



Exemptions and Suspensions Guideline

Social Security Law recognises Participants may experience events resulting in them either not being required to, or not able to, continue participating in ParentsNext until their circumstances change. This Guideline recognises the variety of these circumstances, and explains the action ParentsNext Providers must or should take.

This Guideline includes:

- the Provider's responsibilities and actions they must take when a Participant requests an Exemption
- when a Participant may be granted an Exemption from participating in ParentsNext, and the Provider's responsibilities in granting an Exemption
- when a Participant is to be Suspended from ParentsNext and the Provider's responsibilities.

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Related documents and references

- Assistance to Participants Guideline
- Appointments Guideline
- Eligibility, Referrals, Commencement and Caseload Guideline
- <u>Direct Registration Guideline</u>
- Challenging Behaviours and Incident Management Guideline
- ParentsNext Compliance Framework Guideline
- Participation Plan Guideline
- Social Security Act 1991
- Social Security (Administration) Act 1999
- Guide to Social Security Law.

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Exemptions

What is an Exemption?

If a Compulsory Participant experiences a personal crisis, significant disruption or other circumstance that means they are unable to, no longer required to, continue participating in ParentsNext for a period of time, the Provider may grant an Exemption. When a Participant requests an Exemption, the Provider must consider the Participant's circumstances and decide whether this warrants an Exemption.

The Provider can adjust the Participation Plan instead of granting an Exemption if a Participant's circumstances are short-term and/or not considered significant.

Exemptions are granted either automatically or on a case-by-case basis depending on the type of Exemption. Automatic Exemptions must be granted upon request, where the Participant provides the required evidence in support of their Exemption request. The Provider has discretion to grant or reject case-by-case Exemptions based on whether the Participant meets the requirements for the Exemption, and whether this is the most appropriate outcome for the Participant.

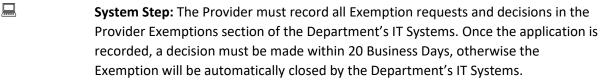
Only Compulsory Participants can be granted an Exemption.

(Deed Reference: Definitions and Clause 78.2)

Considering a Participant's request for an Exemption

When deciding whether to grant an Exemption, the Provider must:

- take into account the requirements for the Exemption
- ask the Participant to provide any relevant information or evidence
- explain that the Exemption will not be granted if evidence is not provided
- record the application for Exemption in the Department of Jobs and Small Business IT Systems
- review evidence provided, including relevant information provided by the Participant or otherwise, and any comments or file notes recorded on the Department's IT Systems.



Documentary Evidence: The Provider must retain Documentary Evidence to support the decision, which may be uploaded into the Department's IT Systems.

Granting an Exemption

If the Provider decides to grant an Exemption, they must:

- check whether the Participant's Parenting Payment is suspended
 - if the Participants payment is suspended due to non-compliance in ParentsNext, the Provider must re-engage the Participant and confirm that payment has been restored before granting the Exemption

- if the Participants payment is suspended for a reason not related to compliance, the Provider should direct the Participant to re-engage with the Department of Human Services before an Exemption can be granted
- inform the Participant of the decision in writing, including the start and end dates of the Exemption (Exemptions cannot be backdated)
- inform the Participant they will not receive assistance between the Exemption start and end dates unless they opt to voluntarily participate in ParentsNext
- record the Exemption decision and reason in the Department's IT Systems.

If a Participant has been granted an Exemption, they may request to participate in ParentsNext as a Voluntary Participant during the Exemption period.

- System Step: The Provider must record the Exemption decision in the Provider Exemptions section of the Department's IT Systems, including the start and end date of the Exemption period. Providers can generate a letter from the Department's IT Systems template, to formally Notify the Participant of the outcome of the Exemption request.
- System Step: If the Participant advises that they wish to participate in ParentsNext on a voluntary basis during an Exemption period, Providers should enter a volunteer period in the Department's IT Systems for the Suspension to be lifted. The Exemption will remain in place and the Participant will be a Voluntary Participant, with Compliance not available during the Exemption period.
- Documentary Evidence: The Provider must record appropriate Documentary
 Evidence to support any decision made. Documentary Evidence must be provided to
 the Department within 10 Business Days of any request.
 - To ensure Providers are granting exemptions in accordance with ParentsNext guidelines and Social Security Law, the Department will review exemption decisions made by Providers, including Documentary Evidence, as part of the ParentsNext quality assurance processes.

