



**Australian Government**

**Department of Education, Employment  
and Workplace Relations**

# **Employment Assistance Fund Guidelines**

## **1 March 2010**

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# Table of Contents

<b>PART A – GENERAL CONDITIONS</b>	
<b>INTRODUCTION</b>	<b>4</b>
1. Aim	4
2. Objective	4
3. Guidelines	4
<b>EAF ASSISTANCE</b>	<b>4</b>
4. Overview	4
5. Types of assistance	5
<b>APPLYING FOR ASSISTANCE</b>	<b>5</b>
6. Disability Employment Services Program Providers and Job Services Australia Providers	5
7. Links with a Participant’s Employment Pathway Plan	6
8. Employment Pathways Fund and the EAF	6
9. Other Applicants	6
<b>ELIGIBILITY FOR EAF ASSISTANCE</b>	<b>6</b>
10. Eligible Participants, Workers and Individuals	6
11. Ineligible Participants, Workers and Individuals	7
<b>CIRCUMSTANCES WHERE ASSISTANCE IS NOT AVAILABLE</b>	<b>7</b>
12. Circumstances where assistance is not available	7
<b>REASONABLE ADJUSTMENT</b>	<b>8</b>
13. Employers responsibility	8
<b>JOBACCESS’ RIGHT TO DECLINE AN APPLICATION FOR ASSISTANCE</b>	<b>8</b>
14. Right to decline an application	8
<b>APPLICANT’S RIGHT TO REQUEST A REVIEW</b>	<b>8</b>
15. Review	8
16. Process	8
<b>ASSESSMENT OF EAF APPLICATIONS</b>	<b>9</b>
17. Provider Applications	9
18. Other Applicants	10
<b>WORKPLACE MODIFICATIONS ASSESSMENT</b>	<b>10</b>
19. Overview	10
20. Process	11
21. Travel Time and Travel Costs	12
<b>PAYMENTS</b>	<b>12</b>
22. Overview	12
23. Reimbursements for applications made by Provider Applicants	12
24. Reimbursement for applications made by Other Applicants	13
<b>OWNERSHIP OF MODIFICATION</b>	<b>13</b>
25. Ownership	13
<b>DOCUMENTARY EVIDENCE</b>	<b>14</b>
26. Requirements where applications are made by Program Providers	14
27. Requirements where applications are made by Other Applicants	14
<b>DEEWR CONTRACT MANAGEMENT</b>	<b>14</b>
28. Requirements	14
<b>GST PROVISIONS AND QUOTATION REQUIREMENTS</b>	<b>14</b>

29. GST provisions	14
30. Quotations	14
<b>CONFLICT OF INTEREST</b>	<b>15</b>
31. Conflict	15
<b>FRAUD AND RECOVERY</b>	<b>15</b>
32. Fraud	15
33. Recovery	15
<b>EAF POST IMPLEMENTATION EAF OUTCOMES SURVEY</b>	<b>15</b>
34. 13 Week Post Implementation Outcome Survey	15
<b>PART B – EAF TYPES OF ASSISTANCE</b>	
<b>INTRODUCTION</b>	
35. Overview	16
<b>MODIFICATIONS</b>	<b>16</b>
36. General description	16
<b>WORKPLACE SUPPORT SERVICES</b>	<b>16</b>
37. General description	16
<b>AUSLAN</b>	<b>17</b>
38. General description	17
39. Auslan assistance levels	17
40. Specific conditions	18
<b>GLOSSARY</b>	<b>19</b>
<b>APPENDIX 1 - SUBMITTING AN APPLICATION, A WORKPLACE ASSESSMENT AND REIMBURSEMENT 22</b>	
1.1 Approval of applications – employees and self-employed workers	22
1.2 Approval of applications – Provider Applicants	23
1.3 Arranging a Workplace Modifications assessment	24
1.4 Payment - Employers, Workers, Individuals and Australian Disability Enterprises	25
1.5 Payment –Provider Applicants	25

## PART A – GENERAL CONDITIONS

### INTRODUCTION .

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#### 1. **Aim**

- 1.1 The Employment Assistance Fund (EAF) encourages and supports the employment of eligible people with disability by providing financial assistance to purchase a range of work-related services and Modifications. These include, but are not limited to, the cost of Modifications that may be needed to a workplace, Modification to work vehicles and equipment, the purchase of special work equipment, Auslan interpreting services and specialised assistance for people with mental illness and specific learning disability. Assistance available through the EAF is subject to meeting eligibility and application requirements, and funds being available.

#### 2. **Objective**

- 2.1 To improve access to employment, work opportunities and work productivity for people with disability.

#### 3. **Guidelines**

- 3.1 The EAF Guidelines ('Guidelines') outline the requirements and processes for assistance under the EAF. The Guidelines form part of:

- (a) the terms and conditions of the Disability Employment Services Deed 2010-2012 ('DES Deed') for Disability Employment Services Program Providers;
- (b) the terms and conditions of the Disability Employment National Panel of Assessors Deed of Standing Offer 2010-2012 ('Panel Deed') for members of the National Panel of Assessors;
- (c) the terms and conditions of the Employment Services Deed 2010-2012 ('JSA Deed') for Job Services Australia Providers; and
- (d) the conditions of applying for the EAF (together with the relevant EAF Application form) for Employers, Participants, Workers and Individuals.

- 3.2 In these Guidelines, all capitalised terms have the meaning given to them in the glossary.

### EAF ASSISTANCE

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#### 4. **Overview**

- 4.1 Assistance must be clearly directed to the specific work-related needs of the Participant, Worker or Individual with disability.
- 4.2 The EAF is accessed through [www.jobaccess.gov.au](http://www.jobaccess.gov.au). The EAF can help people with disability and their employers with financial assistance to purchase Modifications and work-related services, which are required by a person with disability to perform their job.
- 4.3 The JobAccess Provider may:
- (a) receive and assess online applications for the EAF:
    - (i) for Participants through Disability Employment Services Program Providers or Job Services Australia Providers; and
    - (ii) directly from Other Applicants; and
  - (b) refer applications to WMS Assessors from the National Panel of Assessors where a Workplace Modifications Assessment is required.

## 5. Types of Assistance

5.1 Assistance and support available through the EAF includes:

### Modifications

- Computer software and upgrades, on a case by case basis, for those who require special software due to their disability;
- Modification to work vehicles if a Participant in Employment or a Worker is a delivery driver for example, and the vehicle's use is primarily to carry out the functions of their job;
- Communication technology devices, including assistive listening devices, paging systems and telephone and computer hardware;
- Specific items of equipment or modifications to existing equipment that will be used by the Participant, Worker or Individual in their job or to facilitate them getting a job;
- Training in instances where a Participant in Employment or a Worker requires technical support or training for disability specific Modifications or equipment normally not provided by an Employer; and
- Physical or environmental workplace adjustments that remove barriers to employment e.g. wheelchair accessible toilets and access ramps.

### Workplace support services

- Deafness awareness, disability awareness and mental health first aid training for Employers. This training must be delivered by qualified people who possess a minimum of a Cert IV in Training and Assessment and who possess expertise in the content area. The training cannot be provided by the Employer's or the Disability Employment Services Program provider's own organisation; and
- Specialised support and training packages for Participants in Employment and Workers with mental illness and specific learning disorders.

