

Australian Government
Department of Employment
Fair Entitlements Guarantee
Claim Form

December 2014

BEFORE YOU BEGIN

Please note: The *Fair Entitlements Guarantee Act 2012* (FEG Act) commenced on 5 December 2012. The Fair Entitlements Guarantee (FEG) replaces the existing General Employee Entitlements and Redundancy Scheme (GEERS).

This claim form should only be used **where the insolvency event occurred on or after 5 December 2012**. If an insolvency event occurred prior to this date, the GEERS claim form should be used. An insolvency event occurs when a liquidator is appointed under the *Corporations Act 2001*, or when an employer becomes bankrupt under the *Bankruptcy Act 1966*.

WHAT IS FEG?

FEG is a basic payment scheme intended to operate as a scheme of last resort, providing financial assistance (called an advance) to employees who have lost their employment because of their employer's insolvency and who are owed employee entitlements that are not able to be paid by their employer or from other sources. When the Commonwealth makes an advance under FEG, the Commonwealth assumes the individual's right to recover these amounts through the winding up or bankruptcy process.

The FEG Act governs Eligibility for FEG assistance, the categories of entitlement covered, and the amount you may be entitled to receive (the advance).

For further information on assistance under FEG and the claim process, you may:

- see the range of fact sheets on the operation of FEG – available at the [FEG website](http://www.employment.gov.au/FEG) – (www.employment.gov.au/FEG)
- contact the insolvency practitioner managing your former employer's business affairs
- telephone the FEG Hotline on 1300 135 040
- visit the [FEG website](http://www.employment.gov.au/FEG) – (www.employment.gov.au/FEG)
- send an email to the [FEG Hotline](mailto:FEG@employment.gov.au) at FEG@employment.gov.au.

TCF contract outworkers scheme

Under the FEG Act, a special scheme has been established to provide assistance to contract outworkers in the textile, clothing and footwear industry (TCF contract outworkers). The scheme has been created under the *Fair Entitlements Guarantee Regulation 2012*, which commenced on 15 May 2013 and applies to insolvency events occurring on or after this date. If you are a worker who fits into this category, you may be eligible for FEG assistance even though you are not an employee.

If you think you may be eligible for entitlements under the TCF contract outworkers scheme, use this form to make your application. When you are completing this claim form, you should understand that any reference to 'employer' or 'employment' is a reference to the specified person you performed work for, and the type of work you performed for that person.

For example, where you are asked to include the details of your former employer, you should provide the details of the specified person you performed work for. Similarly, you should provide information about when you started and finished performing work for that person where you are asked for information about when your employment started and ended.

WHAT FEG COVERS

If you make an effective claim within 12 months of the end of your employment or the insolvency event (whichever is later), you may be eligible to receive assistance under FEG for the following employee entitlements:

- wages
- annual leave
- long service leave
- payment in lieu of notice
- redundancy pay

Please note - Employment entitlements under FEG are subject to maximum capping thresholds. For further information on the capping thresholds see the [Eligibility for FEG assistance](#) factsheet on the FEG website – (www.employment.gov.au/FEG).

IMPORTANT!

1. The information you provide in this form must be correct to the best of your knowledge. Giving false or misleading information has serious consequences.
2. It is in your interest to include copies of all documents that may help us assess your claim when you lodge your claim. Please note that your claim will not be effective unless you have provided all the mandatory information and supporting documents where requested to do so.
3. Please keep a copy of the completed claim form and any copies of supporting documents for your records as we are unable to return them to you.
4. Some key eligibility criteria for assistance under FEG are:
 - you must have been an Australian citizen or the holder of a permanent or Special category visa at the time your employment ended
 - you must make an effective claim within 12 months of the end of your employment or the insolvency event (whichever is later) - claims made outside this timeframe will not be considered under any circumstances
 - contractors (other than TCF contract outworkers), and some classes of employees are not eligible for assistance under FEG. Please refer to the [Eligibility for FEG assistance](#) fact sheet available on the FEG website - (www.employment.gov.au/FEG).

