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## Reframed as welfare: CDEP's fall from favour

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### Introduction

Discussion of welfare and work for Indigenous Australians leads quickly to the Community Development Employment Projects scheme (CDEP). Introduced by the Fraser Coalition Government in 1977, CDEP was both a response and an alternative to increasing eligibility for social security unemployment payments among Indigenous people in remote areas (Sanders 1985). The idea was to make grants to Indigenous community organisations to employ community members part-time who would otherwise be eligible for unemployment benefits. CDEP was not itself part of the social security system. It was an employment scheme, administered by the Commonwealth Department of Aboriginal Affairs with funding notionally offset against social security entitlements. CDEP proved very popular, with many Indigenous community organisations in remote areas asking to be included (Sanders 1988). From 1987, after a review process by the Hawke Labor Government, CDEP also spread to more regional and urban areas (Australian Government 1987: 6). From 1990, CDEP became a major nationwide program of the Aboriginal and Torres Strait Islander Commission (ATSIC) and continued to grow strongly (Sanders 1993). By the late 1990s, CDEP was coming under greater scrutiny and essentially stopped growing. In 2004, when the Howard

Coalition Government abolished ATSIIC, CDEP was transferred to the Commonwealth Department of Employment and Workplace Relations (DEWR), which presided over a process of reform and shrinkage back to remote areas. From late 2007 under the Rudd Labor Government, CDEP became the responsibility of the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), which reformed it further. This led to new CDEP participants from July 2009 becoming social security payment recipients undertaking required activities in return for welfare.

How is it that an employment program designed to avoid Indigenous reliance on social security payments in 1977 became reframed as part of the welfare system 32 years later? How does a popular and successful solution to a significant public policy problem come, over time, to be seen as part of that problem? These questions are explored below in seven sections of analysis. The reframing of CDEP from employment to welfare did not occur all at once. It proceeded through diverse events over a 20-year period from seemingly innocuous beginnings, and it led in the end to the destruction of CDEP. Some of the reframing was legislative, but much was administrative. Only occasionally did the reframing become a matter of public debate between politicians and in the media. Such was the power of routine decisions within government that cumulatively they did most of the reframing of this once positively regarded program. This is the story of CDEP's fall from favour.

## Legislative recognition and complaints of discrimination

During its first decade, CDEP was unequivocally a part-time employment program funded by the Department of Aboriginal Affairs. In 1988, a broad-ranging official review of the social security system observed that, as low income part-time workers still available for additional employment, CDEP participants could theoretically be eligible for part unemployment payments (Cass 1988: 251). As a consequence, two new sections were added to the Social Security Act in 1991 that clearly ruled out this possibility. Subsection 23(1) spoke of a 'Commonwealth funded employment program' based on 'the number of people in that community or group who are, or are

likely to be qualified for new start allowance'.<sup>1</sup> Without naming it, this was CDEP and in section 614A it was subject to a 'multiple entitlement exclusion'. This meant that CDEP participants were now legislatively barred, even in theory, from also receiving part Newstart Allowance. CDEP was recognised in the Social Security Act as based indirectly on eligibility for Newstart Allowance, even though it was at that time entirely administered by the Commonwealth's Aboriginal and Torres Strait Islander affairs portfolio.

With legislative recognition, CDEP had moved ever so slightly from being unequivocally an employment program towards being part of the social security system. In remote areas, where CDEP had started and was most prevalent, this change seemed to pass unnoticed. By contrast, in urban areas, to which CDEP had recently spread, the change provoked a series of complaints to the Human Rights and Equal Opportunity Commission. The basis of these complaints was that CDEP participants were not able to access add-on social security entitlements, as could Newstart Allowance recipients. This was seen by complainants as a form of racial discrimination that denied Indigenous Australians their rights within the social security system (Sanders 1997).<sup>2</sup>

When the Race Discrimination Commissioner within the Human Rights and Equal Opportunity Commission published a report investigating these complaints and allegations, she did not find 'any significant issue of racial discrimination' (Antonios 1997: vii). She did, however, express 'concern' about a 'lack of consistency in the treatment of CDEP participants by the Commonwealth Government' (Antonios 1997: viii). This lack of consistency was traced back to section 614A of the Social Security Act, which the Race Discrimination Commissioner saw as in need of amendment so that CDEP participants could be treated 'as ordinary wage earners' (Antonios 1997: ix). This would have returned CDEP to its pre-1991 status of being an employment program without formal links to the social security system. In the event,

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1 New start allowance was the new name for unemployment benefits in the Social Security Act from 1991. I use the generic term unemployment payments to refer to both the pre-1991 and post-1991 income support provisions. Newstart quickly became a single word within the Australian social security system.

