



Australian Government

**Department of Employment and
Workplace Relations**

CDEP Guidelines 2005–06



Community Development Employment Projects (CDEP) Programme



CDEP Guidelines 2005—06

Contents

1. About CDEP	1
2. CDEP Activities and Outcomes	2
Activities	2
Outcomes and KPIs	4
3. Delivering CDEP – Organisations	6
Program Funding Agreement	6
Funding CDEP Organisations	9
Income and Savings	11
Outcome payments	12
4. Participating in CDEP – Individuals	13
Eligibility Requirements	13
CDEP Participant Wages	17
Working outside the CDEP while remaining a CDEP participant	18
5. Roles and Responsibilities	22
CDEP organisations	23
DEWR Account/Contract Managers	24
DEWR Solution Brokers	25
DEWR State Managers	26
DEWR National Office	27
Reporting Mechanisms	27
6. CDEP organisation withdrawal or closure	31
Breaching the Agreement	31
Types of Remedial Action	31
Suspending a CDEP organisation	33
Recommencing a CDEP organisation after suspension or withdrawal	35
Terminating a CDEP organisation	36
Attachment A: Employment Services Code of Practice	38
Attachment B: CDEP Service Guarantee	39
Attachment C: CDEP Capacity Building Plan	40

CDEP Guidelines 2005—06

ISBN 0 642 325529

These Guidelines outline the principles of CDEP Programme management and delivery in 2005—06. Full conditions of CDEP organisation funding are contained within the *Terms and Conditions for Funding Agreements relating to Indigenous Programs, the Program Funding Agreement 2005—06* and the *DEWR Schedule*.

The guidelines have been developed to assist DEWR Account/Contract Managers in the monitoring of the *Program Funding Agreement 2005—06* and to assist CDEP organisations in explaining their rights, responsibilities and obligations under that agreement.

ii

CDEP Guidelines 2005—06

Building on Success

CDEP Guidelines 2005—06

1. About CDEP

What is CDEP?

The Community Development Employment Projects (CDEP) Programme is an Australian Government funded initiative aimed at increasing **employment, community activities and business development** opportunities for Indigenous people and their communities to help improve the economic, social and cultural status of Aboriginal and Torres Strait Islander people* in Australian society.

The CDEP Programme provides unemployed Indigenous people with activities designed to meet community needs and which develop participant's skills and improve their employability in order to assist them to move into employment outside the CDEP. These activities can also lead to the development of business enterprises.

The Department of Employment and Workplace Relations (DEWR) manages the programme. DEWR has responsibility for funding, monitoring and reporting on CDEP organisations operating activities under the CDEP Programme.

Some changes to the CDEP Programme come into effect for 2005—06 and are set out in the *Building on Success, CDEP Future Directions* paper and in these CDEP Programme Guidelines. These changes follow the release of the Discussion Paper *Building on Success* and the accompanying public consultations held across Australia. The aim of the changes is to increase the focus of CDEP organisations on results, especially employment outside the CDEP, so that CDEP can be a stepping stone to better employment and economic development opportunities.

*In the Torres Strait, CDEP is managed by the Torres Strait Regional Authority. These guidelines do not apply to the Torres Strait Regional Authority.

CDEP Guidelines 2005—06

2. CDEP Activities and Outcomes

Activities

CDEP organisations manage activities aimed at increasing **employment, community development and business development** opportunities for Indigenous people and their communities.

Introduction

Each CDEP is a unique blend of three elements – employment, community activities and business development. Funding for each CDEP organisation will be negotiated around these three elements taking account of local circumstances, particularly local job opportunities.

Employment

The CDEP employment stream involves placing participants in jobs outside the CDEP through:

- assisting participants to get jobs outside of CDEP;
- the CDEP organisation working closely with Job Network. This gives participants easier access to funding for training, job search support and a wide range of job vacancies;
- links with other government services; and
- hosting an Indigenous Employment Centre (subject to meeting a range of criteria).

Community Activities

The community activities carried out by the CDEP organisation aim to meet the priorities of the community and thus provide benefits by organising and supporting activities with a view to:

- meeting community needs including those in a Shared Responsibility Agreement (SRA) (see below) or in community plans;
- ensuring that community work is aligned with local job opportunities and builds skills through work experience; and
- maintaining the culture of the community.

Business Development

The business development stream which supports commercial businesses or enterprises involves:

- identifying community activities that could become commercially viable businesses and create jobs outside the CDEP including the provision of municipal services;
- supporting business development through better access to business services and finance;
- developing the business skills of CDEP participants and providing them with mentoring; and
- establishing effective structures within the CDEP that will support businesses.

CDEP Guidelines 2005—06

The CDEP organisation must ensure that businesses that are created by the CDEP are carried out under legally incorporated entities separate to those of the CDEP organisation.

Competitive neutrality protects existing businesses. CDEP organisations are to operate fairly in undertaking their activities.

Commercial rates are to be charged for goods and services provided.

Municipal Services and Contracting Services

DEWR will work with all levels of government to ensure that where CDEP organisations provide municipal services and/or other services which are the responsibility of other Commonwealth, State or Local Governments (for example road maintenance, waste disposal, water supply, sewerage or education) this will be done by a contractual arrangement between the CDEP organisation and the relevant authority. This will be done with the objective of ensuring continuity of services to communities.

DEWR will commence these discussions with Australian Government agencies.

Working for Families Initiative

The *Working for Families* initiative made available additional CDEP places for implementation and/or expansion of strategies designed to prevent and/or assist victims of domestic violence and substance misuse in remote areas. 1000 CDEP places are available for allocation each year until 2006—07.

Shared Responsibility Agreements

Indigenous communities have been asked to consider their needs and goals and negotiate a Shared Responsibility Agreement (SRA). SRAs operate at a family or community level and set out clearly what the family, community or governments are responsible for in contributing to a particular activity, the outcomes of the activity and the ways in which success will be measured.

CDEP activities can and should link directly to SRAs where these exist and CDEP is relevant to the content of the SRA.

Opportunities for young people

When young people participate in CDEP it is important that their participation in CDEP becomes a stepping stone to better opportunities. As part of the negotiation of contracts for 2005—06, CDEP organisations will be asked to ensure that any 15 to 17 year old participants complete accredited training which improves their employability skills. DEWR will negotiate with each CDEP on how they will meet the needs of young people and monitor their performance.

CDEP Guidelines 2005—06

Outcomes and KPIs

The CDEP Programme is flexible with a strong focus on results.

DEWR support to achieve results

DEWR will work in partnership with CDEP organisations to achieve better results. DEWR staff in Indigenous Coordination Centres and State and Regional offices are there to help each CDEP organisation set realistic goals for performance and meet agreed targets. The level of achievement by individual CDEP organisations against their Key Performance Indicators (KPIs) and capacity building plans will be taken into account when considering future funding.

Key Performance Indicators (KPIs)

The following KPIs apply for the 2005—06 funding agreements. Targets will be individually negotiated with CDEP organisations. The targets will be realistic and based on local circumstances. DEWR Account/Contract Managers will work closely with CDEP organisations to monitor and improve performance.

- Employment:
 - o **KPI 1: Number of CDEP participants who move into non-CDEP employment.**
The target will also need to take account of any employment outcome targets in place for Indigenous Employment Centres (IECs) for those CDEPs which have a separate IEC contract.
Outcomes will be measured by the number of initial CDEP Placement Incentive payments claimed and will take account any IEC placements for those CDEPs which have a separate IEC contract.
- Community Activities:
 - o **KPI 2: Relationship to community priorities** (identified through SRAs or community plans where they exist or other arrangements where required) and wherever possible improve employability skills.
Outcomes will be measured through a community survey of satisfaction with activities being delivered and objectives achieved.
 - o **KPI 3: An effective rate of utilisation of allocated CDEP places.**
Outcomes will be measured through actual utilisation and the flow into non-CDEP employment.
- Business Development:
 - o **KPI 4: Number of commercially viable businesses created.**
 - o **KPI 5: Number of off-CDEP jobs created in those businesses.**
(Note that these indicators will be negotiated with particular reference to existing business activities run by the CDEP organisation. Not all CDEP organisations will be expected to have a Business KPI.)