HOW TO FILL OUT YOUR CLAIM FORM

1. Complete this form in English.
2. If you speak a language other than English, call the Translating and Interpreting Service (TIS) on 13 14 50 for free help anytime.
3. Read questions carefully and follow the instructions beside each question.
4. We encourage you to submit your claim form **online**. This will enable us to begin processing your claim in the shortest time possible. Please go to the [FEG website](http://www.employment.gov.au/FEG) – (www.employment.gov.au/FEG):
 - a. enter your answers by typing them into the relevant fields of the form
 - b. note that at any time you can save this form to your computer by clicking the ‘Save’ button
 - c. submit the completed form by clicking ‘Submit’. If any fields are not completed accurately, an error message will be displayed at the end of the form. You must correct each error before you can submit your claim form online
 - d. note that you will be advised of the successful submission of your claim form.
5. If you are using a printed copy of this form please use blue or black pen only, print clearly and note an individual claim form must be submitted for each person claiming assistance under FEG.
6. Try to fill out all sections of the form, answering all questions and ticking the relevant boxes. Fields marked with this symbol * are mandatory and must be completed, unless you see an instruction to go to another question. Remember, your claim will not be effective unless you have provided all mandatory information requested on this form.
7. For assistance, speak with the insolvency practitioner managing your former employer’s affairs or call the FEG Hotline on 1300 135 040.
8. If you are using a printed copy of this form, send your completed form to:

Fair Entitlements Guarantee Branch
Department of Employment
GPO Box 9880
Canberra ACT 2601
9. We will notify you in writing when we have received your claim form and after we have assessed your claim.
10. If you would like to check the status of your claim, go to the [FEG website](http://www.employment.gov.au/FEG) – (www.employment.gov.au/FEG) or call the FEG Hotline on 1300 135 040.

FAIR ENTITLEMENTS GUARANTEE CLAIM FORM

Please answer all questions and tick the relevant boxes. Fields marked with this symbol * are mandatory and must be completed, unless you see an instruction to go to another question. Leaving a question blank may delay the processing of your claim.

PART A – YOUR FORMER EMPLOYER’S DETAILS

Employer details

* Question A1: What is your former employer’s legal name?

Instructions for question A1: The legal name, for example, ‘XYZ Pty Ltd’. Your former employer’s legal name is the name of the entity which can be found on all official papers or legal documents. It might also be found by checking your payslips, payment summaries, or separation certificate.

What is your former employer’s legal name?

Question A2: What is your former employer’s address?

Instructions for question A2: Address of your former employer, for example, ‘10 Main Street, Sydney, NSW, 2000’. If you are unsure of the postcode, please visit the [Australia Post website](http://www.auspost.com.au) – (www.auspost.com.au).

Number and street

Suburb / City

State / Territory

Postcode

Country

Question A3: Trading name (if known)

Instructions for question A3: A business’ trading name is sometimes different to the registered legal name.

Trading name (if known)

Question A4: ABN (Australian Business Number) or ACN (Australian Company Number)

Instructions for question A4: To find your employer’s ABN or ACN, talk to the insolvency practitioner. You can also check your payslip, any letter from your employer with their letterhead, your payment summary, or visit the [Australian Business Register website](http://www.abr.business.gov.au) – (www.abr.business.gov.au).

ABN or ACN

*** Question A5: Have you submitted a previous claim for assistance under EESS, SEESA GEERS or FEG? Tick the relevant box.**

Instructions for question A5: EESS - Employee Entitlements Support Scheme, SEESA - Special Employee Entitlements Scheme for Ansett Group Employees, GEERS - General Employee Entitlements and Redundancy Scheme.

- Yes** for this employer but a different insolvency event, go to question B1
- Yes** for a different employer, go to question A5.1
- No** go to question B1

*** Question A5.1: If Yes for a different employer, please state the legal name of the different employer.**

PART B – PERSONAL DETAILS

Your name

*** Question B1: Title**

Instructions for question B1: Please tick a box to indicate your title

- Mr
- Mrs
- Ms
- Miss
- Dr

*** Question B2: Your name**

Given name

Middle names

Family name

*** Question B3: Have you ever been known by any other name?**

- Yes if yes, please provide details below
- No

Other name

Type of name

(e.g. name at birth or name before marriage)

*** Question B4: What is your date of birth?**

Citizenship or residency

* Question B5: Were you an Australian citizen at the time your employment ended?

Yes If Yes, it is **mandatory** that you provide **certified** documentary evidence to support your claim – then go to question B6

(See note following question B5.1 for a list of acceptable forms of evidence)

No If No, go to question B5.1

* Question B5.1: Were you the holder of a permanent visa (i.e. your visa lets you live in Australia indefinitely), or Special category* visa (i.e. your visa lets you stay and work in Australia as long as you remain a New Zealand citizen) granted under the *Migration Act 1958* at the time your employment ended?

* A Special category visa is a type of Australian visa that is only available to New Zealand citizens. Section 32 of the *Migration Act 1958* defines 'Special category visa'.