2 This 1997 paper grew out of a consultancy report undertaken for the Human Rights and Equality Opportunity Commission in 1995, which provided background analysis for the Commission's own report in 1997.

the Commonwealth Department of Social Security (DSS) and ATSIC moved in the opposite direction, drawing CDEP closer to the social security system.

## Administrative inclusion alongside Work for the Dole

During 1997 the new Howard Coalition Government introduced a scheme under which some Newstart Allowance recipients were asked to undertake community work and in return received a \$20-per-fortnight supplement to their social security payment. This general Work for the Dole initiative allowed ATSIC and DSS new room to manoeuvre in relation to CDEP. The 1998 Commonwealth budget announced that legislation would be introduced for a CDEP participant supplement of \$20 per fortnight, much like that for Work for the Dole. Because this was done under social security legislation, it also allowed CDEP participants to qualify for add-on social security entitlements like rent assistance, telephone allowance and health care concession cards (Newman 1998). This legislation came into effect in September 1999 and began a process of inclusion of CDEP participants in social security administration, by then the province of Centrelink.

During the latter months of 1999, Centrelink began to sign up CDEP participants for their \$20 supplement and other add-on entitlements, in the process giving them a Customer Reference Number. This brought CDEP participants into the individualised world of social security administration, though their basic CDEP wage was still paid by an Indigenous community organisation funded by ATSIC. This hybrid administrative arrangement was highly unusual, quite different from Work for the Dole although made possible by it. CDEP participants were still very clearly employees of their provider organisations, but they also had a presence within social security administration. They were, in retrospect, already starting to be reframed as welfare recipients.

## Employment in and out of CDEP: ATSIC's balancing act after Spicer

The Howard Coalition Government commissioned a more broad-ranging review of CDEP during 1997. Completed by a former chief executive of the Australian Chamber of Commerce and Industry, Ian Spicer, this self-proclaimed 'independent' review opened by stating that:

The importance of CDEP to governments and the 30,000 indigenous Australians involved cannot be overstated. In some localities, CDEP often represents the community itself. Without it some remote communities would simply not exist (Spicer 1997: 1).

After this enthusiastic opening, Spicer went on to identify some problems within the 20-year-old program. One was that 'up to a third of CDEP participants' were not working and some were receiving 'as little as \$30–40 per week'. Spicer suggested that this 'sit-down money' aspect of CDEP should be removed over time, with participants not working and on very low incomes being returned to the social security system where they would be 'financially better off'. This would also free up places for 'waiting lists of people wishing to join' CDEP and work (Spicer 1997: 3). Another problem identified by Spicer was that there were not enough participants moving out of CDEP into other employment. This called for greater skills development and 'individual case management', which Spicer encouraged through greater 'linkages with employment placement providers' or even CDEPs becoming such providers themselves (Spicer 1997: 6).

Although independent, the Spicer Review had been carried out with the assistance and cooperation of ATSIC staff. As a consequence, ATSIC was comfortable working with Spicer's recommendations over the next few years and pushed to get more Indigenous people working both in and out of CDEP. In this, ATSIC was assisted by its ex-CEO, Peter Shergold, who had become Secretary of the Commonwealth's employment department. In this new role, Shergold worked hard on an Indigenous Employment Policy (IEP) that provided wage subsidies for up to 26 weeks for Indigenous people placed in non-CDEP employment. In 2000, he reported that 1,600 Indigenous Australians had been assisted with wage subsidies in the first year and that placements were then running at between 200 and 250 per month

(Shergold 2001: 69). Another part of IEP provided for payments of \$2,000 to CDEP organisations who placed a participant in 'mainstream employment'. However, this part of IEP was not performing so strongly, with only 180 such placements over 12 months. Shergold (2001: 71) believed that the IEP 'incentives' for moving participants out of CDEP needed 'rethinking'.

