

## **Senate Education, Employment and Workplace Relations Committee**

### **QUESTIONS ON NOTICE**

#### **The administration and purchasing of Disability Employment Services in Australia**

#### **Outcome 4 - Employment & Participation Policy**

#### **DEEWR Question No. 1**

**Senator Siewert asked on 27 October 2011, Hansard page 54 and 64**

#### **Question**

Prepare a detailed written response about the auditing process that DEEWR undertakes, and identify what parts of that audit or quality process—would actually pick up such behavior (parking or sharp practices in general) if such behavior is happening. Include what is done at the contract management level.

In terms of the auditing and monitoring process (of the DES program), please provide a run down on what DEEWR monitors, what DEEWR audits and how that happens?

#### **Answer**

The following is a response to the Senate Inquiry on Disability Employment Services (DES) Purchasing and Administration addressing the question on notice requesting details of DES auditing and monitoring processes.

The response covers:

- Departmental governance arrangements for ensuring the integrity of Disability Employment Services
- The governance management and framework
- Additional monitoring and assessment for the DES program
- Actions that may be taken where providers are in contravention of the Deed
- Analysis relevant to allegations of so-called 'sharp practices' by some providers

#### **Departmental governance arrangements for ensuring the integrity of Disability Employment Services**

Ensuring the integrity of the Government's employment services is pivotal to achieving a high standard of service to job seekers, focused on preparing job seekers to obtain and keep quality employment. The Department works closely with employment services providers and stakeholders to ensure high quality, accountable and cost effective delivery of programs. The Department works hard to ensure that the level of accountability that the public expect from providers is not undermined by excessive administrative reporting and compliance requirements.

Through its governance arrangements and program monitoring the Department is confident that the vast majority of providers comply with the spirit, intent and letter of their Deed with the Department, the Commonwealth Disability Service Standards and associated requirements for professional service provision to support people with disability. This view is reinforced by the very low number of specific complaints raised since the start of the DES contract in March 2010.

The Department has comprehensive and long-standing governance arrangements which ensure the ongoing quality and accountability of all its employment services programs. The approach meets Commonwealth Government requirements and is reviewed regularly, to ensure currency and effectiveness. The employment services programs have undergone annual audits (both internal and external via the Australian National Audit Office (ANAO)). The Department has updated its governance arrangements in response to all of these.

Major program changes for commencement of new contracts are subject to Commonwealth Department of Finance 'Gateway Reviews'. These are comprehensive reviews of governance arrangements for implementation of program reforms. The DES program underwent a Gateway Review in 2010, with a final 'Green' assessment awarded – the highest rating possible.

The Department reviewed its employment services program risk in 2011 in consultation with an external consultant. The program was assessed as being 'medium risk'. This is commensurate with its monetary value, number of clients and its national coverage. The Department is working with state and territory contract managers to update all employment services risk management strategies in line with this assessment. This work is already well advanced.

The Department has a responsibility to ensure taxpayers' funds are spent efficiently, effectively and ethically and runs a number of national and local assurance projects each year to give assurance toward this. The Department is committed to carrying out these program assurance responsibilities in a way that strikes the right balance between accountability for taxpayers' funds, and the need to ensure providers can work flexibly and innovatively with job seekers and employers.

The Department uses a range of monitoring and detection strategies to identify activities and practices that impact on the integrity of employment programs. These strategies cover a broad spectrum of activities from centralised data monitoring to site visits and discussions with providers and more detailed feedback from program participants or other third parties through program assurance activities and customer service lines.

As part of the ongoing review of employment programs and their identified risks, where discrepancies between policy and practice are found, findings may result in provider education, recovery of fees, fraud investigation or even the issue of a breach of contract notice. The outcomes for fraud investigations are used to further strengthen the Department's prevention and detection strategies.

Contract Managers are responsible for:

- conduct of program assurance and compliance activities
- day-to-day operational communications with providers
- resolving operational issues and problems
- monitoring and analysing service delivery and performance, and implementing corrective actions and treatments as necessary
- sharing better practice and improving performance
- risk and service quality management
- escalating risks and issues as required
- undertaking provider visits
- having a detailed knowledge of the policy, program and local service delivery
- acting on job seeker and provider feedback as necessary.

Complaints and tip offs are taken seriously and investigated through the Department's internal channels, and providers are also encouraged and expected to have in place their own governance and control frameworks which support their performance, delivery of quality services, and accuracy of payments consistent with the relevant deed or funding agreements.

