Australian Human Rights Commission

Remote employment and participation for Indigenous peoples

AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE DISCUSSION PAPER: REMOTE EMPLOYMENT AND PARTICIPATION

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1 Introduction

1. The Australian Human Rights Commission (the Commission)[1] welcomes the opportunity to make a submission to the Department of the Prime Minister and Cabinet in relation to the Discussion Paper on remote employment and participation.

2. While the Community Development Programme (CDP) involves around 33,000 participants, this submission will focus on Aboriginal and Torres Strait Islander peoples, who comprise an estimated 84 per cent of CDP participants.[2]

3. The Commission commends the Government's commitment to developing a new employment and participation model to improve outcomes for remote job seekers and communities, in partnership with Indigenous peoples.

4. Given that this new model of employment and participation is still in the development stage, it is pertinent to consider how a human rights based approach may be applied to the proposals and options contained in the Discussion Paper. Such an approach will help to ensure that the rights of Aboriginal and Torres Strait Islander peoples are respected in the development and implementation of a new CDP model.

5. The Commission has previously raised concerns that the CDP is inconsistent with Australia's obligations under the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples. These concerns relate principally to the right to social security, and the right to equality and non-discrimination. The Commission has also raised concerns that the CDP may breach the *Racial Discrimination Act 1975* (Cth). The Commission continues to hold these concerns in relation to the CDP and its consistency with international human rights standards.

6. This reform process presents an important opportunity to replace the CDP with a model that moves away from the current top-down, short-term and inflexible approach, and moves towards a programme that is placed based, flexible, Aboriginal community-controlled, and that would foster long-term economic, social and cultural development. As noted by the Senate Finance and Public Administration References Committee:

> The committee is of the view that CDP cannot and should not continue in its current form. A new programme needs to be developed which moves away from a centralised, top-down administration in which communities are told what to do and move towards a model where the local communities are empowered to make decisions that are best for them. The programme also needs to move from a punitive, attendance-focused approach towards one which rewards participation in activities that are selected and valued by the community and, in turn, provide skills and experiences which improve the job-readiness and quality of life of all participants.[3]

7. This approach was echoed by the Special Rapporteur on the rights of Indigenous Peoples, Victoria Tauli-Corpuz, following her country visit to Australia in 2017. In her report to the Human Rights Council, she noted that the requirements under the CDP are discriminatory, as they are substantially more onerous than those that apply to predominantly non-Indigenous jobseekers, and recommended that:

> The Government reform the Community Development Programme in consultation with indigenous communities, remove discriminatory and punitive measures and reconstruct the unemployment scheme in remote areas around positive incentives and long-term opportunities.[4]

8. A core component of the CDP is not just job creation but also community development, which takes into account the social, economic and cultural conditions of Aboriginal and Torres Strait Islander peoples, their families and communities. In recent times the Government has focused predominantly on the 'job-readiness' of individuals, at a time when the number of CDP participants in remote locations exceeds the number of jobs that are available.[5]

9. A central challenge for the CDP reform process is to ensure that the system not only enables an individual to be 'ready for work', but also creates suitable economies and job opportunities in remote locations. To achieve this, the Government should focus on a dual strategy that implements structural reforms to target systemic inequality, discrimination and full-time employment opportunities, while also involving Aboriginal and Torres Strait Islander peoples in programme design and delivery.

10. A new CDP model will take time to develop and implement, and extensive community and stakeholder consultation should underpin this process. In particular, it is critical that the development and implementation of a new model is based on effective consultation with Aboriginal and Torres Strait Islander peoples. The Government has an obligation to consult and cooperate in good faith with Aboriginal and Torres Strait Islander peoples in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.[6] Aboriginal and Torres Strait Islander peoples also have a right to participate in decision making in matters that would affect their rights, through representatives chosen by themselves in accordance with their own procedures.[7] Participation in decision making is one of the core principles of the United Nations Declaration on the Rights of Indigenous Peoples.

11. This submission first provides an overview of a human rights based approach to a new model for remote employment and participation, followed by an outline of the main issues with the current CDP model. It concludes with an assessment of how the proposed options in the Discussion Paper address these issues, as well as factors that should be considered in the transition to a new approach.

2 Recommendations

12. The Commission recommends that the Government:

    - apply a human rights based approach to the development and implementation of a new CDP model, with a particular focus on the United Nations Declaration on the Rights of Indigenous Peoples

    - give active consideration to the proposal of the Aboriginal Peak Organisations Northern Territory in developing the content of a new CDP model

    - support Aboriginal and Torres Strait Islander community-led and controlled approaches to the development and implementation of the new CDP model, including the nature of approved work activities, in a manner consistent with Aboriginal and Torres Strait Islander people's right to self-determination and the principle of free, prior and informed consent

    - ensure that local and Indigenous knowledge and experiences about the needs and aspirations of Aboriginal and Torres Strait Islander peoples and their communities informs the development and implementation of the new CDP model, and

    - ensure that participation in work activities under the new CDP model is compensated through wages, which are set at least at the national minimum wage

13. The Commission recommends that the Government immediately:

    - change the current CDP compliance regime to ensure that the mutual obligation activities and penalties are no more onerous for CDP participants than those participants on income support in non-remote locations

    - remove the financial disincentive for providers to exercise their discretion in cases of non-compliance with attendance requirements

3 A human rights based approach

14. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) set out the rights and principles under international human rights law through which we can assess the compliance of the CDP with human rights standards.

