



## Submission to Senate Finance and Public Administration Committee in relation to the Social Security Legislation Amendment (Remote Engagement Program) Bill 2021

### **Overview**

The Coalition of Peaks wish to make a submission to this Committee to ensure that the commitments of both the National Partnership and the National Agreement on the Closing the Gap are reflected in reforming remote employment services.

The Coalition of Peaks acknowledge that the remote employment program will contribute to the National Agreement on Closing the Gap, which includes targets on employment outcomes between Indigenous and non-Indigenous Australians.

In undertaking such significant reforms that will primarily impact Aboriginal and Torres Strait Islander people it is important that the National Agreement on Closing the Gap be used as a guide on how to progress. It provides a negotiated position between Australian Governments and Aboriginal and Torres Strait Islander people not just on measuring progress but on how to do things differently.

It is this Agreement that will help the Australian Government to achieve sustainable change – it is the new standard for working together.

We agree with the Government that the approach must come from listening to the lived experience of Aboriginal and Torres Strait Islander people, utilising their expertise to develop a new approach.

The new program should provide real opportunity for individuals to gain skills that lead to a job.

We understand that several community-controlled organisations will provide advice on the more operational aspects of the program and proposed legislation. Our submission is to focus on how the National Agreement on Closing the Gap, including agreed partnership principles are being applied to the reforms.

### **About the Coalition of Peaks**

The Coalition of Peaks are a representative body of over seventy Aboriginal and Torres Strait Islander community controlled peak organisations and members. We came together as an act of self-determination to be formal partners with Australian governments on Closing the Gap. The Coalition of Peaks came together to change the way Australian governments work with Aboriginal and Torres Strait Islander people, organisations and communities on Closing the Gap.

The Coalition of Peaks are accountable to our communities. We have worked for our communities for a long time and are working to ensure the full involvement of Aboriginal and Torres Strait Islander peoples in shared decision-making with Australian governments across the country to improve the life outcomes of our people.

The original Closing the Gap policy, agreed in 2008 by the Council of Australian Governments (COAG), was a welcome step forward on a nationally coordinated effort to improve the lives of our people. Some Aboriginal and Torres Strait Islander people were able to have a say on what the policy was and its related programs, but there was never full ownership from Aboriginal and Torres Strait Islander people through their representatives and it was always considered to be an initiative of governments. In 2016, COAG was looking to update the Closing the Gap strategy.

Our members were worried that Australian governments were going to agree again a new approach without our formal say and full involvement. This is what first brought us together in late 2018 when we approached the Prime Minister for a commitment to do this differently.

By March 2019 an historic Partnership Agreement on Closing the Gap was agreed between the Council of Australian Governments and the Coalition of Aboriginal and Torres Strait Islander Community-Controlled Peak Organisations (the Coalition of Peaks). This Agreement is based on a shared belief of Australian Governments and the Coalition of Peaks that:

- When Aboriginal and Torres Strait Islander people are included and have a real say in the design and delivery of services that impact on them outcomes are far better.
- Aboriginal and Torres Strait Islander people need to be at the centre of Closing the Gap policy, the gap won't close without our full involvement.
- Australian governments cannot expect Aboriginal and Torres Strait Islander people to take charge of our own lives or to work constructively with them if they are excluded from decision making.

Under the Partnership Agreement, the Coalition of Peaks along with Australian governments looked to review what had and hadn't been working under the Close the Gap policy settings from the previous decade, what things could be strengthened and what needed to be changed.

The Coalition of Peaks and governments agreed that the National Indigenous Reform Agreement – an agreement signed by Australian governments in 2008, and which set out the original Closing the Gap Strategy – needed to be replaced by a new National Agreement built around what Aboriginal and Torres Strait Islander people have been saying is needed to improve their lives.

On 3 July 2020, the Joint Council (balance of governments of each jurisdiction and Coalition of peaks members) met to discuss the final draft of the National Agreement on Closing the Gap. It is the first National Agreement of its kind; it has been developed in genuine partnership.

The National Agreement was informed by a comprehensive engagement process, led by the Coalition of Peaks, in late 2019 with Aboriginal and Torres Strait islander people across the country on what should be included.

The National Agreement sets out a strategy to close the gap that is strongly based on, and underpinned by, Aboriginal and Torres Strait Islander peoples' priorities. It is built around four new Priority Reforms about transforming the way governments work with and for Aboriginal and Torres Strait Islander people to improve outcomes. The Priority Reforms were overwhelmingly supported during the engagements.

The Priority Reforms are:

- Developing and strengthening structures to ensure the full involvement of Aboriginal and Torres Strait Islander peoples in shared decision making at the national, state and local or regional level and embedding their ownership, responsibility and expertise to close the gap.
- Building the formal Aboriginal and Torres Strait Islander community-controlled services sector to deliver Closing the Gap services and programs in agreed focus areas.
- Ensuring all mainstream government agencies and institutions undertake systemic and structural transformation to contribute to Closing the Gap, improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people.
- Ensuring Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to monitor the implementation of the Priority Reforms, the Closing the Gap targets and drive local priorities.

The National Agreement includes commitments to tangible actions from all governments to change the way they work with Aboriginal and Torres Strait Islanders and give effect to the four Priority Reforms. All four Priority Reforms have a target to measure government action in these areas.

The National Agreement also establishes 16 national socio-economic targets in areas including education, employment, health and well-being, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages. The targets will help to monitor progress in improving the lives of Aboriginal and Torres Strait Islander people. New engagement and accountability mechanisms are included in the draft National Agreement that mean jurisdictions will work in partnership with Aboriginal and Torres Strait Islander people to implement the Agreement and that Aboriginal and Torres Strait Islander people will have an ongoing say in how the National Agreement is working for them.

