



# JOBKEEPER STIMULUS PACKAGE: ELIGIBILITY REQUIREMENTS

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# JobKeeper Overview

- The JobKeeper subsidy has been designed to support businesses that have been significantly effected by COVID-19 and to ensure that more Australians maintain employment.
- \$1,500 gross per fortnight per eligible employee
- Both employer and employee need to satisfy eligibility criteria.

# Eligible Employers: Generally

- As at 1 March 2020, the employer carried on a business in Australia or was a non-profit entity carrying on its objectives principally in Australia.
- A decline in Australian turnover as disclosed in BAS (applies to taxable sales and GST free sales only) – the employer must satisfy the turnover test.
- The employee is an eligible employee (will be discussed further later).
- The employer satisfies the wage condition by making payments to the employee of at least \$1,500 per fortnight.

# Eligible Employers: Generally (cont.)

- The employer has:
  - chosen to take part by the end of each fortnight (employers have until **26 April 2020** with respect to the fortnight that ended on 10 April 2020);
  - has notified the ATO at or before that time that it elects to participate;
  - has given information in the approved form to the ATO on eligibility and the employee.  
(<https://www.ato.gov.au/Forms/JobKeeper-payment---employee-nomination-notice/>); and
  - provides ongoing data to the ATO for eligible employees (per fortnight) and turnover (actual and projected) (monthly).

# JobKeeper Employee Nomination Notice



Australian Government  
Australian Taxation Office

## JobKeeper Employee Nomination Notice

### When to use the form

#### Employers

Before you enrol to receive JobKeeper payments, complete **section A** and provide this form to your eligible employees (refer to criteria below).

This form will be used to:

notify eligible employees that you (their employer) intend to participate in the JobKeeper scheme

ask eligible employees if they agree to be nominated by you as their employer so that you can receive JobKeeper payments for them.

You do not need to send this form to the ATO. You will, however, need to keep the completed version of this form (generally for 5 years) to document that your employee has agreed to be nominated by you to receive JobKeeper payments for them.

**1** Employers must ensure they comply with any Privacy Act 1988 (Cth) obligations when using this form.

#### Employees

Complete **section B, C and D** of this form and return this form to your employer as soon as possible.

#### Important:

■ If you have not returned this form to your employer, they **cannot** include you as an eligible employee to receive JobKeeper payments for you.

■ If your employer intends to enrol to participate in the JobKeeper scheme for a fortnight beginning on 30 March 2020 or 13 April 2020, you should return this form to your employer **before the end of April 2020** to ensure that your employer is eligible to receive JobKeeper payments for those fortnights.

■ If your employer intends to enrol to participate in the JobKeeper scheme for a subsequent fortnight, you should return this form as soon as possible after they give the form to you to ensure that your employer is eligible to receive JobKeeper payments.

■ Only one employer or eligible business can receive the JobKeeper payment for you. If you have multiple employers, you must choose an employer who has employed you on a permanent or fixed term basis. If you are a long-term casual employee that is eligible with no permanent or fixed term employer, you can nominate your casual employer.

■ If you have already agreed for another employer or eligible business to receive JobKeeper payments for you, you cannot nominate this employer.

Taxation law authorises the ATO to collect information and to disclose it to other government agencies. For information about your privacy, go to [ato.gov.au/privacy](http://ato.gov.au/privacy)

### What is the JobKeeper payment?

Under the JobKeeper payment, businesses impacted by the Coronavirus are able to access a subsidy from the government to continue paying their employees. Affected employees are able to claim a fortnightly payment of \$1,500 per eligible employee, or for one eligible business participant from 30 March 2020, for a maximum period of 6 months.

