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Out of sight, out of mind? Markets and employment services in remote Indigenous communities

Diana Perche

Introduction

The early waves of marketising reform in Australian government service delivery were relatively slow to impact on policies and programs targeting First Nations people. The portfolio of Indigenous Affairs is widely recognised as a highly complex area of policymaking, given the challenges of service delivery in remote areas, the language and cultural barriers and the long-term impacts of processes of colonisation, dispossession, exclusion and marginalisation. For many decades, the Commonwealth Government funded separate delivery of services and programs for First Nations people and supported a broad policy approach based on Indigenous self-determination. However, since the Howard era, marketisation in social services has been increasingly applied to Indigenous services and separate policy delivery has been replaced with ‘mainstreaming’ of services.

A notable feature of the market-based reform agenda has been that social policies have been piloted or trialled in Indigenous communities in far more draconian and punitive ways than among non-Indigenous populations. Examples include the implementation of income management for welfare

recipients in remote communities in the Northern Territory and the banning of alcohol and pornography in specific communities as part of the Northern Territory Emergency Response (NTER), which was rolled out in 2007, and the introduction of the School Enrolment and Attendance Measure in remote communities, which applied penalties through the income-support system to families whose children did not attend school, between 2013 and 2017.

Employment service delivery in remote communities is another area of policy experimentation where the Commonwealth Government has applied a more punitive approach to Indigenous remote communities than in urban and regional centres where the non-Indigenous population is larger. This chapter concentrates on the application of market principles to employment service delivery in remote Indigenous communities and examines how providers have come to be seen as an extension of the government's power to punish and control individual behaviour.

This chapter begins with a summary of the development of policy around employment and welfare provision in remote Indigenous communities, from the adoption of the Community Development Employment Projects (CDEP) in 1977 through to the most recent implementation of the similarly named, but radically different, Community Development Program (CDP) in 2015. It shows the impact of institutional layering throughout this period, to the point where the original policy settings were seen as creating the very problems they were designed to mitigate. The chapter then examines the contractual arrangements with service providers under the CDP, observing the flawed design of the market and considering the implications in terms of the quality, efficacy and appropriateness of the services this market provides. Given the discernible risks of policy failure, the chapter concludes by reflecting on the factors motivating the adoption of market logic in this policy area, despite the lack of a viable labour market in remote parts of Indigenous Australia.

This chapter is written by a non-Indigenous scholar, observing the impact of government policy on First Nations people. It is well recognised that First Nations people are too often the subject of academic research that does not reflect their experiences, priorities and ways of knowing (Nakata 2007; Smith 2012). In this chapter, care has been taken to prioritise the voices of First Nations people in explaining the lived experience of the provision of employment services in remote areas, particularly as they have been recorded during parliamentary inquiries. It is important to

acknowledge, however, that the author's interpretation of these records may not reflect the experience of all First Nations people who are affected by the government policy under examination here, and future policy development in this area should take this into account.

From community development to welfare dependence: Explaining the institutional history

This chapter will examine the institutional history of Commonwealth policy targeting employment for First Nations people in Australia, focusing particularly on labour market participation in remote communities. This is predominantly a story of incremental changes, particularly from the 1990s, which saw the well-established CDEP gradually undermined and transformed into a punitive work-for-the-dole scheme. Sanders (2016) observes the role of apparently small bureaucratic decisions that, over time, had a powerful, unforeseeable impact on the CDEP and contributed in different ways to its ultimate demise. Indeed: 'Such was the power of routine decisions within government that cumulatively they did most of the reframing of this once positively regarded program' (Sanders 2016: 32).

The incremental shift away from the original CDEP model of self-determination and separate treatment towards marketisation of employment services in remote Indigenous communities is usefully analysed using the five patterns of gradual institutional change identified by Streeck and Thelen (2005). These patterns are distinguished by the mechanisms used to bring about change and the extent to which opportunities are opened and exploited by actors inside or outside the institutional structures, at different times. The five modes are displacement, layering, drift, conversion and exhaustion, and the two most directly applicable in this case are layering and conversion. Layering is used to describe institutional change that does not attempt to terminate and replace an existing institution, protected as it is likely to be by vested interests, but rather to introduce amendments or revisions that appear to function alongside the existing arrangements. Once such apparently minor or peripheral amendments take hold, they can result in 'differential growth', where the new features attract support and new logic becomes acceptable. Because the amendments have been 'layered' over the existing

arrangements, rather than displacing or attacking them directly, they do not produce a 'counter-mobilisation' in defence of the status quo (Streeck and Thelen 2005: 23–24). This reflects the risk of 'taken for grantedness' inherent in institutions, allowing for 'subversive' actors to take advantage of the ambiguities, 'gaps' and 'soft spots' within the rules (Mahoney and Thelen 2010: 10–11). The power dynamics will ultimately change, because 'while powerful veto players can protect the old institutions, they cannot necessarily prevent the addition of new elements' (Mahoney and Thelen 2010: 20).

The other applicable form of institutional change in Streeck and Thelen's typology is conversion, through which existing institutions are 'redirected to new goals, functions or purposes' (2005: 26). Conversion overturns the earlier institutional expectations and distribution of power to suit the interests of a different set of actors. According to Mahoney and Thelen (2010: 21): 'Conversion normally occurs when rules are ambiguous enough to permit different (often starkly contrasting) interpretations.' The process of conversion can be fraught: there is a potential for unintended consequences to emerge from the newly converted institution, along with political struggle between actors supporting or resisting change, taking advantage of ambiguities in the new rules and demanding compromises in their implementation (Streeck and Thelen 2005).

As will be examined in more detail in the next section, the design of the CDEP opened the possibility of seeing its participants as both paid employees and welfare-dependent. The Howard government exploited this ambiguity, using the crisis of the NTER to allow a substantial shift away from the Commonwealth's longstanding practice of treating remote labour markets differently and supporting Indigenous self-determination, to an adoption of markets in the delivery of employment services as part of a 'mainstream' welfare-based system. In this case, the institutional change consisted of the abandonment of the government's former commitment to community development in remote communities in favour of welfare combined with work obligations with no associated benefits for the community. After many years of incremental change through layering, there was little support left at the government level for retaining self-determination and community development. The conversion of the CDEP into a market-based system focusing on work for the dole has provoked considerable resistance from Aboriginal organisations and stakeholders, but little attention elsewhere.