15. The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) articulates how the human rights principles in ICERD and ICESCR apply to Indigenous peoples, in particular the four principles of:

    - self-determination

- free, prior and informed consent
- respect for and protection of culture, and
- non-discrimination and equality.

16. Features of a human rights based approach will vary depending on the nature of the organisation concerned and the issues it deals with. However, common principles have been identified through the following PANEL principles:

    - **Participation**: everyone has the right to participate in decisions which affect their human rights. Participation must be active, free and meaningful, and give attention to issues of accessibility, including access to information in a form and a language which can be understood.
    - **Accountability**: accountability requires effective monitoring of compliance with human rights standards and achievement of human rights goals, as well as effective remedies for human rights breaches. For accountability to be effective there must be appropriate laws, policies, institutions, administrative procedures and mechanisms of redress in order to secure human rights. This also requires the development and use of appropriate human rights indicators.
    - **Non-discrimination and equality**: all forms of discrimination must be prohibited, prevented and eliminated. Priority should be given to people in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights.
    - **Empowerment**: everyone is entitled to claim and exercise their rights and freedoms. Individuals and communities need to be able to understand their rights, and to participate fully in the development of policy and practices which affect their lives.
    - **Legality**: the law recognises human rights and freedoms as legally enforceable entitlements, and the law itself is consistent with human rights principles.[8]

17. In order to ensure consistency with Australia's obligations under international human rights law, the features of the proposed new remote employment and participation model should be consistent with these PANEL principles. In particular the model should be non-discriminatory and promote the ability of Aboriginal and Torres Strait Islander peoples to exercise choice, participation and control in a manner consistent with the right to self-determination and the principle of free, prior and informed consent, as set out in the Declaration.

3.1 The Racial Discrimination Act

18. The *Racial Discrimination Act 1975* (Cth) (RDA) is based on Australia's international legal obligations under ICERD. There are three key questions

that need to be asked to assess whether initiatives are consistent with the RDA:[9]

- Where the measure is established by legislation, does it guarantee equality before the law?[10]
- Is the measure implemented in such a way that avoids both direct and indirect discrimination?[11]
- Is the measure exempt as a special measure?[12]

19. The Commission has previously expressed its concern that the CDP may breach the RDA.[13] In particular, the Commission has noted that any scheme that imposes more stringent obligations and compliance requirements on remote job seekers will have a disproportionate impact on Aboriginal and Torres Strait Islander people, as 84 per cent of people participating in the CDP are Indigenous.[14] This gives rise to concerns about indirect discrimination under section 9 of the RDA and the right to equality before the law under section 10 of the RDA.

3.2 The right to social security

20. The ICESCR provides a right to social security,[15] which is to be enjoyed without discrimination of any kind.[16] Similarly, ICERD states that the right to social security is to be enjoyed without distinction as to race, colour or national or ethnic origin.[17] The form in which social security payments are provided must therefore respect the principles of human dignity and non-discrimination.[18] This means that the accessibility element of the right to social security must ensure that:

- eligibility conditions are reasonable, proportionate and transparent
- the withdrawal, reduction or suspension of benefits are circumscribed, based on grounds that are reasonable and proportionate, and provided for by law, and
- social security recipients participate in the administration of the social security system.[19]

21. The right to social security also 'includes the right not to be subject to arbitrary and unreasonable restrictions of existing social security coverage'[20] and requires public authorities to 'take responsibility for the effective administration or supervision of the system' in order to ensure consistency and certainty in service delivery.[21]

22. The Committee on Economic, Social and Cultural Rights (CESCR) has specifically commented on the right to social security as it relates to the specific circumstances of Indigenous peoples, stating that:

> States parties should take particular care that indigenous peoples and ethnic and linguistic minorities are not excluded from social security

> systems through direct or indirect discrimination, particularly through the imposition of unreasonable eligibility conditions or lack of adequate access to information.[22]

23. This observation is consistent with the Declaration, which states that Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including in the area of social security.[23]

24. The former Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, raised concerns in 2015 about the impact of the CDP on the right of Aboriginal and Torres Strait Islander peoples to social security, stating that:

> the implementation of Work for the Dole in remote communities may give rise to indirect discrimination and have a negative impact on the ability of Aboriginal and Torres Strait Islander peoples to enjoy their rights, particularly the right to social security. Income is fundamental to wellbeing and the ability of people to realise other economic, social and cultural rights. The recognition of social security as a human right acknowledges the particular vulnerability and insecure circumstances of people who are unable to obtain paid employment.[24]

25. The Commission continues to hold concerns that the current CDP model is inconsistent with Australia's obligations under ICESCR, ICERD and the Declaration in relation to the right to social security.

4 The Community Development Programme

26. As stated in the Discussion Paper, in 2015 the Government introduced the CDP to provide pathways to transition remote job seekers off welfare and into work, and to address a number of issues that it believed the former Remote Jobs and Communities Programme (RJCP) and the Community Development Employment Projects (CDEP) had failed to resolve. However, substantial evidence and feedback from stakeholders and CDP participants have indicated that the programme is not working for its participants, their families and their communities. The reasons for these failings include: a lack of Aboriginal community control in the design and delivery of the programme; insufficient economic development opportunities; a focus on short-term outcomes rather than long-term economic, social and cultural development; a lack of flexibility in CDP implementation; and a focus on individuals at the expense of community development and systemic factors. These programme design flaws have led to a number of discrete issues that are explored in more detail below.