### Auslan assistance

- Auslan Interpreting, including via Remote Interpreting, to assist with a range of work-related activities and job interviews.

5.2 Applications for assistance under the EAF may be made by the range of Applicants listed in the Guidelines. Only applications that meet the eligibility requirements of the EAF as set out in the Guidelines can be approved by the JobAccess Provider. More information about types of assistance available through the EAF and specific conditions are set out in Part B of these Guidelines.

**Note:** EAF Applications for assistance for multiple Participants in Employment or Workers may be considered on a case by case basis where a number of Participants in Employment or Workers would be assisted as a result of a Modification.

## APPLYING FOR EAF ASSISTANCE

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### 6. Disability Employment Services Program Providers and Job Services Australia Providers

6.1 Disability Employment Services Program Providers and Job Services Australia Providers may assist Employers and Participants to identify the need for Modifications and the type of Modification that may be appropriate.

6.2 Disability Employment Services Program Providers and Job Services Australia Providers may provide information to an Employer, Participant, Worker or Individual about the EAF Guidelines and JobAccess, and if requested by prospective Applicants, assist with the preparation or

submission of an EAF application to the JobAccess Provider. In these instances they must make the Applicant aware of the information required as set out in these Guidelines.

- 6.3 Neither DEEWR nor the JobAccess Provider is liable for any misinformation given to any person by Disability Employment Services Providers or Job Services Australia Providers in relation to the provision of EAF assistance.

**Note:** Where Provider Applicants make an application for assistance on behalf of an Employer, Worker or Individual, they are not acting as an agent of DEEWR or the JobAccess Provider and must not make commitments in relation to the approval of funding.

## 7. **Links with a Participant's Employment Pathway Plan**

- 7.1 Assistance provided through the EAF should be relevant to the Participant's employment goals which are written in the Participant's Employment Pathway Plan (EPP), or relevant to another written employment or career development plan that describes work goals and skills development strategies.

- 7.2 In applications for assistance under the EAF, Applicants must describe how the requested assistance will further the aims of the EAF by:

- reducing an existing barrier to employment;
- addressing identified employment related requirements;
- enhancing employment conditions;
- supporting implementation of the Participant's, Worker's or Individual's employment and training strategies; and
- improving the Participant's, Worker's or Individual's productivity and skills for their existing job or for a future job.

## 8. **Employment Pathways Fund and the EAF (Job Services Australia providers only)**

- 8.1 At no time can a Job Services Australia Provider use both the EAF and the Employment Pathways Fund (EPF) simultaneously to purchase the same item.

## 9. **Other Applicants**

- 9.1 Participants, Employers, Workers or Individuals can apply directly to the JobAccess Provider by submitting an online application for the purchase of goods or services provided under the EAF. The JobAccess Provider will receive and consider applications and provide notification of approval of these applications.

## **ELIGIBILITY FOR EAF ASSISTANCE**

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### 10. **Participants, Workers and Individuals**

- 10.1 Subject to paragraph 12 of these Guidelines, to be eligible for assistance, a Participant, Worker or Individual must meet all eligibility criteria in paragraph 10.2, and at least one eligibility criterion in paragraph 10.3 below.

- 10.2 To be eligible for assistance, a Participant, Worker or Individual must meet all of the following criteria:

- (a) have an ongoing disability that:
  - (i) has lasted, or is likely to last, for at least two years; and
  - (ii) results in a limitation, restriction or impairment that affects the Participant's, Worker's or Individual's everyday activities; and
- (b) requires a Modification as a result of their disability to carry out their employment; and

- (c) be an Australian citizen or permanent resident.
- 10.3 To be eligible for assistance, a Participant, Worker or Individual must meet at least one of the following criteria:
- (a) have an offer of Employment or be Employed under a legal industrial arrangement that complies with the minimum standards established by Commonwealth or State law and which is for a minimum of 8 hours per week, for at least 13 weeks,
  - (b) be Employed for a minimum of 8 hours per week, where that Employment is reasonably expected to continue for a period in excess of 13 weeks,
  - (c) be a Self-employed Worker who is working a minimum of 20 hours per week, and provides evidence of their ABN to the JobAccess Provider,
  - (d) be a Participant, Worker or Individual with disability who requires assistive technology, special equipment or Auslan interpreting to look for a job or prepare for a job.
- 10.4 A Participant, Worker or Individual with periods of Employment of less than 13 weeks, or whose Employment may not be continuous (e.g. positions in seasonal industries) may also be considered to be eligible for EAF assistance at the discretion of the JobAccess Provider on a case-by-case basis. In such cases a clear statement of the Employment relationship will be required from the Employer to enable the JobAccess Provider to consider the application.

## 11. Ineligible Participants, Workers and Individuals

- 11.1 Participants, Workers or Individuals who received a worker's compensation payment through their current employer, that covers the assistance being sought under the EAF are NOT eligible for assistance.

### CIRCUMSTANCES WHERE EAF ASSISTANCE IS NOT AVAILABLE

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## 12. Circumstances where assistance is not available

- 12.1 Funding under the EAF is not available where:
- the JobAccess Provider is not satisfied that the requested EAF assistance is directed at the specific needs of the Participant, Worker or Individual i.e. that the item is not required as a direct result of the work barriers created by a person's disability;
  - the Applicant or the subject of an EAF Application (as relevant) is in receipt of, or entitled to, the same or similar assistance as provided under these Guidelines from a Commonwealth source (other than DEEWR) or state, territory or local government bodies, and DEEWR may require the Applicant or the subject of an EAF Application, to provide evidence, in a form acceptable to DEEWR, which proves that person is not receiving, or entitled to receive, such assistance;
  - assistance is sought for domestic Modifications, unless the JobAccess Provider is satisfied that the request for Modifications based at the Worker's home are directly related to the Worker's employment duties, and the Participant, Worker or Individual is unable to attend the usual place of work due to their disability; or
  - the employer has a statutory obligation to provide the Modification (e.g. for occupational health and safety requirements).

## REASONABLE ADJUSTMENT

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### 13. Employer's responsibility

- 13.1 Employers should note that they may have obligations under the *Disability Discrimination Act 1992* (Cth) to make reasonable adjustments in their work arrangements for their employees with disability.

## JOBACCESS' RIGHT TO DECLINE AN APPLICATION FOR ASSISTANCE

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### 14. Right to decline an application

- 14.1 The JobAccess Provider may decline EAF Applications in any of the following situations:
- (a) the Participant, Worker or Individual has not met the eligibility criteria in paragraphs 10 and 11 of these Guidelines;
  - (b) the application is incomplete and no new application is submitted;
  - (c) any of the Applicants refuse, at the time of application, DEEWR's requirements in regard to maintaining appropriate records and random confirmation of expenditure and implementation of EAF assistance;
  - (d) an application for EAF fails to adequately explain how the EAF assistance will address barriers to employment and improve work productivity;
  - (e) ownership of the Modification cannot be agreed as required at paragraphs 25.1-25.5 of these Guidelines;
  - (f) circumstances exist where EAF assistance is not available under paragraph 12 of these Guidelines;
  - (g) an application for EAF assistance relates to items that have been purchased prior to the EAF application being made and without prior approval by the JobAccess Provider;
  - (h) insufficient funds availability; and
  - (i) any other situation Notified by DEEWR to the JobAccess Provider.

