



Oxfam Australia submission to the inquiry into the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Programme (CDP)

9 June 2017

Committee Secretary
Senate Finance and Public Administration Committees
Parliament House
Canberra 2600

Summary

Oxfam Australia is part of a confederation of 20 nationally-based organisations that work with partners and local communities in more than 90 developing countries, while its programs in Australia assist Aboriginal and Torres Strait Islander Peoples. Oxfam has supported Aboriginal development and self-determination for close to 40 years, and today we work in the areas of Indigenous women's leadership and capacity building, and advocacy on issues of health (Close the Gap) and incarceration (Change the Record).

Oxfam takes a rights-based approach to addressing poverty and disadvantage and we believe that respecting the right to self-determination is a fundamental part of the solution for Indigenous peoples in Australia. This approach is critically important for the Australian government given that it has obligations under the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which the government signed in 2009. Moving away from the paternalism of the past to a focus on rights is an essential underpinning of any policy action to empower Indigenous Australians. As Professor Tom Calma wrote in our recent report, *Moving Beyond Recognition*,¹ 'Governments and Oppositions must take a bipartisan approach to Aboriginal and Torres Strait Islander affairs and they must actively partner with us to realise enduring outcomes.'

Oxfam is concerned about the design and implementation of the Community Development Programme (CDP) because we understand there has been little or no engagement with Indigenous people prior to its introduction. We strongly support the Committee's review of CDP as it allows for Indigenous organisations and policy experts to review and provide recommendations. We urge the Government to assess and amend the program to reflect these views and the reality facing Indigenous peoples in remote Australia, and hope that this inquiry provides another powerful example of the need for meaningful input from Indigenous peoples.

We acknowledge the role of evidence in developing effective programs and policy but stress that this is only one component of the process. Reform cannot occur without the support of the communities in which these programs are implemented. We urge the government to reform CDP by returning to the principles of the former CDEP, and we urge that it take a more constructive and imaginative approach to employment in remote Australia by

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allowing CDP participants to join the successful *Working on Country* programme. Such a transition may involve additional funding for training and capital investment to support increased numbers of Indigenous Rangers in remote regions, but this investment would be worthwhile on many fronts.

This submission addresses two items in the Terms of Reference and it urges the government to reform the programme so that it truly reflects the principle of self-determination.

1. The adequacy of the policy process that led to the design of the CDP

CDP and its predecessor, the Remote Jobs and Communities Programme (RJCP), were developed without proper consultation by government. Our contact with Indigenous groups indicates that the penalties in this programs do not work as a deterrent and in fact they have the effect of increasing hardship in remote communities. Penalties imposed on RJCP from 2013 onwards led to soaring rates of financial penalties. For a case load of 37,000 people over a period of two years to July 2015, penalties exceeded 47,000.² The punitive design of the revamped RJCP, which included these penalties, was a key feature of the *Social Security Legislation Amendment (Community Development Program) Bill 2015*. As the Explanatory Memorandum to this Bill notes, the CDP caseload represents only 5 per cent of all job seekers yet it generates 60 per cent of all reported 'No Show No Pay failures'. And in spite of this, 'attendance in CDP activities remains low'. These disappointing result reflect the harsh nature of CDP and the lack of consultation with remote Indigenous Australians.

Oxfam believes the lack of consultation has resulted in a policy that discriminates unfairly against Indigenous people by mandating lesser benefits than those found in the market economy, as the ACTU has outlined in a previous submission.¹ This outcome appears to be contrary to Article 17 of UNDRIP which states that 'Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary'. The design of the CDP represents a serious transgression of Australia's obligations under UNDRIP and as such the program should be withdrawn and replaced with a labour market program that reflects the realities faced by Indigenous Australians in remote communities, ensuring that its development is led by indigenous people. We note that the Explanatory Memorandum to the 2015 amendment bill did not mention Australia's obligations under UNDRIP in the section 'Statement of compatibility with human rights'.

4. The impact of the CDP on the rights of participants and their communities including the appropriateness of the payments and penalties system

We feel compelled to remind the Committee that the approach taken in developing this policy appears to be odds with the government's obligations under UNDRIP. Specifically, Article 3 states that 'Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' It must be noted that the Federal Government's own *Overcoming Indigenous Disadvantage* Report and the UN Special Rapporteur Indigenous Peoples both acknowledge that '[w]hen [Aboriginal and Torres Strait Islander peoples] make their own decisions about what approaches to take and what resources to develop,

¹ ACTU, 2016. 'ACTU Submission to the Finance and Public Administration Legislation Committee', p.7. The ACTU outlined how CDP participants will be denied access to minimum employment standards and they would be paid less than the minimum wage (\$10.50 per hour) and have no right to superannuation and potentially have no safety net regarding occupational health and safety and worker's compensation if they have an accident or incident in the workplace.

they consistently out-perform [non-Indigenous] decision makers'. Despite this evidence of the benefits of being directly involved in legislative and policy development, the CDP demonstrates how government policy can fail to consider the economic and employment realities facing Indigenous peoples in remote Australia.

The issue of rights is a fundamental part of our concern with this policy. As we outlined in our recent report on rights, *Moving Beyond Recognition*, we find that Aboriginal and Torres Strait Islander peoples and organisations are consistently disappointed by the lack of good faith and political will demonstrated by successive Australian governments to ensure their active engagement and participation in policy and legislative developments. There are far too many examples of Aboriginal and Torres Strait Islander peoples being excluded from decisions about their future, including the abolition of ATSIC, the Northern Territory Emergency Response, and the sweeping changes to funding for programs under the Indigenous Advancement Strategy. CDP is yet another example of this harsh and short-sighted approach to policymaking.

Recommendation

The way forward for the government is to return to the principles of the Community Development Employment Programme (CDEP), which more closely reflected the nature of Indigenous community in remote Australia. CDEP offered a sense of community and control to participants because it offered block grants that were administered by local organisations. CDEP offered community-based work to participants in areas where there were few labour market opportunities. The government could take elements of the CDEP and the successful *Working on Country* programs and rapidly scale up the ranger jobs for Indigenous Australians. The current number of WOC rangers is a mere 777 members despite the fact that around 40 per cent of the Australian continent is subject to some form of native title. Indigenous ranger groups have told us that they often face a shortage of staff during the peak season, so allowing some CDP participants to work as rangers makes sense. The environmental, cultural and health benefits of WOC are widely recognised, so enabling CDP participants to share in this positive program would be a welcome change after their harsh and punitive experience with CDP.

¹ Oxfam Australia, 2017. *Moving beyond recognition: respecting the rights of Aboriginal and Torres Strait Islander Peoples*, Oxfam, Melbourne, p.2

² Fowkes, L. and Sanders, W. 2016. 'Financial Penalties under the Remote Jobs and Communities Program', *CAEPR Working Paper*, 108, p.1.