BACK TO WORK
South East Queensland

Terms and Conditions

Back to Work South East Queensland
(Effective 1 July 2018)

1. In these terms and conditions:

(a) a reference to a clause is a reference to a clause of these Terms and Conditions, unless otherwise stated; and

(b) the following definitions apply:

Applicant	means the entity (employer), submitting the Application;
Application	means an Initial Payment Application or a Later Payment Application (as applicable);
Back to Work Team	means the officers of the Queensland Government that are responsible for administering the Program;
Cap	means the maximum number of approved Initial Payment Applications for an Applicant, as set by the Guidelines;
Decision Maker	means the Queensland Government officer authorised to decide the Application;
Eligible Employer	means an employer that meets the eligible employer requirements in the Guidelines;
Eligible Employee	means an employee that meets the eligible employee requirements in the Guidelines;
Eligible Job	means a job that meets the eligible job requirements in the Guidelines;
Eligibility Criteria	means the criteria in clause 13;
Employee	means the employee the Application relates to;
Employer Support Payment	means a payment described in the Guidelines that is not a Youth Boost Payment, and which is paid in parts as set out in the Guidelines;
Guidelines	means the Back to Work South East Queensland Guidelines for Funding, 2018-2020 as updated or amended from time to time;
Initial Payment	means the first part payment of an Employer Support Payment or Youth Boost Payment, calculated in accordance with the Guidelines;
Initial Payment Application	means an application for payment of an Initial Payment for an Employee;

Later Payment	means a part payment of an Employer Support Payment or Youth Boost Payment that is not an Initial Payment, calculated in accordance with the Guidelines;
Later Payment Application	means an application for payment of a Later Payment for an Employee;
Payment Amount	means an Initial Payment or Later Payment, whichever is relevant;
Personal Information	means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion;
Privacy Collection Notice	means the privacy collection notice in clause 9;
Program	means the Back to Work – South East Queensland Employment Package, including various funding programs and support services for both employers and jobseekers, as described in the Guidelines;
Required Employment Period	means the period of employment, set out in the Guidelines, that an Employee must complete with an Applicant in order for an Application to be lodged;
Required Timeframe	means the timeframe, set out in the Guidelines, for lodging an Application;
Required Supporting Documentation	means the documents and information required to be submitted with an Application, including documents and information submitted through QGrants in accordance with the Guidelines, and documents and information requested by the Back to Work Team under clause 10;
Youth Boost Payment	means the payment described in the Guidelines that relates to unemployed youth aged between 15-24 years, and which is paid in parts as set out in the Guidelines.

2. An Applicant can only lodge one Initial Payment Application for an Employee.
3. An Applicant can only lodge a Later Payment Application for an Employee if all previous Applications for that Employee lodged by the Applicant were approved.
4. If an Application is approved, the Applicant will be paid the appropriate Payment Amount, by electronic transfer.
5. If, following receipt of a Payment Amount, an Employee ceases to be employed by the Applicant, the Applicant need not return a Payment Amount already received but will be ineligible to claim further Payment Amounts for that Employee. This clause is subject to clause16.
6. The Decision Maker may extend the Required Timeframe for an Application, if the Applicant requests an extension in writing that is supported by a statutory declaration and Required Supporting Documentation, and the Decision Maker is satisfied exceptional circumstances apply.
7. If, after lodging an Application, an Employee ceases to be employed by the Applicant, or the Employee's employment conditions significantly change, the Applicant must notify the Back to Work Team in writing of the date the employment ceased or the employment conditions changed and state why the employment ceased or the employment conditions changed.

8. Before submitting an Application, the Applicant must obtain the Employee's consent to the Applicant disclosing, and the Back to Work Team collecting, accessing, using and disclosing, the Employee's Personal Information in a manner consistent with the Privacy Collection Notice.