DEWR Quality KPI

- DEWR's satisfaction with the delivery of services in compliance with the Employment Services Code of Practice (Attachment A) and the Service Guarantee (Attachment B). (Note a similar KPI applies to all DEWR Programmes).

CDEP Guidelines 2005—06

Please note that: non achievement of KPIs may impact on future funding of the CDEP organisation.

KPI targets incorporated into the DEWR Schedule can be varied by agreement between DEWR and the CDEP organisation throughout the term of the contract. Any changed target will require a Contract Variation. Contract Variations can be determined and varied by a DEWR delegate.

DEWR and CDEP organisations to develop capacity building plans

As part of the process of negotiating CDEP funding for 2005—06 DEWR and CDEP organisations may identify areas where the CDEP needs to improve its skills or structure so that it can achieve better results. This will be reflected in a capacity building plan. These capacity building plans may cover areas such as financial viability, governance or compliance. DEWR will help the CDEP organisation achieve these plans.

While these plans will not be incorporated into the Program Funding Agreement (PFA explained below) the CDEP organisations achievement against the capacity building plan will be taken into account when considering future funding.

These plans are to be signed by the DEWR Account Manager and the CDEP organisation. A capacity building plan template is provided at Attachment C.

CDEP Guidelines 2005—06

3. Delivering CDEP - Organisations

CDEP organisations funded by DEWR manage activities under the CDEP Programme.

Organisations/ Communities wishing to start a CDEP

Organisations wishing to provide CDEP services in 2005—06 must have applied through the whole-of-government eSub (electronic submission) process which closed on 29 March 2005.

To receive CDEP funding for 2005—06 organisations are subject to financial viability checks and a risk assessment, through which they need to show that they can meet local Indigenous community priorities and achieve programme outcomes.

Program Funding Agreement

In the 2005—06 financial year, CDEP Programme funding is being offered via a Program Funding Agreement (PFA) which is a single contract between the Australian Government and Indigenous communities (or organisations operating within those communities). The Office of Indigenous Policy Coordination (OIPC) has advertised nationally for organisations to manage and implement the Government's various programmes for Indigenous communities. Information submitted via eSub will form the basis for DEWR's contract negotiations and CDEP part of the PFA (the DEWR schedule).

What is a PFA?

A Program Funding Agreement is a single contract between an organisation and one or more Australian Government agencies. It specifies how much funding an organisation will receive and for what purposes those monies can be used.

DEWR CDEP Schedule

The DEWR CDEP Schedule is part of the PFA. It is an agreement between DEWR and the CDEP organisation outlining how much funding an organisation will receive and for what purposes those monies can be used and include agreed performance targets.

It also defines the obligations of the CDEP organisation in its operational practices and reporting mechanisms.

When completing the DEWR Schedule the Account/Contract Manager can include additional supplementary conditions in GMS, the grants management system which records the PFA.

Assessment of Applications

DEWR Account/Contract Managers liaise with potential CDEP organisations to assess CDEP Programme applications to:

- analyse risk, financial viability and utilisation levels;
- consider priority needs and budget in deciding the allocation of funding for each of their activities; and
- negotiate a draft CDEP offer before making recommendations to the DEWR delegate.

CDEP Guidelines 2005—06

Approval of funding DEWR State Managers review recommendations for funding and submit to the National Office delegate for final approval.

Agreement Variations Any variation requires the written approval of a DEWR delegate before taking effect. Any of the terms and conditions in the DEWR Schedule may be varied by DEWR. The CDEP organisation may also request a variation to the DEWR Schedule in accordance with the PFA.

CDEP organisations CDEP organisations are to be incorporated and have Boards of Management which represent the Indigenous communities in which they operate.

CDEP organisations are required to keep full and accurate records of their activities and to record that information in relevant systems. This includes their progress towards achieving the objectives as agreed in the PFA, the receipt and use of funding, the acquisition of assets and the creation of intellectual property rights in activity materials produced.

They are also responsible for establishing and implementing internal arrangements in line with these guidelines about work rules and absences.

Making links CDEP organisations are expected to make links with other government programmes and services that will help them achieve the best outcomes for participants. DEWR staff in Indigenous Coordination Centres (ICCs) can work with CDEP organisations to help them make links to the suite of DEWR and other government programmes.

Examples of other DEWR programmes are:

- The Indigenous Employment Programme (IEP) comprises a range of initiatives to improve employment and business opportunities for Indigenous Australians. One part of the programme, the Structured Training and Employment Projects (STEP), provides assistance to employers to create training and long-term employment opportunities for Indigenous Australians;
- Job Network is Australia's largest and most effective programme in finding jobs for Indigenous people and it continues to improve. Job Network members can help CDEP participants prepare a résumé and job application and give advice on career options and programmes. They may even be able to pay for work related training courses and materials for participants. The Job Network member may also assist participants to obtain non-CDEP employment by using Wage Assistance;

CDEP Guidelines 2005—06

- In remote areas, employment services are often delivered by Fee-For-Service providers. By linking with these providers, CDEP organisations can provide even more support to Indigenous Australians living in remote and very remote regions;
- Disability Open Employment services (DOE) assist people with disabilities who have significant and/or ongoing support needs, by providing training, job placement and on-the-job support.
- The Indigenous Business Development Programme (IBDP)* can provide flexible funding through a combination of commercial loans and grants. It aims to develop viable business opportunities for Indigenous people; and
- The New Enterprise Incentive Scheme (NEIS) provides business support and mentoring services to many Australians establishing businesses each year.

Further information on the range of DEWR programmes can be found at www.workplace.gov.au and from DEWR staff including your Account/Contract Manager and Solution Brokers.

DEWR also works with many industries and employers to identify and help create job opportunities for Indigenous people. CDEP organisations can work in partnership with DEWR to link to these opportunities and place participants in these jobs.

*IBDP is delivered by Indigenous Business Australia, which is part of the Employment and Workplace Relations portfolio.

CDEP Guidelines 2005—06

Funding CDEP Organisations

CDEP wages will continue and a new funding model which emphasises activities will be introduced in 2005—06. The features of the new funding model are that each CDEP organisation will have an individually negotiated management fee, activity fee and CDEP wages (detailed below). The management fee will be on a fee for service basis and the activity fee will be based on the number of places in community activities. Activity fees will generally include funding for capital items for activities. In principle capital items relating to management for example a manager's car should be covered by management fees.

CDEP wages are covered in Section 4. Management and activity fees are discussed below.

Introduction

CDEP organisations receive funds to support the delivery of CDEP activities. This funding is split into:

- (i) management fees, and
- (ii) activity fees.

Funding varies for each CDEP organisation and is negotiated and reflected in the PFA.

Management Fees

Management fees provide funds to operate and manage the CDEP organisation, including employing managers and administration staff and establishing the basic infrastructure essential to operating the organisation.

Examples of budget items which make up management fees are:

- salaries;
- accounting fees;
- audit fees;
- bank charges;
- consultants;
- meetings/seminars; and
- recruitment.

Management fees must be acquitted*.

*'Acquitted' (acquittal) is the process by which the CDEP organisation demonstrates that funding has been expended for the purpose for which it was provided. Under the Terms and Conditions of the DEWR Schedule there is a requirement to financially report against the use of the funding received for 'wages', 'management fees' and 'activity fees'.

CDEP Guidelines 2005—06

Activity Fees

Activity fees cover items necessary to run activities such as capital items, insurance, training equipment and materials for community activities. These also cover top up wages for supervisors of activities.

Examples of budget items which are covered by activity fees:

- motor vehicles;
- repair and maintenance;
- equipment hire;
- supervisors top up wages;
- insurance;
- postage;
- rates;
- rent;
- telephone/fax;
- supplies;
- travel; and
- capital.

Activity fees must be acquitted, that is, the CDEP organisation must demonstrate that funding has been expended for the purpose for which it was provided.

Please note: if Target Employment Level (TEL)(explained below) is reallocated during the funding year activity fees will be deducted from the CDEP organisation and reallocated.

