

Response to Questions on Notice: NAAJA submission to the Senate Finance and Public Administration References Committee Inquiry into CDP (8 September 2017)

Question from Senator Lines (p 43, Hansard):

I'm happy for NAAJA to take this question on notice. Thank you for your excellent submission and the case studies, which are really valuable. I wonder if you can quantify for us what impact the CDP has had in the increase in your work? You say it is now 30 per cent of our work or 20 per cent or it has had no impact. If you don't have that figure ready to hand, I am happy for you to give it to us on notice?

NAAJA's response:

It is hard to quantify the increase in NAAJA's work due to CDP matters as this information is not captured by our records system. In order to provide the Committee with a snapshot, we have manually reviewed matters categorised as "Centrelink" matters for the last financial year (1 July 2016 - 30 June 2017).

2016-2017 financial year

In that financial year, CDP matters constituted approximately 20% of all advice and casework matters concerning Centrelink conducted by NAAJA's Civil Law Section (including NAAJA's Darwin and Katherine offices).¹

Of the matters concerning CDP that NAAJA assisted clients with in that year, approximately:

- 20% involved making a request for review of a decision by an Authorised Review Officer;
- 26% involved a client on whom an 8 week non-payment period had been imposed
- 14% involved clients who were seeking assistance with DSP applications or carer's payment applications who were subject to the requirement to attend CDP activities.

In the same year, Centrelink matters constituted 19% of all matters that the NAAJA Civil Section assisted clients with.²

Accordingly, in the year surveyed, CDP matters accounted for approximately 5% of NAAJA's overall caseload in the Civil Law Section.³

¹ Other common matters types include assisting clients to seek review in relation to Centrelink debts and refusals of applications for certain benefits (such as the Disability Support Pension).

² This is an increase compared with the three financial years prior (2013-2014: 12%, 2014-2015: 14%, 2015-2016: 11%). The CDP Scheme was introduced in the second half of 2015, so the 2015-2016 financial year would cover the implementation of the scheme and its first year in operation.

³ This is a significant figure given that NAAJA assists clients with a broad range of legal matters including child protection, torts, consumer protection, housing, discrimination, health complaints, police and prison complaints and employment law.

2013-2014 financial year

NAAJA also reviewed records for the 2013-2014 financial year (prior to the commencement of the CDP program). In that year, there are no Centrelink matters relating to requests for assistance/ complaints concerning CDP's precursor, the Remote Jobs and Communities Project.

Factors affecting these results

In our experience, the follow matters prevent potential clients from seeking assistance in relation to legal issues resulting from the CDP scheme:

- participants often do not understand the CDP penalty system. While they may be aware that their payment is fluctuating, they often are not aware that this is due to CDP penalties (and they would thus would not seek assistance);
 - participants not being aware that they could seek assistance to challenge CDP penalties or seek assistance if they struggle to participate in the program due to disabilities or care responsibilities (etc);
 - The significant number of individuals who are eligible for Newstart or Youth Allowance who have disengaged entirely from Centrelink as a result of the CDP program;
 - The remote location of many of the participants and their limited access to phone, mail, internet and legal services.
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