4.1 Wage conditions

27. Under the CDP, participants with full-time work capacity and who are aged between 18–49 years old must complete 25 hours of work per week from day one of the programme. These hours must be scheduled over five days per week from Monday to Friday, and for at least 46 weeks each year. This

amounts to 1150 hours per year. A provider may give a participant up to 4 weeks of leave each year from Work for the Dole activities.

28. These CDP requirements place more onerous obligations on participants than other equivalent programmes such as the JobActive programme. Under the JobActive programme, the 'mutual obligation activities' only start for participants at least 12 months after they have started the programme. They are also only required to participate in the programme for 6 months in each year, and to complete 15 hours per week, with no requirement for these hours to be completed from Monday to Friday. This commitment amounts to around 350-650 hours of work per year.[25]

29. A concerning feature of the CDP that has been reported, is that it creates the opportunity for employers to substitute paid CDP workers for paid employees.[26] Research has shown that up to half of providers reported that local governments are likely to rely on CDP participants to do tasks that fall within the responsibility of council workers, and nearly 40 per cent report private employers asking for CDP labour rather than employing people who work under normal employment conditions.[27]

30. A contributing factor to this trend is that providers and other employers in remote locations are often under-resourced and the cost of living and labour in these location is much higher. This means that CDP participants, as a cheap form of labour, are an attractive alternative to employees working at least on the minimum wage with employment benefits such as superannuation.

4.2 Transition to long-term employment

31. The Discussion Paper states that 'there has been a significant increase in the number of job seekers engaged in activities'[28] since the introduction of the CDP. Research, however, indicates that the CDP has not led to Aboriginal and Torres Strait Islander peoples who are on the scheme transitioning to long-term employment.[29] The Federal Government has also stated that the CDP has resulted in 13 and 26 week job outcomes.[30] It is not clear whether these are new full-time jobs, or seasonal or casual jobs that would have been filled irrespective of the CDP.

4.3 Job creation

32. The lack of employment opportunities in remote communities is the single largest cause of joblessness in most areas covered by the CDP. As noted by the Aboriginal Peak Organisations Northern Territory:

> Unless the lack of access to employment in remote areas is addressed, many Indigenous peoples living in remote communities will end up unemployed for years, with only occasional opportunities to earn.[31]

33. Even if all jobs in remote communities were filled by job seekers, there would still be a significant labour over supply. For example, in some of the larger remote communities in the Northern Territory, if every job in that community

was taken up by a CDP participant, the employment rate would still only be half of the national average.[32]

4.4 Penalties

34. A direct correlation exists between the number of hours that a CDP participant works and the amount of service fees that a provider receives. In order to be paid for the hours a participant works, the provider must enter into the IT system the participant's hours of attendance. If a participant does not turn up for work, a provider must determine whether a valid reason exists for this non-attendance and record the reason in the IT system. If the provider believes that there is no valid reason then they can recommend to the Department of Human Services (DHS) that a penalty be issued to the participant. If the provider does not recommend compliance action, they will not be paid the service fees for that day of non-attendance. If compliance action is recommended and the provider is able to re-engage the CDP participant within 14 days, the provider will be paid for the day of non-attendance. There is therefore a financial incentive for providers to recommend compliance action.

35. The increased working hours for CDP participants, coupled with an incentive for providers to recommend compliance action to the DHS, has led to a higher number of penalties being issued to CDP participants for non-compliance.[33] Although the CDP applies to all unemployed people in remote locations, in 2016-17 90 per cent of those CDP participants who were penalised for non-attendance were Aboriginal and Torres Strait Islander peoples.[34]

36. In the 18 months before CDP was introduced, 26,690 'No Show No Pay' penalties were issued.[35] By contrast, in the 18 months following its introduction, CDP participants received 205,994 financial penalties.[36] Over the same period, JobActive participants received 237,333 penalties, even though the JobActive caseload is more than 20 times larger than the CDP caseload.[37] Indeed, in the first year of the CDP, over 20,000 people were penalised – most more than once.[38] This is a significant statistic when one considers that there are around 35,000 participants in the entire scheme.

37. CDP participants report that they often feel like they are penalised for factors outside of their control, including family violence, carer responsibilities and cultural business, and that not enough weight is placed on these factors to satisfy non-attendance exemptions.[39] For example, in the 2016-2017 financial year, only 120 CDP participants were granted exemptions due to family violence.[40]

38. It has been argued that women should be granted more exemptions from non-attendance due to family violence, particularly considering that Indigenous women are 35 times more likely to experience family violence than the general population.[41]

4.5 Administrative burden

39. The emphasis on reporting and compliance has led to a substantial increase in the level of resourcing that is invested in to administration of the CDP. Research indicates that up to 84 per cent of providers surveyed report that IT processes guide a lot of the day-to-day work, while 70 per cent believe that a lot of their work with clients is about compliance, not what the CDP participant wants or needs to improve their employment circumstances.[42] This has raised concerns that the administrative burden of the CDP is reducing the amount of time that providers can allocate to supporting CDP participants to become job-ready.[43]

4.6 Access to Centrelink

40. The increase in compliance obligations and penalties, coupled with a decrease in provider discretion, has led to an increase in the number of CDP participants contacting DHS for assistance.

