DESIGNING A REMOTE EMPLOYMENT PROGRAM: LESSONS FROM THE PAST AND A PROPOSAL FOR THE FUTURE

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Australia's current labour market programs are focussed on labour supply – ensuring that employers have access to a pool of workers that are willing and able to take on any work offered (Productivity Commission 2002). To the extent that they seek to extend the range of job options available to the unemployed, these efforts are generally limited to wage subsidies and programs to encourage and promote 'corporate leaders' who commit to more inclusive recruitment (*e.g.* Jordan and Mavec 2010). But what if, as is the case across many parts of remote Australia, there are simply not enough jobs available, or not enough jobs within reach of local people? What sort of employment assistance should be provided?

Because the unemployed in remote Australia are overwhelmingly Indigenous people (many of whom live on or near their traditional lands), government responses to these questions have been shaped not just by developments in employment policy but also by changing policies in Indigenous affairs (Sanders 2012). This article traces some of the ways in which governments have responded to remote Indigenous unemployment as the backdrop to explaining recent developments, including a specific proposal put forward by the Fair Work and Strong Communities alliance (the FWSC proposal), led by Aboriginal Peak Organisations of the Northern Territory (APO NT).

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The emergence of, and early response to, remote Indigenous unemployment

It was not until the recognition of the legal right of Indigenous people to industrial protection under the Commonwealth arbitration system, and by extension their access to unemployment assistance, that Indigenous unemployment was recognised as a policy problem for the Commonwealth (Sanders 1985). The displacement of Aboriginal people from their lands following the awarding of equal pay made remote Indigenous unemployment visible in a way that it had not been before (Broome 2010, Rowse 1998). Hundreds of people arrived in remote centres without any immediate means of financial support (Broome 2010). By 1976 the official estimate of Aboriginal unemployment was 50% (IWP 1976). The Department of Social Security struggled with the practical challenge of processing individual applications for unemployment benefits in remote areas where it had previously relied on third parties to administer government assistance (Sanders 1985).

In 1976 the Fraser Government established an Interdepartmental Working Party to look at Aboriginal unemployment and 'the social problems arising' from the payment of benefits to Aboriginal people 'living as communities' (IWP 1976: v). The Working Party described the government's dilemma as follows:

The DSS is in a situation where it cannot refuse UB to people who are qualified to receive it but when these people are Aboriginals, residing in communities in remote areas and for whom significant work may never become available, the payment of unemployment benefit to them represents welfare of the worst kind – a handout which increases their dependency on others and undermines the application of the Government's policy of self-management (IWP 1976: 21).

The Working Party rejected suggestions that the payment of individual benefits was the dominant cause of social problems in communities, but noted that some recipients did not understand that these payments were conditional on seeking work (the application of the 'work test') (IWP 1976: 20). It recommended that the Australian government fund the creation of 2,500 new jobs in Aboriginal communities, representing around 9% of the identified Aboriginal workforce, at a cost of $30m. These new jobs would help to create conditions in remote communities

more akin to the mainstream labour market, and would enable the work test for unemployment benefits to be applied (IWP 1976: 21).

The Working Party's recommendation for public investment in job creation was consistent with the view, articulated in the 1945 *Full Employment in Australia* White Paper, that the Australian government could and should act to protect its citizens from unemployment, not just ameliorate its effects (Harris 2001). In the early 1970s the Whitlam Labor Government had responded to rising unemployment by implementing large scale job creation schemes (Harris 2001; Kirby *et al*. 1985). These included the Regional Employment Development Scheme (REDS) which, at its peak, provided jobs to 10% of unemployed Australians and 25% of Aboriginal people registered as unemployed (Kirby *et al.* 1985: 67; IWP 1976: 7). However, following its election in 1975, the Fraser Coalition Government retreated from such expansionary schemes: axing REDS; prioritising addressing inflation over unemployment; and intensifying its focus on the behaviour of the unemployed themselves (Kirby *et al*. 1985: 66–68; Windschuttle 1980; Harris 2001). Job creation schemes were to enjoy a brief revival in the early years of the Hawke Labor Government, but the protectionist welfare state was in retreat (Harris 2001; Kirby *et al*. 1985).

Following so recently on the Fraser Government's withdrawal from job creation schemes, the 1976 Working Party's proposal for new spending on job creation in remote communities fell on fallow ground. Instead of adopting this recommendation, nearly 12 months after the IWP report had been released, the Government announced the establishment of a new type of 'work scheme' to be funded from the foregone benefits of the participants themselves – the Community Development Employment Projects scheme or 'CDEP' (Commonwealth of Australia 1977: 1922). Under CDEP Indigenous communities were able to volunteer to have the equivalent of unemployment benefit entitlements paid to them as block grants, which they could then use to pay local people for work (Commonwealth of Australia 1977: 1922). Remuneration arrangements were to be set locally provided they allowed community members to earn an income approximating unemployment benefits. The establishment of CDEP was a pragmatic response to a series of political and bureaucratic dilemmas (Sanders 2012). The new program was able to be framed as responding to Indigenous demands for work and emerging policies of Indigenous 'self-management,' while falling short of reversing the recent closure of job creation schemes.

