

DES Restart Guidelines

Document change history

Version	Start date	Effective date	End date	Change and location
2.3	5 Dec 2016	5 Dec 2016		Update to allowable income support types p2. Updated family Member definition p2. Placement eligibility clarification of sustainable and ongoing employment, and employment including nudity and the sex industry p3. Clarification of approved leave for purposes of Restart p3. Clarification of requirements in negotiating a Restart wage subsidy p4.
2.2	10 Sep 2016	10 Sep 2016	2 Dec 2016	Removal of reference to Tasmanian Jobs programme, p3. Clarification of concurrency policy with Australian Apprenticeship incentives. p3.
2.1	01 Nov 2015	01 Nov 2015	09 Sep 2-16	2015-16 Budget measure changes to subsidy duration, payment frequency and quarterly reimbursement p 4, 5, 6 Restart employer eligibility, allowing Related Entity placements, p 3.
2.0	17 Oct 2014	8 Dec 2014	31 Oct 2015	Update to include DES providers and clarification of claims and reimbursement process.
1.0		01 Jul 2014	16 Oct 2014	Original version of document

Explanatory Note

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

Disclaimer

These Guidelines are not a stand-alone document and do not contain the entirety of Providers' obligations.

They **must** be read in conjunction with the Deed and any relevant Guidelines or reference material issued by the Department of Employment and the Department of Social Services under or in connection with the Deed.

Summary

These Guidelines detail the core elements and requirements for Providers in managing the Restart Wage Subsidy. This document sets out the rules that apply to Restart under the Deed.

Policy Intent

Restart encourages Employers to hire mature age job seekers in sustainable positions by contributing to the costs of recruitment, including training and wages. Providers are expected to build strong relationships with Employers and use Restart to broker employment opportunities for eligible job seekers so that they can be retained in sustainable employment.

Relevant Deed clause/s

Relevant clauses in the Disability Employment Services Deed (the Deed) include:

- Annexure A—Definitions
- Section 2C—Some basic rules about financial matters
- Clause 93A—Restart Programme.

Relevant References

Reference documents relevant to these Guidelines include:

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

Restart Wage Subsidy information

Process	Details
<p>Promotion and management of Restart with Employers Deed clause references:</p> <ul style="list-style-type: none"> • Clause 93A.1 	<p>Providers must promote Restart to job seekers and Employers in a targeted and appropriate way to maximise employment opportunities corresponding with the job seeker’s difficulties in finding a job in the labour market.</p> <p>Restart must be negotiated and approved in line with the principles of:</p> <ul style="list-style-type: none"> • providing value for money; • complying with any work, health and safety laws that may apply; • withstanding public scrutiny; and • not bringing Employment Services or the Government into disrepute. <p>The Department may, at any time, instruct the Provider to modify or end a Restart Agreement if it finds that either party has not met the terms of the Deed, Guidelines or the Restart Agreement.</p> <p>A number of communication resources to help Providers promote Restart are available through the Provider Portal and the Department’s website.</p>
<p>Participant eligibility Deed clause references:</p> <ul style="list-style-type: none"> • Clause 93A.2 	<p>Restart Participant eligibility</p> <p>Restart has specific eligibility criteria to ensure that the assistance is targeted. Providers must only enter into a Restart Agreement and pay Restart for eligible job seekers. The Department’s IT Systems will help determine a job seeker’s eligibility; however, the Provider will still be required to determine general suitability in accordance with the Deed and Guidelines. If a Provider believes that the Department’s IT Systems have incorrectly determined eligibility, they should contact the Department either directly through the Restart mailbox or through the Account Manager or Contract Manager to discuss.</p> <p>A job seeker is eligible for a Wage Subsidy under the Restart Programme if they:</p> <ul style="list-style-type: none"> • are 50 years of age or older; • have been in receipt of 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 Pensioners; War Widows Pension; Age Pension; Mature Age Allowance; Mature Age Partner Allowance; Wife Pension; Widow Pension; Widows B Pension; or Austudy; and • are registered with the Provider at the time of creating an Agreement in the Department’s IT Systems. <p>Family members</p> <p>Restart Participants must not be immediate family members of the Employer consistent with <i>Section 12 of the Fair Work Act 2009</i>, which provides a definition of an immediate family member for an employee as:</p> <p>(a) a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; or</p>

