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## Looking for ‘real jobs’ on the APY Lands: Intermittent and steady employment in CDEP and other paid work

Kirrily Jordan

### Introduction

The principal justification for restructuring the Community Development Employment Projects (CDEP) scheme over the last 10 years, and eventually abandoning it, has been an argument that the availability of CDEP work has prevented the take-up of more favourable ‘real jobs’. This chapter draws on evidence from the remote Anangu Pitjantjatjara Yankunytjatjara (APY) Lands in the far north of South Australia to argue that a binary distinction between CDEP and ‘real jobs’ is a fiction. This has important implications not just as a critique of past policy decisions, but also for designing future strategies to sustainably improve livelihoods for remote-living Anangu where recent policy directions are falling short.

Some of the concerns raised by Aboriginal residents of the far south coast of New South Wales (Chapter 4) have been evident in the APY Lands too, with rates of participation in CDEP activities falling as wages were removed from 2009, and Anangu worried that declining engagement in productive activity would see an increase in ‘sit-down

money' and attendant social problems. While these issues have been documented elsewhere (Jordan 2011), the analysis presented in this chapter moves beyond a focus on outcomes to explore why the dominant policy logic might have failed.

The exact features of 'real jobs' have never been clearly defined. However, commentators have contrasted them to a construction of CDEP as 'pretend jobs' that had no clear career path and perpetuated meaningless 'make work' activities (see, for example, Hughes & Hughes 2010; Pearson 2007, 2011). Implicit in this binary was the idea that instead of participation in CDEP that led nowhere and condemned Aboriginal participants to ongoing poverty and economic exclusion, 'real jobs' would engage Aboriginal people in the broader economy in a way that would substantially improve their well-being in both the short and long term.

Pitting conceptual notions of CDEP and 'real jobs' against each other in this way was a failure of logic for several reasons, which can be demonstrated for the APY Lands. Firstly, CDEP did facilitate the movement of some participants through the scheme and into other paid work. Secondly, while the number of participants exiting into regular salaried jobs was relatively small and retention rates were often low, insisting that this was due to a supposed disincentive effect of CDEP wages—in which the bulk of participants were discouraged from seeking out other employment because CDEP was a more comfortable option—overlooks the complex and intractable structural barriers to regular paid work across the APY Lands. Most of these barriers persist regardless of the name, design and rules of any employment program, such that the idealised notion of large numbers of Anangu participating in regular work routines for anything other than intermittent and casual wages remains elusive and is likely to do so into the future. This is still true despite the move away from CDEP and regardless of the kinds of employment services the government offers. Thirdly, and perhaps even more tellingly, the same intractable structural issues mean that many so-called 'real jobs' on the APY Lands end up looking much like the jobs that existed under CDEP.

The next section introduces CDEP on the APY Lands by summarising key events in its local history. The chapter then turns to an evaluation of the supposed binary distinction between CDEP and 'real jobs', arguing that such a distinction misrepresents and dramatically

oversimplifies reality for the three reasons outlined above. The final sections seek to draw out lessons for future employment policy for the APY Lands, arguing that effective policy must be based on much clearer policy aims that emphasise improved livelihoods for Anangu rather than simply increased rates of non-CDEP employment. In addition, achieving better outcomes for Anangu requires more careful consideration of what motivates participation in different kinds of paid work and—fundamentally—a more genuine and sustained consultation with Anangu about what is required. Many Anangu hope that consistent, regular employment for Aboriginal people will increase across the APY Lands, and some have a vision of Anangu eventually running the services now almost universally delivered by outsiders. However, rather than blaming CDEP for slow progress, a more productive approach is to recognise the enormous complexity of the task at hand and listen, at the community level, to ideas about what works.

## Putting CDEP on the APY Lands in context

When CDEP was first piloted in 1977, two of the earliest communities to receive it were Ernabella (Pukatja) and Fregon (Kaltjiti) in the remote far north of South Australia.

From these small beginnings, CDEP expanded to become by far the regions' biggest employer, extending into 16 communities and homelands on what are now known as the APY Lands.<sup>1</sup> By the early 1990s, CDEP in the APY Lands included more than 850 participants (O'Connor 2013: 140) out of a total estimated population of roughly 2,200 (South Australian Centre for Economic Studies 1994: 15). All of the larger communities and some small homelands had their own CDEP scheme, each administered separately through a local community council.

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<sup>1</sup> The APY Lands are Aboriginal-owned under inalienable freehold title under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (SA). The traditional owners of the APY Lands are Pitjantjatjara, Yankunytjatjara and Ngaanyatjarra peoples, often collectively referred to as Anangu. More than 2,000 Anangu live on the APY Lands in a number of dispersed communities and small homelands.

As elsewhere across Australia, CDEP on the APY Lands was subject to significant changes in its administration, delivery and expected outcomes, especially from the late 1990s. From around this time the government increasingly emphasised the need to transition CDEP participants into non-CDEP jobs. After 2004, when the administration of CDEP was transferred from the Aboriginal and Torres Strait Islander Commission to the Department of Employment and Workplace Relations, the pace of change increased. New rules included the introduction of a lower CDEP youth wage<sup>2</sup> and new job targets, a tightening up of payments (such as restrictions on ‘top up’) and a reorientation of the kinds of work people could do under the scheme to focus more on mainstream job readiness. On the APY Lands the number of CDEP providers was also reduced, from 16 in 2004 to only 10 in 2006. The number of participants declined from around 750 in 2004 to around 600 by 2007 (Paper Tracker 2011).