In CDEP, the Fraser Government had created a new type of arrangement which sat outside mainstream welfare and industrial relations institutions. Even though the period from 1975 saw the intensification of income support obligations across the wider population, it was not until 1997, with the Coalition Government's legislation to introduce Work for the Dole, that other beneficiaries could be required to work for their unemployment . The funding arrangements for CDEP supported only part-time work[1] – a form of employment that, until 1979, was not considered 'suitable' for the purpose of the work test, and that was tightly controlled under most industrial awards until the 1990s. CDEP contributed to the emergence of a marked difference between the employment patterns of Indigenous and non-Indigenous workers (and, as a result, their incomes) so that, in 1986, while over 80% of non-Indigenous men aged 25-44 worked full-time, fewer than 45% of Indigenous men in this age group had full time work (Hunter and Gray 1998: 233).

The ambiguous legal status of CDEP employment also gave rise to a range of policy and administrative problems (Antonios 1997; Altman and Sanders 1991; Jordan and Altman 2016; Sanders 1985). In 1997 the Human Rights and Equal Opportunities Commission found that '[i]n a number of situations, CDEP participants appear to experience the worst of all worlds' (Antonios 1997: 43). While CDEP payments were taxed as income, participants were denied access to part-payments of income support available to other low wage workers. CDEP workers did not receive superannuation on their base pay. CDEP labour was also used in place of ordinary employment in the delivery of a range of government and non-government services, limiting the availability of better paid work and opportunities for progression, and concealing longer term structural problems of lack of public investment in remote communities and of Indigenous un- and under-employment (Hunter 2009). CDEP work was criticised by some as dull and repetitive, paying only 'small money' (Altman and Sanders 1991: 24; Deloitte Touche Tohmatsu 1993; Dockery and Milsom 2007).

Despite these issues, by 1997 CDEP had been taken up by 268 communities across remote, regional and urban areas and employed over

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[1] Community organisations were able to 'top up' some workers to full-time by reallocating surplus wages and generating non-CDEP income.

30,000 people (Antonios 1997: 8). In many areas it had long waiting lists (Spicer 1997). While social and economic outcomes for CDEP workers were not as strong as for those in non-CDEP jobs, on average they had higher incomes than their unemployed counterparts and enjoyed better health and lower arrest rates (Hunter 2009, Hunter and Gray 2012). Beyond these individual, work-related benefits, CDEP provided a combination of local autonomy, control over the pace and nature of work, and access to resources that enabled it to be used to pursue local objectives (Altman and Klein 2018; Jordan 2016a; Jordan and Altman 2016; Rowse 2001). CDEP facilitated the pursuit of successful grassroots initiatives including the development of Indigenous land and sea ranger programs; community night patrols; outstation development and the emergence and growth of Indigenous arts industries. In remote areas it fostered cultural maintenance: CDEP participants were more likely to have been involved in customary activities, including hunting and ceremonies, than those in mainstream employment or who were unemployed (Altman and Gray 2005). CDEP was sufficiently flexible to accommodate complex structural factors and competing priorities that, for many remote living Indigenous people, made it difficult and/or undesirable to undertake long term, regular paid employment (Jordan 2016a). In an environment of continuing discrimination, the ability to work for and with Indigenous people was a key factor in CDEP's success (Jordan 2016b). Despite its shortcomings CDEP developed into an 'Indigenous institution', emblematic of self-determination (Dockery and Milsom 2007; Jordan 2018). When the 1985 Kirby Review marked the Commonwealth's final abandonment of job creation as a means to address unemployment, it was CDEP's association with policies of Indigenous self-determination that enabled the program to continue and, indeed, to thrive (Kirby *et al*. 1985; Sanders 2012).

Integrating remote Indigenous Australians into the mainstream economy

The abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2004 reflected a wider Commonwealth government rejection of self-determination as the basis for policy in Indigenous affairs (Howard-Wagner 2018; Sanders 2012). CDEP came under the control of the agency that managed labour market programs - the Department of

Employment and Workplace Relations (Sanders 2012; Sanders 2016). Work under CDEP was 'reframed as welfare,' and the government started to assess the scheme's value as a form of employment assistance or 'Work for the Dole' (Gordon 2011, Sanders 2016). In the meantime, a radical shift had occurred in the way the Commonwealth delivered employment assistance. In Considine's words, the period from the mid-1990s marked 'the most experimental reform of any social program yet attempted' in which 'the Australians succeeded in transforming every single aspect of their [employment services] system' (Considine 2001:117).