In all cases of suspected or detected fraud, a referral must be made in accordance with the Department's *fraud reporting protocol*. These cases must be reported to the Department's Investigations Branch where a direct allegation of fraud has been made or it appears, on the information available, that it is more likely than not that dishonesty is the cause of non-compliance.

### **Governance management and framework**

The Department has formal internal governance arrangements which ensure highly effective management and implementation of the DES programs.

An Employment Steering Committee, headed by the Deputy Secretary, Employment and comprising each of the Group Managers (Senior Executive Level 2) from the Employment Cluster, is the Department's overarching employment services program policy and implementation (including governance) decision making body. This Committee briefs the Minister for Employment Participation on all key decisions. The Committee meets weekly.

A number of subcommittees report to this Committee, including a Performance and Integrity Sub Committee for Employment Services which develops and manages the risk and program assurance framework and its implementation. It advises the Employment Steering Committee on the effectiveness of risk management activities, program assurance practices, and business intelligence gathering. The Performance and Integrity Sub Committee for Employment Services determines program assurance activities to be undertaken throughout each financial year at both a national and state level and ensures a regular and detailed flow of information from and to State Offices.

To support the governance of employment services, an Employment Services Performance and Integrity Framework outlines the way in which the Department will work with providers in ensuring the integrity of employment services and promoting continuous improvement. The Framework was developed in consultation with the employment services industry and details the Department's approach to program assurance activities, including through: contract management; program evaluation; stakeholder and client surveys; national and targeted program assurance projects; quality assurance; and client feedback. All these elements of program assurance combine to identify and mitigate risks to ensure quality employment services are delivered.

The Framework incorporates a Charter of Contract Management, a Code of Practice and Service Guarantees. These documents commit the Department and providers to work in partnership to deliver quality programs and to ensure the delivery of high quality services to job seekers. The Service Guarantees and the Code of Practice are an integral part of the performance framework.

- The Charter of Contract Management establishes the minimum standards of performance and conduct that providers can expect from the Department. This includes the commitment to ensure a cooperative working relationship exists with providers to ensure a high standard of employment services programs are delivered to job seekers.
- The Code of Practice outlines the standards and expectations that underpin the delivery of employment services. It articulates the commitment to work with job seekers, employers and other employment services providers to address skill and labour shortages and to assist job seekers in finding employment.
- The Service Guarantee provides specific information which articulates the services the job seeker may be able to access, the job seeker's responsibilities and what the job seeker can expect from employment services providers.

There are a number of areas across the Department which support the effective management and monitoring of employment services including mechanisms for investigating concerns raised by stakeholders or members of the public. These include:

- A state and regional office network in almost 50 locations across Australia. Over 100 state and regional office network staff are Account or Contract managers for Disability Employment Services and these staff work day to day with employment services providers to assist them to manage the DES program as well as monitor their performance and actions based on a range of factors including risk. State Offices also conduct program assurance activities. These usually focus on specific providers and are undertaken in response to identified emerging risks.
- Investigations Branch –deal with all matters relating to allegations of fraud which involve contracted employment services providers. The staff are highly experienced in working with the employment services programs.
- Internal Audit Branch – responsible for regularly reviewing specific aspects of program management, contract management and service delivery. The Branch works closely with the Australian National Audit Office. Given their monetary value, public interest and national coverage, the employment services programs have regularly been subject to internal and external audits.
- Evaluation Branch - independent from the employment services program area, the Evaluation Branch undertakes and publishes regular evaluations of employment services programs. The Evaluation of Disability Employment Services Interim Report was published in June 2011 with the final evaluation report due for release in early 2013.
- Program and Risk Team - undertakes both national and targeted activities on identified areas of risk or concern. Outcomes from these activities are used to ensure claims for payment are appropriate and to inform prevention and education strategies to assist providers to improve service practices.

- Customer Service Line - enables job seekers to seek assistance from, and provide feedback directly to, the Department on their experience with employment services.

In addition to these Departmental mechanisms, there is also a range of external consultation mechanisms and complaints processes to assist in overseeing the management and implementation of DES, as follows.