While APY communities were still adjusting to these substantial alterations to program delivery, another major change occurred when, in June 2007, the separate community-based programs were replaced by one single regional CDEP scheme for the whole of the APY Lands. The new regional contract was awarded to Bungala Aboriginal Corporation, a decision that was highly controversial at the time. Based in Port Augusta, Bungala had a long history of delivering CDEP elsewhere in the state, but no established formal connections with the APY region prior to 2007. The government’s decision to remove control of the CDEP scheme from local community councils came at the same time as a significant defunding of those councils. Some people experienced the combination of these changes as a deliberate attack on Anangu self-determination. This was particularly so because a local organisation—Anangu Pitjantjatjara Services (now Regional Anangu Services Aboriginal Corporation)—had also bid for the regional CDEP contract.

Despite initial local resistance, over the next five years Bungala became a highly visible presence across the APY Lands. By 2011 it directly employed 24 non-CDEP staff in seven APY communities, including

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2 The lower youth wage, introduced in 2006, was designed to reduce any disincentive effect for Indigenous youth in the hope that—if not offered the full adult CDEP wage—they might choose further education or low-paid non-CDEP jobs like apprenticeships or traineeships over CDEP participation.

on-site managers, CDEP work supervisors and mentors (only one of these staff was Anangu—this substantial underrepresentation of Anangu in permanent service provider positions is a common feature throughout the region). While policy changes during this period saw CDEP participant numbers continue to decline (detailed later in this chapter), Bungala remained the largest employer on the APY Lands, delivering CDEP to more than 400 participants across 11 communities and associated homelands.

Bungala's period of administering CDEP on the APY Lands corresponds to the most significant period under study in this book: the ultimate demise of CDEP after its 36 years in the region. For this reason, the chapter focuses on CDEP under Bungala's management, as well as reflections on the situation now that CDEP has gone. It draws on fieldwork undertaken between 2011 and 2015, including interviews and discussions with Anangu, as well as staff from Bungala Aboriginal Corporation, employment service providers, relevant government departments and several of the major employers of Aboriginal people on the APY Lands. It also utilises available administrative data.

## Does the distinction between CDEP and 'real jobs' stack up?

The changes to CDEP over the last 10 years have been heavily influenced by arguments that contrasted work on CDEP to 'real jobs'. Among the most prominent commentators taking this position has been Noel Pearson, whose rhetoric singling out CDEP as distinct from the 'real economy' became very influential in subsequent critiques of the program as well as informing the dominant policy approach (see, for example, Cape York Institute for Policy and Leadership 2007; Hughes 2007; Pearson 2007; Hudson 2008; Stone 2008; Hughes & Hughes 2010).

Summing up his criticism in 2007, Pearson argued that CDEP had become part of a welfare economy that removed the incentive to work in return for financial reward, and that rather than being a 'stepping stone to a real job' in reality CDEP had 'become a permanent destination' (Pearson 2007). Although Pearson's comments lent moral authority to this position, here he was reflecting what had become

an increasingly common argument from politicians and bureaucrats: that CDEP had become a 'dead end' (see, for example, Shergold 2001; Andrews in Yaxley 2005; Brough 2006). According to Pearson, reducing the rate and availability of CDEP payments and introducing mainstream employment services would shift a 'large group of people to work-readiness training that is more likely to lead to employment than the present CDEP' (Pearson 2007). While this became one of the most persistent and influential critiques of the program, this section outlines three reasons why such a categorical distinction between CDEP and other paid work was never appropriate and led to misguided policy decisions.

First, CDEP was, in fact, a pathway to other employment for some participants. Second, just like on the far south coast of NSW (Chapter 4), structural constraints that limited non-CDEP employment outcomes on the APY Lands persist well beyond CDEP, such that casting the program as a principal barrier to mainstream employment was too simplistic. And third, the notion of 'real jobs' was always idealised. That is, in important ways, many of the 'real jobs' on the APY Lands actually look very much like CDEP.

## CDEP as a pathway to other employment

The original aims of CDEP had included direct publicly funded job creation in situ in remote communities, with the rationale being to accommodate the livelihood choices of remote-living Aboriginal people while minimising reliance on welfare. When CDEP was recast towards moving participants into unsubsidised employment from the late 1990s, some CDEP providers were criticised as 'backward-looking' and hanging on to the past in their reluctance to adopt the new performance measures. However, Bungala management made a conscious effort to embrace the new focus of CDEP.

The organisation had a long history of running CDEP programs elsewhere in South Australia and had been recognised as highly successful in placing CDEP participants into non-CDEP employment in Port Augusta. Bungala management described this as based in their 'philosophical belief' that the CDEP program should 'facilitate employment and training opportunities that articulate to economic independence for Aboriginal people' (Bungala 2010). Based on their operations in Port Augusta, they believed this could

be achieved 'when CDEP is used as a vehicle to expose participants to the replication of a real employment situation' (Bungala 2010). For example, although CDEP had a set weekly base wage, Bungala encouraged active engagement in CDEP work by offering industrious workers additional hours or responsibilities so they could earn extra 'top up' pay. They also adopted the principle of 'no work no pay' with the aim of reinforcing commitment to a work culture. While there was some flexibility in how this was implemented (e.g. to allow for cultural leave and attendance at sorry camps), Bungala could and did penalise people financially for unexplained and unapproved absences.