41. Prior to the introduction of the CDP, many Aboriginal and Torres Strait Islander peoples already had difficulties engaging with DHS due to Centrelink offices not being physically present in remote communities, long telephone wait times, the failure of Centrelink to return calls, and poor internet connectivity. Accessibility issues such as disability, and a lack of English language, literacy and numeracy skills further frustrated this process.

42. Since the introduction of the CDP, these issues have been exacerbated due to the increase in demand from CDP participants on DHS support services, without a commensurate increase in resourcing to improve DHS accessibility.[44]

4.7 Education and Training

43. Under the RJCP, training could be used to fulfil activity obligations. However, this was abolished under the CDP. The incentive for providers to provide education or training to participants therefore no longer exists as payments are no longer made to providers for training outcomes that do not relate to an apprenticeship or traineeship.[45]

44. Under the CDP, training must now be connected to a job or a Work for the Dole activity unless it involves literacy, numeracy or driver training. Research by the Australian Institute of Health and Welfare, supported by ABS analysis, found that the difference in educational attainment between Aboriginal and Torres Strait Islander and non-Indigenous people was a critical factor in the difference in employment rates.[46]

4.8 Disproportionate impact on persons with disabilities

45. The lack of DHS services in remote locations and programme inflexibility has meant that health screenings of CDP participants are normally conducted without access to interpreters and by telephone, instead of through face-to-

face assessments. Furthermore, persons with disabilities in remote locations do not have access to Disability Employment Services, which is available in non-remote locations and does not include mandatory annual activities.

46. As a result, Aboriginal and Torres Strait Islander peoples are incorrectly placed on the CDP when they should be receiving disability support pensions.[47] Due to their disability, many of these people are unable to satisfy the required 25 hours of work per week, which in turn results in a penalty when they cannot comply with their activity obligations.

4.9 Youth

47. Concerns have been raised that youth are choosing either not to claim income support or have left income support in order to avoid the onerous compliance obligations under the CDP. This means that a significant number of Aboriginal and Torres Strait Islander youth are left without access to social security, as schemes such as the Transition to Work Scheme and the Youth Jobs PaTH programme do not exist in remote areas.

5 Options for a new CDP model

48. As stated above, the Commission is of the view that the new CDP model should be based on a human rights based approach that is consistent with the PANEL principles. It is also critical that the new model addresses long-term solutions to joblessness in remote communities, and that these solutions are consistent with the social, economic and cultural aspirations and needs of Aboriginal and Torres Strait Islander peoples.

49. To achieve this, the current CDP model should be replaced by a model that is flexible, place-based, and increases economic opportunities that foster long-term economic, social and cultural development, and allow Aboriginal and Torres Strait Islander peoples to have meaningful control over their own lives.

50. The Commission therefore commends the Government for including ‘greater community control’ in the Discussion Paper as one of the proposed objectives for a new approach to CDP. Many Aboriginal and Torres Strait Islander people view CDP as an overly top-down and punitive Government scheme, which has reduced community control by not placing enough value on the strength of Indigenous knowledge.

51. The new CDP model should work from a strengths-based, rather than punitive, approach, which places value on local and Indigenous knowledge. A model of this nature recognises that, when Aboriginal and Torres Strait Islander peoples have control over their own lives, Aboriginal community controlled organisations are able to achieve sustainable change in the social, health and economic conditions of remote communities. The model should also support communities’ aspirations for self-determination by strengthening governance and decision-making processes.

52. The Aboriginal Peak Organisations Northern Territory (APO NT) proposal highlights the Warlpiri Youth Development Aboriginal Corporation as an example of the type of locally-driven strategy that the new CDP model could support.[48] Through this programme, young people participate in the running of a range of activities for younger community members, such as bush camps with community elders. The programme has strong community support and involvement, including through traditional owners allocating a substantial amount of their payments from mining agreements to the programme. An evaluation conducted in 2015 found that 92 per cent of participants from the 2006 cohort are now employed.[49] The evaluation also highlighted that the programme's informality is one of its strength, with participants continuing to be welcomed back even if they have had several 'false starts' in engaging with the programme.[50]

53. Other examples of effective community-led and controlled programmes include, carbon farming based on traditional burning practices, community art centres, land and sea management through indigenous ranger programmes, and jobs in the health, community services and education sectors.[51] An important aspect of these types of programmes is that they capitalise on existing traditional knowledge, whilst also leading to improved skills development in other areas. These programmes in turn have a positive impact on the needs of communities by addressing gaps in local infrastructure and services, generating social and economic returns and ultimately reducing reliance on government support in the long-term.

54. The benefits of jobs of this nature is reflected in the APO NT proposal, which states that place-based social enterprises should be the main focus for developing community economies. These social enterprises would be supported through a reformed Indigenous Enterprise Fund that supports the development of social enterprises, even if they may not be immediately commercially viable.[52]

55. Importantly, the new CDP model should also address the impact of inter-generational trauma on the day-to-day lives of Aboriginal and Torres Strait Islander peoples and the importance of healing in order to overcome this trauma. The model can do this by adopting a trauma-informed, healing and empowerment approach. There is increasing evidence that adopting this approach is an important element in improving social, health and economic outcomes in Aboriginal and Torres Strait Islander communities, as it draws on cultural and community strengths to enhance dignity and self-esteem.[53]

56. As set out in section 4 above, the CDP in its current state has a number of programmatic and structural flaws that are having a significant negative impact on Aboriginal and Torres Strait Islander peoples and raise several human rights concerns. In order to address these issues, a significant overhaul of the system is required. It is unlikely that these issues will be able to be addressed through short-term incremental improvements to the current CDP model,[54] or through the amendments proposed in CDP2as set out in options 2 and 3 of the Discussion Paper.[55] Option 1 draws on elements of CDP, CDP2 and the APO NT proposal. A number of changes still need to be made to this model in

order for it to be consistent with a human rights based approach and to adequately address the issues raised in section 4 above.