The importance of the CDEP in Aboriginal communities over this period reflects the complex ways in which the policy as an institution shaped the lives and relationships of community members. Streeck and Thelen (2005: 9) offer a definition of institutions as ‘collectively enforced expectations with respect to the behaviour of specific categories of actors’, involving ‘mutually related rights and obligations’. Institutions can also be understood as ‘distributional instruments laden with power implications’ (Mahoney and Thelen 2010: 9). Before the introduction of market logic, the design of the CDEP established institutional expectations about the treatment of Indigenous participation in the labour market as a separate policy problem, not subject to the same pressures and ideological expectations as people in the ‘mainstream’ labour market. This set of institutional expectations was originally based on the challenges of remoteness and lack of a viable labour market and infrastructure. The different treatment of Indigenous economic participation also considered the history of racism and discrimination in the labour market and the need to accommodate cultural differences with flexible work arrangements, along with aspects of historical and ongoing social exclusion affecting employability, including lack of access to education, adequate housing and health care. The CDEP thus saw the creation of local Aboriginal community-controlled organisations that received government funding and distributed it as wages for those working on community-led projects. The program provided a mechanism for substantial growth in the number and size of Aboriginal community-controlled organisations over time, shaping relationships and expectations at the local level as well as between communities and government. These organisations were understood to be a powerful reflection of Indigenous self-determination in action, with substantial resources and reach (Rowse 2002).

The Community Development Employment Projects

The CDEP initiative was introduced in 1977 by the Liberal–Country party Coalition government under Prime Minister Malcolm Fraser and was designed and administered by the Department of Aboriginal Affairs (DAA). The policy was a response to growing concern about the welfare of Aboriginal people in remote areas, many of whom had been forced to leave their low-paid work on outback stations because of the equal wages case and had little prospect of finding work in a very limited labour market (Jordan and Altman 2016; Fowkes and Li 2018). Indigenous Australians had been essentially excluded from the social security system until the 1960s, but as eligibility for welfare was expanded, concern grew

about the risks of 'sit-down money' and the lack of formal employment opportunities in remote areas. The CDEP was a voluntary program that allowed Indigenous organisations or community councils in specific remote areas to employ participants for community development projects, paying them a basic wage out of a block grant that was notionally offset against the unemployment benefits they would otherwise have been eligible to receive, plus costs (Sanders 2001). Following early successes in pilot programs, the scheme was gradually expanded to include more remote communities under the Hawke Labor government (1983–91).

Key features of the CDEP distinguished it from other labour market programs targeting unemployed people. The scheme was voluntary, not compulsory, and communities could elect whether to participate. The flexibility associated with the block funding for the community-based organisations administering the projects ensured that community needs were met across a wide range of services and activities, ranging from road maintenance, housing construction and rubbish collection to child care and aged care, night patrols, postal services and running the community store and fuel outlet. The activities were often community services otherwise provided by municipal or state governments in less-remote parts of Australia (such as emergency services, meals on wheels, patient transport services and ranger programs), or were positions designed to support government-funded services such as Centrelink liaison officers, health workers and teaching assistants in schools (see, for example, Scott 2001: 207).

Block funding allowed the community organisations to design their own projects to meet the needs and priorities identified by their own residents, and to provide for flexibility in work arrangements to allow members of the community to continue their cultural obligations and practices. Critically, participants were considered employees, not welfare recipients. The pay system included a base rate for 15 hours a week at award wages, with the possibility of 'top ups' for those who elected to do more hours of work. Sanders emphasises the CDEP was not considered to be welfare or social security:

Although the CDEP scheme grew out of the extension of social security entitlements to Indigenous Australians, it was not, in the late 1970s and the 1980s, in any way formally linked to the social security system. The scheme was not recognised by or referred to in the social security legislation and it was administered, at Commonwealth level, almost entirely by the Indigenous

affairs portfolio with little or no input from the social security portfolio. The link between the CDEP scheme and social security entitlement was simply an informal, notional financial offset. The CDEP scheme was outside the social security system, and participants in the scheme were essentially treated simply as low-income wage earners. (2001: 47)

This framing of the CDEP as a funding source, rather than a system of social security, would change considerably over time, as discussed in the next section.

To further underline this point, the work activities associated with the CDEP were not considered to be an early form of work for the dole or mutual obligation, as it would be understood today. Rather, the design of the CDEP enabled ‘Indigenous self-management and community pride’ (Fowkes 2018: 73). The Indigenous community-based organisations managing the CDEP exercised cultural authority in the local community and political authority in their relationship with the government (Rowse 2002). Work activities were based on traditional Aboriginal cultural values of reciprocity between the individual and his or her community or kinship groups—quite different from the more recent expectations of ‘mutual obligation’ between an individual and the government (Martin 2001: 32–33). As Rowse notes, participants in CDEP activities were active members of the community, contributing to projects that were the product of self-determination. Thus, CDEP workers were, ‘in some respects, like shareholders in the CDEP’ (Rowse 2001: 40).

Institutional layering: From the CDEP to the CDP

The early success of the CDEP prompted its expansion to cover a growing range of remote communities. The Hawke Labor government extended the program to non-remote areas, in recognition of the similar challenges faced there by Aboriginal people seeking employment (Blakeman 2016: 221). By 1990, the CDEP had reached urban communities in the southern states and eastern Queensland and was considered a national program. This section will examine the development of the CDEP as a process of institutional layering, from its expansion under the Hawke government through to its gradual dismantling by the Howard government and subsequent replacement by the Gillard government. The following section will outline the Abbott government’s ultimate conversion of the program into the more punitive employment program, the CDP. These developments are summarised in Figure 3.1.

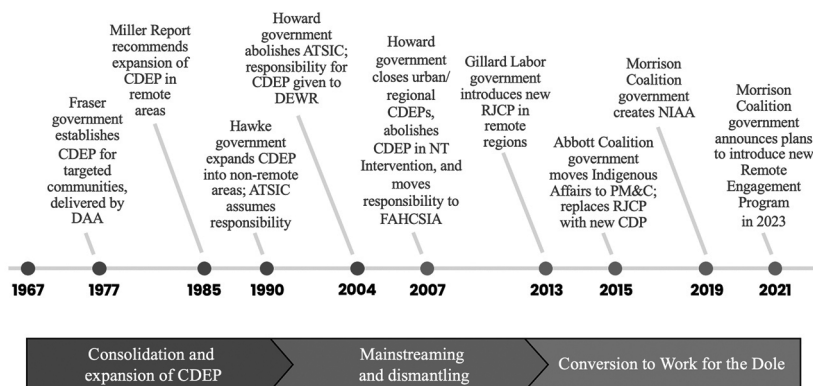


Figure 3.1 Timeline of key milestones in Indigenous employment policy

Source: Based on author's research.