Bungala's strategy also focused on the transition of CDEP participants into mainstream employment wherever possible. For example, between July 2008 and March 2011, Bungala assisted 217 CDEP participants across the APY Lands into non-CDEP employment, and another 38 into subsidised work experience placements (16 of which led to unsubsidised jobs). Organisations taking on CDEP participants for paid jobs or subsidised placements included community art centres and stores, schools, private building contractors, a major mining company, TAFE and state government agencies. Interpreting these figures requires some care because the period in question was an unusual one in which governments provided specific funding to create additional non-CDEP jobs for Anangu on the APY Lands. Of the 217 participants placed in non-CDEP jobs, 89 secured these CDEP 'conversion' positions created by the state or federal government to transition CDEP participants formerly engaged in delivering municipal and essential services into fully funded jobs.

During the period under study, Bungala's CDEP operations were integral to many of the employment placements of Anangu both on and off the APY Lands. For example, apart from the 89 conversion positions, Bungala also sought out employment opportunities by liaising with potential employers and tailoring training to their needs. Such projects included the placement of 41 Anangu in housing maintenance and construction jobs on the APY Lands. This was the culmination of negotiations to separate non-time-critical tasks out of Housing SA construction contracts so that they could be carried out by CDEP participants (who also undertook formal training in Certificate I in Construction through TAFE). In a similar approach, Bungala also helped facilitate the employment of eight Anangu as full-time trainees at Oz Minerals' Prominent Hill mine, the first significant

mining employment program for the APY Lands. Individuals recruited for both projects were those who had been regularly attending CDEP, and hence had proved their commitment to a formal work routine.

This role of CDEP as a 'testing ground' for recruiters should not be understated. Regular participation in CDEP did not guarantee long-term retention in non-CDEP work. However, it could assist employers to direct training and mentoring to participants with the most enthusiasm for consistent employment and the best prospects for staying in the job. For this reason, some employers on the APY Lands had decided to only employ Anangu who had proved their commitment to regular employment through consistent participation in CDEP (and subsequently through the Remote Jobs and Communities Program (RJCP) and the Community Development Programme (CDP)).

By the same token, the APY Lands shows that CDEP could assist those individuals most aligned to regular participation in paid work into other employment where appropriate vacancies were available—even if these individuals were a minority of the CDEP caseload. It should also be noted that while CDEP supervisors actively supported this transition of the most reliable workers off CDEP and into salaried jobs, it was a common source of frustration that their program was then judged on the attendance of the remaining caseload who were, almost by definition, the hardest to engage and place into regular paid work.

The use of CDEP to facilitate movement into non-CDEP employment, as well as the reliance on the scheme by some employers to help assess the suitability of potential recruits, suggest that rather than creating a binary distinction with 'real jobs', CDEP could in fact be part of a continuum of different types of paid work with relatively flexible boundaries. This becomes even more apparent when considering that the structural constraints faced by CDEP providers persist well beyond the demise of the program and equally extend to non-CDEP work.

## Structural constraints are persistent beyond CDEP

The 217 job placements achieved under Bungala over the three years of study may seem a little less impressive when one considers that although retention rates were initially quite high (74 per cent at 13 weeks) they fell away substantially over six months (44 per cent at 26 weeks), after which they were not measured (Jordan 2011: 43).

However, the challenges that any employment service provider faces in securing large numbers of sustainable Anangu jobs can hardly be overstated. These challenges are well known, but worth documenting briefly here because they help to explain key and persistent features of the employment landscape for both CDEP and other employers on the APY Lands.

Across the Lands, literacy and numeracy are often well below the standard needed for regular employment, even among recent school leavers. Low school attendance rates and high dropout rates from secondary schooling persist. Rates of physical and mental illness are very high, with many individuals of working age facing such significant personal barriers to employment that they may never be able to accommodate regular work. (As an example, recent estimates from just one APY community put the number of working-age men profoundly and permanently impaired by previous petrol sniffing at around 30; this roughly approximates 20 per cent of the community's working-age population.) There is also evidence of serious social pathologies in some APY communities, including high rates of domestic and sexual violence and regular drug abuse (see, for example, Mullighan 2008: xii–xiv). In those communities, family conflict and interpersonal violence can have very real implications not only for peoples' safety and well-being but, unsurprisingly, also for attendance at school and work. At the same time, it is important to note the diversity of Anangu experience, with many people across the APY Lands being highly skilled, knowledgeable and adaptable, and frustrated at the common portrayal of their lives as dysfunctional.

The limited availability and inflexible administration of some government services also create barriers to employment on the APY Lands. For example, in many communities there is a lack of childcare services where mothers can leave their children and go to work.<sup>3</sup> Some service providers also have inflexible administrative arrangements such as the common requirement for prospective employees to undergo official clearances. Service providers regularly complain that some clearances—such as those from the South Australian Department for Communities and Social Inclusion—can take up to six months, by which time the immediate enthusiasm of an

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3 There are a number of playgroups, but mothers or carers must stay in attendance while the children are there.

applicant for the job has almost always waned. With governments ostensibly focused on removing obstacles to increased employment, problems like these should be priorities to resolve.

Adding even more complexity to this mix are very different patterns of socialisation from a young age, such that there is often a mismatch between the day-to-day demands of regular employment and local Anangu priorities. As in other parts of remote Australia, dominant notions of what constitutes a competent and successful person can be very different to those of the non-Indigenous population (in which 'success' largely corresponds to career progression and personal wealth), and Aboriginal patterns of social obligation mean that the ongoing negotiation and maintenance of relationships is often prioritised over employment commitments (see Vickery & Greive 2007; and for other parts of Australia, Austin-Broos 2006; Gibson 2010; McRae-Williams & Gerritsen 2010).