Yes If Yes, it is **mandatory** that you provide **certified** documentary evidence to support your claim – then go to question B6

(See note below for a list of acceptable forms of evidence)

No If No, you are **not** eligible for assistance under FEG. You may wish to contact the insolvency practitioner who is handling the affairs of your former employer to discuss your options as a creditor

Evidence of your citizenship or residency status

If you have answered 'Yes' at question B5 or B5.1, acceptable evidence of your citizenship or residency status includes a copy of **at least one** of the following categories of documents that has been certified as a 'true copy' of the original document by a person authorised to do so:

- an Australian passport current at the end of your employment
- a full Australian birth certificate
- an Australian citizenship certificate issued prior to the end of your employment
- a document of identity issued by the Australian Government prior to the end of your employment
- an appropriate Australian visa issued prior to the end of your employment which may be recorded in your passport.
- a certificate of evidence of resident status issued by the Department of Immigration and Border Protection prior to the end of your employment (or confirming from what date the person held the resident status)
- where appropriate, for the purpose of proving you hold a Special category visa, a New Zealand passport.

Please note your driver's licence is not acceptable evidence to show you are an Australian citizen, or the holder of a permanent or Special category visa.

Information about how to have your documents certified is included in the Claim Form Checklist at the end of this claim form or in the *How do I certify documents?* factsheet on the [FEG website](http://www.employment.gov.au/FEG) - (www.employment.gov.au/FEG).

Your home and postal address

* Question B6: What is your street address?

Instructions for question B6: If you are unsure of your postcode, please visit the [Australia Post website](http://www.auspost.com.au) – (www.auspost.com.au)

Number and street

Suburb / City

State / Territory

Postcode

Country

* Question B7: Is your postal address the same as your street address?

Instructions for question B7: If you are unsure of your postcode, please visit the [Australia Post website](http://www.auspost.com.au) – (www.auspost.com.au)

Yes If Yes, go to question B9

No If No, go to question B8

* Question B8: What is your postal address?

Number and street

Suburb / City

State / Territory

Postcode

Country

Your contact details

* Question B9: Provide a way for us to contact you during working hours.

Daytime contact number (include area code)

Alternative contact number (include area code)

Email

* Question B10: Are you happy to receive correspondence from us via email?

Yes If 'Yes' we will confirm your email address with you before corresponding by email only

No

PART C – YOUR JOB DETAILS

Your occupation

*** Question C1: In which state or territory were you employed?**

*** Question C2: What industry did you work in?**

Instructions for question C2: Examples of 'industry' types include: transport, manufacturing, hospitality, construction, textile clothing and footwear.

*** Question C3: What was your job title?**

Instructions for question C3: Examples of 'job titles' include sales manager, security guard, truck driver, hairdresser.

*** Question C4: List the most common duties and tasks you did in your job.**

Instructions for question C4: Examples of 'common duties and tasks' include ordering stock, retail sales, deliveries, bricklaying, metal work, welding.

*** Question C5: Were you required to hold trade or educational qualifications, or were you required to be a member of any professional associations in order to do your job?**

Instructions for question C5: Examples of trade or educational qualifications include trade certificates or equivalent, Certificates I–IV, Diplomas, Advanced Diplomas or Bachelor degrees. Examples of professional associations include the Institute of Chartered Accountants or Engineers Australia.

Yes If Yes, go to question C5.1

No If No, go to question C6

*** Question C5.1: If Yes, list the trade, educational qualifications, and (if relevant) the name of the professional association that you were required to be a member of in order to do your job.**

Employment type

Instructions for question C6 and C7: It is in your interest to provide copies of any documents that may help us to assess your claim, including:

- payslips
- a signed contract of employment
- letter of termination
- timesheets
- payment summaries
- separation certificate.

If you include these documents with your claim form, do not attach original documents as we are not able to return them to you. A decision may be made on the information you have provided.

*** Question C6: What was your working relationship with the employer at the time of the termination of your employment? Tick the relevant box.**

- Employee
- Apprentice employee
- Trainee employee
- (Sub) Contractor
- Textile clothing and footwear contract outworker

*** Question C7: What was your working arrangement with the employer at the time of the termination of your employment? Tick all relevant boxes.**

- Full-time
- Part-time
- Casual
- Shiftwork
- Piecework
- Probation

Governing instrument

If you are unsure of the formal employment arrangement with your former employer:

- call the Fair Work Infoline on **13 13 94**
- visit the [Fair Work Ombudsman website](http://www.fairwork.gov.au) – (www.fairwork.gov.au)
- contact the insolvency practitioner.

Question C8: What type of instrument governed your employment?

Instructions for question C8: Examples of instruments that may govern employment include: a written law of the Commonwealth, state or territory; an award determination or order that is made or recorded in writing; a written instrument; or an agreement (whether a contract or not).

Tick all relevant boxes.

- Written law of the Commonwealth, state or territory
- Award, determination or order

What is the title?

Please attach a copy of this document to your claim.

- Written instrument (for example, collective agreement, Australian Workplace Agreement, certified agreement) ♦**
- An agreement (for example an employment contract) ♦**
- Letter of appointment ♦**

Question C9: What was your weekly wage before tax, excluding commissions or allowance(s)?