In 1990, the Hawke government created the Aboriginal and Torres Strait Islander Commission (ATSIC) to replace the Department of Aboriginal Affairs. This new body was directed not by public servants, but by elected commissioners who represented Aboriginal and Torres Strait Islander people in a regional structure. The Hawke government intended ATSIC to serve as an important expression of Indigenous self-determination, with Indigenous leadership representing Indigenous interests to the government and making decisions about programs and funding that affected Indigenous people (Bradfield 2006). ATSIC was given administrative responsibility for the CDEP, which formed a substantial part of its budget and functions. At its peak, the CDEP included 272 projects, employed 33,000 participants nationwide and consumed one-third of the annual ATSIC budget (Jonas 2001: 13).

The following decade was characterised by a growing tension within different agencies of government, as the CDEP was increasingly understood as both a form of social security *and* paid employment (Sanders 2001). The first institutional layer had been applied by the Hawke government with a 1991 amendment to the *Social Security Act*, which excluded CDEP participants from unemployment benefits on the grounds they were already receiving a kind of income support from the government. In 1997, concern was expressed by the Human Rights and Equal Opportunity Commission about the range of social security supplementary payments that CDEP participants were unable to access (Blakeman 2016: 227). In 1997, in response to the Howard government's freeze on expansion of CDEP placements, ATSIC commissioned an independent review, known as the Spicer Review. This review observed

that up to one-third of community members did little of the work expected of them under the CDEP, thus receiving little pay under the 'no work, no pay' rules, and it recommended these workers be transferred to unemployment benefits instead. Sanders (2001: 49) suggests ATSIC used this finding to make the distinction between the CDEP and social security clearer. In 1999, the Howard Liberal–National Coalition government's new Indigenous Employment Policy prevented further expansion of the CDEP and introduced incentive payments for CDEP participants who left the program for paid work, seeking to reframe the CDEP as a pathway to mainstream employment. The government also addressed the inequality of access to social security supplements for CDEP participants, and this new layer meant participants became Centrelink customers for the first time.

In 2004, the Howard government abolished ATSIC in line with its ideological rejection of Indigenous self-determination and separate representation and service delivery, having criticised the commission over many years for apparent conflicts of interest and mismanagement (Bradfield 2006). ATSIC's functions were moved into mainstream departments. The CDEP was moved to the Department of Employment and Workplace Relations (DEWR), which had responsibility for mainstream employment policy focused on welfare-to-work and labour market activation. This department was already well recognised for its extensive use of markets in providing employment services through the Job Network (Considine et al. 2011; Sanders 2001) and, within a short period, the same technique of competitive contracting was applied to organisations wishing to provide CDEP opportunities for their communities.

The demise of ATSIC would prove to be critical for the CDEP. Drawing on Mahoney and Thelen's (2010) observations about power shifts as a result of layering, it is clear ATSIC had been a powerful veto player, protecting the CDEP and its original values and objectives, based on Aboriginal self-determination and the appropriateness of separate policy treatment. Altman (2016: 208) argues that because the CDEP was ATSIC's largest program, it could be 'linked to ATSIC's perceived failure; redefined as an employment program, [CDEP] could be held responsible in part for the government's inability to close the employment gap'. Once ATSIC was removed, there were no other similarly powerful actors within the Commonwealth public service to defend the unique nature of the Indigenous remote labour market. It was difficult for the CDEP organisations themselves to mobilise resistance without a peak

representative body. It was at this point that the institutional layering of the previous years turned to the possibility of conversion, and the Howard government's critique of self-determination combined powerfully with a critique of Indigenous-specific policy, which was dismissed as 'separatism' (Altman 2007: 309).

With the CDEP now administered by DEWR, the Howard government was quick to open the CDEP to marketisation, in the first sign of institutional conversion. In 2005, the Howard government applied a competitive purchasing process for CDEP contracts, along the lines of the mainstream Job Network scheme, and opened this to both non-Indigenous organisations and private providers. This caused some Indigenous organisations to lose contracts and forced others to merge or work across regional boundaries, outside their own communities, to remain competitive (Fowkes 2018: 78–79). Sanders (2007: 2) noted the earlier funding model for the CDEP organisations under the DAA and ATSIC were 'loyalty models, in which particular Indigenous organisations were funded and supported over extended period[s] of time because of their identification and links with the community being served'. The new scheme introduced in 2005 replaced this model with a 'new competitive contractualism' using short-term contracts and ending the security of funding (Sanders 2007; Altman 2016). As Fowkes (2018: 79) argues, 'the 2005 "reforms" broke the formal nexus between local Aboriginal control and program delivery, replacing it with a KPI/purchasing process and reframing CDEP as an instrument of government policy', rather than community-based development. The institutional expectations based on Indigenous self-determination and community control were substantially shifted. The Howard government also began to close CDEP programs in urban and regional areas from 2006 on the basis there were 'strong labour markets' in these areas, negating the need for separate treatment of Indigenous people.

In July 2007, the Howard government announced the Northern Territory Emergency Response—ostensibly to address child sexual abuse in remote communities. One of the prominent policy measures of the NTER was 'welfare quarantining', which aimed to prevent residents of the targeted remote communities using their social security payments to purchase alcohol or tobacco or to gamble. It soon became clear the CDEP would also be wound back in the affected communities to allow this income-management measure to be implemented. Jordan and Altman (2016: 8) record the Indigenous affairs minister Mal Brough's surprise that CDEP

participants could not be covered by the income-management policy because they were technically employees not welfare recipients. This further demonstrates the extent to which the welfare frame for the CDEP had become widely accepted in government circles by this stage.

The Rudd Labor government was elected in late November 2007 and made the deliberate decision to continue the implementation of the five-year plan for the NTER. However, it paused the closure of CDEP activities in the Northern Territory while it considered its new Indigenous employment policy. The CDEP was moved to the Department of Families, Housing, Community Services and Indigenous Affairs. The plan to abolish the program in non-remote areas was implemented, with new participants moved on to social security payments and some participants in remote areas ‘grandfathered’ on CDEP wages for a fixed period. The Labor government took some time to develop its replacement for the CDEP and it was not until 2012 that the Gillard government announced the new Remote Jobs and Communities Program (RJCP). This new program replaced the CDEP and combined with the parallel services that were working in Indigenous communities by this stage, including mainstream Job Services Australia (JSA), the Disability Employment Service and the Indigenous Employment Policy. Participants would now receive social security payments rather than CDEP wages and would be subject to JSA-style obligations for participants to engage in work for the dole, as well as compulsory case management, including regular appointments and job plans (Fowkes 2019: 4). Some legacy of the abolished CDEP remained in initial allocations of funding for community development, though these were not retained after the change of government in 2013.

