



Australian  
Human Rights  
Commission

# Social Security Legislation Amendment (Community Development Program) Bill 2018

26 September 2018

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE  
SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE**

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Australian Human Rights Commission  
***Social Security Legislation Amendment Bill – September 2018***

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## **1 Background**

1. The Australian Human Rights Commission (the Commission)<sup>1</sup> welcomes the opportunity to make a submission to the Senate Community Affairs Legislation Committee regarding the Social Security Legislation Amendment (Community Development Program) Bill 2018 (the Bill).
2. While the Community Development Programme (CDP) involves around 33,000 participants, this submission will focus on Aboriginal and Torres Strait Islander peoples, who comprise an estimated 84 per cent of CDP participants.<sup>2</sup>
3. In February this year, the Commission provided a submission to the Department of Prime Minister and Cabinet's Discussion Paper: Remote Employment and Participation (the Discussion Paper). This submission is attached as Appendix A.
4. In that submission, the Commission noted its ongoing concerns that the CDP may be inconsistent with Australia's obligations under the:
  - Racial Discrimination Act 1975 (Cth) (RDA)
  - International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
  - United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
5. These concerns relate principally to the right to social security, and the right to equality and non-discrimination.
6. The Commission recommended that the Government:
  - apply a human rights based approach to the development and implementation of a new CDP model, with a particular focus on the United Nations Declaration on the Rights of Indigenous Peoples
  - give active consideration to the proposal of the Aboriginal Peak Organisations Northern Territory (APO NT) in developing the content of a new CDP model
  - support Aboriginal and Torres Strait Islander community-led and controlled approaches to the development and implementation of the

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new CDP model, including the nature of approved work activities, in a manner consistent with Aboriginal and Torres Strait Islander people's right to self-determination and the principle of free, prior and informed consent

- ensure that local and Indigenous knowledge and experiences about the needs and aspirations of Aboriginal and Torres Strait Islander peoples and their communities informs the development and implementation of the new CDP model
- ensure that participation in work activities under the new CDP model is compensated through wages, which are set at least at the national minimum wage
- change the current CDP compliance regime to ensure that the mutual obligation activities and penalties are no more onerous for CDP participants than those participants on income support in non-remote locations
- remove the financial disincentive for providers to exercise their discretion in cases of non-compliance with attendance requirements.<sup>3</sup>

## **2 The limitations of the Bill**

7. The reform process initiated by the Discussion Paper presented an important opportunity to comprehensively overhaul the CDP and replace it with a model that moved away from a top-down, short-term and inflexible approach, and move towards one which is place-based, flexible, Aboriginal community-controlled, and that would foster long-term economic, social and cultural development.
8. The Commission acknowledges the Government's intention to introduce 'reforms to the Community Development Programme (CDP) to increase support to the most vulnerable job seekers, and improve employment outcomes in remote Australia'.<sup>4</sup>
9. The Bill seeks to amend the Social Security Act 1991 (Cth) (Social Security Act) and the Social Security (Administration) Act 1999 (Cth) to:
  - repeal provisions which, in effect, currently exclude CDP participants from the Targeted Compliance Framework (TCF)
  - repeal the current compliance framework under Division 3A of the Social Security Administration Act

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- insert exemptions for CDP participants undertaking subsidised employment under the CDP reforms who are still in receipt of the Newstart Allowance, Youth Allowance, DSP [Disability Support Pension], Special Benefit or Parenting Payment. This will ensure that participants undertaking subsidised employment will not be subject to additional mutual obligation requirements. These exemptions will only apply whilst they are in a subsidised job
- create exceptions to mutual obligation failures for participants in a subsidised job
- create exceptions to work refusal failures for CDP participants who refuse a subsidised job and participants in a subsidised job who refuse other types of employment
- create exceptions to unemployment failures for CDP participants who voluntarily leave a subsidised job without a valid reason, or are dismissed from a subsidised job for misconduct.<sup>5</sup>

10. Given the Bill's limited scope, the Commission is of the view that these reforms do not constitute a comprehensive shift away from the existing model. Furthermore, the Bill fails to address a number of the Commission's previously stated human rights concerns. On this basis, the Commission does not support the passage of the Bill in its current form.

