



NEWSTART ALLOWANCE

THIS FACT SHEET IS FOR:

People who are applying for Newstart Allowance for the first time or who have been transferred to this payment or who have not previously received payments from Centrelink. This fact sheet also outlines your obligations for receiving Newstart payments.

KEY MESSAGES IN THIS GUIDE:

- Newstart Allowance is the main payment made by Centrelink for unemployed people.
- Recipients are required to undertake activities in order to receive Newstart Allowance. These activities could include 'Work for the Dole'.
- There are penalties for Newstart Allowance recipients who do not fulfill their activity requirements as required by Centrelink.
- You may be exempted or excused from your activity requirements if you do not have the capacity to perform the required activities.

At A Glance:

In order to be eligible for Newstart Allowance you need to:

- Be over 22
- Be an Australian resident
- Be unemployed



You will be subject to:

- An activity requirement (unless exempt) which may include 'Work for the Dole'
- An income and assets test (including those of any partner)



It's important to remember:

- Any failure under an activity agreement can be costly
- Newstart Allowance is a payment for people looking for full-time work, not studying or not able to earn a wage which is higher than the Newstart Allowance



PART ONE

What is Newstart Allowance?

Newstart Allowance is the principal payment for unemployed people who are looking for work. Newstart Allowance is paid to individuals who are aged 22 years or older who are looking for paid work. Newstart Allowance is only paid to people who are residents of Australia and who meet the eligibility requirements set by Centrelink.

Do I need to prove I am unemployed?

If you are unemployed you may need to provide evidence to Centrelink.

If you lose your job, you may need to ask your former employer for evidence of this. This evidence is called an Employment Separation Certificate. An Employment Separation Certificate is a form signed by your previous employer if you have been employed in the last 12 months. It says when you finished work, the reasons you are no longer working and how much leave and termination pay you received.

In most circumstances employers must provide a Certificate.

Some employers refuse to complete the Certificate or do not do so properly. Centrelink guidelines state that your payment should not be delayed or refused if you have difficulty obtaining a Certificate through no fault of your own. You should explain to Centrelink why you can't provide the Certificate. Centrelink should then contact your employer directly for the Certificate or grant you payment and obtain the information later.

If you belong to a union, the union may be able to assist with obtaining the Certificate.

You do not need to provide a Certificate if you experienced sexual harassment or violence in the workplace or your previous employer has closed down.

PART TWO

What am I required to do in order to receive Newstart?

If you are over 22 or become unemployed you should contact Centrelink as soon as possible and register for the Newstart Allowance. When you register for Newstart Allowance, Centrelink will refer you to an approved Employment Services Provider. If you have a preferred Employment Services Provider you may be able to suggest it to Centrelink.

Approved Employment Services Providers will interview you and obtain information from you. They will then create and monitor your Employment Pathway Plan (EPP). An EPP lists your obligations to the Employment Service Provider and Centrelink and the Provider's obligations to you. You will be required to sign the EPP to say that you agree to meet your obligations to your Employment Services Provider and Centrelink.

Your EPP includes an agreement by you to undertake certain activities in order to receive Newstart Allowance. These are called 'activity requirements' and usually consist of looking for and applying for jobs, attending Employment Service Provider sessions and using Employment Service Provider equipment. If you fail to complete the activities listed in the EPP you may face financial penalties. See below.

Can I decide what activities I perform?

You can suggest what activities you would like included in the plan, but the ultimate decision rests with Centrelink or the Employment Service Provider. EPPs can be changed at any time and should be updated any time your situation changes. If you are unhappy with your EPP and believe it is unfair you have some avenues for complaint. See Part 3.

When deciding the terms of an EPP, the Employment Service Provider must have regard for your capacity to comply with the proposed terms and your needs.

Employment Service Providers are required to report any non-compliance to Centrelink through a Participation Report. Failure of Participation is covered in detail below.

What happens if I work part time while receiving Newstart Allowance?

A person who obtains work, particularly on-going part-time work is supposed to get a reduction in their activity requirements. This is affected by the number of hours of work that they complete each week. If you have a 15 hour a week job and are on a full-time EPP (25 hours of work approved activity a week) then that number will be reduced by 15. You will still have 10 hours of work activity that you will need to perform.