## APPLICANT'S RIGHT TO REQUEST A REVIEW

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### 15. Review

- 15.1 Where an EAF Application is declined for reasons other than those listed in paragraph 14.1 (a) or (b)-the Applicant may seek a review of the decision, or amend and re-submit an EAF Application. Applicants should discuss the application with the JobAccess Provider, before re-submitting an application and before submitting a request for review.

### 16. Process

- 16.1 Applicants can request a review of a decision by sending a written request for review to the JobAccess Manager, Employment Assistance Fund, PO Box 510, SUBIACO WA 6904. Facsimile (08) 9388 7799. The request for review should include a statement of the reasons why the Applicant considers that the application satisfies the requirements of these Guidelines. The JobAccess Provider must send all requests for review and proposed responses to DEEWR for approval before responding to an Applicant.



## ASSESSMENT OF EAF APPLICATIONS

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### 17. Provider Applicants

#### **EAF Applications less than \$10,000 in total**

- 17.1 In relation to EAF Applications from Provider Applicants costing less than \$10,000 in total, the JobAccess Provider:
- (a) must review each EAF Application and assess if it is incomplete or ambiguous and, in the event that the EAF Application is incomplete or ambiguous:
    - (i) must contact the Applicant by telephone within 4 hours of the Application Date (and the Applicant may elect to 'close the application as not proceeding' and re-submit a new application); and
    - (ii) may, if it is unable to resolve an ambiguity in the application with the Applicant, and where appropriate, refer the application to a WMS Assessor for a Workplace Modifications Assessment; and
  - (b) must, if:
    - (i) any incompleteness or ambiguity is resolved and the Applicant wishes to proceed with the EAF Application; or
    - (ii) the application is complete and unambiguous, proceed to assess the application against the eligibility requirements of the EAF.
- 17.2 Applications from Provider Applicants costing less than \$10,000 in total do not automatically require a Workplace Modifications Assessment unless a Workplace Modifications Assessment is specifically requested by the relevant Disability Employment Services Program Provider or Job Services Australia Provider.
- 17.3 Subject to paragraph 17.1(a) (ii), EAF Applications must be fully complete and unambiguous before a WMS Assessor is allocated by the JobAccess Provider to undertake a Workplace Modifications Assessment.
- 17.4 Where relevant, the JobAccess Provider must advise the Applicant of arrangements to proceed with the Workplace Modifications Assessment within 2 Business Days of the Application Date.
- 17.5 Where the JobAccess Provider makes a decision that:
- (a) an EAF Application for assistance meets the eligibility requirements of the EAF, and there are no grounds under paragraph 14 to decline the application; or
  - (b) an EAF Application for assistance does not meet the eligibility requirements of the EAF, or there are grounds under paragraph 14 to decline the application,
- The JobAccess Provider must advise the applicant of the decision within 4 hours of the Application Date.

#### **EAF applications for assistance of \$10,000 or greater**

- 17.6 In relation to EAF application from Provider Applicants costing \$10,000 or greater in total, the JobAccess Provider must:
- (a) comply with the process under paragraph 17.1 and 17.3 above;
  - (b) arrange for a Workplace Modifications Assessment. and
  - (c) comply with the process under paragraph 17.4.
- 17.7 Where the JobAccess Provider makes a decision that:

- (a) an application for assistance meets the eligibility requirements of the EAF, and there are no grounds under paragraph 14 to decline the application; or
- (b) an application for assistance does not meet the eligibility requirements of the EAF, or there are grounds under paragraph 14 to decline the application,

the JobAccess Provider must advise the applicant of the decision within two Business Days of the Application Date.

- 17.8 Where relevant, the JobAccess Provider must advise the Applicant of arrangements to proceed with the Workplace Modifications Assessment within **3 Business Days** of the Application Date.

*Note: in this paragraph 17, 'hours' refers to the standard hours of operation for the JobAccess Provider.*

## 18. Other Applicants

- 18.1 In relation to EAF Applications from Participants, Employers, Workers or Individuals, the JobAccess Provider must:

- (a) comply with the process under paragraph 17.1 and 17.3 above;
- (b) subject to paragraph 18.4, arrange for a Workplace Modifications Assessment; and
- (c) comply with the process under paragraph 17.4.

- 18.2 Where the JobAccess Provider makes a decision that:

- (a) an application for assistance meets the eligibility requirements of the EAF, and there are no grounds under paragraph 14 to decline the application; or
- (b) an application for assistance does not meet the eligibility requirements of the EAF, or there are grounds under paragraph 14 to decline the application,

the JobAccess Provider must advise the applicant of the decision within two Business Days of the Application Date.

- 18.3 EAF Applications from Participants, Employers, Workers or Individuals will be subject to:

- (a) the outcome of a Workplace Modifications Assessment for applications for Modifications;
- (b) funds availability; and
- (c) paragraph 14 of these Guidelines.

- 18.4 For Other Applicants, a Workplace Modifications Assessment may be waived by the JobAccess Provider for items costing up to \$1,000 (GST inclusive) or in circumstances where the Other Applicant has supplied sufficient written justification for the requested item from an independent third party who has the equivalent qualifications and expertise of a WMS Assessor.

## WORKPLACE MODIFICATIONS ASSESSMENTS

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### 19. Overview

- 19.1 A Workplace Modifications Assessment involves an evaluation of a specific job in a specific workplace and determines recommendations for the most appropriate Modification to allow Participants, Workers and Individuals to improve their access to employment and their work productivity.

## 20. **Process**

- 20.1 The JobAccess Provider must arrange for the Workplace Modifications Assessment to commence within 5 Business Days of the Application Date.
- 20.2 A WMS Assessor from the National Panel of Assessors must be available to conduct Workplace Modifications Assessments at a time negotiated with the Employer, the JobAccess Provider and the Participant, Worker or Individual for whom EAF assistance is sought.
- 20.3 The JobAccess Provider must select a suitable WMS Assessor from the Disability National Panel of Assessors and arrange for the assessor to conduct a Workplace Modifications Assessment. In selecting a WMS Assessor the JobAccess Provider must take into account the regional location, industry experience and any disability speciality nominated. This may include directing the WMS Assessor to provide the following information which will assist in the validation of eligibility requirements on behalf of the JobAccess Provider:
  - (a) expert advice or other information about the range of available Modifications which are available to address identified barriers to work;
  - (b) confirming that the Participant, Worker or Individual's disability is a barrier to Employment; and/or
  - (c) confirming the relevance of a requested Modification in an EAF Application and that the particular item or package of items will remove a barrier to Employment for the Participant, Worker or Individual.
- 20.4 The WMS Assessor must conduct each Workplace Modifications Assessment and submit the relevant report within the timeframe required by the JobAccess Provider. The WMS Assessor must arrange the appointment for the assessment with the relevant Employer. The WMS Assessor must ensure that they seek the agreement of the Employer and the Participant or Worker to the assessment outcomes and provide a copy of their assessment report to them. If no agreement is reached with these persons, the WMS Assessor must refer the matter to DEEWR, through the JobAccess Provider.
- 20.5 The JobAccess Provider must ensure that the WMS Assessor submits a Workplace Modifications Assessment Report in the format notified to it by JobAccess within 7 Business Days of the date of acceptance of the Work Order.
- 20.6 Within 1 Business Day of receiving the Workplace Modification Assessment Report, the JobAccess Provider must review the report and:
  - (a) approve the Workplace Modification Assessment Report; or
  - (b) if the Workplace Modification Assessment Report is not of sufficient standard, return the report to the WMS Assessor for further revision and resubmission to DEEWR.
- 20.7 If the original Workplace Modifications Assessment Report is returned to the WMS Assessor for further assessment, the WMS Assessor must, in accordance with clause 72.2 of the Panel Deed ensure that, within 2 Business Days they revise the Workplace Modifications Assessment Report and resubmit the revised Workplace Modifications Assessment Report to the JobAccess Provider incorporating amendments as required.
- 20.8 The JobAccess Provider must advise the Applicant of either the approval or rejection of their EAF Application, by telephone within 1 Business Day of receiving the final Workplace Modifications Assessment Report.
- 20.9 The JobAccess Provider must pay all approved costs of the Workplace Modifications Assessment in accordance with these Guidelines.

