



Victoria Government Gazette

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Back to Work Act 2015

NOTICE OF ELIGIBILITY CRITERIA FOR PAYMENTS UNDER THE BACK TO WORK SCHEME

I, Tim Pallas, Treasurer, pursuant to section 5 of the **Back to Work Act 2015** determine that the following criteria shall govern the eligibility for payments under the Back to Work Scheme.

The notice dated 25 March 2015 and gazetted on 26 March 2015 governing the eligibility for payments under the Back to Work Scheme is revoked from the date this notice is gazetted.

Dated 29 October 2015

TIM PALLAS MP
Treasurer

Back to Work Act 2015

ELIGIBILITY CRITERIA

The criteria in the notice dated 25 March 2015 and gazetted on 26 March 2015 continues to apply for eligible employees employed on or before 31 October 2015.

The following criteria governs the eligibility for payments under the Back to Work Scheme for eligible employees employed on or after 1 November 2015.

1. The employer must be an eligible employer (see item 1 below).
2. The employee must be an eligible employee (see item 2 below).
3. The job must be an eligible job (see item 3 below).
4. The amount of the payment will be the amount specified at item 4 below.
5. A claim for a payment under the Back to Work Scheme must be made within the time specified at item 5 below.

SPECIAL

Item	Term	Definition	Explanatory note
1	Eligible employer	<p>An employer other than:</p> <ul style="list-style-type: none"> (i) an employer with a poor workplace safety record; or (ii) the Crown in any of its capacities; or (iii) a municipal council; or (iv) a public, local or municipal body or authority constituted under a law of the Commonwealth or of a State or Territory; or (v) other government and foreign government representatives and international agencies as specified in Division 7 and 8 of Part 4 of the Payroll Tax Act 2007; or (vi) a recent employer of the eligible employee, where the employer is making a claim for an eligible employee in one of the following categories: <ul style="list-style-type: none"> • a refugee; • a person who identifies as being Aboriginal and/ or Torres Strait Islander; • a disability pensioner; • a sole parent pensioner; • a member of a drought-affected farming household; • a social housing tenant; • a young person in or exiting out-of-home care; • a current or recent youth justice client; • an apprentice/trainee; or (vii) An employer who is a Registered Training Organisation that employs an apprentice or trainee and hires (or gives) the apprentice or trainee to another business, except where the employer is a registered Group Training Organisation. 	<p>An employer has a poor workplace safety record if that employer has been convicted or found guilty of an offence under legislation administered and enforced by the Victorian WorkCover Authority (WorkSafe), or for a related offence prosecuted by WorkSafe under the Crimes Act 1958:</p> <ul style="list-style-type: none"> • within five years prior to the date the eligible employee commenced employment; or • if the conviction or finding of guilt related to a workplace fatality, within seven years prior to the date the eligible employee commenced employment. <p>An employer is a recent employer of the eligible employee, if the eligible employee was employed by them within 12 months prior to the commencement of eligible employment.</p>