Instructions for question C9: You can provide details of commissions at question F3.1.1 and allowances at question F3.1.2.

Question C10: What was your hourly wage before tax?

Question C11: How many hours each week did you work on average?

Directors and relatives

*** Question C12: Were you a director, owner or principal of the business in the 12 months before the appointment of an insolvency practitioner or at any time since the insolvency event?**

Instructions for question C12 and C13: For further information see the [Eligibility for FEG assistance](#) fact sheet on the [FEG Website](http://www.employment.gov.au/FEG) – (www.employment.gov.au/FEG).

- Yes** If Yes, you are **not** eligible for assistance under FEG. You may wish to contact the insolvency practitioner who is handling the affairs of your former employer to discuss whether you are eligible for other payments relating to the insolvency.
- No** If No, go to question C13

*** Question C13: Were you a relative of an employee who was a director, owner or principal of the business in the 12 months before the appointment of an insolvency practitioner or at any time since the insolvency event?**

Instructions for question C13: Relatives may include a spouse (including de facto spouse), parents, grandparents and great grandparents, children, grandchildren, brothers or sisters. For a complete list see section. 9 of the *Corporations Act 2001*.

- Yes** If Yes, you are **not** eligible for assistance under FEG. You may wish to contact the insolvency practitioner who is handling the affairs of your former employer to discuss whether you are eligible for other payments relating to the insolvency.
- No** If No, go to question D1

PART D – TERMINATION OF YOUR EMPLOYMENT

Start and finish date

Instructions for questions D1, D2 and D3: If you are not sure of the dates you started or finished work with your former employer, enter the month and year.

*** Question D1: What was the date of your first day of work with your former employer?**

*** Question D2: What was the date of your last day of work with your former employer?**

*** Question D3: Did you have more than one period of employment with your former employer?**

Yes If Yes, go to question D3.1

No If No, go to question D4

*** Question D3.1: If Yes, state the date(s) of each separate period(s) of employment.**

Date from

Date to

Date from

Date to

Further information

Employment termination

Instructions for questions D4: If you answered yes to question D4 and answered questions D4.1 and D4.2, go to question E1.

*** Question D4: Did you resign from your employment?**

Yes If Yes, go to question D4.1

No If No, go to question D5

*** Question D4.1: What was the date you gave notice of your resignation?**

*** Question D4.2: What was the reason for your resignation?**

Instructions for question D4.2: After you answer this question go to question E1

*** Question D5: Who terminated your employment?**

Instructions for question D5: The insolvency practitioner may be the administrator, receiver manager, bankruptcy trustee or liquidator managing your former employer's affairs.

Tick the relevant box.

Insolvency practitioner

Employer

*** Question D5.1: Were you told in advance or given notice that your employment would be terminated?**

Yes If Yes, go to question D5.1.1

No If No, go to question D5.1.2

*** Question D5.1.1: What was the date you received notice that your employment would be terminated?**

Question D5.1.2: What was the reason given for your employment being terminated?

PART E – TRANSFER OF BUSINESS / TRANSFER OF EMPLOYMENT

*** Question E1: Has your former employer's business been sold?**

- Yes** If Yes, go to question E1.1
- No** If No, go to question E2
- Don't Know** If you don't Know, go to question E2

*** Question E1.1: If Yes, please provide the legal name of the new owner of the business.**

*** Question E1.2: Were you offered work by, or did you commence work with, the new owner of the business within three (3) months of the termination of your employment with the employer named in question A1?**

Instructions for question E1.2: Please provide any relevant letter of offer for your new employment.

Important: If you accept employment with the new operator of the business within three (3) months of termination you are required to notify us. Failure to do so could result in the overpayment of entitlements which will need to be repaid.

- Yes** If Yes, go to question E1.2.1
- No** If No, go to question E2
- Don't Know** If you don't Know, go to question E2

*** Question E1.2.1: What was the date you were offered work with the new owner of the business?**

*** Question E1.2.2: What was the date you started work with the new owner of the business? (if applicable)**

*** Question E1.2.3: Provide your job title and list common tasks and duties in your new job.**

*** Question E1.2.4: What type of work have you been offered or have you accepted?**

Instructions for question E1.2.4: You may tick more than one box. For example, you may have been offered or accepted employment as a full-time shiftworker.

Tick all relevant boxes.

- Full-time
- Part-time
- Casual
- Shiftwork
- Piecework
- Probation

*** Question E1.2.5: Are the terms and conditions of your new employment substantially similar or better than the terms offered by your former employer? Please provide details.**

Instructions for question E1.2.5: In answering this question consider whether the salary, hours of work and key entitlements you have been offered (such as annual leave, long service leave, payment in lieu of notice and redundancy pay) are substantially similar or better than the terms and conditions of employment you had with your former employer.