### **3 Indigenous self-determination and participation in decision-making**

11. The Commission supports measures that allow for increased Indigenous self-determination and participation in decision-making. These are key tenets of UNDRIP which the Australian Government endorsed in 2009. UNDRIP articulates how the human rights principles in ICERD and ICESCR apply to Indigenous Peoples. Such measures not only promote the realisation of human rights, they also underpin effective community development.
12. The Commission acknowledges the speech delivered by Senator the Hon Anne Ruston at the Bill's second reading, in which the Senator states that, 'from July this year, Indigenous organisations now have to be involved in the delivery of CDP',<sup>6</sup> and that 'this Bill ensures the local community is at the heart of our remote employment services'.<sup>7</sup>
13. In its submission to the Discussion Paper, the Commission expressed its support for the APO NT model including the proposal that the Government establish a national oversight body that would have substantial

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representation from remote Indigenous community groups.<sup>8</sup> The Commission notes that this has not been included as a measure in the Bill, therefore limiting effective Indigenous organisational involvement in the delivery of the CDP.

14. The Commission also notes that the Bill does not incorporate measures to ensure that local Aboriginal-controlled organisations are engaged to operate the CDP, nor does it introduce safeguards to ensure sufficient flexibility be provided to Aboriginal communities to make decisions around priority setting and to define what constitutes a legitimate work activity.

**Recommendation 1:** The Commission recommends that the Bill be revised to include measures that specifically address the participation of Aboriginal communities and Aboriginal-controlled organisations in the oversight and operation of the CDP.

#### **4 The subsidised employment measure**

15. The Commission acknowledges that the Bill seeks to introduce a wage-based option for a limited number of CDP participants through provision of subsidised employment.
16. However, while there are approximately 33,000 CDP participants, only 6,000 subsidised employment opportunities are proposed in the Bill. This measure therefore falls short of the Commission's recommendation to ensure that all participation in work activities under the new CDP model is compensated through wages, which are set at least at the national minimum wage.
17. The Bill also fails to address the incentive for employers to give preference to paid CDP workers over paid employees.<sup>9</sup> Research has shown that up to half of providers reported that local governments are likely to rely on CDP participants to do tasks that fall within the responsibility of council workers, and nearly 40 per cent report private employers asking for CDP labour rather than employing people who work under normal employment conditions.<sup>10</sup>
18. A contributing factor to this trend is that providers and other employers in remote locations often have limited resources and the cost of living and labour in these locations is much higher. This means that CDP participants, as a cheap form of labour, are an attractive alternative to hiring employees working at least on the minimum wage with employment benefits such as superannuation.

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19. Furthermore, the Commission notes that the Bill does not incorporate the recommendation of the APO NT proposal to provide for paid jobs with training for people under 25 years old, a targeted measure that would re-engage young people and provide pathways to future employment.<sup>11</sup>

**Recommendation 2:** The Commission recommends that the Bill be revised to ensure that all participation in CDP work activities is compensated through wages, which are set at least at the national minimum wage.

**Recommendation 3:** The Commission recommends that the Bill be revised to include targeted measures such as those proposed by APO NT to promote youth training and employment.

## **5 Mutual obligation requirements and differential treatment**

20. The RDA is based on Australia's international commitments under ICERD. There are three key questions that need to be asked to assess whether initiatives are consistent with the RDA:<sup>12</sup>

- Where the measure is established by legislation, does it guarantee equality before the law?<sup>13</sup>
- Is the measure implemented in such a way that avoids both direct and indirect discrimination?<sup>14</sup>
- Is the measure exempt as a special measure?<sup>15</sup>

21. The Commission has previously expressed its concern that the current CDP may breach the RDA.<sup>16</sup> In particular, the Commission has noted that any scheme that imposes more stringent obligations and compliance requirements on remote job seekers will have a disproportionate impact on Aboriginal and Torres Strait Islander people, as 84 per cent of people participating in the CDP are Indigenous.<sup>17</sup>

22. This gives rise to concerns about indirect discrimination under section 9 of the RDA and the right to equality before the law under section 10. The Government acknowledges that this Bill engages Australia's obligations under ICERD to eliminate all forms of racial discrimination, given that the vast majority of people participating in the CDP program are Indigenous.<sup>18</sup>