This can work both ways in that Anangu may be required at a moment's notice to leave work to attend to a family need or, on the other hand, may refuse to attend a workplace or participate in work activities if their participation may bring them into contact with someone with whom they are in an avoidance relationship or current conflict (see also McRae-Williams & Gerritsen 2010). There are many examples of this on the APY Lands, including situations where longstanding family conflicts have meant that entire workplaces are effectively 'out of bounds' for members of opposing family groups. Perhaps even more significantly, many Anangu are highly motivated by immediate need rather than projected future needs, and to the extent that they participate in paid employment, some do so in the form of what Peterson (2005) has called 'target working' (that is, turning up when there is an immediate need for money and not turning up when there is not).

The complex interaction of so many factors can often make the obstacles to regular and sustained employment seem insurmountable. They constitute major structural barriers to increased employment and retention rates that will undoubtedly persist well beyond the demise of CDEP. In taking stock of these 'on the ground' complexities, it is clear the notion that removing CDEP wages would be key to moving more Anangu into mainstream jobs was misguided. Unfortunately, this has also been evidenced by the rising unemployment rate as CDEP

has been phased out, with RJCP and now CDP unable to move large numbers of Anangu into paid work. Indeed, as noted in Chapter 1, Minister for Indigenous Affairs Nigel Scullion recently suggested that in the absence of CDEP many remote-living Aboriginal people may now face long-term Work for the Dole, perhaps over many decades (in Martin 2015).

The next section argues that in considering these persistent barriers to employment, any sharp distinction between CDEP and 'real jobs' becomes blurred. That is, such complex and overlapping challenges not only shaped participation in CDEP but also influence the nature of most non-CDEP employment. This obvious point seems to have been overlooked by most proponents of dismantling CDEP who suggested that non-CDEP jobs were somehow more 'real' than the activities carried out for CDEP wages.

### The idealised notion of 'real jobs'

While the supposed dichotomy between CDEP and 'real jobs' came to dominate policy discussions during the last 10 years of CDEP, exactly what such jobs constituted was never clearly defined. Nonetheless, some features of the so-called 'real jobs' can be gleaned either from absolute statements about their supposed benefits (such as that they have 'proper wages and conditions'), or relative statements about how they would compare to CDEP (e.g. they would require a commitment of more hours, lead to a more regular career, or constitute more serious work). Presumably, the ultimate aim of getting more people into 'real jobs' was to improve the income, working conditions and well-being of workers, as well as increasing their engagement with the market economy.

A common suggestion was that 'real jobs' would ensure people received 'proper wages and conditions' (see, for example, Australian Government 2013: 1). One of the basic principles of CDEP was that all participants would be offered the opportunity to earn at least as much as they would otherwise have been entitled to through unemployment payments. However, there was no formal minimum weekly wage because individuals who did not complete all of their work hours could face a reduction in their pay (see Race Discrimination

Commissioner 1997: 13, 17).<sup>4</sup> Criticisms that even the full CDEP wage could constitute underpayment as against the relevant awards were made as early as 1977 (Sanders 1988: 37). Later criticisms about the rights of CDEP participants concerned access to superannuation, termination payments and leave conditions—with CDEP originally having no specific provisions for parental leave, bereavement or long service leave (see, for example, Altman & Hawke 1993: 10–12).

Some of these concerns were addressed over the years. For example, while CDEP was never covered by an award, by the mid-1980s a determination was made that CDEP participants should be paid ‘part-time pro-rata equivalents of award rates of pay’ (Sanders 1988: 37). In effect, this meant that the base rate of pay (while fixed as notionally equivalent to unemployment benefits) determined how many work hours could be required of CDEP participants. Provisions were also made for parental, bereavement and long service leave for CDEP participants, as well as sick leave and relatively flexible cultural leave.

Superannuation remained a concern, with super payable on ‘top up’ wages (where these were generated from profits) since 1992, but not on base CDEP wages. It should be noted that a similar situation has been faced by some low-income casual workers, who are not entitled to superannuation contributions from their employers if their monthly income falls below a certain threshold. In CDEP’s case, however, the limited entitlement to superannuation reflected the contradictory ways in which CDEP payments were considered by different government authorities. (Some considered them income support, while others taxable wages.) Critics of the limited availability of superannuation for CDEP participants therefore tended to fall into two camps—those who argued that the solution was abolishing CDEP, and those who argued that CDEP should be considered as waged public sector employment with all the rights to superannuation that entails.

‘Award wage’ and leave provisions show that changes to CDEP rules were able to address some shortfalls in payment conditions where there was the political will to do so. With superannuation, however,

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4 It should also be noted that a number of reviews in the early 1990s found CDEP providers sometimes failed to offer sufficient work to participants to allow them to earn a wage equivalent to unemployment benefits (see Race Discrimination Commissioner 1997: 17).

governments became increasingly committed to the notion that the best way to improve provisions for CDEP workers was to wind back CDEP wages and, eventually, to replace CDEP with RJCP (and subsequently CDP) Work for the Dole (see, for example, Macklin et al. 2010). This, it was anticipated, would help people transition into real jobs with 'proper wages and conditions' including superannuation (Macklin et al. 2013). Unfortunately, this has not eventuated for the significant numbers of former CDEP participants who now remain in CDP.