Capital

CDEP organisations must seek individual approval for the purchase of all capital items over \$5000 and these items must be listed on an Assets Register. Examples include:

- tractors;
- rotary hoes;
- vehicles and trucks; and
- buildings.

Sitting fees

CDEP Programme funding is not to be used to support payment of Board sitting fees or allowances.

Funding Releases

The funds provided to CDEP organisations will be released in stages throughout the financial year.

CDEP Guidelines 2005—06

The frequency of these releases may be affected by the risk assessment of an organisation (that is higher risk organisations will receive monthly releases rather than quarterly releases).

Assets Register

CDEP organisations are required to maintain an Assets Register. All purchased capital items with a value of over \$5000 must be included in the register.

Target Employment Level

Target Employment Level is the number of participant places allocated to a CDEP organisation. TEL may be varied during the year by DEWR should utilisation not be achieved or if there are changes to CDEP activities. If TEL is reallocated during the funding year activity fees will be deducted from the CDEP organisation and reallocated.

Utilisation

Utilisation is the actual number of participant places a CDEP organisation has filled in a funding period and is often expressed as a percentage of the number of participant places allocated in the funding process (for example 98 per cent utilisation).

The Utilisation Report in CDEPManager* can be produced by the CDEP organisation and shows utilisation and the number of participants that need to be put on from the current day until the end of the financial year to meet allocated TEL for the year.

CDEP Manager

*CDEPManager is an online information technology system for managing CDEP participants. It is also the main tool for tracking TEL.
<http://www.cdepmanager.gov.au>

Income and Savings

Activity Generated Income

Income generated by a CDEP work activity may be retained by the CDEP organisation for the purpose of furthering the development of the activity or such other purpose as is approved in writing by the DEWR Account/Contract Manager.

DEWR does not require Activity Generated Income to be acquitted but it must be reported in annual financial statements.

Streamlining

DEWR is currently actively investigating CDEP insurance issues to determine the feasibility of streamlining insurance arrangements for CDEP organisations.

CDEP Guidelines 2005—06

Outcome Payments

CDEPPI

The CDEP Placement Incentive (CDEPPI) is part of the Indigenous Employment Programme. It is paid to CDEP organisations when an Indigenous CDEP participant goes into ongoing work of at least 15 hours per week and exits CDEP.

The CDEPPI is paid in two instalments, with the total payment being two thousand two hundred dollars (\$2200). The first payment of \$550 is made on placement and the second payment of \$1650 after the participant has completed 13 weeks in the job. From 1 July 2005 CDEP organisations will be able to claim CDEPPI through CDEPManager.

CDEP Guidelines 2005—06

4. Participating in CDEP – Individuals

CDEP wage instead of unemployment benefits

CDEP participants are paid a wage through the CDEP organisation rather than receiving unemployment payments such as Newstart and Youth Allowance. Participant wages differ between remote and non-remote locations based on Australian Tax Office classifications. Participants in remote areas receive a slightly higher wage than those in non-remote areas.

Eligibility Requirements

Individual Eligibility

CDEP participants must be accepted as a member of an Aboriginal or Torres Strait Islander community by the CDEP organisation.

CDEP organisations are to work towards a goal of a maximum of three per cent non-Indigenous participants. DEWR will negotiate with each CDEP organisation about how they will move towards this goal, beginning in 2005—06.

CDEP participants must be:

- aged 16 years and over, or
- aged 15 years and over and receive payments of Youth Allowance and not be a full-time student.
- part of the community and/or living within the locality served by the CDEP organisation, and
- willing, able and available to take up an offer of non-CDEP work.

NB: Any CDEP participants aged between 15 to 17 years old are to complete accredited training which improves their employability skills. DEWR will negotiate with each CDEP on how they will meet the needs of young people.

Before a person starts as a participant with a CDEP organisation their personal details have to be entered into CDEPManager. This data is then automatically sent to Centrelink, which assesses their eligibility for income support benefits (see Figure 1: Flowsheet page 16) and determines whether they are eligible for a CDEP placement.

CDEP Guidelines 2005—06

	<p>If eligible, an appropriate start date for the participant is entered in CDEPManager.</p>
Who is not eligible for CDEP	<p>A candidate is ineligible if they:</p> <ul style="list-style-type: none">• are 15 years of age and are not in receipt of Youth Allowance;• are full-time secondary students;• are in receipt of Sickness Allowance;• are a full time student in receipt of ABSTUDY or AUSTUDY Living Allowance payments or granted Youth Allowance as a full time student;• younger than aged 15 years;• are already recorded in the CDEPManager system of another CDEP organisation as an active participant;• have a gross quarterly income from sources other than CDEP of more than \$5 873 (applicable at 1 July 2005); or• their non-participant partner's gross quarterly income exceeds \$11 746 (applicable at 1 July 2005).
Centrelink Payment Recipients	<p>CDEP participants receiving Centrelink payments need to be aware that they must declare their income to Centrelink as this may effect the level of their pension or benefit.</p>
Time limited participation in CDEP	<p>DEWR will work with CDEP organisations to help them support CDEP participants to move to other opportunities where it is possible. DEWR will pursue options for time-limited participation in CDEP when negotiating contracts for 2005—06. Time limited participation in CDEP will be determined by local circumstances in the community.</p>
Participants on leave	<p>Participants can remain eligible while on approved paid leave, subject to the prior agreement of the CDEP organisation.</p> <p>The CDEP organisation will not approve paid leave to a CDEP participant who becomes ineligible to remain on CDEP during the proposed period of leave. An end date must be entered into CDEP Manager.</p>
Long service leave	<p>Long service leave can be paid out of CDEP Wages funds to those participants who become entitled to long service leave under the relevant award, certified agreement or Australian Workplace Agreement. In this situation, participants can remain eligible for CDEP while on approved long service leave subject to the prior agreement of the CDEP organisation (that is, retaining the participant on TEL for the duration of their leave entitlement).</p>

CDEP Guidelines 2005—06

Absence from CDEP

CDEP participants who are absent for more than two consecutive weeks, other than those participants on approved paid leave, cannot continue as a participant. An End Date (that is the last day the participant worked and was eligible to be on the Programme) must be entered into CDEPManager. The participant place may be reallocated.

No work, no pay

The principle of “no work, no pay” is to be implemented. DEWR will support CDEP organisations to implement “no work, no pay” on an individual basis taking account of local circumstances.