**2** Find out more:  
[ato.gov.au/jobkeeper](http://ato.gov.au/jobkeeper)

## Section A: Employer to complete

### Employer details

#### 1 Employer name

#### 2 Employer Australian business number (ABN)

## Section B: Employee to complete

### Employee details

#### 1 Full name

Title: Mr  Mrs  Miss  Ms  Other

Family name

First given name

Other given name

#### 2 Date of birth

#### 3 Address

Street address

Suburb/town/locality

State/territory

Postcode

#### 4 Phone

#### 5 Email

## Section C: Nomination

### Employee eligibility requirements

To be an eligible employee, you need to meet these requirements:

- You are currently employed by the employer outlined in section A (including those stood down or re-hired).
- You were employed by the employer outlined in section A at 1 March 2020.
- As at 1 March 2020, you were a permanent or fixed term employee, or a casual employee employed on a regular and systematic basis during the period of 12 months ending on 1 March 2020.
- If you are a casual employee as mentioned above, you are not employed by any other employer on a permanent or fixed term basis, or you are only employed by any other employer on a casual basis.
- You were at least 16 years of age as at 1 March 2020.
- As at 1 March 2020 you were:
  - residing in Australia and an Australian citizen or permanent resident, or
  - an Australian resident for income tax purposes and a Subclass 444 (Special Category) visa holder.
- You are not in receipt of a JobKeeper payment as a sole trader, nor is another employer or eligible business in receipt of a JobKeeper payment for you.
- You are not currently receiving parental leave pay or dad and partner pay, and
- You are not currently totally incapacitated for work and receiving payments under an Australian workers' compensation law in respect of your total incapacity to work.

**Yes, I agree to be nominated by the employer outlined in section A for the purpose of the JobKeeper scheme.**

In making this nomination I:

(i) agree that I meet the eligibility requirements listed above, and

(ii) confirm that I have not agreed to be nominated by any other employer/entity and have not given another entity a nomination form for the purpose of this scheme.

OR

**No, I do not agree to be nominated by the employer outlined in section A for the purpose of the JobKeeper scheme.**

## Section D: Declaration

I declare that the information I have provided is true and correct.

Signature (electronic/verbal is OK)

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**⚠** There are penalties for deliberately making a false or misleading statement.

Save form

# Eligible Employers: Generally (cont.)

- An employer is **not** eligible if it is subject to the major bank levy, a government organisation or is in liquidation or bankrupt.
- If an employer does not meet the decline in turnover test in one month (i.e. April), the employer may meet the test later and then become eligible for the JobKeeper payments.
- Once an employer meets the decline in turnover test, the employer is eligible for the entire period of the JobKeeper subsidy (i.e. 6 months) even if the turnover increases in a later month.

# Eligible Employers: The Turnover Test

- If an employer's turnover is less than \$1billion – loss of turnover of at least 30% for the relevant comparison period.
- If an employer's turnover is more than \$1billion – loss of turnover of at least 50% for the relevant comparison period.
- If the entity is a charity registered with the ACNC (excluding certain education providers), the employer's projected GST turnover is at least 15% less than current (actual) GST turnover for the relevant comparison period.

# Eligible Employers: The Turnover Test

- The test period for calculation of GST turnover is either:
  - Any month between March 2020 and September 2020 (compared to the corresponding month in 2019); or
  - The June 2020 or September 2020 quarter (compared to the corresponding quarter in 2019).
- The employer can choose either monthly or quarterly irrespective of whether the entity accounts for GST on that basis (if registered).



# Eligible Employers: The Alternative Test

- Alternative decline in turnover test applies if there is not an appropriate relevant comparison period in 2019.
- The Tax Commissioner will have discretion to seek additional information and evidence of the fall in turnover, in determining eligibility.
- Comes into effect today, 24 April 2020.

# Eligible Employers: The Alternative Test (cont.)

- Circumstances where an alternative test applies:
  - the entity commenced business after the relevant comparison period;
  - the entity acquired or disposed of part of the business after the relevant comparison period;
  - the entity undertook a restructure after the relevant comparison period;

# Eligible Employers: The Alternative Test (cont.)

- the entity's turnover substantially increased by 50% (12 months), 25% (6 months) or 12.5% (3 months) immediately before the applicable turnover test period;
- the entity was affected by drought or other declared natural disaster during the relevant comparison period;
- the entity has a large irregular variance in their turnover for the quarters ending in the 12 months before the applicable turnover test period, excluding entities that have cyclical or regular seasonal variation in their turnover; or
- the entity is a sole trader or small partnership where sickness, injury or leave have impacted the individual's ability to work which has affected turnover.