In 1998 the Commonwealth Employment Service was dismantled and replaced by the 'Job Network', an 'active labour market program', directed at increasing the effective supply of labour rather than addressing labour demand (Martin 2015; Productivity Commission 2002). Job Network was constructed as a quasi-market, with incentives designed to drive providers to move people quickly into jobs, and the threat of sanctions to maintain jobseeker motivation to work. Job Network was later replaced by Job Services Australia (JSA) (in 2009), and then jobactive (in 2015), but in each case, the programs were designed along 'work first' principles – with priority placed on maintaining active job search and rapid placement into work with only short term/light touch assistance, and without regard to job quality (Considine *et al*. 2015; Davidson 2011; Fowkes 2011). Alongside these programs, the implementation of the Work for the Dole scheme from 1997 marked the government's embrace of policies of neoliberal paternalism, extending beyond employment assistance to attempts to control the behaviour and correct the 'moral failings' of specific groups of unemployed (Dean 2002).

At least in theory, from the first Job Network contract in 1998, program coverage extended across remote Australia. However its penetration was limited by the combined impact of high levels of participation in CDEP and by 'Remote Area Exemptions' which allowed those without access to a labour market to be exempted from compulsory program participation (Productivity Commission 2002; Sanders 1999). The Australian government started to remove Remote Area Exemptions on a community-by-community basis from 2005. The process was accelerated as part of the Northern Territory Emergency Response (NTER) – one of a suite of measures designed to 'normalise' remote Indigenous communities (Altman 2007). Soon after initiating the NTER the

Coalition lost office, but many of the measures continued and expanded under Labor, reflecting a new paternalist consensus in Indigenous affairs (Howard-Wagner 2018; Sanders 2012). By 2009 all Remote Area Exemptions had been removed but, despite the resulting increase in the importance of employment services, there was no serious attempt to consider the appropriateness of their 'work first' design to remote community settings.[2] When the Labor Government implemented the Job Services Australia (JSA) program to replace the Job Network in 2009 its only concessions to remote differences were in higher fees paid to providers delivering the program in remote regions, and some additional 'payable outcomes.'

A new program for remote Australia – the RJCP

Job Services Australia had been in place for less than two years when the Gillard Labor Government announced that it would be conducting a review of remote employment services. The need for such a review so soon after the start of JSA arose not from any systematic evaluation of the flaws of the mainstream program, but because of the need to manage the politics surrounding the final abolition of CDEP which, by this stage, had been terminated in all but remote areas (Fowkes 2018; Jordan and Altman 2016). While Labor promised an 'innovative approach' to addressing the 'unique nature of labour markets and the available workforce in remote Australia' (Macklin *et al*. 2011), the program that emerged from the review (the Remote Jobs and Communities Program or RJCP) closely resembled the mainstream JSA. One government official involved in the design process described the remote program as, in essence, a 'topped and tailed JSA' (Fowkes 2018: 113).

An exception was the establishment of a $234m Community Development Fund that could be used to create new job opportunities, which were, in turn, to be driven by Community Action Plans. However these elements of the program (which had precedents in CDEP) were abolished after Labor lost office to the Abbott-led Coalition in September 2013. From 2013 to 2015 the Coalition Government made a series of changes to the RJCP, including re-branding it the 'Community

[2] An exception was a brief experiment with 'flexible servicing' in the 2003 Job Network contract, see Fowkes 2018: 75.

Development Programme' (CDP). The most significant change was the replacement of existing individually-tailored 'activity requirements' with mandatory, daily Work for the Dole. This was described by the Minister for Indigenous Affairs, Nigel Scullion, as a return to the 'good things' about CDEP (in Fowkes 2018: 135-136). He told a meeting of providers that he had chosen the name deliberately because 'if you say it quickly, it sounds like CDEP' (Fowkes 2018: 126).

The community development programme

The Community Development Programme started on 1 July 2015, with around 36,000 participants, over 80% of whom were identified as Indigenous. It had two main elements: individualised case management (mandatory for all participants) and Work for the Dole. Individualised case management involved monthly appointments with a CDP provider and development of a 'job plan' which specified the activities in which a participant must engage and the number of mandatory monthly job searches that must be undertaken. While intended to provide tailored, job focused assistance and support, the practice of case management in CDP (as in the mainstream, non-remote employment service), was largely routinised and transactional (Considine *et al* 2015, Fowkes 2018). Aspects of program design that contribute to standardisation of service in non-remote areas – like the need to perform multiple tasks on the computer and the declining skills base of consultants – were exacerbated in remote areas by slow (or no) internet connections, limited availability of opportunities, and lack of consultants with appropriate cultural/language skills (Fowkes 2018: Ch.6).