While the employment department was slowly becoming interested in CDEP through its IEP, it was still ATSIIC that owned and was enthusiastic about the CDEP scheme. ATSIIC's balancing act around CDEP could be seen in its annual reporting, which in 2002–03 for the first time placed CDEP activities in three 'output groups': 'promotion of cultural authority', 'improvement to social and physical wellbeing' and 'economic development'. Previously CDEP had been reported solely under 'employment and training' within ATSIIC's 'economic development' output group, although clearly CDEP's significance had always been much broader than that.

## DEWR's contractualism and employment service model

In 2004, with the abolition of ATSIIC, CDEP was transferred to DEWR. Employment had, over the previous decade, become a leading Commonwealth portfolio in the contracting out of government services (Considine 1999). From 2006, CDEP was also subjected to this competitive contractualism. Organisations had to formally express interest in being a provider and, if successful, were given a three-year contract. This was quite different from ATSIIC's former annual grants program, which had loyally funded Indigenous community-based organisations from year to year, unless their CDEP was going badly awry. Through DEWR's competitive contractualism, some non-Indigenous organisations became providers of CDEP and some Indigenous organisations competed with each other outside their established service regions, as seen in some of our case studies.

DEWR also subjected CDEP to two rounds of more substantive policy review. This involved discussion papers suggesting changes, followed by community consultations and ministerial announcements that largely confirmed earlier suggestions (Andrews 2005; DEWR 2005,

2006; Hockey 2007). One result was the closure from July 2007 of CDEPs in over 60 urban areas seen as having 'strong labour markets'. The 7,000 participants in these CDEPs were referred on closure to a specialised Indigenous 'job brokerage service' called STEP and to general Job Network employment service providers in their areas.<sup>3</sup> For the remaining regional and remote CDEPs and their 28,000 participants there would be incentive payments 'for getting people into real work for 26 weeks' and some lowering of allowable additional income while on CDEP. There was even talk of restricting new entrants to CDEP to 12 months participation (Hockey 2007; see also DEWR 2007).

Analytically, I argue, what was occurring through these reform processes was a move towards DEWR's preferred employment service model. DEWR worried that employment in CDEP could continue indefinitely and that participants were not sufficiently encouraged into the larger labour market. They wanted CDEP participants to link in with the larger general employment services providers, the Job Network, and with other (non-CDEP) employers. Pushing in this direction involved DEWR reframing CDEP participants as still unemployed jobseekers, even though they had some continuing part-time employment. Indeed, through CDEP's generous allowable additional income rules, over half of CDEP participants in 2002 worked more than the minimum 15 hours per week and their average weekly income was over \$100 more than that of the unemployed (Altman et al. 2005: 11).

DEWR's reframing of CDEP participants as still unemployed jobseekers meant also encouraging a greater presence in remote areas for Job Network providers, which in the previous decade had not been strong (Shergold 2001: 67–8). This increasing presence of general employment services in remote areas highlighted their very different mode of operation from CDEP, sometimes leading to cooperation but more often to tension, as again seen in some of our case studies (see also Jordan 2011: 46).

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3 STEP stood for Structured Training and Employment Projects. A catchy acronym sometimes appears a requirement for a government program.

## Pearson's 2007 reversal and the Northern Territory Intervention

During 2007, two other events contributed to the gradual reframing of CDEP from work to welfare. The first was a reversal in the analysis and public position on CDEP of prominent north Queensland Aboriginal commentator, activist and lawyer, Noel Pearson. The second was the Howard Coalition Government's decision to override Northern Territory self-government and intervene in Territory Aboriginal communities, which belatedly included an intention to abolish CDEP in the Territory. Both were more public, high-profile contributions than the administrative, budgetary and legislative manoeuvres analysed in other sections. But they were nonetheless an important part of the extended process of reframing CDEP.

