

**Submission to the Senate Finance and Public Administration Legislation Committee
Inquiry into the Social Security Legislation Amendment (Remote Engagement Program) Bill
2021**

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Thank you for the invitation to make a submission to this Inquiry. We are four academics who have recently co-authored a discussion paper ‘Guiding principles for a new livelihood and work program in remote Indigenous Australia’. We attach this discussion paper published by The Australia Institute to this submission. Between us we have undertaken a considerable amount of research over many years now on a range of employment and income support programs for remote Indigenous Australians. In this brief submission, we draw on our research and the seven principles outlined in our discussion paper to provide commentary on the Social Security Legislation Amendment (Remote Engagement Program) Bill 2021. We then outline some additional issues that we identify in the proposed Bill before concluding with some proposals for the Committee’s consideration.

In summary, the Bill looks to amend social security law in two ways.

The first is the deletion of any reference to the Community Development Employment Projects (CDEP) scheme from the Social Security Act. The CDEP was effectively abolished by the Abbott government from 1 July 2015 so this seems a belated but sensible procedure six years on.

The second and more significant set of measures is to set a simple framework for an unspecified number of pilot projects in remote Australia that will see unemployed people, who will be mainly Indigenous given the government agencies involved, to earn an additional amount to trial for up to two years what is termed the Remote Engagement Program (REP). This proposal was first outlined in the 2021–22 Budget when the government announced that it would develop a new Remote Jobs Program (now REP) pilot in four selected regions across Australia.¹ The government declared that the new program would replace the Community Development Program (CDP) and be co-designed with Indigenous Australians to support remote communities by targeting job creation and skills development. Subsequently, in a media release titled ‘New co-design measure to replace CDP’² (1 September 2021) and in his second reading speech also on 1 September, the Minister for Indigenous Australians indicated that a combination of experience from these trial sites and feedback to a discussion paper also released on 1 September 2021 will help inform the co-design of the new REP.

¹ <https://ministers.pmc.gov.au/wyatt/2021/jobs-and-education-secure-future-indigenous-australians>

² <https://ministers.pmc.gov.au/wyatt/2021/new-co-design-measures-replace-cdp>

1. About the Bill

In essence what the Bill proposes is that an unspecified number of eligible job seekers in remote Australia (estimated at 200 in the Explanatory Memorandum for the Bill) will be able to volunteer to access a supplementary and non-income tested payment of between \$100 and \$190 a fortnight to participate in placements of between 15 and 18 hours per week and this will facilitate their transition to paid employment. It is suggested that this supplement to standard job seeker income support will deliver a payment equivalent to the minimum wage for the hours worked. This supplementary payment will be limited to a 24-month period for any voluntary participant and the pilots will cease on 30 June 2024 at the latest. Thus, a transition that aimed to make a new REP permanent will require new legislation.

Under a new section 661F, the volunteers will receive payments approximating award wages, and they will not be deemed an employee for the purposes of the *Safety, Rehabilitation and Compensation Act 1988*, the *Superannuation Guarantee (Administration) Act 1992*; the *Work Health and Safety Act 2011*; or the *Fair Work Act 2009*. In short, the volunteers will not be eligible for compensation, superannuation, or fair work provisions. While the EM does not say so explicitly, it seems that the volunteers will still be classified as ‘unemployed’ with the aim of the REP being to enable their transition to paid employment (when such standard employment conditions will be made available). As such, the Minister’s ambition (expressed in his speech to Parliament on 1 September 2021) that ‘[w]hen implemented, the new program will contribute to the National Agreement on Closing the Gap, which includes targets to close the gap on employment outcomes between Indigenous and non-Indigenous Australians’, seems unrealistic. The Bill allows volunteers to exit the trial at any time, presumably returning to the extant CDP and the income support available from the Jobseeker or other income support payment if they do so. Similarly, if after a maximum period of two years on the REP trial no paid employment is available, the volunteers will presumably return to whatever emerges as the final form of the program to be established in 2023.

There is no clear statement made by the government on why a ‘to be co-designed’ REP is required to replace the government-designed CDP. This is a problem, because the Minister has not articulated any view on the shortcomings of the CDP that warrant its replacement. Accordingly, it is impossible to say if a new REP will ameliorate these shortcomings, as it is unclear what the Minister perceives them to be.

In his media release, the Minister for Indigenous Australians suggests that the REP is replacing CDP because ‘Australia’s job landscape has changed significantly since the CDP was last reviewed in 2019’. This might be the case for Australia, but there is no evidence that this is the case for remote Australia. Indeed, in his second reading speech the Minister notes that ‘Australians living in remote communities face complex employment challenges, different from those experienced in regional and urban areas’. And ‘The measures in this bill recognise the lack of employment opportunities that people, including Indigenous Australians, face in some of the most remote parts of Australia. The opportunities and circumstances in remote Australia are unique and different from urban areas, and this will continue to be the case’.

We make two observations here.

First, while a proportion, less than 20 per cent, of the unemployed required to participate in the CDP are non-Indigenous, most are Indigenous. This is because the employment to population ratio for Indigenous adults in remote and very remote Australia is below 40 per cent, whereas this ratio for non-Indigenous adults is about 80 per cent.

Second, the rationale for a new program provided by the Minister resonates with the rationale provided by his predecessor Senator Scullion who in a media release on 6 December 2014 noted that the Labor government's Remote Jobs and Communities Program (RJCP) 'had failed communities because it was not geared to the unique social and labour market conditions of remote Australia'. Hence the CDP was established to provide the unemployed with experience in 'work-like tasks' as a pathway to paid employment; or as a destination where people undertook these tasks as a mandatory and ongoing mutual obligation requirement to gain access to Jobseeker payments, which is frequently the case as reflected in consistently low CDP exit rates.

Nowhere has it been acknowledged by the government that the CDP that it introduced in 2015 has failed. In the attached discussion paper, we summarise the documented negative impacts of CDP from the published record, including increases in poverty rates and various other harms, that make clear why a new principled approach is urgently needed to address the health, wellbeing and economic aspirations of Indigenous people in remote Australia.

2. Applying principled and evidence-based scrutiny of the Social Security Legislation Amendment (Remote Engagement Program) Bill 2021

Our attached discussion paper outlines guiding principles to protect basic needs while supporting locally valued forms of work in remote Indigenous Australia (see Figure 1). The rationale for these evidence-based principles is provided in more detail in the discussion paper.

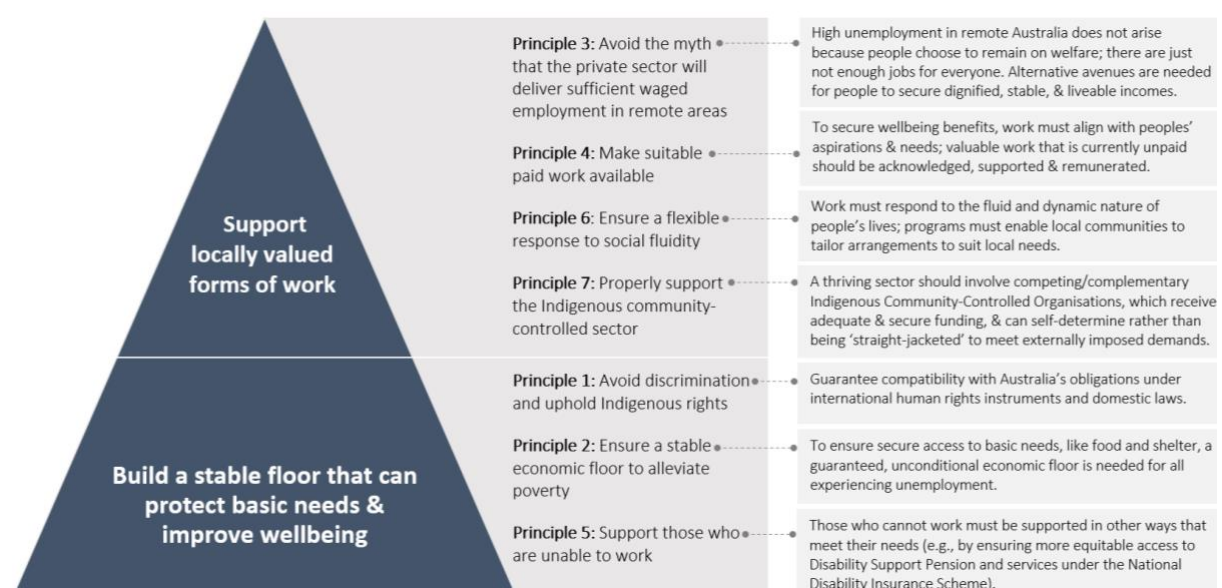


Figure 1: Summary of the principles outlined in the paper 'Remote access: Guiding principles for a new livelihood and work program in remote Indigenous Australia'

While we contend that these principles all have merit, we mainly utilise them in this submission to provide a framework for judging the adequacy of the proposal for the REP trials contained in the Bill. That is not to say that there might not be additional principles to consider. We contend, however, that a principles-based approach drawn from research is essential to developing any new remote employment program – especially given the destruction caused by previous programs. The government *must* get this right.