In non-remote areas, unemployed people could be required to spend six months in Work for the Dole after 12 months in employment assistance, usually for around 15 hours per week. Under CDP those with full-time work capacity aged 18-49 (and many aged 50-54), had to undertake 25 hours per week Work for the Dole, Monday through Friday, for 46 weeks in each year (Fowkes 2016a).[3] Hours in non-vocational support programs (*e.g.* rehabilitation) or in literacy/numeracy training could be counted towards Work for the Dole provided that supervision was adequate, but

[3] The Government has announced that this will be reduced to 20 hours per week from February 2019, but still over five days per week.

vocational training could only be counted if it directly related to a specific job or to a Work for the Dole activity. CDP participants could also be required to 'work for the dole' in jobs that would normally be performed by paid workers, including in private companies.

By 2018 almost all CDP providers were Indigenous-owned organisations or were in joint ventures with these organisations, but their activities were highly constrained by their contracts (Fowkes 2016b). Over 70% of revenue was derived from Work for the Dole attendance and there were strong incentives to recommend application of penalties to those who did not attend (ANAO 2017; Fowkes 2016a). The administering agency – the Department of the Prime Minister and Cabinet (PMC) – applied a performance rating system that was dominated by assessments of how accurately and consistently providers administered conditions attached to income support (Fowkes 2018: Ch.5).

The rationale for the design of CDP was explicitly paternalist. Government information materials explained:

We need to set expectations in remote communities that build the same behaviours and norms of workers in ordinary Australian workplaces…Job seekers will learn the behaviours expected of workers, for example by there being immediate consequences for passive welfare behaviour.[4]

Is the design of CDP appropriate?

In their review of available research evidence Gray, Hunter and Lohoar (2012) reported that the major obstacles to Indigenous employment included: remoteness; low levels of educational attainment; ill-health and disability; discrimination; poor job retention rates; limited access to employment networks; differences in work culture; and the co-existence, for many Indigenous job seekers, of multiple barriers to employment.

On the face of it, the design of CDP, with its combination of 'light touch' assistance and Work for the Dole, appears poorly equipped to address these issues. The mainstream labour market programs (currently jobactive) upon which CDP has been modelled have generally been regarded as efficient in moving those who are more employable into

4 PMC, Questions and Answers document 2 December, 2014.

work, but have performed poorly in assisting those with multiple barriers to employment – including those with poor mental health and/or disabilities (Borland et al. 2016; Considine et al. 2015; OECD 2017). These programs are 'high volume-low margin', relying on moving large numbers of unemployed people rapidly into work, using a narrow range of short-term interventions and threat of sanctions (Considine *et al*. 2011; Fowkes 2011).

Even the most positive assessments of active labour market programs in Australia have found that their net impact on employment is relatively small (Davidson 2011). Their 'work first' orientation is generally justified on the basis that even poor-quality jobs provide a 'stepping stone' to better work. But a longitudinal study of program participants in Job Network found that Indigenous participants were less likely than non-Indigenous participants to sustain or improve their employment position over time (DEEWR 2008). More recent international analyses suggest that, over the long run, it is investment in human capital rather than 'work first' that leads to higher employment rates and incomes (Card *et al*. 2017). Restrictions on participation in training under CDP, and removal of provider incentives to place participants into longer-term education and training, are at odds with the evidence that work-related skills and education are key aids to Indigenous employment (Gray *et al*. 2012; but note also Dockery and Lovell 2016; Guenther and McRae-Williams 2014). The efficacy of Work for the Dole is highly contested, but its positive effects, if any, are most likely to arise from attempts to avoid participation by leaving benefits or declaring employment earnings rather than participation itself (Borland 2014; Kellard *et al*. 2015). In remote communities where job options are limited these 'threat' and 'reporting' effects appear less likely.

While the Minister for Indigenous Affairs has argued that CDP is achieving strong employment results (Scullion 2017), the Government has not produced evidence to support this claim.[5] The minimal information that is available suggests that the program is doing little to improve the long-term employment prospects of those harder to help, despite its relatively high cost (ANAO 2017: 41). For example:

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5 At the point of writing it has not released its program evaluation. Claimed employment outcomes have been released only as a cumulative count, not as a percentage of participants.

- Of provider-claimed employment outcomes lasting at least 26 weeks, 57% were in relation to people who had been unemployed for 12 months or less, even though this group represented only 30% of the caseload. Thirty six per cent of all claims were for people who had been on the caseload for less than six months;[6]
- Of the 4,915 CDP participants identified as having been placed in, and having sustained, 26 weeks of employment between 30 June 2015 and 30 April 2017, 1,588 (32%) were non-Indigenous, even though this group represented less than 20% of the caseload;[7]
- 72% of job placements were into casual employment. While over 15,000 job placements were recorded, at 30 April 2017 only a third had resulted in 26 week outcomes.[8]

Interviews with, and observations of, frontline workers suggested that most of their work with clients was superficial, and few had the time or skill to work with local employers or other service providers (Fowkes 2018: Ch.6).[9]

There has been a worrying decline in the number of people participating in remote employment services since the start of CDP, particularly in the younger age groups. Between June 2015 and September 2017 there was a drop of 3,790 in under 35 year olds in the program.[10] Penalties applied to remote employment service participants have increased nearly eightfold since the start of CDP, and now exceed those applied to all other 'jobseekers' even though CDP participants account for less than a

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6 Answer to Question on Notice, Senate Finance and Public Administration Committee Additional Budget Estimates 2017-2018, Ref PM134.

