

# Applying for a Centrelink payment while you look for work

## *Separation certificates and waiting periods*

If you want to claim Newstart Allowance or Youth Allowance (Jobseeker) and you've been employed in the 12 months before your claim, Centrelink will ask you to provide a separation certificate.

### What is a separation certificate and why is it used?

A separation certificate is a document from your employer that includes your basic employment details.

Centrelink will use a separation certificate to confirm:

- you are unemployed
- the length of any waiting periods you might have to serve before you can be paid.

### What information does Centrelink need from the separation certificate?

In the separation certificate, Centrelink will ask your former employer:

- when you stopped work and how much you were earning
- how much money you were entitled to be paid when you finished work, including leave or redundancy payments received when your employment ended
- whether they still owe you any money
- the reason you stopped work.

### Do I need to provide a separation certificate?

Yes, but if you have trouble getting a separation certificate from your previous employer, you should speak to Centrelink because there may be other ways to check your details to ensure you can be paid as soon as possible.

You won't have to provide a separation certificate if:

- you haven't worked in the last 12 months
- you suffered sexual harassment or violence at the workplace
- your previous employer has stopped business.

If you suffered sexual harassment or violence in the workplace, Centrelink can get the information it needs by:

- phoning your previous employer
- sending out a *Newstart Allowance Employer's Report* form to your previous employer.

If your previous employer has closed the business or stopped operating, Centrelink can look at other information like:

- your last payslip
- a letter of termination/resignation
- emails and texts between you and your former employer.

### What if my employer won't provide a separation certificate?

By law (under section 200 of the *Social Security (Administration) Act 1999*), your former employer must give you a completed separation certificate as soon as possible. There can be penalties if they don't.

If you ask a previous employer for a separation certificate and they refuse, you should let Centrelink know. You can ask Centrelink to consider other ways of checking your details so your claim can be approved. Centrelink may agree to contact your previous employer to check your details.

It's also ok for your previous employer to include the information Centrelink needs in a letter on company letterhead instead of on the separation certificate form.

## What if my separation certificate says I lost my job due to misconduct?

If you lost your job (or if you resigned after being asked to resign) and your employer writes on your separation certificate you lost your job due to misconduct, then you will usually have to wait eight weeks before Centrelink pays you.

Misconduct can include:

- deliberately failing to do a reasonable amount of work or follow reasonable directions
- unauthorised absences from work without good reason
- improper behaviour or practices like theft, assault or harassing other employees or customers
- serious actions risking other employees' or customers' health or safety
- deliberately misusing work related equipment or facilities, like vehicles, internet connections or IT hardware
- actions that make or could make your employer look bad.

Centrelink can decide whether your former employer's accusations of misconduct against you are reasonable. For example, if you refused to follow your employer's direction to perform electrical work when you didn't have relevant qualifications or licences, your refusal would not be considered misconduct.

Being fired because you do not have the ability to do the job would not normally be considered to be misconduct.

Centrelink must also decide whether your job was suitable for you. If your job was unsuitable, talk to Centrelink about it. If you have any evidence, like a doctor's letter, make sure you give this to Centrelink.

Work is 'unsuitable' if:

- it increases a pre-existing illness, disability or injury you have (you should give Centrelink medical evidence)
- it involves skills, experience or qualifications you don't have and your employer is not going to provide appropriate training
- the job is for more hours than the Centrelink job capacity assessor has said you can do
- it involves health or safety risks and would break health and safety laws
- you are the principal carer of a child and appropriate care and supervision is not available during the hours you are needed to work
- you are being underpaid

- it involves travel from home to work that would be unreasonably difficult (generally 90 minutes but there are different rules for people who have been assessed as having a partial capacity for work or are principal carers of children)
- it involves joining the Defence Force or the Reserve Forces
- it requires you to move house
- Centrelink agrees it is unsuitable for any other reason — this might include if you were bullied or sexually harassed.

**Note:** If your employer writes on your separation certificate your employment ended because of misconduct, this does not affect your rights under employment law. You should get separate advice about this. See the back page for a list of organisations that can help.

If Centrelink decides you have to wait eight weeks before getting paid, you should appeal the decision and get advice as soon as possible. See the back page for a list of organisations that can help.

## What if I quit my job?

If you quit your job, Centrelink may decide you are 'voluntarily unemployed' and you may have to wait eight weeks before you get paid.

You won't have to wait though if Centrelink decides the work was unsuitable or that quitting your job was reasonable in the circumstances.

For example, Centrelink can decide it was reasonable for you to quit your job or that the work was unsuitable if you were being bullied, if your employer was breaching workplace safety law or if you were being underpaid. Centrelink can also consider your personal circumstances.

If Centrelink decides you have to wait eight weeks before getting paid, you should get advice and appeal the decision.

## What if I can't afford to not get paid during the waiting period?

Centrelink can end your eight-week waiting period early if waiting for payment would cause you severe financial hardship and you have:

- a dependent child
- other significant family or caring responsibilities (eg you care for an aged parent or an adult with a disability)
- an illness or disability needing treatment that you could not afford after paying your essential costs like rent and food

- a recognised mental illness or a cognitive or neurological impairment or
- no access to safe, secure and adequate housing, or you are using emergency accommodation or a refuge. This also includes if you are homeless or at risk of homelessness.

If waiting eight weeks to be paid means you risk being evicted, then you should ask Centrelink to end the waiting period.