- 20.10 The assessment hourly rate of \$120 per hour (GST inclusive) will be payable for Workplace Modifications Assessment services, subject to compliance with the Panel Deed. With approval from the JobAccess Provider, and subject to paragraph 20.11, up to a maximum of 9 hours will be payable for Workplace Modifications Assessments and Workplace Assessment Reports.
- 20.11 It is expected that the majority of both Workplace Modifications Assessments and Workplace Modifications Assessment Reports will be completed within 5 hours (in total). Where it is evident that a particular assessment is of a more complex nature, an additional time of up to 4 hours may be made available with prior approval of the JobAccess Provider.
- 20.12 Payment and Reimbursements to WMS Assessors for WMS Assessment Services will only be made by the JobAccess Provider on receipt of:
- (a) the final Workplace Modifications Assessment Report completed to the satisfaction of the JobAccess Provider; and
  - (b) a valid Tax Invoice detailing hours of WMS Assessment Services, and where relevant Travel Time hours and other Travel Costs (if applicable), rendered, including receipts and proof of payment for other Travel Costs.

## 21. **Travel Time and Travel Costs**

- 21.1 WMS Assessors may claim Travel Time to complete Workplace Modifications Assessments. Such claims may be made for Travel Time at the rate of \$50 per hour (GST inclusive), for a maximum of 8 hours per day. Travel Time is not part of the time allocated for the completion of the Workplace Modifications Assessment and the Workplace Modifications Assessment Report.
- 21.2 The JobAccess Provider may approve Travel Costs.
- 21.3 The JobAccess Provider will pay and reimburse the WMS Assessor for approved Travel Time and Travel Costs, respectively, where travel in excess of 200km for a return trip is required for the WMS Assessor to provide the WMS Assessment Services.
- 21.4 For travel that includes an overnight stay, costs for meals and accommodation may also be claimed. These are payable on a Reimbursement basis on receipt of a Tax Invoice and evidence of travel expenditure. Reimbursement will be at the then in force Australian Taxation Office schedule on "Reasonable daily allowance amounts" (published annually), calculated at the rate of an employee with an annual salary of \$87,200 or less.
- 21.5 Travel expenditure Reimbursement is to be claimed by the WMS Assessor as part of the Fees for WMS Assessment Services at the time the Workplace Modifications Assessment Report is lodged with the JobAccess Provider.

## **PAYMENTS**

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### 22. **Overview**

- 22.1 Assistance is available only after an EAF Application is approved by the JobAccess Provider. EAF Applications will not be approved for items which the Applicant has purchased prior to the JobAccess Provider's final approval of the EAF Application form.
- 22.2 Evidence of expenditure should be submitted by all Applicants to the JobAccess Provider within 21 days from the date of final approval of the application for EAF assistance. The JobAccess Provider may not pay or reimburse claims over 30 days from the date of final approval of the application for EAF assistance.

### 23. **Reimbursements of amounts from EAF Applications made by Provider Applicants**

- 23.1 EAF Reimbursements will be available through DEEWR's IT System.

### **Reimbursement of assistance of less than \$10,000**

- 23.2 After the JobAccess Provider has approved the EAF Application, the Provider Applicant may proceed to purchase the approved item(s) and claim Reimbursement through DEEWR's IT System.

### **Reimbursement of assistance of \$10,000 or greater**

- 23.3 Approval of EAF Applications of \$10,000 or greater in total will be subject to the JobAccess Provider's consideration of the EAF Application against paragraphs 17 and 18 of these Guidelines, the outcome of the Workplace Modifications Assessment and funds availability.

### **24. Reimbursement for EAF Applications made by Other Applicants**

- 24.1 Applications made by Other Applicants will be subject to the JobAccess Provider's consideration against paragraphs 18, 19 and 20.8 of these Guidelines, and where relevant, the outcomes of the Workplace Modifications Assessment and funds availability.
- 24.2 Other Applicants will be paid by direct credit once a Tax Invoice and supplier receipts of expenditure have been submitted to the satisfaction of the JobAccess Provider.

## **OWNERSHIP OF MODIFICATIONS PURCHASED THROUGH THE EAF**

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### **25. Ownership**

- 25.1 At the time of submitting an EAF application ownership of the Modification must be agreed in writing between the JobAccess Provider and any parties which may be affected by the Modification. Ownership details must be entered by the JobAccess Provider in the 'Claim Description' screen of the application form.
- 25.2 Responsibility for ongoing maintenance, repair or replacement of the Modification, and liability as a result of injury caused by the Modification, will rest with the owner of the Modification. The Commonwealth or the JobAccess Provider does not accept any responsibility for such maintenance, repair, replacement or liability.
- 25.3 For the purposes of paragraph 25.1 and 25.2, Provider Applicants who purchase EAF items on behalf of a Participant must do all things necessary to document ownership of the Modification by the party who owns the Modification as agreed under paragraph 25.1.
- 25.4 Where:
- (a) the owner of the Modification is not a Participant with Employment or a Worker;
  - (b) the relevant Participant in Employment or a Worker subsequently leaves their job; and
  - (c) the Modification is portable,
- the Applicant must use its best endeavours to ensure that the relevant Modification:
- (d) moves with the Participant or Worker to their new job;
  - (e) transfers to a Disability Employment Services Program Provider or Job Services Australia Provider for use by another Participant or Worker; or
  - (f) is retained for use by another Participant or Worker with similar needs.
- 25.5 If a Participant or Worker leaves a job, wherever possible, a portable Modification should move with that person, on whose behalf the Modification was provided.