7 Figures tabled by PMC at the Senate Finance and Public Administration Committee Budget Estimates hearing 26 May 2017.

8 *Ibid*. These placement figures included placements within the previous six months that may have eventually produced outcomes.

9 Interviews and observations were conducted over 2014–2017.

10 In total 2,950 employment outcomes were claimed for this group. However, it would normally be expected that when people leave for employment they would be replaced on the caseload by others joining the workforce or becoming unemployed.

twentieth of the job seeker population.[11] Administrative data suggest that while penalties continue at a high rate, this is having little effect on the level of actual attendance of CDP participants in Work for the Dole.[12]

Given the shortcomings of mainstream employment programs in improving the prospects of people with more complex or multiple obstacles to employment, these indications of poor outcomes under CDP are unsurprising. However, there are some more fundamental challenges to program design for remote Indigenous community settings. There is ample evidence that settler-state ideas about the priority and moral value of work are not shared by many Indigenous people (*e.g.* Austin-Broos 2006; Gibson 2010; McRae-Williams 2008; Petersen 2005). Jordan's research into work on the APY Lands challenges the idea that 'real work' in remote communities always has the type of continuous daily work discipline that the architects of CDP are attempting to enforce (Jordan 2016a). High rates of program non-compliance and program withdrawal suggest a level of resistance to centrally imposed 'obligations' amongst CDP participants. This raises questions about the appropriateness of the rigid, top down approach of the current program.

There is a growing recognition that the current design of mainstream services is poorly equipped to address communities with more difficult labour market challenges and that more place-based, collaborative responses are required (Australian Government 2018; Borland *et al.* 2016). The different cultures and circumstances of remote Indigenous communities and, in many cases, their historical resistance to external attempts at control suggest that, to be effective, any program must reflect not only labour market circumstances but also the need for local Indigenous control.

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11 From the quarter ending September 2015 to quarter ending December 2017, 452,660 penalties were applied to CDP participants (45,266 per quarter), compared with 400,492 applied to all others participating in Work for the Dole programs, and 5,000 per quarter under RJCP. Department of Jobs and Small Business job seeker compliance data *https://www.jobs.gov.au/job-seeker-compliance-data*

12 Administrative data obtained from provider reports shows that the average *actual* attendance rate over 2016 and 2017 was 41.5% (see Fowkes 2018: 310). In 2018 PMC advised Senate estimates that in the first quarter of 2018 the average rate of attendance was 40% (Finance and Public Administration Committee 2018-9 Budget Estimates QON Ref 153.)

Putting forward an alternative

The Aboriginal Peak Organisations Northern Territory (APO NT) alliance was formed in 2010 to advocate in relation to issues of shared concern affecting Aboriginal people in the Northern Territory. It comprised, until 2018, the Central and Northern Land Councils, the two Northern Territory Aboriginal legal services and the Aboriginal Medical Services Alliance, NT.[13] From the outset, one of APO NT's concerns was the fate of CDEP. In 2011 APO NT put forward a proposal to Labor's review of remote employment services but it had limited impact (APO NT 2011). Its advocacy for provision of a wage for participation was seen as 'going back to the original concept of CDEP' and, because of this, out of step with the Labor Government's decision to put an end to CDEP (Fowkes 2018: 116).

By 2015 members of APO NT were hearing growing concerns from their constituents about the effects of the CDP scheme on remote communities. In December 2016 APO NT convened a meeting of interested organisations including many that delivered CDP. The group agreed on a set of principles for an alternative approach which formed the basis of further development work and consultation over a six-month period (APO NT 2016). On 8 September 2017 the *Fair Work and Strong Communities: Remote Development and Employment Scheme* was launched at Parliament House and presented to a Senate inquiry then examining CDP (APO NT 2017). APO NT's proposal was endorsed by more than 30 organisations including National Congress of Australia's First Peoples, Jobs Australia, the Australian Council of Social Services and many individual CDP providers. These organisations have continued to advocate for the adoption of the proposal, operating from August 2018 under the name the 'Fair Work and Strong Communities Alliance' (FWSC).

The Fair Work and Strong Communities: Remote development and employment scheme

The Fair Work and Strong Communities proposal (FWSC proposal) aims to (i) improve the overall level of employment and/or non-welfare

[13] In 2018 the legal services combined and then left the alliance.

income in remote Indigenous communities and (ii) establish the basis for ongoing participation in, and control over, the program by affected Indigenous communities (APO NT 2017).

