement.
8. The Employer must provide documentary evidence of the relevant Participant's employment over the relevant Wage Subsidy Period to the Provider within the timeframe required by the Provider.

Wage Subsidy Payment:

9. Subject to clauses 10, 11 and 13 and the Employer's compliance with the terms of the Wage Subsidy Agreement to the Provider's satisfaction, including in relation to the provision of documentary evidence, the Provider will pay the Wage Subsidy payment/s for the Wage Subsidy Period/s specified in the relevant Schedule to the Employer in accordance with the Wage Subsidy Agreement.
10. Where the Wage Subsidy Agreement terminates prior to the Wage Subsidy Placement End Date, any outstanding Wage Subsidy payments owed to the Employer for that Participant will only be paid based on the number of consecutive weeks that the Participant was employed for an average of at least 20 hours per week over the term of the Wage Subsidy Agreement.
11. The Provider is not required to pay the Wage Subsidy payment in relation to the final Wage Subsidy Period if the Employer does not supply the required documentary evidence for that payment with the final wage subsidy payment request to the Provider within 28 days from the Wage Subsidy Placement End Date.

Compliance and Remedies:

12. The Employer must not misuse Wage Subsidies including by, but not limited to:
 - a. not offering a genuine employment opportunity (as evidenced, for example, by the Employer engaging a large number of Participants but very few or none of them resulting in ongoing employment);
 - b. establishing a business where the sole source of income is from Wage Subsidy payments or similar employment incentive payments; and
 - c. manipulating anything or anyone associated with Wage Subsidies with the effect of improperly obtaining a benefit for the Employer or any other person or persons.
13. Where the Provider or the Department determines, at their absolute discretion, that the Employer has:
 - a. misused Wage Subsidies, including, but not limited to, by breaching clause 12;
 - b. not met the terms and conditions of the Wage Subsidy Agreement;
 - c. been suspended and/or excluded by the Department from participating in Wage Subsidies;
 - d. or may have, engaged in any suspected fraudulent practice in relation to Wage Subsidies; or
 - e. otherwise engaged in activity that may bring, or could be perceived to bring, the use of Wage Subsidies or the Commonwealth of Australia into disrepute,

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

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

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

Assignment and Novation:

15. The Employer must not assign any of its rights under the Head Agreement and Wage Subsidy Agreement or enter into an arrangement that will require the novation of the Head Agreement and Wage Subsidy Agreement, without the Provider's prior written approval.
16. The Employer agrees that the Provider may assign, transfer, novate, and otherwise deal in any manner with, all or any part of the benefit of the Wage Subsidy Agreement and any of its rights, remedies, powers, duties and obligations under the Wage Subsidy Agreement to any person including the Department, without the consent of the Employer or relevant Participant.

Termination:

17. The Employer agrees that the Provider may terminate the Head Agreement and/or Wage Subsidy Agreement/s if the Department directs the Provider to terminate these agreements at any time and for any reason.
18. The Employer agrees that if the Department advises the Provider, or the Provider determines, that the relevant Participant, Placement or Employer does not, or has ceased to meet the eligibility requirements for the Wage Subsidy, the Provider may terminate the Head Agreement and/or Wage Subsidy Agreement/s.

Survival:

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

Privacy Statement:

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

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

Freedom of Information:

Documents in the possession of the Department and its contracted service providers are subject to disclosure in response to a request made under the *Freedom of Information Act 1982* (FOI Act). There are a number of exceptions to release and, where appropriate, the Department will consult with affected individuals or organisations prior to making a decision on access to the relevant documents falling within the scope of the FOI request.

Declaration and execution of Head Agreement by the Provider:

By signing the below, I declare that:

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

Signature:	
Date:	
Name:	
Position:	

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

By signing the below, I declare that:

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

Signature:	
Date:	
Name:	
Position:	

Schedule to Wage Subsidy Head Agreement

Agreement ID

Schedule ID

Thank you for accessing an Australian Government Wage Subsidy. By hiring an eligible Participant, you are giving your business a boost, and contributing to the local economy. To claim your Wage Subsidy payment, you need to employ **[Participant Name]** for an average of at least 20 hours per week over 26 weeks in an ongoing and sustainable position that is not intended to end when the Wage Subsidy payments cease. The general terms and conditions applicable to this Schedule are included in the Head Agreement. If you have any questions, please use the contact details below.

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