*** Question E1.2.6: Are the terms and conditions of your new employment reduced when compared to the terms offered by your former employer? Please provide details.**

Instructions for question E1.2.6: In answering this question consider whether the salary, hours of work and key entitlements you have been offered (such as annual leave, long service leave, payment in lieu of notice and redundancy pay) are reduced compared to the terms and conditions of employment you had with your former employer.

*** Question E2: Did you start employment with any other employer(s) within three (3) months of your last day of work with the employer named in question A1?**

Instructions for questions E2 and E2.2: If you have worked for more than one (1) employer **within the three (3) month period** since your last day of work with the employer named in question A1, please provide a separate attachment with the names of all those employers and the dates that you started (and finished) employment with those employers. If you are not sure of the dates please provide the month and year.

- Yes** If Yes, go to question E2.1
- No** If No, go to question F1
- Unsure** If Unsure, go to question F1

*** Question E2.1: What was the date you started work with your new employer?**

***Question E2.2: What is your new employer's legal name?**

PART F – CLAIM DETAILS – WHAT ENTITLEMENTS ARE YOU CLAIMING?

Insolvency practitioner

Instructions for questions F1 and F1.1: The insolvency practitioner manages the affairs of your former employer. Please supply the insolvency practitioner's name and contact number.

Question F1: Insolvency practitioner's name

Question F1.1: Insolvency practitioner's phone number (include area code)

Payments

*** Question F2: Have you received, or do you expect to receive any payment in respect of employee entitlements from any organisation or person (other than FEG) in relation to this claim?**

Yes If you answered Yes, go to question F2.1

No If No, go to question F3

*** Question F2.1: Have you received the payment?**

Yes

No

*** Question F2.1.1: Enter the amount you received, or expect to receive from any organisation or person.**

*** Question F2.2: Is this amount before or after tax? Tick the relevant box.**

Before tax

After tax

*** Question F2.3: What organisation or person provided you, or is expected to provide you, with this money? (For example, Jim's Carpets).**

*** Question F2.4: What was this money for? (For example, for unpaid wages).**

Are you owed entitlements?

* Question F3: Are you owed employee entitlements by your former employer?

Instructions for question F3: If you are not sure what type of employee entitlements you may be owed by your former employer please call the Fair Work Infoline on 13 13 94. If you answered yes to question F3, you may be asked to provide documents to prove your employee entitlements.

Yes If Yes, go to question F3.1 (if unsure, tick yes)

No If No, you are not eligible for assistance under FEG

It is in your interest to include with your claim form copies of all documents that may help us to assess your claim.

Question F3.1: Provide details of the employee entitlements you consider you are owed.

Instructions for question F3.1: While this is not a mandatory question, do your best to give an indication of the amounts you think you are owed. This will assist us to assess your claim in the shortest time possible.

	Number of weeks (or hours) owed	Amount before tax
Wages¹		
Commission		
Regular allowances		
Annual leave		
Annual leave loading		
Payment in lieu of notice		
Redundancy		
Long service leave		
Employer superannuation²	Not an eligible entitlement under FEG	Not an eligible entitlement under FEG
Total		

Instructions for question F3.1: 1. Up to 13 weeks of unpaid wages (wages as defined in the *Fair Entitlements Guarantee Act 2012*) are payable under FEG. The 13 week period ends at the earlier of: the time employment ended, or the date when an insolvency practitioner was appointed.

2. FEG does not cover unpaid mandatory employer superannuation contributions under Superannuation Guarantee legislation. For information about how to seek recovery of these amounts contact the **Australian Taxation Office's Superannuation Infoline** on **13 10 20** or visit the [Australian Taxation Office website](http://www.ato.gov.au/super) at www.ato.gov.au/super. Unpaid employee superannuation contributions, made under a salary sacrifice arrangement for example, are covered. Salary sacrifice arrangements may be considered as unpaid wages.

Question F3.1.1: If you received commissions, please indicate in the box below how often this payment was received (for example, weekly, monthly, quarterly or otherwise).

Question F3.1.2: If you received a regular allowance, please indicate in the box below what type of allowance and how often this payment was received (for example, tool allowance paid monthly).

*** Question F3.2: Have you taken any action to try to get payment from the employer for amounts you are owed?**

Instructions for question F3.2: If you answered yes at question F3.2, examples of action you might list at F3.2.1 include seeking assistance from your union, seeking assistance from the Fair Work Ombudsman, or asking your employer to pay the outstanding amount. If you have taken any of these steps, please provide copies of relevant documents.