Key elements of the proposed scheme are as follows:

- The establishment of a Remote Jobs Investment Fund which would fully fund 10,500 new part-time jobs in Indigenous or local government organisations, along with 1,500 youth traineeships;
- Remote Job Centres providing employment, case management and career progression services to be operated, where possible, by contracted local Indigenous organisations;
- The involvement of local communities in establishing and monitoring specific program objectives within broad program goals (*e.g.* increasing overall levels of participation in employment, ensuring community participation in governance);
- The establishment of a national, Indigenous-led body to govern the scheme, with a role for regional and local decision-making bodies.

Learning from the successes and failures of CDEP

The proposal to create jobs through the Remote Jobs Investment Fund seeks to restore elements of CDEP while addressing some of that program's weaknesses and political vulnerabilities. One significant difference from the former CDEP is the proposal that the funded positions be clearly defined as employment, with the same rights and conditions that attach to employment elsewhere. Unlike CDEP workers, employees in these jobs would retain the right to claim part-payment of income support, provided they did not exceed the income threshold. The effect on incomes would be significant: for example a single parent earning $757.20 per fortnight in the scheme could receive another $329.12 per fortnight in Newstart payments, well above their current $590.40 per fortnight.[14] On the other hand, the FWSC proposal seeks to limit the ability of employers to use unspent wages to 'top up' existing

[14] Based on minimum wage of $18.93 per hour at 20 hours per week, Newstart withdrawal rate of 40 cents for each dollar earned over $104 per fortnight.

employees to full time, arguing that this would run counter to the broader objective of giving more community members the chance to earn (APO NT 2017: 15). While the proposal would substantially boost incomes and employment for many through direct employment, it would rely on less direct measures (like career progression assistance and encouraging social enterprise) to address the problem of under-employment.

Retention of an unemployment benefit entitlement for those in the new jobs would mean that, because of the 'activity test' that applies to recipients of these benefits, many would still be required to take up more, or better paid work should it arise. The proposal identifies this as one of the features of the job scheme that would limit its 'lock in' effects – an attempt to pre-empt criticisms levelled at CDEP that it became a 'destination.' In addition, it argues for testing different strategies to encourage those in subsidised employment to move on, including offering financial incentives to take up unsubsidised work and offering a time limited right of return to the original job. But the proposal recognises that:

there is a difficult balance to be struck between providing a satisfying, meaningful job to people in these new jobs and encouraging movement through them if other opportunities arise (APO NT 2017: 16)

Another difference between CDEP and the Fair Work and Strong Communities scheme is the proposal that funding for wages under the latter would be open to a range of employers in a region, provided that they are Indigenous non-profit, or local government organisations. Under the former CDEP a single organisation was contracted to run the program in an area. Other employers were able to use CDEP workers through hosting arrangements, but these workers did not become their employees. By extending access to employment funding to a range of organisations the FWSC proposal seeks to broaden the range of job opportunities for participants and increase their integration into the employer's workforce. While this should improve long term prospects for employment and advancement (Borland 2014), there is a risk that the critical mass that enabled strong regional CDEP providers to develop and to create new employment could be undermined (Altman 2016).

Consultations over the alternative proposal actively canvassed the question of whether a job guarantee should be proposed, rather than a

scheme with a fixed job cap.[15] The decision to propose a capped scheme was informed, in part, by criticisms in some quarters that CDEP was a 'make work' scheme. To reduce the risk that these new jobs might be similarly perceived, the FWSC proposal is that employers be required to specify particular services or tasks to be performed before any jobs are created, and that implementation be staged to reduce implementation risks (APO NT 2017: 14-15). At 12,000 in total, there would be enough jobs to make a difference to the level of employment, while not absorbing all available labour. The idea that jobs must be applied for and could be won or lost is an attempt to replicate the incentive structures of the wider labour market, many of which were important in CDEP. Again, the proponents of the FWSC proposal were acutely aware that the practice of paying 'sit down money' that emerged in some places under that scheme provided fuel to those who sought its abolition. It was also contrary to the wishes of many Indigenous people in remote communities, who sought to distinguish work under CDEP from 'sitting down' on unemployment benefits (Spicer 1997).

The role of mutual obligation

The Fair Work and Strong Communities proposal states that those who are unemployed and who are capable of working would remain under the social security laws that cover other unemployed people and 'would have to engage in some form of activity, with the range and types of these activities determined through local governance groups' (APO NT 2017: 19). One alternative that emerged during the consultation process was a move to provision of an unconditional basic income for residents of remote communities. In advocating for this type of scheme, Altman and Klein (2018) have argued that the imposition of an externally-defined 'work' or 'activity' test on Indigenous people is inconsistent with Indigenous self-determination, and, as a consequence, undermines prospects for locally-led development. While there was some support for these ideas across the group consulted, they were considered to be unlikely to succeed politically. In addition to being at odds with the positions of the major political parties, there was a risk of strong

15 The issue was canvassed in a consultation paper circulated to organisations in March 2017.

opposition from within the Indigenous sector itself. The Empowered Communities group, for example, had built their bid for greater self-determination on a platform of rejection of 'passive welfare' (Wunan Foundation 2015). In any event, most participants in the consultation process supported a level of income support conditionality. Rather than contesting the idea of welfare conditionality, the alliance sought to change the way obligations would be set and the approach to enforcement, by advocating for a change in the locus of control of the scheme.