23. More stringent obligations on remote jobseekers also risk breaching CDP participants' right to social security. The ICESCR provides a right to social security, which is to be enjoyed without discrimination of any kind.<sup>19</sup>

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Similarly, ICERD states that the right to social security is to be enjoyed without distinction as to race, colour or national or ethnic origin. The form in which social security payments are provided must therefore respect the principles of human dignity and non-discrimination.<sup>20</sup>

24. The Commission acknowledges that the Bill seeks to address some inconsistencies in mutual obligation requirements between CDP participants and those participants on income support in non-remote locations.
25. The Bill also seeks to put in place exemptions to the effect that those CDP participants engaging in subsidised employment will not be subject to additional compliance obligations and penalties, and ensuring that participation in subsidised employment is voluntary.
26. While the Commission does not support the passage of the Bill in its current form, it is supportive of a number of measures in the Bill, namely the proposed:
  - reduction of income reporting requirements to Centrelink for those job seekers who are required to participate in the CDP for less than 15 hours per week
  - reduction of CDP participants' mutual obligation hours from up to 25 hours per week, to up to 20 hours per week like other jobseekers
  - removal of penalties for one-off breaches of mutual obligation requirements
  - exemptions to work refusal failures for CDP participants who refuse subsidised employment<sup>21</sup>
  - exemptions allowing that CDP participants enrolled in the subsidised employment scheme not be subject to the TCF and some other social security law requirements.<sup>22</sup>
27. However, the Commission notes that, should the Bill pass, mutual obligation requirements will remain relatively more onerous for CDP participants than those on income support in non-remote locations.
28. For example, CDP participants will be:
  - required to commence work activities from the date they enter into the CDP, in contrast to other jobseekers who commence work activities 12 months after entry into JobActive



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- required to fulfil work activities hours for 46 weeks of the year, which is in excess of requirements for other jobseekers who are required to work for only 26 weeks of the year. This means that, over the course of a year, CDP participants will be required to work significantly more hours than other jobseekers
- potentially subjected to penalties for not fulfilling work activities during these additional periods of time over which they would not be required to work under JobActive.

29. The Bill's explanatory memorandum states that 'some of these mutual obligation requirements will be different to participants in non-remote areas as these obligations have been designed to take into account the unique nature of remote labour markets'.<sup>23</sup> The memorandum also states:

The right to equality and non-discrimination is subject to the international human rights principle of 'legitimate differential treatment'. This principle allows particular groups of people to be treated differently where the treatment is aimed at achieving a legitimate objective, is based on reasonable and objective criteria and is proportionate to the objective to be achieved.<sup>24</sup>

30. Significantly, the explanatory memorandum asserts (twice) that: 'any differences in the compliance regime that affects CDP participants has been designed to take into account the unique social and economic conditions that are present in the labour markets of remote Australia'.<sup>25</sup>

31. However, the explanatory memorandum makes no attempt to identify what those 'unique social and economic conditions' are or why they justify treating predominantly Indigenous CDP participants differently from other welfare recipients. That is, it does not set out 'reasonable and objective criteria' that would allow the question of proportionality to be assessed.

32. In the Commission's view, it is not sufficient to merely assert that differential treatment is reasonable and proportionate. This must be demonstrated by evidence. At the least, the criteria relied upon to justify the difference in treatment should be explicitly stated so that an assessment of the proportionality of the measure can be undertaken. That is particularly the case when the differential treatment results in a detriment to a group of people predominantly identifiable by their race.

33. Differential treatment would be less objectionable if the Government were seeking to introduce a 'special measure' for the *benefit* of a particular racial group in order to achieve substantial equality. However, that is not what is

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proposed here and the Government has not sought to place any reliance on the concept of special measures.

34. Article 1(4) of the ICERD states:

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.<sup>26</sup>

35. Article 2(2) of the ICERD states:

States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.<sup>27</sup>

36. The Commission is of the view that the additional work activity hours required of CDP participants compared with other jobseekers does not amount to legitimate differential treatment. Their imposition does not guarantee full and equal enjoyment of human rights and fundamental freedoms. Instead, it undermines and diminishes the equal enjoyment of those rights for a particular, predominantly Indigenous, group.