The RJCP was based on the market logic of contestability, with providers competing for tenders in a system that only allowed a single provider for each of the 60 identified remote regions. This was intended to make the system easier to navigate for local employers and participants (Fowkes 2018: 102). As in the earlier version of the Howard government’s CDEP, contracts were open to local Indigenous organisations and regional councils, but also to for-profit and national non-government organisations—some working in partnership with Indigenous organisations. This was a period of ‘rationalisation and amalgamations’ (Hunter 2016: 80) as the market consolidated rapidly. The RJCP service contracts were issued for five years, in line with those used by the JSA. Providers were paid a basic service fee for holding monthly meetings with participants and developing individual ‘participation plans’ (Sanders 2016: 169). Providers

in remote areas found they were forced to move away from organising work activities and community visits. Instead, they required new skills and new staff to manage the ‘computer-based case management work’, which did not fit the skills of the former CDEP staff (Sanders 2016: 170).

The implementation of the RJCP from 1 July 2013 marked the conversion of a labour creation program based on an understanding of Indigenous self-determination and community development to a marketised provision of employment services based on the mainstream JSA model. The earlier tension between the vision of the CDEP as a form of social security and as paid employment had been resolved definitively. The CDEP was replaced with a new program that adopted the mainstream welfare-to-work mechanisms of active jobseeking and work for the dole in return for social security payments. The gradual introduction of competitive contracting for the delivery of employment services had culminated in a contestable market, pitting Aboriginal community-controlled organisations against larger non-government and for-profit providers for a limited number of contracts for remote regions.

The new Community Development Program

In September 2013, just three months after the introduction of the RJCP, a new Coalition government under Prime Minister Tony Abbott was elected, bringing a radical new ideological approach to Indigenous affairs. Abbott centralised all aspects of the Indigenous affairs portfolio inside the Department of the Prime Minister and Cabinet (PM&C) and established five broad priority areas for the portfolio, one of which was employment. The government commissioned a wideranging review by businessman Andrew Forrest, which was published with the title *Creating Parity* (2014). The Forrest Review was deeply critical of ‘welfare dependency’ in Indigenous communities. Public servants from PM&C admitted the influence of the Forrest Review on Indigenous affairs policy, particularly with respect to the replacement of the RJCP, which the Abbott government pronounced ‘a complete disaster’ in its first months of implementation (SFPARC 2017d: 49–50). Within months, the government had introduced the new CDP in its place.

In line with the Forrest Review’s critique of welfare dependence, the Abbott government introduced a new compulsory form of work-like activity and imposed it on all eligible CDP jobseekers (PM&C 2017).

The work-for-the-dole provisions of the CDP were noticeably more onerous than the equivalent expectations of participants in Jobactive—the mainstream employment placement program that had replaced the JSA—and were designed to address the perceived ‘high level of idleness in communities’ and to ‘establish social norms’ in remote Indigenous communities, as recommended by the Forrest Review (ANAO 2017: 27). The CDP applied to 60 regions, covering 75 per cent of the Australian landmass and incorporating approximately 1,000 isolated communities. While the program was not ostensibly targeted at Indigenous people, of the 33,000 participants in 2017, 85 per cent identified as Indigenous (SFPARC 2017d: 46).

Participants on income support living in the CDP-designated areas and aged between 18 and 49 years were initially required to undertake up to 25 hours of work-related activity over five days each week, for 46 weeks of the year, from the beginning of their enrolment in the program.¹ This was equivalent to working for \$10.80 per hour—well below the minimum wage (of \$19.84 per hour in 2020). In contrast, Jobactive participants between the ages of 30 and 59 at the same time were required to complete 15 hours per week, over 26 weeks of the year, after 12 months of unemployment, and these work-related activities were defined more broadly to include study, training and volunteer work (for a more detailed comparison, see Fowkes 2016a: 5). The government explained that the considerably higher expectation of work-related activity for CDP participants was due to the limited utility of them being required to complete 20 job searches per month, as required of Jobactive participants, thus acknowledging the extremely limited labour market in remote communities (PM&C 2017: 47).

The implementation of the CDP was notable for its lack of consultation and public debate. The program was implemented administratively, rapidly and out of public view, by amending contracts with providers and treating them as ‘commercial in confidence’. The contract revisions were issued on 28 May 2015, with signatures required by 12 June, for rollout of the new program on 1 July. The government did present a Bill to Parliament to amend the *Social Security (Administration) Act 1999* in December 2015 (five months after the program’s implementation).

1 From the start of 2019, this was reduced to 20 hours of work-related activity a week, as a measure introduced in the Commonwealth Government’s 2018 budget (PM&C 2018) in response to widespread criticism.

The Bill was intended to support the new compliance system established under the CDP, though details were to be left to the minister to determine through legislative instruments. The Bill was reviewed by the Senate Finance and Public Administration Legislation Committee, which reported in March 2016. However, when the federal election was called in May 2016, the Bill lapsed and was not reintroduced. This meant there was very little in the way of parliamentary debate of the changes and similarly limited media attention. There was widespread criticism from peak bodies and advocacy organisations of the limited consultation process and rushed implementation, particularly for the apparent focus on provider perspectives only (for example, HRLC 2017: 5; Jobs Australia 2017).

Creating a market: Service provision in employment services

As observed earlier, contestability has been applied to employment services in remote communities since the Howard government, requiring providers to compete to win tenders to deliver publicly funded employment services. The Gillard government reduced the number of available contracts to one provider for each region, forcing considerable market consolidation. Consolidation was exacerbated with the Abbott government's introduction of the CDP in 2015. The first round of CDP contracts saw the 60 regions covered by providers in the following categories:

- 21 Indigenous corporations, covering 25 regions
- three regional councils (Northern Territory local government), covering five regions
- seven not-for-profit non-Indigenous corporations, covering 10 regions
- six for-profit non-Indigenous companies, covering 20 regions.²

This concentration of ownership was somewhat forced by the government. In a submission to the ANAO, Jobs Australia (2017) observed that the requirement for a single contract per region meant many existing providers

2 In response to widespread criticism of the lack of Indigenous organisations chosen as CDP providers, Minister for Indigenous Affairs Nigel Scullion announced all providers would be Indigenous organisations for the 2019 provider selection process (Scullion 2019). This has resulted in a number of joint ventures between local Aboriginal-controlled corporations and for-profit and not-for-profit employment service providers, and some reduction in the concentration of ownership (NIAA 2019).

who won contracts were required to deliver services to new cohorts, and some new providers had little to no experience in delivering employment services. Not all regions were subject to competition between potential providers—indeed, the government asked some organisations to partner with others after the closing date, to cover additional regions in the absence of viable alternatives, and they reported that they saw little choice because they thought they would lose other contracts. Some successful providers were given contracts with very little notice and had difficulty procuring the necessary computer equipment and training, and housing staff near the sites. This is clearly a very ‘thin’ market, with nonexistent competition in many areas, pointing to the inappropriate use of competitive tendering.