### **Summary of Recommendations**

- That any changes to remote employment services be consistent with the National Agreement on Closing the Gap to ensure Aboriginal and Torres Strait Islander people are empowered to share decision making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.
- The proposed legislation and related program design are recognised as having primarily an impact on Aboriginal and Torres Strait Islander people and as such the Government should demonstrate how its meeting its commitment under the Agreement to engage fully and transparently with Aboriginal and Torres Strait Islander people.

- That Aboriginal community-controlled service providers in remote regions are included as community representatives (understanding of participants and communities) but also as large-scale employers (industry representatives) in remote Australia and their expertise should be central to the new program design.
- That the reforms to remote employment programs should do everything possible to be creating real jobs and reducing welfare dependency.
- Ensure that community led solutions that have been in development for many years such as the Fair Work Strong Communities Scheme be considered in design of the program given the large numbers of community-controlled organisations involved in its development.

### **Acknowledgement of Changes**

The Coalition of Peaks commends the government for taking steps to replace the current Community Development Program. The need for real jobs and building of local economies is essential for closing the gap in remote communities and we are encouraged by Minister Wyatt's statements when presenting the legislation that:

- sustainable change in remote communities can only be done by working together, including by listening to Indigenous experience and expertise to develop a new approach.
- Working in partnership to pilot innovative approaches, learn and review, and develop the new program will be key to our future shared success.
- Rewarding and sustainable employment opportunities are transformational for individuals, families and communities. Jobs contribute to financial and economic security and to self-determination and wellbeing.

That the Coalition of Peaks members in the regions operating CDP nor any other community-controlled organisations appear to have been part of designing the process for the program change, pilot sites or this legislation is however of concern to us. To our communities it suggests the new program has already been agreed.

### **Focus Areas to consider**

#### **Shared decision making**

It is unclear to the Coalition of Peaks how the Priority Reform Area 2 of the National Agreement has been enacted in the development of the **Social Security Legislation Amendment (Remote Engagement Program) Bill 2021** or any related future activity in reforming the remote employment program.

Shared decision-making in this priority reform has been agreed to mean where Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.

The target agreed to measure this is:

- that there will be formal partnership arrangements to support Closing the Gap in place between Aboriginal and Torres Strait Islander people and governments in each state and territory

enshrining agreed joint decision-making roles and responsibilities and where Aboriginal and Torres Strait Islander people have chosen their own representatives.

- The Agreement is a commitment from all Parties to set out a future where policy making that impacts on the lives of Aboriginal and Torres Strait Islander people is done in full and genuine partnership.
- The Parties will listen to the voices and aspirations of Aboriginal and Torres Strait Islander people and change the way they work in response.

The National Agreement also acknowledges that Aboriginal and Torres Strait Islander people have been saying for a long time that:

- they need to have a much greater say in how programs and services are delivered to their people, in their own places and on their own country.
- community-controlled organisations deliver the best services and outcomes for Closing the Gap.
- government agencies and institutions need to address systemic, daily racism, and promote cultural safety and transfer power and resources to communities.
- they need to have access to the same information and data as governments to drive their development.

The Coalition of Peaks respectfully request that the agreed shared decision-making processes under the National Agreement be central to all aspects of the reform of remote employment programs.

## Engagement and Transparency

The Government has committed to several transformational elements within government in addressing priority Reform Area 3. Section 59 (f) of the Agreement is focussed on improving engagement with Aboriginal and Torres Strait Islander people. Specifically, it commits to ensuring when governments are undertaking significant changes to policy and programs that primarily impact on Aboriginal and Torres Strait Islander people, they engage fully and transparently. Engagements should be done in a way where Aboriginal and Torres Strait Islander people:

- have a leadership role in the design and conduct of engagements.
- know the purpose and fully understand what is being proposed.
- know what feedback is provided and how that is being taken account of by governments in making decisions.
- can assess whether the engagements have been fair, transparent, and open.

The engagements on the National Agreement, led by the Coalition of Peaks in partnership with Government parties, demonstrated the benefit of this approach.

We note that the Government suggests that this bill supports collaboration with communities to develop an appropriately flexible program that will build the skills and vocational capabilities of people in remote communities – we welcome the spirit of the statement.

We cannot see however how the standards of the agreement on shared decision making are being met with no visibility of how they are being applied to the development of the more detailed aspects of the approach that will be set out in legislative instruments and policy guidance.

There is no doubt that the Remote Employment Program primarily impacts Aboriginal and Torres Strait Islander Australians, but we are unaware of how the development of this bill, the proposed pilot sites or the broader reforms will meet the standards set out in the National Agreement for engagement and transparency.

### Valuing the experts in the regions

The Coalition of Peaks has many member organisations who provide services in remote parts of Australia and they have experience and knowledge that is vital to the success of remote employment programs in their areas. They already operate successful service delivery operations in the region, have trusted relationships and know the communities. They provide a significant opportunity for Aboriginal and Torres Strait Islander led solutions at the local level and they should be central to co-design in their areas.

The long-term changes will require a national framework, legislation and guidelines and we also request that a co-design process for this be established early and in line with the commitments to partnership and self-determination outlined in the National Agreement

### Solutions in waiting

These reforms should not ignore the work done over many years by Aboriginal and Torres Strait Islander people, organisations, and communities. For example, the scheme developed by over 40 organisations through the Aboriginal Peak Organisations of the NT (the scheme has had input from other jurisdictions as well) - **Fair Work Strong Communities scheme**.

Closing the Gap is based on Aboriginal and Torres Strait Islander people being able to enjoy the same life outcomes as other Australians. This is also a principle of the Fair Work Strong Communities proposal as it attempts to ensure that people working in this scheme have the same rights and conditions as workers anywhere else in the country. We support this proposal in moving from a welfare-based approach to a real job's focus.