



Australian Government



GUIDELINES FOR ELIGIBILITY TO BE A CDEP SCHEME PARTICIPANT AND PAYABILITY OF CDEP PARTICIPANT PAYMENTS IN REMOTE REGIONS

Note: These Guidelines form part of the Agreement and may be varied by the Commonwealth at any time and at the Commonwealth's absolute discretion.

Reader's Guide

As at close of business 30 June 2013, grandfathering arrangements are being effected for participants under the CDEP Scheme who were entitled to participate in the CDEP Scheme and receive funding from a wages component grant made to a CDEP Provider by the Commonwealth at that date. The CDEP participants covered by the grandfathering arrangements will be transitioned to, and serviced by, an RJCP Provider (in Remote Regions). The cohort of CDEP Scheme participants who are covered by grandfathering arrangements and who are eligible to participate as a 'CDEP Scheme Participant' and receive 'CDEP Participant Payments' from a wages component grant made by the Commonwealth to a Provider, are those persons who are registered and showing as 'Wages Eligible' in CDEPManager as at 30 June 2013. In order to receive 'CDEP Participant Payments' the person must participate in Remote Employment and Participation Activities and must meet other eligibility and participation requirements specified in the Agreement (including in these Guidelines).

Part A deals with eligibility of CDEP Scheme Participants. It specifies key eligibility requirements for participants and certain circumstances under which a person may become ineligible to participate as a CDEP Scheme Participant and will generally be unable to participate in the CDEP Scheme or as a CDEP Scheme Participant thereafter. Part B deals with payability of CDEP Participant Payments.

In order to receive CDEP Participant Payments, a CDEP Scheme Participant must participate in Remote Employment and Participation Activities or be on Approved Paid Leave.

The eligibility of CDEP Scheme Participants and their entitlement to CDEP Participant Payments is managed through FaHCSIA's CDEPManager system. A CDEP Scheme Participant may only be serviced by one Provider at any time and a Provider must not service a CDEP Scheme Participant unless that participant is registered with them in CDEPManager and in DEEWR's IT Systems.



A. GUIDELINES FOR ELIGIBILITY TO BE A CDEP SCHEME PARTICIPANT

A1. Key Eligibility Requirements for CDEP Scheme Participants

A1.1 A person is eligible to participate as a CDEP Scheme Participant if the person:

- a) was, on 30 June 2013, registered in CDEPManager as being 'Wages Eligible';
- b) meets the CDEP Scheme Participant eligibility requirements specified in these Guidelines and the Agreement; and
- c) is not presently required to be exited under the Agreement.

A2. Circumstances in which a CDEP Scheme Participant is no longer eligible to be a CDEP Scheme Participant

Refusing to take up, or taking up, Sustainable Employment

A2.1 A person is no longer eligible to be a CDEP Scheme Participant if they refuse to take up, or takes up, Sustainable Employment.

A2.2 A person continues to be eligible to be a CDEP Scheme Participant if they take up Sustainable Employment and that employment is terminated under circumstances which the Provider reasonably determines did not involve:

- a) the CDEP Scheme Participant bringing the employment to an end; or
- b) fault on the part of the CDEP Scheme Participant;
- c) the person continues to be eligible to be a CDEP Scheme Participant.

Voluntarily ceasing, or bringing about termination of, short term employment

A2.3 A person is no longer eligible to be a CDEP Scheme Participant if they:

- a) take up employment of less than 13 continuous weeks that does not involve subsidisation, or support, from CDEP Wage Funds; and
- b) the employment ceases or is terminated as a result of the CDEP Scheme Participant bringing that employment to an end, or through fault on the CDEP Scheme Participant's part.

CDEP Scheme Participant accessing a primary income support payment as a non-CDEP Scheme Participant

A2.4 A CDEP Scheme Participant may relinquish their eligibility to be a CDEP Scheme Participant and apply to receive a primary income support payment (such as Newstart Allowance, Youth Allowance or Disability Support Pension) as a non-CDEP Scheme Participant in accordance with clause A2.5.