CDEP Participant Supplement

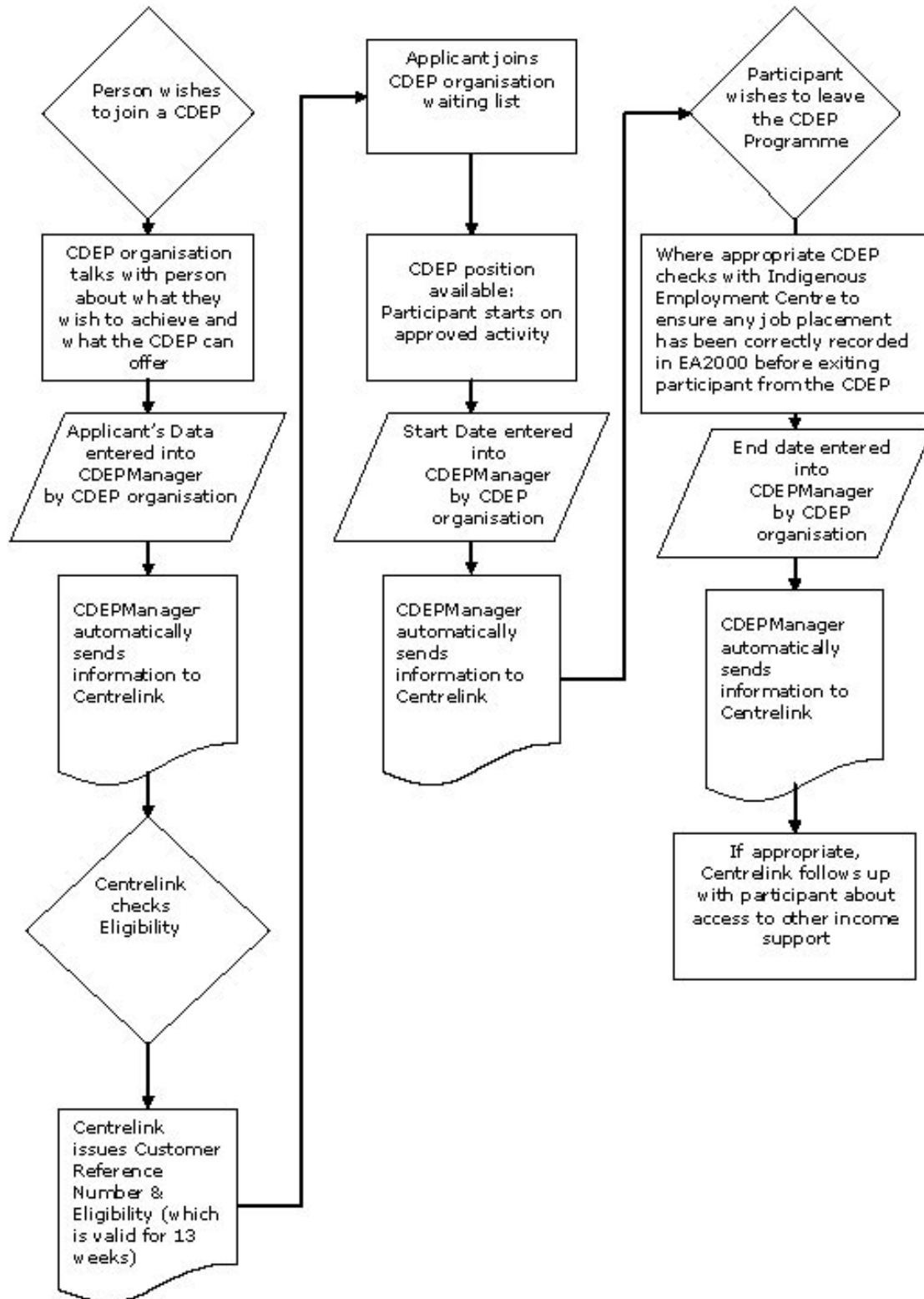
This supplement is a fortnightly payment of \$20.80 to assist with the cost of participating in a CDEP. Basic conditions of eligibility apply and participants must contact Centrelink to check eligibility and to obtain this payment.

Direct registration with Job Network

DEWR will introduce direct registration of CDEP participants with Job Network.

CDEP Guidelines 2005—06

Figure 1: Flowsheet - entering and exiting the CDEP Programme -Individuals



CDEP Guidelines 2005—06

CDEP Participant Wages

Introduction

CDEP Wages funds are paid to CDEP organisations. They in turn pay CDEP participants for work done on CDEP activities.

Wages funds are allocated based on the actual number of registered CDEP participants engaged in approved activities.

Only participants entered as active in the CDEPManager system can be paid wages from CDEP Wages funds.

2005—06 CDEP Participant Wages rates:

- Remote \$229 per week
- Non Remote \$206 per week

CDEP Wages must be acquitted.

Wages paid based on participation

The amount of wages paid to CDEP organisations in each funding release is based on actual participation up to the limit prescribed by the Target Employment Levels (TEL) in the DEWR CDEP Schedule. This amount is adjusted based on actual utilisation for the period retrospectively.

Focus on progression of individual participants

CDEP organisations are encouraged to focus on the needs and skills of individual CDEP participants and their progression to employment outside the CDEP. This includes paying wages according to the skills of participants and the job requirement. It may involve, for example, moving a participant from undertaking community activities only to a job with an employer outside the CDEP using the CDEP Wage as a wage subsidy for a limited period. This should help the participant to take the next step to moving into an unsubsidised non-CDEP job.

Positions funded from Management fees

CDEP Wages (including top up) are no longer to be used to fund participants working in management or administration positions of CDEP organisations. These positions are to be funded from Management Fees.

Stricter time limits on wage subsidies

To encourage movement to unsubsidised jobs outside the CDEP, stricter time limits will be placed on the use of CDEP Wages as wage subsidies for particular jobs or activities. A maximum period of 12 months use of CDEP Wages as wage subsidies for particular job or activity is to be applied. DEWR will work with CDEP organisations to help them change the expectations of those employers who believe that a wage subsidy can be available for long periods of time.

CDEP Guidelines 2005—06

Working outside the CDEP while remaining a CDEP participant

CDEP organisations may place participants with an external or host employer to provide work experience, training and/or employment opportunities. The objective of these placements is to eventually place the participants in employment outside CDEP without subsidisation.

Work Experience

Placing CDEP participants into work experience positions outside the CDEP may increase their opportunity of employment outside CDEP. In negotiating work experience placements CDEP organisations should consider a graduated placement that is moving participants from work experience to host placement and then to un-subsidised employment.

Host Employer as employer

Under this arrangement the Host Employer assumes employer responsibilities including:

- paying workers compensation insurance;
- paying tax; and
- administering all personal records and time and wage records.

Time limited placements

The participant's wages are funded by both the CDEP organisation (CDEP wage) and the Host Employer (additional wages appropriate to the job). The objective of Host Employment is to eventually gain employment for participants outside of CDEP that is not subsidised by the CDEP wage. With this objective in mind, placements with Host Employers should be time limited and must be no longer than 12 months. An agreement must be put in place to reflect this arrangement.

CDEP as a "Labour Hire Firm"

In this model the CDEP organisation is the employer and maintains and manages the employer responsibilities including:

- paying workers compensation insurance;
- paying tax;
- administering all personal records, time and wage records;
- paying the participant (employee) and issuing a pay slip; and
- invoicing Third Parties for agreed expenses.

Participants remain eligible for Beneficiary Tax rebate.

The host organisation is obliged to:

- pay fees to the CDEP organisation to hire the services of the CDEP participant;
- train the participant and direct their day to day work; and
- provide on-site supervision.

CDEP Guidelines 2005—06

Time limited placements

The participant receives a CDEP Wage plus any additional Award wages appropriate for the job they are doing. Again the objective is to gain employment for participants outside of CDEP which is not subsidised by the CDEP wage. Therefore placements should be time limited, must be no longer than 12 months and an agreement must be put in place to reflect this arrangement. DEWR will work with CDEP organisations to help them implement these arrangements.

Average Per Participant (APP) wage rate

The Average Per Participant (APP) wage rate is the minimum amount of CDEP wages each participant must be given the opportunity to earn.

Two different APP rates are used when calculating participant wages:

- Remote Rate - For participants in remote areas as defined by the Australian Taxation Office Zone A and Special Zone B
- Non-remote Rate - For participants in any other area.

Both rates are adjusted annually based on the Consumer Price Index (CPI).

Hourly Rates and Hours Worked

The relevant State, Federal or Industry Award, Certified Agreement or Australian Workplace Agreement (AWA) are to be used to calculate a CDEP Participant's hourly rate of pay (based on the activity they are engaged in).

The participant's APP Rate is divided by this hourly rate to calculate the minimum number of hours per week a CDEP participant must be offered in approved activities (and thus earn the APP wage per week).

Some participants choose to work less hours than required to earn the APP. If they do so, they can only earn CDEP wages for the hours they do work at the appropriate wage rate.

If no applicable wage rate applies State/Territory minimum conditions of employment apply.

Top-Up Wages

If a CDEP participant works more hours than necessary to earn the APP wage, the CDEP organisation must ensure that there are sufficient funds to cover this work. These are called Top-Up Wages.

Top-up wages can be paid from Wages funding if savings are made through participants electing to work less hours than required to award them their full APP rate (as described above).

CDEP Guidelines 2005—06

- Superannuation** CDEP participants may be entitled to superannuation payments for Top-Up Wages. Advice about compliance with superannuation payments requirements should be sought from the CDEP organisations nearest Australian Taxation Office (ATO) or www.ato.gov.au/super
- Limits on CDEP Wages** There are maximum gross quarterly limits on how much a participant can be paid from CDEP wages before becoming ineligible for CDEP. These limits are contained within the DEWR Schedule. At 1 July 2005 maximum earnings per Quarter are \$5 873 from Wages and \$5 873 from other sources (including Top-Up Wages).

