## Ceduna Region community panel

Guidelines

These guidelines outline the legal parameters, the decision making process, the values and the code of conduct of the Ceduna Region community panel. The panel members agree to adhere to these guidelines to make fair decisions that support a positive and safe community.

## Contents

Background………………………...…………………………………………….…………………………..3

Legal parameters………………………………………………………………….…………..…………….4

Panel membership……………………………………………………………………….………….………5

Values and Code of Conduct…………………………..…………………………………………………..7

Process...………………………………………………………………….………………………………….8

Criteria…………………………………………………………………….…………..……..……….……..10

Privacy …………………………………………………………………….……………..…………………11

## Background

**The cashless debit card trial**

The cashless debit card trial (the trial) is a way to support people, families and communities in places where high levels of welfare dependence co-exists with high levels of community harm caused by alcohol, gambling and drug use. The trial aims to reduce the amount of cash in the community that could be used to buy these harmful goods.

All people who receive a working age income support payment and live in the Ceduna Region will take part in the trial. People on the Age Pension and wage earners can voluntarily take part. Participants will have part of their payment delivered via a new cashless debit card. The cashless debit card will look and operate like a normal bank card, except it cannot be used to buy alcohol, to gamble or withdraw cash.

The trial began in Ceduna on 15 March 2016.

### ****The community panel (the panel)****

Legislation allows the Minister to authorise the establishment of a community body (called ‘the panel’ in the Ceduna Region) via legislative instrument. The panel can provide a written direction to the Department of Human Services to vary an applicant’s restricted amount of payment so that it is between 80 and 50 per cent of their total Centrelink payment. This gives participants the option to apply for a reduction in the restricted portion of their income support payment to give them access to more cash. The panel does not have the power to determine who does or does not participate in the trial. Application for a reduction of the restricted amount of a participant’s payment is entirely voluntary, and all applicants are welcome to apply.

The establishment of a community panel is not a mandatory feature of the cashless debit card trial and is designed to be an option for the community which requires the Minister to authorise it by a legislative instrument a body as a community body for the purposes of the debit card trial. The development, establishment and operation of a panel is community led.

### The Ceduna Region community panel

A group of local leaders in the Ceduna Region have decided to establish the Ceduna Region community panel (the panel) to promote the care, protection, welfare or safety of adults, children and families by promoting positive social norms and discouraging behaviour that contributes to community harm. Leaders in the Ceduna Region initiated the creation of this panel and sought authorisation from the Minister of Human Services to establish the body via legislative instrument.

The panel has chosen to assess whether a decrease in an applicant’s restricted proportion of funds is likely to contribute to community harm or undermine positive social norms. A decrease in the restricted amount of a participant’s payment provides a larger cash proportion to trial participants who are supporting a safe and positive community environment.

## Legal parameters

Section 124PE of the *Social Security (Administration) Act 1999* provides that the Minister may, by legislative instrument, authorise a body, whether incorporated or unincorporated as a community body if the body provides, or intends to provide, services relating to the care, protection, welfare or safety of adults, children or families.

There are a number of legal parameters that must be followed by the community body:

* Legislation empowers the Minister to authorise by legislative instrument a body as a community body for the purposes of the debit card trial (section **124PE**);
* The community body may give a written direction to the Secretary (or the Department of Human Services as the Secretary’s delegate) to vary the percentage of the restricted portion of a person’s payment (subsection **124PK(1)**). The Secretary must comply with any written directions given (subsection 124PK(5));
* The written direction must reflect an agreement between the community body and trial participant/voluntary participant (section **124PK(2)(a)**) and can only be changed by the community body if the trial participant/voluntary participant agrees (section **124PK(2)(b)**). If there is no longer agreement between the trial participant/voluntary participant and the Panel, the Panel must revoke the agreement and the percentage will revert to the original 80/20 split (section **124PK(2)(c)**);
* The Minister may, by legislative instrument, vary the restricted and unrestricted portions of payments for a particular class of person and/or a particular trial area (section **124PJ**). The panel should seek the agreement of trial participants/voluntary participants to allow a lower restricted portion that applies to a participant under the legislative instrument to override any previously agreed restricted amount between the panel and the participant;
* The community body cannot direct that more than 80 per cent of a payment be restricted, or less than 50 per cent (section **124PK(3)(b)**);
* The community body can share information about trial participants or voluntary participants with the Secretary to enable variations of the restricted portion (section **124PO**); and
* Every six months a review of the decisions of the community body will take place to ensure the decisions are consistent with the intended trial outcomes (page 6 of the **Explanatory Memorandum** to the Social Security Legislation Amendment (Debit Card Trial) Bill 2015).