Rejecting an Exemption

If the Provider decides not grant the Exemption, they must:

- inform the Participant of their decision in writing, including any reasons
- provide written information on how the Participant can seek Departmental review of the Exemption decision or, if the Participant prefers, ask the Provider to check or explain the decision before the Participant decides whether to seek review by the Department (see Review of the Exemption decision and appeal process below)
- inform the Participant that, if they want the Exemption decision reviewed, it is in their interest to ask for this review sooner rather than later because, without an Exemption, they need to keep complying with their Mutual Obligation Requirements
- record the Exemption decision and reason in the Department's IT Systems, retaining all documentary evidence.

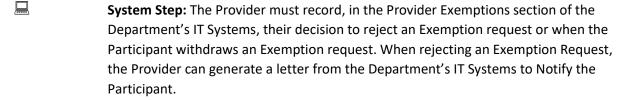
If the Provider rejects the Participant's request for an Exemption, the Provider should sensitively re-engage the Participant, and consider re-negotiating the

Participant's Participation Plan ensuring it is appropriate to the Participant's current circumstances.

Withdrawal of an Exemption

If the Participant and Provider agree the Exemption is no longer required and the Provider should continue to deliver assistance, the Provider should:

- record that the Participant has withdrawn the Exemption request
- discuss with the Participant whether the Participation Plan needs to be updated
- enter any changes to Participation Plan into the Department's IT Systems
- closely monitor the Participant's ongoing participation to ensure the Provider's assistance is meeting the Participant's needs and that their Participation Plan remains suitable for them.



Documentary Evidence: The Provider must record and keep appropriate Documentary Evidence to support the decision made. Documentary Evidence must be provided to the Department within 10 Business Days of any request.

To ensure Providers are processing exemptions requests in accordance with ParentsNext guidelines and Social Security Law, the Department will review Exemption decisions made by Providers, including Documentary Evidence, as part of the ParentsNext quality assurance processes.

Review of the Exemption decision and appeal process

If a Participant is not satisfied with an Exemption decision, they may ask for a review. If the decision needs amending (where an error has been identified or relevant new evidence supporting an Exemption has been provided) the reviewing party must amend the decision.

All information regarding the review of the decision must be recorded on the Participant's record in the Department's IT Systems.

If a Participant asks the Department to review the decision, the Provider must assist the Participant and Department in reviewing the decision. This includes assisting the Participant to request the review and providing all relevant documentation to the Department.

Requests for a Departmental review of an Exemption decision can be made by the Participant directly or by the Provider (on behalf of the Participant) through Account Managers, or the National Customer Service Line by phone on 1800 805 260 (free call from landlines), email at nationalcustomerserviceline@jobs.gov.au, or email to ParentsNext@jobs.gov.au.



System Step: The Provider must record the reviewed decision and the reason for the decision in the Department's IT Systems.



Documentary Evidence: The Provider must keep documentary evidence to support the review decision.

Providing evidence to tribunals

Providers may be asked to give evidence to the Administrative Appeals Tribunal (AAT) when a Participant is appealing a decision. The AAT may wish to discuss the issue with the Provider to assist in reaching a decision that considers all the elements of the appeal. Providers must provide all possible assistance to the Commonwealth on the appeals process.

Duration of an Exemption

Providers must only grant Exemptions for whichever period is less of:

- the period of time that the Participant's circumstances requiring the Exemption exist, or are expected to exist, or
- the maximum period of time allowed by the Exemption (set out below).

Exemptions should not be granted for a period longer than a Participant's expected period of participation in ParentsNext, if this is known. For example, if the Participant's youngest child will turn six in one month's time, then the Exemption period should expire on the day before the child's sixth birthday.

If the reasons for the Exemption being granted no longer exist, the Exemption can be ended. Providers cannot end an Exemption granted by the Department of Human Services but can assist the Participant to volunteer to participate in ParentsNext during the Exemption period (refer below).