Around the turn of the millennium, when Noel Pearson began focusing on the problem of 'passive welfare' in Aboriginal communities, he did not include CDEP in that rubric. Rather, he argued that CDEP reflected the 'principles' of 'responsibility and reciprocity' instituted at the 'local level', which he saw as the way forward (Pearson 2000: 84–6). While noting that in some smaller communities CDEP was 'very successful', Pearson also observed that in 'particularly larger' communities CDEP was 'often not very distinguishable from the dole—in terms of achieving the reciprocity principle' (Pearson 2000: 87). This qualifying subordinate statement in 2000 was perhaps a foretaste of what was to come. In February 2007, Pearson very publicly reversed his position on CDEP. In one of his regular opinion pieces in *The Weekend Australian* newspaper, Pearson developed the idea of a 'welfare pedestal' and a 'staircase of opportunity' driven mainly by 'economic incentives'. He now saw CDEP as part of the welfare pedestal from which Indigenous people 'must first ... step down before the process of climbing the staircase can begin'. Slightly changing the metaphor, Pearson argued that 'CDEP was intended to be a stepping stone to a real job', but had in 'reality ... become a permanent destination' (Pearson 2007). Pearson's reframing of CDEP in February 2007 sat comfortably with Minister Hockey's a week later. In May 2007, this reframing also became the declared position of the Cape York Institute for Policy and Leadership, the think tank

offshoot of Griffith University that Pearson had created in 2004 to help progress his welfare reform agenda (Cape York Institute for Policy and Leadership 2007).

In June 2007, when the Howard Coalition Government launched its 'Intervention' into Northern Territory Aboriginal communities, changes to CDEP were not initially part of this 'emergency response'. But in July, ministers Hockey and Brough argued that CDEP had 'become a destination for too many' and that 'measures' already 'successfully introduced in urban and regional areas' were now to be implemented across the Northern Territory. This meant closing CDEPs and 'converting CDEP positions that support Government service delivery into real jobs wherever possible'. With the help of both government and other employers, the ministers 'expected that some 2,000 people will be assisted off CDEP into real work'. For the rest of the Territory's 8,000 CDEP participants, there would be social security 'income support, with normal participation requirements including access to Job Network services, Structured Training and Employment Projects (STEP) or Work for the Dole', plus the Intervention's new income management arrangements. This was to be rolled out 'on a community by community basis' commencing in September 2007 (Brough & Hockey 2007).

In tandem with this Coalition Government announcement in July 2007, four Opposition Labor members of the House of Representatives were putting their names to a minority parliamentary committee report entitled *Indigenous Australians at Work*. They identified the reframing of CDEP when they observed that in its 'original form' the 'emphasis' had been 'on community development which generated employment, not just on individual employment readiness' (HRSCATSIA 2007: 216). Labor was clearly internally divided over how to respond to the Coalition's July announcement to close CDEPs across the Northern Territory. Opposition leader Rudd was more supportive than his parliamentary colleagues from the Northern Territory, as the Coalition's Minister for Workforce Participation took delight in pointing out during September (Stone 2007). By October, Labor had reunited around an 'Indigenous Economic Development Strategy', which involved 'reforming and improving CDEP' rather than abolishing it. Reforms would 'apply nationally in remote areas, including in the Northern Territory' (Garrett et al. 2007). This position clearly differentiated Labor from the Coalition on CDEP in

the November 2007 election and when Labor won, it meant that the Rudd Labor Government placed an immediate moratorium on further closures of CDEPs in the Northern Territory. About 20 CDEPs had already been closed across the Northern Territory, while some 30 remained. The Rudd Labor Government also immediately moved CDEP administratively from the employment portfolio to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