## DOCUMENTARY EVIDENCE

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### 26. Requirements where EAF Applications are made by Provider Applicants

- 26.1 Provider Applicants requesting Reimbursement must ensure that an individual EAF Application File is created for each EAF Application. The EAF Application File must be used to record all documents relating to the assistance purchased.
- 26.2 The EAF Application File must contain as a minimum, copies of:
- (a) the relevant sections of the agreed Employment Pathway Plan of the Participant who is the subject of the EAF Application;
  - (b) the completed EAF Application form;
  - (c) quotations obtained and any technical/descriptive information on items requested;
  - (d) evidence of expenditure, supplier receipts and Tax Invoices for each item of assistance requested;
  - (e) a declaration from the Applicant or the Participant who is the subject of the EAF Application that the assistance has been implemented;
  - (f) the 13 week Post Implementation EAF Outcomes Survey, where relevant;
  - (g) any other documents required under the Provider Applicant's agreement with DEEWR; and
  - (h) unless impracticable, the written agreement of the parties affected by the Modification.
- 26.3 Provider Applicants must retain sufficient Documentary Evidence to prove their claims for payment under the EAF for such period under their respective agreements with DEEWR. Provider Applicants must, if requested by DEEWR, within 10 Business Days of DEEWR's request, provide the Documentary Evidence referred to in clause 26.1 to DEEWR and DEEWR's satisfaction.

### 27. Requirements where EAF Applications are made by Other Applicants

- 27.1 Other Applicants may be required to submit documents set out in paragraph 26.2 of these Guidelines as relevant, as part of the application and Reimbursement process. The JobAccess Provider must request the required information.

## DEEWR CONTRACT MANAGEMENT

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### 28. Requirements

- 28.1 In making applications for assistance under the EAF, Provider Applicants must comply with all of their respective obligations under the relevant agreement with DEEWR.

## GST PROVISIONS AND QUOTATION REQUIREMENTS

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### 29. GST provisions

- 29.1 Applicants are strongly encouraged to obtain independent professional advice in relation to their liabilities for GST.

### 30. Quotations

- 30.1 Written quotations for Modifications are not required for individual items under \$2,500. Instead, the Applicant is required to establish and record a single cost of the item and the intended supplier.
- 30.2 One written quotation is required for individual items greater than \$2,500 and up to \$5,000 in value.
- 30.3 Individual items costing in excess of \$5,000 require 3 written quotations.

30.4 It is essential that the amount of the cost of each item is accurate.

**Note:** for the avoidance of doubt, the dollar amounts specified in this paragraph 30 apply to the cost of individual items, not the total cost of the items in an EAF Application.

### CONFLICT OF INTEREST

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#### 31. Conflict

31.1 If a Conflict arises, or is likely to arise, and the Provider Applicant fails to Notify DEEWR or the JobAccess Provider, or is unable or unwilling to resolve or deal with the Conflict as reasonably required by DEEWR or the JobAccess Provider, DEEWR may exclude a Provider Applicant from access to EAF in the future.

### FRAUD AND RECOVERY

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#### 32. Fraud

32.1 The *Criminal Code Act 1995* (Cth), provides that offences involving fraudulent conduct against the Commonwealth are punishable by penalties including imprisonment.

32.2 Where an Applicant suspects potential fraud in connection with applying for, or receiving EAF assistance, that person must refer the matter immediately to the JobAccess Provider for investigation and action as appropriate.

#### 33. Recovery

33.1 Any recovery of payments from a Provider Applicant will be managed by DEEWR under the DES Deed.

33.2 Any recovery of payments from a WMS Assessor will be managed by DEEWR under the Panel Deed.

33.3 Any recovery of payments from an Employer, Participant, Worker or Individual will be managed by the JobAccess Provider at its discretion.

### EAF POST IMPLEMENTATION OUTCOMES SURVEY

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#### 34. 13 Week Post Implementation Outcome Survey

34.1 If requested to complete an 13 Week Post Implementation Outcomes Survey by DEEWR or the JobAccess Provider, an Applicant must do so and submit the 13 Week Post Implementation Outcomes Survey to DEEWR or the JobAccess Provider as relevant.

34.2 The survey results will be used by DEEWR to gather feedback on the performance of the EAF and de-identified information may be used for the purposes of policy development and evaluation.

## PART B – EAF TYPES OF ASSISTANCE

### INTRODUCTION

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#### 35. Overview

- 35.1 The EAF can be used to purchase a broad range of Modifications to improve access to Employment and enhance a Participant's, Worker's or Individual's capacity to perform their work. Examples of the types of assistance that can be purchased through the EAF are set out below.
- 35.2 The EAF will not provide assistance where this assistance is available from another government funding source. In some circumstances JobAccess may approve partial reimbursement for items that are for personal use as well as for work use.

### MODIFICATIONS

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#### 36. General description

- 36.1 The EAF can be used to purchase Modifications such as modifications to a Participant's or Worker's physical work environment including vehicle modification, and the purchase of adaptive equipment. Examples include the following:
- Computer software and upgrades on a case by case basis for Participants, Workers and Individuals who require special software due to their disability;
  - Modifications to work vehicles if a Participant or Worker is a delivery driver for example, or the vehicle's use is primarily for the Participant's Employment;
  - Communication technology devices, including assistive listening devices, paging systems and telephony and computer hardware;
  - Specific items of equipment or modifications to existing equipment that will be used by the Participant or Worker with disability in their Employment;
  - Training where a Participant in Employment or Worker requires technical training for disability specific Modifications normally not provided by an employer. The cost of such training should be included in the total cost of the items in the EAF Application. Training Travel Costs may be considered on a case by case basis by the JobAccess Provider for those Participants or Works who have to travel interstate or distances over 300 kilometres return to attend training for disability specific Modifications;
  - Physical or environmental workplace adjustments that remove access barriers to employment e.g. alternate lighting, ramps, noise control devices, automatic doors, alert systems, workstation height adjustments, adjusting locations of shelves and entry switches, etc. can be considered.
- 36.2 The total cost of any building modification cannot exceed \$30,000 (GST exclusive). Building modifications can only be considered where the building owner or landlord has agreed that the building modification can be implemented. All applications that include building Modifications will be referred for a Workplace Modifications Assessment.
- Note:** EAF Applications for assistance for multiple Participants in Employment or Workers may be considered on a case by case basis where a number of Participants in Employment or Workers would be assisted as a result of a Modification.

### WORKPLACE SUPPORT SERVICES

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#### 37. General description

- 37.1 The EAF can be used to purchase work-related support services aimed at assisting Participants, Workers and their Employers and Individuals.
- 37.2 Examples of work-related support services available through the EAF include the following:



- Specialised support and training packages for Participants in Employment and Workers with mental illness and specific learning disorders, delivered by qualified professionals who possess specialist expertise in the support area. A maximum of \$1,500 (GST inclusive) may be payable per Participant in Employment or Worker in a 12-month period; and
- Disability awareness, deaf awareness and mental health first aid training for eligible Employers. This must be delivered by trainers who possess a Cert IV in Training and Assessment and who have specialist knowledge in the subject area. A maximum of \$1,500 (GST inclusive) may be payable per eligible Employer in respect to each Participant in Employment or Worker in a 12-month period.

## AUSLAN

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### 38. General description

38.1 Auslan assistance aims to maximise the ability of people who are deaf to find work and assist them to achieve workplace independence.

### 39. Auslan Assistance Level

39.1 The EAF provides three levels of Auslan assistance:

#### **Auslan Level 1**

39.2 Level 1 assistance provides work-related Auslan interpreting for Participants, Workers and Individuals who are deaf. This may include Remote Interpreting and Real Time Captioning within the \$6,000 cap. Interpreting assistance can be used for any work-related activity that the Employer deems appropriate or for preparing for Employment.