CDEP organisations obligations for taxation of wages

- Taxation** CDEP organisations are responsible for paying tax on wages. The CDEP organisation's obligations will need to take into account any host employment or labour hire arrangements. For advice about compliance with taxation requirements CDEP organisations should contact their nearest Australian Taxation Office (ATO).

The information shown below was extracted from the ATO web site on 6 April 2005 to assist CDEP organisations in this regard. It should not, however, be seen as a substitute for independent advice regarding particular circumstances and the CDEP participants profile.

INTRODUCTION

New arrangements have been made to make it easier for CDEP organisations to comply with Pay As You Go (PAYG) withholding requirements. These arrangements have been put in place to make sure the income tax obligations of all workers are met each year.

This guide describes:

- the difference between CDEP and non-CDEP payments;
- what PAYG withholding is and your obligations as an employer;
- how to work out the amount to withhold from a worker's payments;
- when your workers need to give you their tax file number (TFN); and
- where to go for more information.

CDEP Guidelines 2005—06

THE ATO GUIDE INCLUDES THE FOLLOWING ON “YOUR OBLIGATIONS AS AN EMPLOYER”

The Commissioner of Taxation has varied the amount to be withheld from payments to workers who receive CDEP payments. This variation took effect from 1 November 2004. This means that there are different withholding requirements for workers who only get CDEP payments and for workers whose wage is made up of both CDEP and non-CDEP payments.

If your organisation only makes CDEP payments to your workers

You are **not** required to withhold amounts from payments made to workers who only receive CDEP payments.

The Tax Office has varied the amount required to be withheld to nil because these workers will be entitled to a tax offset for tax payable on the CDEP component. You will not need to collect a Tax File Number declaration from these workers.

If your organisation makes both CDEP and non-CDEP payments to your workers as part of their salary and wages, you will need to withhold amounts from their pay.

More information from the ATO is available by phoning 13 28 66 or the National Aboriginal and Islander resource centre on 13 10 30

The ATO web site provides advice on Pay As You Go (PAYG) withholding for the Community Development Employment Projects (CDEP) Programme.

- see the following link from the ATO (current as at November 2004):
<http://www.ato.gov.au/businesses/content.asp?doc=/content/50067.htm&page=3&H3> or
- follow Home > Businesses > Tax topics - PAYG Withholding (PAYGW) > Basic topics > Fact sheets and guides, or
- search for CDEP on <http://www.ato.gov.au/>

CDEP Guidelines 2005—06

5. Roles and Responsibilities

DEWR National Office	DEWR's National Office sets policy and procedures for the CDEP Programme. It researches, develops and implements strategies and guidelines for the effective delivery of the CDEP Programme. It also, along with State Offices, holds financial delegations for the Programme.
DEWR State Offices	DEWR State Managers hold delegations relating to CDEP within their States and are responsible for all decision-making pertaining to CDEP within their States. State Managers may delegate authority to their Account/Contract Managers to monitor, report and review the CDEP Programme. Please note: special delegations apply to the transfer of CDEP assets.
Office of Indigenous Policy Coordination (OIPC)	The Office of Indigenous Policy Coordination (OIPC) is responsible for: <ul style="list-style-type: none">• coordinating and driving whole-of-government Indigenous policy development and service delivery across the Australian Government;• brokering relations with State and Territory Governments on Indigenous issues;• reporting on the performance of government programs and services for Indigenous people to inform policy review and development; and• communicating government policy directions to Indigenous people and the wider community.
Indigenous Coordination Centres (ICCs)	<p>Thirty ICCs have been established in metropolitan and regional Australia. Staff in ICCs can bring together Indigenous-specific services in the regions where the new arrangements are established. They will work with local Indigenous communities and negotiate regional and local agreements for effective partnerships and shared responsibilities.</p> <p>ICC Managers are employed by the Office of Indigenous Policy Coordination (OIPC). Their role is to develop and coordinate innovative responses to local Indigenous needs. The new arrangements call for creativity and accountability, together with sensitivity to the needs of local Indigenous people and the ability to negotiate with them.</p> <p>DEWR Solution Brokers and, in some locations, Contract Management staff, are located in ICCs.</p>

CDEP Guidelines 2005—06

CDEP Organisations

Responsibilities to DEWR

CDEP organisations must:

- comply with all relevant laws including *Racial Discrimination Act (1975)*, *Sex Discrimination Act (1984)*, *Disability Discrimination Act (1992)*, *Workplace Relations Act (1996)* and relevant State or Territory legislation concerning occupational health and safety;
- comply with the requirements of the PFA including the DEWR Schedule;
- achieve KPIs in accordance with DEWR Schedule;
- manage complaints and actively assist Indigenous Employment Centres (IECs) and DEWR Customer Service Officers in resolving complaints;
- adhere to the Employment Services Code of Practice (Attachment A) and the CDEP Service Guarantee (Attachment B); and
- as part of the process of negotiating CDEP funding for 2005—06, DEWR and each CDEP organisation will identify areas where the CDEP needs to improve its skills or structure so that it can achieve better results. These areas of improvements will be included in a capacity building plan. These capacity building plans may cover areas such as financial management, governance, compliance and management and DEWR will help the organisations achieve these plans.

Responsibilities to Centrelink

CDEP organisations are required to provide any information requested by Centrelink in relation to their employees (and participants).

Before a participant starts, CDEP organisations must ensure that all necessary details are entered into CDEPManager after Centrelink has confirmed their eligibility. Any associated forms generated from CDEPManager must be signed and sent to Centrelink within two days of the participant's actual start date.

When exiting a participant you must ensure that all necessary details are entered into CDEPManager to allow the necessary notification to Centrelink. Any associated forms generated from CDEPManager must be sent to Centrelink within two days of the participants actual end date.

Responsibilities to Participants

CDEP organisations must:

- determine wages and conditions for CDEP consistent with the relevant Awards, certified agreements or Australian Workplace Agreement, determinations and legislation and these guidelines;
- ensure all participants are covered by adequate workers compensation insurance;
- meet all employer obligations in relation to payslips, taxation, superannuation and long service leave;
- develop and monitor work activities;

CDEP Guidelines 2005—06

- ensure all CDEP participants are aware of their rights and responsibilities;
- establish and implement internal arrangements in line with these guidelines about such things as work rules and absences and types of approved activities;
- make work rules available to all participants;
- formulate and define what constitutes approved leave in the work rules, subject to the condition that work rules excludes the under-taking of full-time secondary studies as being approved paid leave or approved CDEP training;
- ensure CDEP participants are advised of information to receive the CDEP Participant Supplement (CPS)
- ensure the allocation of work is fair, equitable and culturally appropriate;
- offer every 'Active' participant in CDEP Manager appropriate hours and type of work;
- comply with all legislation relating to occupational health and safety and ensure the highest health and safety standards for each Activity;
- ensure appropriate supervision is provided for work activities;
- develop Host Employer Agreements and monitor the progress of these externally placed participants;
- make available to participants the CDEP Service Guarantee and Employment Services Code of Practice; and
- not release information collected from CDEP Participants except for the purposes of the funded activities.

DEWR Account/Contract Managers

DEWR Account/Contract Managers are based in Indigenous Coordination Centres or State and Regional Offices nearest to the CDEP organisation being managed. DEWR Account/Contract Managers can provide additional information on CDEP service provision and contracting to DEWR.