Do I have to do 'Work For The Dole'?

In addition to activities in an EPP a person can be required to undertake an 'approved program of work' (this is Work for the Dole) at any stage. In most cases this will not occur until you have been a Newstart Allowance recipient for six months.



What do I have to do as part of 'Work For The Dole'?

You are usually required to undertake work tasks of up to 25 hours per week. This will occur in a community or government setting. The work program cannot be undertaken in a non-government commercial setting.

Your Employment Services Provider will arrange for you to attend a work provider. Through the work provider, you will be given a series of work experiences.

These include but are not limited to:

- Working in groups on community projects (like 'Green Corps');
- Working individually in a community centre (like opportunity [op] shops).

There are some people who are exempt from this work program. Your Employment Service Provider will tell you if you are eligible for an exemption. An exemption may be given to people who have income (from work) that reduces their rate of Newstart Allowance.

What if I do not think I can perform full time work?

You may have reasons why you cannot meet the requirements of a full time activities agreement.

Reasons may include having:

- an illness;
- disability;
- literacy difficulties
- caring/parenting responsibilities.

You should make your Employment Service Provider aware of your circumstances. You may be eligible to undertake a partial capacity activities agreement instead of a full time activities agreement. A partial capacity agreement equates to 15 hours per week.

I am a parent/carer. Do I have to meet my activity requirements during school holidays?

Most full time and partial capacity agreements for parents with caring responsibilities do not take notice of school holidays. This can create a situation where parents need to meet their activity requirements to ensure that they get paid but are unable to care for their children in this period of time. Activity exemptions do not apply to school holiday periods.

What is an activity exemption and how do I apply for one?

An activity exemption means you do not have to do an Activity Requirement for a certain period of time. A number of exemptions from an Activity Requirement are available. Any exemption needs to be approved in writing by Centrelink. This is because although your work activities are set by your Employment Service Provider, it is Centrelink who decides who has an Activity Requirement and who doesn't.



The following are some examples of activity exemptions:

TEMPORARY INCAPACITY

- If you have an illness of a temporary nature (for example a virus or a cold) you can obtain a medical certificate from your GP. Most GPs have access to an electronic version which can be submitted to Centrelink. The maximum number of weeks you can be exempted from your Centrelink obligations is 13. This exemption also covers injuries such as broken bones. There is also an allowance for 'confinement' for women who are pregnant and receiving Newstart Allowance. This allows them to be exempted from work for a few weeks around the birth of their child. Temporary Incapacity may not be applied to a recipient whose illness is permanent in nature such as depression. Centrelink are within their rights to refuse a Temporary Incapacity exemption to a person with a permanent illness.

CARING RESPONSIBILITIES

- A person who has caring responsibilities that are short-term in nature can get an exemption for this. Examples would be a family member who has an accident and requires short-term care.

REMOTE AREAS

- There is a general exemption that can be made for people who live in areas where there is little or no employment or training. These exemptions are rare but they do exist.

PERSONAL EMERGENCY/SPECIAL CIRCUMSTANCES

- This covers unforeseen issues including homelessness, natural disaster or personal injury and/or family violence. An exemption of this sort can be for up to 13 weeks.

To apply for an exemption under any of the above categories, take evidence in writing (for example a doctor's certificate, a death notice, an Intervention Order) to Centrelink and get approval for your exemption from them in writing.

What if I fail to meet the requirements of my Employment Pathway Plan?

If you fail to meet all of the agreed terms of your EPP Centrelink calls this a 'Participation Failure'. A Participation Failure occurs when a Newstart Allowance recipient has not met one or more requirements of their EPP. Participation Failures have a variety of names and tend to fall into three categories:

SINGLE DAY PARTICIPATION FAILURES

- This is where, for example, a person misses an appointment with either Centrelink or their Employment Services Provider but attends a day late. This usually results in the loss of a person's Newstart Allowance for a single day.