5.1 Option 1: New Wage-Based Model

57. The Commission welcomes the inclusion of a 'wage-based model' in the Discussion Paper. The provision of an award wage, with the option of top-up payments, has been highlighted as one of the successful elements of the CDEP.

58. Option 1, however, does not explicitly state that the model would ensure that the participant earns at least the minimum award wage, and it makes no reference to additional benefits such as superannuation. Significantly, Option 1 does not guarantee that CDP participants should have the same, rather than more onerous, obligations for scheduled working hours as equivalent programmes such as JobActive.

59. The Commission welcomes the reference in Option 1 to top-up payments, as the option to earn additional wages can be a powerful incentive to increase workforce participation. This option, however, should be available to all participants.

60. The Commission holds concerns about the proposal for Tier 2 and Tier 3 to sit outside the National Income Support System and the Job Seeker Compliance Framework. As set out above in section 4, providers have already expressed concern over the heavy administrative burden under the current CDP and that this has decreased the amount of time providers can spend providing genuine case management to participants.

61. Option 1 does not explain how the new model, which would increase providers responsibilities, would manage the already high administrative burden on providers, whilst also ensuring that the quality of the assistance and services provided to CDP participants is not compromised.

62. Although social security schemes can be operated or controlled by third parties, the Government retains 'the responsibility of administering the national social security system and ensuring that private actors do not compromise equal, adequate, affordable, and accessible social security'.[56] This is a specific legal obligation that exists by virtue of the obligation to protect in relation to the right to social security under ICESCR.[57] There is also a need to avoid discriminatory restrictions on social security both in law and in fact.[58]

63. The Commission is concerned that the practical impact of increasing the responsibilities of providers may lead to arbitrary or inconsistent decision-making or assessments, such as where different penalties are applied for identical conduct, and the quality of service to job seekers declines as a matter of fact.

64. As set out in section 4 above, the disproportionate application of penalties to Aboriginal and Torres Strait Islander peoples under the CDP may limit their rights to equality and to social security. It is a punitive system, which has

reportedly led to declining food sales in remote stores, an increase in rental arrears, and an increase in the rate and extent of poverty for individuals, their families and communities.[59] Option 1 does not provide information on how the new model plans to address these issues, in particular how providers would manage compliance for tiers 2 and 3.

65. One of the key features of the APO NT proposal was the need for people to work on projects and services that strengthen the economic, social and cultural life of communities.[60] The CDP has limited the recognition of cultural business as a legitimate activity under mutual obligation requirements. Under the CDEP, the distinction between cultural and other activities was more flexible; it was up to Indigenous community organisations to decide what was a legitimate work activity.

66. A similar approach should be applied to the new CDP model so that CDP participants are able to choose activities that involve the practicing and strengthening of their Indigenous culture. For example, land and sea management of traditional country. Jobs that are linked to cultural outcomes and utilise traditional knowledge and customs deliver a significant social return.

67. In February 2016, Social Ventures Australia, commissioned by the Department of Prime Minister and Cabinet, conducted a cost-benefit analysis on investment in Indigenous protected areas and the Indigenous ranger programme. It found that that, between the 2009 and 2015 financial years, an investment of $35.2m from the Government and third parties generated $96.5m worth of social, economic, cultural and environmental outcomes.[61]

68. Although Option 1 refers to the need for greater community control, it does not explicitly state that employment should be linked to cultural outcomes as determined at the community level [62] or through social enterprises as set out in the APO NT proposal.[63] As noted above, it is critical that the new CDP model achieves cultural outcomes that meet the needs and aspirations of Aboriginal and Torres Strait Islander peoples, as well as social and economic outcomes.

69. Similarly, the new CDP model should also be more flexible in relation to allowing ‘leave’ for cultural and/or funeral reasons. Under the current CDP, providers are able to grant up to 4 weeks leave. However, there is a financial disincentive attached to this as a provider loses Work for the Dole payments when a participant is formally exempted from any period by DHS.

70. In addition to cultural outcomes, Option 1 does not adequately address how the model will deal with a number of the remaining issues raised in section 4 above, in particular: the creation of new jobs; education and training; genuine case management; persons with disabilities; and youth. The APO NT proposal includes a number of elements that could provide effective, sustainable and culturally appropriate responses to these issues. For example: Remote Job Centres; the Remote Jobs Investment Fund; capacity building, education and appropriate training; social enterprises; youth-specific measures, including the Remote Youth Project; and high-quality, long-term case management.

71. Significantly, Option 1 also does not include the major institutional arrangements included in the APO NT proposal, in particular the national oversight body that would have substantial representation from remote Indigenous community groups. This proposal has the potential to ensure that the new CDP model is consistent the right to self-determination as set out in the Declaration, and is underpinned by Aboriginal community control.