9. ***Privacy Collection Notice.*** The Back to Work Team is collecting information, including Personal Information, for the purposes of assessing the Applicant's eligibility to receive a Payment Amount under the Program, to support delivery of other Program funding and support services and for administering, monitoring, auditing, evaluating and promoting the Program. The Back to Work Team may access, collect, use, disclose and share information between themselves and with other State or Commonwealth agencies for these stated purposes, including the Office of State Revenue, Queensland Treasury, Office of Industrial Relations, Department of State Development, Manufacturing, Infrastructure and Planning, Department of Education, TAFE Queensland, Queensland Audit Office, the Australia Taxation Office, the Fair Work Commission, Commonwealth Department of Employment and Centrelink. Details of successful Applicants may also be provided to Members of Parliament and used in the Program's promotional material, media releases, annual reports and on the Queensland Government Investment Portal. The Back to Work Team will not disclose Personal Information to any other third party for any other purpose, unless with consent or as required by law. For further information about how the Back to Work Team manages Personal Information, please contact the privacy contact officer by email at privacy@treasury.qld.gov.au.

10. The Back to Work Team may request additional information and documents from the Applicant to help determine whether the Eligibility Criteria have been met. If the Applicant does not provide the Back to Work Team with the requested information and documents, the Decision Maker is not required to decide the Application.

11. The Applicant acknowledges that all Queensland Government programs are subject to audit. All records related to any Applications made by an Applicant must be kept for a period of seven years after lodging the Application and provided to the Queensland Government on request. The records must also be kept in a way that is able to be readily produced if required.

12. An Application may be refused if funding for the Payment Amount is no longer available, or, if the Program has been discontinued. The Queensland Government will publish information on its website if funding for Payment Amounts is no longer available, or if the Program has been discontinued.

13. An Application may be refused if the Decision Maker is not satisfied:

    - the Applicant is an Eligible Employer;
    - the Application relates to an Eligible Employee;
    - the Applicant has employed the Employee in an Eligible Job for the Required Employment Period;
    - the Application was lodged within the Required Timeframe;
    - the Applicant has submitted all Required Supporting Documentation;
    - the Application, if approved, will not cause the Applicant's Cap to be exceeded;
    - the Applicant has the Employee's consent to the Employee's Personal Information being collected, accessed, used and disclosed, in accordance with clause 8;
    - the Applicant has consented to the Back to Work Team collecting, accessing, using, sharing and disclosing information, in accordance with clause 9, as set out in the Guidelines;
    - the Applicant (and, if the Applicant is not an individual, its owners) and the Applicant's management staff, have complied with local, State and Commonwealth laws and regulations, including but not limited to laws relating to workplace safety and industrial relations;

- the Applicant has a genuine commitment to the ongoing employment of the Employee and other employees for whom it has submitted Applications;
- the Applicant's engagement of the Employee has not displaced any existing workers;
- if the Employee is an employee with a disability, the Employee is engaged in mainstream employment;
- there are no public interest issues indicating the Application should not be approved; and
- if the Application is a Later Payment Application, there is an approved Initial Payment Application for the Employee that was lodged by the Applicant.

14. The Guidelines set out the process for an Applicant to request a review of a decision made under clause 13.

15. The Back to Work Team may request additional information from the Applicant for ongoing monitoring, evaluation, reporting and compliance purposes and to support delivery of other Program funding and support services. If the Applicant receives a request for additional information under this clause, the Applicant agrees to provide that information to the Back to Work Team.

16. If, following payment of a Payment Amount to an Applicant, the Decision Maker:

    (a) becomes aware of any matter; and

    (b) as a result of becoming aware, reasonably determines the Eligibility Criteria were not met for that Payment Amount,

    the Decision Maker may:

    (c) give written notice to the Applicant of that determination; and

    (d) require the Applicant to repay the relevant Payment Amount.

17. If the Applicant receives a notice under clause16, the Applicant agrees to repay the relevant Payment Amount to the Queensland Government.

18. The Queensland Government may set off any amounts payable by the Applicant to the Queensland Government against a Payment Amount payable by the Queensland Government to the Applicant.