- The DES Reference Group provides strategic advice to the Government on the future of DES as well as current service delivery issues. This Group comprises members from a broad range of stakeholders, including DES peak industry organisations, providers, consumer representatives, employer organisations, unions, academia and other Government departments and meets three to four times a year.
- In addition to the complaints processes managed by the Department, stakeholders are able to raise issues with the Commonwealth Ombudsman. The Commonwealth Ombudsman is able to investigate complaints about the administrative actions of both the Department and its contracted employment services providers.
- Stakeholders are also able to make complaints to the Human Rights Commission about matters of discrimination, or alleged breaches of human rights, that occur in the Department's administration of DES.

### **Additional monitoring and assessment to ensure integrity of Disability Employment Services**

- DES-Employment Support Service (DES-ESS) and DES-Disability Management Service (DES-DMS) are provided for under the *Disability Services Act 1986* (the DS Act). It is a requirement of the DS Act that any organisation providing DES are certified as compliant with the Disability Services Standards, which are designed to ensure that a high standard of service delivery is provided for DES participants. All current DES providers hold certification.
- Audits of DES providers are conducted annually by independent certification bodies, and providers must maintain certification in order to retain funding for DES services. With the increase of sub-contracting arrangements under DES, audit arrangements have been tightened to ensure that provision of all DES services for all job seekers are under the control of a certified organisation.
- An independent Complaints Resolution and Referral Service operates for consumers of Commonwealth-funded disability services. This service is contracted by the Department of Families, Housing, Community Services and Indigenous Affairs. This service is the main mechanism for DES participants to raise concerns about the type and quality of services they have received.
- The DES Branch within the Department conducts continuous program assurance and assessment to ensure DES providers and the DES model are achieving against the program objectives. This involves day to day operational monitoring of DES to assess and maximise performance, reviewing program use and reporting on usage and outcomes. Where specific concerns about program delivery are raised, the DES Branch will analyse and determine whether guidelines require enhancements or whether investigations of identified providers and their practices are warranted.

### **Actions that may be taken where providers are in contravention of the Deed**

Under Section 56 of the DES Deed there are a range of actions open to the Department to implement for breaches of the DEED as follows:

- (a) suspending any or all of the following:
  - (i) referrals in respect of some or all of the Services, including at some or all Sites; or
  - (ii) any payment under this Deed, in whole or in part;
- (b) imposing additional conditions on the payment of Fees, Funds, Reimbursements or Ancillary Payments or use of the Employment Assistance Fund;
- (c) reducing or not paying specific payments that would otherwise have been payable in respect of the relevant obligation;
- (d) reducing the total amount of Fees, Funds, Reimbursements or Ancillary Payments, permanently or temporarily;

- (e) where DEEWR has already paid the relevant Fees, Funds, Reimbursements or Ancillary Payments under this Deed, recovering the equivalent amount as a debt;
- (f) imposing additional financial or performance reporting requirements on the Provider;
- (g) reducing Participant numbers, the Provider's share of available places and/or the business levels of the Provider, permanently or temporarily;
- (h) reducing the scope of this Deed; and
- (i) taking any other action set out in this Deed.

Breaches under the Criminal Code (deliberate fraud or deception) would be referred for prosecution.

### **Allegations of so-called 'sharp practices' by some providers**

In submissions to the 2011 Senate Inquiry on Disability Employment Services (DES) Purchasing and Administration, and at the public hearing, a number of providers alleged that some higher performing providers were using so-called 'sharp practices' to achieve better outcomes. However, limited specific evidence has been offered to the Department.

The Department investigates all complaints that are made about inappropriate provider behaviour. To date, only two specific claims of sharp practices have been provided to the DES program area to enable investigation. Both these claims relate to a provider 'buying jobs' that are not sustainable employment – that is, providers paying employers for a job that ends after 26 weeks. 26 weeks is the period at which a full outcome is paid to a provider and they will receive maximum performance ratings for this achievement. The Department has investigated the individual complaints and will shortly announce its decision and the action it will take. This action may include a change to the program guidelines and the Employment Services System. The Department does not believe at this stage that this practice is systemic.

Following on from these investigations and provider feedback requesting further clarity, the Department is looking at a limited number of deed and guidelines variations to further clarify for providers the intent of the program, provide clearer definitions on open employment and non-ongoing outcomes, and make clearer the action the Department may take on inappropriate practice. Other measures may also be considered to drive good practice through the performance model.

A number of submissions to the Inquiry referred to other sharp practices which they called "parking", "creaming" and "scheming". These encompass a range of behaviours, which are addressed below. As stated above, the Department has not been informed of specific examples of these practices, however, investigations are being undertaken to determine whether they have validity.

