

This is a class action against the Commonwealth Government about the Community Development Program (CDP). The CDP was a Commonwealth employment program for people living in remote communities. About 80% of CDP participants were Aboriginal or Torres Strait Islander people. The case is about CDP between 1 July 2015 and 11 May 2021.

The case says that the CDP was racially discriminatory because CDP participants with work for the dole obligations **were made to work more hours per week, more often, and for longer periods during the year**, than people in cities in a similar work for the dole program called Jobactive. For example, when CDP started in 2015, many CDP participants had to do work for the dole for 25 hours per week, five days per week and for 52 weeks a year. But most Jobactive participants were only required to work 15 hours per week for 6 months per year.

Also, CDP participants were **much more likely to be fined** than Jobactive participants. Many Aboriginal or Torres Strait Islander people had money taken out of their Centrelink payments and sometimes were completely cut off from their payments for weeks. Overall, CDP participants suffered tens of millions of dollars of financial penalties for non-compliance and worked millions of additional hours during the period that CDP ran.

The CDP class action seeks compensation for loss suffered by group members as a result of being in the CDP. This includes the money lost from receiving fines and compensation for the hurt, humiliation, stress and inconvenience that group members suffered as a result of being subject to racial discrimination while in the CDP.

Who is representing the group members in the class action?

In a class action, a lead applicant represents all of the group members. In this case, the lead applicant is a woman from the Top End, Serena Bonson. She is an artist.

Maurice Blackburn is the law firm that is conducting the class action. The case comes out of a complaint to the Australian Human Rights Commission lodged by NAAJA in 2021, who later brought the matter to Maurice Blackburn.

Who is a group member in this class action?

People are part of this class action if they:

1. are Aboriginal or Torres Strait Islander people; and
2. between 1 July 2015 and 11 May 2021:
 - a. had a job plan with a CDP provider; and
 - b. had to work for the dole under that job plan; and
 - c. received a Centrelink payment (i.e. Newstart Allowance, Jobseeker Payment, Youth Allowance or Parenting Payment).

Factsheet

What is the CDP class action?

maurice
blackburn
lawyers

Is there anything group members need to do?

No. Group members **do not need to register** to be part of the class action. You are already included.

Do group members need to pay anything during the class action?

No.

Group members will never be asked to pay any costs out of their own pocket.

In this class action, another company that is an experienced litigation funder is helping to pay for some of the costs of conducting the case. The litigation funder has an agreement with Maurice Blackburn, and with the lead applicant, about these funding arrangements. The Court will also be provided with a copy of this agreement on a confidential basis.

If we win the class action or it settles, some of the money from the Commonwealth will be paid to that funder and to Maurice Blackburn for their work in conducting the case. Group members will not have to pay anything out of pocket. These payments will come out of the money from the government, and the Court will decide how much the payments will be. The Court must approve the costs payments to lawyers and funders in every class action.

If we lose the class action, group members will not have to pay anything at all.

How much compensation will group members get?

We don't know how much compensation money group members may receive if the case succeeds.

How long do class actions take?

Class actions usually take between 2 and 4 years.

Where can I read your privacy policy?

Client confidentiality and privacy are very important to us.

You can access our Privacy Policy at: mauriceblackburn.com.au/privacy

More about the CDP class action

There is more information about the class action at: mauriceblackburn.com.au/cdp

If anyone from your organisation, or any group members, have any queries in relation to the class action, please contact us by email on CDPClassAction@mauriceblackburn.com.au.

More about Maurice Blackburn

Maurice Blackburn is the leading class actions law firm in Australia.

One of Maurice Blackburn's recent class actions was the NT Youth / Don Dale detention centre class action, in which we acted for 1200 vulnerable young people mistreated in youth detention, many of whom were First Nations. The case settled in 2021 for \$35m. The manner in which the case was conducted and the way in which resolution sums were distributed to group members, was highly commended by the Federal Court, including the financial literacy support and financial counselling provided to group members.

For more information visit mauriceblackburn.com.au/cdp