The consolidation of providers created further challenges, including a lack of local knowledge, a lack of experience working with Indigenous jobseekers and an absence of links to local communities and local employers. Many of these issues were identified in an inquiry held by the Senate Finance and Public Administration References Committee (SFPARC 2017a) into the ‘Appropriateness and Effectiveness of the Objectives, Design, Implementation and Evaluation of the Community Development Program’. The inquiry received submissions and heard testimony from many providers and community organisations working in remote areas, including during hearings held in Kalgoorlie, Western Australia; Alice Springs in the Northern Territory; and Townsville and Palm Island, in Queensland.

The Senate inquiry noted the challenges raised by the significant distances between the providers’ head offices and the remote communities they served. In several reported cases, the distances were too great to allow staff from the providers to visit work-for-the-dole sites to monitor attendance more than once a fortnight. Furthermore, the lack of cultural awareness among provider staff working with community members was exacerbated by the use of short-term staff with no local knowledge, including migrant workers on temporary visas.

CDP cost to government

The CDP proved to be a costly program to maintain. A performance audit conducted by the ANAO in 2017 noted the Abbott government redirected resources from other Indigenous programs into the CDP to fund the expensive ‘work-like activities’. The CDP cost twice as much as

the RJCP had per jobseeker (\$10,494 per annum compared with \$5,071 per annum) and the cost per jobseeker in the CDP in 2016–17 was five times the cost per jobseeker for Jobactive participants (ANAO 2017: 41).

The expenditure on the CDP was designed to be demand-driven, with payments to providers depending on the size of their caseload, the number of employment outcomes achieved and the delivery of activity fulfilment requirements. For example, providers were paid incentives for employment outcomes, where a CDP participant was placed in outside employment and retained the position for 13 and 26 weeks, resulting in payments to the provider of \$2,250 and \$5,250, respectively (Fowkes 2016b: 3). Payment for employment outcomes was a relatively small factor in the overall scheme, however, reflecting only \$18.92 million (7 per cent) of the total \$268.52 million expenditure for 2015–16 (PM&C 2017). The overall cost was dominated by the CDP Activity Outcome payment, which was paid to providers at a rate of \$12,450 per annum per jobseeker for hours attended by participants in work-like activities (Fowkes 2016b: 3). This activity payment amounted to \$204.2 million (76 per cent) of total spending on the program in 2015–16 (PM&C 2017). The incentives in this payment scheme were thus clearly skewed towards providing work-for-the-dole activities and monitoring attendance, rather than pursuing the (much riskier) employment outcomes requiring the participant to remain in a placement for 26 weeks (ANAO 2017).

Managing the providers

The market logic of activity-based payment was further reinforced in the performance management techniques applied by the government to contractors. The regulation of providers through close monitoring of KPIs is often presented as a mechanism to ensure efficient and effective delivery of services. It is clear, however, the performance measurements in this program did not measure service quality and the government had little recourse in the case of provider failure.

As public servants from PM&C explained in detail to the Senate inquiry (SFPARC 2017d: 50–53), the CDP providers were given three KPIs to meet.³ The first related to the delivery of employment services and

3 Details of the contractual relationship between the government and the providers have been made publicly available since the NIAA took over responsibility for the administration of the CDP in 2019, and the operational guidelines and current sample head agreements can be found on the NIAA's website (NIAA 2020).

measured the number of jobseekers who had ‘monthly contact’ with providers documented in the government’s information technology (IT) system and the number of jobseekers with an ‘individualised job plan’, and assessed a sample of ‘tailored assistance and quality training to overcome barriers to employment’ and ‘quality post-placement support’. The second KPI related to the availability, attendance rates and appropriateness of work-like activities organised by the provider. The third measured the providers’ performance against a regional employment target, using data from the Australian Bureau of Statistics and regional data on the labour market (SFPARC 2017d: 50).

Providers were assessed internally by PM&C every six months. For providers who fell below the expected standards, a Performance Improvement Plan could be developed, and providers would be ‘dealt with directly’ (SFPARC 2017d: 52). Assessments of performance were treated as commercial in confidence and not publicly available. The issue of provider performance is problematic, given the lack of feasible competition or choice in many regions and the secrecy surrounding the assessment process. The Senate inquiry heard that only two providers had been changed since the RJCP began in 2013, pointing to a problem of ‘sunk costs’ on the part of the government, given that even when PM&C did issue breach notices for poor performance, it had few options (Altman, in SFPARC 2017c: 18). The ANAO report also noted two cases of fraud in particular and observed that one provider had its funding agreement terminated after being found to be involved in fraud but was then subcontracted by the incoming provider to continue to deliver services (ANAO 2017: 35). According to a submission to the ANAO by the peak body Jobs Australia in 2017, ‘most providers are judged to be underperforming’ when measured against the unrealistic regional employment targets that do not adequately reflect historical performance or local labour market issues (Jobs Australia 2017: 12).

Clearly, the quantitative monitoring of provider performance missed many important aspects of service quality. PM&C admitted to the Senate that it did not monitor staff turnover or employee numbers in providers’ offices (SFPARC 2017d: 56), even though other witnesses to the hearing suggested turnover was very high in many provider organisations. The ANAO reported on the wide variation in the ratio of jobseekers to staff across different providers, ranging from eight to 117 jobseekers to one CDP staffer, with an average of 28 jobseekers to one provider staff

member (ANAO 2017: 42). PM&C paid no attention to the number of Indigenous staff in community-facing roles or the cultural competence of staff.

Other aspects of the providers' activities also demand closer examination. There was nothing in the KPIs designed to capture the quality of training provided to jobseekers or the actual cost of delivering quality work-like activities. The flat rate of payment for all jobseekers in work-for-the-dole activities created a risk for providers in expending extra funds on higher-quality activities if participants might not attend (Fowkes 2016b). The training arranged by providers was not necessarily designed to be useful to the needs of local employers (SFPARC 2017b: 9). Some witnesses deplored the 'training for the sake of training' offered in some regions, which allowed local contractors to make a profit while delivering training of poor quality with few participants (SFPARC 2017b: 28). Of even more concern was the lack of scrutiny of the compulsory job plans for every jobseeker, as there was no requirement to show the jobseeker understood the process or the obligations set out in the plan. As one Centrelink employee from Alice Springs suggested to the Senate inquiry:

You could ask anyone that's been to one of the CDP providers what's in their job plan, and they will tell you that they don't know. That's purely because there is no access to interpreters when these people are negotiating their contract. (SFPARC 2017d: 18)

PM&C's simple checking for the existence of a plan in the IT system failed to capture the futility of the exercise for many participants. The focus on administrative compliance would not encourage providers to take risks in providing quality services—an issue observed in other similar markets for mainstream employment services (Considine et al. 2020).