There is some irony here because CDP participants accrue no superannuation on their CDP payments (which are clearly defined as welfare). In addition, the longstanding principle that CDEP hours should be limited to reflect award rates of pay has been abandoned in CDP rules. Participants are now required to work more hours for roughly the same income—up to 25 hours per week rather than the usual 15 hours under CDEP (Scullion 2014). This reduces participants' hourly income to well below the award rate for equivalent paid work. Despite initially proposing that participation in these activities would be required for 52 weeks of the year, the Minister for Indigenous Affairs has backed down and agreed to include some allowances for annual and cultural leave (Martin 2015). Notably, though, these were challenges addressed many years ago under CDEP. For those CDP participants who do not move quickly into mainstream employment, it is difficult to see how this could be construed as an improvement in working conditions.

As well as contrasting CDEP to properly paid real jobs, critics of the scheme also suggested that non-CDEP jobs would be better because they would entail longer hours, a more developed career path and more meaningful work. Longer hours were presented as a better option because they would require workers to conform to the demands of most employers and hence become more disciplined workers. This would also make it possible to develop 'careers' rather than simply participate in CDEP activities (see Pearson 2007). Such arguments were also evident in claims that non-CDEP jobs would provide more meaningful work, not the 'pretend' work or 'make work' activities argued to be prevalent under CDEP (Hughes 2007; Hudson 2008; Hughes & Hughes 2010).

According to some commentators, CDEP created a fiction around work activity, either deliberately paying people to waste their time (such as by ‘painting rocks white’, e.g. see Yanner 2013),<sup>5</sup> or paying them for such basic activities that no payment should be due (such as housework, mowing the lawn or attending funerals, see Hudson 2008: vii). From this perspective, even the most mainstream ‘job-like’ CDEP activities (such as working as teachers’ aides or the equivalent of park rangers) were sometimes seen as ‘pretend jobs’ because they were believed to require fewer qualifications than comparable jobs elsewhere and did not mandate English language literacy and numeracy (Hughes & Hughes 2010). In Sarah Hudson’s (2008: vii) words, ‘CDEP participants do not need to know how to read and write, and CDEP training does not qualify them for mainstream jobs’.

By casting CDEP as ‘pretend’ work without any of the demands or disciplines of regular employment, those arguing for the scheme’s closure could portray it as a principal barrier to participants taking on other paid jobs. As Helen Hughes (2007) argued, it is ‘difficult for men and women to contemplate mainstream work standards when they know they will receive “sit-down” CDEP money for doing very little or nothing at all’. The vision, although not clearly spelled out, was that without the supposed disincentive effect of CDEP and its overly permissive payments, ‘work’ in remote Aboriginal communities would begin to look much more like an urban employment market. That is, CDEP participants would tend to become employees in mainstream jobs where they would have to adopt ‘mainstream work standards’ (turning up on time, staying all day, and leaving personal issues at the door) and be motivated to build career paths.

A key argument in this chapter is that this vision of ‘real jobs’ did not match the reality even for many Anangu who participated in mainstream employment. On the APY Lands the complex, overlapping and persistent structural issues outlined in the previous section have equally shaped CDEP and other work. Just like the experience of CDEP—in which a small but significant number of participants embraced the particular disciplines of consistent work

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5 Note that this was such a common claim that it could seem almost apocryphal. However, in some communities CDEP participants did indeed paint rocks white as part of landscaping works in public areas. Large painted rocks were positioned, for example, to clearly delineate public parking zones.

and training—a proportion of non-CDEP workers have done the same. For example, there are some service providers with small work teams who attend work reliably and work fixed hours five days per week. At the same time, there are many Anangu who work in non-CDEP jobs irregularly, receiving casual wages for a day, a week or even a month's work until another priority takes precedence.<sup>6</sup>

The prevalence of this irregular or casual commitment to paid employment is one reason why some service providers are unable, or unwilling, to employ Anangu in key responsible roles. It means that some services relying on Anangu staff regularly open late (or occasionally not at all). It also contributes significantly to low retention rates of Anangu staff across many employers (e.g. one service provider in an APY community employed 22 staff in three years, with the longest period of employment for any staff member being six months). While to outsiders such intermittent working may look like ill-discipline or dysfunction, it is arguably strategic. It may involve 'target working' (i.e. for just long enough to raise money for a specific purpose), or a deliberate rejection of work environments that are perceived as ill-suited to people's needs. Importantly, it may also represent repeated attempts to negotiate the competing demands of paid work and other pressing concerns—such as poor health or cultural and familial responsibilities—as described earlier in this chapter. Because an irregular commitment to paid employment can often be influenced by non-monetary factors, for the rest of this chapter I use the term 'intermittent working' to broaden the scope beyond Peterson's conceptualisation of 'target working'.

In their bid to present a dichotomy between the 'illegitimate' CDEP and 'legitimate' real jobs, commentators who pressed for CDEP's closure failed entirely to acknowledge the widespread reality of intermittent working in non-CDEP employment. But the prevalence of intermittent work means that most of the criticisms of CDEP canvassed here—including its part-time hours, the common lack of career progression, irregular engagement among participants, lack of clarity about leave conditions and in some cases even eligibility for superannuation—can equally apply to many of the 'real jobs' on the APY Lands. This raises serious questions about the reasoning behind many of the most

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6 Patterns of intermittent working have also been noted in case study research from other regions. See, for example, Austin-Broos 2006; Smith 1991.

strident critiques of CDEP. It also suggests that policymakers need to more carefully consider the ultimate aims of remote employment policy to better account for the complexities of intermittent work.

## What is the policy aim?

Perhaps the most critical issue for developing any public policy is a clear understanding of what it is that policymakers are trying to achieve. The Council of Australian Governments' 'Closing the Gap' targets set out to halve the gap in employment outcomes between Indigenous and other Australians by 2018. This focus on statistical equality has been criticised elsewhere (e.g. Altman 2009), and indeed the emphasis on measurable targets has tended to obscure or even displace the stated intention to improve Indigenous well-being (see the references to well-being in the National Indigenous Reform Agreement, COAG 2009).