2	Eligible employee	<p>1. A person employed by the eligible employer who:</p> <ul style="list-style-type: none"> • is a young unemployed person, or • is a long-term unemployed person, or • is a retrenched worker; and • commenced employment with the eligible employer on or after 1 April 2015 and on or before 31 March 2017. <p>2. A person who is unemployed and</p> <ul style="list-style-type: none"> • is a refugee; or • identifies as being Aboriginal and/or Torres Strait Islander; or • is a disability pensioner; or • is a sole parent pensioner; or • is a member of a drought-affected farm household; or • is a social housing tenant; or • is in or is exiting out-of-home care; or • is a current or recent youth justice client; or • is an apprentice/trainee; and • commenced employment with the eligible employer from 1 November 2015 to 31 March 2017 (inclusive). 	<p>A young unemployed person is a person who:</p> <ul style="list-style-type: none"> • is aged between 15 and 25 (inclusive) at the time they commence employment with the eligible employer; and • before commencing employment with the eligible employer, had been unemployed for a continuous period of at least 3 months and had been actively looking for full-time or part-time work during that time. <p>For eligible employment that commenced between 1 April 2015 and 31 October 2015, a long-term unemployed person is a person who, before commencing employment with the eligible employer, had been unemployed for a continuous period of at least 52 weeks and had been actively looking for full-time or part-time work during that time.</p> <p>From 1 November 2015, a long-term unemployed person is a person who, before commencing employment with the eligible employer, had been unemployed for a continuous period of at least 26 weeks and had been actively looking for full-time or part-time work during that time.</p> <p>A retrenched worker is an employee who lost their last job because:</p> <ol style="list-style-type: none"> 1) their last job was made redundant (i.e. the job was no longer needed) or their employer became insolvent or bankrupt; or 2) they were a person that has had their Training Contract (in a qualification approved by the Victorian Registration and Qualifications Authority (VRQA) as an apprenticeship in an Approved Training Scheme within the meaning of the Education and Training Reform Act 2006)
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			<p>cancelled due to lack of work from the employer and is actively seeking a new employer to resume and complete an apprenticeship (in a qualification approved by the VRQA as an apprenticeship in an Approved Training Scheme within the meaning of the Education and Training Reform Act 2006) in the same or closely aligned (including superseding) qualification (ie: out of trade apprentice).</p> <p>A refugee is a person who:</p> <ul style="list-style-type: none"> ● is a current holder of or is currently (under split-family provisions) listed on a visa under the Australian Government's refugee and humanitarian program; and ● was first granted a visa under the refugee and humanitarian program up to two years before commencing employment with the eligible employer. <p>A disability pensioner is a person who is in receipt of the Disability Support Pension (DSP) at the time of commencing employment with the eligible employer.</p> <p>A sole parent pensioner is a person who is in receipt of the Parenting Payment Single (PPS) payment at the time of commencing employment with the eligible employer.</p> <p>A member of a drought-affected farm household is a person who, at the time of commencing employment with the eligible employer, has for their permanent home address a farm property in north-west Victoria.</p> <p>An eligible employer for a member of a drought-affected farming household may not be the farm where the eligible employee lives,</p>
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			<p>or a business owned or run by that farm.</p> <p>A social housing tenant must at the time of commencing employment with the eligible employer, be a tenant (or person of working age living in the household) of:</p> <ul style="list-style-type: none"> ● public housing, which is long term housing owned and managed by the Director of Housing; or ● community housing, which is housing owned and/or managed by a registered not-for-profit housing agency. <p>A young person in out-of-home care is a person who:</p> <ul style="list-style-type: none"> ● is under 18 years of age; and ● is in the care of the Secretary of the Department of Health and Human Services at the time of commencing eligible employment. <p>A young person exiting out-of-home care is a person who:</p> <ul style="list-style-type: none"> ● has left the care of the Secretary of the Department of Health and Human Services within 12 months prior to the commencement of eligible employment; and ● on leaving the care of the Secretary of the Department of Health and Human Services, is of an age, or intends to, live independently. <p>A current or recent youth justice client is a person supervised by youth justice on a relevant court order or a person exiting from a youth justice centre on temporary leave, on a Youth Parole Order, or who has been released on remission/after a short sentence, or after a period of remand, within 12 months prior to the commencement of eligible employment.</p>
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			<p>A relevant court order includes the following orders:</p> <ul style="list-style-type: none"> ● Deferral of Sentence or Supervised Bail (supervised by Youth Justice from the Children’s Court or Adult Courts); ● Probation Order; ● Youth Supervision Order; ● Youth Attendance Order. <p>An apprentice or trainee is a person who is undertaking an apprenticeship or traineeship through a Training Contract (in a qualification approved by the Victorian Registration and Qualifications Authority (VRQA) as an apprenticeship or traineeship in an Approved Training Scheme within the meaning of the Education and Training Reform Act 2006).</p> <p>A person who is unemployed may work for up to 10 hours a week on a part-time or casual basis and still be an eligible employee.</p>
3	Eligible job	<p>A job offered by an eligible employer:</p> <ul style="list-style-type: none"> ● that is a Victorian job; ● that is a full-time or part-time ongoing job, but not a casual job; and ● where the wage or salary does not exceed the salary limit. 	<p>A Victorian job is a job which is connected to Victoria within the meaning of section 37 of the Workplace Injury Rehabilitation and Compensation Act 2013.</p> <p>A full-time job is a job which requires, on average, at least 35 hours of work each week and which entitles the employee to at least the minimum standards of paid sick leave and annual leave under the National Employment Standards for a full time employee.</p> <p>A part-time job is a job which requires, on average, less than 35 hours of work per week but at least 20 hours per week and which entitles the employee to at least the minimum standards of paid sick leave and annual leave under the National Employment Standards for a part-time employee.</p>