Shifting the locus of control

The Fair Work and Strong Communities proposal notes that despite government commitments to 'engaging and empowering Indigenous people…in the design and delivery of programs,' the implementation of CDP has been top-down and designed without regard to the views of those affected (APO NT 2017: 26). The necessary cultural change within government, it argues, requires that management of the program move from the Department of the Prime Minister and Cabinet to a new, Indigenous-led agency. While specific arrangements are not spelled out, the proposal refers to both local and regional decision-making structures, recognising that regional structures are in varying stages of development across the area covered by CDP. The national oversight body would manage the implementation of the scheme, support the development of a strong Indigenous employment sector, collect and disseminate evidence of the scheme's outcomes and impact and work with affected communities to continue its development (APO NT 2017: 27-28).

Rather than specifying a common set of performance measures across the program, or using the fee structure to drive behaviour, the proposal suggests that the scheme have a broad objective of increasing the number of people in a region in employment or earning non-welfare income, with specific program objectives to be set at the local or regional level (APO NT 2017: 30-32). This would allow, for example, prioritising youth transitions into paid work or the growth of new enterprises, as well as part-time or full-time options depending on local need and aspirations. In addition, the proposal argues that each local area should be required to specify and track objectives in relation to youth participation in work

and/or education, improving participation by people with disabilities and ensuring community participation in program design and management.

The proposal also suggests that, wherever possible, program rules should be able to be varied locally. For example while there might be some 'default' mutual obligation settings, these could be varied at the local level. Similarly, it is proposed that while funding for new employment be based on a 'default' twenty hours per week job, there might be circumstances in which local communities might opt for a different way of distributing employment opportunities available under the scheme (APO NT 2017: 17).

APO NT and its alliance partners have identified program governance as critical to the success of any proposed alternative scheme. It is perhaps here, more than anywhere else, that the lessons of CDEP are clear. It was the flexibility of that program, and its eventual establishment within ATSIC, that enabled the scheme to survive for over three decades and be harnessed to Indigenous objectives. While the Fair Work and Strong Communities proposal includes specific ideas about what should be done, it is designed to be 'experimentalist' – built around the idea that what works cannot be specified centrally (Marsh and Spies-Butcher 2009, Marsh 2015). It is intended to increase the authority of local people and organisations to try different approaches and to build structures that enable learning from their efforts. It is through this combination of a national Indigenous authority to manage the scheme and devolution of key decisions to local Indigenous decision-making structures that proponents of the scheme seek to replicate the successes of CDEP.

Is a job creation scheme justified?

In the literature on labour market effectiveness, the broad consensus appears to be that public sector job creation schemes are ineffective (Borland 2014; Martin 2015). That is, in comparison with non-participants, former participants in public sector schemes have generally been found to be no more likely (and sometimes less likely) to be in employment once the scheme had ended. In his analysis of the relevant literature Borland suggests that '[t]he major weaknesses of these programs are the lack of skill development and the absence of a pathway to a permanent job' (Borland 2014: 17). In addition, there are 'lock in' effects as participants in the schemes may reduce their efforts to look for

work elsewhere. Of course, these are also features of Work for the Dole within the current CDP. The devaluing of training, combined with the sheer scale of the task of providing work for so many people with such diverse capabilities, means that few Work for the Dole projects allow participants to use or improve their skills. The FWSC scheme would be highly localised, with jobs in, or closely aligned with, labour market opportunity – both features of the most successful job creation schemes (Borland 2014: 13-14). The proponents of the new scheme recognise, however, that the lack of available jobs will limit movement into unsubsidised work for the foreseeable future.

There are other reasons to pursue job creation of the sort proposed here. As noted above, studies of CDEP showed that it had a range of positive non-economic effects. These are consistent with international studies of similar programs and help explain why, despite concerns over their effectiveness in creating unsubsidised jobs, there is still strong interest in the value of job creation programs for those facing particularly entrenched economic exclusion (*e.g.* Bartlett *et al.* 2012; Williams and Hendra 2018). Even if some Indigenous preferences in relation to work may not reflect a Western work ethic, evidence from CDEP is that access to paid employment, and working on projects that are considered meaningful, have a positive effect on health, wellbeing, incomes and anti-social behaviour. The level of non-compliance with, and resistance to, CDP suggests that it is unable to match these effects.