Many witnesses and submissions to the Senate inquiry noted the lack of employment outcomes from the scheme and argued the CDP did not address the real reasons jobseekers in remote communities were unable to participate in the labour market. For example, witnesses pointed to issues of poor housing, homelessness and mobility as obstacles to finding employment (SFPARC 2017c: 8); the lack of recognition of carer obligations, which would prevent a participant from taking full-time work or working a long distance from home (SFPARC 2017b: 28, 34); and the impacts of intergenerational trauma and family violence, which make jobseeking very difficult (SFPARC 2017b: 33). Others pointed to structural factors including institutional racism and prejudice that

mean ‘Aboriginal people are seen as only being suitable for low-level jobs’ (SFPARC 2017b: 34). One business leader from Kalgoorlie observed that local businesses could not afford to take on new staff due to insurance costs (SFPARC 2017b: 9). Another witness argued not enough support was offered through the CDP for those who were ‘chronically unemployed’ (SFPARC 2017b: 16).

During the Senate inquiry, providers also criticised the government’s KPIs and the way they were monitored. Many pointed to the high administrative costs, which left little funding or time for the more purposeful activities including job training, mentoring and the development of appropriate activities. One provider observed: ‘We feel that it’s become an administrative program more than anything else. The outcomes that we can get back on the community are non-existent. We’re chasing our tail, continually trying to administer the program as a whole’ (Miller, in SFPARC 2017c: 2).

Another provider complained: ‘We’re having enough trouble just basically keeping our heads above water and ... providing any real, solid training for people is just very difficult’ (Coffey, in SFPARC 2017b: 40). Another estimated that between 30 and 40 per cent of the provider’s funding went to the regular reporting of basic services and monitoring compliance, rather than providing mentoring, training or other services directly to the jobseekers (SFPARC 2017d: 15). The compliance system based on reporting multiple small activities (updating job plans, monthly appointments with jobseekers, daily reporting of attendance at work-related activities) was expensive, and the providers were not funded adequately to meet these requirements alongside delivering quality services (Bach-Mortensen and Barlow 2021).

The inadequacy of funding for the providers was further compounded by the costs of delivering services in remote areas. Many providers argued the government’s funding agreements did not consider the issue of remoteness. For example, one provider in the West Australian Goldfields told the Senate committee:

I’m based at Warburton and I can tell you that there is absolutely no recognition in the program about the isolation of the Warburton community, for example. It is a thousand miles from the nearest Centrelink office, it is a thousand miles from the nearest bank. The costs of providing these services out here are very different to what they are for a provider in Kalgoorlie or Alice Springs or another centre. (McLean, SFPARC 2017b: 35)

Another witness, a police superintendent in the Gascoyne region of Western Australia, explained the challenges of delivering quality work-like activities from a distance, considering the perverse incentives built into the PM&C payment structure, which left providers in a position of considerable uncertainty:

If the CDP worker does not show up, which is quite often the case, the service provider doesn't get paid for it. Look at Burringurrah, which is about five or six hours out of Carnarvon. MAX Employment are based in Carnarvon, so they drive out to Burringurrah. There are 37 members that are registered for CDP at Burringurrah, but traditionally three people will show up, so it's not a good business proposition for them to go out all that way to get paid for three people who are going to show up. (Bolt, in SFPARC 2017b: 4)

The complexity of the government's IT system for reporting also created challenges for the providers and several moved the reporting function to central offices in larger urban areas, as local staff did not have the skills to use the system and the internet connections in remote areas were often inadequate. The lack of recognition of the complexity of service delivery in very remote areas was further compounded by a payment structure based on mutual obligation and enforcing jobseeker behaviours, which were out of the provider's control. The next section will look at the role of providers in reporting breaches, in the context of the incentive to avoid losing payments by reporting all 'no shows', without exception.

Managing the jobseekers

As observed earlier, the providers received the bulk of their payments for the CDP Activity Outcomes—paid only for eligible jobseekers attending work-like activities daily. Under the Job Seeker Compliance Framework, if a jobseeker did not attend an activity, they were reported as absent in the IT system and would be 'breached' for the nonattendance, unless they were deemed to have a 'valid excuse'. Jobseekers who were breached could lose one-tenth of their fortnightly income support for each day absent. If a penalty was applied but the jobseeker was 're-engaged' in work-like activities within two weeks, payments could be restored to the provider (but not to the jobseeker). Under the funding agreements, providers were penalised if they did not report a jobseeker's absence (Fowkes 2016b: 3). This system of penalising providers financially when they had not breached did not apply to providers in Jobactive.

This incentive built into the payment structure for CDP providers had a stark impact on the number of breaches reported by the providers. In several updated studies based on the quarterly data released by the Department of Jobs and Small Business, researcher Lisa Fowkes consistently showed the CDP breaches were disproportionate and excessive when compared with jobseeker breaches in the mainstream Jobactive program. For example, there were 23 times more Jobactive participants than CDP participants, yet from the time CDP was implemented, there have been consistently more penalties applied to CDP participants than to Jobactive participants. As Fowkes noted:

In 2016, 111,086 *jobactive* participants took part in Work for the Dole, attracting 103,533 no show no pay penalties in that year—an average of about 0.9 penalties per participant. An estimated 30,000 CDP participants participated in Work for the Dole in that year, yet they received 161,507 no show no pay penalties—an average of more than 5 penalties per participant. (2019: 11–12)

The more consequential form of penalty that can be applied to CDP and Jobactive participants is for ‘serious failure’. These penalties are imposed on jobseekers who are found to have refused suitable work, caused their unemployment by their own actions or engage in ‘persistent noncompliance’—in particular, if they have had three no-show, no-pay breaches in a six-month period. The penalty is a suspension of income support for up to eight weeks at a time. As part of the Senate Estimates process in October 2017, PM&C reported in response to a question on notice that for the period from 1 July 2015 to 30 June 2017, across the CDP and Jobactive programs, 15,127 people received a serious failure penalty, of whom 92 per cent were Indigenous (Senate Finance and Public Administration Legislation Committee 2017). It is noteworthy that 3,493 of the Indigenous jobseekers penalised under this system had received five or more serious failure penalties over the two-year period—indicating the penalties are not the deterrent the government assumes and there are more likely to be systemic issues preventing Indigenous individuals from complying with program requirements.