Yes If Yes, go to question F3.2.1

No If No, go to question F3.2.2

Question F3.2.1: Please outline the steps you have taken and the dates you took these steps

Instructions for question F3.2.1: Go to question G1 once you have answered this question.

Question F3.2.2: Please outline why you have not taken any steps to recover the amounts you are owed

PART G – OTHER INFORMATION THAT WE NEED

Changes in employment conditions

*** Question G1: During the last six (6) months of your employment with your former employer, did your entitlements, such as wages, and/or conditions of employment change?**

Instructions for question G1: For example, did an event occur such as a pay rise, pay cut, change of duties, change of job title or change in employment status from a contractor to an employee.

Yes If Yes, go to question G1.1

No If No, go to question G2

*** Question G1.1: If Yes, please explain how your entitlements or conditions changed?**

Other sources of entitlements

*** Question G2: Did you receive workers compensation during the last six (6) months of your employment?**

Yes If Yes, go to question G2.1

No If No, go to question G3

*** Question G2.1: If Yes, please state the name of the workers compensation insurer.**

*** Question G3: Are you a member of a redundancy trust and/or any other industry-based entitlement protection scheme?**

Instructions for question G3: Examples of entitlement protection schemes include: Australian Construction Industry Redundancy Trust (ACIRT), Mechanical and Electrical Redundancy Trust (MERT), Building Employees Redundancy Trust (BERT), INCOLINK, and/or a Long Service Leave Corporation. **Include a copy of your most recent statement.** Do not attach your original statement as it will not be returned to you.

Yes If Yes, go to question G3.1

No If No, go to question H1

Don't know If you Don't know, go to question H1

*** Question G3.1: If Yes, which one(s)?**

*** Question G3.1.1: Member/ID number(s)**

PART H – AUTHORISED REPRESENTATIVES (CHOOSE ONE ONLY)

Alternative contact

If you wish to give the Commonwealth authority to speak with someone else about your FEG claim (such as your wife, partner, brother, sister, or child) then please provide their details below (note that they must be over the age of 18). If you appoint a person as an alternative contact, they will have the authority to speak with us about your claim, but all correspondence will still be sent to you.

Question H1: Do you authorise the Commonwealth to disclose your personal information in relation to your FEG claim to the alternative contact nominated below?

Yes, all correspondence relating to your FEG claim will be sent to you but the Commonwealth is able to discuss and disclose personal information relating to your FEG claim to the person you nominate as your alternative contact.

No

Question H1.1: Title

Mr

Mrs

Ms

Miss

Dr

First name

Family name

Question H1.2: Relationship – (ie husband, wife, brother, sister, friend)

OR

AGENT AUTHORISATION

If you wish to nominate an agent to manage your claim for FEG assistance on your behalf, please provide their details below. An agent could be an employee representative such as a union, guardian or legal representative.

Please note: if you nominate an agent, **all** correspondence relating to your FEG claim will be addressed to the agent – you will not receive copies. You can contact us at any time to change this arrangement. The Commonwealth will also be able to disclose all of your personal information in relation to your FEG claim to your nominated agent.

Question H2: Do you authorise an agent to manage your FEG claim on your behalf?

Yes, all correspondence relating to your FEG claim will be sent to your nominated agent including any personal information relating to your claim.

No

Question H2.1: Title

Mr

Mrs

Ms

Miss

Dr

First name

Family name

Question H2.2: Name of Organisation (if applicable)

Instructions for question H2.2: For example XYZ Union

Question H2.3: Postal address

Number and street or Post Office Box number

Suburb/city

State or territory

Postcode

Question H2.4: Contact details

Agent's phone number (include area code)

Agent's email address

PART I – PRIVACY STATEMENT AND DECLARATION (PLEASE READ CAREFULLY BEFORE SUBMITTING)

PRIVACY NOTICE

The Department of Employment is authorised under the *Fair Entitlements Guarantee Act 2012* to collect personal information for the purposes of administering FEG.

The Department of Employment manages information given by you in this claim form in accordance with the *Privacy Act 1988*. It collects this information, and other information in relation to your claim to facilitate the effective operation of the FEG, and for the purposes of determining what employee entitlements you may be owed by your former employer. The Department of Employment also uses the information for statistical research, monitoring and evaluation that may be carried out by it or by external commercial researchers.

The Department of Employment usually discloses some or all of the information which relates to your claim for purposes outlined above to:

- the insolvency practitioner who is administering your former employer's affairs or an independent FEG contractor appointed by the Department of Employment to verify entitlements
- your authorised agent (if specified in the claim form)
- your alternative contact (if specified in this claim form)
- to a third party distributor engaged to distribute FEG funds
- other Commonwealth Agencies as required for the purposes of their regulatory role including Centrelink, the Australian Taxation Office, the Australian Securities and Investments Commission, the Australian Financial Security Authority, the Fair Work Ombudsman, the Administrative Appeals Tribunal and the Commonwealth Ombudsman.