A2.5 If a CDEP Scheme Participant applies to Centrelink to be paid a primary income support payment (such as Newstart Allowance, Youth Allowance or Disability Support Pension) as a non-CDEP Scheme Participant, the person is no longer eligible to be a CDEP Scheme Participant from the date of effect the primary income support payment becomes payable to the person by Centrelink at the Non-CDEP Scheme Participant Rate.

A2.6 For the purposes of clauses A2.4 and A2.5, a CDEP Scheme Participant who, with the approval of their Provider, relocates to a location where there is no employment services provider administering CDEP Wage Funds or is transferred to an employment services provider that is not a signatory to a CDEP Wages Funding Agreement and is not entitled to receive CDEP Participant Payments for the period of that transfer (see clause B4), and is in receipt of a primary income support payment (such as Newstart Allowance, Youth Allowance or Disability Support Pension) is not taken as having relinquished their eligibility to be a CDEP Scheme Participant for the period of that transfer.

Effect of participating in the Remote Youth Leadership Development Corps

A2.7 For the purposes of A2.4 and A2.5, a CDEP Scheme Participant who is participating in the Remote Youth Leadership and Development Corps and is not entitled to receive CDEP Participant Payments for the period of their participation in the Remote Youth Leadership and Development Corps, and is in receipt of a primary income support payment (such as Newstart Allowance, Youth Allowance or Disability Support Pension) is not taken as having chosen to relinquish their eligibility to be a CDEP Scheme Participant for the period for which they are participating in the Corps.

A2.8 However, a CDEP Scheme Participant who participates in the Remote Youth Leadership and Development Corps is no longer eligible to be a CDEP Scheme Participant if they

- a) cease participation in or is exited from the Remote Youth Leadership and Development Corps as a result of the CDEP Scheme Participant bringing that period in the Corp to an end or through fault on their part; or
- b) obtain Sustainable Employment following the completion of their placement in the Corps.

Other ineligibility circumstances

A2.9 A CDEP Scheme Participant is no longer eligible to be a CDEP Scheme Participant if the person:

- a) fails to attend a re-engagement interview as required under clause B3.4 and has been advised by the Provider of their loss of eligibility for failing to re-engage;
- b) after having attended a re-engagement interview as required under clause B3.4:
 - i. subsequently has an Unapproved Absence; or
 - ii. fails to re-engage in Remote Employment and Participation Activities, and is not on a period of Approved Paid Leave or Approved Unpaid Absence;
- c) relocates to a location where there is no Provider administering CDEP Wage Funds and has not obtained the prior written approval of the Provider; or
- d) is otherwise determined by FaHCSIA to be ineligible, including pursuant to clause B2.4.

A3. Exiting CDEP Scheme Participants who become ineligible to remain as CDEP Scheme Participants

A3.1 If a CDEP Scheme Participant is no longer eligible to be a CDEP Scheme Participant, the Provider must exit the person on CDEPManager in accordance with clauses 13.3 and 13.4 of the CDEP Wages Funding Agreement.

B. SPECIFIC PARTICIPATION REQUIREMENTS FOR CDEP SCHEME PARTICIPANTS AND PAYABILITY OF CDEP PARTICIPANT PAYMENTS

B1. Participation in Remote Employment and Participation Activities and Payability of CDEP Participant Payments

B1.1 In order to participate in the CDEP Scheme and be eligible to receive CDEP Participant Payments a CDEP Scheme Participant must:

- a) reside within one of the Remote Regions or in a Non-Remote Location;
- b) be registered with a Provider and have their status as “active” in CDEPManager;
- c) have completed and signed a Participant Acknowledgement Form and comply with the requirements specified in that form;
- d) be willing to participate in Remote Employment and Participation Activities and accept any reasonable offer of Sustainable Employment; and
- e) provide accurate and timely income information to the Provider in order to enable the Provider to determine the person’s entitlement to participate and receive CDEP Participant Payments under clauses B2.2 and B2.3.