### Employment of clients in Australian Disability Enterprises (ADE) and Enclaves

Claims have been made that some providers are claiming outcomes for DES participants who are part of ADE and that this has inflated their performance rating with inappropriate outcomes.

The Deed for Disability Employment Services 2010-2012 and the associated DES Guidelines set out the types of employment that are not considered valid to attract payment for Job Placement and Outcome Fees. These are referred to as non-payable placements, and the relevant provisions are set out in Attachment A. The final clause for both these definitions provides that additional preclusions may be notified by the Department from time to time and these are notified to providers via the DES Guidelines. Under this clause the guidelines may be used to clarify where specific practices are determined to be against the intention of the program objectives, but not specifically excluded in the list of non-payable placements.

The employment of DES participants in an ADE, at or above their benchmark hours, is clearly precluded in the DES Deed as a Non-Payable Placement under item (l) and as a Non-Payable Outcome under item (n) both of which preclude employment funded by the Commonwealth Government. However DES participants may be employed in an ADE where they are not being employed as an ADE participant but, for example, as a support worker in the ADE.

In instances where a DES provider claims placement in an ADE as a payable Job Placement or Outcome, the payments and associated performance data will be reversed.

Placement of participants in enclave arrangements is not within the spirit of the DES deed and where specific instances are identified, the Department would take the nature of the work and the workplace into consideration to determine what, if any, action should be taken.

### Job splitting

It has been alleged that some DES providers are arranging with employers to place three to four participants who each have eight hour employment benchmarks into a single, full-time job to maximise the provider's payments and performance ratings. Under this arrangement, the DES provider would be able to claim Job Placement and Outcome Fees for each individual participant, and also be credited with performance data for each participant.

The Department's view is that splitting or job-sharing a full-time job is an acceptable practice under the contract. Depending on the circumstances, this practice may provide several people who are only able to work eight hours per week, the opportunity to contribute to the labour market and benefit from long-term employment. Providers are required to work with employers to meet their needs – job-sharing can be an excellent example of the program working flexibly to do that. The vast majority of DES participants have a less than full-time work capacity and, therefore, finding part-time positions for them is the role of DES providers.

An analysis of DES job placement data shows that it is quite common for providers to place more than one person into the same vacancy around the same time, especially where the jobs are eight hours per week. A number of DES providers received multiple Job Placement Fees for placing several participants into the same vacancy in the same month.

### Early exiting of volunteers / 'Creaming – Parking'

This alleged behaviour is that DES providers are exiting volunteer job seekers at 12 weeks after commencement, if the provider's view is that they are unlikely to be placed quickly into employment. Job seekers are counted in the denominator for 13 week outcome calculations once they have been in the program for 13 weeks, so exiting them at 12 weeks would remove those job seekers from the calculation, thus ensuring the provider's performance rating is not negatively impacted. The concern is that providers are 'creaming' by only actively servicing 'easier to place' job seekers and withdrawing assistance to those job seekers for whom finding employment is too difficult.

Alternatively, the alleged behaviour is for providers to leave job seekers on their caseload but not actively service them as they are unlikely to receive employment. This issue was raised by Mr Harrison, on behalf of National Disability Services. Mr Harrison claimed that at a department funded Capability Building session hosted by KPMG, a high performing provider stated that there were always job seekers who were difficult to achieve employment for and his business concentrated on those job seekers ready for employment. However, on being asked whether he 'parked' the job seekers, the provider clarified that he still adequately serviced them as per the contract. This would include the requirement under Section 5E of the DES Deed to meet the code of practice and service guarantee and in a practical sense maintain minimum contacts and updating of the participants employment pathway plan.

The Department has undertaken analysis of the number of participants being exited from DES shortly before 13 weeks in employment assistance. The data was analysed in four week periods before the 13 weeks and after. The analysis found that the number of participants exiting DES from the employment assistance phase shortly before their 13 week period was consistent over time and comparable to the exit rates post the 13 week period.

For example, there were just over 1700 exits of volunteers from the employment assistance phase that had been in the program from 10-12 weeks, versus just over 2300 exits in weeks 13-15.

Data was also analysed at the organisational level to determine whether any specific providers appeared to be engaged in this practice. The number of participants who exited shortly before the 13 week mark was calculated as a percentage of the organisation's total caseload. No significant differences between providers were identified. The Department's assessment is that this practice does not appear to be widespread across DES or specific to particular providers.