For further information about the Department of Employment's privacy policy including access, correction and complaint procedures, please go to the [Department of Employment's website](http://www.employment.gov.au/privacy) at www.employment.gov.au/privacy or request a full copy of the policy by [emailing us](mailto:privacy@employment.gov.au) at privacy@employment.gov.au.

DECLARATION

1. I declare that the information provided in this application form is true and correct. I understand that providing false or misleading information to the Commonwealth is a serious offence and may result in a range of administrative, civil and/or criminal sanctions, including criminal prosecution.
2. I acknowledge and agree that the Department of Employment may seek to verify the information I have provided to support my application with other Australian Government agencies, including the Department of Immigration and Border Protection.
3. I confirm that I have provided the information contained in this application form either personally or through the assistance of a representative.
4. I authorise my employer (or the insolvency practitioner on behalf of my employer) to disclose to the Department of Employment for the purpose of my claim for FEG assistance, information in relation to my employee entitlements. I understand that the Department of Employment may use this information when determining my claim for FEG assistance or for statistical research, monitoring and evaluation.
5. I authorise the Department of Employment or its agents to exercise, on my behalf, any statutory rights I have to require the employer (or insolvency practitioner) to

provide me with access to, or copies of, my employment records, where those records are required to determine my claim for FEG assistance.

6. I confirm that I have provided relevant documentary evidence proving my identity and citizenship/residency status and that these have been certified as true copies of the original documents.
7. I authorise the Department of Immigration and Border Protection to disclose to the Department of Employment, information in relation to any Australian Visas I hold or have held. I understand that the Department of Employment may use this information when determining my claim for FEG assistance.
8. I authorise the Fair Work Commission, the Fair Work Ombudsman and Fair Work Inspectors to disclose information to the Department of Employment for the purpose of determining my claim for FEG assistance, information in relation to any Workplace Agreement and/or employment agreement to which I am, or have been, a party. I understand that the Department of Employment may use this information when determining my claim for FEG assistance.
9. I authorise the Fair Work Ombudsman to disclose to the Department of Employment for the purpose of my claim for FEG assistance, information in relation to me that it has collected as a result of any investigation by the Fair Work Ombudsman. I understand that the Department of Employment may use this information when determining my claim for FEG assistance.
10. I authorise the Department of Employment or its agents to exercise, on my behalf, any rights I have to require the organisations listed in question G2.1 and G3.1 to provide me with access to, or copies of, my records, where those records are required to determine my claim for FEG assistance.
11. Where I have not provided information in relation to my claim for FEG assistance, I accept and agree that the Department of Employment will usually rely on the information provided by the relevant insolvency practitioner, or as otherwise independently verified, as the basis for determining my claim for FEG assistance.
12. I accept that I am not entitled to receive or retain any money paid as a result of any error on my behalf; on the part of an insolvency practitioner acting for my insolvent employer; on the part of a third party engaged to distribute FEG funds; on the part of a third party accountant who has been engaged to verify information; or on the part of a person administering FEG for the Commonwealth. I further accept that any sums paid under FEG in the above circumstances will constitute a debt owed by me and will be immediately repayable in full. Interest may be payable on this amount.
13. I confirm that any copies I have provided are true copies of the original documents.

You must sign and date your claim form.

*** Print your full name**

*** Your signature**

*** Date**

CLAIM FORM CHECKLIST

BEFORE SENDING IN YOUR CLAIM FORM, CAREFULLY CHECK THAT YOU HAVE COMPLETED ALL MANDATORY QUESTIONS, UNLESS YOU CAN SEE AN INSTRUCTION TO GO TO ANOTHER QUESTION.

- Question A1 (former employer's legal name)
- Questions A5 and A5.1 (previous claims)
- Questions B1 to B9 (your personal details) including:
 - Name(s)
 - Date of Birth
 - Australian citizenship or residency status
 - Address
 - Contact details
- Questions C1 to C7 (which state or territory were you employed, what industry you worked in, your job title, duties, employment type)
- Questions C12 to C13 (relationship, if any, to director or owner/principal)
- Questions D1 to D5.1.1 (when you started and finished work with your former employer and how your employment ended)
- Questions E1 to E2.2, if applicable (sale or transfer of business, or transfer of employment)
- Questions F2 to F2.4 (any employee entitlements received or expected to receive)
- Question F3 and F3.2 (are you owed employee entitlements)
- Questions G1 and G1.1 (changes in employment conditions)
- Questions G2 to G3.1.1 (any employee entitlements received from other sources)
- Read the Privacy Notice
- Read the Declaration
- Signed and dated your claim form noting that giving false or misleading information has serious consequences
- Attached relevant documents (see Supporting Documents section on next page)

Important: It is in your interest to include the ABN or ACN of your former employer. This will assist the Department of Employment in processing your claim for FEG assistance as soon as possible.