DEWR Account/Contract Managers are responsible for the following list of duties:

- fostering good working relationships with CDEP organisations and other stakeholders including employers and industry;
- negotiation with CDEP organisations on the DEWR funding process (including Target Employment Levels and submissions);
- processing submissions and variations, reconciling requested budgets and preparing assessments and recommendations to State Managers;
- ensuring that CDEP organisations are informed of their responsibilities;

CDEP Guidelines 2005—06

- managing requests for variations to PFAs;
- conducting risk assessments of each CDEP organisation;
- preparing a schedule of monitoring visits and reviews of CDEP organisations and activities within the State, consistent with the Risk Management process;
- undertaking and reporting on monitoring visits of CDEP organisations;
- participating in Performance Reviews in accordance with the schedule of monitoring visits and as directed by the Account Manager;
- monitoring (at the desktop) administrative data, including complaints recorded on DEWR's complaints database;
- undertaking Quality Audit Projects;
- advising CDEP organisations of findings of any reports or reviews;
- preparing periodic Utilisation Reports and recommendations to State Manager for adjustments to individual TELs; and
- preparing other reports for State Managers as required.

DEWR Solution Brokers

DEWR Solution Brokers are based in Indigenous Coordination Centres and in some State and Regional Offices.

DEWR Solution Brokers are required to:

- represent DEWR in the implementation of the Australian Government's collaborative approach to Indigenous programme management and service delivery;
- contribute to the development and implementation of Regional Partnership Agreements (RPAs) and Shared Responsibility Agreements (SRAs) through ICCs;
- identify gaps/duplication in service delivery, areas for improvement and opportunities for innovation, coordination and collaboration;
- negotiate and liaise within DEWR and with other government agencies, external organisations and local Indigenous communities to promote employment and enterprise development opportunities for Indigenous Australians; and
- prepare briefings, submissions, reports, reviews, contractual documentation, risk management plans, business plans and general correspondence as required.

CDEP Guidelines 2005—06

DEWR State Managers

DEWR State Managers hold delegations relating to the CDEP Programme and are responsible for decision-making within their respective States. However, State Managers may vest authority in their Account/Contract Managers to oversee the day-to-day operation of the CDEP Programme.

DEWR State Managers:

- make recommendations to DEWR National Office on programme and operational policy improvements.
- review TEL for each CDEP organisation - with an option to reallocate TEL within their State;
- allocate State Office and ICC staff to effectively deliver the CDEP Programme within their State;
- consider recommendations from Account Managers for performance improvement across the State;
- approve releases of funds to CDEP organisations as per DEWR Schedule;
- consider requests for CDEP asset purchase/disposal*;
- monitor utilisation of CDEP participant places to achieve maximum effective Utilisation;
- monitor funding commitments and releases;
- assess CDEP PFA variation submissions;
- investigate issues impacting on the delivery of the programme within the State.
- advise DEWR National Office of changes to TEL and funding releases and variations;
- provide advice and recommendations for the DEWR National Office on Performance Reviews and Quality Audits of CDEP organisations;
- begin remedial action as appropriate;
- approve the acquittal of funds; and
- approve treatment of surplus/unexpended funds.

*Revised delegations apply for the disposal of CDEP assets.

CDEP Guidelines 2005—06

DEWR National Office

DEWR National Office staff are responsible for:

- management, review and development of national policy regarding CDEP;
- working with staff in State/Regional Offices on programme implementation arrangements;
- preparing the National Budget for CDEP Programme funding;
- coordinating involvement in PFA including supporting, assessing and negotiating the DEWR Schedule;
- allocating resources including TEL to each State for the effective delivery of CDEP
- researching, developing and implementing strategies and guidelines for the effective delivery of CDEP Programme;
- providing supporting documentation and training to all staff on the use of information technology in CDEP Programme (including CDEPManager);
- liaising with other Departments and Agencies, especially OIPC in supporting a whole-of-government approach to Indigenous service provision;
- providing advice and assistance to State Managers as required;
- providing support and training to CDEP organisations and State Offices on the Programme;
- providing input into Information Technology development;
- maintaining and supporting CDEPManager;
- monitoring national funding releases;
- evaluating State reports on CDEP organisation performance; and
- providing reports.

DEWR National Office holds the delegation for 2005—06 funding approval.

Reporting Mechanisms

Office of Evaluation and Audit

The Office of Evaluation and Audit (OEA) is a division of the Department of Finance and Administration. The OEA's function is to ensure the highest standards of public accountability and programme performance within Australian Government agencies. Through legislation, the Evaluation and Audit (Indigenous Programs) Branch undertakes evaluations and audits of the CDEP Programme (including CDEP organisations). The evaluations involve research and quantitative and qualitative analysis to obtain information about outcomes of funding provided for Indigenous programmes.

CDEP Guidelines 2005—06

CDEPManager

This online Information Technology system manages participants, including connecting CDEP organisations with Centrelink. It is also the main tool for tracking Target Employment Levels (TEL).

CDEPManager is continually being upgraded to enable it to provide more comprehensive and detailed real-time reports.

<http://www.cdepmanager.gov.au>

Monitoring Visits

Monitoring Visits are an important mechanism by which Account/Contract Managers monitor CDEP organisations in their region in relation to their performance required under the DEWR Schedule of the PFA.

These visits involve checking numbers of participants actively engaged in activities and discussions with stakeholders. Monitoring visits are undertaken under the DEWR National Contract Management Framework according to risk. Some organisations may be monitored more closely than others. Monitoring visits validate activities and can include:

Interviews with Participants

- Account/Contract Managers meet with participants to get feedback about how well the Activity is being managed and whether appropriate opportunities are being offered to participants.

These interviews may be formal or informal depending upon the scale of the monitoring visit as directed by the State Office.

CDEP Guidelines 2005—06

Feedback from communities

- Formal and informal discussions and interviews with members of the communities impacted by CDEP Activities will be undertaken. These will be particularly important in determining whether the CDEP is providing activities that the community wants and needs.

Feedback from Host Employers

- This information verifies that all parties are meeting their obligations, as described in their Host Employer Agreement.

Complaints Register

Contract managers check the complaint register to ensure satisfactory conclusion of all complaints.

Performance Reviews

The above activities may trigger a performance review of a CDEP organisation.

A performance review involves designated DEWR staff examining current finance reports, activity reports, management profiles and comparing this information with the Performance Funding Agreement (PFA). A report on the performance of the organisation is prepared following the review with a copy to be sent to the CDEP organisation and a copy to the Account/Contract Manager.

Financial reporting

CDEP organisations are to provide financial information consistent with the PFA and DEWR schedule. This includes acquittal of CDEP wages, management fees and activity Fees.

Risk Analysis

All of the above mentioned reports that are collected feed into the risk analysis process. This process determines the level of risk each CDEP poses to the programme, that is for example, whether the CDEP organisation can meet their contracted obligations, whether the CDEP organisation is at risk of insolvency, or whether the management is effective.

Quality Audit Projects (QAP)

Issues arising through desk top monitoring, a complaint or other means may require further investigation and be the subject of a Quality Audit Project. A QAP is a tool to help assess whether evidence about an issue of concern constitutes a breach of the Employment Services Code of Practice or the CDEP Service Guarantee. QAPs can be undertaken for:

- a site (one or more services delivered);
- a number of sites; or
- an organisation.

CDEP Guidelines 2005—06

QAPs are flexible and are intended to entail a formal examination of data from a number of sources. This may include gathering of additional data specific to the issues of concern.

QAPs may be conducted:

- wholly at the desk top; and/or
- in a visit to a site or sites, depending on the nature of the issues being assessed.

A site visit will be undertaken if assessment of site facilities or interviews with staff are required. Discussions with staff may identify the cause of an issue of concern (for example, poor awareness of guidelines and procedures).

There are reporting requirements applying to QAPs. Guidelines for QAPs are available on the Contract Manager's Portal.

If the risk analysis demonstrates the need for intervention or if a CDEP organisation breaches the terms and conditions of its PFA, appropriate remedial action will be initiated in accordance with the PFA.

Remedial Action

This may involve but is not limited to corrective action, suspension or even termination of a CDEP organisation.

CDEP Guidelines 2005—06

6. CDEP organisation withdrawal or closure

The remedial action described below is the preferred approach.

The withdrawal/closure of a CDEP organisation means that the CDEP organisation will no longer receive funding for its operations or its activities. Withdrawal/closure may be initiated by either party.