The Department believes that it is unlikely that providers 'park' difficult to place job seekers, as, not only would this be contrary to the DS Act and the Disability Services Standards, but providers are also penalised via the Star Ratings for not achieving employment for their job seekers within a reasonable period of time.

With regard to servicing 'easy' clients, the performance framework regression in fact discourages this practice as clients that are 'more difficult' to service are given an added boost in the outcome KPI's as they

have reduced expected outcomes i.e. getting an outcome for 'harder to place' clients gives the provider a higher star rating score.

#### Inappropriate suspensions

The alleged behaviour is that DES providers are suspending job seekers in contravention of the program guidelines. Suspensions are used where the job seeker is temporarily unable to participate in the program, for example due to illness or temporary incapacity to work. The claim is that providers suspend the job seeker in the IT system, until just before placement into a job, in order to maximise the 'time to placement' performance calculation. The concern is that this behaviour, while not necessarily detrimental to the participant, is manipulative for the sole purpose of maximising provider performance.

There are many circumstances where suspension of participants is entirely appropriate. For example where the participant engages in vocational training where service support is not required. In these situations it would be inappropriate for service fees to continue where service is not being provided.

It should be noted that DES Providers only have the capacity to suspend volunteer job seekers as activity tested participants must be suspended or exempted by Centrelink.

Departmental data was analysed to identify trends in:

- the number of suspended volunteers in the employment assistance phase; and
- the number of job placement fees claimed shortly after the end of a suspension.

At the time of the analysis, seven per cent of volunteer participants in the employment assistance phase were found to be suspended. The national profile of volunteer participants in the employment assistance phase who were suspended has changed very little over the course of the program and there was no spike observed following the Budget announcement that there would be a tender. The Department's analysis is that there does not appear to be any major shift in suspension rates for DES volunteers or a high proportion of job placement fees being claimed following a suspension. Just over 1 per cent of all Job Placements Fees claimed were claimed within 31 days following the end of a suspension period for a volunteer participant. The data does not show any significant differences were identified across DES providers.

#### Using incorrect exit reasons

Some stakeholders have claimed that some DES providers may be inappropriately using the 'Ongoing Support not Required - Independent Worker' exit reason where a participant in Ongoing Support has lost their job or a volunteer requests to exit, in order to maximise the score on the Ongoing Support KPI. Such behaviour, while not necessarily detrimental to the participant (as it is irrelevant to them which code is entered into DEEWR's IT system when they are exited) would be used to maximise performance.

Program data was analysed to identify trends in:

- a large number of participants commencing a new DES program shortly after being exited as an Independent Worker
- individual DES providers exiting an unusually large number of Participants as an Independent Worker compared to those that were exited as no longer employed; and
- an unusually large proportion of Participants being exited as an Independent Worker after one Ongoing Support fee had been claimed.

Less than 5 per cent of sites have had six or more Participants return for a new period of service within 2 months of an Independent Worker exit. Of these, less than 2 per cent of sites have more than 15 per cent of their Independent Worker exits in this cohort.

The majority of the sites with more than 15 per cent returning for a new period had a well above average number of participants exited as an Independent Worker compared to those exited as no longer employed. Around 1 per cent of sites were identified with unusually high percentages of Independent Worker exits occurring after one Ongoing Support fee.

These results indicate that the incorrect use of this exit code is not widespread but that a small proportion of sites may be using incorrect exit reasons for participants in Ongoing Support in an attempt to gain a boost in their performance ratings. These sites were spread across many providers. The relevant exits from these identified sites will be examined more closely by Contract Managers, and appropriate action will be taken.

### Buying job outcomes

It is alleged that some providers are placing participants into contrived jobs – for example, placements with an employer for a pre-determined fixed term, usually 26 weeks, which is fully funded by the provider and program-funded wage subsidies. The concern is that the jobs are not real or sustainable and are only created in order to maximise provider fees and performance. Practices such as this are not in the best interests of the participant and are contrary to the intent of the program. Such practice would result in ‘churning’ of participants through unsustainable jobs and through the program. Again, the Department has not received specific evidence of this practice being undertaken.