			<p>Where an unemployed disability pensioner enters an eligible job, a part-time job is generally a job which requires, on average, less than 35 hours of work per week but at least 8 hours per week.</p> <p>A casual job is a job which does not have any guaranteed hours of work and/or which does not entitle the employee to any paid sick leave or annual leave entitlements.</p> <p>The salary limit for a full-time job is 1.5 times the Average Weekly Earnings (AWE). The AWE is the Australian Average Weekly Ordinary Time Earnings for Full-Time Adults reported by the ABS as at the date of the commencement of the employment of the eligible employee.</p> <p>The salary limit for a part-time job is to be calculated as follows: $n/35 \times$ salary limit for a full-time job where n is the number of hours of work the part-time job requires, on average, per week.</p>
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4	Payment amounts	<p>The total amount available over the life of the Scheme is \$100 million.</p> <p>An eligible employer that employs an eligible employee is entitled to the following assistance:</p> <p>For eligible employees who commence eligible employment before 31 October 2015:</p> <p>long-term unemployed person in a full-time job – \$2,000</p> <p>long-term unemployed person in a part-time job – \$1,500</p> <p>young unemployed person, or retrenched worker in a full-time job – \$1,000</p> <p>young unemployed person, or retrenched worker in a part-time job – \$750.</p> <p>For eligible employees who commence eligible employment between 1 November 2015 and 31 March 2017 (inclusive) :</p> <p>long-term unemployed person in a full-time job – \$12,000</p> <p>long-term unemployed person in a part-time job – \$9,000</p> <p>all other eligible employees in a full-time job – \$5,000</p> <p>all other eligible employees in a part-time job – \$3,750.</p> <p>An eligible employer that employs an eligible employee, and provides that employee with accredited training will be reimbursed for the employer's expenditure up to the following amounts (in addition to the relevant amount for hiring the eligible employee).</p> <p>For providing accredited training to an eligible employee in a full-time position – up to \$4,000</p> <p>For providing accredited training to an eligible employee in a part-time position – up to \$3,000</p>	<p>Accredited training includes courses at Certificate I level and above provided by a registered training provider. The eligible employer may claim the payment one month after the eligible employee has been enrolled in the training course.</p>
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5	Claims	<p>Claims from eligible employers may be lodged with the State Revenue Office on or after the commencement of employment, other than claims for a young unemployed person, long term unemployed person and retrenched workers (not including an out of trade apprentice) in respect of which claims may be lodged three (3) months from the day on which the eligible employee commences employment.</p> <p>Claims can only be lodged in respect of employees still employed by the eligible employer.</p> <p>Claims must be lodged within nine (9) months after the day on which the eligible employee commences employment.</p> <p>Where a claim is approved, half of the total applicable payment will be made immediately following the claim, with the remainder to be paid nine (9) months following the lodgement of the claim, provided the eligible employee has continuously worked for the eligible employer during that period.</p>	
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