The ANAO reported a budget allocation of over $400 million per annum to CDP for its administration alone, an estimated $10,494 per person (ANAO 2017: 21, 41). Most of this money is spent by providers in organising and attempting to enforce Work for the Dole. International evidence shows that even the best employment programs make only a marginal impact on job prospects (Card *et al* 2017; Davidson 2011). The evidence presented earlier in this paper suggests that, far from being ‘the best’, CDP may be reducing incomes and labour force participation. The Fair Work and Strong Communities alliance argues that, in this context, investment in job creation is a better use of public money.

The National Centre for Social and Economic Modelling (NATSEM) has estimated the costs and effects of the job creation elements of the proposed FWSC scheme using its STINMOD+ model (NATSEM 2018). The wage cost of the proposed 12,000 jobs in the scheme was estimated at $225.7 million per year. Reduced welfare payments and generation of

new income tax was forecast to generate around $97.6 million in welfare and tax offsets against wage costs – resulting in a net cost of $128.1 million. An additional $68 million would be needed to cover employment costs – for example superannuation and workers compensation – associated with the scheme. While these funds are substantial, they are not very much greater than those already spent on CDP. Moreover, this spending would be sufficient to bring about a substantial change in areas that are extremely poor. The number of individuals engaging in paid employment in the CDP area would increase by about 11,000, increasing the employment-to-population ratio from 48.2% to 57.8%. The poverty rate among the 12,008 people who move into subsidised employment under the jobs scheme would be more than halved, falling from 32.1% to 14.5%. The population-wide poverty rate would fall by 2.6 percentage points from 22.7% to 20.1% in remote areas now covered by CDP. Rather than focusing investment on administering the 'mutual obligation' of people in poverty, the FWSC proposal would directly improve thousands of lives in Australia's poorest regions.

These are only the likely direct economic effects. The scheme's proponents believe that the combination of devolved control, increased job opportunities and increased incomes should generate wider positive effects on health and wellbeing. Over time, the combination of work experience and skills acquisition should assist local people to move into jobs currently held by people from outside the community, or to consider pursuit of jobs elsewhere. In any event, the institutional arrangements proposed by the Fair Work and Communities alliance are designed to encourage adaptation.As the proposal says:

As in any area of complex policy, it is important to recognise that the initial policy design will almost inevitably have flaws. Learning and adjustment is inevitable. What is critical here is transparency and participation of those affected in decisions (APO NT 2017: 34).

Conclusion

The prominent anthropologist Diane Austin-Broos has spent many years writing about the nature of, and interactions between, Indigenous and non-Indigenous economic practices (*e.g.* Austin-Broos 2003; Austin-Broos 2006). In *A Different Inequality* she argues that, in the assertion of the right of remote communities to develop separately, the ability to

account for, and respond to, inequality has often been lost (Austin-Broos 2011). In considering the prospects for remote communities, she argues:

> widespread and long-term welfare or welfare-like dependence matters because it is the link between inequality and suffering; the register of low status in a larger social order that brings demoralisation experienced as 'poverty'. Therefore communities require both federally funded programs of the CDEP type and effective strategies for mainstream schooling. In other words, community-based strategies and labour market/human capital ones should both be on the agenda (Austin-Broos 2011: 146)

Austin-Broos asserts the need for a reconciliation between the market institutions of white Australian economic life and the economic relations that have developed within remote Indigenous communities which are encapsulated in, but marginalised from, the wider market economy. She calls for the repair of authority structures and rebuilding of institutions so that Indigenous leaders, families and communities can – to the extent that choices are available – choose how this reconciliation might occur (Austin-Broos 2011: 150-151).

It is this attempt to provide a program platform for remote Indigenous people to 'walk in two worlds' that animates the proposal put forward by the Fair Work and Strong Communities alliance. It is a proposal that recognises that it is not just the form of labour market assistance that matters, but the extent to which it can be seen as a vehicle for local decision-making, and the rebuilding of local authority. The proposal reflects community aspirations to re-gain some of the autonomy and control of resources associated with CDEP, combined with an acknowledgement of the need to build the capacity of people – particularly the young – to access opportunities in the wider economy.

Like the earlier CDEP program, the Fair Work and Strong Communities proposal is pragmatic – tailored to the economic and political circumstances into which it is being launched. Having failed to secure the adoption of its 2011 reform proposal, this time APO NT has worked hard to build alliances within and beyond the Northern Territory and the Indigenous sector. It has forged alliances with key peak bodies like the Australian Council of Social Services and the Australian Council of Trade Unions, as well as reaching out to CDP providers. Rather than confront ideas like 'mutual obligation' or the definition of 'real work' directly, it seeks to carve out a space for these issues to be worked

through on the ground. The hope is that, just as CDEP was born of pragmatism, but was able to be adapted and shaped to become an 'Indigenous institution,' the framework established under this new scheme will lend itself to being shaped and adapted by new generations of Indigenous leaders and organisations.

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