B2. Non-participation due to particular circumstances

B2.1 A CDEP Scheme Participant is not entitled to participate and receive CDEP Participant Payments for the duration that the CDEP Scheme Participant:

- a) is a full-time student who is in receipt of AUSTUDY or ABSTUDY Living Allowance or Youth Allowance;
- b) is a full-time secondary student;
- c) is a recipient of Sickness Allowance; or
- d) is a recipient of New Enterprise Incentive Scheme (NEIS) payments, or in circumstances otherwise notified by FaHCSIA in writing.

B2.2 If, in any Quarter, a CDEP Scheme Participant exceeds the income limits specified in clause B2.3, the CDEP Scheme Participant is not entitled to participate and receive CDEP Participant Payments for the remaining duration of that Quarter (being the period dating from the date when the income limit was first exceeded to the end of that Quarter).

B2.3 If, at any time during a Quarter, a CDEP Scheme Participant:

- a) has a gross quarterly income from sources other than CDEP Wage Funds of more than \$5,166, or such other income limit notified by FaHCSIA in writing;
- b) has a gross quarterly income of more than \$5,166 from CDEP Wage Funds, or such other income limit notified by FaHCSIA in writing; or
- c) has a partner, who is not a CDEP Scheme Participant, who has a gross quarterly income of more than \$10,332, or such other income limit notified by us in writing,
- d) the CDEP Scheme Participant exceeds the income limits.

B2.4 If a CDEP Scheme Participant exceeds the income limits specified in clause B2.3 and the CDEP Scheme Participant fails to notify the Provider as soon as practicable of the income limits having been exceeded, the CDEP Scheme Participant may be determined by FaHCSIA to be ineligible pursuant to clause A2.9.d.

B3. Impact of Absences upon CDEP Participant Payments

- B3.1 In order to receive CDEP Participant Payments a CDEP Scheme Participant must participate in Remote Employment and Participation Activities or be on Approved Paid Leave.
- B3.2 If a CDEP Scheme Participant does not participate in, or is absent from, a Remote Employment and Participation Activity in which they are required to participate:
- a) the Provider must determine whether the CDEP Scheme Participant has a Reasonable Excuse including, where relevant, by contacting the CDEP Scheme Participant on the day of their absence or as soon as practicable thereafter; and
 - b) if the Provider reasonably determines that the CDEP Scheme Participant does not have a Reasonable Excuse then the person has an Unapproved Absence for the period of their non-participation and is not entitled to be paid CDEP Participant Payments in respect of the period of Unapproved Absence; or
 - c) if the Provider reasonably determines that the CDEP Scheme Participant does have a Reasonable Excuse:
 - i. the CDEP Scheme Participant will be deemed to be on Approved Paid Leave and is entitled to be paid CDEP Participant Payments in respect of that period of Approved Paid Leave; and
 - ii. the Provider and CDEP Scheme Participant must agree on a date on which the person will resume participating in Remote Employment and Participation Activities.
- B3.3 If a CDEP Scheme Participant is or has been on a period of Unapproved Absence, the Provider must:
- a) pay CDEP Participant Payments to that person in accordance with the Agreement and only in respect of the hours the person participated in Remote Employment and Participation Activities or was on Approved Paid Leave; and
 - b) attempt to re-engage the CDEP Scheme Participant in Remote Employment and Participation Activities as soon as possible.
- B3.4 If a CDEP Scheme Participant has been on a period of Unapproved Absence on three separate occasions within a six month period, the CDEP Scheme Participant is required to attend a re-engagement interview with the Provider to review, as applicable, their Individual Participation Plan.
- B3.5 As provided for in clause A2.9a, if a CDEP Scheme Participant has attended a re-engagement interview required under clause B3.4 and has a subsequent Unapproved Absence or fails to re-engage in Remote Employment and Participation Activities the person will no longer be eligible to be a CDEP Scheme Participant.
- B3.6 Notwithstanding clause B3.5 and clause A2.9.a, a CDEP Scheme Participant may, with the prior written approval of the Provider, cease to participate or not re-engage in Remote Employment and Participation Activities for Legitimate Reasons and be deemed to be on a period of Approved Unpaid Absence. For the avoidance of doubt, a CDEP Scheme Participant may not be paid any CDEP Participant Payments in respect of a period of Approved Unpaid Absence.