Types of Exemptions (Temporary Incapacity, Caring Responsibilities and Special Circumstances)

Temporary Incapacity

Temporary Medical Incapacity

Exemption type: case-by-case

Maximum duration: 13 weeks

Evidence required: medical certificate

Participants can have an Exemption granted when they are temporarily ill, injured or have a temporary medical condition (such as injuries from accidents, and episodic periods of depression). A medical certificate supporting an Exemption should indicate that the person is unable to work, the period the Participant is unfit for work and, if appropriate, the practitioner's diagnosis and prognosis.

An Exemption due to temporary medical incapacity must be granted for no more than the period stated on the medical certificate, or for a maximum of 13 weeks at a time, whichever is less. A further Exemption may be granted if the circumstances of the original the Exemption remain in effect (as evidenced by the same, or an additional, valid medical certificate).

If a Participant provides written evidence of their ongoing incapacity, other than a medical certificate, and their circumstances make it unreasonable to expect them to obtain a medical certificate, they may be granted a further Exemption period of no more than four weeks from the end of the previous Exemption period.

Where a Participant submits a medical certificate indicating any of the medical conditions will be medium or long-term in nature (such as with episodic or chronic conditions), rather than granting an Exemption, the Provider should consider ensuring the Activity/ies in the Participation Plan take the condition into account. Examples of medical conditions that can be considered episodic or chronic include schizophrenia, psychosis, drug and alcohol addiction, depression and anxiety. In these situations, the Provider should consider suggesting the Participant test their eligibility for the Disability Support Pension with the Department of Human Services.

Temporary Incapacity—Serious Illness

Exemption type: case-by-case

Maximum duration: 52 weeks

Evidence required: medical certificate or equivalent evidence

If a Participant is seriously ill and undergoing treatment, and has been given an initial Exemption of 13 weeks, it may be appropriate for the Provider to grant a subsequent Exemption without requiring an additional medical certificate. The Provider may continue to grant subsequent exemptions without additional medical certificates, for the period stated on original medical certificate or for a maximum of 52 weeks from the date that the first Exemption was granted.

A Provider may only grant subsequent Exemptions without requiring the Participant to provide an additional medical certificate if the Participant continues to meet all criteria for a temporary incapacity Exemption and:

- they have one of the medical conditions listed below
- they are undergoing and/or recovering from intensive medical treatment (such as chemotherapy, radiotherapy) or undertaking rehabilitation for the serious illness
- there is little prospect of significant improvement in the Participant's medical condition over the period stated on the medical certificate, and
- requiring the Participant to obtain an additional, valid medical certificate at the end of each Exemption period would place unreasonable physical and/or mental burden and/or stress on them.

A Participant may be considered seriously ill if they have one of the following medical conditions:

- cancer/leukaemia
- severe stroke
- acquired brain injury
- serious burns
- serious physical injuries requiring long recovery periods
- severe mental health conditions, which the Participant is receiving treatment for in an institutional setting.

Caring Responsibilities

The Provider must grant some Exemptions related to a Participant automatically, where the Participant provides sufficient evidence, while other Exemptions are assessed on a case-by-case basis.

Refer to the details below for appropriate evidence for each Exemption. Note, in some cases, the Provider may need to use their judgement about what is appropriate evidence.

Providing Home Schooling

The Provider must grant this Exemption if the Participant is home schooling one or more primary or secondary school-aged children.

Exemption type: automatic on request

Maximum duration: 52 weeks

Evidence required: enrolment of Participant's child/ren in primary or

secondary home schooling

Providing Distance Education

The Provider must grant this Exemption if the Participant is providing or facilitating distance education for one or more of the children or secondary pupil children.

Exemption type: automatic on request

Maximum duration: 52 weeks

Evidence required: evidence of the Participant's children being enrolled in

distance education

Foster Carer

The Provider must grant this Exemption if the Participant is a registered and active foster carer and is providing foster care temporarily in an emergency, or on a respite basis.

Exemption type: automatic on request

Maximum Duration: 52 weeks

Evidence required: verification from the relevant state/territory authority

Large Family with four or more children

The Provider must grant this Exemption if the Participant is caring for a large family (that is, is the primary carer of four or more children and/or secondary pupils aged 18 years or under, with at least one child under six years of age).

Exemption type: automatic upon request

Maximum duration: 52 weeks

Evidence required: birth certificates or Family Tax Benefit with primary carer

information or Medicare Card from Department of Human

Services

Caring responsibilities

The Provider may grant this Exemption if the Participant is providing temporary care for a frail/aged or disabled adult family member.

