

Replacing the CDP – what comes next?

An ACTU proposal for the framework and methodology that should be followed to replace the failed and racist Community Development Program.

ACTU Submission, 26 November 2021
ACTU D. No 59/2021



Contents

At a glance	1
Introduction	2
Building the CDP – Mistakes that cannot be re-made	2
What should a CDP replacement look like?	4
Principle 1 – Co-design.....	4
Principle 2 – Place-based.....	5
Principle 3 – Focussed on sustainable job creation.....	5
Principle 4 - Investment in jobs on country	5
Principle 5 – Supportive, not punitive	5
Principle 6 - Real jobs, real wages	6
Principle 7 – Ongoing support.....	6
Principle 8 – Long-term solutions	6
Enabling factors and next steps.....	7
In conclusion	7

At a Glance

Abolishing the Community Development Program (CDP), under which thousands of mostly indigenous Australians were forced to undertake an endless cycle of Work for the Dole activities in order to receive an unemployment payment and were subject to a harsh and coercive penalty scheme for failing to do so, as welcome a move as it is, cannot simply be another formulaic step in the current evolution of programs designed at assisting remote and indigenous communities. This consultation process is an opportunity to decide to create a new solution for remote communities – one that does not make the same mistakes as the past. The underlying problems that the CDP aimed to address must still be tackled and solved. CDP must be replaced with a new program - one that avoids its failings, and which separates itself from the failed policy evolution the led to the CDP. It needs to be replaced with a program that is fit for purpose, which respects the self-determination of indigenous communities and achieves its goals effectively and with respect for culture and place. The ACTU and the First Nations Workers Alliance (FNWA)¹, do not believe that this can be achieved by the proposal of a new, one-size-fits-all solution developed by groups distant and disconnected from remote communities or with selected peoples during the trial period - it should embrace each community and develop a program fit for each community.

A replacement for the CDP should be developed in consultation with the communities impacted according to the following principles:

1. Co-Design – working in collaboration with communities.
2. Place Based – flexible to place and specific circumstances.
3. Focussed on Job Creation – sustainable employment built around the creation of full-time & part-time job opportunities.
4. Investment in jobs on country – services which are being delivered by community members should be waged employment.
5. Supportive, not Punitive – designed to facilitate and support engagement, not punish.
6. Real jobs, real wages – if it is work-like, then it can be a real job, with real wages and access to workplace conditions.

¹ The FNWA is an Indigenous union organisation which works to represent and advocate for the interests of Indigenous workers. The FNWA provides free membership to CDP participants and has advocated for the end to the racist and exploitative program since its inception.



7. Ongoing Support – provide effective pre and post - employment support to participants
8. Long-Term Solutions – focus on building the long-term economic capacity of communities and individuals.

We believe that a new program developed under these principles will be able to assist remote and indigenous communities to achieve the real change they desire.

Introduction

Since its commencement in July of 2015, the Community Development Programme (CDP) has been criticised, by the communities involved as well as by the union movement, as a racist and ineffective attempt to address the issue of entrenched disadvantage and unemployment in remote communities. It became clear over the operation of the scheme that it was fundamentally incapable of providing the assistance that the, predominantly indigenous, users of the program needed. The CDP is far more concerned with ensuring that onerous mutual obligation requirements are met than it is with providing participants with effective support and is harmful to remote communities. It undermines the industrial rights of 37,000 workers - of which 31,000 are Aboriginal and Torres Strait Islander workers. It forces workers into hours of labour, provides no occupational health and safety or workers' compensation protection, provides no superannuation, no workplace employment standards and can be exploited by employers as a free source of labour. It should never have seen the light of day.

The CDP, ill-considered as it was, is an attempt to respond to a real issue – the lack of opportunity and economic activity in remote Australian communities. Abolishing the CDP, as welcome a move as it is, is not the end of the road. The CDP needs to be replaced with a program that is fit for purpose, which respects the self-determination of indigenous communities and achieves its goals effectively and with respect for culture and place.

The ACTU and FNWA does not believe that this can be achieved by the proposal of a new, one-size-fits-all solution. This submission will not attempt to lay out the full detail of a new remote jobs program. Instead, it will present what we view as an effective framework and set of principles for the development of such a program.

Building the CDP – Mistakes that cannot be re-made

The CDP is not an isolated program that appeared from nowhere. It represents the culmination of a policy process and evolution that has been occurring for decades. It's important to understand this process because we don't believe that the CDP was deliberately designed to be ineffective and racist but that it ended up being so as the outcome of a policy evolution that treated

indigenous Australians as lesser than non-indigenous Australians and which treated the problems facing remote communities as insoluble – and therefore not worth attempting to solve.