## Equalising CDEP and income support: FaHCSIA's contribution

In April 2008, Rudd's Indigenous affairs and employment ministers announced that CDEP would be offered back to Northern Territory communities in which it had been closed in 2007 as a 12-month 'interim measure' while the government progressed reform (Macklin & O'Connor 2008a). In May 2008, under the names of these two ministers and the Deputy Prime Minister, the Rudd Government released a discussion paper on 'the future of the CDEP and Indigenous Employment Programs'. This asked respondents to make 'suggestions' about how CDEP and IEP could be 'better linked to the Government's new universal employment services model to be implemented from July 2009'. It also asked for 'views on what works now' and 'fresh innovative ideas to ensure both programs meet Indigenous people's needs into the future' (Gillard et al. 2008a: 1). This discussion paper went on to identify some 'reform principles and difficult questions' already understood. One was 'unequal treatment' between 'CDEP and income support' for the unemployed, both in activity requirements and in allowable additional earnings. Following a tabular presentation of these differences, the suggestion was 'to move away from the system of CDEP wages and move participants into the income support system' as a 'way of fixing these inequalities' (Gillard et al. 2008a: 4–5). While there was much else in this discussion paper, this concern with equalising CDEP and social security income support was a new contribution, probably reflecting FaHCSIA's perspective and influence as the new departmental guardian of CDEP.

In October 2008, these same three ministers issued an expanded paper that both reported on 'consultations' and progressed 'suggestions' to 'proposed reforms' for implementation in July 2009. CDEP would cease to operate 'in non-remote regions'. In remote areas, new CDEP participants would 'access the program while on relevant income support payments rather than be paid CDEP wages', while existing participants could continue to 'receive CDEP wages' during an 'adjustment period' extending to March 2010 (Gillard et al. 2008b: 6–7). In December, two of these ministers announced that these CDEP reforms would indeed 'begin on 1 July 2009', together with a \$764 million injection into IEP over five years. The adjustment period for existing CDEP participants to continue receiving wages would be extended to June 2011 and 'reformed universal employment services' from July 2009 would also provide Indigenous job seekers 'with more tailored assistance' (Macklin & O'Connor 2008b).

These reforms, developed during 2008 and implemented from July 2009, amounted to a further inclusion of CDEP in the social security system. Politically, within the Rudd Government, the southern leaders (Rudd, Gillard and Macklin) had prevailed over their Northern Territory colleagues and some others who were more supportive of the existing wages-based CDEP. Administratively over time, increasing numbers of CDEP participants were becoming income support recipients subject to precise legislative eligibility requirements, like the activity test and restricted allowable additional income rules. Conversely, decreasing numbers of CDEP participants from before July 2009 were being paid wages and allowed the generous additional income rules referred to as 'top-up'. CDEP was by 2009 more within the social security system than outside it, and becoming more so all the time as pre-July 2009 participants fell away. The old framing of CDEP as part-time employment was rapidly fading. The dominant reframed view from July 2009, both politically and administratively, was that CDEP participants were just another group of unemployed welfare recipients undertaking required activities in return for income support.

## From CDEP to RJCP: Service integration and reframing confirmed

In 2011, the Gillard Labor Government initiated a broad-ranging review of 'remote participation and employment servicing arrangements'. Among Indigenous-specific programs, this covered both CDEP and IEP. In general employment programs, it covered Disability Employment Services and the much larger universal employment services, renamed Job Services Australia (JSA) in the process of awarding contracts for 2009–12. With these four programs to consider, the discussion paper for this review highlighted the 'fragmented' nature of existing services in which 'goals are not always aligned' (Arbib et al. 2011: 7). It then argued for a 'new model' that would involve a 'single provider' in each remote region, arguing that this would be 'simpler, more integrated and more flexible' (Arbib et al. 2011: 8). With this framing of existing services and the suggested new model, change seemed unexceptional and hard to resist. However, as some of our case studies show, CDEP and JSA operated in quite different ways in the same geographic area and placing them together would raise important questions about the mode of operation of the new single provider.

In May 2012, a new troika of ministers announced the Remote Jobs and Communities Program (RJCP), which would replace all four existing programs, including CDEP. From July 2013, RJCP would offer 'a more integrated and flexible service to people in remote Australia and help to build sustainable communities' (Macklin et al. 2012). A 'Job Seeker Compliance Framework' would 'provide a direct connection between attending employment or community projects and receiving income support payments', while a 'Community Development Fund' would support projects identified in 'Community Action Plans', which would 'provide employment and participation opportunities for local people' (Macklin et al. 2012). For 'grandfathered' CDEP participants from before July 2009, wages could now continue until June 2017 to 'provide stability and familiarity' (Macklin et al. 2012).<sup>4</sup>

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4 'Grandfathered' participants were those who had joined CDEP prior to 1 July 2009 who, as explained above, could continue to receive a CDEP wage for the specified 'adjustment' period.