Exemption type: case-by-case

Maximum duration: 16 weeks

Evidence required: the Provider should use their judgement as to appropriate

evidence required

Caring for a child not eligible for Carer Payment

The Provider may grant this Exemption if the Participant is caring for a child with high needs but is not eligible for Carer Payment. To grant this Exemption, the Provider must determine the care needs of the child/ren are such that, as a result, the Participant does not have the capacity to undertake Activities for the specified period of time.

Exemption type: case-by-case

Maximum duration: 52 weeks

Evidence required: a treating doctor's assessment is needed to determine the

impact of the child's illness on the Participant's ability to participate, and the Provider should use their judgement

about other appropriate evidence required

Carer Non-Parent State/Territory Care Plan

The Provider must grant this Exemption if the Participant is a relative but not a parent of a child (kin child) and the Participant is caring for the wellbeing of that kin child in accordance with a document accepted by the responsible state/territory authority.

Exemption type: automatic on request

Maximum duration: 52 weeks

Evidence required : the Participant needs to provide verification of the plan

from the state/territory authority as evidence of the

Participant's kinship

Carer Non Parental Relative

The Provider may grant this Exemption if a Participant is a relative but not a parent of a child, and the child is living with the Participant in accordance with a family law order.

Exemption type: case-by-case

Maximum Duration: 52 weeks

Evidence required: details of the family law order

ParentsNext Temporary Confinement

The Provider must grant this Exemption for a Participant who is pregnant and within six weeks of their expected due date. The Exemption end date must extend six months from the expected due date.

Exemption type: automatic on request or from a Provider becoming aware of

the pregnancy

Maximum duration: 32 weeks (six weeks prior to expected due date, and 26

weeks after)

Evidence required: the Participant needs to provide evidence of their pregnancy

from their treating doctor, and the expected due date

Special Family Circumstances

The Provider may grant this Exemption if the Participant is providing kinship or family care, care for a frail, aged or disabled adult family member, or has a dependent child with a temporary illness or injury requiring full-time parental care.

Exemption type: case-by-case

Maximum duration: 16 weeks

Evidence required: the Provider should use their judgement about appropriate

evidence required

Personal Circumstances

The Provider may grant Exemptions due to a Participant's personal circumstances, such as unforeseen events beyond the Participant's control, that cause major disruption in their life and, as a consequence, the Participant is unable to meet their Mutual Obligation Requirements and it would be unreasonable to expect them to do so.

Depending on the circumstances, it may be preferable for the Participant to continue being engaged in ParentsNext with the Provider, with the circumstances taken into account. This could include allowing for the particular circumstances in the Activities included in the Participation Plan, and conducting Appointments over the telephone.

Generally, Exemptions due to personal circumstances are up to 13 weeks. However, Providers must refer to each Exemption type below for specific requirements for Exemption periods.

Bereavement Period

The Provider may grant this Exemption if the Participant experiences a death of a member in their immediate family.

Exemption type: case-by-case

Maximum duration: 16 weeks

Evidence required: the Provider should use their judgement about appropriate

evidence required

Community Service Order

The Provider may grant this Exemption if the Participant is undertaking a Community Service Order of more than 20 hours per week.

Exemption type: case-by-case

Maximum duration: 13 weeks

Evidence required: participation in a Community Service Order of more than 20

hours per week

Domestic Violence or Relationship breakdown

The Provider may grant this Exemption if the Participant is subject to domestic violence (including family violence) or has a relationship breakdown, which causes unusually high levels of emotional, psychological or stress-related problems.

For Participants subject to domestic violence, including in the 26 weeks before requesting the Exemption, they must apply for a 16-week Exemption in the first instance, and can re-apply for further Exemptions up to 16 weeks at a time.

If there is any suspicion of domestic violence, Providers should also refer the Participant to the range of national and state-based organisations that offer advice, information and support concerning domestic violence.

A relationship separation is usually associated with high levels of stress but this in itself is not grounds for an Exemption. However, Participants who experience unusually high levels of stress associated with a relationship separation may be granted an Exemption.