Process	Details
	<p>(b) a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee.</p> <p>Job seekers with a Partial Capacity to Work</p> <p>A Partial Capacity to Work (PCW) job seeker must not be compelled to undertake more than their PCW hours with intervention unless the job seeker chooses to do so. The position must also take into account the job seeker’s Employment Services Assessment. However, eligibility criteria still apply. For example, a Restart placement would still need to be for a minimum of 15 hours per week, regardless of any PCW.</p>
<p>Placement Eligibility</p> <p>Deed clause reference:</p> <ul style="list-style-type: none"> • Clause 93A.2 	<p>Restart Placement eligibility</p> <p>A Restart Placement must:</p> <ul style="list-style-type: none"> • be declared by the Employer (in the Restart Agreement) as a sustainable, ongoing position expected to last beyond the period of the wage subsidy, where the Employer knows of no reason why the job would not continue indefinitely (noting that some jobs may end earlier through no fault of the employer); • comply with minimum standards for Employment as established under relevant Australian Government (for example, <i>Fair Work Act 2009</i>), state or territory law (including any award conditions applicable to the position); • be recorded by the Provider in the Department’s IT Systems; • not be in pre-existing Employment with the Employer; • not displace an existing employee; • not be a commission-based, self-employment or subcontracted position; • not be Employment involving nudity or in the sex industry, including retail positions with a focus on adult erotica; and • not otherwise be a Non-Payable Outcome as defined in the Deed. <p>A Restart Wage Subsidy must not exceed 100 per cent of the job seeker’s wage.</p> <p>A Restart Placement may:</p> <ul style="list-style-type: none"> • be an apprenticeship or traineeship; and • be found by the Provider or directly by the job seeker. <p>Restart Placements can be in full-time (30 hours or more), or part-time or casual (15–29 hours) positions paid on a pro-rata basis (see ‘Wage Subsidy Periods and instalment amounts’ below). Employment must be for at least 15 hours per week.</p> <p>Approved Leave</p> <p>All periods of approved leave, whether paid or unpaid, count toward the participant’s hours worked and are treated as though the participant was at work for their regularly scheduled hours. Where a participant worked variable hours prior to requiring a period of leave, the provider should consider their averaged weekly hours as their regular hours. Note: In instances of unpaid approved leave an Employer cannot receive more than 100 per cent of wages paid to a given date.</p> <p>In instances where the job seeker takes unapproved leave or the employer does not offer sufficient hours to meet the minimum 15 hours per week, the employer is no longer eligible to receive the subsidy from that date.</p> <p>Work trials</p> <p>Restart is not available for job seekers participating in a pre-employment Work Trial, whether paid or unpaid. However, Restart can be used in respect of Employment that commences after a Work Trial has occurred. Work Trials are not considered pre-existing Employment. The Start Date of the Restart Agreement must be after the Work Trial has ended.</p>

Process	Details
	<p>Ceasing to meet the Restart Placement eligibility criteria</p> <p>Where a Restart Agreement has been entered into, the Wage Subsidy is not payable from the time the conditions of Employment no longer meet the Restart Placement eligibility criteria. This includes, for example:</p> <ul style="list-style-type: none"> • from the time where an Employer is no longer able to provide at least 15 hours of work per week, irrespective of whether the Employment is terminated or not; and • from the time where the Wage Subsidy payments exceed 100 per cent of the job seeker's wage.
<p>Concurrency with other wage subsidies and funding sources</p>	<p>Concurrency with other wage subsidies</p> <p>No other type of Wage Subsidy can be claimed in respect of a Restart Placement. In all cases, the combined total of the wage subsidies must not exceed 100 per cent of the job seeker's wage.</p> <p>Concurrent funding (other government sources)</p> <p>Employers must not access a Restart wage subsidy if they receive a wage subsidy or similar funding from other Australian government sources, with the exception of the Australian Apprenticeships Incentive Programme. However, in all cases, the combined total of the Restart wage subsidy and other government funding up to a given date must not exceed 100 per cent of the job seeker's wages to that same date</p>
<p>Eligibility for Restart— Employer Deed clause reference:</p> <ul style="list-style-type: none"> • Clause 93A.2 • Clause 93A.3 • Clause 93A.4 	<p>Restart Employer eligibility</p> <p>A Restart Employer:</p> <ul style="list-style-type: none"> • must be a legal entity with an Australian Business Number (ABN); • must not be a Commonwealth or state/territory government agency (noting this does not necessarily exclude local councils if the Restart Placement is not directly funded by the state/territory government); • must not have previously received a Restart payment for the same participant; • must not be the Provider's Own Organisation; and • can be a labour hire company or group training organization, provided the company is paying the job seeker's wages and that any assignments meet the eligibility criteria of the Restart Placement and Employer. <p>Where a labour hire company or group training organisation is the Restart Employer, it must disclose to any relevant host organisation that an Australian Government Wage Subsidy is potentially available for the Restart Placement with the host organisation.</p> <p>Change of business ownership</p> <p>Where a Restart Employer's business changes ownership, the new owner will be eligible to claim the remaining Wage Subsidy provided all other eligibility criteria and programme requirements are met. However, the Restart Agreement must be novated between the parties.</p>
<p>Negotiation of Restart Agreement with the Employer Deed clause reference:</p> <ul style="list-style-type: none"> • Clause 93A.3 	<p>Providers must enter into and approve a Restart Agreement with a Restart Employer using the Restart Agreement template created within the Department's IT Systems, and do so within 28 days of the participant commencing a Restart Placement (i.e. the first day of employment).</p> <p>Providers must explain the Restart Agreement's terms and conditions to the Employer to ensure they fully understand their rights and obligations in accepting the Wage Subsidy.</p> <p>Both the Provider and the Employer must sign the Restart Agreement either electronically through the Department's IT Systems or offline within 28 days.</p> <p>Employers can approve Restart Agreements online by logging into the jobactive, powered by Jobsearch, website using an AUSkey. If the Restart Agreement is signed offline, the Provider</p>