The CDP evolved out of the Remote Communities Jobs Program (RJCP) which in turn was an evolution of the Community Development Employment Projects (CDEP) program. CDEP operated in various guises across remote (and some non-remote) communities for a significant period (from 1977) prior to its abolition in 2013 as part of the RJCP reforms. While far from perfect, the CDEP program had a number of strengths that has (particularly in its more modern forms) meant it was arguably the best-regarded of the governmental attempts to provide employment services in remote regions. As acknowledged by Aboriginal Peak Organisations of the Northern Territory (APO N.T), CDEP produced better health outcomes, improved incomes, developed local enterprise, supported indigenous organisations and enhanced local control over local issues.² It achieved this through a focus on job creation, particularly part-time jobs, and on locally determined projects. CDEP projects paid award wages and delivered real outcomes.³ This was radically changed in 2013 when CDEP was replaced with the RJCP. Wages were no longer paid for work, CDEP work had become ‘work for the dole’ and projects were closely controlled by people disconnected from remote communities. CDP represented a doubling-down on these changes, further increasing mutual obligation requirements and tightening participation rules and penalties. What we have seen over time is a policy evolution that has been characterised by the following motivations:

- Increased focus on compliance and punitive measures
- Increased use of Work for the Dole-type activities
- Reduction of community consultation
- Loss of focus on skills
- Shift away from real jobs.

Any new scheme developed under our framework must make a conscious break with these approaches, rejecting the assumptions and thought processes that have resulted in the policy evolution we have seen to date. A detailed proposal that meets many of these criteria has been put forward by APO N.T. following community design. The model focuses on job creation in remote areas through the use of a Remote Jobs Investment Fund and heavily relies on

² Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017.

³ This is not to say the program was without flaws. The program was often used to cost-shift services from states to the federal government, failed to pay superannuation or provide effective in-house training and was, at times, poorly administered.

community consultation and direction of effort.⁴ This model should be seriously considered by Government.

What is critical is that any replacement of the CDP must not make the same mistakes as those made during the CDEP-RJCP-CDP evolution. We cannot merely take a few steps back down that evolutionary process, returning to a CDEP-like model, and pretend that the CDP endpoint can be avoided this time around. Remote and Indigenous communities need a new model which is radically different from those imposed on them in the past – one developed by and for those communities which addresses their concerns and aspirations for themselves and their communities.

What Should A CDP Replacement Look Like?

As outlined above, the ACTU believes that mandating a particular program or model to replace CDP would be to repeat the most fundamental error of CDP - ignoring the self-determination of, and the opportunity to collaborate with, indigenous and remote communities. Remote and indigenous communities must be key stakeholders in the design of any future assistance they receive. Disability activism has, in the English-speaking world, adopted the cry of ‘nothing about us, without us’ – communicating the idea that policies affecting a certain group should only be created through the direct participation of that group. This same over-arching principle must be used to develop a replacement of the CDP. To this end, the ACTU and FNWA have developed the following list of principles which we believe can form the basis of an ongoing and collaborative dialogue with remote and indigenous communities aimed at developing a new remote jobs policy.

Principle 1 – Co-design

The replacement for CDP must be a First Nations community-led solution supported by government. This must include a genuine co-design process that involves real input from the community about their needs, expectations and concerns. Far too often co-design consists of government presenting a finished model and asking communities to ‘fiddle around the edges’ in an attempt to appear consultative. This approach is disingenuous and has resulted in the steady decay in the quality of services delivered to these communities. Communities should be involved

⁴ Aboriginal Peak Organisations Northern Territory, Op. Cit

in the design, selection of providers and projects (if applicable) and the ongoing running and monitoring of any scheme developed to replace CDP.

Principle 2 – Place Based

Remote communities across Australia are unique. Each has its own particular set of needs, challenges and strengths. Communities and their cultures differ, and any effective system to assist those communities will need to be flexible to that reality. An attempt to replace CDP with a single one-size-fits-all model is doomed to fail. The replacement for the CDP needs to acknowledge the primacy of place in determining solutions to unique problems and embrace the complexity that this requires. Attempts to keep costs down or to ‘simplify’ administration by applying cookie-cutter solutions reflects an over-simplification of the issues facing remote and indigenous communities and would also imply a failure to genuinely implement the co-design principle.

Principle 3 – Focussed on sustainable Job Creation

The make-work, Work for the Dole-style programs of the past have failed to assist remote communities. They have resulted in disengagement, depression and have failed to produce meaningful economic activity. Any replacement of the CDP must have as its core goal the creation of permanent full-time and part-time, skilled and decent jobs in remote communities. While there must be an acknowledgment of the times when this solution is not fit for purpose, it should remain the broad aim of the program to assist participants to find permanent, full-time work and to create full-time job opportunities in their communities. Any work created by the program must be paid at award wages, (as a minimum), include superannuation, and ensure workers are covered by OHS and Worker’s Compensation legislation.