CLAIM FORM CHECKLIST

MANDATORY AND SUPPORTING DOCUMENTS - SEND COPIES ONLY, ORIGINALS WILL NOT BE RETURNED

MANDATORY DOCUMENTS:

* If you have claimed to be an Australian citizen or holder of a permanent visa or Special category visa at the time your employment ended, please confirm that you have attached relevant supporting documents that have been certified as true copies of the original by an authorised person.

Yes

No

Acceptable evidence of your citizenship or residency status includes a copy of **at least one** of the following categories of documents that has been certified as a 'true copy' of the original document by a person authorised to do so:

- an Australian passport current at the end of your employment
- a full Australian birth certificate
- an Australian citizenship certificate issued prior to the end of your employment
- a document of identity issued by the Australian Government prior to the end of your employment
- an appropriate Australian visa issued prior to the end of your employment which may be recorded in your passport
- a certificate of evidence of resident status issued by the Department of Immigration and Border Protection prior to the end of your employment (or confirming from what date the person held the resident status)
- where appropriate, for the purpose of proving you hold a Special category visa, a New Zealand passport.

Please note your driver's licence is not acceptable evidence of your citizenship or residency status.

HOW TO CERTIFY COPIES OF ORIGINAL DOCUMENTS

You need to photocopy your document, ensuring any writing and photographs are clear and identifiable. Take that copy, along with your original document to a person authorised to certify documents – for example: Justice of the Peace, legal practitioner, medical practitioner, pharmacist, police officer, clerk of a court or bank officer with at least five years continuous service. A full-list of those able to act as certifiers is available in the factsheet [How do I certify documents?](#) at www.employment.gov.au/FEG.

The certified copy must be signed by the certifier (and stamped, if a stamp is available). The stamp should show the certifier's contact details including telephone number and reference number. If the certifier does not use a stamp or the stamp does not include their name, they should print their name underneath their signature. All pages (front and back) should be initialled by the certifier.

Documents being certified overseas need to be certified by a person employed in one of the professions above or in the full-list of recognised professions or occupations listed at the [FEG website](#) – (www.employment.gov.au/FEG). An equivalent certifying officer to a Justice of the Peace in Australia - for example, a Notary Public or Commissioner for Oaths would also be acceptable.

A certifier should never witness documents connected with matters in which they have an actual or perceived personal or pecuniary interest. For example a family member or business client.

The certifying officer must be:

- currently employed in one of the recognised professions or occupational groups
- contactable by telephone during normal working hours.

The certifying officer should:

- write on the copy, words to the effect 'this is a true copy of the original documents sighted by me'
- sign and print their name
- provide a daytime contact telephone number
- state their profession or occupation group
- write on the copy the date that the document was certified
- affix the official stamp (if available) or seal of the certifier's organisation on the copy.

Example of an authorised statement on a document:

This is a true copy of the original documents sighted by me
Jane Smith
Signature
01-2345-6789
Lawyer
01.07.2013

OTHER SUPPORTING DOCUMENTS:

It is in your interest to attach copies of documents that may help assess your claim for FEG assistance. These documents may help us to assess your claim, particularly if your former employer's records are in poor condition or incomplete. These documents may include:

- Documents evidencing your working arrangement (as mentioned in question C7)
 - payslips
 - letter of termination
 - timesheets
 - payment summaries
 - separation certificate
- The instrument governing your employment e.g. award, determination, contract of employment, order or letter of appointment (as mentioned in question C8)
- Bank statements for the 13 weeks prior to the initial appointment of the insolvency practitioner (or if your employment ended before the appointment of an insolvency practitioner, bank statements for the 13 weeks prior to the end of your employment)
- Bank statements for the 30 days immediately after your employment ended
- Letter offering you new employment if applicable (as mentioned in question E1.2)
- Your workers compensation payment statement (if applicable) and your most recent redundancy trust or any other industry-based entitlement protection scheme statement, if you are a member (as mentioned in questions G2 to G3.1.1)

Please go to the [FEG website](http://www.employment.gov.au/FEG) at www.employment.gov.au/FEG or contact the **FEG Hotline on 1300 135 040** for further assistance.

Please keep a copy of the completed claim form and any copies of supporting documents for your own records. Please do not attach original documents as they will not be returned.

Send your completed form and supporting documents to:

**Fair Entitlements Guarantee Branch
Department Employment
GPO Box 9880
Canberra ACT 2601**