The same can be argued of the government's approach to remote employment services: if the aim is simply to improve statistical employment outcomes (such as the employment/population ratio) then a focus not only on employment participation, but also on consistent employment over time, is warranted. It is reasonable to assume that policymakers also see this as necessary to improve Indigenous peoples' lives. If, however, the principal aim is actually to advance Indigenous livelihoods and well-being then it may be possible that intermittent working is a valid prospect also worthy of state support, if it affords Indigenous people both raised incomes and the ability to effectively combine paid work with other priorities.

A key argument, then, is that the focus on 'non-CDEP work' has obscured a more productive concern with the kinds of work, and work practices, that would best improve the livelihoods and well-being of remote Indigenous people. Looking again to the APY Lands, this chapter suggests that there are at least two broad types of working practices: intermittent working; and what could be called 'steady employment', which includes a commitment to consistent work hours over relatively long periods of time. To reiterate, imagining that these categories correspond neatly to CDEP participation is inappropriate because both intermittent working and steady employment have been patterns played out across the spectrum of CDEP and non-CDEP jobs.

Determining whether intermittent working, steady employment or some combination of both can best improve livelihoods for Anangu will necessarily entail informed and sustained discussion between Anangu, policymakers and the relevant stakeholders (such as local employers). At present, the approach is at best confused. The Australian Government is seemingly intent on trying to force Anangu to become steady employees through a system of penalties for non-participation in CDP activities or non-attendance at appointments. At the same time, several employers support intermittent working practices, and while many Anangu desire skill development and career progression, intermittent working is very widely accepted.

A useful discussion with Anangu would ask what visions people hold for their future and what kind of working practices could help make progress towards those goals. If, for example, the priority is temporal flexibility to pursue commitments outside of paid work combined with periodic increases in cash income, then intermittent working could continue to be supported (without any stigma that periodic workers were somehow failed employees). However, the discussion should also include consideration of the trade-offs of this approach. That is, for some people there may be a continuum between intermittent work and steady employment, in that participation in the former can sometimes help to generate the commitment and confidence for the latter. For others, though, intermittent work will remain insufficient to lead to career progression, and may limit the ability to find jobs off the APY Lands, gain the skills required for business development or replace non-Indigenous contractors and staff in APY communities. If these are all features of Anangu visions for their futures, then assisting more people to become steady employees should be a shared priority. The next section considers some of the ways in which such assistance might be provided, particularly by re-examining the factors that motivate people to engage in paid work.

## What motivates people to do paid work?

Apart from CDEP wages and the associated ability to offer 'top up' payments for additional work, the principal approach the Australian Government has used to encourage people into employment has been a punitive one. That is, it is assumed that disengagement from regular work can be effectively addressed by 'breaching' recipients of

unemployment payments who do not meet compulsory participation requirements. Research by Sanders (1999, 2004) shows that the degree to which governments have subscribed to this punitive approach in administering social security payments to Aboriginal and Torres Strait Islander Australians has changed over time. In this context, the current period can be seen as an ‘upswing’ in the emphasis on breaching, with consecutive Labor and Liberal governments introducing a series of bills into federal parliament intended to ‘strengthen’ compliance measures for social security recipients.<sup>7</sup> At the same time, compulsory participation requirements have been ramped up (see Fowkes & Sanders 2016).

This system is designed to discipline Anangu into regularly attending CDP activities and appointments in the hope that they will subsequently move into steady employment. Assuming this kind of transition will become ‘normalised’ ignores the deeply embedded nature of intermittent work as described above. Just as importantly, however, it also overlooks the more complex factors involved in what motivates people to engage in productive activity. Central to the current policy approach is the belief that the practice of paying ‘sit-down money’—providing social security payments to able-bodied, working-age people without requiring them to undertake productive activity in return—is one of the principal barriers to remote-living Indigenous people taking up paid work (and especially steady employment). This is an argument strongly advocated by Pearson. In his words, people will be discouraged from taking up paid jobs when ‘it’s easier to remain on the handout’ (Pearson in O’Brien 2007).

There is some reason to support this perspective, but there is also reason to believe that the realities are much more complex. For example, previous research on the APY Lands suggests the availability of ‘sit-down money’ can indeed be a deterrent to active work (Jordan 2011). Although the Rudd Government tried to sell the removal of CDEP wages as giving people ‘the strongest incentives to get a job’ (Macklin & O’Connor 2008), in practice the shift away from CDEP

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7 These include, for example, the Social Security Legislation Amendment (Stronger Penalties for Serious Failures) Bill 2014; Social Security Legislation Amendment (Strengthening the Job Seeker Compliance Framework) Bill 2014; Social Security Legislation Amendment (Job Seeker Compliance) Bill 2011. Recent research by Fowkes and Sanders (2016) suggests that RJCP (and now CDP) participants have faced serious income penalties at much higher rates than those in mainstream job services.

wages to social security payments actually reduced the incentive structures within CDEP to engage in productive activity (see Jordan 2011 for evidence from the APY Lands; also Langton 2014 for reflection on these concerns more broadly).