Below, we test the key proposals in the REP Bill against our seven principles.

Principle 1: Avoid discrimination and uphold Indigenous rights.

The REP Bill proposes to pay volunteer participants in the trial an additional \$100–\$190 per fortnight that is not income tested, although it is unclear if they can earn more and if this supplementary payment will be income tested. It is also not clear from any government statement if this payment will be income managed under existing income management (BasicsCard or Cashless Debit Card) arrangements — this needs to be urgently clarified.

The proposed pilots will increase participants' incomes from an estimated JobSeeker payment of \$647.80 per fortnight (for a single person with no dependents, inclusive of Remote Area Allowance and Energy Supplement) to between \$747.80 and \$838.80 per fortnight for between 30- and 36-hours work. In total, this amount appears to be comparable with minimum award payments. However, given that participants in the trial will be volunteering to work 30- and 36-hours *just* to earn an additional \$100–\$190 dollars (while people in non-trial sites will continue to participate in CDP, and receive \$647.80 per fortnight without currently having to fulfil mandatory work for the dole obligations), this is less clear. Specifically, the marginal remuneration of a single hour of work for those in trial sites will be no more than \$6.33 per hour—well below the minimum wage of \$20.33 per hour—compared to other CDP participants.

Furthermore, this income supplement explicitly does not deliver a range of other employment benefits, especially superannuation and health and safety protections. In our view this is discriminatory as volunteers are required to undertake 'work-like activities' without being afforded the benefits other employees get. Because of this discrimination, we do not concur with the Statement of Compatibility with Human Rights in the EM, which asserts that the amendments are compatible with human rights.

Principle 2: Ensure a stable economic floor to alleviate poverty.

Despite our reservation that the REM Bill is inconsistent with our Principle 1, we welcome the trial's provision of an additional \$100–190 a fortnight that will assist in the alleviation of poverty for the estimated 200 volunteers. We fail to understand why this opportunity is not available to many more 'volunteers' who might wish to supplement their income, as it leaves the remaining 30,000–40,000 CDP participants still living in deep poverty in the immediate term with no guarantee on changes in the future.

Principle 3: Avoid the myth that the private sector will deliver sufficient waged employment in remote areas.

According to the second reading speech, the volunteers in the REP trials are expected to take up placements in ‘work-like roles’ with the expectation that this will be a pathway to find a job. Elsewhere in the second reading speech the Minister suggests that ‘The pilots provide an opportunity to test the level of [financial] incentives’. This implies that unemployment in remote Australia is a labour supply and behavioural issue rather than a labour demand issue. However, research has long shown that unemployment in remote and regional Australia is primarily caused by insufficient suitable jobs, something the Minister notes: ‘... there are fewer jobs available in remote areas with less than two per cent of actively trading business located there’. In our view, all the discourse promoting the REP trials and this Bill risk perpetuating, not avoiding, the myth that there are sufficient waged jobs in remote Australia.

Principle 4: Make suitable paid work available.

Without guaranteeing workers’ rights, the REP trial only makes ‘work-like activities’ available for an estimated 200 volunteers. This does not seem like a departure from key aspects of CDP, because workers are still excluded from standard employment benefits (superannuation etc., as outlined earlier). Even if volunteers participate in the trials for two years and can build important skills and experience, there is no guarantee provided by the REP Bill that they will have a paid job at the trial’s completion. This approach does not, therefore, make suitable paid work available.

Principle 5: Support those who are unable to work.

The REP trial enables those on Disability Support Pension (DSP) to qualify for the REP payment if they choose to participate. However, it says nothing about how to address the ongoing difficulties experienced by many to qualify for DSP in the first place, which inevitably leads to those who are unable to work being funnelled into CDP, often to their detriment. It also says nothing about those who are unable to work for other reasons (and thus will likely also be unable to volunteer for the REP trial), including informal caring responsibilities predominantly undertaken by women, who are accordingly left on impoverishing social security programs. Thus, we contend that the REP trial does little to ensure those who cannot work are supported.

Principle 6: Ensure a flexible response to social fluidity.

The volunteers are at liberty to exit the trial. But it is not made clear if provision is made for forms of social fluidity that might be precipitated by family or ceremonial obligations. Nor is it clear if volunteers can re-enter the trial after voluntary exit. The language of the second reading speech and EM indicates an expectation of continuing participation in the trial for up to 24 months. The EM refers to appropriate flexibility, but this does not appear to extend to participation.

Principle 7: Properly support the Indigenous community-controlled sector.

All the government material about the proposed REP trials is replete with reference to the current notion of ‘co-design’ embedded as a principle in the National Agreement to Close the Gap. But the REP Bill appears to us to pre-design, rather than co-design, the broad framework for the trials. The key parameters of the program (such as its administration as an income support supplement) are already set, with only certain details (e.g. the precise amount to be paid within a certain band of \$100–\$190 a fortnight supplement for 30–36 hours work) able to be co-designed in the pilots. We are, therefore, deeply concerned that key First Nations groups have not been engaged as partners in designing the REP trial framework. The ‘Canberra knows best’ unilateral approach to policymaking is precisely what the new National Agreement on Closing the Gap was supposed to transform. Unfortunately, we see little evidence in this Bill of a commitment in practice to the ‘genuine partnerships’ that all Australian governments including the Commonwealth Government committed themselves to in writing in July 2020.

To summarise, the REP Bill does not comply with the principles that we believe are essential for a more effective, caring, and creative approach to supporting the health, well being and economic aspirations of Indigenous peoples in remote areas after the failure of the CDP.

3. Additional issues of concern

We have three additional broad issues of concern with the REP Bill.

(A) The pilots are presented in the EM as being a highly flexible opportunity to test an appropriately flexible approach to build the skills and vocational capacities of unemployed people in remote communities. While such flexibility is to be encouraged, it makes learnings from the pilots extremely difficult to evaluate. Indeed, in all the material available about the Bill there is no reference to evaluation which is central to the very notion of learning ‘lessons’ from a pilot or trial (as referred to in the EM). We are also concerned about the timeline for the pilots which are proposed to begin in late 2021 or early 2022 and to run for up to two years. There seems to be a high degree of temporal overlap between the pilots and the proposed new REP to be implemented in 2023. It is far from clear how properly evaluated findings from the pilots will be able to influence the final design of the REP in a timely manner.

(B) The Minister notes in his second reading speech that over many decades governments have tried different approaches to delivering employment services in remote Australia. That is at once correct, but also a very presentist interpretation of what has occurred in the past. For example, the CDEP scheme that was abolished by the Abbott government in 2015 after almost of decade of interventions that dismantled parts of the program, already looked to combine the delivery of employment services alongside community development, income support and enterprise development assistance.

In November 2015 the Productivity Commission in its assessment of the National Indigenous Reform Agreement recommended to the Turnbull government that governments need a change in approach that ensures ‘a much greater emphasis on policy evaluation (knowing

more about what works and why is the key to designing policies that achieve positive outcomes for Aboriginal and Torres Strait Islander Australians)'. We concur with this observation (and note that the Government has failed to respond to the Productivity Commission's *Indigenous Evaluation Strategy* report that was handed to it on 16 October 2020). The Australian government has had 44 years of experience in this area of policy since the CDEP scheme was first piloted in 1977. One would think and hope that the government would know by now what works and what does not – the research available on the public record certainly does. And if politicians and bureaucrats lack the corporate memory to know this, there is an extensive published literature that has examined every program that has been tried since 1977 and is readily available.

Take as just one illustrative and compelling example, that coincidentally relates to the eradication of any reference to the CDEP scheme in the current Bill. Research published in 2005 by the ANU's Centre for Aboriginal Economic Policy Research (and co-authored by one of us) used information from the ABS' National Aboriginal and Torres Strait Islander Social Survey in 2002 to show that on average people on CDEP earned \$100 a week more than those on welfare (Jobseeker) compared to the \$100–\$190 a fortnight proposed in the REP pilots 20 years later. In very remote Australia, 90 percent of those on CDEP in 2002 worked more than the minimum 15 hours a week, one in five worked over 35 hours. At the same time, CDEP participants in remote regions were able to participate in more hunting and fishing, in more ceremonial activity and in more recreational or cultural group activity than both the employed and the unemployed. Importantly, the extra income earned was not necessarily sourced from the government: much was generated by the commercial activities of CDEP organisations. And CDEP participants were classified as employed not unemployed; any extra income earned was not income tested. Unfortunately, while this scheme had many strengths, it too failed our *Principle 1* because participants were not provided with an employment contract on the CDEP scheme, making them ineligible for superannuation or part payment of further income support payments.

Our point here is to seriously question if more expensive pilots are needed to work out what has worked and what has failed over the past four decades. There are live proposals available including from the Aboriginal Peak Organisations of the Northern Territory that might provide better guidance than hurriedly implemented pilots.