Expressions of interest in being a RJCP provider were due in November 2012 and successful applicants across 60 regions were announced in April/May 2013. A little more than 3,000 grandfathered CDEP wages participants were passed to the new RJCP providers in July 2013, which was less than 10 per cent of their anticipated case load of 35,000 jobseekers across 60 regions. Wage-based CDEP was fading away, with just three or four providers hanging on tenaciously to grandfathered positions, including in one of our case studies. Among almost 50 RJCP providers, about 40 per cent had past experience delivering both CDEP and JSA, with two more groups of 20 per cent each having experience delivering one of these major programs or the other. The successful competitors for these new five-year government service contracts were a mix of local Indigenous, national non-government welfare and for-profit organisations. Many were operating in new organisational partnerships encouraged during the contracting process, but almost all had past experience as employment service providers of one sort or another (Fowkes & Sanders 2015).

As RJCP began during the second half of 2013, the Abbott Coalition Government won office in Canberra. With RJCP being a Gillard Labor Government creation, the new government was not always supportive. It did, however, include RJCP in an election promise to move 'Indigenous programmes to the Department of the Prime Minister and Cabinet' (Loughnane 2013: 2). Strictly speaking, this was not necessary, since RJCP covered *all* people in remote areas, not just the Indigenous. RJCP was clearly seen by the incoming Abbott Government as a very important program for remote Indigenous people, which it wanted centrally located in its new Indigenous affairs administrative arrangements.

Two years on, the Abbott Coalition Government had reworked the activity and funding model for RJCP. From July 2015, CDEP wages ceased and all participants became social security income support recipients who were asked to undertake up to 25 hours per week of work-like activity. This confirmed the reframing of RJCP participants as unemployed job seekers doing required activities in return for income support. However, the Abbott Government also renamed the new arrangements from July 2015 the Community Development Programme (CDP), which is bound to cause confusion and perhaps lead some to think that there is movement back towards an employment and wages-based program. This is not the case.

## Conclusions

The story of CDEP's fall from favour suggests, on my reading, three conclusions. The first is that the framing of government programs is very powerful. The second is that reviews of government programs almost always change them. The third is that administrative arrangements within government are as important as politicians in changing the framing of programs (Sanders 2012). It is through reframing, predominantly within government, that a program designed as a solution to a policy problem can, three decades later, be cast as part of that problem. This accords with a large recent literature on the power of framing within public policy (Fischer 2003).

In its original form in 1977, CDEP was all about Aboriginal people in remote areas not being on social security unemployment payments and instead being in part-time employment. There was no concern that this might become a long-term arrangement and there was only a notional offset-funding link back to the social security system. This was captured in original guideline 5, which stated that these grants 'to provide employment opportunities' would be 'at a cost approximating unemployment benefits', 'thereby reducing the need for unemployment benefit for unemployed Aboriginals within the community' (Commonwealth of Australia 1977: 1922). After the social security review, which ran from 1986 to 1988, this notional funding link was changed in 1991 to a direct legislative link, albeit a minor one for the purposes of a multiple entitlement exclusion seemingly unnoticed in remote areas. The Race Discrimination Commissioner's review in 1997 suggested going back to treating CDEP participants as 'ordinary wage earners', but all other reviews in this seven-section analysis have pushed in the opposite direction. Each review brought CDEP participants a step closer into either the social security system or associated employment services. ATSI's deal with DSS in the 1998 budget to pay CDEP participants and Work for the Dole participants a similar supplement seemed logical and sensible at the time, but in the long run it probably killed CDEP as an employment and wages-based program. Subsequent reviews by DEWR and FaHCSIA would, with the help of politicians of both major parties, move CDEP more and more into the income support and employment services systems. From July 2009, new CDEP participants were clearly part of social security administration and existing CDEP participants

were a doomed, grandfathered cohort, slowly fading away. CDEP died as a program in 2013 with the move to RJCP, and the last of its grandfathered participants lost that status in 2015. A good idea for Indigenous employment from 1977 had been reframed as welfare and comprehensively destroyed 38 years later.

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