



INQUIRY INTO THE SOCIAL  
SECURITY LEGISLATION  
AMENDMENT  
(COMMUNITY  
DEVELOPMENT PROGRAM)  
BILL 2018

Submission upon request

This response has been prepared on behalf of the Board of Directors of The Arnhem Land Progress Aboriginal Corporation and in consultation with ALPA's directors, staff, CDP participants and community & cultural leadership from the Yolŋu communities in which we deliver services.

**Liam Flanagan**

General Manager of Community Services

## Who We Are

The Arnhem Land Progress Aboriginal Corporation was formed in 1972 as a collective of seven community controlled stores, ALPA's initial member communities were Ajurumu, Gapuwiya, Galiwin'ku, Milingimbi, Minjilang, Ramingining and Yirrkala. ALPA borrowed almost \$1m to upgrade plant and equipment, and the early successful operation of the stores enabled the loan to be repaid within three years. Since that time ALPA has been financially independent, owned by our Yolŋu members and governed by a Yolŋu Board of Directors.

In the 1970s ALPA began to realise the importance of training and development for its staff, and with support from the Queensland Retail Training Institute began a program of in-house training. The Training School at Galiwin'ku was built to support this. During this period we also started our Benevolent Programs, using the modest surplus funds generated from store operations to benefit the community. Financial assistance for ceremonies, education, medical escorts and community events could be obtained through these programs which have now been expanded to involve capital investment in business partnerships and business support for independent social enterprise development.

ALPA became a Registered Training Organisation in 1992 and is committed to staff training. Over 1500 of our remote Indigenous staff have completed apprenticeships or qualifications through ALPA, this dedication to quality training outcomes saw ALPA recognised as the NT Large Employer of the Year at the NT Training Awards in both 2015 and 2016 and placing in the top three at the subsequent National Awards in the same category in both years.

Since 2002, the organisation has expanded through its Australian Retail Consultancy arm, running stores on behalf of, and in partnership with, other Indigenous community organisations. This model has given those communities access to ALPA's systems and processes, training, nutrition program and group purchasing. This partnership approach allows these communities to maintain ownership and control of their business but with the expertise and support of an experienced Indigenous partner.

In 2013 the Board of Directors made the decision that it was time for ALPA to diversify from retail and work with the Government and industry partners to increase the economic opportunities for our Yolŋu members. We commenced by taking on the RJCP region encompassing our member communities of Ramingining and Milingimbi. Our board quickly recognised the ability to support positive change in our communities through these programs and over the last five years our community services footprint has grown to two CDP regions, nine RSAS teams, a self-funded Youth Development program and becoming a registered NDIS provider.

By 2014 we had saturated the existing local labour markets so started working in partnership with local families and traditional land owners to develop new enterprises, create further employment pathways and to strengthen the economies of our communities. To date this has seen the creation of four new Indigenous owned businesses delivering services across a variety of sectors including construction, landscaping, furniture manufacturing, automotive repair, Homelands services, hospitality, tourism, agriculture and cleaning.

In 2018 ALPA operates in 25 communities across a 1.2 million square kilometre footprint, ALPA has over 1200 employees, 85% of whom are Indigenous and ALPA returns over \$20 million per year to our member communities in the form of Yolŋu wages, benevolent programs and community infrastructure.

## Consideration of the proposed legislative amendment

The ALPA Board of Directors do not believe it is possible to give informed comment on the proposed legislative amendment in isolation from the broader context of the Community Development Program (CDP).

The ALPA Board of Directors agree with the Government that there is an immediate need for CDP reforms and that the current compliance framework is not fit for purpose for remote Australia, however they do not feel that there is sufficient information currently available for them to confidently assess whether the proposed legislative amendment would be a step forwards or a step backwards.