# Business Owners and the Self Employed

- An entity is entitled to the JobKeeper payment where the entity:
  - is not a non-profit body and meets the relevant turnover decline;
  - held an ABN on 12 March 2020;
  - has lodged its 2019 income tax return by 12 March 2020 or made a taxable supply between 1 July 2018 and 12 March 2020 and has lodged its BAS; and
  - who nominates an individual who is not an employee of the business and who is actively engaged in the business.

# Business Owners and the Self Employed (cont.)

- For entities who meet the requirements and are eligible for the JobKeeper payment, the following people can be nominated to benefit:
  - self-employed individuals - the individual;
  - a partnership – one partner who is actively engaged in the business;
  - a trust - one individual adult beneficiary of the trust; and
  - companies - one company director or shareholder.

# Eligible Employees

- An eligible employee is one who is:
  - on the employer's books on 1 March 2020 and continues to be engaged by the employer;
  - full-time, part-time, long term casual (ie. casual who has been employed on a regular and systematic basis for more than 12 months) and employees that have been stood down;
  - an employee that was re-engaged by a business that was their employer on 1 March 2020; and
  - an Australian citizen, a permanent resident or a Special Category (Subclass 444) Visa Holder.

# Ineligible Employee

- An ineligible employee is one who is:
  - in receipt of a JobKeeper payment from another employer;
  - receiving paid parental leave or dad and partner pay from the Government; and
  - receiving workers compensation for total incapacity for work in that fortnight.

# Apprentices

- Apprentices and trainees are eligible for the JobKeeper payment if they meet all the eligibility requirements set out earlier.
- The JobKeeper payment is considered 'equivalent' for the purposes of Supporting Apprentices and Trainees wage subsidy, as it is designed to help businesses cover the costs of their employees' wages.
- Employers are not able to claim both payments simultaneously and for any period where the employer elects to claim the JobKeeper payment they will not be able to claim the Supporting Apprentices and Trainees wage subsidy.
- For example, where an eligible employer claims the JobKeeper Payment from 30 March 2020, they will only be eligible to claim the Supporting Apprentices and Trainees wage subsidy for wages paid during the period 1 January 2020 to 31 March 2020.



# Apprentices and Group Training Organisations (GTO)

- If your business is eligible for JobKeeper payments and your business hosts and retains you GTO apprentices the Government will increase the value of the *Supporting Apprentices and Trainees* wage subsidy to \$1,500 per fortnight for GTOs.
- GTO's may pass this benefit to their host by way of a discount.

# Wage Conditions

- An employer must satisfy the wage condition with respect to the employee, which includes payment of amounts in excess of \$1,500, which may be made up of the following:
  - amounts paid as salary, wages, commission, bonus, or allowance;
  - PAYG and superannuation guarantee withholding; and
  - other amounts such as salary sacrifice arrangements or fringe benefits.
- If an eligible employee is performing work in the fortnightly period that is in excess of the JobKeeper payment amount then they will need to be supplemented for the additional hours worked.
- If an eligible employee is earning less than the JobKeeper payment, the employee will still be entitled to receive the full JobKeeper payment.

# Tax and Superannuation

- The \$1,500 amount received per fortnight is before tax therefore income tax will apply to the payment and employees may receive a net amount less than \$1,500.
- Regular superannuation obligations will apply where an eligible employee is paid more than \$1,500 per fortnight.
- For employees who are regularly paid less than \$1,500 per fortnight, eligible employers will have the discretion as to whether they pay superannuation on any additional wages the employee will receive as a result of the JobKeeper subsidy.

# Administration

- The JobKeeper payment will be available from 30 March 2020 until 27 September 2020 on a fortnightly basis.
- Notification to the ATO for the first 2 fortnights must be completed on or before **26 April 2020**.
- You will be required to satisfy the payment requirements for each 14 day period covered by the scheme.
- The JobKeeper payment is a reimbursement scheme and the payments will be made by the ATO monthly in arrears.

# Contact Us

- For any general enquiries contact us on:
  - 1300 361 099
  - [law.clerk@neca.asn.au](mailto:law.clerk@neca.asn.au)