(C) It is quite unclear with whom it is envisioned that the pilots and then more enduring REP will be co-designed with. The Minister for Indigenous Australians wants to at once present the lack of employment prospects in remote Australia as being a challenge for Indigenous and non-Indigenous Australians. Yet as we noted earlier, unemployment in remote and regional Australia is predominantly an issue for Indigenous people living in discrete Indigenous communities. In his second reading speech the Minister notes that 'It is important to work with Indigenous and non-indigenous Australians in remote communities'. But the notion of co-design suggests that the pilots and the REP will be primarily co-designed with Indigenous stakeholders. It is perhaps time to clarify if the REP that the pilots are intended to inform is an Indigenous-focused program or one that is based on geographic jurisdiction. Such a clarification might make the challenge of program co-design a little more straightforward.

Even so, we remain concerned that in respect to the proposed pilots so-called co-design has *already been pre-designed* given that what is proposed has already been bounded within very specific parameters.

4. Evidence-based proposals for a way forward

We end our submission with three proposals.

(A) In our view, the proposed pilots are unnecessary, will likely cause pointless delay, and will have little discernible impact. The government is looking to provide up to \$2 million over two years to an estimated 200 unemployed people who will voluntarily look to work in an unspecified number of pilots. This additional income will undoubtedly financially assist these individuals and their communities and this aspect is definitely welcomed. But the pilots can also be negatively interpreted as a social engineering experiment to ‘test the level of incentives’ as proposed by the Minister in his second reading speech. As noted above such an incentive payment implies that high Indigenous unemployment is due to *unwillingness* to work rather than an absence of suitable jobs. In our view program co-designers are unlikely to learn much from the trials and they should not proceed.

(B) One of the lessons learnt from the payment of the COVID Supplement that we outline in our discussion paper is that it had several very positive impacts. In our view, given the deep poverty experienced by the Indigenous unemployed in remote Australia and the relatively high costs of living in remote communities, a negotiated supplement of *at least* \$190 a fortnight should be paid to *all* current participants in the CDP. Ideally, this extra supplement would be even higher (more closely approximating the peak COVID Supplement rate), since individuals still remain ~\$323.42 per fortnight under the poverty line even *with* the extra \$190 per week. Such a level of support could readily be legislated into the REP so that our Principle 2 seeking the alleviation of poverty can be met.

(C) In our view a great deal more policy attention is needed to consider how the demand side of the labour market might be addressed and how more standard work opportunities might be provided in remote Australia, as per our Principle 4 in the attached document. Alongside this, a great deal more effort is required to find ways to properly support the Indigenous community-controlled sector (Principle 7); to consider forms of remote engagement beyond the standard job; and to find ways to support those who are unable to work (Principle 5).

Attachment

Remote access

Guiding principles for a new livelihood and work program in remote Indigenous Australia

Consultations are beginning around the future of social security payments in remote Australia. This is an opportunity to assess what went wrong in the existing Community Development Program, and to consider a more effective, caring and creative approach to supporting the health, wellbeing, and economic aspirations of Indigenous peoples in remote areas.

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AUTHORSHIP NOTE

This document arises from a small ‘Livelihoods and Wellbeing after CDP’ workshop held in Canberra on 12 July 2021. The workshop was instigated/facilitated by this document’s authors and also attended by **Michael Dillon** (Visiting Fellow, The Australian National University Centre for Aboriginal Economic Policy Research (CAEPR), College of Arts and Social Sciences), **Lisa Fowkes** (Social Ventures Australia), **John Quiggin** (Laureate Professor in Economics, The University of Queensland) and **Will Sanders** (Honorary Associate Professor, The Australian National University Centre for Aboriginal Economic Policy Research (CAEPR), College of Arts and Social Sciences). Although this document was authored by Staines, Altman, Klein and Markham, it draws on broader ideas discussed and debated during the July workshop.

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The abovementioned ‘Livelihoods and Wellbeing after CDP’ workshop was partially supported by the Australian Research Council (ARC), through the first author’s Discovery Early Career Research Award (DECRA) (DE200100686).

Summary

The Abbott Government's Community Development Program (CDP) was launched on 1 July 2015. This Program, like others before it, sought to bundle together job search, job creation, and skills acquisition as a condition for accessing income support. CDP's geographic jurisdiction is remote Australia, and its target is unemployed people who are overwhelmingly (more than 80%) Indigenous. It is delivered in 60 regions by a diversity of for-profit and not-for-profit Indigenous and non-Indigenous providers.

In contrast to earlier remote-focused programs with similar complexity, CDP imposed harsh mutual obligation requirements, including by requiring abled-bodied unemployed people to engage in higher levels of work-for-the-dole than non-remote support recipients, initially 25 hours a week. This approach resulted in disproportionately high rates of breaching and penalties. There is growing consensus that the Program has failed to meet its overriding objective of improving employment outcomes. Empirical evidence indicates that CDP has instead had significant negative consequences for participants, with levels of impoverishment greatly increasing.

Cognisant of the Program's overall failure to deliver, the Australian Government has recently announced that CDP will be replaced with a new program by 2023. Minister for Indigenous Australians, the Hon. Ken Wyatt, committed to developing this new program 'in partnership with communities', beginning with Indigenous Advancement Strategy funding 'to pilot alternative approaches for the new remote jobs program in four sites starting this year [2021]'.¹

The current period provides an important opportunity to assess the negative impacts of punitive welfare-to-work approaches in remote Indigenous communities, and to consider alternatives that take a more caring and creative approach to supporting the health, wellbeing, and economic aspirations of remote living Indigenous peoples.

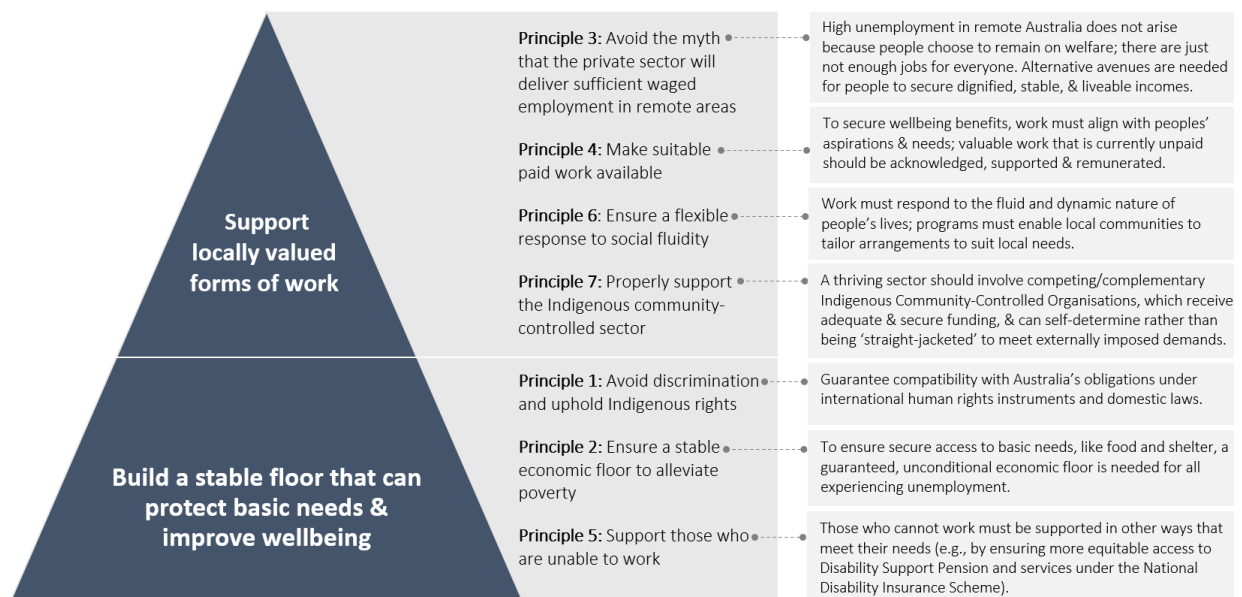
This discussion paper arises from a workshop attended by a small group of academic researchers and seeks to provide some early input into the emerging co-design process for a replacement program. We do not set out a specific plan for the journey ahead. It is not our goal to pre-empt the outcomes of the current co-design process. Instead, drawing on peer-reviewed research, including our own, and grounded community-based observations, we seek to:

- 1) reflect on key lessons learned from the inadequacies of CDP;
- 2) examine possible lessons from the COVID-19 2020–21 exceptional, but temporary, changes to the social security system; and

- 3) consider how, in combination, these experiences might inform guiding principles that can be drawn upon to underpin a future alternative approach.

In this discussion paper, we propose seven guiding principles to ensure that the harms experienced under CDP are not repeated. These principles are intended to inform a more holistic livelihoods strategy that would uphold the basic rights of people impacted by government policies, to protect their wellbeing and support locally valued work in the remote Indigenous communities where they reside (see Figure A below).