As understood by the Board of Directors the four core components of the legislation are:

- 1) The introduction of the Targeted Compliance Framework (TCF) to CDP regions
- 2) Increased ability for local health workers to supply medical evidence to support improved assessment of suitable mutual obligation levels for CDP participants.
- 3) An investment by the Commonwealth Government in 6,000 subsidised jobs for CDP participants.
- 4) Creating an exemption from the TCF for participants taking on subsidised jobs.

This submission will discuss each of these elements as well as some other key considerations which the Board believe must be addressed if the Community Development Program is to meet its potential as an enabler of economic and community development in remote Australia.

### Targeted Compliance Framework (TCF)

When the decision to expand the TCF to include CDP regions in remote Australia was explained in both the budget announcement and the introduction of the legislative amendment it was suggested that this was a mechanism to ensure equality between remote and non-remote program conditions. Whilst the Board have previously advocated for equity between remote and non-remote programs this was with an aim of greater recognition of the unique context of many CDP regions and of the higher mutual obligation requirements of remote participants in relation to those of their urban counterparts.

The Board categorically reject the notion that a one size fits all approach will deliver equity for participants in the Community Development Program. A failure to recognise factors that are not present in most urban settings such as overcrowded housing, the lack of specialist services and supports to address barriers to participation, cultural obligations and the collectivist nature of many Indigenous communities demonstrated that this framework is unlikely to be fit for purpose.

The ALPA Board believe that the success or failure of any compliance framework will be determined by how it is implemented and how it respectfully interacts with the complexity and unique circumstances experienced by those living in remote communities throughout Australia. The Board have discussed at length that a model such as the TCF could demonstrate an improvement on the existing compliance framework. When briefed on discussions held between ALPA management and the Department of Prime Minister and Cabinet about proposed policy reforms that would be implemented in parallel to the TCF they were optimistic but stated that any support for the TCF would be conditional on the following:

- Increased flexibility in when participants meet their mutual obligation
- Greater recognition and respect for Indigenous culture
- Less interactions with Centrelink

### **Increased flexibility in when participants meet their mutual obligation**

The ALPA Board of Directors support the principle of mutual obligation, place a high value in active workforce participation and abhor passive welfare. They feel however that there is currently a significant power imbalance between the Government and CDP participants and that the program is too rigid and prescriptive.

The Board believe that mandatory daily participation is a barrier to increasing engagement in the program. Removing mandatory daily participation whilst maintaining a mutual obligation would significantly address the afore mentioned imbalance. If participants were enabled to take responsibility to self-manage their participation by flexing up and down their hours over a fortnightly calendar in line with their other responsibilities they will have an increased sense of control over their life. The Board feel strongly that the less control that community members have over their lives the worse the situation is becoming in our region.

Employees and participants alike have busy lives and on any given day have many conflicting priorities, participation in this program is unlikely to be a dominant priority when competing with community, family and cultural commitments so it is illogical to punish participants for making that choice.

A more sustainable approach would be to build increased flexibility into how and when participants can meet their requirements so they do not have to choose between one or the other and can instead do both. This is particularly true in the case of the current requirement for daily participation which does not afford participants the opportunity to undertake additional hours on other days in the period to offset time in which they are unavailable due to other responsibilities.

Further to this consideration should be given to the social importance of many of these responsibilities, the role that they play as social and economic enablers and how they can be recognised as a form of participation that has a tangible value to the community that often exceeds that of the work undertaken as a part of their CDP activity.

For a new model to better take into account community, family and cultural responsibility their must also be recognition that in a work environment flexibility is provided to employees when these responsibilities arise. If the intent of these mutual obligation arrangements is to replicate a workplace environment the ALPA Board recommend they are updated to reflect the modern workplace.

Director Lapalung stated that “daily participation is the stumbling block we must remove to help people get on with their lives and do something that is meaningful and promising”, this was a reflection of the views of the entire ALPA Board.

The intent of this change would not be to see servicing levels reduce, nor for participants to scale back the times in which activities are run, but instead to increase the options for participants so that they have more opportunities to participate whilst maintaining their traditional values and obligations.