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	<p>must approve the Restart Agreement in the Department’s IT Systems. Payments must not be made before the Restart Agreement is signed.</p> <p>If, during the term of the Restart Agreement, the Provider is notified or determines that the Placement has ended or updates are required (for example, hours or contact details), the Provider must update the Restart Agreement in the Department’s IT Systems.</p>																												
<p>Wage Subsidy Periods and instalment amounts</p> <p>Deed clause references:</p> <ul style="list-style-type: none"> • Clause 93A.2 • Clause 93A.3 	<p>All Restart amounts are GST inclusive. The Employer and Provider must consider any tax liability implications of the payment and obtain their own taxation advice. All GST must be remitted in full to the Australian Taxation Office.</p> <p>Employers and Providers must negotiate the Wage Subsidy Periods for Restart. This allows flexible payment arrangements to be put in place in the Restart Agreement. Providers will be able to make payments to Employers progressively, as agreed with the Employer, as frequently as necessary to meet the needs of the Employer.</p> <p>For the Restart Wage Subsidy, a maximum amount of \$6,500 (GST inclusive) is payable per Restart Placement for full-time Employment over a 12 month period. Additionally, a bonus amount of \$3,500 (GST inclusive) is payable for Restart Placements which last the full 12 months for full-time Employment, making the maximum value of a Restart Wage Subsidy \$10,000 (GST inclusive).</p> <p>Restart payments will be pro-rated for part-time Employment based on the average hours worked per week over a Wage Subsidy Period or until the conditions of Employment no longer meet the Restart Placement eligibility criteria.</p> <p>Wage Subsidy payments for Restart must be calculated for each Restart Placement based on the maximum amount of Wage Subsidy over a 12 month period (calculated by reference to the relevant average hours worked per Wage Subsidy Period as <u>set out in Table 1 below</u>) divided by the number of Wage Subsidy Period(s) as agreed between the Provider and Employer in the Restart Agreement.</p> <p><i>Note: For example. If the Provider and Employer agree to a fortnightly Wage Subsidy Period in the Restart Agreement, the number of the Wage Subsidy Periods is 26. If the job seeker worked an average of 20 hours over the Wage Subsidy Period, the maximum amount of Restart over a 12 month period would be \$4,333.34 (see Table 1). That amount is then divided proportionately (ie divided by 26) to determine the Wage Subsidy Period payment which is \$166.67.</i></p> <table border="1" data-bbox="375 1350 1139 2051"> <thead> <tr> <th colspan="2" data-bbox="375 1350 1139 1391">Table 1</th> </tr> <tr> <th colspan="2" data-bbox="375 1391 1139 1462">Restart Programme,</th> </tr> <tr> <th data-bbox="375 1462 759 1599">Average hours worked per week over a Wage Subsidy Period</th> <th data-bbox="759 1462 1139 1599">Maximum amount of Wage Subsidy over a 12 month period</th> </tr> </thead> <tbody> <tr> <td data-bbox="375 1599 759 1639">30+</td> <td data-bbox="759 1599 1139 1639">\$6,500.00</td> </tr> <tr> <td data-bbox="375 1639 759 1680">29</td> <td data-bbox="759 1639 1139 1680">\$6,283.34</td> </tr> <tr> <td data-bbox="375 1680 759 1720">28</td> <td data-bbox="759 1680 1139 1720">\$6,066.66</td> </tr> <tr> <td data-bbox="375 1720 759 1760">27</td> <td data-bbox="759 1720 1139 1760">\$5,850.00</td> </tr> <tr> <td data-bbox="375 1760 759 1800">26</td> <td data-bbox="759 1760 1139 1800">\$5,633.34</td> </tr> <tr> <td data-bbox="375 1800 759 1841">25</td> <td data-bbox="759 1800 1139 1841">\$5,416.66</td> </tr> <tr> <td data-bbox="375 1841 759 1881">24</td> <td data-bbox="759 1841 1139 1881">\$5,200.00</td> </tr> <tr> <td data-bbox="375 1881 759 1921">23</td> <td data-bbox="759 1881 1139 1921">\$4,983.34</td> </tr> <tr> <td data-bbox="375 1921 759 1962">22</td> <td data-bbox="759 1921 1139 1962">\$4,766.66</td> </tr> <tr> <td data-bbox="375 1962 759 2002">21</td> <td data-bbox="759 1962 1139 2002">\$4,550.00</td> </tr> <tr> <td data-bbox="375 2002 759 2051">20</td> <td data-bbox="759 2002 1139 2051">\$4,333.34</td> </tr> </tbody> </table>	Table 1		Restart Programme,		Average hours worked per week over a Wage Subsidy Period	Maximum amount of Wage Subsidy over a 12 month period	30+	\$6,500.00	29	\$6,283.34	28	\$6,066.66	27	\$5,850.00	26	\$5,633.34	25	\$5,416.66	24	\$5,200.00	23	\$4,983.34	22	\$4,766.66	21	\$4,550.00	20	\$4,333.34
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<p>Payment of instalments directly to Employers and claims for Reimbursement</p>	<p>Pro-rata payments for Restart Placements which cease before the end date of the Restart Agreement</p> <p>From 1 November 2015 onwards, where the Restart Placement ceases prior to the end date of the Restart Agreement, including where the Restart Agreement is terminated, the Provider must pay any outstanding Wage Subsidy owed to the Employer on a pro-rata basis for the continuous period the job seeker worked the required minimum 15 hours per week.</p> <p><i>For example, an Employer will be eligible to receive a pro-rata payment for a period of Employment which started in July 2015 and ceased in November 2015. An Employer will not however be eligible to receive any payment for a period of Employment which started in July 2015 and ceased on or before 31 October 2015.</i></p> <p>The Provider must make payments out of their own funds to the Restart Employer.</p> <p>Providers must withhold payments where it is found that an Employer is not fulfilling its obligations under the Restart Agreement.</p> <p>Providers must submit claims for Reimbursement through the Department’s IT Systems.</p> <p>Providers must only claim Reimbursement up to the same value that they paid to the</p>																																							