One of the key issues identified in the Senate inquiry was the problematic role of Centrelink, as its services are very difficult to access from remote areas. Many communities affected by CDP have few functional telephone landlines and limited or no mobile phone coverage, few computers with internet connection and limited postal services. There are further challenges associated with accessing or providing information through

the MyGov website, especially with the lack of interpreter services and low literacy and numeracy levels in many communities. Many witnesses observed the long waiting times on hold when calling Centrelink for jobseekers, who often used up limited mobile phone credit or were forced to use a telephone in a public area. With all these technological, communications and literacy challenges, contact with the government agency was widely experienced as ‘cumbersome and ineffective’ (Kral, in SFPARC 2017c: 20).

The effect of this system of no-show, no-pay and serious failure breaches on individual jobseekers and their families could be severe. As Victoria Baird from Save the Children in the East Kimberley of Western Australia noted during the Senate inquiry:

The rules can be too strict, often not taking into consideration the fact that many don’t have access to transport, often don’t have credit on their mobile phone, and are frequently dealing with family violence and health concerns. Those who do find their payments have been stopped struggle to navigate the system to get their payments restarted ... [There are many] individuals who are not currently claiming payment because the thought of going through this process is too daunting. (Baird, in SFPARC 2017b: 13)

Another witness, Damien McLean, a community development advisor with the Ngaanyatjarra Council in Western Australia, observed that ‘[p]eople who are already very poor have become a good deal poorer’ (SFPARC 2017b: 38). In some communities, the impact on household income has been extreme, as shown by this comment from the CEO of Ngaanyatjarra Council: ‘[B]etween 15 and 20 per cent of [our] jobseekers don’t receive any money—that’s just under 600 job seekers who aren’t receiving any money’ (Coffey, in SFPARC 2017b: 40). Community members also inevitably suffered from the consequences of these breaches. Witnesses to the Senate inquiry reported increased crime, families being separated, individuals accumulating debts and fines and risking incarceration, high levels of dependence on those family members with income and pressure exerted especially on older people receiving a pension. Community stores observed decreasing food sales, indicating high levels of poverty (for a more detailed discussion of this, see Staines and Smith 2021).

A further consequence of the high levels of punitive breaches associated with the CDP was the overall level of disengagement from the program, leaving individuals without any income at all, as they were neither in

employment nor claiming income support. This is explained in part by the challenges of contacting Centrelink to negotiate a restoration of payments after a breach and the unwillingness, especially of younger people, to engage in a government program that appears illegitimate (Fowkes 2019: 18). Fowkes argues the diminishing caseload reported by PM&C indicates growing numbers of people who are leaving or failing to enrol in the CDP. She notes the 17 per cent drop in the CDP caseload, from 36,642 participants on 1 July 2015 to 30,380 on 30 June 2018, and observes that 59 per cent of the decline is among people under the age of 25 years. Altman gave similar evidence to the Senate inquiry, noting the median individual income dropped between 2011 and 2016 by approximately \$200 per adult per week (SFPARC 2017c: 13).

The limited value of ‘work-related experience’

The legitimacy and appropriateness of the work-for-the-dole activities offered by many CDP providers were questionable at best. In some cases, the ‘make-work’ nature of the activities was obvious. One witness to the Senate inquiry observed, for example, that ‘[w]ork-like activities are generally never specific to a location or across a region. They are activities for activities’ sake’ (Miller, SFPARC 2017c: 6). Another CDP case manager admitted: ‘We need to get a balance between actively engaging people and boring them silly’ (SFPARC 2017b: 60).

In other cases, the poor design of the program allowed providers to engage in exploitative behaviour, requiring participants to undertake work in ‘actual jobs that need to be performed in the community’ (such as working in the store or clinic), but only being paid unemployment benefits for doing so (SFPARC 2017b: 36–37)—effectively below the minimum wage. The National Campaign Coordinator from the Australian Council of Trade Unions also noted:

Rather than creating employment opportunities, this program gives a pool of free labour where the program is in operation. One of the most pernicious things I have seen with this program is that the current government has opened it up to for-profit business ... I personally have had a conversation with a CEO who told me he had some guys on sick leave and annual leave so he backfilled those positions with CDP workers. (Keys, in SFPARC 2017d: 21)

From a First Peoples' perspective, the lack of cultural appropriateness and dignity associated with the work-like activities is also a source of anger and frustration. Chansey Peach, member for Namatjira in the Northern Territory Legislative Assembly, spoke of his observations of 'demeaning' and 'insulting' activities, including Elders being obliged to 'pick up rubbish' and elderly women being taught 'art' or 'knitting'. He noted: '[T]hese are traditional women who would much rather go out on country and wild harvest bush tucker to meet wholesale and market demands' (Peach, in SFPARC 2017c: 34). Other witnesses noted the inappropriateness of requiring feuding families to attend CDP activities together at the same site (SFPARC 2017b: 15) or the 'alienating' experience of being forced to find work 'off country', away from community and culture (SFPARC 2017c: 44). This was very different to the more flexible arrangements under the old CDEP. The lack of respect for, and accommodation of, cultural and ceremonial obligations also prompted criticism. One witness from the Kalgoorlie–Boulder Chamber of Commerce and Industry observed:

The feeling out there in the community is one of resentment, particularly when something comes up. We have cultural obligations we need to attend to and we have family obligations. All our obligations are different and they don't sit in the stereotypes of white people. So we have white people making these policies that don't take into consideration our obligations in the community. When they fulfil these obligations, they get penalised, and they get penalised for eight weeks. (Carmody, in SFPARC 2017b: 10)

For Aboriginal-controlled provider organisations, the desire to make sure their services were culturally appropriate had been discouraged by PM&C, as the chairperson of Western Australia's Aarnja Limited reported to the Senate inquiry:

While we were trying down on our end to fit a cultural match to our organisation and ensure it had Aboriginal community control and that communities had a say, we saw these people come up from Canberra to tell us, 'This is how it is, we really don't care what you've done'. (Sibosado, in SFPARC 2017b: 56)

The contrast with the former CDEP—which had not only allowed for culturally appropriate flexibility, but also offered work that was meaningful and important to the community itself—was a theme raised by almost every Indigenous organisation represented at the Senate inquiry.

Conclusion: Market failure and ideology

The incremental shifts towards marketisation of remote employment services occurred over two decades and prompted relatively little counter-mobilisation or protest outside the First Nations organisations and communities most directly affected. For most of the Australian population and media, what happens in remote Indigenous communities is ‘out of sight, out of mind’, and successive governments have avoided sustained criticism. This incremental process of institutional change has profoundly disrupted the previously settled understanding of First Peoples’ self-determination and the right to be treated separately, with policies and programs that are culturally appropriate and community led.