5.2 Option 2: CDP Reform Bill 2015 – 'CDP 2'

72. On 5 February 2016, the Commission made a submission to the Senate inquiry into Social Security Legislation Amendment (Community Development Program) Bill 2015.[64] The Commission refers to this submission for its reasoning as to why it does not support Option 2 in the Discussion Paper – CDP2.

73. In particular, the Commission was concerned about how the Bill was not consistent with the right to equality and non-discrimination in article 26 of the ICCPR, article 2 of the ICESCR and article 5 of the ICERD, and the right to social security in article 9 of the ICESCR.[65] The Commission also noted that it held concerns that the Bill breached the RDA, in particular indirect discrimination under section 9 and the right to equality before the law under section 10.[66]

74. The Parliamentary Joint Committee on Human Rights, in its thirty-third report of the 44th Parliament, also raised a number of concerns about the compatibility of the CDP Reform Bill 2015 with human rights. In particular, it stated that, 'the Bill engages and may limit the right to social security and the right to an adequate standard of living, and the right to equality and non-discrimination.'[67] This limitation was the result of the Bill enabling the creation of a different system of obligations and penalty arrangements for remote job seekers.

75. Although the Government has taken into account some feedback that it received on this option in 2015, these changes are not sufficient and the Commission continues to hold concerns about the key design features of CDP2. The Commission is therefore of the view that Option 2 should not replace the existing CDP.

5.3 Option 3: Current CDP Model with programme improvements

76. As noted above, it is unlikely that the issues surrounding the current CDP can be adequately addressed through short-term incremental improvements to the current CDP model, as proposed in Option 3 of the Discussion Paper.[68]

77. Option 3 proposes retaining the current CDP, but incorporating a number of short-term improvements. The Commission welcomes the Government's acknowledgement of feedback from remote communities and providers, which raised a number of concerns such as the 25 hour a week 'Work for the Dole' obligations.

78. The Commission also welcomes some of the improvements, such as expanding the definition of activities and reviewing the provider payment model. However, the Commission is of the view that these improvements are insufficient to address the core issues around the current CDP model. For example, the improvements do not mention a number of important areas for reform, including: work paid at the award wage; specific strategies to target youth; addressing the penalties regime; education and training; and the heavy administrative burden on providers.

6 Other issues to consider in the development of a new CDP model

6.1 Cashless debit card

79. In its report on the inquiry into the 'Appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)', the Senate Finance and Public Administration References Committee raised concerns about the relationship between the cashless debit card scheme, which has been trialled in Western Australia and South Australia, and reforms to the current CDP. In particular, the Committee stated that it was concerned to hear that, 'the government is considering applying the cashless welfare card to CDP participants once the new programme is implemented', and it considers that 'a wage-based approach is incompatible with the use of the cashless welfare card'.[69] The Commission shares these concerns of the Senate Finance and Public Administration References Committee.

80. The Commission has made a number of recent statements and submissions in relation to the trial of the cashless debit card (also known as the Healthy Welfare Card).[70] In these statements and submissions the Commission has raised concerns about the non-voluntary nature of the card, and its compatibility with human rights standards, specifically the right to social security, the right to a private life and the right to equality and non-discrimination.

81. Most recently, the Commission has noted that income management measures that are not community-driven and are inconsistent with the principle of free, prior and informed consent, lack efficacy and are unlikely to alleviate the key harms that the income management measures are designed to address. Conversely, multipronged solutions, which are aimed at changing behaviour by improving the overall wellbeing of adults and children, will be more effective than limiting access to and use of income.[71]

82. Concerns have also been raised about the effectiveness of the cashless debit card in the trial sites of Ceduna and the East Kimberley,[72] and the reliability of the evaluation report on the trial sites that was conducted by Orima Research in 2017.[73]

6.2 Transition to a new model

83. The transition to a new model should be carefully developed and implemented through a phased process. This will help to ensure that it is consistent with self-determination, free, prior and informed consent, and the needs and aspirations of Aboriginal and Torres Strait Islander peoples. The transition should also be conscious of the impact of this reform on providers. A carefully planned and implemented transition will therefore help to ensure that providers and other stakeholders have adequate time to prepare for and implement the new CDP model. In order to achieve this, a two-step process should be applied.

84. Firstly, immediate programme changes should be made to reduce the negative and harmful impacts that are being inflicted on Aboriginal and Torres Strait Islander peoples by the CDP compliance and penalty regime.[74] These changes may include:

    - reducing the 25 hours week requirement so that it is consistent with the obligations of other income support participants in non-remote locations, and

    - removing the financial disincentive for providers to exercise their discretion in cases of non-compliance with attendance requirements.

85. Secondly, it is critical that the new CDP model is developed based on meaningful consultation with Aboriginal and Torres Strait Islander peoples, their representatives and organisations, as well as providers and other stakeholders, followed by a gradual roll out of the new arrangements in order to avoid rushed delivery. It is important that this consultation continues during the implementation phase of the new model as CDP is a complex area of policy and it is inevitable that adjustments will need to be made in order to achieve the best outcome for CDP participants.

