



## LEAVING WORK? THE NEXT STEPS

*If you are leaving work - whether through retrenchment, redundancy, or for any other reason, you may be entitled to a social security payment. Do not wait until you have no money before applying for a social security payment. Lodge a claim for payment as soon as possible as a delay in applying may mean that you miss out on your entitlements.*

### STEP ONE: CONSIDER WHICH IS THE BEST PAYMENT FOR YOUR PARTICULAR CIRCUMSTANCES

Do not automatically assume that a payment, such as Newstart Allowance or Youth Allowance, is the right payment for you. Other payments may be more appropriate. For example, Disability Support Pension, Carer Payment, Parenting Payment, Age Pension, or Special Benefit.

If you are unsure, get independent advice. You can also apply for a number of payments and let Centrelink decide which is the most appropriate.

### STEP TWO: APPLY FOR ANY PAYMENTS YOU THINK YOU MAY BE ENTITLED TO

Generally payment cannot be backdated to before the date you lodge your claim. This means that if you want to claim a payment you should do so as soon as you can. It can be difficult to work out which payment to claim. If you are unsure, claim the payment that you think you may be entitled to.

To claim a payment you can contact Centrelink by phone (on 131 021), via the internet or by visiting your local Centrelink office. Centrelink will register your intention to claim and make an appointment for you, or issue you with claim forms. After you have told Centrelink you intend to claim, it is important to submit any forms you are given within fourteen days and attend any appointments that are made for you. If you became incapacitated for work as a result of a medical condition, you should mention this to Centrelink to see whether your claim can be backdated.

Gather any documents to prove your identity, and any evidence to back up your application. If you do not have all the necessary documents, apply first and get the documents later.

### STEP THREE: IF YOU ARE APPLYING FOR AN UNEMPLOYMENT PAYMENT YOU WILL GENERALLY BE REQUIRED TO GO THROUGH THE RAPIDCONNECT PROCESS

You should register your intention to claim a payment by telephone or via Centrelink's web-site: [centrelink.gov.au](http://centrelink.gov.au)

If you prefer you can attend a Centrelink office. Centrelink will make you an appointment with a Job Services Australia provider. Once you have attended the appointment and registered with the Job Services Australia provider, you will have at least one follow up interview with Centrelink. At this interview Centrelink will gather more information about your circumstances and collect relevant documents and your completed forms.

If you are subject to the RapidConnect process you will not be paid until you have "connected" with a Job Services Australia provider.

You may be exempt from the RapidConnect process if you are not in a position to return immediately to the workforce (eg, you are incapacitated, or in crisis). You may instead be referred to a social worker, or to a Job Capacity Assessor.

### STEP FOUR: IF YOU ARE APPLYING FOR AN UNEMPLOYMENT PAYMENT, YOU MAY BE REQUIRED TO PROVIDE AN EMPLOYMENT SEPARATION CERTIFICATE

If you are applying for an unemployment payment, such as Youth Allowance (unemployed) or Newstart Allowance, you must tell Centrelink:



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- when you finished work;
- the reasons you are no longer working; and
- how much annual leave and other leave payments or termination pay you received or are entitled to receive from your employer.

Generally this information should be provided in an Employment Separation Certificate completed by your employer, if you have been employed in the last 12 months. You can get a blank Employment Separation Certificate from Centrelink to fill in, or supply the information in another way, eg by asking your employer to write a letter on business letterhead. You may want to supply the information in another way if you think your former employer may put incorrect information on the Certificate, or if they refuse to supply one.

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### WHAT IF YOUR PREVIOUS EMPLOYER WON'T GIVE YOU AN EMPLOYMENT SEPARATION CERTIFICATE?

Failure to provide the Employment Separation Certificate can result in your claim for Newstart Allowance or Youth Allowance being rejected. Some employers refuse to complete the Certificate or do not properly fill it in. Centrelink guidelines state that your payment should not be delayed or refused if you have difficulty obtaining an Employment Separation Certificate through no fault of your own. You should tell Centrelink why you are unable to provide the Certificate. Centrelink should then:

- contact your employer directly for the Certificate and if necessary consider prosecuting the employer; or
- grant your payment and obtain the necessary information later.

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

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### IS AN EMPLOYMENT SEPARATION CERTIFICATE ALWAYS REQUIRED?

No. You do not have to provide an Employment Separation Certificate if:

- you have been unemployed for more than 12 months;
- you have experienced sexual harassment or violence at the workplace; or
- your previous employer has closed down.

### STEP FIVE: CHECK TO SEE IF ANY WAITING PERIODS AND PENALTY PERIODS MAY AFFECT WHEN YOU FIRST GET PAYMENT.

Waiting periods and penalty periods may affect when you get your first payment. Which waiting periods may apply depends on the payment you apply for (see the table over the page)

These waiting periods include the following:

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#### ORDINARY WAITING PERIOD

If you are claiming Newstart Allowance or Sickness Allowance you must normally wait **seven days** from the date of your claim for the allowance to be payable. If you are in **severe financial hardship** you may not have to serve this waiting period. Other limited exemptions from the waiting period also apply, for example if you received another pension or allowance within thirteen weeks of claiming.



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### INCOME MAINTENANCE PERIOD

If you receive annual leave, sick leave, long service leave, redundancy pay or maternity leave at the time you leave your job, this money is counted as income for the length of time covered by these entitlements. This may reduce or stop your social security payments for some time. The income maintenance period can sometimes be reduced if you are in financial hardship as a result of **unavoidable or reasonable expenditure**.