Figure A: Seven guiding principles to protect basic needs while supporting locally valued forms of work



In our view, a new remote livelihood and work program that follows these principles could take several forms, including weaving together different strategies that respond to diverse local circumstances.

Ultimately, whichever approach is taken, it is critical to address the reality of life in remote Indigenous communities, while supporting individuals and families in these communities to first recover and then flourish and thrive. In accordance with the July 2020 Closing the Gap agreement, Indigenous peoples should have far greater say in how programs and services are delivered to their people, in their own places, and on their own Country; and the role of Indigenous Community-Controlled Organisations (ICCOs) in delivering the best services and outcomes for Closing the Gap must be properly supported.² Indigenous peoples are well placed to decide on the post-CDP program that might best meet communities' needs and nurture their health and wellbeing. Any proposed co-design process must accord with these values.

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Glossary

Indigenous	Used here to refer collectively to Aboriginal and Torres Strait Islander peoples.
Mutual obligations	Activities that social security recipients must fulfil to remain eligible for social security benefits (e.g., participating in work for the dole, undertaking job searches, attending regular job service provider appointments).
Workfare	Welfare-to-work programs that involve activity requirements as a form of mutual obligation, such as work for the dole and job searches.

List of abbreviations

ACCHO	Aboriginal Community-Controlled Health Organisations
ALPA	Arnhem Land Progress Aboriginal Corporation
CDP	Community Development Program (2015–current)
CDEP	Community Development Employment Projects scheme (1977–2015)
DSP	Disability Support Pension
ICCO	Indigenous Community-Controlled Organisations
NATSIHS	National Aboriginal and Torres Strait Islander Health Survey
NDIS	National Disability Insurance Scheme
RJCP	Remote Jobs and Communities Program (2013–2015)
SDGs	United Nations’ Sustainable Development Goals

Introduction

The Community Development Program (CDP), introduced in 2015, has had significant negative repercussions for remote Indigenous communities across Australia. The Program has caused elevated levels of poverty and harm to many of its 30–40,000 unemployed participants, approximately 80 per cent of whom are Indigenous. As a replacement for the former Community Development Employment Projects (CDEP) scheme, it has seen income levels fall and poverty rates rise.³ It has torn at the fabric of remote communities because its negative impacts have not just been experienced by its participants, but also by their families and kinship networks. These heavy costs have not been offset by enhanced employment outcomes.⁴

Cognisant of the program's overall failure to deliver, the Australian Government announced that CDP will be replaced by a new co-designed program or programs by 2023. Until CDP's abolition, its 'work for the dole' activities will be voluntary while other program conditions, like attending provider appointments and undertaking job searches, will remain mandatory. Minister for Indigenous Australians, the Hon. Ken Wyatt, announced that a new program would be 'developed in partnership with communities', beginning with Indigenous Advancement Strategy funding 'to pilot alternative approaches for the new remote jobs program in four sites starting this year.'⁵

Given that these pilots have not yet started, it is currently unclear what approach or approaches a new program might take. What is certain is that the current period of considering alternatives provides an important opportunity to carefully reassess the negative impacts of punitive welfare-to-work, or 'workfare', approaches in remote Indigenous communities, and to consider an alternative or alternatives that take a more caring and creative approach to supporting the health, wellbeing, and economic aspirations of remote living Indigenous peoples.

This discussion paper seeks to provide input into the emerging co-design process for a replacement for CDP. We do not set out a specific plan for the road ahead here; it is not our aim to pre-empt the co-design. Nor do we seek to address downstream operational issues for any new program. Instead, drawing on peer-reviewed research, including our own, and grounded community-based observations, we seek to:

- 1) reflect on the key lessons learned from the inadequacies of CDP;
- 2) examine possible lessons from the exceptional, but temporary, changes to the social security system triggered by the COVID-19 pandemic in 2020 and 2021; and

- 3) consider how recent history might inform a series of guiding principles that can be drawn upon to underpin a future alternative approach.

The principles we propose are grounded in strong empirical evidence and are underpinned by our overriding aspiration to ensure that the harms experienced under CDP are avoided in future. We begin by outlining some features of CDP and its negative consequences for many Indigenous people across remote Australia.

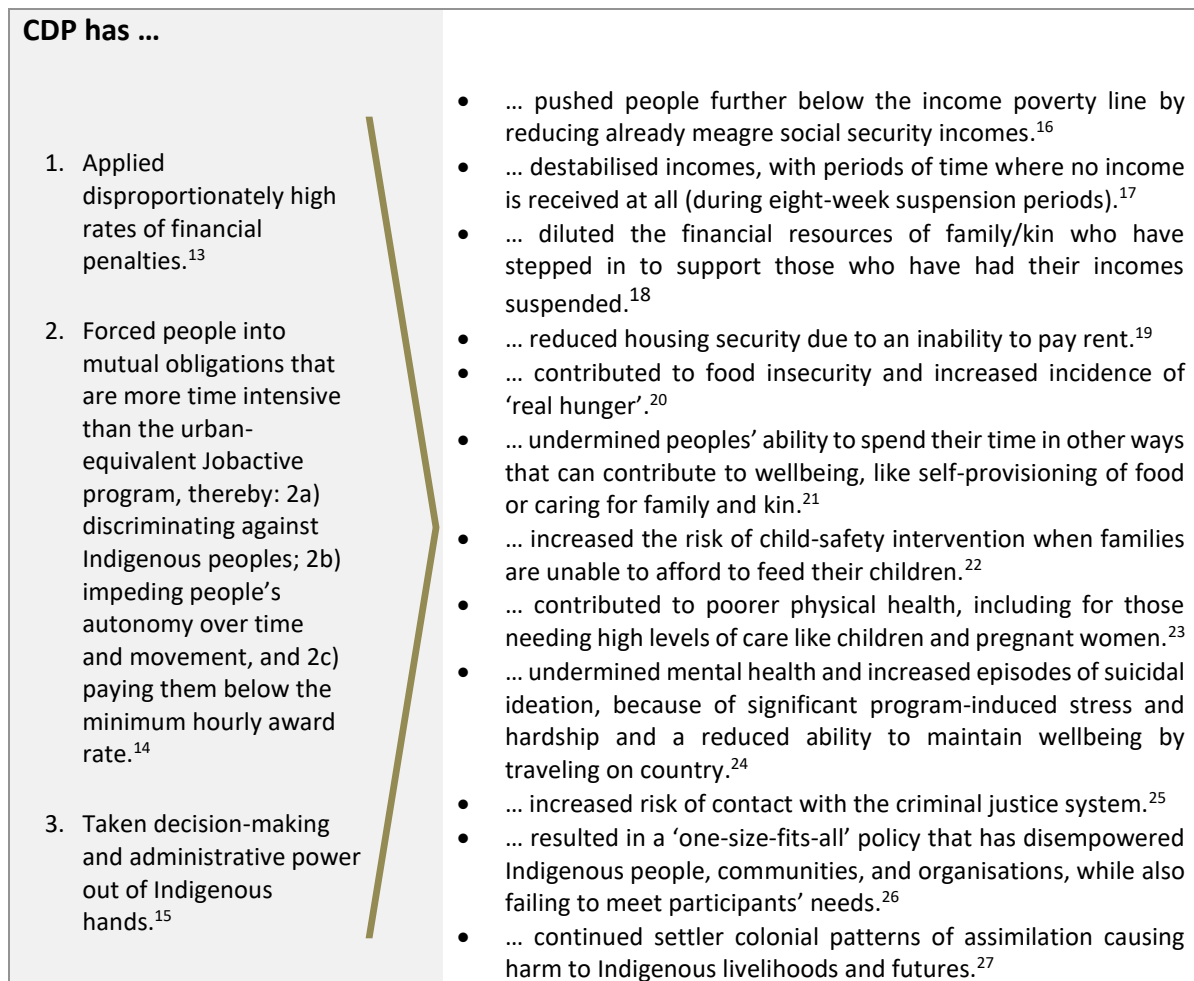
Remote ‘unemployment’ and life under CDP: a brief reflection

The Australian Bureau of Statistics (ABS) estimate that in 2016, 149,000 Indigenous people lived in what it terms ‘remote and very remote’ Australia. This equates to 18.6 per cent of the national Indigenous population.⁶ The majority of the remote Indigenous population lives in ‘discrete communities’, which in this discussion paper we term ‘remote Indigenous communities’ with majority Indigenous populations.