39.3 Level 1 assistance is capped at a maximum of \$6,000 (GST inclusive) (excluding Reimbursements for travel as set out in sub paragraph 39.5) in a 12 month period, calculated from the date of final approval of the EAF application. Once approval has been obtained for the initial Auslan Level 1 assistance, the maximum amount of \$6,000 will be available until 12 months has expired. If the Participant in Employment or Worker who is deaf is promoted or transferred to a new job but remains with the same Employer, a new EAF Application may be submitted and the annual cap of \$6,000 and the 12 month period restarts.

39.4 If a Participant in Employment or a Worker who is deaf, commences Employment with different Employer, they may submit a new EAF Application and the annual cap of \$6,000 and the 12 month period restarts.

39.5 Applicants can also apply for Reimbursement for Auslan interpreter travel fees (Travel Time only) where travel is in excess of two hundred (200) km for a return trip from the business location of the interpreter to the approved assignment address. Travel assistance is only available for approved Auslan Level 1 National Accredited Authority of Translators and Interpreters (NAATI) accredited Auslan interpreting. This is in addition to the \$6,000 cap. Travel assistance can not be approved for Deaf Awareness Trainers.

#### **Auslan Level 2**

39.6 Level 2 assistance provides Reimbursement or Payment of Auslan interpreting for Employers, Participants, Workers and Individuals. Approval may also be considered for job interview processes that involve site visits, completion of tests and participation in information sessions provided by prospective Employers.

39.7 Employers, Participants, Workers, Individuals and Provider Applicants on behalf of a prospective Employer, can apply for Auslan interpreting assistance for job interviews.

39.8 There is no limit to the number of job interviews for which EAF assistance may be sought. Funding for this level of assistance is separate and in addition to Level 1 interpreting assistance.

39.9 Travel assistance is not available for job interviews.

### **Auslan Level 3**

39.10 Level 3 assistance provides Reimbursement of some of the costs of participation in Certificate II in Auslan (nationally recognised) courses for Co-workers of employees who are deaf and use Auslan as their main method of communication.

39.11 Reimbursement for the initial costs of Co-worker Auslan Course studies may be approved:

(i) for Co-workers; and

(j) Employers of people who use Auslan to communicate,

who have paid the cost of an Auslan Certificate II Course for themselves or Co-workers in their employ, respectively.

39.12 The maximum amount of assistance in respect to a Co-worker is set out below:

2009-10	\$780
2010-11	\$795
2011-12	\$810

## **40. Specific conditions**

40.1 All EAF Applications for Auslan assistance are subject to the following:

- authentication and validation of the submitted application and proof of purchase documentation;
- sufficient funds availability; and
- compliance with eligibility criteria as set out in these Guidelines.

40.2 The EAF provides funding for Auslan interpreters at the professional or para-professional level who have current accreditation with NAATI.

40.3 While Applicants are encouraged to engage members of the Australian Sign Language Interpreters Association (ASLIA), this is not mandatory. Interpreters are required to provide services in a transparent and impartial manner, be responsive to workplace arrangements and maintain a high level of expertise.

40.4 Each application will be assessed for Reimbursement according to the eligibility criteria as set out in paragraphs 10 and 11 of these Guidelines.

40.5 The JobAccess Provider may seek to verify appropriate qualifications and eligibility in relation to any service provision of Auslan interpreting, Deaf Awareness training and Co-worker Auslan Course assistance.

40.6 The JobAccess Provider may exclude an EAF Applicant from further consideration if the Applicant does not provide all reasonable assistance referred to in paragraph 41.5. Incomplete applications will not be progressed.

40.7 An EAF Application should include all information as detailed within the Guidelines.

## GLOSSARY

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**Applicant** means a Provider Applicant and Other Applicant.

**Application Date** means the date and time upon which an application for assistance under the EAF is received by the JobAccess Provider.

**Auslan** means the sign language used by the Australian deaf community.

**Auslan Course** means a Certificate II in Auslan studies that is nationally recognised by the Australian Qualifications Framework.

**Auslan Interpreter** means Auslan interpreters at the professional or para-professional level who have current accreditation with National Accredited Authority of Translators and Interpreters.

**Co-workers** means a fellow worker of the subject of an EAF Application.

**Deaf Awareness Trainer** means a person who is Deaf and possess a Certificate IV in Training and Assessment.

**DEEWR** means the Commonwealth Department of Education, Employment and Workplace Relations or such other agency or department as may administer this Deed on behalf of the Commonwealth from time to time and, where the context so admits, includes the Commonwealth's relevant officers, delegates, employees and agents.

**DES Deed** means the Disability Employment Services Deed 2010-2012.

**Disability Employment Services Program Providers** means providers of Program Services as defined under the Disability Employment Services Deed 2010-2012.

**EAF Application** means a DEEWR online EAF Application form available on the JobAccess secure site.

**EAF Application File** means the document described in paragraph 26.1 of these Guidelines.

**'Employment or 'Employed** means the status of a person who is in paid work under a contract of employment or who is otherwise deemed to be an employee under relevant Australian legislation.

**Employment Pathway Plan** means an employment pathway plan as defined under the *Social Security Act 1991 (Cth)*, or, if the *Social Security Act 1991 (Cth)* is amended, any other such agreement.

**Employer** means an entity that has the legal capacity to enter into a contract of employment with a Participant or a Worker.

**ESS Smartclient** means DEEWR's secure IT system used by Provider Applicants to receive referrals, manage caseloads, and claim payments.

**FaHCSIA funded Australian Disability Enterprises** means a service that provides employment assistance to people with disability who work in a business that is in an employment setting that is administered by the FaHCSIA funded organisation.

**Individual** means a person with disability who is not receiving assistance from a Provider Applicant and who requires assistance to look for work.

**Job Services Australia Provider**

means a national network of private, community and government organisations funded by DEEWR that helps job seekers into sustainable employment, particularly those who are long-term unemployed.

**JSA Deed** means the Employment Services Deed 2009-2012.

**Modification** means the implementation of a piece of equipment or technology, or modification to an existing piece of equipment or technology or implementation of a service available from the EAF that assists a worker with disability to access or carry out a particular job.

**Other Applicant** means a Participant, Employer, Worker or Individual who wishes to access the EAF other than through a Provider Applicant but who has not yet had their application approved.

**Panel Deed** means the Disability Employment National Panel of Assessors Deed of Standing Offer 2010-2012.

**Participant** means person who is defined to be a Participant under the DES Deed and the JSA Deed.

**Participant in Employment** means a Participant with disability who is Employed.

**Post Implementation EAF Outcomes Survey** means the survey which DEEWR may request EAF Applicants to complete to help DEEWR measure the effectiveness of the EAF.

**Provider Applicant** means a Disability Employment Services Program Provider or a Job Services Australia Provider who wishes to access the EAF but who has not yet had their application approved.

**Payment** means any amounts payable by the JobAccess Provider directly to a third party supplier arising from an EAF application.

**Real Time Captioning** means the automatic generation of captions produced by speech recognition technology and used by people with hearing impairment.