37. No adequate justification has been provided for why this difference in treatment is appropriate, beyond an assertion of 'unique' circumstances. As such, these requirements may be in breach of Australia's domestic and international human rights obligations.

**Recommendation 4:** The Commission recommends that the Bill be revised to ensure mutual obligation requirements for CDP participants are no more onerous than for other jobseekers.

## **6 The Targeted Compliance Framework**

38. The Commission has previously registered its concern about the number of penalties CDP participants are receiving in comparison with other jobseekers under the current CDP.<sup>28</sup>
39. In the 18 months before CDP was introduced, 26,690 'No Show No Pay' penalties were issued.<sup>29</sup> By contrast, in the 18 months following its introduction, CDP participants received 205,994 financial penalties.<sup>30</sup> Over the same period, JobActive participants received 237,333 penalties, even though the JobActive caseload is more than 20 times larger than the CDP caseload.<sup>31</sup> Indeed, in the first year of the CDP, over 20,000 people were penalised, most more than once.<sup>32</sup> This is a significant statistic when one considers that there are around 33,000 participants in the entire scheme.
40. The disproportionate application of penalties to Aboriginal and Torres Strait Islander peoples under the current CDP has reportedly led to declining food sales in remote stores, an increase in rental arrears, and an increase in the rate and extent of poverty for individuals, their families and communities.<sup>33</sup>
41. Subject to the passing of the Bill, the Targeted Compliance Framework (TCF) measure under the Social Security Act would apply nationwide and be extended to CDP recipients from 1 February 2019.
42. The Commission acknowledges that one of the key aims of this measure is to effect 'a significant reduction in the number of penalties applied to CDP job seekers'.<sup>34</sup>
43. The Commission is supportive of the measure, facilitated through the introduction of the TCF, to replace 'no-pay' penalties with payment suspensions. However, while the latter is likely to drive an overall reduction in the number of penalties issued to CDP participants (excluding demerits and payment suspensions), there are concerns that the data available does not indicate that the application of the TCF would reduce the rate at which CDP participants would serve out penalties for serious failures.
44. Under the current CDP, penalty waivers may be issued, and allowances can be made for uncompleted mutual obligations to be worked off by participants in order that they continue to receive payments. The Commission is concerned that such allowances will be removed if the TCF is introduced, and that the number of serious failure penalties ultimately served by CDP participants will increase as a result.

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45. In 2015–16, a total of 18,961 serious failures (eight-week non-payment periods) were applied to CDP participants. Of these 17,908 or 94.4% were either fully waived (77.9%) or partially waived (22.1%)<sup>35</sup>. This means that a total of 4,190 serious failure penalties were fully or partially served and that, of these, only 1,052 (5.5%) were fully served.
46. The Government's modelling shows a projection of TCF penalties for the first two years of its application based on CDP compliance figures from the same period (2015–2016). This modelling predicts that:
- 13,318 'one week' penalties would be issued in Year 1, and 19,073 in Year 2
  - 8,281 'two week' penalties would be issued in Year 1, and 12,873 in Year 2
  - 4,687 'four week and cancellation' penalties would be issued in Year 1, and 7,941 in Year 2.<sup>36</sup>
47. Given the lack of provision to waive penalties under the TCF, these figures suggest that, should the Bill pass, there will be a significant increase in the number of the most serious penalties served by CDP participants.
48. The total serious failure penalties fully or partially served under the current system in 2015–16 (4,109) is less than the number of four week and cancellation penalties projected for Year 1 under the TCF (4,687), and is significantly less than that projected for Year 2 (7,941).
49. Significantly, there is an even starker contrast if the figure for all serious failure penalties fully served under the current system (1,053) in 2015–16 is compared with the number of 'four week and cancellation' penalties projected for Year 1 (4,687), and Year 2 (7,941), for which no waivers or partial waivers would be permitted under the TCF.
- Recommendation 5:** The Commission recommends that the Bill be revised to allow for the waiver of penalties for CDP participants similar to that which currently operates.
50. The Commission is concerned that the application of the TCF may heighten the risk that, once participants start to accumulate demerits and attract the associated escalating series of sanctions, many will experience increasing difficulty in extracting themselves from cycles of penalisation and ongoing hardship.
51. Compounding this concern is the lack of external review over the application of penalties under the TCF. Under the current CDP, an oversight

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function is carried out automatically by the Department of Human Services (DHS).