B4. Impact of transferring to a location where CDEP Wage Funds are not administered or to an employment services provider who is not administering CDEP Wage Funds

B4.1 For the avoidance of doubt, if a CDEP Scheme Participant:

- a) obtains the prior written approval of the Provider and relocates to a location where there is no employment services provider administering CDEP Wage Funds; or
- b) is transferred to another employment services provider that is not a signatory to a CDEP Wages Funding Agreement,

the person:

- c) will not be entitled to receive CDEP Participant Payments for the period in which they are not being serviced by an employment services provider that is a signatory to a CDEP Wages Funding Agreement; and

Note: Subject to applicable Social Security law, the person may however be able to apply for primary income support (such as Newstart Allowance, Youth Allowance or Disability Support Pension) as a non-CDEP Scheme Participant in accordance with clauses A2.4 and A2.5;

- d) will remain eligible to participate as a CDEP Scheme Participant if they transfer subsequently to a location where there is an employment services provider administering CDEP Wage Funds or to an employment services provider that is a signatory to a CDEP Wages Funding Agreement.

B5. Exiting a CDEP Scheme Participant from CDEP Manager

B5.1 If a CDEP Scheme Participant is not entitled to receive CDEP Participant Payments for a particular period, the Provider must exit the person on CDEPManager in accordance with clauses 13.3 and 13.4 of the CDEP Wages Funding Agreement.

C. DEFINITIONS

‘Agreement’ means the Remote Jobs and Communities Program Funding Agreement 2013-2018 executed between the Commonwealth and RJCP Providers, as amended or extended by the Parties from time to time in accordance with its terms.

‘Approved Paid Leave’ means leave as provided for under the terms and conditions of the CDEP Scheme Participant’s engagement with their Provider and other paid leave approved in accordance with these Guidelines and includes periods for which the Provider or the Commonwealth has determined the person had a Reasonable Excuse;

‘Approved Unpaid Absence’ means a period of approved unpaid leave as provided for in clause B3.6 for which a CDEP Scheme Participant’s Provider has given prior approval after having determined that the CDEP Scheme Participant has Legitimate Reasons for ceasing to participate or not re-engaging in Remote Employment and Participation Activities.

‘CDEPManager’ means the computer information system provided by the Commonwealth that is to be used by the Commonwealth and a Provider as the primary tool for managing CDEP Scheme Participant numbers and details.

‘CDEP Participant Payment’ means a payment (expressed as a fortnightly rate) made from CDEP Wage Funds that a CDEP Scheme Participant receives for participating in Remote Employment and Participation Activities in accordance with the Agreement. CDEP Participant Payments include:

- a) payments made to CDEP Scheme Participants for hours worked or participating in Remote Employment and Participation Activities up to a maximum of the CDEP Wage Rate (Adult) or CDEP Wage Rate for CDEP Youth Participants as applicable;
- b) leave entitlements paid to CDEP Scheme Participants in respect of leave accrued as a CDEP Scheme Participant; and
- c) Top-Up Payments.

‘CDEP Scheme’ means the scheme known as the Community Development Employment Projects Scheme and which is administered under the Agreements.