**Reimbursement:**

- (a) has the meaning of that term as defined under:
  - (i) the DES Deed, as it applies to DES Program Providers, Job Access Providers and WMS Assessors; and
  - (ii) the JSA Deed, as it applies to JSA Providers, where the term in these Guidelines is relevant to the operation of those Deeds; and
- (b) has its ordinary meaning for:
  - (i) Job Access Providers and WMS Assessors where the term in these Guidelines is relevant to the operation of the Panel Deed; and
  - (ii) Other Applicants.

**Remote Interpreting** means provision of Auslan interpreting in another location using video conferencing technology to provide two way communication.

**Self-employment or Self-employed Worker** means a person who works with the primary aim of deriving a regular income from work, other than under a contract of employment.

**Travel Costs** means reasonable costs that are essential to undertake WMS Assessment Services where an overnight stay away home is required and that are approved by the JobAccess Provider in advance.

**Travel Time** means the time required to travel to complete WMS Assessment Services.

**TTY Typewriter** means a special device that lets people who are deaf, hearing impaired, or speech-impaired use the telephone to communicate, by allowing them to type messages back and forth to one another instead of talking and listening. A TTY is required at both ends of the conversation in order to communicate.

**WMS Assessment Services** means the services delivered by members of the National Panel of Assessors.

**WMS Assessor** means a DEEWR approved WMS Assessor who is a member of the National Panel of Assessors administered by DEEWR and contracted under the Panel Deed.

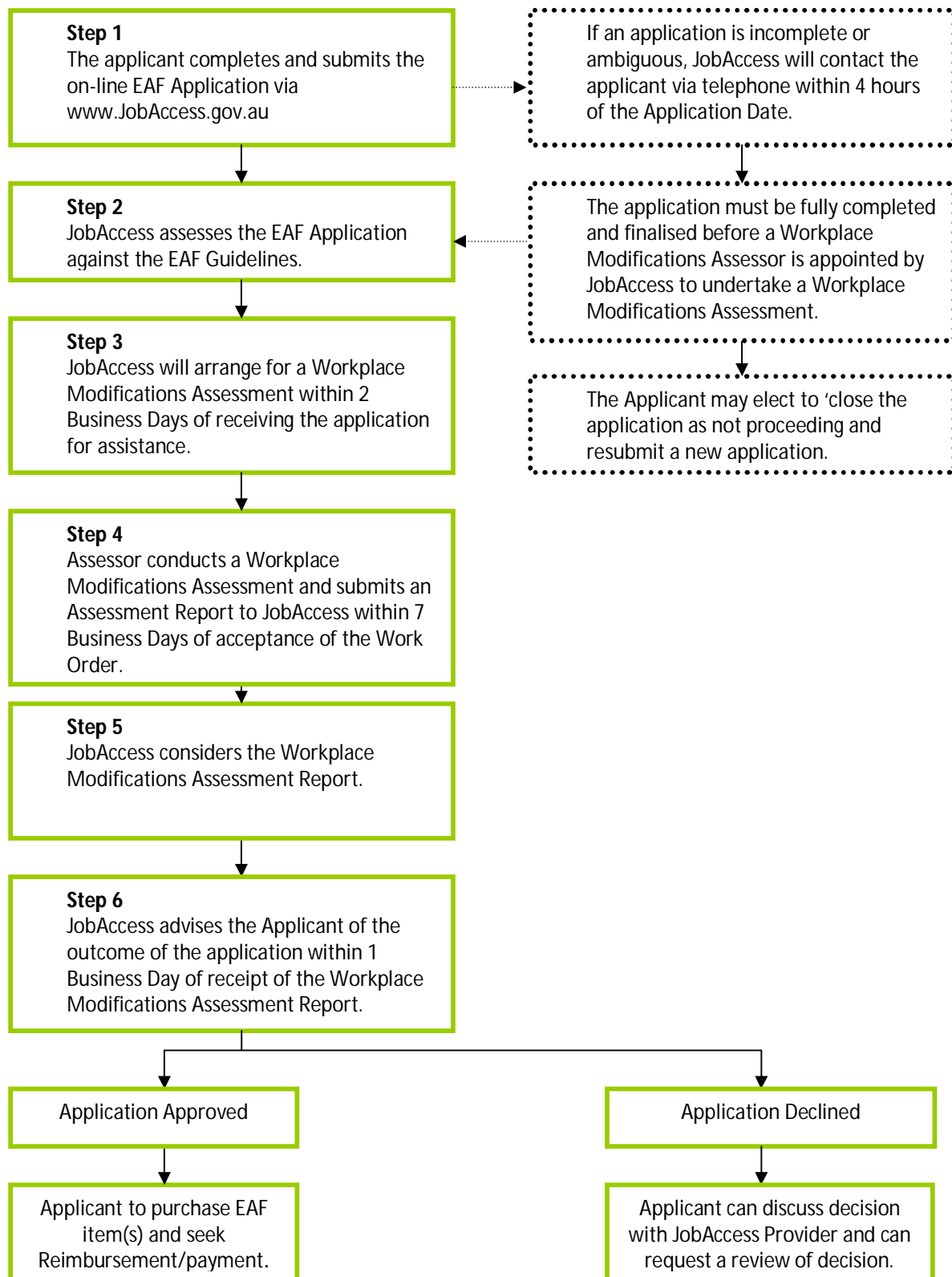
**Worker** means a person with disability who is not receiving assistance from a Disability Employment Services Program Provider or Job Services Australia Provider and who is currently working or has a written job offer.

**Work Order** means a work order for WMS Assessment Services issued by the JobAccess Provider to the WMS Assessor in accordance with the Panel Deed.