According to the latest available estimates from the National Aboriginal and Torres Strait Islander Health Survey (NATSIHS), there were around 95,600 Indigenous people of working age (15–64 years) in ‘remote Australia’ in 2018–19, 46,300 men and 49,300 women. This population is estimated to grow to around 106,000 Indigenous people of working age by 2031. In 2018–19, 34 per cent of remote, working-age Indigenous women (17,000) and 37 per cent of remote, working-age Indigenous men (17,000) were classified by the ABS as employed.⁷ These are low rates compared to the national average in May 2021 of 79 per cent for men and 72 per cent for women.⁸ In the same year, there were about 19,800 Indigenous people estimated as ‘unemployed’ across remote Australia and a further 41,600 estimated as ‘not in the labour force’ (i.e. not working nor actively looking for work).⁹ CDP participants are drawn from all three of these groups. Immediately pre-COVID, the Indigenous CDP caseload was likely around 25,000,¹⁰ though this has increased to around 32,000 (80% of caseload of 40,000) during the COVID pandemic.¹¹

CDP has had negative repercussions for many of its participants, their families, kin, and whole communities. The harms endured under CDP have been widely documented, including by Indigenous organisations, in written and oral evidence submitted to a 2017 Senate Inquiry,¹² and in several independent research studies. The evidence overwhelmingly shows that, notwithstanding the continued resilience and strength of those living in remote Indigenous communities, life under CDP in these locations has deteriorated in a range of ways. The documented negative impacts of CDP are summarised in Figure 1 below:

Figure 1. Summary of CDP's documented negative impacts



These negative effects have been experienced against a backdrop of consistently poor employment outcomes under the program. In 2008, when the former CDEP provided a third of remote Indigenous jobs, 33.4 per cent of working-age Indigenous people had mainstream jobs beyond CDEP. A decade later, under CDP, this percentage has barely moved, sitting at 35.6 per cent of working-age Indigenous people in employment in 2018–19.²⁸ Meanwhile, the direct cost of administering CDP per annum (excluding the cost of income support payments and the costs of the time of public sector employees) has been reported at between \$268.52 million (in 2015–16) and \$291.1 million (for 2020–21, as at May 2021) indicating an overall lifetime cost of around \$1.61–\$1.74 billion since mid-2015.²⁹ The per participant administrative cost of CDP was estimated by the Australian National Audit Office (ANAO) to be around \$10,494 in 2017, though it predicted this would reduce over time.³⁰ Taking into consideration the 2020–21 spend (until May) and caseload, the estimated administrative cost of CDP is around \$7,300 per participant in the current financial year. CDP costs at least \$40 in provider fees for every \$100 in payments to participants.

Rather than realising improved employment opportunities and participation, CDP has resulted in greater financial stress and psychological harm for those without paid employment in remote Indigenous communities, making sheer survival increasingly difficult. As the Australian Government has now acknowledged, a different approach is needed. A new program that is less punitive and less precarious would enhance the prospects for more positive outcomes not only for those without paid employment, but also their families, kin and communities. The positives observed during the brief periods of COVID-19 Supplement payments and ‘suspension’ of onerous CDP conditionality provide an instructive window through which we can view the potentialities of a fundamentally different approach.

Learning from the 2020-21 COVID-19 Supplement & CDP suspension

During the 2020 COVID-19 lockdowns, the Australian Government introduced a temporary \$550 per fortnight Coronavirus Supplement to increase nine social security payments for working-age people—JobSeeker Payment (formerly the Newstart Allowance), Partner Allowance, Widow Allowance, Youth Allowance, Austudy, ABSTUDY Living Allowance, Parenting Payment, Farm Household Allowance and Special Benefit.

This increase effectively doubled the incomes of many income support recipients, including those receiving the main unemployment benefits. In remote Australia, JobSeeker Payments (including Remote Area Allowance and Energy Supplement) increased from \$42 per day to a high of \$81 per day between 27 April and 25 September 2020. It then reduced to \$60 per day to 31 December 2020, to \$53 per day between 1 January–31 March 2021, and then to \$46 per day from 1 April 2021 onwards (with the small adjustment to the JobSeeker base payment rate) (see Table 1).

Table 1. Timeline of COVID-19 social security changes

Timeframe	Main unemployment benefit		Coronavirus Supplement ^a	Remote Area Allowance ^b	Energy Supplement ^b	Total benefit amount ^{*b}
	Name	Amount ^a				
<26 Apr 2020	Newstart	\$565.70	N/A	\$18.20	\$8.80	\$592.70 f/n (\$42.34 day)
27 April–24 Sep 2020	JobSeeker	\$565.70	(A) \$550.00	\$18.20	\$8.80	\$1,142.70 f/n (\$81.62 day)
25 Sep–31 Dec 2020	JobSeeker	\$565.70	(B) \$250	\$18.20	\$8.80	\$842.70 f/n (\$60.19 day)
1 Jan–31 March 2021	JobSeeker	\$565.70	(C) \$150	\$18.20	\$8.80	\$742.70 f/n (\$53.05 day)
>1 April 2021	JobSeeker	\$620.80	\$0	\$18.20	\$8.80	\$647.80 f/n (\$46.27 day)

Source. Authors' calculations based on data from Australian Government Social Security Guide, version 1.278.³¹ *Notes.* ^a Single, per fortnight. ^b Single, no dependent children, per fortnight.

*Excludes other possible social security supplements which are based on individual circumstances (e.g., excludes Commonwealth Rent Assistance, which is available for some people depending on the type of housing they live in).

Beyond the changes to payments summarised in Table 1, this period saw recognition of the ‘hibernating’ labour market and the temporary suspension of onerous CDP mutual obligation requirements.

These COVID-linked policy shifts provided an experiment in a less punitive social security approach. Although conducting research about these important changes has been difficult because of multiple lockdowns, several researchers have suggested that both the Supplement and suspension of mutual obligations had significant positive impacts on Indigenous peoples living remotely.

Relying on survey data from before the pandemic, Markham³² estimated that in very remote areas, the Supplement increased the total income flowing to Indigenous people by 26 per cent. Because the Supplement was targeted at some of the poorest households within Indigenous communities across Australia, the additional payment had significant positive effects. Nationally, research by Phillips, Gray and Biddle³³ found that individuals receiving JobSeeker or Youth Allowance had the largest reduction in household poverty, with poverty rates falling dramatically from 67 per cent to 7 per cent. This is consistent with other research which shows that Australia’s national rates of child poverty fell in response to increased cash transfers to low-income individuals under the Global Financial Crisis stimulus packages in 2009.³⁴ While data are limited, we would expect that in very remote areas, where over 50 per cent of Indigenous people live below the income poverty line,³⁵ and where around 38 per cent of working-age Indigenous adults were estimated to be eligible for the Coronavirus Supplement at the start of 2020,³⁶ poverty would have also decreased dramatically in 2020–21.

Increased income resulted in increased food purchases. Outback Stores, a publicly-owned remote community store management corporation, reported a 75–100 per cent increase in sales in the period April–June 2020. The Arnhem Land Progress Aboriginal Corporation (ALPA), an Indigenous-owned remote store management corporation, reported that retail sales increased by 200–300 per cent over the same period.³⁷ In this regard, some Maningrida residents explained that additional incomes meant ‘people were healthier and more robust’.³⁸ Food sovereignty was also reasserted because of people being liberated from mutual obligation requirements and able to visit and self-provision on their traditional lands. For example, qualitative research examining the impacts of a range of government measures during COVID-19 lockdowns across the Kimberley found that people were able to use the time and extra money to go back on country and undertake important cultural activities.³⁹ In Arnhem Land, people also returned to country to live in less crowded and healthier housing and participate in enhanced self-provisioning.⁴⁰ In the communities of Barunga, Beswick, Manyallaluk and Borroloola in the Northern Territory, it was similarly reported during 2020 that ‘more people are going out camping and fishing ... eating that bush tucker

again ... looking more healthy', and getting 'away from the worries of town'.⁴¹ These are significant changes that, in combination, would have improved wellbeing and alleviated extreme food security threats, which are an enduring and well-documented feature of life in remote Indigenous Australia.⁴²

In addition to these studies, research analysing crime data has shown that improved economic security (as a result of increased payments), coupled with suspended mutual obligations, was associated with lower crime rates in Queensland's remote Indigenous communities over this period.⁴³ These data demonstrate that the 2020–21 COVID-related changes were associated with a statistically significant overall reduction in property crime, a significant reduction in 'other' offences, and no significant change in crimes against the person. This runs counter to anecdotal public commentary making unsubstantiated claims that influxes of cash into remote Indigenous communities during 2020–21 would increase crime.⁴⁴ To the contrary, the evidence indicates that less punitive social policies that increase material wellbeing and are respectful of people's autonomy have important crime-reduction effects in remote Australia. This finding sits alongside decades of international research that has repeatedly found positive links between higher social security cash transfers,⁴⁵ reduced conditionality,⁴⁶ and lower crime.

Overall, the experience of the 2020–21 Covid Supplement and suspension of mutual obligation requirements provides important insights into how life is experienced in the absence of punitive workfare. Future policymaking must consider such findings that document the varied benefits of a less punitive approach. We draw on these findings, as well as the evidence in relation to the impacts of workfare (including CDP) in remote Australia, to inform a set of guiding principles that we now outline.