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<p>Deed clause references:</p> <ul style="list-style-type: none"> • Clause 93A.3 • Clause 93A.5 • Clause 93A.7 • Clause 93A.8 	<p>Employer, including pro-rata amounts and in accordance with Table 1 and Table 2.</p> <p>Providers may claim Reimbursements from the Department for payments made under the Restart Programme no earlier than once every three months during the term of the relevant Restart Agreement. Quarterly Reimbursements are available from 1 January 2016.</p> <p>Providers may choose to claim Reimbursements every three months; or collectively claim all available Reimbursements at the end of the fourth quarter.</p> <p>Providers must claim all outstanding Reimbursements within 56 days after:</p> <ul style="list-style-type: none"> • the Restart Agreement End Date for those Restart Agreements which last the full 12 months; or • the end of the relevant quarter for those Restart Agreements that no longer meet the Restart Placement eligibility criteria.
<p>Provision of Documentary Evidence</p> <p>Deed clause references:</p> <ul style="list-style-type: none"> • Clause 19 • Clause 20 • Clause 93A.3 	<p>In order to process a Wage Subsidy payment to a Restart Employer and seek Reimbursement, Providers must have obtained sufficient Documentary Evidence. The requirements for obtaining Documentary Evidence for Restart are specified in the Documentary Evidence Guideline.</p>
<p>Transferred Arrangements</p> <p>Deed clause reference:</p> <ul style="list-style-type: none"> • Clause 93A.9 	<p>If a job seeker in a Restart Placement transfers to another Provider, then both the gaining and losing Providers must liaise with each other to ensure that both the job seeker and Employer continue to be supported. In some circumstances (for example, business reallocation or Provider novations), the Restart Agreement may be transferred to the gaining Provider in the Department's IT Systems so they can continue to service the Wage Subsidy. The gaining Provider and Employer will be required to reapprove and re-sign the Restart Agreement.</p>
<p>More information</p>	<p>For further information, contact your Account or Contract Manager or the Restart mailbox:</p> <ul style="list-style-type: none"> • Restart@employment.gov.au.