SUSPENSION

- In this situation a person hasn't done something (for example, attended a training session or an approved work activity) but doesn't rectify the issue straight away. Centrelink can suspend your Newstart Allowance until you do the activity you have failed to do. In some situations the money may be repaid if Centrelink finds on review that the person's behaviour (not attending a training session) was reasonable.

SERIOUS PARTICIPATION FAILURE

- This is where payment is suspended for eight weeks. This could be because the person has refused a reasonable job offer or has been sacked from a job for misconduct. Serious Participation Failure can also occur if a person has had three small participation failures in a row. Centrelink is supposed to re-engage with Newstart Allowance recipients to avoid Serious Participation Failures from occurring.

PARTICIPATION FAILURES COVER A RANGE OF ISSUES BUT CAN ALSO INCLUDE:

- Behaving inappropriately in a work approved activity or at a job interview
- Being rude to Centrelink or your Employment Service Provider staff
- Refusing a reasonable job
- Refusing to participate in a work approved activity
- Refusing to undergo a job capacity assessment
- Refusing to undertake a specific activity
- Refusing to participate in an activity

PART THREE

What if I am unhappy with a decision of my Employment Services/ Jobactive Provider?

Decisions about participation failures are Centrelink decisions, even if your Employment Service Provider has input into them. To make an appeal, follow the steps outlined by the Welfare Rights Centre here: <https://welfareinstitute.files.wordpress.com/2015/11/appealing-a-centrelink-decision.pdf>

Or refer to the Jobactive fact sheet provided by [SSRV](#).

Can I complain about my Employment Service Provider?

Employment Service Providers are required to tell you about their feedback/complaints process in your first interview with them.

Services must have a senior staff member investigate your complaint. The senior staff member must inform you of the outcome of any investigation and any action the service proposes to take about the complaint.

To make an appeal in relation to the conduct of your Employment Service Provider you need to contact the Department of Employment. Either by phone on [1800 805 260](tel:1800805260) or via email to nationalcustomerservice@employment.gov.au.

What if Centrelink reduces my payments?

If Centrelink makes a decision which affects your payments, you may be able to appeal that decision using the following steps:

HOW DO I APPEAL A DECISION?

- You should tell Centrelink as soon as possible if you want to appeal their decision. You should appeal a decision made by Centrelink that you disagree with within 13 weeks of being notified of their decision in order to receive maximum back pay. You will only receive back pay if you are successful in your appeal.

The first step is to write a letter or just tell a Centrelink officer in person at a Centrelink office or over the phone that you want to appeal the decision and have an Authorised Review Officer review the Centrelink decision.

SSRV recommends that you make your appeal in writing and keep a copy of this appeal for your records. This will make it easier for you in the future if you need to appeal the Authorised Review Officer's decision.

If you want to appeal you should do so as soon as possible.

You should outline why you believe Centrelink has made a mistake.

If you are unhappy with the initial response to your appeal, you may be able to apply to the Social Services and Child Support Division of Administrative Appeals Tribunal. It is best to contact SSRV to get a better understanding of your rights in this process.



THE RESULT OF AN APPEAL WILL BE ONE OF THREE OUTCOMES:

- *Affirmed*: The original decision is not changed.
- *Overtured*: Your appeal is successful and the decision has been reversed.
- *Varied*: This means the decision has been modified. This often relates to issues of times and dates.

Can I be back-paid for the time Centrelink withheld money due to participation failures? Are there limitation dates?

There are some circumstances in which you can apply for back pay if Centrelink has withheld payments. You have to contact Centrelink to apply for a back payment. To ensure the best possible outcome, you should lodge an appeal within 13 weeks of the original decision. There are time limits for appealing a Centrelink decision.

Useful links

You can look up more information here:

For fact sheets relating to Centrelink appeals:

<http://www.nssrn.org.au/factsheets/>

For self-help forms to assist you with appeals or other matters:

<http://www.nssrn.org.au/factsheets/>

This fact sheet contains general information only. It does not constitute legal advice. If you need legal advice, please contact SSRV on either 94810355 or www.ssrv.org.au. SSRV is a community legal centre which specialises in social security law, administration and policy. SSRV is independent of Centrelink and all assistance is free.

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