Where to from here? Principles to guide a new program

As noted earlier, we do not propose a specific action plan for the journey ahead, and do not aim to pre-empt the ongoing co-design process between the Australian Government and Indigenous stakeholders. Nor do we attempt to address specific operational issues. Instead, the principles we outline here are intended to provide evidence-based input at the outset of an anticipated co-design process. The principles arise from the research and experiences of the participants at the small workshop on which this discussion paper is based. This encompasses more than 40 years of work in and with remote Indigenous communities, as well as past input into the design of remote-focused policies around welfare and work.

The overriding aim of the principles is to reduce the risk that the harms experienced by Indigenous Australians subject to the CDP are repeated, and to instead encourage policy architects towards strategies that have a higher probability of alleviating poverty and improving health and wellbeing for remote-living Indigenous peoples.

PRINCIPLE 1: AVOID DISCRIMINATION AND UPHOLD INDIGENOUS RIGHTS

The starting point for any future policy must be to guarantee compatibility with Australia's obligations under international human rights instruments and domestic laws, **underpinned by a strong commitment to equality and upholding Indigenous rights**. This would avoid the charges that have been made that CDP is racially discriminatory. CDP has been subject to international condemnation as well as ongoing legal action in Australia.⁴⁷

A future policy must:

- comply with the Australian *Racial Discrimination Act 1975* (Cth) by avoiding any disproportionate imposition of punitive or additional obligations and penalties upon Indigenous peoples—and in line with section 8 of the *Racial Discrimination Act 1975* (Cth), any 'special measure' exceptions must be in the spirit of Article 1(4) of the *International Convention on the Elimination of All Forms of Racial Discrimination*, such as advancing the human rights and freedoms of Indigenous peoples;
- ensure that any remunerated work is subject to the *Fair Work Act 2009* (Cth);

- protect and support Indigenous peoples' rights to self-determination, including rights to 'maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State' (Article 5, *United Nations Declaration on the Rights of Indigenous Peoples* [UNDRIP]), the right to avoid 'forced assimilation or destruction of their culture' (Article 8, UNDRIP) and the right to 'determine and develop priorities and strategies for exercising their right to development' (Article 23, UNDRIP).;
- provide equal and non-discriminatory access to social and economic rights, including the right to freely choose to work (Article 6, *International Covenant on Economic, Social and Cultural Rights* [ICESCR]), the right 'of everyone to social security' (Article 9 ICESCR), and for the provision of 'just and favourable conditions of work' including 'fair wages' and 'a decent living' (Article 7(i, ii), ICESCR);
- commit to sustainable modes of development, including through Caring for Country, in line with Australia's commitments under the United Nations' Sustainable Development Goals (SDGs); and
- comply with the priority reform areas and targets outlined under the new National Agreement on Closing the Gap in Partnership, developed with the Coalition of Peaks, that governments share decision making with Indigenous people and organisations (Priority Reform 1), that the Indigenous community-controlled sector should be strongly supported (Priority Reform 2), that people 'enjoy high levels of social and emotional wellbeing' (Target 14), that economic participation and development for people and their communities is strong (Target 8), and that young people should have opportunities to engage in work (Target 7).

PRINCIPLE 2: ENSURE A STABLE ECONOMIC FLOOR TO ALLEVIATE POVERTY

The most effective way to alleviate poverty in remote Australia is to provide an adequate and unconditional economic floor which would give unemployed people secure access to basic needs like food and shelter. In accord with Australian-endorsed SDGs 1 and 2, that aim to end poverty and hunger, access to basic needs is a right of all Australians. Such basic needs have consistently been denied to many Indigenous people in Australia. Costs of living are far higher in remote Australia than in urban and regional centres, and this is coupled with some of the lowest household incomes in the country. Recently, the House of Representatives Standing Committee on Indigenous Affairs Inquiry into Food Pricing and Food Security in Remote Indigenous Communities found that 'Food and grocery prices are consistently higher on average in remote areas than in the rest of the country', continuing to create 'significant challenges with food security'.⁴⁸ Submissions to this Inquiry, as well as other independent research, has

demonstrated that CDP has worsened this situation by destabilising and further reducing incomes and purchasing power.⁴⁹

With the cessation of the COVID supplement, those on Jobseeker benefits in Australia are once again being forced to live on very low base incomes—around \$44 per day (just under \$45 per day with the Energy Supplement, or around \$46 per day in remote Australia because of the Remote Area Allowance, as per Table 1). Australia is currently second lowest ranking on this measure in the OECD, with the current unemployment benefit rate remaining well below the income poverty line.⁵⁰ In remote Australia, the Remote Area Allowance of \$18.20 per fortnight slightly increases incomes by \$1.30 per day. This Allowance has not increased in real terms for 20 years and falls far short of making up for the additional costs of living remotely.⁵¹ In early 2020, the Productivity Commission recommended that the Australian Government should increase this rate to address cost-of-living disparities more realistically.⁵²

Providing a stable, guaranteed, and unconditional economic floor for those in remote Australia who cannot access paid employment would have the greatest impact in alleviating deep poverty and improving wellbeing. Such income support should be unconditional (aside from income testing) to acknowledge that for many in remote Australia, receiving social security benefits is not simply a matter of choice, but a reality dictated by the structural and enduring absence of sufficient paid employment where people reside (see Principle 3).

To reduce endemic poverty, serious consideration should be given to raising a guaranteed economic floor that is free of activity testing to an adequate rate that will support improved livelihoods in remote Australia. This could be achieved, for example, by matching the base rate of unemployment benefits to that of the Aged Pension (which is linked to minimum award wages) and removing activity testing on this new base unemployment benefit rate. As an immediate starting point and as an urgent matter of non-discrimination (Principle 1), the Remote Area Allowance should be increased to a level that can properly offset the significant extra costs of remote living. Delivering income security without (excessive) conditionality or associated breaching (sometimes canvassed as a basic income or Liveable Income Guarantee) is essential. This would contribute to building a stable economic floor alongside supporting the provision of paid work opportunities via some form of Job Guarantee and/or wage subsidy mix. Work needs to be reconceptualised on Indigenous, not mainstream Australian, terms;⁵³ thereby ‘supporting locally valuable forms of work’ (also see Principle 4). Any government subsidised work creation must, however, provide workers with the same rights as those enjoyed by all employees in Australia.

Expenditure on administering punitive workfare has high administrative and opportunity costs; if this funding were redirected to underwrite an unencumbered economic floor for those living in remote Australia, people and communities would benefit greatly from the associated reduction in deep poverty.

PRINCIPLE 3: AVOID THE MYTH THAT THE PRIVATE SECTOR WILL DELIVER SUFFICIENT WAGED EMPLOYMENT IN REMOTE AREAS

The primary barrier to paid employment in remote Australia is that **there are not enough waged jobs available**. Despite numerous initiatives over many years that have sought to overcome this enduring challenge,⁵⁴ the mainstream economy is absent from much of remote Australia. Indeed, stubbornly high unemployment in remote locations is a structural fact—a reality that architects of recent remote workfare policies, including CDP, have failed to acknowledge.⁵⁵ Moreover, those that have waged employment in remote Indigenous communities overwhelmingly work in roles supported directly or indirectly by government funding, not by the private market.

CDP was designed on the assumption that it is a short-term ‘stop gap’ program intervention; it treats unemployment as exceptional and temporary rather than as structural and long-term, as is the case in much of remote Australia, where around 18.6 per cent of Indigenous peoples live versus only 1.5 per cent per cent of non-Indigenous people.⁵⁶ Like the programs that preceded it, the reality is that CDP has been a long-term destination for many, with one in five participants having spent at least 70 per cent of their adult life on income support (over the past 20 years).⁵⁷ Similarly, caseload numbers under various remote employment programs in the last 30 years have remained persistently high (at around 35,000)⁵⁸ and previous research has shown that CDP participants would need to spend an average of 12.7 years in the program to achieve six months of employment, which “may not even be full time” and may or may not lead to longer-term employment.⁵⁹ **This situation does not arise because people prefer to remain on welfare, but instead shows that the waged employment that was supposed to shift unemployed people out of CDP (and previous programs) simply never existed or eventuated.**⁶⁰ Waiting and hoping for paid jobs for all to eventuate in the face of the failure of earlier initiatives is not a sound basis for policymaking. Meanwhile, attempting to hassle people into waged employment that does not exist is performative, futile, and economically and psychologically damaging for those forced to endure excessive mutual obligations.

Future approaches should move beyond tinkering with workfare models that assume there is sufficient paid employment available for all remote living Indigenous people. Making individuals ‘job ready’ with training and workplace discipline will not automatically generate paid employment. Certainly, upskilling and education opportunities should be available to all who wish to take these up. But they cannot be relied upon to fix the structurally limited labour market in remote Australia because they do not target its primary cause—there simply is not enough paid employment for all. Accepting this reality means there is a **need to develop alternative avenues for people to secure dignified, stable and liveable incomes**. This means shifting the focus away from re-cycling people through ineffective and punitive short-term programs towards different approaches that accept the reality that many will need to treat any replacement program as a destination, since pathways to waged employment for all will remain unavailable in the foreseeable future.