### LIQUID ASSETS WAITING PERIOD

If you have liquid assets, a liquid assets waiting period may apply to you. "Liquid assets" generally means money in the bank, e.g., savings, or termination pay – but not superannuation. If you have money available to you (liquid assets) of \$11,000 or more (if you have a partner or dependent children) or \$5,500 or more (if you are single) on the day you became unemployed or unable to work because of your health, you may have to serve a liquid assets waiting period. Regardless of the amount of your liquid assets, the waiting period will not exceed 13 weeks.

The Liquid Assets Waiting Period can be waived if you are in severe financial hardship because you had **unavoidable or reasonable expenditure** while serving the waiting period.

### NEWLY ARRIVED RESIDENTS WAITING PERIOD

If you have recently arrived in Australia, you may have to wait until you have been a permanent resident for **104 weeks** before you can receive a social security payment (you may receive Family Tax Benefit during your first two years in Australia). There are exemptions to this waiting period, including for refugees or people who enter under humanitarian grounds. For other exemptions see the Factsheet **Newly arrived residents and social security**.

The following table shows which social security payments these waiting periods apply to:

Waiting periods: which payments they apply to	
Waiting periods	Applies to:
Ordinary waiting period	Newstart Allowance, Sickness Allowance
Income maintenance period	Newstart Allowance, Youth Allowance, Sickness Allowance, Partner Allowance, Parenting Payment, Widow Allowance, Austudy Payment and Disability Support Pension
Liquid assets test waiting period	Newstart Allowance, Youth Allowance, Sickness Allowance, Austudy Payment
Newly Arrived Resident's Waiting Period	Newstart Allowance, Youth Allowance, Sickness Allowance, Austudy Payment, Partner Allowance, Special Benefit, Carer Payment, Pensioner Education Supplement, Mobility Allowance, Seniors Health Cards, Health Care Cards (low income).



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Generally, where there is more than one waiting period, they are served at the same time. However, where you are subject to the liquid assets waiting period and the one week waiting period, they are not served at the same time.

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### COMPENSATION PRECLUSION PERIOD

If you receive compensation for loss of income, you may be prevented from receiving social security payment for a substantial period. Get independent advice and information about the period of time you cannot receive a social security payment, preferably before you get the compensation. See the factsheet **Compensation and its effect on social security** for details.

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### SEASONAL WORKER'S PRECLUSION PERIOD

A seasonal worker's preclusion period can be imposed if you, or your partner, have undertaken seasonal work in the six months before claiming social security. Examples of seasonal work may include fishing, fruit-picking or teaching.

The seasonal worker's preclusion period can apply to Newstart Allowance, Youth Allowance, Widow Allowance, Partner Allowance and Parenting Payment (Partnered and Single), Disability Support Pension, Carer Payment, Austudy, Sickness Allowance. You should contact Centrelink or your local Welfare Rights Centre/Advocate for details of the formula used for calculating the length of your preclusion period.

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### DISMISSED FOR MISCONDUCT OR VOLUNTARILY LEAVING EMPLOYMENT PENALTY PERIOD

If Centrelink considers that you left your job voluntarily ("without reasonable excuse") or became unemployed as a result of "misconduct", **you may face an immediate eight week non-payment period**. This penalty cannot be applied if you left your job because of harassment, or if the work was unsuitable for you, or if you left for health reasons. The penalty also may not apply if your alleged "misconduct" was not intentional. It may be necessary to have the support of your union in dealings with Centrelink in this area.

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### MOVING TO AN AREA OF LOWER EMPLOYMENT PROSPECTS PENALTY PERIOD

If Centrelink considers that you have reduced your employment prospects by moving, it can impose a **26 week no payment period**. There are exceptions to this rule. For example, if you move in with or move near to a family member, or because of domestic or family violence, or if you are unwell and have to move for health reasons, you should be exempt from the penalty. The penalty should not apply if you have not personally reduced your employment prospects by moving to a particular area. This penalty only applies if you claim Newstart Allowance, Youth Allowance (unemployment) or activity tested Special Benefit.

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### UNEMPLOYMENT BECAUSE OF INDUSTRIAL ACTION

If you are unemployed or stood down as a result of industrial action taken by you or by members of your union, you cannot qualify for Newstart Allowance or Youth Allowance. You will not qualify as long as the industrial action continues. Where the industrial action is in breach of an order of a state industrial authority, the Australian Industrial Relations Commission or the Federal Court, you do not qualify until six weeks after the industrial action has stopped.



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### APPEAL RIGHTS

If you disagree with a Centrelink decision you have the right to appeal against it. Appealing is easy and free. For more information on appealing see the Factsheet **Appeals: how to appeal against a Centrelink decision**. You can contact your

**THIS FACTSHEET CONTAINS GENERAL INFORMATION ONLY. IT DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU NEED LEGAL ADVICE PLEASE CONTACT YOUR LOCAL WELFARE RIGHTS CENTRE. YOU CAN FIND YOUR LOCAL WELFARE RIGHTS CENTRE AT [WWW.WELFARERIGHTS.ORG.AU](http://WWW.WELFARERIGHTS.ORG.AU). WELFARE RIGHTS CENTRES ARE COMMUNITY LEGAL CENTRES, WHICH SPECIALISE IN SOCIAL SECURITY LAW, ADMINISTRATION AND POLICY. THEY ARE INDEPENDENT OF CENTRELINK. ALL ASSISTANCE IS FREE.**

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