### **Greater recognition and respect for Indigenous culture**

The ALPA Board of Directors believe that there is a lack of understanding in both the importance and the frequency of cultural obligations within the current system. The Board do not understand why cultural practices cannot be recognised as participation and are instead seen as leave or a valid reason to be excused from participation.

This cultural participation is essential to the maintenance of traditional law and ceremony, two factors which underpin Yolngu society and enable social cohesion, creating a stable environment for economic and community development. When viewed from a workforce perspective this participation should be viewed as an economic enabler and considered CDP participation.

The Board recognise the risk that some program participants may attempt to take advantage of such arrangements and advise a strong community led governance arrangement to determine when this participation is genuine and when it is not and support the provider in assessing when compliance action should be undertaken.

### **Less interactions with Centrelink**

Removing the complexity around compliance and simplifying interactions with Centrelink to create a simpler, more flexible and tailored approach will be welcomed by staff and participants alike. Any future model should be reframed to depart from a deficit approach and move to strength-based methodology, reducing touch points with Centrelink and instead trusting in local governance structures built in as a formal component of service delivery to inform decision making.

There has been a national reduction in the CDP caseload as participants disengage from the program. Community consultation has demonstrated that this disengagement driven largely by the lack of flexibility in the program and by the challenges our participants are having in successfully engaging with Centrelink over the phone with significant wait times and DHS staff who lack an understanding of the CDP program and the conditions in remote Australia.

The Board would like to see more responsibility handed over to CDP providers and local governance structures to reduce participant interactions with Centrelink and to allow people on the ground with intimate knowledge of their community to be more active in decision making. Secondary to this would be increased trust in the decisions made by these structures and a recognition that cultural and ceremonial obligations will be different from region to region and at different times of the year as traditional culture looks different in practice throughout Australia.

Another risk that the Board identified with the TCF as currently identified is that many participants are fed up with Centrelink and disengaging with the program. They are aware that this is a national issue and question the wisdom of a mechanism such as the four week cancellation which actively removes participants from all services. The Board do not agree that financial penalties are the primary motivator for behavioural change and believe incentivisation would be more successful. If this penalty is to be included they do not agree with the idea of a cancellation and think it would be better if people had a suspension so that do not need to go through the process of reapplying with Centrelink.

### **Provision for increased consideration of Medical Evidence**

The ALPA Board of Directors are supportive of increased ability to incorporate medical evidence provided by Indigenous Health Workers or community based nurses as well as testimony from providers and family

members. They believe that this will strengthen the assessment process, see mutual obligation requirements more in line with the capability of the individual and reduced penalties.

## Subsidised Jobs

The ALPA Board of directors are supportive of any investment in increased employment opportunities in remote Australia and commend the Government for this commitment. There is a hope that the assessment of these positions will prioritise Indigenous organisations and the development of diversified local economies consistent with a long term community development approach and to achieve the aspirations of the communities in which the positions are based.

## An exemption from the TCF for participants taking on subsidised jobs

Whilst the Board support the investment in subsidised jobs they do not understand why the exemption from the TCF is applied to participants taking on subsidised jobs but not those who take on jobs brokered through normal CDP arrangements.

The Board strongly believe that if it has been determined that this exemption provides participants with increased opportunity to successfully transition from the program into sustainable employment it should be applied across the program equally so all participants are afforded this opportunity.

## Conclusion

The ALPA Board of Directors believe that there is still a lack of understanding and a mystification of traditional Indigenous cultural practices and society and encourage policy and decision makers to accept the invitation from many organisations and Indigenous leaders to provide context, support and feedback in the development of key policies that touch upon so many peoples lives.

The Board extend an invitation to any interested committee members to engage with them in a deeper dialogue so that they can share their perspective in more depth. They are happy to come to host in Darwin or indeed out in Arnhem Land so they can demonstrate firsthand the environment and context in which the program is delivered.