PRINCIPLE 4: MAKE SUITABLE PAID WORK AVAILABLE

If future policies aim to support people to transition to paid work, then suitable work must be made available. It remains important to continue to support pathways into the existing labour market where employment opportunities exist in remote Australia. This is especially important for younger people, many of whom hold strong aspirations for such mainstream paid employment. However, it is important that future programs are designed to recognise that, as outlined above (Principle 3), pathways to waged employment (especially in the private sector) will only be available to a small proportion of individuals who are experiencing unemployment in remote Australia.

It must also be acknowledged that: i) not all available paid employment in remote Australia will align with the aspirations, capabilities and needs of those seeking waged work; and ii) there is already a great deal of socially, environmentally, culturally, and economically valuable work that is being undertaken in remote Indigenous communities that is not recognised and is not remunerated. Financially rewarding this work would not only harness the wellbeing impacts of such productive activity but would also assist to alleviate deep poverty.

- i) If activity does not align with peoples’ aspirations, capabilities and needs, it will be unlikely to improve wellbeing***

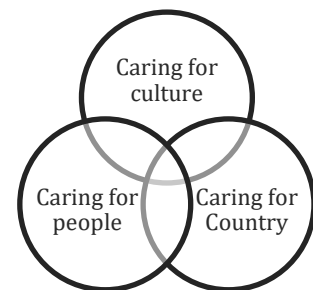
There is strong empirical support for the proposition that wellbeing benefits flow from productive activity. However, these benefits are contingent on whether such work activities align with the needs and aspirations of those undertaking them. This includes the type and quality of opportunity, including whether work is precarious, whether

workers experience discrimination in the workplace, and whether a job acts as a source of intrinsic meaning and satisfaction for the worker.⁶¹ It is not the case that simply any work will do. It will be important, therefore, for future policy approaches to **support people to undertake activity that suits their needs, skills, and aspirations as well as the needs of their communities.**

People living in urban and regional Australia enjoy a greater diversity of paid employment options and can exercise a greater level of choice about what they do for work, while perversely those living in remote Australia are penalised because of a lack of options. However, forcing people in remote Australia to take on paid employment that is misaligned with their aspirations, capabilities and needs is counter-productive and can reduce workplace productivity and individual (as well as collective) wellbeing. Ultimately, experience has shown that Indigenous people (and workers more generally) do not last long or perform well in jobs that do not correlate with their values, aspirations, and capabilities.

ii) It is necessary to acknowledge and support productive work that is currently unpaid

A foundational starting point for future policy is to acknowledge that there is a wide range of valuable and productive work that is already being undertaken in remote Indigenous communities; but much is unremunerated and takes place beyond the formal economy. Despite a lack of formal recognition of this productive work effort, it is nevertheless indispensable, acting as a glue that holds communities together and making significant contributions to wellbeing, livelihoods, and cultural continuity. A good example of this is care work—a term we use here to refer to caring for people, as well as for Country and for culture—all of which are interlinked and mutually interdependent (see *right*). Some of this work is recognised and waged, while most of it is not. This is an inequity that does not reflect the relative value and importance of these diverse forms of care work.



The importance of caring for Country has been recognised and supported under the Australian Government’s expanding Indigenous Ranger Program, which has ‘created more than 2100 full-time, part-time and casual jobs in land and sea management around the country’ since 2007.⁶² In April 2021, there were 129 funded Indigenous ranger groups across Australia, stretching from the Torres Straits in the far North-East to Esperance and the Goldfields in the far South-West.⁶³ Rangers draw on their culturally-informed environmental expertise, skills, local knowledge and presence to protect their Country and seas. Environment Minister, the Hon. Sussan Ley, recently acknowledged the crucial importance of valuing Indigenous knowledges that inform

caring for Country work, stating: ‘Ranger groups hold deep knowledge of their lands and our Government is proud to keep this knowledge in local hands for the benefit of Country and those who live on it.’⁶⁴ The work of Indigenous rangers also produces multiple significant health/wellbeing, cultural/social, economic and environmental benefits, including by contributing to biodiversity conservation and enhancing carbon emission reductions.⁶⁵

This is just one aspect of rich and deep Indigenous cultures and knowledges. There are many other examples of valuable ‘caring for culture’ and ‘caring for country’ work that could be similarly supported under a revised policy approach, including building on existing funded Indigenous language protection and maintenance programs.⁶⁶ Caring for culture and country through local food provisioning is a further example, which would also support heightened calls for food sovereignty, security, and dietary improvement.⁶⁷ As a settler colony that is responsible for the widespread destruction of Indigenous societies and cultures, it is incumbent on the Australian Government to properly support cultural revival and maintenance initiatives in diverse, self-determined forms. This would also align with Target 16 of the 2020 Closing the Gap agreement, that ‘Cultures and languages are strong, supported and flourishing.’

In addition to caring for Country and culture, caring for people is equally critical and requires greater support. This is especially the case in remote Indigenous Australia, where the legacies and trauma of colonisation and continued racism have impacted negatively on generations and make survival a challenge. The symptoms of this trauma are widespread and are evident in the highest rates of disability, suicide, severe illness, and premature death in Australia.⁶⁸ This translates into the need for high rates of care work in remote Australia, some of which is waged (e.g., waged healthcare jobs) but most of which is not (e.g., unremunerated caring for aged and unwell family and kin). In terms of the latter, it is particularly remote Indigenous women who provide care at higher rates than any other group in the country.⁶⁹ These women are doing the essential work that is needed to maintain wellbeing, but this work is often not properly recognised.

Some carers will receive Carer’s Payment (currently \$868.30 per fortnight or ~\$62 per day, single),⁷⁰ but this means they miss out on a minimum wage and employee entitlements (superannuation, paid leave, insurance) afforded to other types of care work. In other cases, those who are not eligible for Carer’s Payment and are instead siphoned into CDP have found it difficult to have informal care work approved as a mutual obligation activity and thus have unjustly experienced breaches (and impoverishing payment suspensions) as a result.⁷¹ Arguably, there are strong grounds for such care work not being recognised as mutual obligation activities to limit the power of the government and its agents to supervise people’s personal lives. However,

this strengthens the case for: 1) ensuring sufficient flexibility at the local community level (see Principle 6) for people to receive social security incomes that eliminate mutual obligations for carers (e.g., whether via Carer's Payment or an unconditional unemployment benefit); and 2) opening up further opportunities for those undertaking 'caring for people' work to receive wages (at the minimum wage or higher) and employee benefits in recognition of their work, just like those who undertake other forms of care work (e.g., caring for Country).

There may be unexplored opportunities to formalise more of the work undertaken to care for people in remote Australia. For example, people who have been successful in securing care plans under the National Disability Insurance Scheme (NDIS) are often unable to have those plans serviced because of inadequate availability of support services in remote and regional areas. This realisation has triggered additional funding, which has been earmarked to support Aboriginal Community-Controlled Health Organisations (ACCHOs) to improve service delivery in remote Australia⁷²—a development that may create many additional paid jobs in this sector. However, these will likely only suit the needs, skills, and aspirations of some carers (and indeed some ACCHOs) and thus will not be a 'fix all' solution.

Future policy should seriously consider these, and other avenues to ensure that 'caring for people' work is more widely supported and remunerated in remote Australia, as has occurred with 'caring for Country' work. This would help reduce the inequities produced under current circumstances, whereby some types of care work are grossly undervalued, while other types are prioritised. There is also a gendered nature to this divide as it is mainly women who undertake unpaid care for people work,⁷³ while it is primarily men who are paid to care for country (in 2017, for example, only about 20% of employed Indigenous Rangers across Australia were women).⁷⁴

If paid work is to be made available, it should not be through a 'wages-style' scheme. Compared to those in regular employment, workers under the former CDEP arguably experienced a form of racial discrimination whereby those receiving CDEP wages were ineligible to receive part-payment of unemployment benefits, superannuation or workers compensation.⁷⁵ This disadvantage should not be repeated (Principle 1).

Ultimately, people in remote communities should not be disadvantaged because of an absence or shortage of paid employment. There is much productive work to be done, and much already being done, but policies that deploy narrow definitions of 'work' simply ignore these diverse forms of labour, despite their critical importance in maintaining and supporting communities. **A future program should be designed to ensure the same rights and opportunities for workers in remote Australia as in urban and regional contexts. In remote Australia it is essential that these rights and**

protections are extended beyond what have historically been defined as ‘real’ jobs, with local communities being empowered to decide which work provides most local value, and how different kinds of work should be supported (see Principle 7).