## Panel membership

The community panel has carefully developed its membership to reflect the diversity of possible applicants. The inaugural panel is comprised of Indigenous and non-Indigenous people, both men and women, with different professional and personal experiences, who represent a wide geographical area.

The Ceduna Region community panel has decided to base its panel membership on established community leadership positions as this demonstrates that panel members have been formally recognised as leaders by their peers and also demonstrates a commitment to working towards a cohesive community. All panel members are involved in community activities that promote positive and safe behaviour that contributes to the care, protection, welfare or safety of adults, children and families. All panel members have also expressed an interest in volunteering their time and local understanding to promote a reduction in the amount of money spent on harmful goods such as alcohol, drugs and gambling. The panel is made up of people who sit in the following local leadership positions:

* Chief Executive Officer of Koonibba Community Aboriginal Corporation + Adviser
* Chief Executive Officer of Scotdesco Aboriginal Corporation + Adviser
* Chief Executive Officer Yalata Community Inc + Adviser
* General Manager of Oak Valley (Maralinga) Inc + Adviser
* Chief Executive Officer of the Ceduna Aboriginal Corporation + Adviser
* Mayor of The District Council of Ceduna
* Chief Executive Officer of the District Council of Ceduna

Panel members must currently be in this position, or must be nominated by the current position holder to sit on the panel on their behalf, with the agreement of the other sitting panel members. Panel members may nominate advisers. These advisers must be approved by a majority of the panel. Once they are approved, they become approved advisers. Approved advisers may only be present at panel meetings for decisions regarding their community. This may be done for cultural, local knowledge or administrative reasons. To accept panel membership is to accept that decisions will be made in accordance with these guidelines and agree to follow the values and code of conduct. Advisers will be subject to the same confidentiality arrangements as those nominated above and all the other requirements of panel members including being involved in community activities that promote positive and safe behaviour that contributes to the care, protection, welfare or safety of adults, children and families.

### The panel administrator

The panel administrator has no decision making power. The role of the administrator is to process applications by:

* Collecting and presenting applications to the panel;
* Where the panel requires more information to make a decision, seeking further information on behalf of, and with the consent of the applicant, and presenting this information to the panel;
* Recording the decisions of the panel;
* Advising the applicant of the outcome of the application, and in the case of a successful application, advising the Department of Human Services (as the Secretary’s delegate) to amend the applicant’s restricted amount; and
* Advising the Department of Human Services (as the Secretary’s delegate) to restore an 80/20 split if an agreement no longer exists between the panel and the applicant.

## Values and Code of Conduct

### Ceduna Region community panel values

* The panel makes decisions free of discrimination.
* The panel respects the privacy of applicants and will discuss the information obtained only with other panel members and only for the purposes of the panel decision making process.
* The panel considers all information presented to it without personal bias.
* All panel members are equal and if a decision cannot be agreed upon, a majority rule of sitting members will apply.
* The panel is accountable for its decisions and provides feedback via the panel administrator to applicants who are unsuccessful.
* The panel promotes a fair system of review and applicants have the opportunity to apply for reconsideration of decisions made.

### The Ceduna Region community panel code of conduct

* Panel members will act with integrity in the course of the decision making process.
* Panel members will treat applicants with respect and trust and will not use any obtained information for purposes other than the panel decision making process.
* Panel members must comply with all applicable Australian laws.
* Panel members must maintain confidentiality about panel decision making processes and applicant’s personal details.
* Panel members must disclose any conflicts of interest and avoid making decisions where a conflict is present.
* Panel members must not provide false or misleading information in the decision making process.
* If the panel learns of information that presents a threat to a person’s safety, they will report this information to the appropriate authority.

## Process

### Application

The application process is voluntary and open to all trial participants and voluntary participants.

When a person applies to the panel, they provide a self-declaration stating which criteria they meet (criteria provided on page 11). These criteria are designed to indicate whether a reduction in the applicant’s restricted amount of payment would undermine positive and safe behaviour for individuals, their family and their community.

The applicant can submit an optional supporting statement.

If the panel thinks the information in the self-declaration may be inaccurate, the panel may ask the panel administrator to contact the nominated agencies to verify this information. When applying to the panel, the applicant will be asked to give their consent to the panel administrator contacting the nominated agencies to verify that the information provided is correct, and to present the outcome of the verification process to the panel.