Withdrawal/closure of a CDEP organisation may also have implications for other agencies using the CDEP organisation to deliver their programmes.

Breaching the Agreement

The implications of a CDEP organisation breaching the DEWR Schedule of their Program Funding Agreement (PFA) are of great consequence, as that Schedule is designed to ensure total transparency, equity and efficiency in CDEP service delivery.

As part of DEWR's commitment to accountability it is critical to consider the implications of funding organisations that are in breach of the PFA and take appropriate steps to address the risks that any such breach presents.

Breaching the Agreement CDEP organisations are in Breach when they fail to comply with any term or condition of their Program Funding Agreement (PFA). Further releases of DEWR funds will be withheld or stopped until remedial action of a DEWR breach is undertaken.

Note that contract variations can affect the reading of a PFA in regards to Terms and Conditions (for example changes to the type or number of approved Activities). It is therefore essential that any suspected breaches take into account the latest approved contract variations.

Delegation The State Manager (or the delegate) may authorise and direct remedial action.

Types of Remedial Action

<i>Action</i>	<i>Circumstance</i>
Corrective action	When a breach is identified Account/Contract Managers should recommend corrective action and a timetable for implementation.

CDEP Guidelines 2005—06

<i>Action</i>	<i>Circumstance</i>
Corrective action	<p>Examples of Corrective Action are:</p> <ul style="list-style-type: none">• changes to the CDEP organisations corporate governance;• dismissal of fraudulent officers;• implementation of appropriate control mechanisms or procedures for example thorough record-keeping mechanisms/protocols;• deletion of unapproved activities;• employment of professionals for specific duties;• ensuring appropriate employment services are delivered;• upholding the integrity and good reputation of employment services; and• demonstrating a commitment to clients by being helpful, supportive, equitable and fair. <p>Corrective action is the preferred method for rectifying Breaches as it allows the CDEP organisation to take the active role in rectifying its own internal problems (fulfilling the principles of Self-Determination) and is cost-effective to DEWR.</p>
Special Conditions of Funding	<p>Special Conditions may be attached to the CDEP organisation’s PFA in order to mitigate risk or to implement changes requested by the State Manager.</p> <p>Examples of Special Conditions:</p> <ul style="list-style-type: none">• decreasing funding release intervals (for example monthly) to minimise the level of funds at risk; or• compulsory employment of a professionally accredited person for a specific duty (for example to supervise construction).
Funds Controller	<p>A Funds Controller can be appointed at the State Manager’s discretion if for example:</p> <ul style="list-style-type: none">• breaches are identified at an irreconcilable level of risk;• a Report recommends that the project be suspended; or• remedial action has not satisfactorily addressed issues such as:<ul style="list-style-type: none">o unsatisfactory financial reports;o non-provision of periodical financial statements or audited financial statements;o financial mismanagement of projects (for example unauthorised expenditure);o inadequate planning;o non compliance with relevant legislation;o poor CDEP organisation performance indicated by not meeting KPIs;o administrators and/or supervisors lack requisite skills;o participants are not being offered work;o insufficient supervision of work activities; oro non-implementation of previously required Corrective Action.

CDEP Guidelines 2005—06

Appointment of a Funds Controller should not exceed three months. In extenuating circumstances this may be extended by no more than an additional three months.

Suspension

If, after six months, the appointment of a Funds Controller has not satisfactorily addressed the issues outlined above, then the State Manager may suspend the CDEP organisation.

A suspended CDEP organisation cannot receive any funding. Participants associated with that CDEP organisation must be transferred to an alternative organisation (a contract variation or new contract will be required).

If the organisation has remedied all issues identified by the DEWR delegate, it may be recommenced as a CDEP organisation.

Termination

An organisation can be terminated as a CDEP organisation if they:

- go into liquidation/receivership;
- are involved in any illegal activities; or
- have been suspended and have not been able to rectify problems leading to the suspension within the State Manager's specified timeframe.

A terminated organisation cannot be recommenced as a CDEP organisation.

Suspending an Organisation

The objective in suspending a CDEP organisation is to enable them to rectify their problems (with assistance from Account/Contract Manager) so that they can be recommenced.

The process below outlines the action that is to be taken by the Account/Contract Manager before suspending a CDEP organisation. All action should be fully documented.

CDEP Guidelines 2005—06

Checklist: Before Suspending a CDEP Organisation

Step	Action	Check
1	Identify the breaches/deficiencies/shortcomings in the administration and management of the project.	
2	Determine whether corrective action or special conditions of funding would be likely to solve the issues. If so implement such and if successful the suspension process would end here.	
3	Notify the CDEP organisation of the reasons why suspension is being considered and offer the organisation the opportunity to present arguments against suspension.	
4	Notify Centrelink and other agencies using the CDEP organisation of the possibility of suspension.	
5	Provide a written recommendation to the DEWR delegate to suspend, outlining: <ul style="list-style-type: none"> • the reasons why suspension is recommended; • a proposed timetable and strategy for investigating the project and implementing suitable remedial action; • alternatives for the participants involved; and • implications for any SRAs including the CDEP. 	
6	Every effort MUST be made to prevent participants from being disadvantaged by CDEP organisation suspension. Alternative options for CDEP participants must be a priority. Consult with SM and/or CDEP Group National Office for alternative solutions if necessary.	
7	Advise the DEWR delegate whether or not action will be necessary to: <ul style="list-style-type: none"> • recover funds through issuing a notice under the <i>Financial Management and Accountability Act (1997)</i> or the appointment of a trustee; or • protect assets acquired by the CDEP organisation for the purposes of conducting their approved Activities. 	
8	Provide a copy of the recommendation to the Assistant Secretary, CDEP Programme Management Branch.	

Checklist: Suspending an Organisation

Step	Action	Check
1	Upon the DEWR delegate's approval the Account/Contract Manager should formally notify in writing and verbally the CDEP organisation of their suspension as a CDEP organisation. Also notify the relevant ICC Manager and any other agencies also funding the organisation under the PFA.	
2	Discuss the reasons for suspension with the CDEP organisation and the participants involved and their options for the future.	

CDEP Guidelines 2005—06

Step	Action	Check
3	Assemble a complete set of financial records relating to the finance and operations of the CDEP organisation and arrange for assets to be secured.	
4	In every instance the preferred option is for participants to be transferred to another organisation. The CDEP Programme Management Branch should be contacted to discuss options. When transferring participants to an alternative organisation: <ul style="list-style-type: none"> • liaise with both the CDEP organisation being suspended and the new organisation; • liaise with Centrelink to ensure a bulk transfer of participant data through their systems and CDEPManager; • the Activities undertaken by the suspended CDEP organisation may also be undertaken by the alternative organisation where this is appropriate and feasible; • initiate a contract variation or a new contract for the alternate organisation; and • consider the implication for any SRAs including the CDEP and alternate arrangements and raise with the ICC Manager as necessary. Where another organisation is not available: <ul style="list-style-type: none"> • liaise with Centrelink to ensure a smooth transition of participants to income benefit entitlements. 	
5	Assist the CDEP organisation to achieve whatever organisational or procedural changes are necessary for them to be recommenced.	
6	Operating on timeframes specified by the State Manager, determine whether the suspended CDEP organisation should be recommenced or terminated.	

Recommencing a CDEP organisation after suspension or withdrawal

A CDEP organisation can recommence

A CDEP organisation can be recommenced if it has:

- been suspended and the Remedial Action taken has rectified the problems; or
- voluntarily withdrawn as a CDEP organisation and the State Manager has approved recommencement.

A CDEP organisation cannot recommence

A CDEP organisation cannot be recommenced if:

- it has been declared bankrupt or is under receivership;
- it is under such financial liability that granted funds are at risk;
- legal or criminal proceedings are pending; or
- it has been Terminated.

Retrospective Funding

Retrospective funding will not be allocated to a CDEP suspended organisation after recommencement.