Principle 4 - Investment in jobs on country

We have seen programs that have been successful, like the Rangers program, but there needs to be guaranteed work and wages at the end of a program delivering the dignity of work. There are a lot of opportunities in communities that could be waged employment, caring for the elderly, bush foods, and medicines, getting kids to school. We need to stop wasting opportunities to invest in jobs on country. For example, the roll out of vaccinations for Covid-19 was a wasted opportunity to build skills and employment in these communities. There is a 17-week pathology course part-time and online that could have been used enables community members to give injections and gain employment and skills but instead, as usual, workers were brought in from outside to undertake this work.

Principle 5 – Supportive, not Punitive



The obsession with enforcing labyrinthine and unrealistic participation requirements, and the resulting avalanche of penalties levied against participants, is one of the reasons the CDP has been unsuccessful in achieving positive change in remote and indigenous communities. Any replacement program must do away with its focus on precise compliance and punitive punishments in favour of flexibility and an understanding of the realities of life and culture in remote communities. The new program would need to be designed to facilitate and support engagement with the program as opposed to mindlessly punishing perceived non-compliance. Punitive measures must remain a last resort.

Principle 6 - Real jobs, real wages

If it is work-like, then it can be a real job, with real wages and access to workplace conditions. Remote communities are often reliant on Fly-in Fly-out workers for the maintenance and construction of community infrastructure - jobs that could be, with training, filled by local workers, creating a skilled local workforce. Municipal services, as well as many other positions in health, education, and local businesses, also represent opportunities for the training and use of local workers and, if supported, these opportunities can be waged employment, not a top up of a program. Investment in apprenticeships and traineeships would also create trade opportunities for local residents.

Principle 7 – Ongoing Support

A weakness of many of the previous remote jobs programs is that they have ceased to provide meaningful and ongoing support once a participant finds work. This 'any job' approach has resulted in a churn of workers through low-skilled positions and limited the opportunities for personal and community development. A focus of the new program must be on not only getting people into jobs, but on keeping them there and helping them build skills for advancement. Additionally, while a 'jobs first' approach makes sense for many participants, people with significant barriers to employment must be assisted to address those barriers, rather than being expected to be immediately work ready. Any new system must consist of both effective pre-employment and post-employment support to ensure participants are able to find and keep decent jobs that help build their communities.

Principle 8 – Long-term solutions

Any replacement for CDP, as part of its repudiation of make-work and its focus on creating genuine employment in remote communities, must be focussed on developing and operationalising long-term solutions to the issues facing remote communities. Focussing on ongoing training, apprenticeships and the funding of projects and social enterprises with

long-term aims of creating full-time employment and genuine economic activity must be a central goal of the new program.

The ACTU and FNWA believe that by following these principles, any government that is truly committed to ending the racist and ineffective CDP will be able to replace it with a program that is fit for purpose, effective and, crucially, is supported by the remote and indigenous communities it services.

Enabling Factors and Next Steps

There are a number of institutional and structural changes that would need to be made to implement a program of this scope. While the exact details of these changes would be determined by the precise nature of the program developed, they are broadly predictable at this stage. Factors requiring consideration will be:

- The creation of a flexible funding pool (similar to the Remote Jobs Investment Fund called for by APO N.T) that can be used to fund community-selected projects and enterprises that meet the needs of the community and which build economic and social development.
- A new focus on the creation and support of social enterprises in communities which can provide ongoing employment and economic activity after a period of supported operation.
- A new funding and assessment methodology will need to be developed that places high-quality service delivery and community engagement at its core.

It is deeply concerning to us that the Government appears to be forging ahead with making many of the mistakes of the CDP again. The Social Security Legislation Amendment (Remote Engagement Program) Bill 2021 represented, in our view, a concerning attempt to facilitate the creation of another make-work program for Remote and Indigenous communities. Simply introducing the ability to pay a supplement to workers involved in these programs does nothing to address the significant missed opportunity they represent to deliver true economic and community development. This, and any other, attempts to facilitate a CDP-lite model for these communities must be abandoned immediately.

In Conclusion

The ACTU believes that the CDP can be removed and replaced with a more effective, consultative and culturally appropriate program that doesn't discriminate against Indigenous Australians. By utilising the principles outlined above, a government that is committed to genuinely assisting



remote and indigenous communities will have the tools to replace CDP with a meaningful and effective program. Australia must halt our current employment policy paradigm where we slide inexorably toward compliance and make-work programs like Work for the Dole and CDP – this can be an important first step in doing so.



address

ACTU
Level 4 / 365 Queen Street
Melbourne VIC 3000

phone

1300 486 466

web

actu.org.au
australianunions.org.au