‘CDEP Wages Funding Agreement’ means the Remote Activity Conditions 3 - CDEP Scheme (RAC3) document which forms part of the Remote Jobs and Communities Program Funding Agreement 2013-2018 executed between the Commonwealth and RJCP Providers, as amended or extended by the Parties from time to time in accordance with its terms.

‘CDEP Wage Funds’ means the Funding that is paid to a Provider to pay CDEP Scheme Participants for participating in Remote Employment and Participation Activities.

‘DEEWR’ means the Commonwealth Department of Education, Employment and Workplace Relations or such other government agency or department as may administer or perform the functions of that department from time to time.

‘DEEWR’s IT Systems’ means DEEWR’s IT computer system accessible by You, through which information is exchanged between You, Your subcontractors, DHS, DHS Assessment Services and Us in relation to the Activities.

‘FaHCSIA’ means the Department of Families, Housing, Community Services and Indigenous Affairs or such other government agency or department as may administer or perform the functions of that department from time to time.

‘Individual Participation Plan’ means the plan referred to in clause 14 of RAC1 and, for SS Activity Tested Eligible Job Seekers, has the meaning given to the term ‘employment pathway plan’ under the Social Security Act 1991 (Cth), or, if the Social Security Act 1991 (Cth) is amended, any other such similar agreements.

‘in Gaol’ means:

- a) the person is being lawfully detained (in prison or elsewhere) while under sentence for conviction of an offence and not on release on parole or licence; or
- b) the person is undergoing a period of custody pending trial or sentencing for an offence.

‘Legitimate Reasons’ includes circumstances where a CDEP Scheme Participant is incapable of participating, or it would be unreasonable in the circumstances to require the CDEP Scheme Participant to participate.

'Non-CDEP Scheme Participant Rate' means the rate at which a person's income support benefit would be payable to the person if the person was not a CDEP Scheme Participant in respect of the whole or part of the payment period.

'Non-Remote Locations' means CDEP locations that fall outside of the RJCP Remote Regions.

'Participant Acknowledgement Form' means an agreement between you and each CDEP Scheme Participant, stating that they and you are aware of and comply with the CDEP Scheme requirements.

'Provider' means the applicable RJCP Provider with whom the relevant CDEP Scheme Participant is registered with in CDEPManager and which is contracted by the Commonwealth to administer CDEP Wage Funds.

'Quarter' means a period of 3 months commencing on 1 July, 1 October, 1 January or 1 April.

'Reasonable Excuse' is any excuse that might have made it unreasonable to expect the person to attend or participate in an appointment or activity, including both the person's immediate circumstances (such as lack of transport on a particular day) and broader factors, such as any ongoing barriers to participation that person may have, but only:

- a) if the person notified the excuse to the Provider before the start of the activity or before the time of the appointment or the contact (as relevant); or
- b) where the person did not give the above prior notification, if there were circumstances in which it was not reasonable to expect the person to have done so,

but does not include circumstances where the person's failure to attend or participate was because they were in Gaol.

'Remote Employment and Participation Activities' means the activities provided by a RJCP Provider under RAC1 of the RJCP Funding Agreement.

'Remote Regions' means one of 60 geographical areas identified and displayed at: <http://www.deewr.gov.au/lmip/default.aspx?LMIP/EmploymentData> as varied by the Commonwealth from time to time at its absolute discretion.

'Sustainable Employment' means employment (and may comprise one or more employment arrangements):

- a) which reasonably requires the person to perform work which, in the Provider's opinion, the person is reasonably capable of performing;
- b) of at least 13 continuous weeks or more in duration;
- c) which does not involve any subsidisation, or support, from CDEP Wage Funds;
- d) for which the terms and conditions for the work would be at least as generous as the minimum terms and conditions of employment (including wages) applicable under law in relation to that work; and
- e) which is at least as financially beneficial as the position the person would be in if the person were to continue receiving CDEP Wage Payments.

'Unapproved Absence' has the meaning provided for in clause B3.2b.