Any amendment to the applicant’s restricted amount of payment must reflect an agreement between the panel and trial participant. The applicant can suggest an amended amount in their application form, but a lesser reduction may be applied should the panel feel that the reduction suggested by the applicant is not appropriate.

The panel will agree to any request by a person to increase their restricted amount (following an initial reduction).

### Information presented to the panel

The administrator may provide a list of names for consideration to the panel members in leadership positions before the meeting. This allows panel members the opportunity to consult with their approved advisers if required, in order to consult and seek advice on applications. At the meeting, the administrator will present the application forms to the panel, including the criteria the applicant reports they meet and the optional supporting statement.

If the panel decides there may be a risk that the information provided in the application is not accurate, the panel may ask the administrator, if the participant consents, to contact relevant agencies to confirm information. Once the administrator has received confirmation of whether the self-declaration was accurate or not, it will be presented to the panel.

If the information in the application is unable to be verified, the applicant may be asked to provide further information to support their claim before their restricted percentage can be amended.

If a person would like to apply for a decision to be reconsidered, the information presented to the panel in the initial application/s will also be presented.

### Decision making

The panel will consider whether a reduction in the applicant’s restricted amount of payment would likely contribute to community harm or undermine positive social norms. This decision will only be informed by:

* the applicant’s self-declaration of which criteria they did or did not meet (possibly verified by relevant agencies);
* if the applicant chooses to submit one, the optional statement; and
* local knowledge of the panel members relevant to safety, health, housing, education and child welfare, i.e. behaviours or events.

Where possible, the panel will make decisions based on objective criteria. While recognising that the use of local knowledge to inform decisions is subjective, the panel holds the view that the use of local knowledge is necessary to reflect the complexity of individual cases that may not be captured in the criteria, as well as to assess an applicant’s supporting statement, if they choose to submit one.

Where the approved adviser has provided advice to the panel member, that advice and recommendation will be considered for endorsement by the panel. Decisions will only be finalised by agreement of the panel.

Any decisions informed by local knowledge will be made in line with the values and code of conduct in these Guidelines (page 6).

### Outcome shared with the applicant

The panel administrator will write to the applicant informing them of the outcome of their application. If the panel has agreed to reduce the applicant’s restricted amount to the percentage requested by the applicant, the decision will take effect immediately. If the panel agreed to reduce the applicant’s restricted amount to a percentage other than the percentage requested by the applicant, the applicant will have 21 days from the date the letter or email is sent to respond if they would like to provide a comment before the final decision is made by the panel. If a comment is received, the panel will consider it before making their final decision and asking the panel administrator to contact the Department of Human Services to amend the restricted amount. If no response is received, the panel administrator will contact the Department of Human Services to amend the restricted amount. Applicants are welcome to apply for a reconsideration of previous decisions at any time, or alternatively are welcome to lodge a new application.

### Change in circumstances

Applicants are encouraged to seek support to address the issue/s which prevented them from obtaining a reduction in their restricted amount of payment in a previous application/s. If a change in circumstances occurs, they are encouraged to contact the panel to lodge a new application and invited to outline the change in circumstances in their optional supporting statement.

If the panel becomes aware of a change in circumstances of an applicant, they can decide at any time to review their original decision and amend or revoke it.

## Criteria

### SA Police

* Any conviction where alcohol, drugs or domestic violence were a factor in past 12 months.

### Families SA

* Any substantiated child protection issues over the last 12 months.

### Housing SA

* Been evicted by Housing SA from your public housing tenancy in the previous 12 months;
* Been removed from the Ceduna Transitional Accommodation Centre in the previous two months;
* Current suspension from staying at the Ceduna Transitional Accommodation Centre;
* Current Housing SA rental debts that are not being repaid; or
* Has debt with Housing SA but not in a Financial Management Plan.

### SA Health, Ceduna Koonibba Aboriginal Health Service and Tullawon Health Service

* Health assistance in the last 12 months as a result of substance use.

### Department of Education and Child Development

* Dependants of compulsory school age have less than 80 per cent attendance in the previous school term.

## Privacy

Information will only be collected by the administrator on behalf of the panel for the assessment and administration of the application with the consent of the applicant.

De-identified summaries of collected information may be used to assist ongoing management and evaluation of the trial.

To protect the identity of the panel members (or any people they nominate to act on their behalf) from community harassment, the specific panellists for each decision will not be made public.

To protect the information of the applicant, panel members will be required to sign a non-disclosure confidentiality agreement with the Department of Social Services.