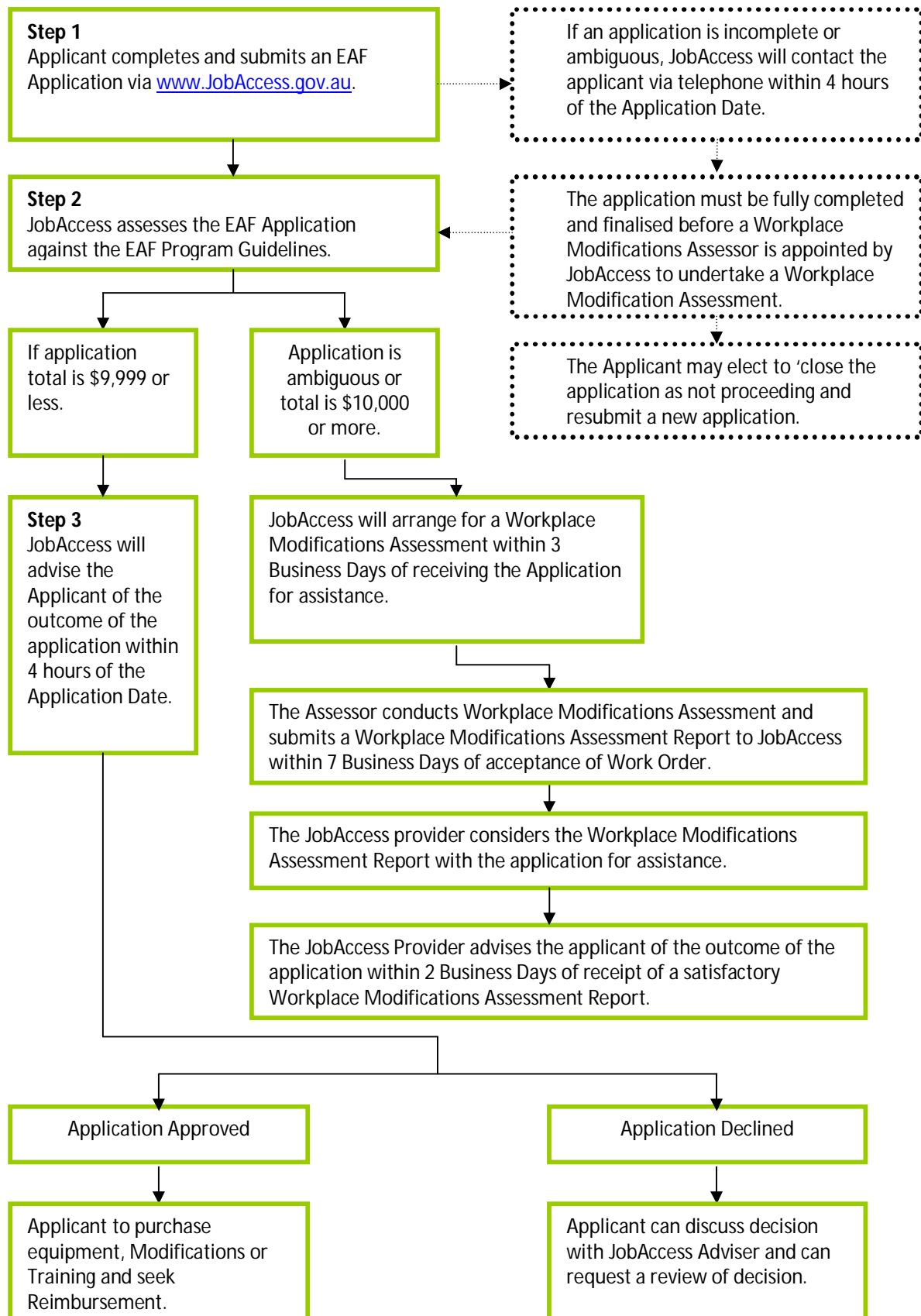
## Appendix 1.

### SUBMITTING AN APPLICATION, A WORKPLACE ASSESSMENT AND REIMBURSEMENT

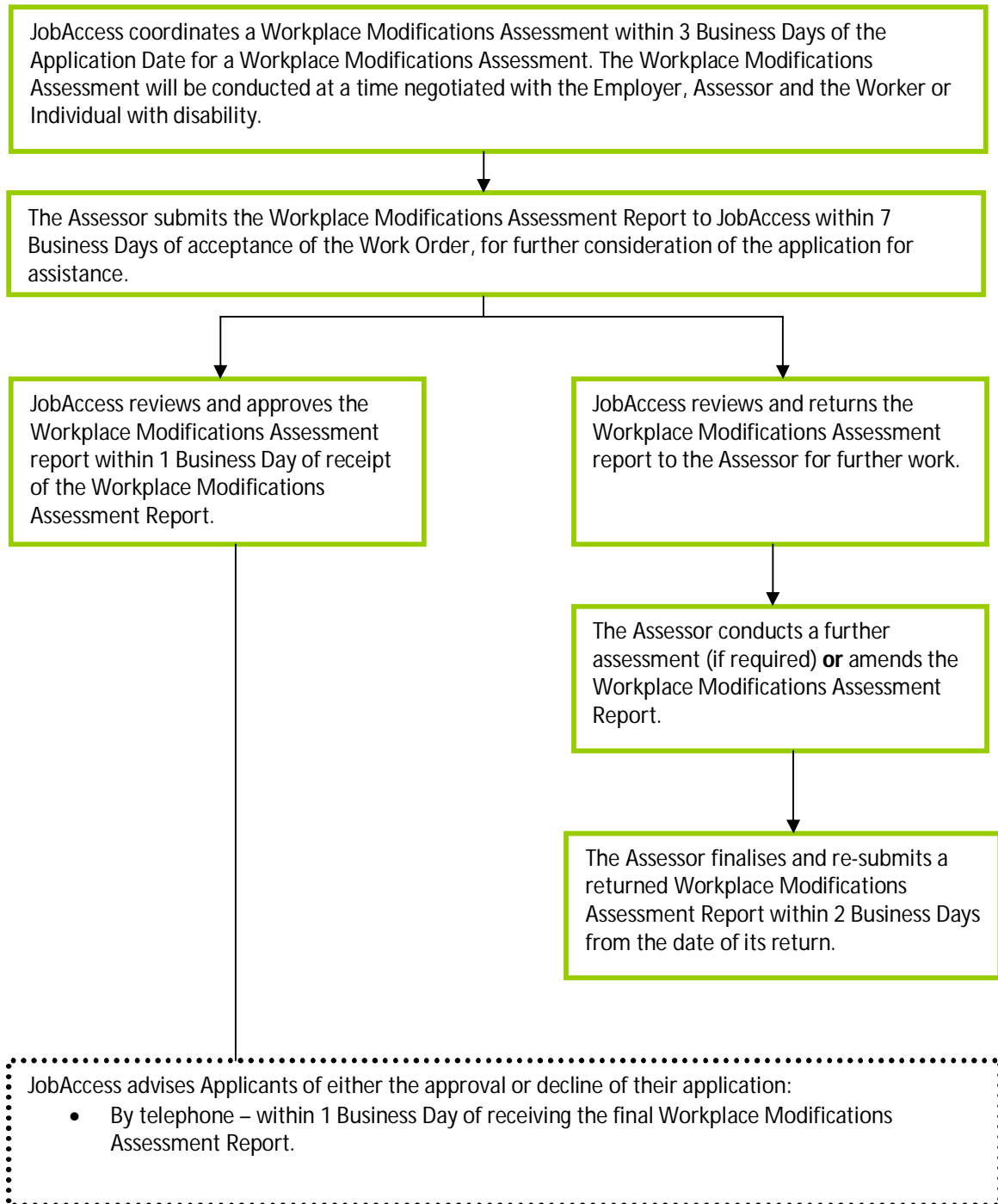
#### 1.1 Approval of applications – Employers, Workers and Individuals



## 1.2 Approval of applications –Disability Employment Services Program Providers and Job Services Australia Providers



### 1.3 Arranging a Workplace Modifications Assessment





## 1.4 Payment – Employers and Australian Disability Enterprises

Following approval of application and submission of evidence of expenditure the Employer or FaHCSIA funded Australian Disability Enterprise will be reimbursed by the JobAccess provider.  
Note: Alternate arrangements are available for Self-Employed Workers, Workers and Individuals with disability who may submit a request to JobAccess to pay the supplier.



A Tax Invoice and evidence of expenditure is submitted to JobAccess PO Box 510, SUBIACO WA 6904 within 30 days of the approval date.

JobAccess receives the Tax Invoice including evidence of expenditure and processes the reimbursement.



JobAccess, within 3 Business Days of receiving evidence of expenditure reimburses the Employer or FaHCSIA funded Australian Disability Enterprise.

## 1.5 Payment – Disability Employment Services Program Providers and Job Services Australia Providers