Exemption type: case-by-case

Maximum duration: must be granted for an initial period of 16 weeks, then for

up to 16 weeks at a time for further Exemptions

Evidence required: the Provider should use their judgement about appropriate

evidence required

Declared Natural Disaster

The Provider must grant Exemptions for the Participants living in, and/or affected by, an officially declared natural disaster area (for example, bushfire, flooding or cyclone). An initial Exemption period of four weeks is usually appropriate, but Participants can apply for Exemptions of up to 13 weeks at a time.

Exemption type: automatic upon request

Maximum duration: 13 weeks, but generally four weeks is appropriate

Evidence required: an official government declaration that the area has natural

disaster status must be made before the Exemption can be

granted

Jury Duty

The Provider may grant this Exemption if a Participant is required to undertake jury duty. The Exemption must be limited to the time the Participant is required to attend.

Exemption type: case-by-case

Maximum duration: 13 weeks, though generally 2-4 weeks is appropriate Evidence required: evidence of the requirement to attend Jury Duty and

defined period of attendance

Major Personal Crisis

The Provider may grant this Exemption if a Participant is experiencing a major personal crisis, which can include a range of circumstances such as the death of a non-immediate family member or homelessness.

The main consideration when deciding whether to grant an Exemption for homelessness, is whether a Participant's living circumstances are stable enough to allow them to meet their requirements. A Participant may not be able to do this if they are living on the streets, in a hostel or refuge, or moving from house to house every couple of days. On the other hand, a Participant who is living with, or temporarily staying with, relatives or friends may be able to meet their requirements.

Exemption type: case-by-case

Maximum duration: 13 weeks, though this Exemption should be limited to the

time required to address the immediate circumstance—

usually two or four weeks.

Evidence required: the Providers should use their judgement about appropriate

evidence required.

Major Personal Disruption

The Provider may grant this Exemption if there is a major personal disruption to the Participant's home, including damage to the home/contents caused by storm, flood, fire or earthquake, or by an accident, explosion or electrical fault, or burglary of or vandalism to the home/contents or other assets (for example, a vehicle). The duration of this Exemption is limited to the time required to arrange alternative accommodation, replace lost items and arrange repairs and insurance claims.

Exemption type: case-by-case

Maximum duration: 13 weeks, though it is generally appropriate to grant these

exemptions for two weeks

Evidence required: Providers should use their judgement about appropriate

evidence required

Approved Overseas Absence

The Provider may only grant this Exemption if the Participant's dependent child is still regarded as being in the care of a Participant during their absence from Australia.

Exemption type: case-by-case

Maximum duration: six weeks

Evidence required: the Provider should use their judgement as to appropriate

evidence required

Other Special Circumstances

The Provider may grant this Exemption if the Participant is experiencing any other personal circumstance not listed above, which the Provider believes means the Participant is unable to meet their requirements.

Exemption type: case-by-case

Maximum duration: 13 weeks

Evidence required: the Provider should use their judgement as to appropriate

evidence required

Other Special Circumstances—Undertaking Indigenous cultural business

The Provider may grant an Exemption for Indigenous Australians to attend to cultural business. This is recorded under the 'Other Special Circumstances' type. This Exemption relates to the cultural practices of Indigenous Australians not related to deaths and funerals (which is considered under a Special Family Circumstances Exemption). The period of the Exemption should be limited to what is required in individual circumstances. The Provider should source local information wherever possible to assist in determining the length of time required for the Participant.

Community engagement has provided evidence that cultural business requirements vary widely between communities and that, in some instances, cultural business can be undertaken concurrently with a Participant's Mutual Obligation Requirements (for example, cultural business that only occurs at particular times of day or at night).

If participation in cultural business can be verified but the likely length of that cultural business cannot be determined at that time, a short initial period of Exemption should be granted (for example two weeks), which then may be extended if further information is provided.

Exemption type: case-by-case

Maximum duration: 13 weeks

Evidence required: the Provider should use their judgement as to appropriate

evidence required

Other Special Circumstances—State or National emergency

The Provider may grant an Exemption if a Participant is a volunteer during a State or National emergency (for example, bush fires). This Exemption can be granted for up to 13 weeks. This is also recorded under the 'Other Special Circumstances' type State or National Emergency.

Exemption type: case-by-case

Maximum duration: 13 weeks

Evidence required: proof of their active involvement, such as a written

statement from their rural fire service/State Emergency

Service commander.

