

**Senate Finance and Public Administration  
References Committee  
Inquiry into CDP – Canberra (8 September 2017)  
Questions on Notice for the Human Rights Law Centre**

**Questions from Hansard**

Question No.	Asked by	Question	HRLC response
1.	Senator Paterson (p. 8)	<p><b>Senator PATERSON:</b> Does the Human Rights Law Centre have a view on the program the CDP replaced—the Remote Jobs and Communities Program?</p> <p><b>Ms Walters:</b> I think it's unhelpful to look back at the Remote Jobs and Communities Program. There is an alternative model that has been developed by the Aboriginal peak organisations. It has broad support across Australia from a number of remote Aboriginal organisations. It's a model that focuses on waged employment and on supporting people to get into jobs. It includes mutual obligation requirements where they are appropriate. So I think we have a model and we have Aboriginal and Torres Strait Islander people delivering a solution to the government's front door, and the government needs to be engaging with that model.</p> <p><b>Senator PATERSON:</b> Sure, but I think context is important. This program has replaced a previous program. Did the Human Rights</p>	<p>The Human Rights Law Centre (<b>HRLC</b>) did not have a position about the Remote Jobs and Communities Program (<b>RJCP</b>) while that program was in place. This was not a focus area of the HRLC's at that time. We note however that:</p> <ul style="list-style-type: none"> <li>- The RJCP was preceded by a greater level of transparent and public consultation than CDP, although we note that there were issues with the consultations that led to RJCP and disappointment and criticism from Aboriginal organisations about the RJCP model.</li> <li>- The work hours requirement of RJCP was not as onerous as that currently imposed under CDP. The more onerous work obligations on CDP participants, most of whom are Aboriginal and Torres Strait Islander people, compared to non-remote Jobactive participants, is racially discriminatory.</li> </ul>

		<p>Law Centre have a view on that program? Did it express a view on that program or did it make any submissions on that program?</p> <p><b>Ms Walters:</b> I will have to take that question on notice because it predates my time at the Human Rights Law Centre. I would say the work hours requirement was not as high as it was under CDP. My understanding is, in that context, there wasn't the level of racial discrimination as part of that program and also there was a bit more consultation in the development of that program. But to answer that fully, I'd have to take that on notice.</p>	<ul style="list-style-type: none"> <li>- The Aboriginal Peak Organisations NT (<b>APO NT</b>) has put forward an alternative model – the Remote Development and Employment Scheme.<sup>1</sup> This is a community-led model, which has been preceded by significant consultation with Aboriginal organisations and communities. It is also a model designed to employ people, create opportunities and drive positive community development, whilst ensuring that people who still require a social safety net, can access income support payments in a non-racially discriminatory way. The HRLC supports APO NT's alternative model.</li> </ul>
2.	Senator Paterson (p. 8)	<p><b>Senator PATERSON:</b> And yet it [RJCP] had a seven per cent attendance rate. It's a pretty dire result, isn't it?</p> <p><b>Ms Walters:</b> I would echo what ACROSS said in terms of the program not being in place for very long. That was a huge—</p> <p><b>Senator PATERSON:</b> It's not a very promising start, though, if it starts with a seven per cent attendance rate. Is there much reason to expect it will change, given that it didn't have a mutual obligation requirement? That's a pretty clear factor in that rate of attendance.</p> <p><b>Ms Walters:</b> I will have to take that on notice.</p> <p><b>Senator PATERSON:</b> Fair enough.</p>	<p>A seven per cent attendance rate is difficult to comment on in the abstract. It presents as a concerning statistic, however it would be erroneous and misguided to assess the success or otherwise of an employment and community development program through attendance rates alone. Attendance rates tell us nothing about the effectiveness of a program in getting people into jobs, including jobs that are appropriate for their skills and expertise, nor about any improvements in individual and community wellbeing. They also tell us nothing about the impact of a program on the creation of job, training and other opportunities.</p> <p>As to whether attendance rates for RJCP could be expected to change, this is impossible to answer in light of the programmatic changes introduced to RJCP following a change in Federal Government.</p>

<sup>1</sup> Aboriginal Peak Organisations NT, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme* (2017).

			<p>Effective strategies for promoting engagement with a program can and should be designed by, or in partnership with, Aboriginal communities and organisations.</p> <p>The HRLC does not object to mutual obligation requirements in appropriate circumstances so long as they are reasonable, appropriately adapted and non-discriminatory.</p> <p>Mutual obligation requirements should not be imposed on people who cannot comply with them because of a physical, psychological or cognitive disability or condition. A report by the Commonwealth Ombudsman in 2016 documents inadequacies in the assessment process for the Disability Support Pension for people living in remote Aboriginal and Torres Strait Islander communities and makes a number of recommendations to ensure more equitable approaches to assessing work capacity and disability.<sup>2</sup> Full implementation of these measures is required to ensure equality before the law for Aboriginal and Torres Strait Islander people with a disability in remote communities.</p> <p>The Remote Development and Employment Scheme developed by the APO NT provides for mutual obligation requirements for people who remain on social security payments in appropriate circumstances (ie where their health and work capacity has been properly assessed, and the activities are appropriate and respond to community needs). The HRLC supports this APO NT's model.</p>
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<sup>2</sup> Commonwealth Ombudsman, *Department of Human Services: Accessibility of Disability Support Pension for Remote Indigenous Australians* (Report No 5, 2016).