The marketisation of employment services in remote communities has revealed several major design flaws. The Productivity Commission identified several critical factors in evaluating the markets used in the delivery of human services in its 2016 report *Introducing Competition and Informed User Choice into Human Services: Identifying sectors for reform*, and stipulated several additional reasons for caution when considering service delivery in remote Indigenous communities. These included the considerably higher cost of service delivery in remote areas, along with the need to work effectively across cultural and language barriers and to cater to the needs of First Nations communities who were more likely to experience profound disadvantage across many interconnected areas including education, health, disability, housing, employment, cost of living and experience of the criminal justice system (PC 2016: Ch. 7). The Productivity Commission also noted the high levels of mobility among First Nations people, and the high likelihood of negative experiences of government service provision in the past. It observed that ‘effective government stewardship is important’ (PC 2016: 140), particularly in thin markets. On this basis, the commission recommended contestability be applied in social services with care, with provision made for an effective and accessible complaints process and the assurance that there is a ‘provider of last resort’ in the case of provider failure. The government failed to heed these warnings with the CDP.

Having examined the design of the employment services market in remote communities, it is clear the move to commissioning a single provider for each region resulted in the disappearance of many Aboriginal community-controlled organisations. The loss of these potentially viable

alternatives meant there would be no ‘credible threat of replacement’ when a provider failed to deliver (PC 2016: 8). There was no apparent reward for providers who sought to improve the quality of their services or introduce innovations that were appropriate for the community they served. The design of the contestable market meant there was a complete disconnect between the government as purchaser and the users of employment services in affected communities. The government paid little attention to the user experience and gathered very little information about the challenges faced by providers at the front line. Instead, PM&C focused on monitoring narrow performance metrics and did not collect adequate information about the true cost and quality of the services provided. While the incentives driving the behaviour of the providers were aligned with the government’s aims to reduce welfare dependency, the high disengagement rates among participants indicated the penalties were too high. Community resentment of the program and growing disengagement appear to have prevented the government from achieving its own objectives. In summary, the apparent advantages of a contestable market for service delivery were outweighed by the flawed design, which gave none of the usual market-based advantages of choice, control and empowerment for service users (Carey 2016: 36). Indeed, it seems reasonable to conclude—as the peak provider body Jobs Australia did in 2017—that ‘CDP is doing more harm than good’ (Jobs Australia 2017: 5).

In seeking to explain the decisions made over time to introduce market logic into Indigenous remote communities, it is noteworthy there is little for governments to gain in terms of electoral politics, given the relative invisibility of Indigenous policy in national politics. It seems more persuasive to assume the decisions have been motivated by a bipartisan ideological commitment to market forces, at the elite level, persisting in opening new areas of government service delivery to the for-profit and not-for-profit sectors (Meagher and Wilson 2015). Gingrich (2011: 6–7) argues that because there is considerable voter resistance to private businesses delivering services, the policy is more easily applied to services that are ‘less salient or more marginal’ than those that are more universal, and this certainly applies to the CDP in remote communities. The benefits appear to be relatively small for those providers who have entered the market, however, given the highly restrictive funding agreements that have been applied to the CDP providers. The compliance focus of the program

appears to have been the more powerful driver for the government, as it attempted to modify the behaviour of apparently ‘deviant’ and ‘dysfunctional’ welfare recipients living in remote communities.

This evokes a deeper trend in Indigenous affairs, which reflects a path dependency stretching back to the early colonial era. The current treatment of unemployment in remote communities builds on earlier values associated with European settlers as colonisers that demand Aboriginal people assimilate, deny space for cultural difference and adopt a paternalistic and racist approach that justifies government-led interventions into Indigenous families and communities. Most striking is the abandonment of self-determination and the dismantling of the hundreds of Indigenous community-based organisations that had emerged during the CDEP era. These organisations had both cultural and political authority and were a source of Indigenous pride and purpose, but their economic power was built on government funding in the form of block grants received through the CDEP. The marketisation of employment services in remote communities is the next step in a path-dependent process designed to end self-determination, weaken the Aboriginal community-controlled sector and eliminate the Indigenous right to cultural difference.

Epilogue

As part of the 2021 budget, the Morrison Government announced its intention to substantially reform employment services for remote communities, indicating it would replace the CDP with a new ‘remote engagement program’ from 2023. In the interim, the government announced the mutual obligation requirement to engage in ‘work-like activities’ would be voluntary rather than compulsory from May 2021. This, combined with the decision in 2019 to only engage Indigenous organisations as CDP providers, suggests the Abbott government’s risky conversion of the remote community development program to a mainstream work-for-the-dole program could potentially be undone.

This is a response to substantial efforts by First Nations peak bodies leading the Aboriginal community-controlled sector to encourage the government to adopt a partnership approach in determining policies that affect First Nations people. In particular, the peak bodies have worked closely with the government to ‘refresh’ the overarching ‘Closing the Gap’ targets that aim to reduce inequality between First Australians and non-

Indigenous Australians across a range of key indicators. The Coalition of Aboriginal and Torres Strait Islander Peak Organisations has co-designed the *National Agreement on Closing the Gap* with the Australian national, state and territory governments and, having participated in designing the targets, is now actively monitoring the implementation and sharing in the decision-making. This is a significant shift in the policy environment, reflecting a renewed commitment to self-determination through community-controlled organisations representing the interests and priorities of First Nations.

Details of the proposed reform for remote employment are not yet clear, however, the government is currently engaged in a two-year consultation process that, importantly, included ‘roundtable’ and ‘town hall’ consultation sessions in remote communities between September and November 2021. According to the National Indigenous Australians Agency (NIAA 2021), ‘the program will be fit-for-purpose and better match the needs of Indigenous Australians and communities, reflecting the diversity of remote Australia’. Their discussion paper acknowledges the government’s awareness of the need for locally formulated solutions, the lack of viable paid employment opportunities in some remote labour markets, the potential need for improved training better targeted to the needs of the participants and potential employers, the importance of addressing barriers to employment including culturally specific requirements and the need for mutual obligation programs to be ‘fair and reasonable’ (NIAA 2021). While these discussion points respond to many of the identified flaws in the CDP, the continuing role of market-based services is unclear. It will be critical to ensure new programs can deliver quality support and employment services to remote communities without punishing and discriminating against First Nations people. The involvement of First Nations community-controlled organisations in the design and delivery of these programs (as happened with the original CDEP) offers the chance to learn from past mistakes.

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