Suspensions

Suspensions occur when Exemptions are applied

When an Exemption is granted, this usually initiates a Suspension for the Participant, for the period of time the Provider does not deliver assistance to a Participant. This is the case even though the Participant remains on the Provider's Caseload. Participants who have an Exemption applied usually have their status changed from Commenced to Suspended for the duration of the Exemption. If the Participant elects to continue to participate in ParentsNext, the Provider can record a volunteer period, in the Department's IT Systems.

The Suspension duration is linked to the Exemption duration

The duration of the Participant's Suspension depends on the duration of the related Exemption granted for that Participant.

Participants are not serviced during the Suspension period

When a Participant is Suspended from ParentsNext, for the duration of the Suspension period, the:

- Participant appears as Suspended on the Provider's caseload
- Participant will not be subject to Compliance Framework
- Provider is not required to provide ParentsNext assistance to the Participant
- Participant is not required to meet their requirements.

Participants can volunteer during a period of Exemption

A Participant can voluntarily participate in ParentsNext during an Exemption period. If a Participant requests to volunteer, the Provider must record a volunteer period against the Participant's Suspension in the Department's IT Systems. When adding a volunteer period to a Participant's Suspension, the Provider must enter the volunteer period start date and end date—these dates must fall within the related Suspension (Exemption) period.

When a Participant is volunteering during a period of Exemption, the:

- Participant appears as Commenced on the Provider's caseload, with a Voluntary (Exemption) participation requirement
- Provider must provide ParentsNext assistance to the Participant
- Participant is not required to meet their Mutual Obligation Requirements
- Participant is not subject to the Compliance Framework.

Refer to Participation Plan Guideline.

System Step: The volunteer period can be added to the Participant's record within the Suspensions and Volunteer period section of the Department's IT Systems.

After the Suspension period

When the Suspension period expires, the Provider must resume delivering ParentsNext services to the Participant and the Participant must meet their Mutual Obligation Requirements (refer to Participation Plan Guideline).

(Deed Reference: Clause 78, 80, 81)

Deferred referrals for Participants with Major Personal Crisis or Significant Disruption

Before referring a Participant to a Provider, the Department of Human Services meets with relevant parents who are receiving Parenting Payment to assess their eligibility as Compulsory Participants. If a parent is found eligible and is experiencing major personal crisis or significant disruption, the Department of Human Services delays the Referral to a ParentsNext Provider until a more appropriate time.

Examples of a major personal crisis or significant disruption include:

- family and domestic violence
- death of an immediate family member
- homelessness
- loss of home or significant damage to home due to a disaster
- hospitalisation
- current or impending incarceration.

This process only applies in exceptional circumstances where it is unreasonable for the parent to attend an Initial Appointment with a Provider due to the crisis or disruption.

Participants referred by the Department of Human Services with an Exemption

When a Participant with an Exemption is referred to a Provider, the Provider should ask the Participant if they would like to voluntarily participate in ParentsNext.

If the Participant does not wish to voluntarily participate in ParentsNext during the Exemption period, the Provider should:

- inform the Participant of the end date of their Exemption, and that the Provider will contact them to attend an appointment after this date
- record the Initial Appointment result as Did Not Attend Valid (DNAV) against the
 Initial Appointment booked by the Department of Human Services
- create a reminder to contact the parent to come in for their Initial Appointment, to Commence in ParentsNext, once the Exemption expires.

Summary of required Documentary Evidence

The Provider must retain Documentary Evidence to support any decision they make about Exemptions. This Documentary Evidence may be uploaded into the Department's IT Systems and must be provided to the Department within 10 Business Days of a request.

Specific evidence must be retained for each Exemption type, as outlined in this Guideline.

All Documentary Evidence must be sufficiently detailed allow a third party (including the Department) to review the decision, and be able to come to a decision either supporting or rejecting the original decisions.

All capitalised terms in this guideline have the same meaning as in the ParentsNext Deed 2018–2021 (the Deed). This Guideline is not a stand-alone document and does not contain the entirety of ParentsNext Providers' obligations. It must be read in conjunction with the Deed and any relevant Guidelines or reference material issued by Department of Jobs and Small Business under or in connection with the Deed.