PRINCIPLE 5: SUPPORT THOSE WHO ARE UNABLE TO WORK

An important part of caring for people is ensuring that those who are unable to work, for example because of chronic illness, trauma, or disability, can be diverted towards pathways that support their needs. There are numerous reports of individuals experiencing significant disability being assessed by Centrelink as having partial work capacity under CDP rather than being referred for a Disability Support Pension (DSP),⁷⁶ including an early report from the Commonwealth Ombudsman in 2016.⁷⁷ Even where CDP providers have attempted to have Program participants reassessed because of significant disability, this has not always been successful.⁷⁸ Meanwhile, forcing individuals who are experiencing disability to remain on CDP has been shown to exacerbate pre-existing physical and mental health conditions as well as resulting in high breach rates for non-compliance that further worsen health and wellbeing.⁷⁹

It is important that future policies avoid closing off opportunities for those experiencing disability to work if they so choose. However, **future approaches must also ensure that those who are unable to work can be supported in other ways that meet their needs (e.g., by ensuring more equitable access to DSP and the services provided under the NDIS).**

PRINCIPLE 6: ENSURE A FLEXIBLE RESPONSE TO SOCIAL FLUIDITY

People often make their livelihoods differently in remote Australia compared to more settled regions. Indigenous people also exhibit a diversity of aspirations and skills in different places, which result (in large measure) from diverse histories, local cultures, colonial experiences, land types and uses, climates and more. There is a need, therefore, to move beyond thinking of remote policies as dealing with a homogeneous group of people with unchanging objectives, places of residence, skills, and aspirations. Instead, **the fluid and dynamic nature of peoples’ lives in remote Australia require that a high level of flexibility be built into future policies to respond effectively to local needs and realities.**

Future policies should be designed to accommodate people's fluid lives, rather than simply cutting them off from support when they step out of the bounds of rigid and imposed rules. This necessitates flexible arrangements around, for example:

- type of work (as indicated earlier, in relation to Principle 4), which should match workers' needs and aspirations,
- hours of work—being able to flexibly negotiate work hours,
- work routines—ability to support travel to/from country and outstation/homeland communities,
- work mobilities—ensuring people do not simply 'drop out of the system' if they are mobile and move between communities,
- cultural realities of ceremonial and funeral obligations that are central, not peripheral, to people's lives, and
- minimising the administrative burden of compliance reporting.

A future scheme should ensure sufficient flexibility to support local, community, and organisational decision-making about the kinds of work and activity to be financially supported, the business arrangements that might maximise such work opportunities, and the best approaches to local administration.

A future scheme will work most effectively if local communities are afforded the autonomy to identify and implement arrangements that are tailored to the particularities of local capabilities, opportunities, and priorities. For example, flexibility might enable the same stream of government support to be deployed in some places as a wage subsidy to undertake already contracted work, or in others to create new fully funded jobs. This would create conditions that are empowering of the Indigenous community-controlled sector (Principle 7).

PRINCIPLE 7: PROPERLY SUPPORT THE INDIGENOUS COMMUNITY-CONTROLLED SECTOR

Over 200 Indigenous community-controlled organisations (ICCOs) flourished under the former CDEP because they were empowered to make decisions about and allocate funding to local paid initiatives in community and economic development. Under workfare, these responsibilities have been re-centralised, sitting with the Australian Government and ushering in a form of 'remote-control policy design and implementation'⁸⁰ that has culminated in, as John Paterson (CEO, Aboriginal Medical Services Alliance Northern Territory) notes, a 'Doing to us not with us'.⁸¹ Moreover, those Indigenous organisations that have been subject to competitive tenders with non-Indigenous organisations to administer CDP have been disadvantaged by government contracts that demand strict compliance with top-down imposed program rules.⁸² **Under these conditions, many now unfunded ICCOs have withered and**

disappeared; what was once a thriving sector is now severely weakened and 'straight-jacketed' to meet externally imposed demands.⁸³

An exception is Aboriginal Community Controlled Health Organisations (ACCHOs) that have remained strong and continue to effectively support Indigenous health and wellbeing. In combination with other Indigenous organisations, including land councils, ACCHOs constitute a critical component of the successful management of COVID-19 in remote Indigenous communities during 2020–21. As Moodie et al.⁸⁴ noted:

A key attribute of the success of the COVID-19 Indigenous response has been the extent of self-determination by Indigenous organisations; their strategic leadership has mitigated risk and promoted protective measures during the early phases of the outbreak.

The ICCO sector has demonstrated in the current COVID-19 context, and in the past, that it is effective when it is properly resourced and supported. Future policy must support ICCOs and avoid undermining them as has been the case under workfare approaches like CDP. **A policy approach that enables and encourages a thriving ICCO sector to support flexible work programs in remote Australia, would facilitate increase self-determination for Indigenous peoples, better understanding and support of local needs, and create workplaces that are more culturally safe and inclusive.**

ICCOs need to be at the heart of any future livelihood and activity program and should be appropriately resourced. The following options warrant consideration:

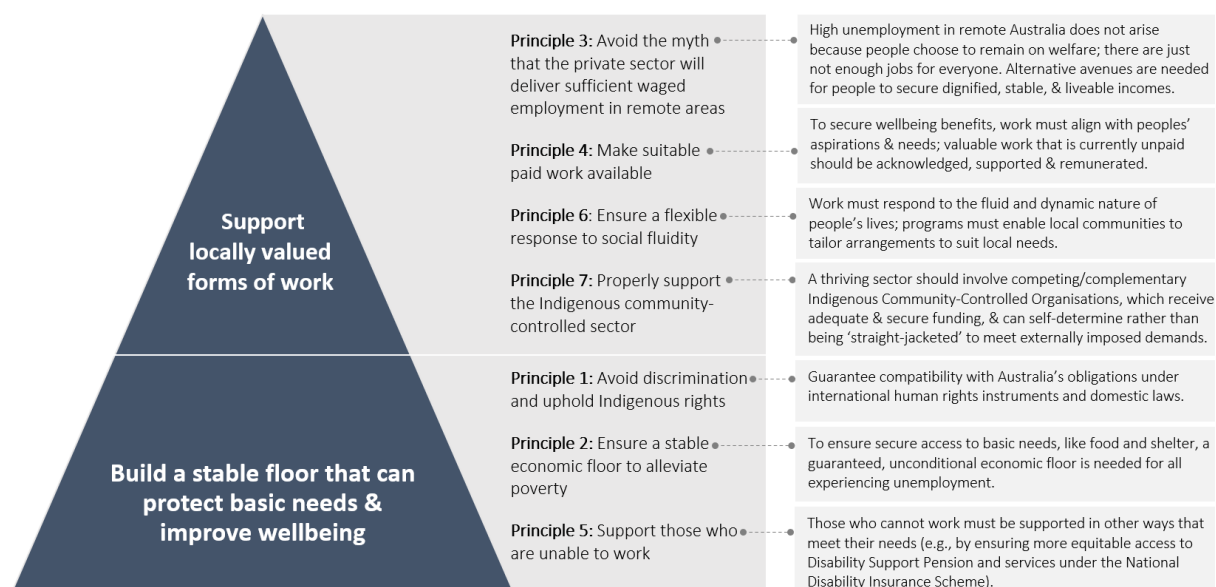
- Resourcing several competing or complementary ICCOs (e.g., within a large community or region), which would enable greater diversity of work, empowering people to pursue work that best aligns with their needs and aspirations (as per Principle 4) and to 'vote with their feet' when choosing between employers.
- It is important to ensure that realistically costed and secure multi-year funding is provided to support the facilitation of paid work activities and administration, reporting, and capital costs (e.g., for equipment and infrastructure). Under CDEP an additional 33 per cent was allocated to partially meet administration and equipment costs.⁸⁵ Ensuring funding is provided on a rolling five-year basis would also enable forward planning to support local entrepreneurship and investment in social and community enterprises.
- Contracting arrangements must create conditions that do not under-estimate the expertise and local knowledge of ICCOs in assessing the most appropriate types of local work, and how this should be financed, administered, and regulated. ICCOs' desires to be accountable to their communities in a bottom-up way must be a priority, rather than creating situations where externally imposed top-down accountability frameworks limit their independence.⁸⁶

Concluding remarks

The current opportunity provided by the Australian government to co-design a successor program to the failed CDP is critically important. It is time to fundamentally re-consider how policies around remote paid work and income support might be improved to provide better outcomes for some of Australia’s most resilient, yet marginalised and impoverished peoples. The principles we present in this discussion paper do not seek to pre-empt the details of co-design negotiations between the Australian Government and Indigenous stakeholders that are underway. Instead, they are intended as informative ‘guard rails’ to guide future program formulation that is productive and that avoids repeating the many negative impacts of CDP on those it was supposed to benefit.

We see these principles as operating holistically. As Figure 2 demonstrates, they are intended to be mutually reinforcing of a future approach that aims to: 1) build a stable floor to ensure basic needs are met and wellbeing is improved—guarantees that have been absent from recent approaches, and 2) properly financially support locally-valued productive work for those who can engage in it. These principles are intended to guide development of a policy approach that can properly and belatedly address the reality of life in remote Indigenous communities, and which can support individuals and families in these communities to first recover and then flourish and thrive.

Figure 2: Seven guiding principles to protect basic needs and support locally valued forms of work



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