In short, this is because the monetary incentive structures within CDEP included both a 'carrot' (the ability to offer 'top up' payments for additional work above the required minimum) and a 'stick' (the application of 'no work no pay' to dock wages for non-participation in CDEP activities). However, when new participants were made ineligible for CDEP wages from July 2009 these structures were undermined. Now in receipt of social security payments as their principal source of income, these new participants could no longer receive 'top up' for additional work hours. If they took on part-time or casual employment outside of their CDEP activity they were now subject to the normal income taper on their social security payments, reducing the financial incentive to do additional paid work.<sup>8</sup> In addition, although CDEP participants in receipt of income support payments could theoretically be breached for non-attendance, the CDEP provider no longer had any ability to dock wages directly and it was uncommon for Centrelink to enforce breaches (see Jordan 2011: 47–48).

This meant that 'no work no pay' held little sway over CDEP participants who received income support payments, as they could receive the same income whether they worked their full hours on CDEP or not. On the APY Lands there is evidence that this led to declining engagement. For example, roughly two years after the changes were introduced, participation rates of those still receiving CDEP wages and those receiving income support payments differed markedly,

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8 Nigel Scullion has recently proposed the introduction of new rules that would allow CDP participants to earn more money over and above their social security payments before the income taper would apply. However, they would still have to participate in required CDP activities of up to 25 hours per week; for any hour of CDP activities they missed due to engagement in paid work their income support payments would be reduced. At the time of writing this chapter, precise details of such proposed penalties have not yet been announced, so it is difficult to assess whether participants would likely be better off (see Australian Government 2016). Some analyses, though, raise significant cause for concern (e.g. Fowkes 2016).

with three-quarters of the former group and only one-quarter of the latter group regularly turning up for CDEP work or training (Jordan 2011: 44).<sup>9</sup>

This suggests that monetary incentives provide some, but not all, of the picture. There has been very little research into what motivates remote-living Indigenous people to engage in paid work, or to become 'steady employees'. Peterson (2005) has provided support to the notion that welfare payments have reduced the incentive to engage in productive activity, with their availability unintentionally contributing to the reproduction of a domestic moral economy. In this economy, circulation (dedicated to the reproduction of social and cultural relationships) is emphasised over material production. This sits somewhat uncomfortably with analyses that present the motivation of remote-living Indigenous people to engage in employment as a simple 'income leisure trade off' (see, for example, Pearson 2007). The latter approach draws from mainstream economic theory in which people are assumed to be rational utility maximisers weighing up the quantity of hours that they are willing to supply as labour (and hence give up as leisure) at different wage rates (Gratton & Taylor 2004). It likely reflects a significant oversimplification given the very complex barriers to employment participation described earlier.

For example, if an individual is constrained from participating in paid work because of caring responsibilities, drug or alcohol dependency or an undiagnosed mental health condition, or they have been socialised from a young age to prioritise family responsibilities as the most important work of day-to-day life, then positing a simple 'income leisure trade off' makes little sense. In this context, apparent 'choices' to skip CDEP or Work for the Dole activities are at best heavily restricted, and approaches that rely too greatly on financial penalties are unlikely to produce the behavioural changes that policymakers desire. Indeed, on the APY Lands many Anangu and service providers suggest that although increased breaches might encourage some Anangu to engage more fully with the new CDP, more likely outcomes include further alienation of those with the greatest

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9 The influence of age on participation might account for some of this difference but, because both the wages and income support 'streams' of CDEP included participants across the age spectrum, it could not account for it all.

barriers to steady employment, an intensification of existing patterns in which Anangu rely on kinship networks for material needs, and escalating resentment, intracommunity violence, poverty and theft.

In the absence of empirical research in the field, it is instructive here to consider approaches to 'motivation' taken by various employers of Anangu—both on and off the APY Lands. While some employers support intermittent working with casual wages, others use various systems of incentives and penalties to encourage Anangu staff to engage in paid work consistently as steady employees. Penalty arrangements are not unusual, with common features including warnings that staff will lose their jobs if they repeatedly fail to turn up on time or leave early without prior approval. Where employment is casual, pay is docked for non-attendance in the next payment period. However, in workplaces with significant retention rates, penalties are accompanied by a range of non-monetary 'incentives' that give Anangu a sense of ownership over their own professional and personal development and offer a supportive team environment in which to work.

This almost always includes intensive mentoring (usually one-on-one assistance tailored for each individual's needs), facilitation of desired training and development, and a high degree of autonomy for Anangu staff. For example, in one workplace widely regarded as very successful in retaining and upskilling Anangu employees, those staff are included in all significant decisions ranging from the daily division of work tasks, to appropriate penalties for non-attendance, to recruitment of new colleagues. This has encouraged a strong sense of teamwork and ownership among staff. It has also allowed deeply held cultural relationships between different family groups to be sensitively accommodated. Organising work practices in this way has much in common with the 'Aboriginalisation' of the workplace that was a locally valued feature of CDEP on the NSW far south coast, as detailed in Chapter 4. On the APY Lands, it has helped to make paid work with some employers a particularly attractive prospect for their Anangu staff.

This combination of factors—financial penalties for non-attendance, the threat of dismissal for continued poor performance and ensuring that workplaces are attractive to Anangu—has proven effectiveness in supporting steady employment among those individuals most

predisposed to it. If more Anangu become role models for this way of working over time, it is quite possible that it will increasingly become a social norm. However, even if many Anangu determined that increased participation in steady employment was in their best interests, it is highly unlikely that attempts to extend this approach would rapidly eliminate intermittent working while so many complex barriers to more consistent employment still exist. That is, at present there is a relatively small pool of Anangu available for steady employment over significant periods of time, and efforts to force others into a similar employment relationship would undermine the sense of agency and teamwork relied upon by effective employers and almost inevitably fail.<sup>10</sup> Equally, although financial incentives and penalties can be important, approaches that simply seek to ‘breach’ intermittent Work for the Dole participants into becoming steady workers are unlikely to make much headway.

