



# General Information for Claimants

## What is the Fair Entitlements Guarantee?

The Fair Entitlements Guarantee (FEG) is a scheme of last resort that provides financial assistance for unpaid employee entitlements in insolvency. FEG assistance is only available where there is no other source of funds to pay employment entitlements to eligible employees retrenched due to liquidation of bankruptcy of the employer.

FEG is administered by the Attorney-General's Department (the department). Decisions about eligibility for FEG assistance are made in accordance with the *Fair Entitlements Guarantee Act 2012* (FEG Act).

## What can I claim?

The department can pay what is owed to you under your terms and conditions of employment for the five basic entitlements below. Some caps apply.

- **wages** – capped at 13 weeks
- **annual leave**
- **long service leave**
- **payment in lieu of notice** – capped at 5 weeks
- **redundancy pay** – capped at 4 weeks per full year of service.

Note: FEG does not cover unpaid Superannuation Guarantee Contributions owed by the employer. If you have unremitted employer superannuation contributions you should:

- contact the insolvency practitioner managing your former employer's affairs to discuss your rights as an employee creditor
- visit the [ATO website](http://www.ato.gov.au/super) ([www.ato.gov.au/super](http://www.ato.gov.au/super))

For further information please refer to the [What assistance can FEG provide?](#) fact sheet available at the [FEG website](http://www.ag.gov.au/FEG) ([www.ag.gov.au/FEG](http://www.ag.gov.au/FEG)).

## Am I eligible for FEG assistance?

You may be eligible for FEG assistance if:

- you have lodged an effective claim within 12 months of either you losing your job or the liquidation/bankruptcy of your former employer (whichever is later), and
- you have lost your job due to, or less than six months before, your employer's liquidation or bankruptcy, and
- you are owed one or more of the entitlements mentioned above, and
- you were an Australian citizen or the holder of a permanent visa or special category visa that allows you to stay and work in Australia at the time your employment ended.

You will not be eligible if, for example:

- you were a contractor (Textile, clothing and footwear (TCF) contract outworkers may be eligible—see the [FEG website](http://www.ag.gov.au/FEG) ([www.ag.gov.au/FEG](http://www.ag.gov.au/FEG)) for further information)
- you are (or were within 12 months before liquidation/bankruptcy) a director of the company, or a spouse or close relative of a director of the company who was also an employee.

For further information please refer to the [Eligibility for FEG assistance](#) fact sheet available at the [FEG website](http://www.ag.gov.au/FEG) ([www.ag.gov.au/FEG](http://www.ag.gov.au/FEG)).

## How do I make a claim?

You must make an effective claim to be eligible for FEG assistance. It is important that you submit your claim as soon as possible because FEG has strict time limits.

To make an effective claim, you must:

- lodge a FEG claim form (online lodgement is preferred)
- include all mandatory information and documentation requested on the form
- lodge your claim no more than 12 months after the end of your employment or the date your employer entered liquidation or bankruptcy (whichever is later) and
- lodge your claim before the discharge of your former employer's bankruptcy (if your employer was a bankrupt sole trader or partnership).

**If your claim is not made within this timeframe, or does not include all required information and documentation, it will not be effective and you will not be eligible for FEG assistance.**

For further information please refer to the [How do I apply for FEG assistance](#) and [How do I access FEG Online Services](#) fact sheets available at the [FEG website](#) (www.ag.gov.au/FEG).

## What if I can't make a claim online?

You can print and complete the [FEG Claim Form](#) and send it to department by email, post or fax. Alternatively, you can call the FEG Hotline and we will post the claim form to you. If submitting a paper form, you should include a copy of your identity documents, **not** originals.

## How does the department assess claims?

Once we have received your FEG claim, we take a number of steps to assess it in accordance with the requirements of the FEG Act. A number of investigations need to be undertaken to confirm eligibility, the financial affairs of your former employer, and the terms and conditions of your employment from the records of your employer.

For further information please refer to the [How we assess FEG claims Fact Sheet](#) and the FEG Service Charter available at the [FEG website](#) (www.ag.gov.au/FEG).

## Privacy and protecting your personal information

Your personal information is protected by law, including the *Privacy Act 1988* (Cth) (Privacy Act). Your personal information is collected by the department for the purposes of administering the FEG program. The department may also collect your personal information from third parties including other Commonwealth agencies, your former employer, insolvency practitioners, or contracted service providers, for the purposes of administering the FEG program.

The department's Privacy Policy contains more information about the way in which we will manage your personal information, including information about how you may access your personal information held by the department and seek correction of such information. A copy of the department's Privacy Policy can be found at [www.ag.gov.au/Pages/Privacystatement.aspx](http://www.ag.gov.au/Pages/Privacystatement.aspx) or by requesting a copy from the department via email at [privacy@ag.gov.au](mailto:privacy@ag.gov.au).

For further information about steps you should take to protect your personal information during your FEG claim please refer to the [Protecting your information](#) fact sheet available at the [FEG website](#) (www.ag.gov.au/FEG).

## Where can I find more information or contact FEG?

- Visit [FEG website](#) (www.ag.gov.au/FEG).
- Call the FEG Hotline on 1300 135 040, Mon - Fri, 9 am - 5 pm (AEST/ADST)
- Email us at [feg@jobs.gov.au](mailto:feg@jobs.gov.au)
- Fax us on (02) 6276 8717
- Post documents to us at:

Fair Entitlements Guarantee Branch  
Attorney-General's Department  
PO Box 9880  
CANBERRA ACT 2601

The information contained in this fact sheet is of a general nature and explains, in summary form, the intended operation of the *Fair Entitlements Guarantee Act 2012* - it is not legal advice. Where necessary, you should seek your own independent legal advice relevant to your particular circumstances. The Commonwealth does not make any representation or warranty about the accuracy, reliability, currency or completeness of the information contained in this fact sheet and is not liable for any loss resulting from any action taken or reliance made by you on the information contained in this fact sheet.