[1] The Commission is Australia's national human rights institution with 'A' status accreditation, and is established by the Australian Human Rights Commission Act 1986 (Cth). The Commission has responsibilities under the AHRC Act to examine the enjoyment and exercise of human rights by Aboriginal and Torres Strait Islander peoples. The Commission also has responsibilities to report on the effect of the Native Title Act on the exercise and enjoyment of human rights of Aboriginal people and Torres Strait Islanders. See s 209 of the *Native Title Act 1993* (Cth)
[2] Lisa Fowkes, 'Background Note on CDP', the Centre for Aboriginal Economic Policy Research, Australian National University, April 2017, 1. At https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx (viewed 25 January 2018).
[3] Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 105.
[4] Victoria Tauli-Corpuz, Special Rapporteur, *Report of the Special Rapporteur on the rights of indigenous peoples on her visit to Australia*, UN Doc A/HRC/36/46/Add.2 (8 August 2017)
[5] Dr Janet Hunt, Submission 10 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017.
[6] United Nations Declaration on the Rights of Indigenous Peoples, GA Resolution 61/295, UN Doc A/61/L.67 (2007), art 19.
[7] United Nations Declaration on the Rights of Indigenous Peoples, GA Resolution 61/295, UN Doc A/61/L.67 (2007), art 18.
[8] This approach is sourced from the Social Justice and Native Title Report 2015 where the former Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, set out a human rights based approach to welfare reforms in the context of the introduction of the Work for the Dole scheme in remote communities. See: Australian Human Rights Commission, *Social Justice and Native Title Report 2015*, 51. At https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-1 (viewed 22 January 2018)
[9] For a more detailed explanation of the relationship between the RDA and welfare initiatives, please refer to the Social Justice and Native Title Report 2015. See: Australian Human Rights Commission, *Social Justice and Native Title Report 2015*, 51. At https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-1 (viewed 22 January 2018)
[10] *Racial Discrimination Act 1975* (Cth) s 10.
[11] *Racial Discrimination Act 1975* (Cth) s 9.
[12] *Racial Discrimination Act 1975* (Cth) s 8.
[13] Australian Human Rights Commission, *Social Justice and Native Title Report 2015*, 61. At https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-1 (viewed 22 January 2018).
[14] Lisa Fowkes, ""Background Note on CDP", the Centre for Aboriginal Economic Policy Research, Australian National University, April 2017, 1. At https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx (viewed 25 January 2018).
[15] International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 9.
[16] Ibid, arts 2 & 3.
[17] International Convention on the Elimination of All Forms of Racial Discrimination, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969) art 5(e)(iv).
[18] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008) para 22.
[19] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008), paras 23-27.
[20] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008), para 9.
[21] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008), para 11.
[22] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008), para 35.
[23] United Nations Declaration on the Rights of Indigenous Peoples, GA Resolution 61/295, UN Doc A/61/L.67 (2007), art 21(1).

[24] Australian Human Rights Commission, *Social Justice and Native Title Report 2015*, 61. At https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-1 (viewed 22 January 2018).
[25] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 9.
[26] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 11.
[27] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 11.
[28] Discussion Paper: Remote Employment and Participation, p.13.
[29] Department of Prime Minister and Cabinet, 'CDP Employment Placements and Outcomes'
[30] Senator the Hon Nigel Scullion, "CDP hits major milestone for remote jobseekers" (Media Release, 18 Mary 2017). At https://ministers.pmc.gov.au/scullion/2017/cdp-hits-major-milestone-remote-jobseekers (viewed 25 January 2018).
[31] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 13. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).
[32]Department of Prime Minister and Cabinet, Submission 9 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the Social Security Legislation Amendment (Community Development Program) Bill 2015*. At: https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Social_Security/Submissions
[33] Lisa Fowkes, ""Background Note on CDP", the Centre for Aboriginal Economic Policy Research, Australian National University, April 2017. At https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx (viewed 25 January 2018).
[34] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.
[35] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.
[36] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.
[37] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 10.
[38] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 11. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).
[39] ABC, "Remote work-for-the-dole participants penalised for factors beyond their control", *ABC AM with Sabra Lane, Elizabeth Jackson*, 19 January 2018 at 8:00am. At: http://www.abc.net.au/radio/programs/am/remote-work-for-dole-participants-penalised-domestic-violence/9342378 (viewed 24 January 2018)
[40] ABC, "Remote work-for-the-dole participants penalised for factors beyond their control", *ABC AM with Sabra Lane, Elizabeth Jackson*, 19 January 2018 at 8:00am. At: http://www.abc.net.au/radio/programs/am/remote-work-for-dole-participants-penalised-domestic-violence/9342378 (viewed 24 January 2018).
[41] ABC, "Remote work-for-the-dole participants penalised for factors beyond their control", *ABC AM with Sabra Lane, Elizabeth Jackson*, 19 January 2018 at 8:00am. At: http://www.abc.net.au/radio/programs/am/remote-work-for-dole-participants-penalised-domestic-violence/9342378 (viewed 24 January 2018).
[42] Lisa Fowkes, Submission 8 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 5.