If, as suggested here, the recent experience with removing CDEP wages on the APY Lands had the unintended consequence of reducing rather than increasing participant engagement, it suggests policymakers have much to learn about effective incentive structures for Anangu. In this context there is a clear need to engage with Anangu, not only about their vision for their future, but also how to achieve it—including whether there should be penalties for non-participation in Work for the Dole activities and if so what these should be. While many Anangu are opposed to sit-down money for able-bodied people of working age, they are likely to have more creative ideas about appropriate—and effective—incentives and penalties to encourage compliance.<sup>11</sup>

That kind of discussion might also go some way to relieving the ‘resistance and withdrawal’ of remote-living Indigenous people that some commentators identify as a response to the ‘merry-go-round of changing top-down initiatives’ forced upon them over the last decade (Rothwell 2015: 17). Research on the APY Lands lends some

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10 It should also be noted that some employers on the APY Lands rely on casual, intermittent work by Anangu and the required tasks are not suited to steady employment of the same individual over significant periods of time. This can be the case, for example, where staff are only needed periodically and/or where different staff are needed to work with clients from the different family groups.

11 For example, some suggestions from Anangu include prohibiting those not turning up to their Work for the Dole activities from participating in competition football. This would avoid the possibility of shifting a financial penalty onto family members and, since playing football is highly prized, be keenly felt by those penalised.

support to this thesis—with local responses to the removal of CDEP wages including frustration at yet another rule change implemented with little consultation (Jordan 2011: 42). If the thesis is right then forging ahead with policies designed to force behavioural change through increasingly severe financial penalties runs the risk of further alienating the most disengaged Anangu and again leading to outcomes at odds with what policymakers are trying to achieve.

## Conclusion

The principal justification for closing CDEP has been the argument that the availability of CDEP work prevented the take-up of more favourable 'real jobs'. CDEP may indeed have been chosen by some participants over other employment, but assuming that the removal of CDEP would therefore improve outcomes for remote-living Indigenous people shows several flaws in logic. For example, experience on the APY Lands demonstrates that CDEP could help those Anangu most suited to steady employment to find non-CDEP jobs. At the same time, 'top up' and 'no work no pay' provisions could be utilised to try to encourage more consistency among intermittent workers. Moreover, while participation and retention rates were often low, this reflects much broader structural challenges that will persist well beyond CDEP and that are equally apparent in intermittent working within both Work for the Dole and many non-CDEP jobs.

Ignoring the nature of the so-called 'real jobs' allowed commentators and policymakers alike to overlook the question of whether movement from CDEP into other employment would necessarily improve outcomes. By encouraging a focus on the removal of CDEP wages, it also suited the dominant policy discourse that has assumed not only that the major barrier to increased participation in steady employment is behavioural, but also that behaviour can be changed by the top-down implementation of policies that shift people onto income support payments and increase breach rates to force compliance. This focus has given much too little attention to increasing the availability of non-CDEP work (such as through enterprise development) and has largely ignored the need to remove institutional barriers to employing Anangu in existing vacancies (such as unduly lengthy record checks

and clearances required by some employers).<sup>12</sup> It has also assumed that governments adequately understand how to appropriately support improved Indigenous well-being, and what incentive structures will encourage behavioural changes in which direction. Like policymakers, many Anangu say they want to see an end to sit-down money. However, the recent experience of removing CDEP wages suggests that governments do not have sufficient insight into the way unilateral policy changes are likely to affect Anangu, and even the best-intentioned policies can have consequences at odds with their stated goals.

In this context, it is reasonable to conclude that the most suitable policy responses will be determined through appropriate consultation with Anangu. Such consultations should first seek to understand how different types of work practices might support or detract from improved well-being. Rather than casting some types of work as 'real' and others as 'pretend', this discussion could sensibly acknowledge both the entrenched nature of intermittent working (even beyond CDEP) and identify its advantages and disadvantages as against steady employment. Significantly, this discussion should also engage with ideas promoted in the Forrest Review that the 'success' of publicly funded employment programs in remote areas should only be judged on the basis of 26-week employment outcomes (see Forrest 2014).

If, in informed negotiations, some Anangu do conclude that greater engagement with steady employment is necessary to improve their livelihoods, such discussion should ask Anangu how policy changes might best support that aim. Part of this picture might indeed be adjusting policy settings to encourage individual behavioural change, but it might also include a greater emphasis on varied and interesting work that is attractive to Anangu as well as ensuring access to appropriate support services (with some health, child care and drug and alcohol services, for example, still too often limited). While social security policy will undoubtedly play a part, if the tougher application of income penalties for social security breaches does increase poverty, theft and resentment as some Anangu predict, then

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12 Inadequate support for small enterprise development is a very common concern raised by Anangu and others on the APY Lands. Several people consulted for this study stressed the need to leverage more economic development opportunities from tourism and other industries in surrounding regions, as well the need for investment in infrastructure that would make employment opportunities off the APY Lands more accessible.

ignoring the views and insights of Anangu in making these decisions risks further entrenching many of the problems governments are seeking to resolve. At the same time, if not adequately grounded in a genuine agreement between Anangu and governments then any efforts to reduce intermittent working and force people into steady employment through increased financial pressure may well be interpreted as assimilationist and encourage local resistance. Options for such agreement-making are currently limited, but with remote Indigenous employment outcomes continuing to decline it seems an appropriate time for governments to consult with Anangu about broader livelihood options.

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