52. By contrast, under the TCF, participants will be required to seek a review through the CDP provider and the Department of Jobs and Small Business if they disagree with a demerit or financial penalty decision.
53. The Commission notes that, between 1 July 2016 and 31 March 2017, 431,150 compliance investigations were recommended by CDP providers.<sup>37</sup> Of these, it appears that only 152,401 translated into financial penalties.<sup>38</sup> This suggests that, over this 9-month period, DHS assessed that approximately 65% of investigations recommended by CDP providers did not result in the imposition of a penalty.
54. Given the demonstrable effect of DHS scrutiny over CDP providers' penalisation of participants under the current system, the Commission is concerned about the removal of this safeguard.

**Recommendation 6:** The Commission recommends that the Bill be revised to provide for external oversight of the CDP (preferably by a newly established national Indigenous-led body as proposed by APO NT).

## **7 Participant capacity assessment**

55. The Commission notes that a key intended outcome of the Bill is for financial penalties to focus on those who are 'persistently and wilfully non-compliant'<sup>39</sup> and to ensure that job seekers are not required to 'participate beyond their capacity'.<sup>40</sup>
56. In order to achieve this outcome, decision-makers will need to deliver timely and well-informed decisions that accurately distinguish between persistent and wilful non-compliance and chronic incapacity.
57. Many of the communities in which the CDP operates are home to some of Australia's most vulnerable Aboriginal and Torres Strait Islander people—people who experience the effects of inter-generational trauma, structural racism, poverty, substance abuse, and poor health on an ongoing basis.
58. Given this context, adequate mechanisms must be put in place for discretion to be exercised in cases where factors outside participants' control have affected their ability to comply.
59. The Commission acknowledges the Government's proposed measures seek to:

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- ensure additional protections for all CDP participants, build in more checkpoints to ensure they are fully capable of meeting their requirements<sup>41</sup>
- consult local health workers to provide evidence to inform decisions on reducing participants' required hours of work to align with their capacity to meet such requirements.<sup>42</sup>

60. The Commission concurs that there is a need for additional protections and checkpoints for CDP participants, and is concerned that, under the TCF, CDP providers will be able to issue up to three demerits and withhold payments without first carrying out capacity assessments to ensure that participants are fully capable of carrying out their mutual obligation requirements.

**Recommendation 7:** The Commission recommends that the Bill be revised to ensure that the application of any penalties (including demerits) will require a participant capacity assessment.

61. It is also critically important that those assessing the capacity of participants to fulfil mutual obligation requirements are appropriately qualified and trained to take into account both the cultural obligations of the local population, and the prevalence and impact of various forms of trauma within Aboriginal and Torres Strait Islander communities.

**Recommendation 8:** The Commission recommends that the Bill be revised to ensure that those assessing participants' capacities have appropriate qualifications and training necessary to carry out their role in a manner consistent with the intent of the Bill.

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## Endnotes

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<sup>1</sup> The Commission is Australia's national human rights institution with 'A' status accreditation, and is established by the Australian Human Rights Commission Act 1986 (Cth). The Commission has responsibilities under the AHRC Act to examine the enjoyment and exercise of human rights by Aboriginal and Torres Strait Islander peoples. The Commission also has responsibilities to report on the effect of the Native Title Act on the exercise and enjoyment of human rights of Aboriginal people and Torres Strait Islanders. See s 209 of the *Native Title Act 1993* (Cth).

<sup>2</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, 'Background Note on CDP', (April 2017), 1: <<https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx>> (viewed 25 January 2018).

<sup>3</sup> Australian Human Rights Commission, Submission to the Discussion Paper: Remote Employment and Participation, 8 February 2018, 5.

<sup>4</sup> Parliament of the Commonwealth of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018*, Explanatory Memorandum, (2018), 18.

<sup>5</sup> Parliament of the Commonwealth of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018*, Explanatory Memorandum, (2018,) 5–6.

<sup>6</sup> Commonwealth, *Parliamentary Debates*, Senate, 23 August 2018, 30 (Ann Ruston, Senator for South Australia).

