



How we assess FEG claims

Decisions about eligibility for assistance under the Fair Entitlements Guarantee (FEG) are made in accordance with the *Fair Entitlements Guarantee Act 2012* (the FEG Act). This fact sheet provides information about the best way to track the progress of your claim, and information about each stage of the claim assessment process.

Registering a claim online

The best way to follow the assessment of your claim is to register with [FEG Online Services](http://www.ag.gov.au/FEGOnline) (www.ag.gov.au/FEGOnline). Using FEG Online Services will:

- allow you to lodge your claim online
- allow you to upload and submit mandatory and supporting documentation
- ensure we receive your claim as soon as it is submitted
- let you check the status of your claim at any time.

To register go to [FEG Online Services](http://www.ag.gov.au/FEGOnline) (www.ag.gov.au/FEGOnline). For more information please refer to the [How do I apply for FEG assistance](#) and [How do I access FEG Online Services](#) fact sheets available on the [FEG website](http://www.ag.gov.au/FEG) (www.ag.gov.au/FEG).

The assessment process

Once we have received your FEG claim, a number of steps are taken to assess your claim. Information about each of these steps is set out below.

Determining if your claim is effective

The first thing we do is make sure that your claim is effective (see s. 14 of the FEG Act). This includes checking that you have completed the required FEG claim form and included all mandatory information and documentation requested on that form. We will also verify that your claim was made no more than 12 months after the end of your employment or the liquidation or bankruptcy date of your former employer (whichever is later), and before the discharge of your former employer's

bankruptcy (if your former employer was a bankrupt).

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.

In the event that your claim is not effective we will send you a letter to explain the reasons why.

Gathering Information

Once you have made an effective claim, the next thing we do is gather information to help us determine whether you are eligible for FEG assistance and, if so, the amount of unpaid employment entitlements you are legally entitled to be paid. This may include requesting information from you, your employer, the relevant insolvency practitioner or other parties.

We aim to complete the process of gathering information as quickly as possible. However, for some claims the process may take longer during periods of high demand for FEG assistance or if your former employer had complex corporate arrangements in place or the state of the books and records of your former employer make it difficult to substantiate your claim.

Assessing your claim

After receiving all relevant information provided by you, the insolvency practitioner and/or appropriate third parties, we will begin to assess your claim. This includes calculating the outstanding employment entitlements you may be eligible for and checking whether the information provided by the insolvency practitioner is consistent with the governing instrument under which you were employed.

Recommendation

Once we have enough information to make a recommendation, a report will be prepared for the decision maker to decide whether you are eligible for FEG assistance and, if so, the amount you are legally entitled to receive.

The decision maker will consider all the information relating to your claim and make a decision in accordance with the FEG Act. If the decision maker considers that further information and assessment is required we may contact you or the insolvency practitioner to request more information.

Decision

After a decision has been made about your claim you will be notified in writing of the outcome. The outcome letter will outline the decision, the reasons for the decision and your rights to have the decision reviewed.

Payment of your FEG claim

If you are eligible for FEG assistance and the Attorney-General's Department (the department) approves your payment, the department will generally pay your FEG payment directly into the account you nominated on your claim form after deducting the appropriate amount of tax and other relevant payments (such as child support payments).

When completing your FEG claim form, you will need to advise the department whether you wish to provide your tax file number (TFN) or claim an exemption from providing it and, if so, provide a completed TFN declaration.

The department is authorised to collect your TFN under the *Taxation Administration Act 1953*. You are not required to provide your TFN; however the department is required to withhold tax from your FEG assistance at the top marginal rate (currently 47 percent) if you do not provide your TFN or claim a relevant exemption on a TFN declaration.

Disagree with our decision?

If you do not agree with our decision, or if you have additional information that may change our decision, you have the right to have the decision reviewed. Your rights of review are set out in the FEG Act and are explained in your outcome letter.

For more information please refer to the [Reviewing a FEG decision](#) fact sheet available on the [FEG website](#) (www.ag.gov.au/FEG).

Want more information?

You can contact the FEG Hotline if you would like more information about how your FEG claim will be assessed.

To contact the FEG Hotline:

- Phone 1300 135 040
Mon - Fri, 9 am - 5 pm (AEST/ADST)
- Email FEG@jobs.gov.au

If you speak a language other than English, please call the Translating and Interpreting Service (TIS) on 13 14 50 for free help anytime. If you speak an Indigenous language, please call the Aboriginal Interpreter Service on 1800 334 944. Further information is also available on the [FEG website](#) (www.ag.gov.au/FEG).

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.