## What is severe financial hardship?

Centrelink will decide you are in 'severe financial hardship' if you:

- are single and have no children, and have less than \$2500 or
- have children or a partner, and have less than \$5000.

Sometimes these amounts change so check with Centrelink or get advice.

Centrelink may also look at what you have spent money on recently—if they decide you are in financial hardship because you've been spending money on things that aren't essential, they may refuse to end your waiting period early. To avoid this happening, get advice before you make any spending decisions.

## What if I don't agree with Centrelink's decision?

If you don't agree with Centrelink's decisions, you can appeal free of charge.

### Step 1

If Centrelink says you have to wait eight weeks before being paid, you should ask the authorised review officer for a 'payment pending review'. This means you want to be paid while Centrelink reviews their decision.

If the person you are speaking to is not sure what you are asking for, you could refer them to section 131 of the *Social Security (Administration) Act 1999* or Part 6.8 of the Guide to Social Security Law.

You can ask for an appeal from the authorised review officer at any time, but if you want to receive all your back-pay if the decision is changed, then you should ask for an appeal within 13 weeks of receiving the decision.

There is no time limit to ask the authorised review officer to appeal a Centrelink debt.

You can ask for an appeal by:

- visiting any Centrelink office and asking for a review
- calling Centrelink on either the Newstart line on 132 850 or Youth Allowance line on 132 490 and asking for a review
- visiting Centrelink's website at [www.humanservices.gov.au](http://www.humanservices.gov.au) and submitting a complaint or providing feedback online
- writing to:  
Centrelink  
Reply Paid 7800  
Canberra BC ACT 2610

### Step 2

If the authorised review officer does not change the decision, you can lodge another appeal with the Social Services and Child Support Division of the Administrative Appeals Tribunal. These appeals are also free.

You can lodge your appeal with the tribunal by:

- calling 1800 228 333 and lodging it over the phone
- visiting [www.aat.gov.au](http://www.aat.gov.au) and selecting 'Apply online'.

You should lodge your appeal with the tribunal within 13 weeks of receiving the authorised review officer's decision (there is no time limit to lodge an appeal with the Social Services and Child Support Division of the tribunal if the appeal is about a debt).

### Step 3

If the Social Services and Child Support Division of the Administrative Appeals Tribunal does not change the decision, you can lodge another appeal with the General Division of the Administrative Appeals Tribunal.

All General Division appeals should be lodged within 28 days of the Social Services and Child Support Division's decision, including appeals about debts.

You can lodge your appeal with the tribunal by:

- calling 1800 228 333 and asking them to send you a copy of the Application for Second Review of Decision form to lodge an appeal
- visiting [www.aat.gov.au](http://www.aat.gov.au) and selecting 'Apply online'.

You should get advice about Centrelink appeals.

## You should get advice

The following organisations may be able to help.

### *Centrelink information and advice*

Centrelink	13 28 50
Basic Rights Queensland	1800 358 511 or (07) 3847 5532
Townsville Community Legal Service	(07) 4721 5511
Legal Aid Queensland	1300 65 11 88

### *Employment information and advice*

Fair Work Ombudsman	13 13 94
Legal Aid Queensland	1300 65 11 88
Caxton Legal Centre	(07) 3214 6333
Job Watch	1800 331 617 or (03) 9662 1933
Working Women's Queensland	1800 621 458 (Mon, Wed and Fri)

### *Housing information and support*

Residential Tenancies Authority	1300 366 311
Tenants Queensland QSTARS	1300 744 263
Rent Connect	13 74 68
Homeless Hotline	1800 474 753

## Do you need extra help accessing our services?



If you would like this factsheet explained in your language, please phone the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask them to connect you to Legal Aid Queensland. If you are deaf or have a hearing or speech impairment you can contact us using the National Relay Service. To make a call, go to the National Relay Service Website and ask for 1300 65 11 88 (Legal Aid Queensland's legal information line). These are free services.

## Your Local Legal Aid Queensland office:

### **BRISBANE**

44 Herschel St, 4000

### **BUNDABERG**

3rd Floor, WIN Tower,  
Cnr Quay & Barolin Sts, 4670

### **CABOOLTURE**

Ground Floor, Kingsgate  
42 King St, 4510

### **CAIRNS**

Level 2, Cairns Square Complex,  
42-52 Abbott St, 4870

### **INALA**

Level 1, Inala Commonwealth  
Offices, 20 Wirraway Pde, 4077

### **IPSWICH**

Level 7, 117 Brisbane St, 4305

### **MACKAY**

Ground Floor,  
17 Brisbane St, 4740

### **MAROOCHYDORE**

Ground Floor, M1 Building  
1 Duporth Ave, 4558

### **MOUNT ISA**

6 Miles St, 4825

### **ROCKHAMPTON**

Ground Floor, 35 Fitzroy St, 4700

### **SOUTHPORT**

Level 2, 7 Bay St, 4215

### **TOOWOOMBA**

1st Floor, 154 Hume St, 4350

### **TOWNSVILLE**

3rd Floor, Northtown  
280 Flinders St, 4810

### **WOODRIDGE**

1st Floor, Woodridge Place,  
Cnr Ewing Rd & Carmody St, 4114

For more information  
about our services visit  
[legalaid.qld.gov.au](http://legalaid.qld.gov.au)

or phone 1300 65 11 88  
or 1300 650 143 (Indigenous Hotline)