<sup>7</sup> Commonwealth, *Parliamentary Debates*, Senate, 23 August 2018, 32 (Ann Ruston, Senator for South Australia).

<sup>8</sup> Australian Human Rights Commission, Submission to the Discussion Paper: *Remote Employment and Participation*, 8 February 2018, 16.

<sup>9</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, Submission No 8 to Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 11.

<sup>10</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, Submission No 8 to Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 11.

<sup>11</sup> Aboriginal Peak Organisations Northern Territory, *APO NT's Preliminary Response to Discussion Paper: Remote Employment and Participation*, 23 February 2018, 10: <<https://pmc.gov.au/indigenous-affairs/employment/community-development-programme-cdp/remote-employment-and-participation-discussion-paper-submissions>> (viewed 17 September 2018).

<sup>12</sup> For a more detailed explanation of the relationship between the RDA and welfare initiatives, please refer to the Social Justice and Native Title Report 2015. See: Mick Gooda, *Social Justice and Native Title Report 2015*, Australian Human Rights Commission (2015) 51.

<sup>13</sup> *Racial Discrimination Act 1975* (Cth) s 10.

<sup>14</sup> *Racial Discrimination Act 1975* (Cth) s 9.

<sup>15</sup> *Racial Discrimination Act 1975* (Cth) s 8.

<sup>16</sup> Mick Gooda, Social Justice and Native Title Report 2015, Australian Human Rights Commission, (2015) 61.

<sup>17</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, 'Background Note on CDP', (April 2017) 1: <<https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx>> (viewed 25 January 2018).

<sup>18</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018*, Explanatory Memorandum, (2018) 21.

<sup>19</sup> *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) arts 2 & 3.

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<sup>20</sup> Committee on Economic, Social and Cultural Rights, *General Comment No 19: The Right to Social Security*, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008) para [22].

<sup>21</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 5-6.

<sup>22</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 4.

<sup>23</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 19.

<sup>24</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 21.

<sup>25</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 21.

<sup>26</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol 660, 195.

<sup>27</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol 660, 195.

<sup>28</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, 'Background Note on CDP', (April 2017): <<https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx>> (viewed 25 January 2018).

<sup>29</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, Submission No 8 to Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.

<sup>30</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, Submission No 8 to Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.

<sup>31</sup> Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, Submission No 8 to Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.

<sup>32</sup> Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 11: <[http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report\\_Online.pdf](http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf)> (viewed 25 January 2018).

<sup>33</sup> Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017) 53-56, 106; and Lisa Fowkes, Centre for Aboriginal Economic Policy Research, Australian National University, 'Background Note on CDP', (April 2017): <<https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx>> (viewed 25 January 2018)

<sup>34</sup> Commonwealth, *Parliamentary Debates*, Senate, 23 August 2018, 31 (Ann Ruston, Senator for South Australia).

<sup>35</sup> Senate Finance and Public Administration Legislation Committee, *Additional Estimates 2016-2017*, Question reference number 99, 13 April 2017.

<sup>36</sup> Minister of Indigenous Affairs, Correspondence to President of the Senate tabling The Department of Prime Minister and Cabinet's Modelling of the Impact of the impact of the Targeted Compliance Framework (TCF) for the Community Development Programme (CDP) Ref: MC18-108865. 20 August 2018.

<sup>37</sup> Senate Community Affairs Legislation Committee, *Budget Estimates 2016-17*, Answer to Question on notice, Question reference number HS 3 (SQ17-000084), 20 August 2018.



<sup>38</sup> Department of Jobs and Small Business, Australian Government, *Jobseeker Compliance Data – September Quarter 2016 December Quarter 2016, March Quarter 2017*:

<<https://www.jobs.gov.au/job-seeker-compliance-data>> (viewed 17 September 2018).

<sup>39</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 3.

<sup>40</sup> Department of the Prime Minister and Cabinet, Australian Government, *2018-19 Budget: Community Development Programme reforms*, 8 May 2018: <<https://www.pmc.gov.au/resource-centre/indigenous-affairs/2018-19-budget-community-development-programme-reforms>> (Viewed on 7 September 2018).

<sup>41</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 3.

<sup>42</sup> Parliament of Australia, *Social Security Legislation Amendment (Community Development Program) Bill 2018, Explanatory Memorandum*, (2018) 3-4.