CDEP Guidelines 2005—06

Checklist: Recommencing a CDEP organisation

Step	Action	Check
1	Account/Contract Managers have determined that the problems that led to the suspension have been successfully addressed.	
2	Outstanding creditors have been paid and there is no threat of liquidation or other action.	
3	All appropriate documentation has been submitted: <ul style="list-style-type: none"> • The CDEP organisation input all information into CDEPManager as required. • If recommencing in a different financial year as the suspension began, then the CDEP organisation must also complete a funding submission and be formally assessed. There is no guarantee that a DEWR Schedule (through a PFA) will be offered.	
4	Liaise with any alternate organisations who had taken on the Participants and/or Activities of the Suspended CDEP organisation and discuss options for the reintegration of Activities and Participants to their original CDEP organisation.	
5	Submit a recommencement recommendation to the DEWR delegate including recommendations on new funding submission.	
6	Upon DEWR delegate endorsement liaise on the proposed date of recommencement with the: <ul style="list-style-type: none"> • Suspended CDEP organisation; • Alternate organisation (if relevant); • Centrelink; and • Assistant Secretary, CDEP Programme Management Branch. 	

Terminating a CDEP organisation

The DEWR delegate may terminate a CDEP organisation when:

- The CDEP organisation goes into liquidation/receivership;
- Management or administrative problems are not rectified within a reasonable period;
- It is considered that no remedial action will be successful;
- The CDEP organisation is involved in any illegal activities or there is evidence that criminal proceedings may be instituted;
- There is evidence of significant debt and unpaid creditors;
- All reasonable options for redressing difficulties have been considered; or
- The CDEP organisation has been suspended and has not been able to rectify problems leading to the suspension within the State Manager's specified timeframe.

A terminated organisation cannot be recommenced as a CDEP organisation.

CDEP Guidelines 2005—06

Checklist: Terminating a CDEP organisation

Step	Action	Check
1	The Account/Contract Manager should write a brief to the DEWR delegate recommending: <ul style="list-style-type: none"> • termination of the CDEP organisation; • recovery of funds through issuing a notice under the <i>Financial Management and Accountability Act (1997)</i>; • recovery of assets acquired by the CDEP organisation for the purposes of conducting their approved Activities; • any other action to resolve issues relating to liabilities; and • noting any implications for SRAs involving the CDEP organisation. 	
2	The DEWR delegate considers the recommendation.	
3	If approved the CDEP organisation will be informed in writing that they are being terminated and given reasons why.	
4	A copy of that letter should be sent to the: <ul style="list-style-type: none"> • Assistant Secretary, CDEP Programme Management Branch; • Account/Contract Manager for the terminated CDEP organisation; • DEWR Solution Broker for the relevant ICC; and • The ICC Manager and any other agencies also funding the organisation under the PFA. 	
5	All records for the Terminated CDEP organisation are to be archived appropriately.	

CDEP Guidelines 2005—06

Attachment A: Employment Services Code of Practice – CDEP

In this Employment Services Code of Practice, defined terms have the same meaning as they are given in the Program Funding Agreement (PFA).

We commit to observe the highest standards of fairness and professional practice as we deliver the services and obligations outlined in our respective contracts with the Australian Government. At all times, our priority is to assist CDEP Participants to achieve the best employment outcomes. We will deliver services to CDEP Participants to the best of our ability and with adherence with our obligations under the PFA.

We operate our services in a manner that:

a. Upholds the integrity and good reputation of employment services by:

- o acting with honesty, due care and diligence;
- o behaving ethically and professionally, and being openly accountable for our actions;
- o avoiding any practice or activity which could reasonably be foreseen to bring the CDEP Programme into disrepute; and
- o complying with all relevant Australian laws, including privacy, fair trading, trade practices and anti-discrimination laws.

b. Demonstrates our commitment to CDEP Participants by:

- o being supportive and helpful to CDEP Participants in their pursuit of employment;
- o focusing our assistance to help CDEP Participants to achieve the best outcome;
- o treating CDEP participants fairly and with respect;
- o addressing CDEP Participants and employers in a friendly, courteous and culturally sensitive manner;
- o considering CDEP Participants individual circumstances and backgrounds; and
- o delivering assistance in accordance with the CDEP Service Guarantees.

c. Is accurate and relevant by:

- o providing on-going assistance to CDEP Participants for the duration of our service to them;
- o providing information about programs or services that may assist in their job search;
- o ensuring that we have premises and facilities appropriate to deliver services with privacy and dignity;
- o ensuring that the information that we collect about CDEP Participants is relevant and necessary and is kept confidential;
- o tailoring assistance to CDEP Participants with consideration of their individual job search needs; and
- o demonstrating flexibility in service delivery as CDEP Participants circumstances change.

d. Is communicated clearly and effectively by:

- o ensuring that CDEP Participants are aware of their rights and obligations;
- o providing timely feedback and information to CDEP Participants about decisions that we make that could affect them; and
- o providing CDEP Participants with access to relevant records we have about them, on request.

CDEP Guidelines 2005—06

e. Encourages feedback without prejudice by ensuring that:

- o we have a complaints process of which CDEP Participants are made aware;
- o staff seek and appropriately respond to CDEP Participants' feedback with the aim of continuously improving services;
- o staff support CDEP Participants when resolving any issues or concerns they may have; and
- o we advise CDEP Participants of the free DEWR Customer Service Line.

CDEP Participants are encouraged, in the first instance, to raise with us any concerns they may have with us. If CDEP Participants are dissatisfied with how we respond to their concerns or feel that they cannot discuss the issue with us, they can contact the DEWR Customer Service Line on 1800 805 260. If CDEP Participants are dissatisfied with how we have managed their concerns, they may make a complaint to the Commonwealth Ombudsman's Office.

We and the Indigenous Coordination Centre (ICC) should have copies of the Employment Services Code of Practice which CDEP participants can take. It is also available on the internet at www.workplace.gov.au

Attachment B: Community Development Employment Project Service Guarantee

Introduction

1. We are required to carry out the Activity at or above the minimum standards set by the Service Guarantee.
2. We must prominently display and make available to eligible jobseekers and to employers, promotional Material made available by DEWR on the Service Guarantee.

CDEP Service Guarantee for Participants

CDEP Participants will receive services from us that take into consideration the participants circumstances, background, needs and skills.

CDEP Participants can expect us to:

- a) tell them about their rights and responsibilities;
- b) give them information about how to find employment or participate in community development activities that, where possible, suits their preferences and skills;
- c) tell them how to find and register with a Job Network member; and
- d) tell them about the work rules.

CDEP Guidelines 2005—06

CDEP Participants will receive from us:

- a) help and quality supervision;
- b) where possible, the opportunity to develop and apply their skills;
- c) the opportunity to interact with others;
- d) a safe working environment; and
- e) answers to their questions about their participation.

We and the Indigenous Coordination Centre (ICC) should have copies of the CDEP Service Guarantee which CDEP participants can take. It is also available on the internet at www.workplace.gov.au

Attachment C: CDEP Capacity Building Plan 2005—06

Legal Name of CDEP organisation :.....

Governance (ability of the organisation to govern its overall affairs)

Specific requirements (including ORAC governance training):

Description	TIMEFRAME

CDEP Guidelines 2005—06

Management (ability of the CDEP organisation to manage resources)

Specific requirements (including Indigenous Community Volunteers to assist the CDEP):

Description	TIMEFRAME

Financial Viability (ability of the organisation to manage its finances in order to deliver CDEP activities)

Specific requirements (including preparation of financial reports):

Description	TIMEFRAME

Compliance (performance of the organisation in complying with programme conditions)

Specific requirements (including effective recording of participant time sheets) :

Description	TIMEFRAME

CDEP Guidelines 2005—06

Other

Description	TIMEFRAME

Account Manager signature

I confirm that the above capacity building plan has been developed in negotiation with the CDEP and the CDEP is aware of and agrees to the plan.

Name of Account Manager (print):

Signature: Date: / /2005

CDEP Signature (signatory must be authorised to sign on behalf of the organisation)

I/we confirm that I/we have taken part in the development of the above capacity building plan and agree terms outlined. I/we are aware that failure to comply with this plan may impact on the success for CDEP funding in 2006—07.

Name of Signatory (print):

Position (print):

Signature: Date: / /2005