It should be noted that wage subsidies are a legitimate way of providing incentives to employers to employ people with disability and the Government provides a range of wage subsidies for DES providers to use. In addition, DES providers are paid relatively high service fees for providers to use to assist participants into sustainable employment. One way of using those fees is to create wage subsidies. The Department is not prescriptive on the use of these fees in order to allow providers to be innovative.

The definitions of Non-Payable Placements and Non-Payable Outcomes at Attachment A (specifically, item (o)) makes it clear that ‘non-ongoing employment or a work trial’ is not considered to be a valid job placement or outcome type.

If the Department detects a pattern of placements indicating that this practice may be occurring, or it receives specific complaints, then this is investigated. As mentioned above the Department is already actively addressing two issues in this area.

The DES program area has been conducting an analysis of DES data to identify possible further contrived employment arrangements by examining where there have been a large numbers of placements between a single DES provider and a single employer or a placement within a DES provider’s own organisation. Early analysis indicates that this practice is not widespread.



**Disability Employment Services Deed 2010-2012 – Annexure A (extract)**

**‘Non-Payable Outcome’** means placement of a Participant into any:

- (a) position for which the wage is directly paid by a Community Development Employment Projects scheme;
- (b) employment in the sex industry, including retail positions;
- (c) employment involving nudity;
- (d) volunteer work;
- (e) work experience;
- (f) unpaid work;
- (g) training course not eligible for Austudy, Abstudy, or Youth Allowance (Student);
- (h) training course duplicating, or having significant components similar to, employment services, such as training for work preparation or job search skills;
- (i) job that involves taking up employment in another country, regardless of whether the salary is paid in Australian Dollars or by an Australian company;
- (j) jobs involving illegal activity;
- (k) discriminatory jobs;
- (l) Pre-Existing education or training related activity;
- (m) Pre-Existing employment related activity, unless the Participant:
  - (i) is a Job in Jeopardy Participant; or
  - (ii) at Commencement, was working in that Pre-Existing employment related activity for less hours per week on average than their Employment Benchmark;
- (n) program, including a Work Trial program, funded by the Australian Government, or a state or territory government, including a Complementary Service;
- (o) non-ongoing employment or a Work Trial;
- (p) Recurring employment;
- (q) employment in the same or a similar position vacated in the previous 14 calendar days by a Participant who attracted an Outcome Fee;
- (r) employment that contravenes Commonwealth, state or territory legislation or provides terms and conditions of employment which are inconsistent with the relevant workplace relations laws, or any instrument made under such laws; or
- (s) situation that DEEWR may Notify, from time to time.

*Note: In this definition of Non-Payable Outcome, the term ‘work experience’ refers to an unpaid short term placement of a person in a workplace to enable the person to observe and learn in an actual work setting.*

**'Non-Payable Placement'** is a position:

- (a) that would lead to employment involving nudity or in the sex industry, including retail positions;
- (b) for volunteer work, for work experience or unpaid work;
- (c) where the Participant enters into a NEIS Participant Agreement;
- (d) that contravenes Commonwealth, state or territory legislation or provides terms and conditions of employment which are inconsistent with the relevant workplace relations laws, or any instrument made under such laws;
- (e) within the Provider's Own Organisation;
- (f) for which the wage is directly paid by a Community Development Employment Projects scheme;
- (g) that pays commission as either the entire remuneration or part of the remuneration;
- (g) that pays commission as either the entire remuneration or part of the remuneration, except where any commission being paid to the Participant is in addition to the amount being paid to the Participant in accordance with any applicable Commonwealth, state, or territory legislation and any applicable modern award or a national minimum wage order;
- (h) where the type of work is inappropriate for the Participant's Job Capacity Assessment or Partial Capacity to Work;
- (i) for a school-based Traineeship and/or Apprenticeships;
- (j) in a training course;
- (k) for self-employment opportunities;
- (l) for Placements in programs funded by the Commonwealth or by a state or territory government, such as Community Jobs Programs, and as advised by DEEWR from time to time;
- (m) that involves taking up employment in another country, regardless of whether the salary is paid in Australian dollars or by an Australian company;
- (n) for Pre-Existing employment related activity;
- (o) non-ongoing employment or a Work Trial;
- (p) for which the Provider has already claimed a Job Placement Fee for that Participant; Disability Employment Services Deed 2010–2012(q) within the Provider's own Subcontractor (or the part of the Subcontractor) that delivers Services under this Deed; and
- (r) that DEEWR may Notify, from time to time.