[43] Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 110.
[44] See: Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 110; and Human Rights Law Centre, Submission 39 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, 14 December 2017, 11; and Commonwealth Ombudsman, *Department of Human Services: Accessibility of Disability Support Pension for Remote Indigenous Australians* (Report No 5, 2016), December 2016 part 1.
[45] Funding Agreement 2013-2018: Remote Jobs and Communities Programme (effective date 1 July 2015).
[46] Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 28.
[47] Commonwealth Ombudsman, *Department of Human Services: accessibility of the Disability Support Pension for remote Indigenous Australians* (Report No 5, 2016), December 2016.
[48] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 23. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).
[49] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 23. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).
[50] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 23. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf
[51] Kirrily Jordan and Lisa Fowkes, "Job creation and income support in remote Indigenous Australia: moving forward with a better system", CAEPR Topical Issue No. 2/2016, 6. At: http://caepr.cass.anu.edu.au/sites/default/files/docs/CAEPR_Topical_Issues_2_2016_0.pdf (viewed 30 January 2018); and Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 14. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018)
[52] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 18. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).
[53]See: Judy Atkinson, *Trauma-informed services and trauma-specific care for Indigenous Australian children*, Closing the gap clearinghouse Resources sheet no. 21 (2013). At http://fwtdp.org.au/rap-resources/practice-resources/trauma-informed-care (viewed 23 January 2018); and Australian Human Rights Commission, *Social Justice Report 2011*, 149. At https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-3 (viewed 22 January 2018).
[54] Department of the Prime Minister and Cabinet, *Discussion Paper: Remote Employment and Participation*, 14. At https://www.pmc.gov.au/resource-centre/indigenous-affairs/discussion-paper-remote-employment-and-participation (viewed 25 January 2018).
[55] Department of the Prime Minister and Cabinet, *Discussion Paper: Remote Employment and Participation*, 11. At https://www.pmc.gov.au/resource-centre/indigenous-affairs/discussion-paper-remote-employment-and-participation (viewed 25 January 2018).
[56] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008) para 46.
[57] Committee on Economic, Social and Cultural Rights, General Comment No 19: The right to social security, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008) paras 43 and 46.
[58] Committee on Economic, Social and Cultural Rights, *General Comment No 19: The right to social security*, 39th sess, UN Doc E/C.12/GC/19 (4 February 2008) para 29.
[59] Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community*

Development Program (CDP), (December 2017), 53-56, 106; and Lisa Fowkes, “”Background Note on CDP”, the Centre for Aboriginal Economic Policy Research, Australian National University, April 2017. At https://www.clc.org.au/Remote-Employment-Program/CDP-Background-briefing-April-2017.docx (viewed 30 January 2018).

[60] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 14. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf

[61] Helen Davidson, ‘Glowing review of Indigenous protected areas leaves sector proud but perplexed’, *The Guardian* (online) 14 May 2016. At https://www.theguardian.com/australia-news/2016/may/14/glowing-review-of-indigenous-protected-areas-leaves-sector-proud-but-perplexed (viewed 25 January 2018).

[62] This was one of the key recommendations from the Senate Finance and Public Administration Legislation Committee inquiry, which stated that: “the definition of work activities under the revised CDP program should be expanded to include cultural transmission activities that are prioritised by the local community in their local jobs plans”. See: The Senate Finance and Public Administration References Committee inquiry in to the “Appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)” (December 2017), p. 114 at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/CDP/Report

[63] Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 6. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).

[64] Australian Human Rights Commission, Submission 21 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the Social Security Legislation Amendment (Community Development Program) Bill 2015*, 5 February 2016.

[65] Australian Human Rights Commission, Submission 21 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the Social Security Legislation Amendment (Community Development Program) Bill 2015*, 5 February 2016, 2.

[66] Australian Human Rights Commission, Submission 21 to the Senate Finance and Public Administration Legislation Committee, *Inquiry in to the Social Security Legislation Amendment (Community Development Program) Bill 2015*, 5 February 2016, 2.

[67] Parliamentary Joint Committee on Human Rights, thirty-third report of the 44th Parliament, p.7.

[68] Department of the Prime Minister and Cabinet, *Discussion Paper: Remote Employment and Participation*, 14. At https://www.pmc.gov.au/resource-centre/indigenous-affairs/discussion-paper-remote-employment-and-participation (viewed 25 January 2018).

[69] Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 109.

[70] See: Social Justice and Native Title Report 2015, Chapter 2; Social Justice and Native Title Report 2016, Chapter 2; and Australian Human Rights Commission, submission 30 to the Community Affairs Legislation Committee, *Inquiry into the Social Security Legislation Amendment (Debit Card Trial) Bill 2015*, 29 September 2017.

[71] Australian Human Rights Commission, submission 30 to the Community Affairs Legislation Committee, *Inquiry into the Social Security Legislation Amendment (Debit Card Trial) Bill 2015*, 29 September 2017.

[72] Christopher Knaus, ‘Family violence rates rise in Kimberley towns with cashless welfare’, *The Guardian* (online) 12 January 2018. At https://www.theguardian.com/australia-news/2018/jan/12/family-violence-rates-rise-in-kimberley-towns-with-cashless-welfare (viewed 30 January 2018).

[73] Janet Hunt, “The Cashless Debit Card Evaluation: Does it really prove justice?”, 2 CAEPR Tropical Issue, 1. At: http://caepr.cass.anu.edu.au/research/publications/cashless-debit-card-evaluation-does-it-really-prove-success (viewed 30 January 2018).

[74] See: Senate Finance and Public Administration References Committee, *Inquiry in to the appropriateness and effectiveness of the objectives, design, implementation and evaluation of the Community Development Program (CDP)*, (December 2017), 105-106; and Aboriginal Peak Organisations Northern Territory, *Fair Work and Strong Communities: Proposal for a Remote Development and Employment Scheme*, May 2017, 33. At: http://www.amsant.org.au/apont/wp-content/uploads/2017/07/RDES-Report_Online.pdf (viewed 25 January 2018).